

15/503325

National Planning Casework Unit (NPCU)

The NPCU received a request for the Secretary of State to call-in this application for consideration in June. The NPCU have contacted the planning department and requested that they are informed of the outcome of the application so that they can then decide whether or not to 'call-in' the application.

Therefore to clarify, this application has not been called-in by the SoS, and so this background does not prevent any decision being made on the application. Indeed the NPCU encourage the Council to reach its decision before they decide whether to call-in the application.

Representations

Ulcombe Parish Council:

The Parish Council have raised the following (summarised) points:

- Disappointed to see objections given a cursory mention in report.
- Great concerns regarding economic, social and environmental impacts.
- Conflict with saved and emerging planning policies.
- Land is on a flood plain.
- Infrastructure is inadequate or at capacity.
- 40% affordable housing will exacerbate problems of social cohesion
- Conflict with the Neighbourhood Plan.
- Ulcombe Road heading north is not suitable for traffic.
- Ulcombe village centre is not suitable for increase in traffic nor is Chegworth Road.
- Traffic figures are a gross underestimation.

Officer Comment

The Parish Council's comments have been summarised in the committee report as is standard practice. All other matters have been considered in the main report.

Local Residents have raised the following (summarised) points:

1. Reference has been made to government policy since July 2014 to allow the recovery of planning appeals (those called-in by the SoS) in neighbourhood plan areas and that decisions made by the SoS have found in favour of neighbourhood plans. The point being made that neighbourhood plans (NHP) are a material consideration, must be given great weight in this case, and the application should be refused as it contravenes policies within the NHP.
2. Inaccuracy of the Transport Assessment and the increase in traffic on local roads.
3. The latest 5 year supply figure has not been included within the committee report.
4. Reference has been made to part of the site's unsustainability as identified by the site assessment exercise under the Neighbourhood Plan and MBC sustainability appraisal, in that it is not considered easily accessible by foot or cycle routes to the cycle routes, train

station, employment provision, public open space, doctors, post office, or secondary schools.

5. The lack of reference to policy H27 of the Maidstone Borough-Wide Local Plan 2000.
6. That the application should not be considered by Planning Committee as the report does not provide objective or unbiased analysis.

Officer Comment

1. The main report addresses issues relating to the NHP and what it proposes for the site at paragraph 7.13.

Government guidance with the NPPG outlines in what circumstances it might be justifiable to refuse planning permission before a NHP is adopted on grounds of prematurity. It states that,

“Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits taking the policies in the Framework and any other material considerations into account.

Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period.”

Paragraph 216 of the NPPF states:

“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

In this case, it is considered that the low adverse impacts of the development would not significantly and demonstrably outweigh the benefits of the application for the reasons outlined within the main report. In addition, the emerging plan is not at an advanced stage and has not passed the local planning authority publicity period, with further key stages of independent examination and referendum ahead. Taking all of the above into account, it is considered that whilst a material consideration, the NHP plan is not grounds to refuse this application.

2. Kent Highways have assessed the Transport Assessment and supporting evidence and have not raised any issues with its accuracy. Highways impacts have been considered in the main report.
3. The latest finalised data on the 5 year supply figure is that outlined in the committee report being from April 2014 (2.1 years).
4. In relation to the Local Plan, a sustainability appraisal for MBC (2014) advised that the site is not easily accessible by foot or cycle routes to the cycle routes, train station, employment provision, public open space, doctors, post office, or secondary schools. It outlines the site is just over 100m from the primary school, around 50m from bus stops, around 700m from the train station, and just over 1km from the doctors (which are the nearest parts of the site). The NHP site assessment considers the northern part of the site not to be sustainable. This has been taken into account, however, it is considered that the site is suitably accessible to village amenities and public transport, new open space would be provided on-site, and employment, secondary schools, and post offices are accessible by public transport. Overall, the site is considered to be suitably located in terms of access to village amenities and public transport, and this is not considered grounds to refuse the application.
5. Policy H27 relates to development within the village settlement and the application site is outside the settlement.
6. The report is considered to be objective and unbiased and to appropriately consider all relevant planning considerations.

Open Space

Representations have been received seeking clarification regarding the amount of open space being provided.

To clarify, for the size of this development there would be a shortfall of on-site open space of 0.8ha against the Open Space DPD standards relating to amenity greenspace, provision for children (equipped play), outdoor sports facilities, allotments and community gardens, and cemeteries and churchyards. Due to the ecology issues associated with this site, space such as sports facilities, allotments, cemeteries and churchyards, and allotments would not be ideally suited to the site. There is also amenity greenspace, children's play areas, and allotments within walking distance and it is considered a financial contribution to improve, refurbish and maintain these areas is appropriate in this case. The DPD advises where it is considered inappropriate to provide on-site open space, an off-site contribution will be sought so this approach would comply with the DPD.

In terms of natural and semi-natural (N&SM) open space, there is a limited amount serving Headcorn. The Natural England Accessible Natural Greenspace Standard (ANGSt) recommends that people should have accessible N&SM of at least 2 hectares in size, no more than 300 metres (5 minutes walk) from home. There is currently approximately 2.2ha within the village. Again, due to the ecology issues associated with the site, its edge of village location, and the low amount of this type of open space within Headcorn, it is considered that the provision of 1.5ha of N&SM open space would be most appropriate for this site. This would mean that future residents of the development would be well served by varied types of open space, and this also includes good access to a network of public footpaths to the north via footpath KH583.

Overall, it is considered that the proposal provides an appropriate balance between on-site space and off-site contributions to serve the development, has good access to the countryside, and would also provide additional N&SM space for existing residents.

Foul Drainage Condition

As outlined in the report, the Waste Water Treatment Works (WWTW) to the west of the village does not currently have sufficient capacity for 220 dwellings but Southern Water is committed to delivering capacity to service the development. They advise that the required capacity could be delivered within a maximum of 3 years (from the commencement of development) and there would be scope for a phased connection to the treatment works during the upgrade works. Based on the phased connection I wish to amend condition 19 in order that occupation of the development is phased to the timescale for the works as follows:

The development shall not commence until details of foul water drainage, which shall include details of on-site drainage and off-site improvements to the local network have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The details shall include phasing of the occupation of the development commensurate with the timescales for the improvement works to be carried out. The development shall be occupied in accordance with the approved phasing details.

Reason: In the interest of pollution and flood prevention.

Heads of Terms

I wish to amend the 2nd and 4th terms to be more specific as follows:

- Financial contribution of £1,180,952 towards the build costs of the first phase of expanding Headcorn Primary School from 1FE to 2FE.
- Financial contribution of £519,156 towards the first phase of expanding Maidstone Grammar School.

RECOMMENDATION

My recommendation is unchanged subject to the amended condition and heads of terms outlined above.