

Reference number: 16/506605

The Agent has submitted an email which seeks to comment on the Committee Report and has raised the following comments (in summary). The comments shall be dealt with in turn.

- A summary has not been provided within the Planning History as to the reason MA/07/2249 was approved.

The Delegated Report to MA/07/2249 (Victoria Court development) concluded that there was a local need for 5 affordable homes as demonstrated by the 2005 Housing Needs Survey and supported by the Housing Officer. The design was considered acceptable and the location was considered to be sustainable.

- The height of the existing hedgerow along Gallants Lane is, throughout the report, referred to as 1.6m in height. It is in fact 2.6m tall.

The Agent is correct, the hedge along Gallants Lane is 2.6m tall

- The southern boundary is described as have a “young hedge which is yet to establish”. This hedge varies in height between 0.9m to 1.5m in height.

The hedge on the southern boundary does vary between 0.9m and 1.5m through is lacking in density in places.

- Para 5.02 should not, in the Officers’ annotation, refer to the PC’s comments, but should refer to the neighbours comments.

Agreed

- Paragraphs 8.12-8.29 do not adequately discuss the detail of the landscape-led design approach and differences between the 2013 appeal scheme and the proposal in terms of landscaping/screening.

It is acknowledged that the current proposal does include new tree and hedge planting along with honey-suckle covered pagodas and a new wildflower meadow with ecological enhancements. It is also acknowledged that the 2013 appeal scheme was on a more tightly constrained site and lacked the opportunity for landscape enhancements.

Notwithstanding the above, the introduction of landscaping, even on the scale proposed, would not, in my view, sufficiently mitigate against the sub-urbanising effect of the introduction of housing in to an open and verdant site.

- At Paragraph 8.32 it is stated that the “Parish Council have updated their Housing Needs Assessment”. The East Farleigh Housing Needs Survey 2014 was commissioned and paid for by MBC as stated on Page 3 of the survey.

Page 3 of the survey makes no reference to MBC commissioning the report. The report is commissioned by “Action with Communities in Rural Kent” which is a Registered Charity and is supported by Local Authorities across Kent and Medway, including Maidstone Borough Council, as set out on Page 4 of the Survey.

- The second recommended reason for refusal fails to acknowledge that the applicant is willing to enter in to a Section 106 Agreement to secure various contributions.

There is no dispute that the applicant has always been willing to enter in to a Section 106 Agreement to secure the Local Needs Housing, education and libraries contributions. Due to the objections to the proposal on countryside grounds i.e. the first recommended reason for refusal, it was felt that it would be abortive work to engage in the drafting of a Section 106 Agreement between the parties. The second recommended reason for refusal is not therefore seeking to make the applicant appear that they have failed to provide something which they have in fact offered, it is an acknowledgement that such an agreement is not in place at the present time and, should an appeal be logged against a decision to refuse permission, then such an agreement would be necessary prior to the exchange of final comments on any appeal.

In addition to the above comments from the Agent, the Agent sent a Briefing Note on to the Chairman and all Members of the Planning Committee by email on the 6th January 2017. Within that note the Agent refers to the 8 open market homes being included within the scheme “to enable the delivery of the Local Needs Homes.” Members should be aware that the application has not at any time been put forward on the basis that the 5 Local Needs Housing required additional homes to supplement their delivery and no viability report to that effect has been provided.

Finally, the Agent queried whether KCC had applied their calculation for education and library contributions appropriately in light of the provision of Local Needs Housing. KCC Contributions originally excluded the four 1 bed units as there was an assumption that these units were below the sqm threshold and were not applicable. That assumption was wrong as the 1 bed units exceed the sqm threshold and should not have been exempt from the calculation. In any event, KCC have now confirmed that they do offer an exemption for Local Needs Housing which would be secured in perpetuity through a legal agreement. In light of this, they have recalculated the contributions they would be seeking and offered revised comments as follows:

Following our conversation and your clarification that 5 units are “Local Needs” housing units to be restricted within a Legal Agreement for occupation by residents from within this or adjoining Parishes, KCC confirm they will not seek any contributions from these 5 units.

We understand the remaining 8 units are all proposed as market housing. These include 2 x 1 bed units in excess of 56sqm GIA. We therefore calculate the KCC contributions now arising as follows:

Revised KCC Request:

	<i>Per Applicable House (x 8)</i>	<i>Total Project</i>
<u>Primary Education</u>	£2360.96	£18,887.68
<i>Enhancement of East Farleigh PS</i>		
<u>Secondary Education</u>	<i>Although there is a Secondary need, due to the current Government restrictions, KCC are unable to pursue currently.</i>	

	<i>Per Dwelling (x8)</i>	<i>Total Project</i>
<u>Library Bookstock</u>	£48.02	384.16
<i>Towards additional bookstock required to mitigate the impact of the new borrowers from this development</i>		

RECOMMENDATION REMAINS UNCHANGED