

**Address:
Grafty Green Garden Centre,
Headcorn Road, Grafty Green**

The following further comments have been received from the applicants representative DHA Planning in respect of the contents of the Committee Report and the recommendation for refusal

Whilst the recommendation for refusal of this full application was not unexpected, it was with some surprise that I read that the Council now consider that they are in a position to demonstrate a five year supply of housing land, and as such, significant weight has been applied to policy ENV28 of the Maidstone Borough Wide Local Plan (2000).

The Committee report refers to monitoring which was 'carried out at 1 April 2016' that demonstrates a 5.12 year supply of housing land. This information comes from a *Local Plan Housing Topic Paper (2016)* which shows that the Council have seen 2,860 completions over the past five years (572 per annum)- at a time of significant economic activity within the housing sector. This has been a significant under delivery over this period, and therefore results in the Council needing to demonstrate a housing land supply for some 6,741 dwellings over the next five years (1,348 per annum). This is clearly a significant uplift. In order to achieve this, the Council has included sites within the draft local plan, which have no resolution, or in some instances where no planning application has been submitted.

Whilst Appendix C (table 8.10) of the aforementioned document sets out the extant permissions, and suggested build out rates, it also indicates the yields that the Council expects from the draft local plan allocations, which has now been submitted to the Secretary of State.

This draft local plan has not yet been assessed by the Inspector, and no interested parties have been able to debate the robustness of the policies or housing trajectory assumptions of the document. For this reason, we consider the inclusion of these allocations as premature at this stage.

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We do acknowledge that Maidstone Borough Council has taken great strides in order to meet their Objectively Assessed Need (OAN), however, as a decision making body we consider it inappropriate for you to include draft allocations in order to meet the short term housing need, which have not yet been fully debated within an Examination in Public, or for which an Inspector has been able to provide his or her opinion upon.

This position is backed up by appeal decisions such as *Land West of Audlem Road, Cheshire* where the Inspector was critical of the Council in that case trying to rely on uncommitted and untested draft Local Plan allocations as part of its 5 year supply. The Inspector in that case stated at paragraph 89 of the decision:

"At the Inquiry, a considerable amount of the assumed [5 year] supply was from sites without planning permission. These sites included some development proposed to be delivered on strategic sites identified in the [draft Local Plan]. These sites have yet to be considered through the local plan examination process and I am aware that there has been opposition to some of the allocations. I appreciate that the inclusion of these sites in the [draft Local Plan] shows some sense of commitment on the part of the Council, to taking them forward to fulfil the future needs of the Borough. It seems premature though, to place such a considerable emphasis on such sites in the calculation of housing supply. This is particularly so, as the anticipated time scale for the adoption of the [draft Local Plan] may be optimistic. Therefore, I consider there is insufficient clear evidence to convince me, in the circumstances of this appeal, that the inclusion of the uncommitted strategic sites in the deliverable housing supply is justified.

You state within paragraph 9.5 of your report that the emerging policies can be given 'significant weight in the consideration of applications.' We do not disagree that these policies should be given weight in shaping the development that is coming forward. It is clear that the Council has made significant efforts to ensure the policies bring about suitable infrastructure and high quality design. Given the lack of a five year supply in the recent past, this has been the most appropriate way for applications to be assessed by Officers and Members. However, there is a significant difference between giving the policies weight to determine planning applications, and assuming that they will come forward within the next five years. It is for this reason that we will be putting forward a view that until the examination opens, and the Inspector provides an indication of his or her view, these allocations should not be used for the evaluation of the five year housing land supply.

Irrespective of the five year supply issue, we are also of the view that the level of weight afforded to policy ENV28 of the Maidstone Borough Wide Local Plan (2000) within the Committee report is disproportionate given its age. The policy is now 16 years old since adoption, and whilst in part accords with the objectives of the National Planning Policy Framework (NPPF) 2012, should not be given more weight than this document.

The NPPF is clear that priority should be given to the effective use of land, by reusing land that has been previously developed (core planning principles, para. 17). This is re-iterated within paragraph 111 of the NPPF.

Throughout our discussions with the local authority, we have always acknowledged that this is a balanced proposal. The site is relatively detached from the existing settlement of Grafty Green, however it has had (and could once again have) a very intensive commercial use. It was hoped that the Committee report would greater reflect this balance, and would have included reference to the NPPFs core principle of reusing brownfield land, alongside the concerns with regards to its relationship with existing development.

I would also like to take this opportunity to raise a few more detailed points with you concerning the report. I would be grateful if these concerns (as well as those set out above) were reported to Members within an urgent update report.

- 1) Boughton Malherbe Parish Council support the application – within the report you state that they raise *no objection*. Throughout the pre-application process, and since the application was submitted, the Parish have *unanimously supported* the proposal, seeing it as the most appropriate use of this brownfield site.
- 2) It is noted that two letters of support have been received, however you do not highlight the contents of these letters as you have for the objection letters received. Again, to ensure that Members are provided with a balanced view, I would recommend that the contents of these letters be provided.
- 3) Your comments on the highways issues do not provide a direct comparison between the existing/previous vehicular movements, and that generated by this proposal. To my mind the types of vehicular movements, whilst a material consideration, should also be assessed alongside the amount of movements. This is certainly one of the reasons why the Parish support the application- as they acknowledge the reduction in vehicular traffic through their village.
- 4) Concern is raised within the report with regards to the design of the proposal –and that it appears 'suburban' in character. The reason behind the low density, is to ensure that the development is able to provide a significant increase in internal landscaping to that currently within the site. We acknowledge that this is a rural site, and the building designs and landscaping have been formed to respond positively to this. We do understand that design is subjective, but ultimately both ourselves, and the Parish believe that this is an acceptable form of development for this location.

Finally, you have suggested that we would be unwilling to sign a legal agreement that would not accord with our proposed heads of terms. As with any application we have put forward a proposal, and should Members decide that the monies should be redirected elsewhere, we would be open to accept any such amendments. The contributions that we have proposed are significant, but seek to address a number of local issues and concerns, rather than to concentrate on one specific matter i.e. affordable housing. These heads reflect the rural location of the site and have been formulated to make the development acceptable. We do not therefore agree that they fail to comply with the CIL regulations. However, should Members disagree with our proposal, and would wish to see the proposed contributions disaggregated differently we would be flexible on this matter. I would be grateful if this could also be highlighted to Members.

Officer Comment

The Committee Report sets out the Officer assessment of the merits of the application and recommendation

Recommendation

My recommendation remains unchanged.