

REPORT SUMMARY

REFERENCE NO - 15/507124/OUT			
APPLICATION PROPOSAL Outline application for the erection of up to 110 dwellings (access being sought with all other matters reserved for future consideration).			
ADDRESS Stanley Farm Headcorn Road Staplehurst Kent			
RECOMMENDATION – That the planning committee informs the Planning Inspectorate that had the appeal not been submitted, the Council would have refused planning permission for the reasons set out at the end of the report (paragraph 11).			
SUMMARY OF REASONS FOR REFUSAL The development lies outside the development boundary for Staplehurst and is not one of the emerging allocated sites set out in the emerging Maidstone Local Plan 2011-2031 or that of the Staplehurst Neighbourhood Plan. The Council is able to demonstrate a five year housing supply and therefore its housing policies are up-to-date. The development would cause localised landscape harm and therefore would be contrary to policies ENV6, ENV28 and ENV34 of the Maidstone Local Plan 2000 and the emerging policies of the Neighbourhood Plan which has been accepted subject to modifications and the Maidstone Emerging Local Plan which both retain the site as an area of countryside. The development also fails to secure the appropriate contributions towards infrastructure in order to mitigate its impact on local infrastructure			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • Appeal made in relation to non-determination of application • Staplehurst Parish Council request the application be heard at Committee • Application represents a departure from the MBWLP 2000. 			
WARD Staplehurst Ward	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Countryside Properties AGENT DHA Planning	
DECISION DUE DATE 02/12/15	PUBLICITY EXPIRY DATE 02/12/15	OFFICER SITE VISIT DATE 11.9.2016	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None on application site but adjacent sites			
App No	Proposal	Decision	Date
15/510186	Land at Fishers Farm- Full application for 185 units	Pending	
14/505432	Land north of Headcorn Road – Full application for 167 dwellings	Pending	

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is a rectangular area of agricultural land which extends to 4.3 hecatres and is located to the east of the village of Staplehurst. It is located to the south of Headcorn Road and is adjacent to the rear gardens of residential properties in Slaney Drive which lies to the west. The land rises gently away from its boundary with Headcorn Road, where there is an existing access, to the south. The site boundaries consist of

mature hedging to its northern boundary with Headcorn Road with a ditch and hedging to its eastern boundary. The adjacent field to the east is included in the ownership of the applicant but not within the red line application site. This adjoining field contains a public footpath which runs from Headcorn Road in the north to the south east corner of the application site and a further footpath runs to the south of the site.

- 1.02 The site is within 600m of the village which is accessible via a pedestrian footpath which runs along the southern extent of Headcorn Road. To the north of the site are business units along with a bike track and sports field which are located to the north and north east respectively. To the north-west is an area of land which is allocated for housing in the emerging Maidstone Local Plan 2011-2031 and the Staplehurst Neighbourhood Plan.

2.0 PROPOSAL

- 2.01 The application seeks outline planning permission for the erection of up to 110 dwellings of which 40% would be affordable units (44 dwellings) along with associated vehicular access, car parking, garaging, landscaping and amenity space. The density of this development would be about 28 dwellings per hectares. The land to the east is included within the applicant's ownership and it is proposed to provide further structural landscaping to reintroduce the former field structure of this land through further hedgerow planting.
- 2.02 The application is submitted in outline form with only the means of access to be considered at this stage. This will take the form of a simple priority junction in the north east boundary of the site with Headcorn Road. The indicative masterplan plan shows a mix of dwelling types and sizes with the primary access road running southwards down the eastern part of site connecting to a number of perimeter blocks of housing further into the site. An area of open space is to be provided within the southern part of the site to provide access to the adjoining footpath network.
- 2.03 Since April 2016 the applicant has been working with adjoining landowners, the council and KCC Highways regarding mitigation regarding potential impact on local highway network. This work has included traffic modelling and a general improvement program in relation to the Cuckold Crossroads and Staplehurst Station.

3.0 SUMMARY INFORMATION (based on indicative plan)

	Proposed
Site Area (ha)	4.3 hectares
Density	28dph
No. of Residential Units	66 market
No. of Affordable Units	44 affordable

4.0 PLANNING CONSTRAINTS

Public Right of Way KM303 and KM304

Low Weald

5.0 POLICY AND OTHER CONSIDERATIONS

- Development Plan - Maidstone Borough-wide Local Plan (MBLP_ (2000). Relevant policies ENV28, ENV34, T13 and T23.
- Affordable Housing DPD 2006
- Open space development draft local plan 2006.
- Staplehurst Neighbourhood Plan (SNP)
- The National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance (NPPG)
- Submitted version MBLP (SVMBLP)- relevant policies SS1, SP3, H2, DM2, DM3, DM11, DM12, DM13, DM23, DM24, ID1.

6.0 LOCAL REPRESENTATIONS

This application was advertised by Site notice and in the press. Also adjoining neighbours were notified by letter.

