

Supplementary Statement to Session 13A. Land at Lower Gallants Farm.,

Issue (i) -Whether the alternative site would be suitable , sustainable and deliverable.

Qn13.1 Does the site have any relevant planning history ?

The site was previously an old hop drying facility. The buildings were converted to warehouses and sold to the current owners ten years ago.

Qn13.2 What is the site's policy status in the submitted Local Plan ?

My clients' land is classified as part of a Landscape of Local Value. The adjoining warehouse is identified as an Economic Development Area -the Gallants Business Centre.

Qn13.3 What is the site's policy status in any made or emerging neighbourhood plan

No Neighbourhood plan is being produced for East Farleigh

Qn13.4 Is the site greenfield or previously developed (brownfield)land according to the definition in the glossary of the National Planning Policy Framework ?

It is part brownfield -the warehouses and vehicle parking area- and part greenfield land.

Qn13.5 What previous consideration by the Council has been given to the site's development (eg inclusion in a Strategic Housing and Economic Development Land Availability Assessment (SHEDLAA) and does the representor have any comments on its conclusions ?

The site was promoted in response to the Borough Council's Reg.18 consultation of October 2015.

Pre-application advice on the possible development of the site was obtained from the Borough Council in December 2014. The advice stated that the site could be considered as two separate sites -the brownfield part (the warehouses) and the greenfield element. The Council advised that there could be some scope for the warehouse element to be re-developed for housing although concerns were expressed about its sustainability. The Council said it could not support development of the greenfield element.

Since then, the Council designated the industrial element as an Economic Development Area, to be retained under Policy DM21 in the Reg 19 version of the draft Local Plan.

It was not subject to any such designation in the Adopted Local Plan or in the Reg.18 draft. In the absence of any request that the commercial premises be given this form of policy protection by the owners, then it is assumed that the Council added this designation to prevent its re-development for residential use.

Qn13.6 What is the site area and has a site plan been submitted which identifies the site ?

The entire site (brownfield and greenfield elements) is approximately 1.5ha

Qn13.7 What type and amount of development could be expected and at what density.

The site-or at least part of it-could be re-developed for residential purposes. It is, after all, a poor location for commercial activity.

Qn13.8 When could development be delivered and at what rate ?

Development could take place in the medium term -within five years.

Qn13.9 What evidence is there of the viability of the proposed development ?

There is no reason to believe that residential development would not be viable.

Qn13.10 Has the site been the subject of sustainability appraisal and does the Representor have any comments on its conclusion ?

The site has the reference HO3-289 in the Council's 2016 Sustainability Assessment. It showed that , apart from being a considerable distance from a doctor's surgery and post office, the site was not unreasonably related to a wide range of other facilities. Furthermore, the development of the site would have only a very modest impact on the landscape , townscape and historic environment.

Qn13.11 What constraints are there on the site's development and how could any adverse impacts be mitigated ?

Once the commercial premises became available, development could proceed. Should part or all of the greenfield element be promoted for residential use, then ecological and other technical studies would be undertaken to identify constraints

and propose mitigation measures. The site is, however, very well enclosed by mature tree buffers.

Issue (ii)-Whether the Policy SP17 is inconsistent with the National Planning Policy Framework

Qn 13.12 What wording does the Representor seek ?

SP17 includes the words “provided proposals do not harm the character and appearance of an area”, which effectively enable the Council to refuse anything it does not like. It also imposes (in part 6 of the policy) a blanket ban on any development in the Medway Valley. This is inconsistent with the NPPF, which only seeks to resist development in AONBs, Ramsar sites and SSSIs.

The policy should promote the re-development of previously developed land and adjacent land where this would provide a well-designed scheme. This should particularly be the case where commercial land was inappropriately located.

Qn 13.13 How does the Representor define a “sustainable development proposal” for this purpose ?

Here, sustainable development would be one that resulted in reduced vehicle movements and where occupants of dwellings could access public transport and a number of local facilities without having to use private motor vehicles.

In economic and social terms, the development would provide much-needed houses at a time when the Council could not demonstrate a five year supply. Furthermore, the additional housing would help support an array of existing services in a wide area where the settlements of East and West Farleigh and Dean Street were not being provided with any residential allocations.

Indeed, the Council has ignored paragraph 55 of the NPPF, which states that the ability of development in one village to support services in a nearby village comprises an example of sustainable development in rural areas. Moreover, the Practice Guidance states that all settlements can play a role in delivering sustainable development in rural areas and that blanket policies restricting development in some settlements and preventing others from expanding should be avoided unless their use can be supported by robust evidence.

In this borough, the Council has decided to restrict development to just five rural service centres and five larger villages and resist it everywhere else. That stance conflicts with government guidance.

Qn 13.14 Does the Framework not already allow that the weight to be accorded to development plan policies for the supply of housing should vary in the

absence of a 5 year supply? In which case why would the policy itself need to make that provision?

It does. But, as the Inspector has already seen, (as in Session 5A on 12th October) the Borough Council is unwilling to admit that it has persistently under-provided housing. In addition to this, it has produced a Housing Topic Paper and a Housing Topic Paper Update that include both sites and assumptions about rates of development that are unrealistic.

Ever since November 2012, when the Inspector handling an appeal at Valley Drive, Maidstone, concluded that the Council did not have a five year supply of housing land, the Council has had to begrudgingly acknowledge that it did not have a five year supply. (ref: APP/U2235/A/12/2174289) As a result, Officers have had to explain to councillors that, under such circumstances, paragraph 49 of the Framework is engaged. Since then -and particularly as the Local Plan was being prepared for submission-councillors have urged Officers to revise and re-assess the housing land supply to make every effort to show that there is a five year supply. Councillors have done this in the belief (and on advice) that they can then refuse anything that does not accord with policy.