



Planning Statement

Boxley Parish Council

WALDESLADE WOODS

September 2015

DHA/MB/9486

Contents

1	INTRODUCTION	3
1.1	Purpose of Statement	3
1.2	Reason for Development	3
2	DESCRIPTION AND PLANNING HISTORY	5
2.1	Description of Site	5
2.2	Planning History.....	5
2.3	Conclusions re Development	7
3	PROPOSALS	8
3.2	Provision of Open Space	8
3.3	Housing Scheme	11
4	PLANNING POLICY FRAMEWORK	13
4.1	Statutory Development Plan	13
4.2	Maidstone Borough-Wide Local Plan 2000.....	13
	Open Space Improvements	13
	Education Provision	14
	Requirement for Open Space	15
4.3	Biodiversity & Nature Conservation	16
4.4	Housing Provision	16
4.5	Tonbridge & Malling Borough Policies.....	17
4.6	Medway Local Plan 2003.....	17
4.7	Statutory Development Plan-Conclusions.....	18
4.8	Material Considerations	19
	Implementation Considerations.....	19
	Housing Supply	20
	Open Space.....	21
	Biodiversity	22
	Trees & Woodland	23
	Design & Layout	24
	Highways	24
	Noise	24
4.9	Conclusions	24
5	SUMMARY AND CONCLUSIONS.....	26
5.1	Summary	26
5.2	Sustainable Development and the Planning Balance.....	27
5.3	Conclusions	28

1 INTRODUCTION

1.1 Purpose of Statement

- 1.1.1 This Planning Statement accompanies a planning application for the change of use of woodland and grassland to provide for recreational public open space coupled with the erection of 12 dwellings with garaging and access on land west of Wildfell Close at Walderslade Woods, Boxley. The land is to be acquired by the Boxley Parish Council from Kent County Council for use as a public amenity and maintained by them using monies generated by the sale on the open market of the residential plots proposed.
- 1.1.2 The application site covers land in Maidstone Borough, Medway Council and Tonbridge & Malling Borough with the proposed housing being in Boxley Parish in Maidstone. As the local planning authority of the largest part of the site, the application has been submitted to Maidstone Borough Council with copies to the other Councils.
- 1.1.3 The information contained in this statement is intended to advise and inform the decision making process by providing Maidstone Borough Council as Local Planning Authority, the statutory consultees and other interested parties with our view of the planning policies and material considerations that we regard as being relevant to the submitted proposals.
- 1.1.4 The statement should be read in conjunction with the other submitted documents, notably the Statement of Community Involvement, the Design & Access Statement and the technical reports on ecology as well as the draft S106 Heads of Terms. A Management Plan for the open space has also been prepared by the Parish Council and is submitted for information.

1.2 Reason for Development

- 1.2.1 The development scheme has been formulated to provide for the enhancement of the existing public amenity that is Walderslade Woods. This area forms the wooded backdrop to the large housing neighbourhood at Walderslade and is a prized local amenity as an unspoilt natural feature that runs through this suburban area. It has recently been confirmed as having Village Green status.
- 1.2.2 Following the acquisition of the whole of the Walderslade area by the County Council in pursuance of the development of this locality as a residential neighbourhood the woodland associated with the valleys and plateaus has been retained in public ownership for many years. However, in the absence of a budget to provide for the active and continual management of these areas, the woodland has been neglected as a public resource. The areas are now in need of substantial works to secure their continued use for informal public recreation together with measures needed to enhance their value for nature conservation and biodiversity.
- 1.2.3 It remains the case that the County Council currently has no budgeted funds for the works needed to establish the open space and to manage this for public use over the

foreseeable future. Whilst some incidental funding has been made available from the Boxley Parish Council over recent years, this is insufficient to address the establishment and management requirements for this public amenity.

- 1.2.4 The development scheme therefore provides an 'enabling development' of 12 houses, the sale of which on the open market would generate a capital receipt that would be able to be used for the initial establishment of the open space with the remainder invested to provide an income in the longer term for annual maintenance.
- 1.2.5 These measures will safeguard local amenity and will allow the conservation of these areas in the long term. The application is therefore accompanied by draft Heads of Terms under S106 of the 1990 Act that will in turn inform a legal agreement to secure the required measures. The agreement will formally bind the parties to the transfer of the net capital receipt from the sale of the dwellings to the Parish Council (who will form a Charitable Incorporated Organisation for this purpose) and the use of this for the establishment of the facility and the maintenance of this in the longer term.
- 1.2.6 Measures to establish the open space have been formulated in pursuance of the expressed wishes of the locals and interested bodies. These views were obtained through a major public consultation exercise undertaken by the Parish Council in June 2010. The results of this are set out in the Statement of Community Involvement that accompanies the application.

2 DESCRIPTION AND PLANNING HISTORY

2.1 Description of Site

- 2.1.1 The application site is formed by a number of incised valleys and broader plateaus that form the structural landscape between the existing residential areas in Walderslade. The wooded valleys comprise those at Tunbury Bottom, Cossington Valley and Round Wood. At Round Wood the area also comprises a flatter plateau which has a more open character.
- 2.1.2 The character of these areas is dictated by the topography of the locality with steeply sided wooded valleys containing dense woodland, together with cleared areas used for picnics and informal play. Access is limited to various footpaths located mainly on the valley floor but with stepped paths affording pedestrian access to the surrounding area. These arrangements limit the accessibility of the site especially for the disabled. Longer views are precluded due to the tall trees and dense understorey planting.
- 2.1.3 At Round Wood the boundary woodland gives way to a more open meadow-like character that utilises the existing plateaus. External views are also limited due to the slopes and trees and within this area views of the neighbouring housing are generally absent leading to a sense of isolation.
- 2.1.4 At the very eastern edge of the site off Wildfell Close access is available from the existing road and land on the edge of the site is open but surrounded by trees. This area is adjacent to the urban boundary which is formed by the extent of Wildfell Close.
- 2.1.5 Access generally is obtained from the Walderslade Woods Road, which affords access to Wildfell Close, Forestdale Road, Impton Lane and Tunbury Avenue. The majority of the development in this area is residential although the Alexandra Hospital is found off Impton Lane and the existing Community Centre at Beechen Hall, Wildfell Close is in proximity to the proposed housing site.
- 2.1.6 Parts of the application site are linked by the footpaths that permeate the residential areas notably off Impton Lane although links area also afforded to Tunbury Avenue, Beechen Bank Road and Forestdale Road.

2.2 Planning History

- 2.2.1 Part of the application site has already been subject to permission granted in June 1995 for use as recreational open space under MA/95/0507.
- 2.2.2 The area subject to the proposed housing element off Wildfell Close has also been refused permission for the development of the site to accommodate 12 dwellings, a public path and play area under MA/08/1235 on 18th September 2008.