20 letters have been received objecting to the application for the following reasons;

- Surface water run off flowing towards houses and cause flooding.
- Potential loss of access from to the adjoining farm land from the garden of properties in Slaney Road.
- These houses are not needed as people cannot afford them. Not enough affordable homes for the young people
- Inadequate infrastructure (school space, doctor surgery),
- Detract from the open countryside and takes land away from agricultural production
- Detract from the local landscape value of the area
- Add to the traffic at the Cross roads.
- Village has not enough infrastructure.
- There is not enough affordable housing.
- The development will detract from the character of the countryside and adds to the noise in the area.
- Sewerage system in the village is an issue.
- Not enough school places are available for children.
- Properties in Slaney Road will be over looked and any screening by trees will take more than 10 years to establish.
- This proposal is contrary to the NP and wishes of local people.
- This will be an intrusive development in the countryside.
- There will be harm to the wildlife including bats

Since the publication of the Stage 1 Safety Audit, the proposed suite of highway improvements were released for further public consultation on the 28th July 2016. As a result of this exercise 16 further public comments have been received from members of the public. The further comments can be summarised as follows;

- Highway safety issues not considered to have been resolved.
- A229 a main route with HGV traffic lanes not adequate
- Effects of Travel plan not credible
- Removal of crossing and footpath from main route to primary school is a safety hazard

- Site not in emerging local plan or neighbourhood plan – will add to congestion caused by allocated sites
- Narrowing of footpath – contrary to Equalities Act and use by disabled people
- Congestion – traffic modelling underestimates existing issue and fails to account for growth elsewhere in area

7.0 CONSULTATIONS

7.1 Staplehurst Parish Council

- Concerns regarding expected increase in traffic would put a further strain on Headcorn Road and crossroads;
- Site is unsustainable; the area was known to flooding; there were issues with existing sewage problems in the vicinity
- Lack of access to the centre of the village other than via Headcorn Road following the recently submitted amendment to remove the footpath link to the High Street exiting opposite The Bower
- No children's play area was planned on the site.
- The site is neither in the Staplehurst Neighbourhood Plan nor in the MBC Local Plan.
- For all of these reasons Councillors voted to recommend REFUSAL and wish the application be referred to MBC Planning Committee.

After further Highway information

- Issues regarding narrowness of lane widths having regard to main HGV routes
- Narrowness of footpaths and equalities act
- Proposed location of bus stops and crossing gave cause for concern
- 5% reduction in travel untested and uncertain
- Failed to take account of the SNP and the promotion of safer walking route
- Proposals did not change the Parish's original position of refusal for the three applications, including Stanley Farm

7.2 KCC Sustainable Urban Drainage System

- Confirmed existing ditch is online of a watercourse and therefore recommend a strategy is developed based on surface water storage offline
- Satisfied that the development can manage its own surface water flows adequately using the noted combinations of detention basins and area of permeable surfacing
- No objections subject to conditions regarding design and maintenance of sustainable urban drainage scheme.

7.3 KCC Archaeology

Has no objection subject to the imposition of an appropriately worded planning condition regarding implementation of archaeological field evaluation prior to commencement of development.

7.4 Mid Kent Environmental Health

Has no objection subject to the imposition of planning conditions regarding sustainable transport welcome packs for residents, air quality and condition regarding if in the event contamination was found. :

7.5 NHS property Services

There is an identified need for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. Staplehurst Health Centre is within 1km of the site and the developer would be expected to pay contributions towards the extension/upgrade of the surgery as per the NHS West Kent Formulae which was calculated at £55,598 (excluding the proposed social housing)

7.6 Southern Water

Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Additional off site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to the specific location. They advise should planning consent be granted, the developer should enter into a formal agreement with Southern Water to provide the necessary infrastructure.

7.7 KCC PROW & Access Service

No objections. Comments upon the master plan which propose pedestrian link to village and school using existing Public Rights of Way KM303 and KM304. KCC consider the current surfacing and width of these routes are of insufficient standard and would request Section 106 contribution towards off-site improvements to the surfacing and condition of the route which would be in the region of £26,400

7.8 KCC Highways

1. No objection in respect of development itself subject to conditions and off-site highway works.
2. Objection raised in respect of the cumulative impact of development on the crossroads in the centre of the village – specifically in relation to congestion/traffic impact and highway safety issues.

7.9 Environmental Agency

This application site has a low environmental risk. No objections

7.10 MBC Housing

No objections. Advice provided in respect of 40% affordable provision and preferred mix of affordable housing units in terms of unit size and tenure.

7.11 Heritage, Landscaping and Design

Comments regarding the location of the site within the Staplehurst Low Weald area(44) of the Maidstone Landscape Character Assessment and with the principles of the Landscape and Visual Impact Assessment, dated August 2015, produced by Barton Willmore, are considered acceptable.. Despite the fact that no arboricultural information appears to have been provided by the applicant, the indicative layout suggests that there are unlikely to be any arboricultural constraints. Conditions suggested in respect of tree issues.

7.12 UK Networks

No objections to the proposed works.

7.13 Rural Planning Agricultural Consultant

It is doubtful that the land will fall within BMV land category and does not consider that the loss of agricultural land would form a determining issue in this instance.

7.14 KCC Ecology

KCC consider the applicant to have a good understanding of the protected/notable species present on site. No objections subject to appropriate mitigation and enhancements.

7.15 KCC Development Contributions

Have assessed the potential impact on infrastructure and have no objections subject to securing contributions relating to Primary and Secondary Education, Community, Youth services, Library, Elderly care and contribution towards Broadband connection

