

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.

Representations

Since drafting report a number of further objections have been received, summarise below:

Local Residents

- Highways impacts: amount of traffic, narrowness of existing roads, road safety and rat running;
- Lack of school place and other of local services
- Loss of Otham village identity
- Damage to wildlife, loss of hedgerows
- Poor state of repair of roads and inadequate footways
- Inadequate bus services
- Poor drainage
- Negative impact on listed buildings and the conservation area.
- Loss of agricultural land
- Inadequate infrastructure.
- Need for a holistic approach to all housing sites
- Premature to determine in advance of the new local plan
- Opening up future development potential .
- Should the scheme be approved it should only be accessed via Imperial Park

Otham Parish Council had the following additional objections:

- Should the scheme be approved it should only be accessed via Imperial Park
- Skylarks are nesting on the site and should be protected.

Officer Response

The proposal to access the development exclusively from Imperial Park would not conform with the Submitted Draft Local Plan Policy H1 (7) and H 1(8) in seeking to widen Gore Court Road between the new road and White Horse Lane. Such a suggestion is not considered conducive to good design as it would create an isolated enclave separated from surrounding roads. It would also mean that existing traffic would continue to use the narrow pathless Gore Court Road rather than the 5.5 metre new road which includes 2 metre wide footways.

The other points raised above have been addressed in the Committee report, but it may be helpful to highlight some relevant issues below:

- The Conservation Officer has not objection to the proposal;
- The highways apportionment table seeks to ensure all local housing sites contribute to the necessary infrastructure.

Lead Local Flood Authority (LLFA) made the following comments:

The key points for consideration at the site are:

1. No discharge point/connection has been identified that has been demonstrated to be feasibly delivered
2. Infiltration rate assumption has implications for the amount of area allocated for surface water management.

With the present information submitted, the concern is that the indicative layout would not be able to accommodate any additional requirements for surface water

attenuation or provide any space for a pumping station if connection to another surface water sewer was needed.

It is possible that a connection with a surface water sewer is not available at all. If that was the case I am not sure what mitigation would be available as a "Plan B" has not been identified by the applicant.

Officer Response

The LLFA objection is discussed in section 7.72 of the main report. In the recommendation it is proposed that the resolution of drainage issues is dealt with via condition at an early stage in order to ensure that no development is carried out without mitigation. If inadequate mitigation were proposed, planning permission for the reserved matters application would be withheld and the development would not be permitted to commence.

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

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.