-
- 2.2.3 The 2008 application was made by the County Council as a means to secure the use of the wider open space, similar to the current scheme. However, this application was refused on the basis that;
1. *'In the absence of a robust enabling development case, the proposed development would result in intrusion of permanent buildings, hardstanding and associated paraphernalia into an area of open grassland on this greenfield site, thereby causing harm to the open character and appearance of the site contrary to policies QL1 and HP2 of the Kent & Medway Structure Plan (2006) and*
 2. *In the absence of information to the contrary, the provision of an additional 12 dwellings is likely to lead to additional pressure on existing local health services to the detriment of existing local residents and future occupiers of the development. To permit the development without a satisfactory method for improving local health services and local open space provision the development would be contrary to Policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and Policy QL12 of the Kent & Medway Structure Plan (2006).'*
- 2.2.4 No reasons for refusal were offered that related to the design of the proposals, highways impact, or environmental impacts (ecology, trees etc).
- 2.2.5 Since this decision the enabling case has been firmed up through the use of 'open book' valuation, the provision of a full management plan for the area and Heads of Terms to inform subsequent legal arrangements for the transfer of the land from the County Council to Boxley Parish Council. In addition, the legal agreement under S106 that will accompany any planning permission will include a formal requirement to provide for any necessary financial contribution to the enhancement of local health facilities.
- 2.2.6 Importantly, since the original 2008 decision, there have been significant and fundamental changes to the planning policy framework. These are detailed in Section 4 of this report but in summary it is now the case that the requirement to demonstrate a 'enabling' case as is strictly defined in planning terms no longer exists. Given the LPA's position in respect of the absence of a 5 years' supply of housing, it is the case that the proposals represent sustainable development that should benefit from the presumption in favour. The significant public amenity and ecological benefits that will be delivered across Walderslade Woods form a key element of the development's status as sustainable development, but it is also noted that the site is sustainably located within an existing and established residential suburban area. As this report details, this fundamentally shifts the approach to be adopted in determining the application and removes the need for the proposals to be viewed in a strict financial enabling context.
- 2.2.7 As part of the measures needed to safeguard the area, the County Council recently submitted an application for voluntary Village Green status for the area of open space, which has been approved. This planning application dovetails with that decision in respect of that part of the current site shown as open space. The Village Green application excluded the housing site as this has not been subject to public access.

2.3 Conclusions re Development

- 2.3.1 The history associated with the development of this site therefore confirms that the use of the site for open space is appropriate and represents significant planning gain that contributes to the proposed housing development's status as sustainable development and weighs in favour of granting planning permission in accordance with the policy approach prescribed by the National Planning Policy Framework (NPPF).
- 2.3.2 This altered policy framework represents a material shift from 2008 when the last application was refused and addresses the principal reason for refusal. The need for the development has been re-assessed and expanded in line with the wishes of the local community, whilst the introduction of new healthcare facilities derived from the proposed housing is able to be addressed if currently required through a legal agreement.

3 PROPOSALS

3.1.1 The submitted application is a full scheme for the change of use of the site to provide for public open space with the erection of 12 two-storey dwellings with associated garages and access.

3.2 Provision of Open Space

3.2.1 The extent of the proposed area of public open space is extensive and forms the wooded valleys that separate the existing residential suburbs that comprise the Walderslade area. They incorporate existing public access using a number of public footpaths that permeate the locality. These footpaths form a network of public rights of way (PROW) that will remain the statutory responsibility of the County Council even after the land has been transferred to the Parish Council. To reflect this position of public accessibility this area has been recognised by the County Council as a public amenity and has accordingly been subject to the voluntary application for Village Green status, which has now been approved.

3.2.2 As part of the process to secure appropriate measures to enhance and consolidate the use of this land for informal public recreation and biodiversity, the Parish Council sought the views of local residents on the intended scheme and commissioned a report from Kent Wildlife Trust (KWT) on the management measures needed. In order to enhance the existing woodland and provide for public access the following works are therefore proposed;

General Works

- Maintain woodland boundaries in particular where they are coincident with residential properties.
- Remove garden rubbish from site, ideally annually.
- Identify the main areas of invasive non-native vegetation and undertake a programme of clearance and replanting with more appropriate species.
- Survey existing areas of bracken at Round Wood and monitor to ensure that colonisation is limited to the area covered in 2007 plus a 10% increase with clearance using fern-specific herbicide as needed.

Trees & Woodland

- Management of woodland to include coppicing and the creation of woodland glades in suitable locations.
- Identify all sycamore trees within Round Wood, Impton Wood and Tunbury Wood and introduce a management programme of control to include a restriction on sycamore regeneration.

-
- Identify and tag specimens of young oak, hornbeam and beech trees and include these in a 5-yearly monitoring programme to include the clearance of encroaching scrub and tree seedlings.
 - Consideration of the identification of those young beech trees located within areas of the valley that were badly storm damaged in 1987, together with ongoing monitoring and clearance activity as necessary.
 - Identify all areas of hazel coppice.
 - Survey the position of old/mature trees together with an assessment of the associated management issues such as erosion, scrub encroachment or soil compaction due to the use of vehicles.
 - Identify and number all significant trees and introduce a programme for the provision of regular tree safety checks to ensure public safety within woodland.
 - Create an additional entrance to the flat areas at Round Wood to allow improved access and provide for better footpaths to manage public access.
 - Undertake a programme of access management to include the provision of seats and information signs coupled with the protection of sensitive areas needed for regeneration/seed banks.
 - Continue the installation of motor bike barriers to restrict access for bikes and quadbikes.
 - Undertake a programme of bramble clearance to improve local habitat for birds and valuable ancient plant species.

Historic Features

- Undertake a condition assessment of the existing ancient pollard and produce a management plan that would restore the pollard to optimum condition.
- Survey position of the sarsen stones, the medieval wood bank, the marker stone, the ancient pollard and other identified historic features.
- Introduce a clearance programme for scrub and seedling/sapling trees so as to ensure that the medieval wood bank is maintained as a feature visible from the main footpath.

Wildlife

- Undertake a programme to enhance dormouse habitat through the provision of dormouse boxes together with the possible introduction of a training programme for licensed dormouse wardens.

- Survey to identify existing trees with potential for bat roosts to inform a programme for the introduction of bat boxes within each of the wooded valleys.
- Consider the introduction of ring-barking of occasional trees to enhance bat habitat through the resulting increase in dead wood content subject to considerations of public safety.
- Undertake a programme for the provision of bird boxes suitable for a variety of woodland bird species.
- Establish an annual monitoring survey to identify the range and numbers of breeding/overwintering birds that use the woodlands.