8.0 BACKGROUND PAPERS AND PLANS

- Application form
- 21953A 42A Site plan
- 21953-210 Rev K Site Location Plan
- Geo-environmental Desk Study Report August 2015
- Travel Plan report March 2016
- Archaeology Report August 2015
- Phase 1 Habitat Survey August 2015
- Phase 2 Ecological survey and assessment August 2015
- Great Crested Newt Survey August 2015
- Planning Statement August 2015
- Design and access Statement. August 2015
- Tree survey Report and drawing TSP1 April 2015
- Flood Risk Assessment by WERW July 2015
- 21953A 110J indicative plan site lay out plan
- 10894-T01 Rev P2 Detailed drawing proposed access design
- 10894-T02 Rev P2 Visibility Splay
- 10894-T05 Rev P1 Vehicular Swept Path Analysis
- 10894-T06 Rev P1 Vehicular Swept Path Analysis
- 10894-T04 Rev P1 Traffic calming
- Transport Assessment August 2015 JSI/10894/A
- Topographical survey SURV1824
- Landscape and visual Impact Assessment August 2015 and attached drawing figure 1, 2, 3, 4, 5 and Landscape and Visual Opportunities and Constraints/ Development Principles Plan
- 21953A 370A Aerial Perspective
- Further Junction capacity assessment and results December 2015
- Stage 1 Road Safety Audit 2016
- Traffic Capacity Modelling Note
- Concept Highway Plan
- Technical Note 1 and 2
- Addendum Technical Note
- Designers and Auditors Response

9.0 APPRAISAL

Principle of Development

Planning Committee Report

- 9.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise
- 9.02 The site is outside but abuts the eastern part of the settlement boundary of Staplehurst which was defined by the MBLP 2000 and thus in development plan terms is classified as countryside which is subject to policy ENV28 of the MBLP. This policy restricts development in these areas to specific types of development and its policy aim is to protect the character of the countryside. This policy is subject to the implementation policies of the NPPF which state the weight to be given to such a policy should be determined by its consistency with the policies of the framework. It is considered the main thrust of the policy is consistent with the NPPF in terms of its role in conserving or enhancing the character of the countryside which aligns with one of the core principles of the NPPF in protecting the intrinsic beauty of the countryside. The site also lies with the Low Weald which is a special landscape area as protected by policy ENV34 of the Local Plan 2000 and particular attention will be given to the protection and scenic quality of the area. This protection is continued in policy SP17 of the Emerging Local Plan.
- 9.03 Whilst the environmental role of ENV28 is consistent with the framework it is acknowledged that these boundaries will be required to be breached in order for the council to meet its objectively assessed needs over the forthcoming plan period. This is to be met through the implementation of the housing strategy which is contained within the SVMBLP which will be delivered through a number of allocated housing sites throughout the Borough. It is also acknowledged that these sites are, on the most part, located outside of the settlement boundaries set in the 2000 local plan and therefore in locations where it is clear that these development boundaries will need to be adapted to accommodate these new housing allocations, it is accepted the weight to be afforded to ENV28 as a restraint policy will diminish as a result.
- 9.04 In the case of Staplehurst, the council has considered 18 potential housing sites under its SHLAA process, one of which one was Stanley Farm and this was discounted on account of the impact of development on the character of the locality. The SVMBLP proposes three housing allocations in Staplehurst including Fishers Farm (H1-50), which lies to the north-west and Hen and Duckhurst Farm (H1-49) and Henhurst Farm (H1-51) which are both located to the western edge of the village. This housing delivery forms an integral part of the emerging strategy for Staplehurst which is set out in policies SP5 and SP10 of the SVMBLP. This strategy and approach to the future growth of the village has been subject to consultation under Regulation 18 version which was published for public consultation in March 2014, a partial and additional Regulation 18 document published in October 2015. The Regulation 19 version which was published in February 2016 has now been submitted for examination which is taking place between October-December 2016.
- 9.05 The application site at Stanley Farm, has been considered as part of the above process, but was considered to perform less well against the chosen sites to the North East and West of the village on account of its further projection into the countryside to the east and its impact on the character of the locality. Consequently, it is shown as remaining outside of the village settlement in the emerging plan and is restricted to an area of countryside over the future plan period. It is therefore necessary to consider two issues in relation to the proposals, firstly whether there are any material considerations that would justify a departure from the development plan and whether the need for the development would outweigh any harm that would arise from the development. The issue of harm will be addressed later in this report.

Planning Committee Report

- 9.06 The applicant has put forward a case which is predicated on a lack of five year housing supply (this is due to the submission of the application in 2015) which may have introduced a different policy context on the basis the council's policies are out-of-date on account of paragraph 49 of the NPPF. However, following the submission of the Maidstone Local Plan 2011-2031, it is the council's position that it is able to demonstrate a five year housing supply having regard to paragraph 47 of the NPPF and its role as a material consideration in decision making.
- 9.07 Paragraph 47 states that Councils should;
- 'identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;'*
- 9.08 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.
- 9.09 The new Local Plan has advanced and was submitted to the Secretary of State for examination on the 20 May 2016. Examination has commenced and is expected to run until early December 2016. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure and allows the Council to demonstrate a 5 year supply of deliverable housing sites.
- 9.10 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.
- 9.11 The recent appeal at Ham Lane and its commentary on the council's five year supply position is noted, but it should be recognised this is only one appeal decision and the inspector in this case did not fully test the appellant's evidence on the five year position as he found the appeal development to be otherwise acceptable and not solely reliant on the lack of a five year supply. It is considered the council's case

remains justified on this point, particularly as those allocations counted in the five year supply are continuing to come forward and in some cases approved by the council.

