

REFERENCE NO - 20/501427/OUT		
APPLICATION PROPOSAL Outline planning application for residential development of up to 76 no. dwellings (all matters reserved except access).		
ADDRESS Land To Rear Of Kent Police Training School Off St Saviours Road Maidstone Kent ME15 9DW		
RECOMMENDATION Pending S106		
SUMMARY OF REASONS FOR RECOMMENDATION The draft S106 to be amended to comply with current Government Policy to include the tenure of First Homes.		
REASON FOR REFERRAL TO COMMITTEE Significant changes to the previously Committee resolution regarding Affordable Housing are necessary due a change in Government policy related to requiring First Homes and expiry of the transitional arrangements.		
WARD Park Wood	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT The Police And Crime Commissioner For Kent AGENT DHA Planning
CASE OFFICER: Marion Geary	VALIDATION DATE: 21.04.2020	DECISION DUE DATE: 30.06.2022
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

12/0987

Outline application for residential development for up to 90 dwellings with associated development with all matters reserved for future consideration.

Approved 07.04.2017

1. BACKGROUND

1.01 The Planning Committee of 16 December 2021 resolved to grant planning permission for the application subject to the prior completion of a legal agreement, and conditions and informatives.

1.02 For affordable housing, the resolution was simply that 30% affordable housing should be provided in accordance with the broad mix set out in affordable housing policy SP20. However, this did not include any First Homes as required by the National Planning Policy Framework (NPPF) as, at that time, there was a transition period in operation, whereby the First Homes requirements did not apply to the application. However, this transition period has expired and the s106 remains outstanding.

1.03 The previous report and urgent update are appended.

2. DISCUSSION

2.01 The Government's policy requirement for "First Homes" was included in a Written Ministerial Statement that came into force on 28 June 2021. Transitional arrangements allowed for new full or outline planning permissions determined before 28 December 2021 to be exempt and also those determined before 28 March 2022 where there has been significant pre-application engagement.

- 2.02 First Homes are the Government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. The NPPG advises that once a minimum of 25% of First Homes has been accounted for, Social Rent should be delivered in the same percentage as set out in the local plan. The remainder of the affordable housing tenures should be delivered in line with the proportions set out in the local plan policy, with, initially the level of social rent being protected, with the exception that another Government requirement in paragraph 65 of the NPPF is that 10% of the total number of houses in any major development should be "affordable routes to home ownership".
- 2.03 The applicants' solicitors have not yet formally responded to the draft legal agreement and therefore no decision has been issued on or before 27 March 2022 which was the final date of the transitional period. I am of the view that there is now a requirement for the legal agreement to be redrafted to secure First Homes.
- 2.04 The planning permission would be for up to 76 units. If for example, 76 dwellings were proposed at RM stage, this would result in 23 affordable housing units of which:
- First Homes = 6 (25% of 23)
 - Intermediate Rent to Buy or Shared Ownership = 2 (to secure the overall 10% requirement of 8)
 - Social Rent= 15
- 2.05 For this permission, there is no net impact on the number of Social Rent units: under Policy SP20 and applying the 10% rule, the 30:70 requirement would have been:
- Intermediate Rent to Buy or Shared Ownership = 8
 - Social Rent= 15

PUBLIC SECTOR EQUALITY DUTY

- 2.06 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

RECOMMENDATION

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- the prior payment of s106 monitoring fees of £3060
- Travel Plan Monitoring Fee of £948 ((indexed from 16.12.21)
- £1,434.5 per dwelling (indexed from 16.12.21) towards Open Space at Queen Elizabeth Square play area and/or sport facilities at Pested Bars Open Space, to be spent in liaison with Boughton Monchelsea PC
- 30% of total dwellings (capped at 30% rounded up to nearest whole) secured as affordable housing
- 25% of the affordable housing (rounded up to nearest whole) to be First Homes

- 10% of total dwellings (rounded up to nearest whole) to be provided as affordable routes to home ownership (First Homes/Intermediate Rent to Buy/Shared Ownership)
- Remainder Affordable Housing Units to be secured as Social Rented Units

AND the imposition of the conditions and informatives as resolved at the Planning Committee of 16 December 2021.

Case Officer: Marion Geary