Community Activities

- Establish the skills base within the local community with the aim of utilising this resource to facilitate the use of appropriate volunteers to run community activities.
- Consider resource availability with a view to inviting local experts to assist with community based activities.
- Consider the appointment of local people to act as volunteer Woodland Rangers to guide organised walks and support local schools/community groups.
- Subject to the availability of resources, seek the appointment of a part-time Warden to co-ordinate local activities and to provide security and a sense of local ownership.
- Provide and distribute a regular newsletter for the local community and information for local residents subject to the availability of resources.

3.2.3 This programme of works recommended by the Kent Wildlife Trust is included in a Vision & Implementation Plan produced by the Parish Council. This has been directly informed by a costed Schedule of Works that provides for the establishment of the open space. Importantly, these measures also provide for the enhancement of the existing woodland and associated grassland for nature conservation in line with the requirement to promote biodiversity.

3.2.4 The establishment works provide for the following:

- Creation of site entrance
- Provision of site security/bike barriers etc
- Surveys and mapping

- Works to borders and scalloping
- Creation of new main footpath
- Tree coppicing
- Tree safety checks
- Tree safety work
- Management of invasive plant species
- Provision of signage and seats
- Publication of Round Wood leaflets
- Provision of equipment
- Creation of recreation area
- Provision of noticeboard
- Enhancement of trim trail

3.2.5 It is proposed and requested that the ancillary operational development elements of the proposals, which include the provision of play equipment for example, can as far as possible be secured under the terms of this application and through the imposition of appropriately worded planning conditions that require the submission of details for agreement with the local planning authority prior to their installation. This will allow for a more manageable programme of works going forward and is preferable to separate planning applications being submitted in a piecemeal fashion, divorced from this application and the wider Management Plan that accompanies it. A vision plan for the woodlands accompanies this application and provides the basis upon which detailed elements will be pursued.

3.2.6 Once the open space facility is established, there will be a requirement for regular maintenance. The elements of this have been considered by the Parish Council who have prepared a Business Plan that has informed the submitted Management Plan and identifies the tasks and costs that will arise over the next 25 years in association with the use of the open space as a public amenity. This period has been agreed as being the most appropriate for the long-term planning of the resources needed to maintain the facility for the local community.

3.3 Housing Scheme

3.3.1 The application includes the provision of x12 houses with integral garaging and access off Wildfell Close. The evolution of the design is set out in the accompanying Design &

Access Statement (D&A). Initial proposals were subject to informal public consultation through the use of exhibitions and subsequent follow up contact together with informal discussions with the Parish Council and officers of the Borough Council.

- 3.3.2 The final design has taken on board issues in relation to the retention of the existing trees, the need for supervision of the proposed play area, the prevention of parking for heavy goods vehicles, the use of an eco-friendly design and to keep the locality as green as possible. The resulting proposals involve the provision of x9 terraced houses with x3 detached properties. As confirmed in the submitted D&A these are of a modern design using a combination of timber cladding to reflect the wooded surroundings, whilst incorporating render and the use of glazing to limit the visual bulk of the dwellings. The use of steeply pitched roofs in slate will also serve to limit visual impact. The design of these is consistent with the style of the dwellings considered in 2008, which were regarded as acceptable in design terms. The current scheme is therefore appropriate and should be supportable in relation to design.
- 3.3.3 The size of the proposed dwellings is based on a two to two and a half storey design with 4-bed detached and 3-bed terraced units. This is not disproportionate and will fit into the scale of the locality.
- 3.3.4 Although of a different style to the existing properties in Wildfell Close the use of steeply pitched roofs, balconies, roof terraces and the potential use of solar panels coupled with a high degree of internal insulation will provide for a sustainable form of development.
- 3.3.5 The housing scheme also incorporates a play area as shown on the submitted layout. This Local Area for Play (LAP) will supplement those in the vicinity of the site and will address the need generated by the new housing. It is proposed to contain a number of pieces of timber equipment that will reflect the character of the surroundings.
- 3.3.6 Access is achieved from Wildfell Close with the scheme providing for parking for individual properties and unallocated visitor spaces. Additionally, each house is provided with integrated cycle storage. Pedestrian access is catered for with wheelchair access to the adjacent public open space via a ramped access through the site.
- 3.3.7 The designs have been developed to achieve a minimum sustainable rating of Level 3 of the BRE Code for Sustainable Homes, although in practice this is likely to be exceeded and in any event it is noted that the Code has since been superseded by changes to the Building Regulations.

4 PLANNING POLICY FRAMEWORK

4.1 Statutory Development Plan

- 4.1.1 Under Section 38 (6) of the Planning & Compulsory Purchase Act 2004 the determination of development proposals should be made in accordance with the statutory Development Plan unless material considerations indicate otherwise.
- 4.1.2 In this case, as the scheme mainly affects land in Boxley, the policy provisions of the Maidstone Borough-Wide Local Plan 2000 are applicable as the approved policies in the Borough Council's adopted Open Space Development Plan Document (DPD) and Affordable Housing DPD. As an area partly in Tonbridge & Malling Borough and in Medway Council the policy provisions of the adopted Tonbridge & Malling Local Development Framework (LDF) are applicable. In Medway the saved policies of the 2003 Local Plan apply.
- 4.1.3 In addition to the statutory Development Plan other considerations such as the Government's National Planning Policy Framework (NPPF) may also need to be taken into account. Emerging policies such as those in the draft Maidstone Local Plan can also be regarded as relevant, although due to its early stage of preparation, the draft policies in this are of extremely limited weight. In Medway there is also no adopted LDF or replacement Local Plan.

4.2 Maidstone Borough-Wide Local Plan 2000

- 4.2.1 The introduction of updated planning policies to guide development in Maidstone was secured through the approval of the Maidstone Borough-Wide Local Plan (MBWLP) in December 2000. In September 2004, at the commencement of the Planning & Compulsory Purchase Act 2004 the preparation of local plans was superseded by the requirement to produce Local Development Documents but existing Local Plan policies were automatically saved for the three year period ending 27th September 2007. Following this the Secretary of State directed that only certain policies of the MBWLP should continue to be saved. The remainder are no longer applicable.
- 4.2.2 In addition, policies relating to the provision of open space (H37) and for affordable housing (H24) were superseded by the approved DPD's in 2006. Although it is intended that the remaining policies in the Local Plan will be replaced by the new Local Plan in due course, they remain in force until the relevant documents are published and approved.
- 4.2.3 Consideration of the weight to apply to individual policies within the Local Plan in light of the requirements of the NPPF is set out below.