- 9.12 Therefore, having regard to this position, the development would be contrary to policy ENV28 of the adopted Local Plan, a position which is reinforced by the policy approach of the emerging neighbourhood plan and the local plan both which seek to maintain the application as an area of countryside whilst delivering the housing requirements on other sites within the village. These are matters which will weigh against the development in planning terms and whilst it is clear this position would indicate the development is unacceptable in principle, it is pertinent to assess whether there are any other material considerations that would outweigh this policy conflict.
- 9.13 The applicant has indicated that even if the council can demonstrate a five year supply then the development would still represent sustainable development as defined by the NPPF and should be approved on the basis the housing targets are a minimum and this would form a material consideration that would justify the development. However, it is considered the NPPF does not alter the plan-led system, indeed paragraph 14 of the NPPF reinforces this position in respect of the presumption in favour of sustainable development and on the basis there is unjustified harm, which will be set out below, this is not considered to be a circumstance that would justify a departure from the development plan,.
- 9.14 The development also needs to be seen within the context of the neighbourhood plan and the overall localism agenda which is a material consideration in this application. Paragraph 216 of the NPPF states weight can be given to emerging plans subject to the stage they are at in the adoption process, the absence of any unresolved objections to the policies within the plan and the consistency of the policies with that of the framework. The Staplehurst Neighbourhood Plan (SNP) has recently passed through its formal examination and the examiner confirmed the plan can proceed to referendum (subject to modification). As such, this is also a material consideration and significant weight can be given to this emerging plan having regard to its stage in the adoption process. Of particular relevance to this application, is the approach of the SNP to housing delivery. The plan contains two housing allocations which align with policy SP10 of the submitted MBLP and show the application site beyond the limits of the settlement, in an area annotated as 'protected open land'. The site was also considered as a housing allocation within the SNP up until the land was removed from the plan in February 2014.
- 9.15 Thus, both in relation to adopted and emerging policy the application site falls within a countryside policy area to which a priority is placed upon the protection of the character of the countryside and to which there is a presumption against new development of the type proposed by the application. This point is amplified by the further protection offered by Policy ENV34 which placed a higher degree of protection to the landscape on account of its location with the Low Weald, a special landscape area and landscape of local value.
- 9.16 Furthermore, the site is located on one of the main routes into the village and therefore presents a more sensitive environment to which new development is proposed. It is a further pertinent point that whilst the settlement boundary is proposed to be altered in other parts of the village, the settlement boundary is consistent on the part of Stanley Farm, both in terms of the adopted plan and the two emerging plans which will, in time form the development plan for the area. It is also a key point that the housing needs of the village will be delivered through the other

sites, a level of growth which is considered to be sustainable in relation to the village and the level of local infrastructure. The boundary is still considered to fulfill a useful purpose in protecting the setting of the village in this location, on a prominent approach, and the character of the countryside and thus the role of ENV28 of the MBWLP can still be given full weight in this regard. Therefore, the development would be contrary to policy ENV28 and the emerging policies of the SNP and the SVMBLP.

Visual Impact

- 9.17 The application is supported by a Landscape and Visual Impact Assessment (LVIA) (including a landscape strategy plan) which considers the character of the site, its landscape sensitivity and likely impact of the development in terms of visual and landscape effects. This report acknowledges the role of policy ENV28 and emerging policy SP17 of the MBLP. The report assesses the existing character of the site and the baseline conditions including the surrounding context of the site and uses. This included consideration of the location of the site within the special character area of the Low Weald. The report then proceeded to undertake a visual appraisal and the likely landscape and visual effects of the development.
- 9.18 The report recommended a number of landscape principles which is reflected in the landscape strategy plan, which includes the retention of hedgerows, trees and the existing ditch and vegetation on the eastern boundary along with additional planting. The report concludes a minor adverse significance of effect but as the landscape enhancements mature is likely result in a minor beneficial effect on the landscape character area. It identifies a number of residential properties that lies adjacent to the site that will suffer a major or moderate effect but beyond this no other residential property will be affected. The report predicted that the users of the adjacent PROW's will suffer a major adverse to moderate significant of effect with a moderate to minor adverse effect of users of Headcorn Road with this diminishing the closer to Staplehurst.
- 9.19 The Council's Landscape Officer has reviewed this document and referred to the Staplehurst Low Weald Classification and the Maidstone Landscape Capacity Study: Site Assessment that was carried out as part of the emerging plan evidence base. This latter report concluded that the area had a low Landscape Sensitivity, a moderate visual sensitivity and concluded the site had some capacity for medium density housing and that it relates well to the residential extent of Staplehurst. The MBC officer considers the principles of the LVIA were acceptable and that the Landscape Strategy plan broadly follows the key principles that were established within the suite of MBC landscape studies. However, whilst this initial assessment was made through the local plan process, it is recognised the site lies beyond the development and within a special landscape area, the Low Weald, where there is a particular policy aim to protect the landscape value of the area.
- 9.20 It is clear from the MBC landscape reports and views of the landscape officer that the landscape impact at a strategic level is limited and that the site is mostly absent in longer range views. It is however a pertinent point that these reports were undertaken as part of a general assessment of the opportunities for delivering sustainable housing growth within the village at a strategic level which would allow the council to determine the most appropriate sites for allocation. The LVIA is a more focused document dealing with the landscape and visual impact of the development alone and considers the development at the both the completion stage and once landscaping mitigation has matured. Having regard to both the local plan evidence base and the LVIA, it is accepted that the landscape visual effects are that of a

localised impact but those which would alter the character of the countryside in this location and the value of the site as part of the setting to the village particularly its location on one of the main approach roads to the village centre. The proximity of public rights of way adjacent to the site and the location of the site on this main route into the village creates a more sensitive context to new development particularly in combination with the allocated sites to the north west.

