

Draft Local Plan (2011-2031)

As the draft Local Plan is at Regulation 18 stage (public consultation), relevant policies are listed below, although at this stage they have little weight and do not materially affect the considerations within the committee report or recommendation in this case.

Relevant Draft Local Plan Policies:

SP2, H1(16), DM1, DM2, DM4, DM11, DM12, DM13, DM23, DM24

Councillor Harwood

The following (summarised) issues have been raised:

- Concern that the development does not incorporate flood-resistant materials and design principles.
- As a draft Local Plan allocation it is totally unacceptable in policy terms that Code 4 is not achieved.
- Details of the landscaping scheme should be provided.
- There is no surety in the plans/papers as to whether bird and bat boxes are integral to the built-development?
- Reservations in relation to viability argument and off-site provision of affordable housing.

Officer Comment

The National Planning Policy Framework (2012) and National Planning Practice Guidance (2014) do seek that development is flood resilient and resistant. As such, I consider it is appropriate to seek such details and this can be dealt with by the following condition.

The development shall not commence until measures to increase the flood resilience and resistance of the development have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out and maintained.

Reason: To reduce the impacts of any flooding.

As outlined in the main report at paragraph 6.4.6, when this application was submitted (September 2007), there was no requirement to comply with Code for Sustainable Homes. In January 2008, the Council requested details of a pre-assessment indicator or equivalent of the level under the code that the development was likely to achieve. At that time, it was advised that the Council would expect the development to achieve at least Level 3. The applicant confirmed Level 3, and as such, the development has been designed with this level in mind.

Whilst regrettable due to the time that has passed, it is not considered reasonable to ask the applicant to re-design the development to achieve a higher level six years later. The site is allocated under a draft Local Plan policy which would potentially seek Level 4, however, this application has been with the Council for six years and needs to be determined. Therefore, in this particular case, officers are recommending that Level 3 is accepted.

As outlined at paragraph 6.7.7 of the main report, the applicants have submitted detailed landscaping and planting plans which are considered acceptable and implementation is secured by condition 2.

Condition 5 secures bird and bat boxes within the site. They are not specifically required to be integral to the building and this is not considered to be necessary.

Assessment of viability and affordable housing is outlined at chapter 6 of the main report and officers are satisfied that the principles agreed on the draft heads of terms are acceptable and will secure a level of affordable housing that the scheme can support, albeit not the 40% as set out in policy AH1.

Amendments to Recommendation

Part B of the recommendation should be amended as follows to reflect the fact that the updated viability assessment may require changes to the heads of terms:

B: The prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure the following, *or that otherwise justified by the updated viability assessment:*

Reason for Approval

The standard reason for approval has been incorrectly used at the end of the recommendation. The reason for approval is as follows:

The proposed affordable housing provision does not conform to the Affordable Housing Development Plan Document 2006 (DPD) and the proposals are not in accordance with policy CF1 of the Maidstone Borough-Wide Local Plan 2000 in terms of community contributions. However, in view of the viability assessment demonstrating that full compliance with the DPD and community contributions would result in the development being unviable, the provision of an alternative affordable housing mechanism is considered to be acceptable in this case, and represent sufficient grounds to depart from the DPD and Local Plan.

RECOMMENDATION

My recommendation is changed as follows and subject to the additional condition outlined above.

Subject to:

A: The submission of an updated viability assessment that contains up-to-date figures and which is based on current market conditions:

B: The prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure the following, or that otherwise justified by the updated viability assessment:

- £100,000 for the provision of affordable units off site, payable to the Council prior to the first occupation of the development hereby permitted;
- A further commuted sum for the provision of further affordable units off site via a claw back arrangement; and
- The transfer of the riverside path to the Council on commencement of development.

The Head of Planning & Development be given delegated powers to GRANT PERMISSION subject to conditions.