Open Space Improvements

- 4.2.4 The MBWLP identified that part of the application site; (the Tunbury Valley) is subject to designation as an Area of Local Landscape Importance under saved policy ENV35. This policy seeks to give particular attention to the maintenance of open space in these areas

of local importance together with measures that reflect the character of the landscape. The policy also confirms that encouragement will be given to improvements to public access.

- 4.2.5 This policy approach essentially mirrors the original policy (P4/10 'Important Green Spaces') in the adopted Tonbridge & Malling Borough Local Plan which also aims to maintain the quality and character of the area at Tunbury.
- 4.2.6 In general, within the urban area the MBWLP notes that, *'although it may be important to keep an open space for visual, recreational or environmental reasons, it may be also be appropriate to consider alternative means of achieving this'* (WS para 3.69). The recognition in the Local Plan that there may be a need to provide for different means of retaining and implementing schemes for open space as opposed to just protecting them is welcomed and supported.
- 4.2.7 The Local Plan confirms that in this respect, *'three main options are available. The Borough Council or a local group could develop the land as a public open space; the owner could agree to do the same; or the most important parts could be kept and the rest developed with buildings. The Borough Council will follow whichever of these options is most appropriate'* (WS *ibid*). It is notable that these options recognise that there may be a need for enabling development, where some buildings are proposed as a mechanism to secure the development and retention of urban open space. This provides for the basis of the application in policy terms.
- 4.2.8 This application is fully consistent with this position as set out and is also reflected in Policy ENV22 which requires decisions on applications for the development of open areas in urban locations to have regard to landscape, visual appearance and nature conservation issues.
- 4.2.9 In terms of the adopted Open Space DPD, approved policy OS1 requires that *'on all residential developments of 10 dwellings or more there will be a requirement for open space provision in accordance with the standards specified in the appendix to this policy'*. Whilst the provision of the open space facilitated by the application will more than meet the needs of the residents of the 12 houses, there remains a need to cater for local play. The scheme accommodates a Local Area for Play (LAP) which would supplement the existing play area at Timber Tops, Walderslade to the benefit of local amenity.

Education Provision

- 4.2.10 Walderslade has been an area that has taken substantial residential development as a consequence of planned housing provision here in the southern parts of the Medway Towns. The MBWLP confirms this and notes that *'there has been a long-standing allocation for a new primary school at Impton Lane, Walderslade...but this site has now been declared surplus and...the primary school proposal has been relocated to the Round Wood site, in combination with the long-standing ambition to develop a secondary school'* (WS para 8.29).
- 4.2.11 The December 2000 Plan confirmed that, accordingly land is allocated for a primary school at Walderslade Woods Road, Round Wood, Walderslade under saved Policy CF8

(iv). This allocation for a new primary school therefore still forms part of the statutory Development Plan until the policy is superseded. It is notable however that the County Council as Education Authority no longer intends to build this facility and as a result the allocation will not be implemented. This is a material consideration of weight with regard to Policy CF8. It can therefore be regarded as an obsolete proposal as far as both the Education Authority and the Local Planning Authority are concerned. When the Maidstone Local Plan is produced, the position of the Education Authority will be highly relevant to any proposals for this site.

4.2.12 Whilst this lack of any intention to implement Policy CF8 may now be the case, it remains the position that the extant allocation was made in full knowledge of the fact that this scheme would involve the introduction of substantial school buildings at Round Wood. The visual impact of these would have been significant but was accepted by the planning authority as a necessary consequence of the education proposal.

4.2.13 It is evident that the scale of these school buildings would be far in excess of the 12 houses as now proposed. In this sense, the current scheme for the change of use of this school site to open space is a beneficial change and outweighs any minor loss of open land that would result from the introduction of the housing element on the adjacent site.

Requirement for Open Space

4.2.14 The Local Plan confirms under saved Policy ENV23 that development proposals which result in a net loss of open space will not be permitted unless there is an overriding need for the development and that there is equivalent alternative provision. This policy is supplemented by the Open Space DPD which confirms under Policy OS1 that for all new housing developments over 10 dwellings there will be a requirement for open space but that for all developments of less than 15 dwellings (as here) there should be a financial contribution, based on all material evidence.

4.2.15 In the first place, as we have noted, the proposals involve the replacement of an existing school allocation with open space provision. The extent of this additional open space supplements the existing provision in the area. This community benefit far outweighs the loss of open land that would be lost from the construction of the small housing site. This land at Round Wood may have informal amenity value but it is not currently public open space as there is no public access. The current scheme will enhance accessibility so that public amenity will be significantly improved. There is thus no net loss of open space through this scheme.

4.2.16 The replacement of a school site with open space is not outweighed by the minor visual intrusion that would be due to the housing scheme in terms of the impact of built development. This proposal will actually reduce the visual impact of education-related development in this area and at the same time will allow for the introduction of measures that will increase the extent of publically accessible open space in this locality. In addition, the improved management of the existing open space that will result from the scheme will also benefit local amenity and the community as a whole.

4.2.17 The submitted plans will therefore achieve a significant improvement in the quantity and quality of public open space in this part of the urban area of the Medway Towns. In this

respect, no net loss of open space results from this scheme and improved community benefits arise, in conformity with Policies ENV23 and OS1.

4.3 Biodiversity & Nature Conservation

4.3.1 Policy ENV40 of the Local Plan originally required that biodiversity and nature conservation interests should be maintained and enhanced and that development should ideally not harm any features of interest. This policy was subsequently superseded by the advice contained in PPS9 Biodiversity & Geological Conservation of 2005. It was accordingly not saved and is no longer in force.

4.3.2 Since this date PPS9 has been lost due to the adoption of the NPPF in March 2012. This now confirms that the enhancement of the natural environment should be done through *'protecting and enhancing valued landscapes'* and *'minimising impacts on biodiversity'* (para 109).

4.3.3 It is national policy that local planning authorities should *'plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure'* (para 114) and that to minimise impacts on biodiversity, planning policies should, *'plan for biodiversity at a landscape-scale across local authority boundaries'* (para 117). It is evident from the planning policy history of this area that the Walderslade area has a recognised need for informal open space and that land was identified to accommodate this, in addition to the original proposal for a new school (now rescinded). Part of this policy requirement involves maintaining the landscape of the area and allows for the enhancement of the local woodland.

4.3.4 As part of this process, the scheme as a whole has been informed by a management plan drawn up to advise the Parish Council by the Kent Wildlife Trust who support the proposals. This plan forms the basis of the works needed to enhance nature conservation interests in this area. It can reasonably be considered that accordingly, the scheme is not objectionable in terms of nature conservation and biodiversity.