- 9.21 The creation of a new access, which will be facilitated by a removal of 76m of hedgerow would be contrary to policy ENV6 which seeks to retain hedgerows which contribute to the landscape character of the area. Furthermore, greater visibility of development during winter months and visibility of the two storey built development from local footpath networks will result in development which will have a harmful impact both in terms of physical impact and perception of urbanising effects on the countryside. The LVIA did acknowledge this visibility, stating that there would be a moderate adverse impact on users of Headcorn Road and those users of the adjacent footpath network and a minor adverse impact for users of the sports ground and golf course, locations where the development will be most visible.
- 9.22 Whilst, at a strategic policy level the evidence base for the emerging plan considered the site to have potential for housing, this was as part of a formal process for informing a future strategy for the Borough. The development will also cause localised adverse harm, which will adversely harm the character of the countryside contrary to ENV28, the SNP and policies SP17 of the SVMBLP

Residential Amenity

- 9.23 Residential properties to the west would be separated from the application site by the existing boundary hedge and back garden of properties in Slaney Road. The indicative plan shows any dwellings would not be sited in such close proximity or orientation that harm the amenities of the occupiers of houses to the west or the amenities of the future occupiers of this development. Whilst the site layout plan is indicative at this stage, it shows the closest proposed properties backing onto the adjacent properties on and with long rear gardens. Therefore, there is sufficient certainty that any detailed scheme could protect the amenities of existing properties. Whilst concern has been raised regarding the impact on outlook and loss of views, this matter is not a planning consideration which could be taken into account in the decision making process. In terms of the amenities of future occupiers of the new development, it is also considered the development could achieve an acceptable level of amenity for future occupiers. On this basis the development would accord with the core principles of the NPPF and the SVMBLP.

Highways/Transport Matters

Access

- 9.24 There would be a single vehicular access onto Headcorn Road (in the form of a priority side road junction) at the north eastern part of the site with pedestrian/cycle links shown running parallel (but within the application site) to Headcorn Road. Kent Highway Services (KHS) raise no objections to the access point, or its safety.

Cumulative Traffic

- 9.25 A transport assessment (TA) has been submitted which has been assessed by KHS. The trip generation from the development is expected to result in 62 movements

during the AM peak (8am to 9am) and 64 in PM peak (5pm to 6pm). This is an average of between 1-2 movements per minute in both the AM and PM peak.

- 9.26 The TA demonstrates that the traffic for this development alone would not take the signalised crossroads in the centre of the village over capacity. However, a cumulative assessment of planning applications and allocated sites within the submitted Local Plan of which one at ‘Hen & Duckhurst Farm’ for 250 houses has a resolution to approve at Planning Committee would take the junction over desirable capacity (which is 90% saturation). Whilst this is not above the theoretical capacity (100%), KHS have raised ‘holding objections’ and consider that it is necessary to ensure mitigation to this junction based on the cumulative impact. On this basis, lengthy discussions have been carried out with KHS and the developers. The costs would be divided between developments that come forward in the village.
- 9.27 Table 1 below illustrates the impact upon the junction if no physical changes were made (but includes a 10% reduction in development traffic by use of Travel Plans, which is discussed in more detail at paragraph 9.31 below.) This uses the most recent traffic modelling data produced by the Department for Transport (TEMPro 7.0: July 2016). This shows that 3 arms would operate above desirable capacity (90% saturation) in the AM and PM peaks and one arm would be above theoretical capacity (100%) in the PM peak.
- 9.28 Table 2 shows the impact excluding this application on the basis that Members may wish to know these results as this site is recommended for refusal, and is not within the draft Local Plan or Neighbourhood Plan. Should Members agree with the recommendation then the results with this site excluded are shown below, which shows that 3 arms would operate above desirable capacity (90% saturation) in the AM and PM peaks but none above theoretical capacity (100%). It must be noted that the application is subject to an appeal and an Inspector could find the development acceptable so this is for illustration purposes.

Table 1: The impact on the junction from development traffic (including Stanley Farm) (with no mitigation and 10% Travel Plan reduction in traffic) is shown in the table below:

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Station Rd	70.3%	19	86.0%	24
Headcorn Road	97.6%	28	100.2%	31
A229 High Street	98.5%	40	99.9%	48
Marden Road	97.8%	34	99.4%	26

Table 2: The impact on the junction from development traffic (excluding Stanley Farm) (with no mitigation and 10% Travel Plan reduction in traffic) is shown in the table below:

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Station Rd	76.8%	20	76.4%	22
Headcorn Road	92.4%	23	98.6%	29
A229 High Street	93.6%	34	97.7%	37
Marden Road	94.0%	31	98.5%	25

- 9.29 Based on KHS objections, work has been carried out on potential improvements by the Council's transport consultants and developers, based on an assessment of traffic in 2022, as these sites are anticipated to come forward over this period. The crossroads is relatively constrained by existing properties and third party land meaning that a wholesale re-design of the junction is not possible, as can be the case for rural junctions. As such, mitigation that maximise vehicular capacity whilst staying within the highway boundaries have been designed. These improvements (including a new crossing to the south) cost a total of approximately £277,100 which equates to £39,490 for this development.
- 9.30 The main change involves the footway on the southwest side of the junction (High Street arm) being removed to create an additional lane for traffic (creating a right turn) and changes to the stop line position with pedestrians routed via Chestnut Avenue. Consequently the crossing point here and bus stop would also be removed and relocated further south. On the Marden Road arm the stop line and crossing would be moved back slightly with the road widened, and a new footway would be provided to Chestnut Avenue. On the Headcorn Road arm the stop line and crossing would be moved back slightly. There would be no changes on the Station Road arm.
- 9.31 In addition, a comprehensive and robust Residential Travel Plan has been sought and submitted by the applicant in order to seek a 10% reduction in development traffic by 2022 (and also for the other sites). Management, monitoring, and review would be built into the Travel Plan over a 10 year period to seek to ensure the plan is working. This would be secured under the Section 106 agreement with a monitoring fee. Also proposed are mitigation measures targeting existing residents within the village should the 10% target not be achieved (at the developer's expense). This would seek to achieve a 5% reduction covering the development and the wider village. The Travel Plan has been accepted by KHS.
- 9.32 Table 3 below illustrates the impact upon the junction if the physical changes outlined above were made (including the 10% reduction from Travel Plans). This shows that 1 arm would operate above desirable capacity (90%) in the AM peak and 3 arms in the PM peak but none above theoretical capacity (100%). The results largely show a reduced saturation of the junction and car que lengths in all but one case being reduced.

