

Reference Number 15/509288

1) Headcorn Parish Council has set the following additional representation:-

11th March 2016

Dear Alison,

RE: 15/509288/OUT Land to the North of Lenham Road Headcorn TN27 9TU

I have been asked by Headcorn Parish Council to write to you regarding the above application.

It came as somewhat of a surprise when checking the Planning Committee agenda for the meeting on 17th March 2016 and that this application as an agenda item. Further investigation revealed that the officer had made their recommendation WITHOUT waiting for Headcorn's response to their letter dated 22nd February 2016.

This clearly demonstrates that MBC have no intention of taking any notice of our responses, something that we have suspected for some time.

This contravenes the MBC code of conduct and is certainly not paying any regard to the Parish Council Charter. We would argue that the officer should have chased us if for a response if it was necessary to complete their report with such haste. The letter arrived by email on the 22nd February and was put on the next scheduled planning committee meeting agenda on March 9th 2016. There was no indication of urgency nor was there a date by which the response was required.

The Parish Council's concerns were further highlighted when, on the same day, they learn that another application has gone to appeal for non-determination (15/505429/FULL The Griffins Love Lane Headcorn Kent). The Griffin Lane application was received well in advance of the Lenham Rd one, why the haste and apparent queue jumping?

This latest fiasco, on top of the complaint sent yesterday concerning Land West of Mill Bank, just further confirms our worst fears and cements HPC's confidence in MBC, at an all-time low.

Parish Council has stated that they must insist that application 15/509288 is removed from the agenda until such a time as the due process has been followed.

The following reply was sent to the parish council on 14/03/16.

The application was submitted as a valid application on the 13.11.2016 with a determination date on the 12.02.2016. This comprised development for an Outline planning application for the construction of up to 67 no. dwellings including 40% affordable housing, associated public open space, ecological mitigation land and new vehicular access from Lenham Road. Headcorn Parish Council responded to this consultation on the 17.12.2016.

Following negotiation on the application, a subsequent round of publicity was undertaken on the application but only for a limited period (1 week) for information purposes, to inform certain consultees that the application had been amended with the number of dwellings reduced to up to 57 dwellings. As the application was in outline form with all other matters reserved for future consideration, except for access, and there were no further changes to the details, it was not considered that a full round of fresh publicity was required. It was for this reason that only a limited period was given for re-consultation. The notice period for responses to this last round of consultation ran until 29.02.2016. I do not therefore agree with your assertion that the officer has made a recommendation without waiting for Headcorn's response.

It is clear that the only substantive matter that has changed is the reduction in the level of housing proposed on the site, from 67 to 57. The Parish Council were notified of this and there remains the opportunity for additional comments/representation from the Parish Council at the planning meeting.

I do not feel that the MBC's Code of Conduct or Parish Charter has been contravened in any way and would add that some local planning authorities would not re-advertise an application which results in a negotiated betterment (i.e reduction in units from 67 to 57) where the application is in outline form and the only matter for consideration i.e access, has not changed as a result of the negotiated improvements.

I wish to confirm therefore that I will not be recommending that the application be withdrawn from the Committee schedule for the 17th March but I will ensure that your correspondence is made available on the urgent update reports.

2) KCC Economic Development has provided the following additional information to facilitate conversion of pupil ratio per dwelling;

- Primary construction @ £19,047.62 per pupil equates to £5333.33 per 'applicable' house (0.28 adopted KCC pupil product ratio per house), and £1333.33 per 'applicable' flat (0.07 adopted KCC pupil product ratio per flat) ('applicable' excludes 1 bed units of less than 56sqm GIA).
- Primary Land equates to £891.69 per applicable house and £222.92 per applicable flat
- Secondary @ £11,799 per pupil equates to £2359.80 per 'applicable' house (0.2 adopted KCC Secondary pupil product ratio per house), and £589.95 per 'applicable'

flat (0.05 adopted KCC Secondary pupil product ratio per flat) ('applicable' excludes 1 bed units of less than 56sqm GIA).

3) To clarify further the section of the report dealing with Drainage and Flood Risk the following is provided:

The Environmental Agency Flood Zone Map shows that the site falls within flood zones 1, 2 and 3. However the indicative plan submitted clearly shows that the area identified for the residential development would be wholly within zone 1 and the amenity open space area would be within zones 2 and 3.

Paragraph 103 of the NPPF states:-

In determining planning applications, development in areas at risk of flooding should only be considered where, informed by a site-specific FRA following the Sequential Test, and the most vulnerable development is located in areas of lowest flood risk, that the development is appropriately resilient and can be safely managed.

In accordance with NPPF, the Sequential Test must be passed. The overall aim is to steer new development to Flood Zone 1. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

Responsibility for determining whether an application passes the Sequential Test rests with the Local Planning Authority, taking advice from the Environmental Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case.

In this instance as mentioned in paragraph 8.42 and 8.41 of the report neither EA nor KCC as the SUDs Authority have objected to the application.

Having applied the sequential test in this instance, as the application site includes areas within flood zones 1, 2 and 3, it is my view that the proposal passes the sequential test in this instance as the housing is shown to be located within flood zone 1 with the public amenity area being shown in zones 2 and 3. Whilst layout is a reserved matter, such principles can be secured by condition to ensure the housing development is only located within flood zone 1 and not within zones 2 and 3. On this basis, there is no need to apply the exception test. The requirements of paragraph 103 are therefore considered to have been met.

Therefore it is considered neither the development of the area identified for residential nor the open amenity use would impact on flooding in the area and having regard to the sustainable location of the application site and the benefits that would be generated; as stated in paragraph 8.57 and 8.58 of the report the development is recommended for approval as set out in the report.

Additional condition

The residential part of the development hereby permitted shall be located only within the flood zone 1 area as identified by the Environmental Agency Flood Zone Map.

Reason: In the interests of proper development of the site and the amenities of the future occupier of the dwellings on this site and the surrounding areas.

Recommendation remains unchanged: The application is recommended for approval as set out in Section 20 of the committee report.