4.3.5 Further policy considerations relating to nature conservation are addressed below.

4.4 Housing Provision

4.4.1 The NPPF instructs at Paragraph 49 that where Local Authorities are unable to demonstrate a deliverable 5 year supply of land (plus a minimum 5% buffer) against their objectively assessed needs, then *"relevant policies for the supply of housing should not be considered up-to-date"*. It is well established and accepted by Maidstone Borough Council in numerous appeal decisions and Committee Reports that they currently fall significantly short of this required supply level and accordingly housing policies of the Local Plan cannot be considered up-to-date. This is considered in further detail below.

4.4.2 It is the case that under MBWLP policy H1, various housing sites have been allocated for development including a number that involve the use of greenfield land on the urban periphery. Over recent years permission has been granted for the re-use land where it is no longer needed for open space or alternatively, there is an overriding justification. An

element of this stance has been the need to make efficient and effective use of surplus urban land in line with the NPPF (para 17).

- 4.4.3 The re-use of urban land in sustainable locations that does not involve a net loss of open space is in conformity with policy considerations that prioritise the use of urban sites. The need to supplement that existing housing supply is also emerging. This is a matter that is being given due consideration in the draft Maidstone Local Plan, which we consider below. As an element of the statutory Development Plan policy AH1 of the Affordable Housing DPD requires that on sites generating 15 units or more a minimum of 40% of the resulting dwellings shall be affordable housing. As the submitted scheme incorporates only 12 dwellings, this policy does not apply.

4.5 Tonbridge & Malling Borough Policies

- 4.5.1 Part of the application site was shown in the adopted Local Plan as being in the Tunbury area as an Important Green Space. Under TMBLP policy P4/10 it was policy that development proposals in these locations should not adversely affect the contribution this area makes to the surroundings.
- 4.5.2 This policy has now been superseded by the provisions of the *'Managing Development and the Environment Development Plan Document'* (MDE DPD) that was adopted in April 2010 as part of the Tonbridge & Malling LDF.
- 4.5.3 Under policy SQ1 it is a requirement that all new development should *'protect, conserve and where possible enhance the character of the area and the distinctive setting of ...the pattern of settlement, roads and the landscape and the biodiversity value of the area'*. In this context, the retention of land in the Tunbury Valley as a community resource as open space that maintains the setting of the surrounding urban area is fully compliant with this stance.
- 4.5.4 The need to enhance the biodiversity of the locality through appropriate management measures is an integral part of the scheme. Although these measures are not site-specific, any that affect land in Aylesford Parish can be agreed with the Borough Council and included in the arrangements to be undertaken by Boxley Parish Council.
- 4.5.5 Under policy OS1 it is recognised that *'the recreational, biodiversity (and) amenity value of existing open spaces of lower quality ...will be enhanced primarily through developer contributions...'* ...The land shown as a natural greenspace at Tunbury Wood is identified in policy annexe OS1B as an open space to be protected and enhanced. This scheme is in line with this policy in that it directly funds the long-term maintenance and enhancement of the open space.

4.6 Medway Local Plan 2003

- 4.6.1 A very small part of the application site is contained in the Taddington Wood/Beechen Bank area which is regarded as one of the attractive well-wooded valley areas extending into Walderslade. This helps to provide a valuable green break in the surrounding urban area and conceals and provides a setting for urban development at Walderslade.

- 4.6.2 This locality is designated as an Area of Local Landscape Importance and under policy BNE34 it is confirmed that development will only be acceptable in such locations if it does not materially harm the landscape character or function of the area. This is the case here as the proposals to provide for open space are consistent with this requirement.

4.7 Statutory Development Plan-Conclusions

- 4.7.1 It is policy in the adopted MBWLP 2000 to provide for the retention and enhancement of open space needed to serve urban areas. This position is reflected in the adopted policies of the Tonbridge & Malling and Medway Local Plans. As a large residential neighbourhood, parts of which are designated as being important open character areas for reasons of amenity and landscape, there is therefore a need to ensure that sufficient open space to serve the housing at Walderslade is maintained and enhanced.
- 4.7.2 Whilst the development of the housing at Walderslade has left areas of open land and woodland in the valleys that permeate the locality, these have limited public access and although of visual amenity due to the existence of tree cover, are of only partial value as a public amenity. The lack of public funds to enhance this functioning means that the County Council as the current owner is unable to effect measures that will realise this potential.
- 4.7.3 Within the urban area of Walderslade, there has been a long-standing proposal for the introduction of a new primary school to cater for the needs of this expanded area. The site of this was originally identified by the County Council at Round Wood and a site was subsequently allocated for a new school here in the MBWLP. This allocation is extant although the County Council no longer intends to proceed with this educational facility.
- 4.7.4 Such considerations dictate that there is a need to enhance the functioning of the wooded valleys at Walderslade as open space and to provide for a viable alternative to the out of date allocation for a new primary school at Round Wood.
- 4.7.5 The Maidstone BWLP recognises that there is often a need to provide for measures that allow for the improvement of open space in the event that surplus urban land becomes available. In these instances it is accepted that the retention of such uses may involve the introduction of new buildings as enabling development. This is the case here, albeit in accordance with the NPPF, a strict enabling approach need not be adopted. In addition, the Tonbridge & Malling MDE DPD confirms that the Tunbury Wood area is in need of enhancement and that contributions from development are anticipated to be the most appropriate mechanism to achieve this.
- 4.7.6 The proposed change of use of the application site to public open space will facilitate the use of the land for public access whilst at the same time will allow for a range of measures to be designed to provide for the improvement of its use as a public amenity. These measures such as the management of the area's value for nature conservation will allow for the use of the site as a viable facility but need to be forward funded and maintained.
- 4.7.7 In the absence of adequate public funds the application site will not be able to realise its potential as a local resource either for open space or as a site of nature conservation value. It is therefore proposed to provide for the use of this land for public open space

and to introduce an 'enabling' development for 12 houses. Support for this type of action is thus confirmed through the approved Development Plan, notwithstanding the policy prerogative to provide sustainable new housing development to meet housing need.

- 4.7.8 In a general sense, the location of the application site within the defined urban area provides a sustainable framework for development. This is evidenced by the original allocation of part of the site for a new primary school.
- 4.7.9 As a greenfield site within the built-up area the application site does not currently have a policy priority for housing use. However, this priority is subject to change in the light of new requirements for housing provision that need to be met over the next plan period to 2026 and having full regard to the NPPF and the requirement to demonstrate a deliverable 5 year supply of housing.
- 4.7.10 As far as the statutory Development Plan is concerned, the application scheme is thus in conformity with extant policies to provide for enhanced open space and amenity land within sustainable locations close to existing housing. It provides for a viable alternative use for land designated for educational development as a primary school and is able to supply the necessary funding for the establishment and maintenance of the open space over the long term due to the associated enabling housing scheme. Provision of this open space will satisfy the policy requirement of OS1 in the adopted DPD.
- 4.7.11 Provision of fresh allocations for housing will be needed to supplement the existing housing supply and 'windfall' opportunities are in accordance with the adopted spatial strategy for the area, particularly in light of the provisions of the NPPF. As a quality scheme that provides for local amenity the proposals have merit and are supportable in relation to the need for sustainable development in accordance with the approved spatial strategy for the area.