Table 3: The impact on the junction from all development traffic (with mitigation and 10% Travel Plan reduction in traffic) is shown in the table below:

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Station Rd	79.6%	20	89.1%	27
Headcorn Road	89.2%	23	93.5%	26
A229 High Street	90.0%	29	91.1%	20
Marden Road	90.4%	29	92.1%	22

9.33 KHS consider that this impact in terms of traffic/congestion would be severe, “as three of the four junction arms are shown to operate above practical capacity (90%).” It should be noted that KHS have provided advice on the results excluding Stanley Farm which are set out in Table 4 below. They did not raise any objections to traffic/congestion in this scenario and therefore set the threshold for traffic/congestion ‘severity’ at 90%. The implications for breaching the 90% level result in an increase in 1 additional car queuing on three arms in the AM, and 2 additional cars on one arm and 1 on another arm in the PM (as set out in Table 4 below). It is considered that this impact above 90% does not result in the traffic impact being severe and is therefore not sound grounds to refuse the application.

9.34 Again, Members may wish to know the model results with Stanley Farm traffic excluded which are shown below in Table 4. This shows all arms within desirable capacity (90%) and to which KHS raise no objections on traffic/congestion grounds. It is outlined again that the application is subject to an appeal and an Inspector could find the development acceptable so this is for illustration purposes. However, it is reiterated that even with Stanley Farm included, the impact with mitigation is considered to be acceptable from a traffic/congestion perspective.

Table 4: The impact on the junction from all development traffic excluding Stanley Farm (with mitigation and 10% Travel Plan reduction in traffic) is shown in the table below:

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Station Rd	78.0%	20	89.2%	27
Headcorn Road	87.8%	22	90.0%	24
A229 High Street	87.9%	28	86.6%	20
Marden Road	88.5%	28	89.1%	21

- 9.35 In terms of road user safety and convenience, as outlined above, the footway on the southwest side of the junction (High Street arm) would need to be removed to create an additional lane for traffic, and consequently the crossing point here and bus stop would also be removed. The mitigation scheme therefore provides for a new crossing and bus stop further south. KHS raise objection to this on safety grounds on the basis that pedestrians may still attempt to cross the High Street near the junction. However, a safety audit of the works to the crossroads also raised this issue but recommended that measures are incorporated to deter pedestrians crossing at this location, such as the installation of pedestrian guard rail and/or landscaping features. It is considered that a guard rail could be provided to overcome this issue and as such the KHS objection is not considered grounds to refuse planning permission for this application. As this issue can be resolved, this is certainly not considered to result in a 'severe' impact such to warrant objection to the development, this ultimately being the test within the NPPF.
- 9.36 Suggestions have been made to use the adjacent verge to the west of Station Road (in third party ownership) to provide a pavement which could potentially mean the crossing point could remain. Being in third party ownership, the applicant has no control of this land and therefore cannot ensure any proposals would be carried out. To impose such a condition would not be enforceable or reasonable and so would not pass the tests for planning conditions.
- 9.37 KHS have raised two other issues, firstly relating to assumptions made in terms of the number of cars that can wait to turn right without blocking through movements on Station Road and High Street, and secondly, the waiting time for pedestrians to cross at the traffic lights being over three minutes, which they consider could encourage more pedestrians to undertake uncontrolled crossing movements. Rather disappointedly, KHS only raised these matters under their latest set of advice (despite them being part of the modelling previously). The transport consultants for the adjoining 'Redrow' site have responded to these points and provided photographic evidence of 3 cars waiting and a car/van passing which vindicates this assumption. With regard to the waiting time, they advise that the signals operate under a MOVA controller (software that responds to the demand on each arm) and they have observed that there are currently numerous examples of waiting times in the 3 to 4 minute range and the maximum (238 seconds) were noted to be utilised at some of the busiest periods. As such, the situation would be no worse than existing and this is not considered to be grounds to object.
- 9.38 Local representations have also raised objections on the basis that pedestrians, including those with disabilities, will be negatively affected by the changes. The main impact upon pedestrians will be from the removal of the crossing and pavement on the Station Road arm. For people walking east to west from Headcorn Road to reach Marden Road (and vice versa), this would mean potentially carrying out three crossings as opposed to one. For all other routes no additional crossing would be necessary. For those heading north or south on the west side of the crossroads, they would have to walk via Chestnut Avenue. This is not considered to be a significantly longer or less attractive route to use. It is acknowledged that the changes would make some routes slightly longer but this is not considered to warrant refusal of the planning application. For clarification, the latest proposals do not narrow any pavements that would remain.

