

## **Appendix B – Material from Urgent Update reports no otherwise incorporated into this report.**

### Local Plan Context

On 20 May 2016, the Council submitted the draft Maidstone Borough Local Plan (2016) ("draft MBLP") to the Secretary of State for independent examination.

Therefore, the determination of this application requires the Committee to consider two Local Plans carefully and this matter is discussed below.

#### 1. Maidstone Borough-wide Local Plan 2000 (MBWLP 2000):

The MBWLP 2000 is the development plan for the purposes of the statutory test in section 38(6) of the 2004 Act, by which the application must be determined.

The National Planning Policy Framework (NPPF) directs that relevant policies in a development plan adopted prior to the NPPF should be given weight according to their consistency with policies within the NPPF.

The draft MBLP seeks full alignment with the NPPF. Crucially, it sets out the full objectively assessed need (18,560) for housing and allocates land to fulfil this requirement in accordance with the national planning policy priority in paragraph 47 of the NPPF to boost significantly the supply of housing to meet objectively assessed needs.

The draft MBLP development strategy, *inter alia*, identifies strategic residential development to the North West and South East of Maidstone, and sets out site allocations. The south eastern area is shown as being part of the open countryside in the MBWLP 2000 and 'saved' policies such as ENV28 and ENV32 apply.

However, the MBWLP 2000 clearly did not set out objectively assessed housing need for the period 2011 to 2031. Therefore, inevitably, one of the results of catering for housing growth is that settlement boundaries must change.

For these reasons and in the particular circumstances of the present case, the failure of this application to accord with saved policies ENV28 and ENV32 in this respect is a matter that should not be accorded significant weight in the determination of this application. That being said, the precise level of weight to be accorded is a matter for the Planning Committee.

#### 2. Draft Maidstone Borough Local Plan ("draft MBLP"):

In February 2016, Full Council authorised the draft MBLP for submission to the Secretary of State for independent examination. In doing so, the Council endorsed the draft MBLP as a sound and legally compliant local plan. For this reason, significant weight should be attached to the draft MBLP in the determination of planning applications. Furthermore, the

Council relies upon the delivery the housing development in the draft MBLP site allocations to demonstrate a housing land supply in excess of 5 years.

### Head of Terms

Propose the additional entry: The establishment of a 'monitoring committee' prior to the submission of the first reserved matters application to be responsible for the review of all aspects of the development with such members to include an officer of the Council, two elected members of the Council and a representative of the developers (contribution toward the set of this committee).

### **Representations**

#### **Local Residents**

- A Petition of 496 signatures has been received 27<sup>th</sup> June 2016 objecting to the proposed development. All of the issues raised in the petition have been addressed in the Committee report.
- KCC Ecology – minor shortfalls to reptile and bat surveys, no objection
- Kent Wildlife Trust – holding objection in light of lack of some detail for habitat mitigation.
- Local Lead Flood Authority (LLFA). No objection subject to conditions.
- Environmental Health – No objection, subject to conditions regarding contamination, noise and travel plans.
- Applicants Education response - Two form entry primary school is unlikely to be required as a consequence of the proposal.

#### **Officer Comment**

The above points have been address in the committee report and conditions.

**Langley Parish Council** has reiterated its earlier objection as follows:

- Prematurity of granting planning permission;
- Loss of agricultural land;
- Concerns over density and urban design; and had added a further objection:
- Reference to parallels to a recent planning appeal at Boughton Lane (APP/U2235/A/14/2227839);

#### **Officer Comment**

It is considered that it would be wholly unreasonable for the Council to refuse to determine this application on the basis of waiting for the Local Plan to be examined. Nor is there considered to be grounds for the application to be refused on the basis of a decision being 'premature' in advance of the examination. Following NPPG advice on the matter, the site is allocated within the submitted Local Plan and is an integral part of the Plan. As such, this application would not undermine the plan-making process from the Local Planning Authority's perspective.

The loss of agricultural land and density and urban design are addressed within the report.

In terms of the recent planning appeal at Boughton Lane a direct parallel between the cases cannot and should not, under planning law, be made: each application should be dealt with on its own merits. In any event the material difference in that case there was no highways mitigation specified unlike this case where comprehensive highways mitigation involving a number of development is proposed.

**Kent County Council** have reiterated their objections on the grounds of potential need for a two form entry primary school; need for car park and drop-off design and highways concerns, even if the number of units were reduced.

**Officer Comment**

The proposed Section 106 Heads of Terms allows the provision of a 2 Form Entry Primary School if the development requires it, and safeguards an area for future expansion in any event. Details of car parking and drop-off design would be addressed through reserved matters. The number of units is proposed to be limited by condition to 800, in line with the draft H1 (10) Local Plan Policy.

**Helen Whately MP** has raised serious concerns regarding this application being decided in advance of the examination in public of the submitted Maidstone Local Plan.

**Officer Response**

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**Countryside Properties** have written to agree the proposed apportionment process for highways mitigation.