4.8 Material Considerations

- 4.8.1 The existing MBWLP is now of significant age, having been prepared over 15 years ago. There is recognition that its saved policies are in need of being updated and supplemented to bring these in line with modern requirements. Accordingly, the Borough Council is preparing a replacement Maidstone Borough Local Plan to identify new areas for development and provide an up-to-date policy framework.

Implementation Considerations

- 4.8.2 The NPPF confirms that '*development proposals where the primary objective is to conserve or enhance biodiversity should be permitted*' (para 118). It is also recognised that '*to ensure viability the costs of any requirements likely to be applied to development should...provide competitive returns ...to enable the development to be deliverable*' (para 173).
- 4.8.3 On this basis it is the case that the most recent national guidance on spatial planning now accepts that there is a need to address the costs of green infrastructure when provision is being planned in order to ensure viability. Emerging planning policy will therefore need to take this into account and the Local Plan will have to have regard to an

evidence base that identifies such costs and the means of securing the mechanism to provide for these. The introduction of the submitted scheme will be consistent with this emerging policy base in the light of the costs identified for the Management Plan.

- 4.8.4 The submitted Management Plan sets out the actions that need to be undertaken to secure the management of the area for open space and nature conservation. These actions and activities have been formulated in liaison with the relevant bodies and are considered to be robust.
- 4.8.5 The submitted Heads of Terms set out the basis for a s106 legal agreement that will follow in advance of any planning permission being issued, providing an appropriate and legally binding delivery mechanism for the works by securing monies generated by the housing development to be solely and directly expended on the wider woods. Although a strict enabling case is no longer necessary, it is important in giving weight to the open space, amenity and nature conservation benefits proposed that they are ultimately deliverable.
- 4.8.6 As these Heads of Terms set out, a Charitable Incorporated Organisation will be created with the sole purpose of receiving funds from the housing development and being responsible for their long-term management and expenditure on the woodlands. Although it is not necessary to apply a strict financial enabling case in that the amount of development sought need be the minimum required to directly fund the proposed woodland management works, the scheme has nevertheless been informed by a costings exercise that demonstrates the proposed management and enhancement works are viable and deliverable over a long-term 25 year period based upon the housing scheme proposed.
- 4.8.7 These details of implementation can be properly secured through a s106 agreement, the basis of which is set out in the draft Heads of Terms appended to this Planning Statement. This agreement (or a separate agreement) can also include the provision of any financial contributions towards local infrastructure provision that are deemed necessary and proven to meet the relevant tests set out in the NPPF and NPPG and which are compliant with the CIL Regulations. This may include (subject to testing) contributions towards healthcare infrastructure and services in the local area, which would directly overcome the second reason for refusal offered by the Council in 2008.

Housing Supply

- 4.8.8 As part of the necessary update for the LDF the Borough Council is also reconsidering the overall housing position in the Local Plan with a view to ensuring that sufficient housing is provided for in the period 2006-2026. The local housing target based on the latest information indicates that the objectively assessed need for the Borough stands at 18,600 for the period to 2026.
- 4.8.9 It is accepted by the Council and well-established that at present, the existing 5 year supply requirement (plus buffer) cannot be met and accordingly Paragraph 49 of the NPPF applies meaning existing housing policies of the development plan cannot be considered up to date. The NPPF dictates that housing applications should be considered in the context of the presumption in favour of sustainable development.

Where relevant policies of the development plan are out-of-date, Paragraph 14 instructs that the presumption in favour means granting permission unless “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*”; or where specific policies in the Framework indicate that development should be restricted. The latter criterion is not considered to apply in this instance.

- 4.8.10 This is the correct approach to adopt in determining this application and represents a significant shift from 2008 where the applicable policy at the time necessitated a strict ‘enabling’ case to be demonstrated as an exception to policy at that time. Instead, the application must now be considered in light of the presumption in favour of sustainable development with the contribution that the proposed housing will make towards meeting the Council’s current shortfall and the open space and ecological enhancements that will be delivered to the wider area represent significant planning gain that weigh in favour of granting planning permission and are not “significantly and demonstrably” outweighed by any adverse impacts.
- 4.8.11 The national priority to ensure the provision of sustainable development to provide for additional housing further supports the use of this general location being in proximity to the services of the Walderslade area. The need to provide for the enhancement of the existing local open space and the maintenance of this as a public resource in the longer term form a further justification for new development as now proposed.

Open Space

- 4.8.12 The Government’s policies for recreation and open space are found in the NPPF. It is confirmed in this that ‘*planning policies should be based on robust and up-to-date assessments of the needs for open space...and opportunities for new provision*’ (NPPF para 73). It is confirmed that ‘*the assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space... in the local area. Information gained from the assessments should be used to determine what open space ...provision is required*’ (ibid).
- 4.8.13 Whilst the Borough Council may have considered the requirements of the Maidstone area as a whole, the needs of the local community at Walderslade for open space have been extensively researched and are set out in the Boxley Parish Council’s SCI that accompanies the application.
- 4.8.14 It is the case that the survey of local residents and stakeholders has identified the extent, type and frequency of use and has revealed the local community’s preferences for certain types of facilities. These are set out in the Management Plan that forms part of the application.
- 4.8.15 The qualitative issues raised by the lack of maintenance of the existing open space at Walderslade have been fully documented in the Parish Council’s survey and the resulting measures needed to rectify this have been identified. The use of such measures is fully in line with this guidance therefore.
- 4.8.16 Deficiencies in provision of open space may be capable of being addressed by proposals that include planning obligations. The NPPF confirms that ‘*planning obligations should*

only be sought where they meet all of the following tests (namely) necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development' (para 204). This is the case here where a planning obligation is offered to ensure that the necessary works are secured and undertaken and that the new facilities are capable of being maintained adequately through associated management and maintenance agreements. The proposed obligation also ties the parties to the release of the funding generated by the sale of the housing development in a manner that is legally binding. This provides the necessary certainty over delivery to ensure the benefits that are proposed in open space, and amenity terms can be given full weight.

- 4.8.17 The specific identified deficiencies in the existing open space have been addressed through the proposed management regime and investment programme. This programme is fully costed and is able to be met through the use of the capital receipt generated by the proposed development scheme.