Public Transport Improvements

- 9.39 In addition, in order to facilitate a traffic reduction and promote sustainable transport use by future residents and in line with the NPPF aim of managing pattern of development that facilitates the use of sustainable modes of transport and make the fullest possible use of public transport, improvements to the frequency of bus services and improvements to the train station would be secured.
- 9.40 Through negotiation, the bus operator 'Arriva' has committed to increase the frequency of services from hourly to half hourly with s106 funding to support this for the first 3 years of service. This would be at a cost of £146,300 per year and this would be divided between the outstanding developments within the village. For this development it would mean a financial contribution of £92,400. Bus stops are located with walking distance of the site meaning that future residents would utilise such improved bus services, and this would reduce reliance on the use of private motor vehicles.
- 9.41 With regard to the train station, 'Southeastern' have been working on a scheme of improvements to the station including a new forecourt and transport interchange, improving public and passenger facilities to the station frontage and on the approach to provide a safer and clearer route, and improved cycle parking facilities. The costs of the works has been assessed as being approximately £1.1million and would be divided between developments within the village equating to £157,190 for this development. This would be secured under the Section 106 agreement. In addition, a new pedestrian crossing on the A229 Station Road between Station Approach and Fishers Road would be secured which would provide a suitable link to the railway station.
- 9.42 These improvements to public transport would serve to promote sustainable travel for new residents in line with the NPPF, which encourages opportunities for sustainable transport modes to be taken up (para. 32), and such improvements would be in accordance with policy T23 of the Local Plan and policy PW1 of the NHP. The scale of the contributions are reasonably related to the proposals and based on costs provided by 'Arriva' and 'Southeastern'. Accordingly, I am satisfied that the necessary legal and policy tests would be met.
- 9.43 Policy T3 of the Local Plan refers to the requirement, where necessary and appropriate, for public transport facilities within significant developments. In this case the site provides good access to existing public transport points, which is in accordance with policy T21 of the Local Plan.
- 9.44 The NPPF states at paragraph 32,

"Plans and decisions should take account of whether:

- *The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable access to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be*

prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

- 9.45 In conclusion, there are no objections from KHS to the development itself. The development would provide a robust Travel Plan, and contribute towards improvements to the bus service and train station, involving a total financial contribution of £249,590. Based on this, significant improvements to public transport would be secured, safe access to the site is possible, and works to the crossroads would be funded to mitigate the cumulative impact of this development with others in the village, and safety issues raised could be overcome through the use of guard railing. This would serve to limit any significant impacts and any residual impacts are not considered to be severe subject to the mitigation, despite the view of KHS.

Ecology

- 9.46 The application is supported by an extended Phase 1 Ecology Survey which assessed the site for potential protected species and habitats. This report confirmed the biodiversity value of the site was largely confined to the boundaries of the site and the southern part of the site where natural habitats persist. The reports recommended further surveys in bats, hedgerows, Great Crested Newts (GCN), Reptiles, Dormice and Hedgehogs/Brown Hare/Harvest Mice.
- 9.47 A Phase 2 Ecology Appraisal was undertaken which carried out these additional surveys and concluded the following;
- Bat Activity was very low in terms foraging and commuting and 16 trees were identified as having potential for roosting bats. These are largely located on the eastern and southern boundaries
 - The site is of little value to GCN and its value is restricted to the field boundaries and the development may result in a low-medium habitat loss. However, the impact can be mitigated through appropriate translocation and fencing and the creation of new habitat, amphibian friendly drainage and provision of good connectivity.
 - Survey results shown an absence of dormice
 - Reptile levels would be low and have submitted a mitigation strategy
 - Potential for European Hedgehog only and foraging habitat is not considered to be reduced as result of development. Fencing with access points recommended.
 - Breeding bird survey found that most habitat is associated with site boundaries and these should be retained and improved where possible.
 - Hedgerows on site have potential to meet criteria of important hedgerows on the site
- 9.48 KCC Biodiversity have reviewed the information submitted by the applicant and consider there to be a good understanding of any protected species on the site and the applicant's approach to mitigation and enhancement is appropriate in relation to biodiversity issues. Therefore, the development will follow the policy approach set out in paragraph 118 of the NPPF and the overall NPPF core principle of conserving the natural environment. Such measures could be secured by condition.

Flood Risk and Drainage

- 9.49 The application was supported by a flood risk assessment which confirms the site lies wholly within Flood Zone 1. The development would seek to drain to the existing

stream and ditch through use of sustainable urban drainage measures which would limit run-off to the existing greenfield rates. The report sets out the required attenuation volume and concludes this can be accommodated within the site. This information has been reviewed by KCC Drainage and the Environment Agency. Further discussion was held with KCC drainage regarding the potential use of SUDS in order that sufficient certainty could be had in respect of this in relation to the proposed development. The advice was that any SUDS should be provided offline of the watercourse and that the culvert should be built over. The conclusion of these further discussions is that KCC are of the view that the development can manage its own surface water flows using detention basins and areas of permeable paving.

- 9.50 The Parish and local residents have raised the issue of foul water drainage in the village and Southern Water has stated that the proposal would increase flows to the public sewerage system, and as a result additional off site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Southern Water has asked for an informative to be added to any planning permission asking the applicant to contact ~Southern Water prior to commencement of the development in order to establish the additional infrastructure works needed.
- 9.51 The Surface Water Strategy and the Flood Risk Assessment submitted have been considered by the KCC SUDs officer; who was pleased to note the inclusion of open drainage features to provide treatment, conveyance and storage of surface water run-off within the site, prior to a controlled discharge off-site and the inclusion of source control features such as areas of permeable pavements for additional source control. The KCC officer therefore has no objection to the proposal subject to the conditions recommended
- 9.52 The Environmental Agency also has assessed the environmental implication of this development and are not opposing the construction of a pond on this site and do not object to the development provided an informative dealing with the issues of waste and pollution is imposed.
- 9.53 Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested. Southern Water requests that an informative setting out the need for the applicants to enter into formal agreement with them should be attached to any formal grant of planning consent. Also to ensure that the necessary foul water infrastructure measures are in place before the proposed dwellings are occupied. A planning condition could deal with such matters.