Biodiversity

- 4.8.18 In PPS9-*'Biodiversity & Geological Conservation'* 2005 it was advice that, *'planning decisions should be based upon up-to-date information about the environmental characteristics of their areas (to) include the relevant biodiversity and geological resources of the area. In reviewing environmental characteristics local authorities should assess the potential to sustain and enhance those resources'* (para 1(i)). Detailed information on the biodiversity interests of the wider application site have been fully set out in the KWT sourced Management Plan and the proposals are fully consistent with these considerations.
- 4.8.19 As we have noted, the NPPF confirms that, *'development proposals where the primary objective is to conserve or enhance biodiversity should be permitted'* (para 118). The enhancement and conservation of the existing woodland and open space at Walderslade Woods is the primary justification for the application and forms the basis for the scheme.
- 4.8.20 Further, ecological assessment of the proposed housing site have been carried out comprising a Phase 1 walkover survey and subsequent detailed surveys in respect of reptiles and dormice.
- 4.8.21 Dormice were recorded on the housing development site and therefore the development will require a Natural England Licence. Given the wider woodland included within the application site, there is ample opportunity to provide the necessary mitigation to satisfy the requirements of the licensing procedure. In this regard, it is relevant to consider how the proposals satisfy the relevant tests applied at the Licencing stage to demonstrate that the development has a reasonable prospect of securing a Licence.
- (i) Firstly, the development clearly satisfies one of the specified purposes for which a Licence can be issued, namely "other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment", as the development directly secures long term management and enhancement of the woodland as public open space with clear ecological benefits.

- (ii) Alternatives – as the remainder of the woodland has been granted Village Green status, the proposed housing site remains the only available option for development that will fund the proposed woodland enhancement and management works and simultaneously satisfies planning policy by representing sustainable development in accordance with the NPPF.
 - (iii) The action authorised must not be “detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range”. The ability to secure mitigation and wider enhancements within the application site as part of the wider enhancement works ensure this criterion is fully satisfied.
- 4.8.22 The submitted Reptile Survey Report details the proposed mitigation in the form of formation of a receptor site within the wider application site and appropriate management in accordance with an agreed Ecological Management and Enhancement Plan. It is proposed that this Plan is secured by condition and is tailored specifically to the mitigation and enhancements directly required as a result of the housing development, and therefore distinct from the wider KWT Management Plan for the woodland. This will provide a document more ‘user friendly’ for the separate Licence procedure, although will need to demonstrate broad compliance with the wider Management Plan and its aims.

Trees & Woodland

- 4.8.23 The majority of the wooded parts of the application site are designated as Ancient Woodland. The principal thrust of the proposals is to secure long-term management of the woodlands with improved public access and biodiversity value. These aims are entirely consistent with the appropriate arboricultural management of the ancient woodland and soils and as the detailed Management Plan sets out, all proposed works are to be carried out using best practice with minimal disruption to the arboricultural or ecological value of the woodland. In fact, by securing long-term appropriate management, the condition of the woodland and its soils will be safeguarded and enhanced representing significant planning gain given the recognition found in the NPPF that Ancient Woodland represents an “irreplaceable habitat” (NPPF Paragraph 118). These details can be further controlled by condition.
- 4.8.24 The proposed housing development sits within an existing clearing within the woodland. Boundary woodland to the south east, south and north is designated as Ancient Woodland and although it is difficult to precisely plot and transpose the boundary of this, it is clear when viewing the proposals alongside the mapped Ancient Woodland that the proposed built development does not directly impact upon the designated woodland, with the proposed houses comfortably clear of the tree canopy in those locations.
- 4.8.25 Development is at its closest in the south east corner of the housing site and for a small section of the site is likely to sit within 15 metres of the designated Ancient Woodland, which is the buffer zone recommended as best practice. Whilst this incursion is acknowledged, it remains that development remains physically distant and it represents an extremely small part of a much wider site where significant nature conservation and management benefits will be secured. In that context, the benefits significantly outweigh this minor incursion, which in any event does not materially alter the function

ecological, arboricultural or cultural value as Ancient Woodland. In that regard, it does not constitute the "loss or deterioration" of an irreplaceable habitat and remains in conformity with the NPPF which states that "development proposals where the primary objective is to conserve or enhance biodiversity should be permitted" (Paragraph 118).

Design & Layout

- 4.8.26 The proposed design and rationale behind it is detailed in full within the accompanying Design & Access Statement and submitted plans. The scheme remains as previously proposed in 2008 and in the absence of any reasons for refusal relating to design, remains acceptable in planning terms. There have been no changes in circumstance or policy that affect the judgement previously made.
- 4.8.27 As the Design & Access Statement sets out, the architectural design of the dwellings remains modern and suited to the site, respecting the constraints and opportunities it presents. It continues to safeguard nearby residential amenity and that of prospective occupiers, whilst delivering a legible layout and high quality residential environment.

Highways

- 4.8.28 As with design, there were previously no highway reasons for refusal offered in 2008 and the proposed access arrangements remain unchanged. The site benefits from an existing access onto Wildfell Close, which in turn benefits from an established access onto the A2045 which offers good links to the primary road network. The small scale of development proposed will not give rise to any concerns regarding highway capacity or safety and there have been no material change in circumstance to arrive to a different view to that reached in 2008.
- 4.8.29 Each dwelling benefits from provision of a dedicated off-road parking space and garage, with two additional visitor spaces proposed. This level of parking reflects the site's sustainable location and remains appropriate for the development.

Noise

- 4.8.30 The 2008 application was accompanied by a noise survey which is resubmitted here for completeness. Although the report has not been updated, the conclusions it reaches are clear and in the absence of any material change in circumstance or local context continues to provide the necessary comfort that the provision of thermal double glazing will provide more than sufficient mitigation to ensure the dwellings offer an acceptable level of residential amenity.

4.9 Conclusions

- 4.9.1 Following the extensive consultation exercise undertaken with local residents and stakeholders the needs of the local community for open space have been fully expressed and the submitted proposals address these local requirements in accordance with national guidance. In particular, these surveys have specifically sought to examine qualitative considerations so that the management and maintenance regime is able to secure the desired improvements on a costed and viable basis.