Archaeology/Heritage

- 9.54 The application was supported by a desk top archaeology report which considered the site to have low potential in terms of all archaeological periods. It also concludes that post-medieval activity on the site may have had impact on any underlying archaeological deposits should they exist. This report has been reviewed by KCC Archaeology who consider further post application investigation would be an appropriate approach in case of archaeological remains being found on the site. This could be dealt with by way of an appropriately worded planning condition which has been suggested by KCC.
- 9.55 There are no designated heritage assets on the site nor does the application lie within or affect the setting of any designated heritage asset.

Agricultural land classification

- 9.56 The site has also been assessed in relation to the agricultural quality of the land by The Council's agricultural advisor.. He is of the view that the land is not likely to fall within the Best and Most Versatile Land and the loss of agricultural land is not considered to form a likely determining issue in the application. Thus I do not consider this matter is a matter which could justify the refusal of the application.

Infrastructure contributions

- 9.57 The development would have an impact on local infrastructure and capacity of local services and facilities. KCC Economic Development have reviewed the application and consider the development to have an impact on primary and secondary education, community services, youth services and the NHS have requested contributions towards the local healthcare facilities. Any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements:

It is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

A planning obligation ("obligation A") may not constitute a reason for granting planning permission to the extent that —

- (a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and .
- (b) five or more separate planning obligations that— .
 - (i) relate to planning permissions granted for development within the area of the charging authority; and
 - (ii) which provide for the funding or provision of that project, or type of infrastructure, have been entered into before the date that obligation A was entered into.

- 9.58 The above section came into force on 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

- 9.59 The NHS have requested £55,598 based on an average occupancy in relation to the size of the residential units towards improvements at the named surgeries of Staplehurst Health Centre Village) both of which are within 1 mile of the site. It is clear that the proposed development of 110 dwellings would result in additional demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

- 9.60 There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amount to £259,705.60 (£2360.96 per applicable house) towards the increase in teaching space at Staplehurst Primary School. There will be a greater demand placed on schools within the area from the occupants of the new 110 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.

- 9.61 In addition to a new primary school, there is also a request for contributions of £259,578.00 (£2359.80 per applicable house) towards the enhancement of teaching space at Maidstone Grammar School. There will be a greater demand placed on the local schools from the occupants of the new 110 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 9.62 There is a request of £933.38 (£8.49 per dwelling) toward youth services sought by Kent County Council. This contribution would pay towards youth focused activities in Staplehurst. It is clear that the proposed development of 110 dwellings would result in additional demand placed on the youth facilities available in the area and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 9.63 Kent County Council has sought £5281.74 (48.02 per dwelling) towards library services for new bookstock supplied to Staplehurst Library. It is clear that the proposed development of 110 dwellings would result in additional demand placed on the facilities at Staplehurst library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

10.0 CONCLUSION

- 10.01. The site lies to the edge of the settlement of Staplehurst, adjacent to the development boundary of the adopted MBLP 2000 local plan. The site has been considered through the preparation of the SVMBLP and the SNP and was not chosen to form part of the future development of Staplehurst. The council are able to demonstrate a five year supply and therefore can give due weight to the status of the existing development boundaries and the fact the development boundaries are retained in this location in the emerging plans, significant weight can be placed on the protection of this village edge. The plans would be contrary to ENV6, ENV28, ENV34 and the strategy of the emerging plans, particularly that of the neighbourhood plan which implants the localism agenda with a local planning context. The development will have localised adverse effects on the character of the countryside which is brought by the urbanising impact of the development which will be visible from Headcorn Road and the adjacent public rights of way and the loss of the hedgerow to create the new access. This impact of the development would cause harm to the Low Weald Landscape which is designated as a special landscape area within the 2000 plan and a landscape of local value within the emerging plan. Therefore, as the housing needs of the village will be delivered by other allocated sites in the village and the development would be contrary to ENV28 there are no overriding reasons that would outweigh this harm and justify a departure from the development plan.

11.0 RECOMMENDATION

THAT THE PLANNING COMMITTEE INFORMS THE PLANNING INSPECTORATE THAT HAD THE APPEAL NOT BEEN SUBMITTED, THE COUNCIL WOULD REFUSED PLANNING PERMISSION FOR THE REASONS SET OUT BELOW:

1. The development would result in an unjustified and unacceptable form of development which has associated urbanising effects that would be harmful to the countryside in this location which is located on a prominent gateway route into the

village. The effects of the development by reason of the new access and built form which would be visible from Headcorn Road and the adjacent footpaths would cause harm to the character of the countryside and the Special Landscape Area, the Low Weald. Therefore the development would be contrary to Policies ENV6, ENV28 and ENV34 of the adopted Maidstone Local Plan 2000 and emerging policies SP5, SP10 and SP17 of the emerging Maidstone Local Plan 2011-2031 and emerging policies PW2 of the Staplehurst Neighbourhood Plan 2015-2031.

2. The development has not secured the relevant mechanism to provide towards the relevant local infrastructure including education, community, healthcare, community and youth services and thus in the absence of this the development will have unacceptable impacts on local infrastructure contrary to CF1 of the adopted Maidstone Local Plan and ID1 of the emerging plan and the NPPF. Furthermore, in the absence of such a mechanism the development also fails to secure the requisite level of affordable housing in line with the Affordable Housing DPD and emerging policy DM13.

Case Officer: Ashley Wynn

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.