-
- 4.9.2 The proposals have been advised by a Management Plan designed to enhance biodiversity. This plan has been devised for the Parish Council by the Kent Wildlife Trust and is based on the most recent audit of the biodiversity characteristics and resources of this area. The ability of the application to provide for the enhancement of such resources is a prime consideration and fully complies with the requirements of the NPPF.
- 4.9.3 In addition, the potential of the proposed housing site to accommodate protected species has been assessed by Lloyd Bore Ecology via a Scoping Report and subsequent detailed surveys of reptiles and dormice, which form part of the submissions. As the reports set out, appropriate mitigation for both species can be provided within the wider red line area and secured as part of a detailed targeted Management Plan, secured by condition and which is to sit alongside the wider KWT long-term Management Plan for the woodlands.
- 4.9.4 For all of the above reasons we consider that the proposals are consistent with national planning policy guidance and emerging local policies. Where there is limited conflict with the policies of the statutory Development Plan in relation to housing provision, the accepted lack of an adequate housing supply is a highly material consideration that outweighs such policy considerations which are in many respects out of date and in urgent need of replacement. This approach is required by Paragraph 49 of the NPPF and necessitates assessment of the proposals in light of the presumption in favour of sustainable development.

5 SUMMARY AND CONCLUSIONS

5.1 Summary

- 5.1.1 The planning history of the site reveals that the Borough Council as Local Planning Authority previously rejected a proposal for the development of part of the application site for a housing scheme that was intended to deliver an enabling facility in support of the existing open space. The perceived lack of public support for this and a failure to convince the Council that the proposed housing was needed and was justified led directly to this decision.
- 5.1.2 Since this application was determined in 2008, the County Council and the Boxley Parish Council have undertaken substantial consultations and local studies in support of the revised proposals. A full consultation exercise has been initiated with local residents and stakeholders to inform the proposals and the management requirements for the area have been formulated in the light of a detailed biodiversity Management Plan. The resulting maintenance programme has been costed and formulated for the next 25 years.
- 5.1.3 The consultation exercise has revealed that local residents value the existing open area very highly as a local amenity, which is seen as a local resource important for informal recreation and biodiversity. However, it is also recognised that due to a lack of management over a long period there is now a need to enhance the existing facility to provide for improvements to the quality of the woodland and to the recreational facilities available to local residents. These enhancements include the formation of improved habitats for protected species found in this locality.
- 5.1.4 The consultation exercise has been based on the premise that investment is needed to secure the future of this land as a public amenity and importantly, that the means to achieve such investment is through the development of the housing site as proposed.
- 5.1.5 Measures needed to secure the desired improvements and facilities have been agreed through the consultation process and are confirmed in the application. These measures are consistent with the wishes of the local community and at the same time fully reflect the identified ecological improvements proposed through measures approved by KWT.
- 5.1.6 The needs of the locality for enhanced open space and informal recreation with measures to improve biodiversity as costed form the basis of the application. The change of use of this land will formalise the existing arrangements and will also facilitate the preferred alternative use of the existing school allocation at Round Wood for open space. The provision of the proposed housing is of a scale that is justified in the light of the costings and valuation as submitted.
- 5.1.7 Given the enhancement of the existing woodland and the introduction of new open space at Round Wood, the proposals provide for substantial qualitative and quantitative improvements over the existing position. Accordingly, no net loss of open space would result from the scheme through the introduction of the proposed housing.

- 5.1.8 The enabling proposal is consistent with the Borough Council's expressed stance in the adopted Local Plan towards the retention and provision of future open space whilst the enhancement scheme is in line with Government guidance that seeks to prioritise measures to enhance biodiversity and provide for sustainable development.

5.2 Sustainable Development and the Planning Balance

- 5.2.1 Since 2008 the relevant policy framework has altered significantly with the introduction of the NPPF and the absence of any up to date development plan policy. This shift dictates that the application be considered in the context of the presumption in favour of sustainable development, whilst existing development plan policy in relation to housing can no longer be considered up-to-date. The result is that a strict enabling case is no longer required to justify the housing development as an exception to policy and accordingly, the reasons for refusal given in 2008 that relate to that now superseded context no longer apply.
- 5.2.2 Through the saved policies of the Local Plan which do still carry weight and the more recent national guidance, there remains a strong policy prerogative to provide adequate and high quality open space and to preserve and enhance nature conservation interests. These proposals, which have large scale open space, amenity and ecology enhancements at their heart, thus remain compliant with policy in this respect and these proposed benefits can be afforded significant weight in undertaking the weighted planning balance required by Paragraph 14 of the NPPF.
- 5.2.3 The application site is a sustainable location in the urban fringe and utilises available infrastructure. Whilst this type of development will inevitably have a local impact on the visual qualities of the immediate surroundings, these impacts are localised and will be offset by the improvements to the existing woodland and the introduction of new open space at Round Wood close to the site.
- 5.2.4 The proposals contribute positively to all three of the principal strands of sustainable development set out within the NPPF. Environmentally, they directly secure the long-term provision of larger, better quality and actively managed open space with nature conservation enhancement; socially it significantly enhances access to the woodlands for local residents, health and wellbeing and quality of life whilst directly contributing to meeting local housing need; and, in economic terms it will directly secure the necessary funding to deliver the woodland management and enhancement works whilst also generating employment and secure investment into the local economy during the construction phase.
- 5.2.5 Impacts of the housing development on ecology can be fully mitigated as detailed in the accompanying reports and are significantly outweighed in scale and kind by the wide-ranging benefits proposed across the wider application site. As the 2008 reasons for refusal confirm, there are no other material adverse impacts, such as highways or trees that will arise.
- 5.2.6 Given the above, it is clear that there are many significant benefits arising from the proposed development and these are not "significantly and demonstrably" outweighed by any adverse impacts. It is also clear from assessment against the provisions of the

NPPF that there are no specific policies that indicate development should be restricted. Accordingly, the only conclusion that can be reached is that the development benefits from the presumption in favour of sustainable development and permission should be granted.

5.3 Conclusions

- 5.3.1 The proposed development as a change of use for Public Open Space is consistent with the allocation of part of the land as an Area of Local Landscape Importance in the statutory Development Plan. The scheme also provides for new open space in substitution of the obsolete primary school allocation here. It will provide for local improvements to biodiversity through the introduction of enhanced management of existing woodland and will assist in meeting the needs of the local community for informal recreation.
- 5.3.2 The use of the site as proposed should not be objectionable in relation to the introduction of housing given the existing position in respect of housing supply and the site's sustainable location within the built-up area. Additionally, the resulting enhancement of the existing woodland will introduce measures that are fully consistent with the planned development of Walderslade Woods and deliver significant and wide-ranging planning gain.
- 5.3.3 As a sustainable development in the urban fringe, no other material considerations outweigh the support offered to the scheme through the studies and consultations with residents and stakeholders. The proposed development is thus fully consistent with the views expressed by the local community. It is supported by the existing statutory Development Plan in so far that it is up-to-date, and is compliant with national policy.
- 5.3.4 It is therefore requested that planning permission be granted, subject to appropriate conditions and the completion of a s106 legal agreement consistent with the attached Heads of Terms and including the provision of any financial contributions that satisfy the relevant legal tests.