

Evidence to the Maidstone Borough Council Local Plan (2011-2031) Public Examination

Anthony John Bingham TD Dipl Arch ARIBA MRTPI (Retd) will say:

1. I hold the Territorial Decoration and three bars. I also hold a Diploma in Architecture. I am a chartered architect, being an Associate of the Royal Institute of British Architects and a retired Member of the Royal Town Planning Institute. Before retirement my career, spanning some 51 years, was spent entirely in the planning and development industry. For the first 16 years I worked for a number of local authorities, following which I was employed for 35 years by The Planning Inspectorate as a Planning Inspector.

2. Having presided over a number of development plan inquiries, including examination of a County Structure Plan, Metropolitan District Unilateral Development Plans and District Council Local Plans, I consider that I am in a position to comment on the merits of the Council's emerging Maidstone Borough Local Plan (hereinafter referred to as the Local Plan).

3. I restrict my observations to certain of the housing allocations in the Local Plan, in particular allocations for Headcorn. I dwell on this matter having been a resident of Headcorn for more than 45 years, and in an attempt to persuade the Inspector to find allocations unacceptable and therefore unsound. The purposes of seeking alteration to the housing allocations for Headcorn are: (i) to protect the village from any increase in the level of pollution by raw sewage overflowing into the public highway; (ii) to retain the historic character of this small Wealden settlement and (iii) to ensure that social cohesion would not be destroyed. Although my concern is levelled at Headcorn I am aware that the thrust of my criticisms is equally valid in respect of Local Plan housing allocations in other villages in Maidstone Borough.

4. The Council proposes housing allocations to accommodate in excess of 400 dwellings in Headcorn which appear to comprise houses. The largest allocation (Allocation H1(39) in Local Plan Appendix A) is for 220 houses and associated development on land at Hazelpits to the east of existing development that lines the east side of the highway Mill Bank. The immediate past history of the Council's handling of this site is somewhat bizarre. Following its inclusion as a Local Plan housing allocation the Council decided in February 2015 to delete the allocation for the reasons "*local infrastructure is insufficient in particular for foul water sewerage, flood risk and highway congestion.*" Despite no change of circumstances, and contrary to statutory planning policies, the Council reinstated the site in July 2015 purely for the purpose of retaining the totality of its housing requirements.

5. Notwithstanding housing allocation H1(39) ran counter to a raft of saved policies of the Maidstone Borough-Wide Local Plan 2000, which remains in force as the statutory Local Plan, the Council resolved to grant planning permission for an application that proposed the erection of the 220 houses etc on that site. However, no decision was made by the Council which resulted in an appeal against non-determination of the application. No decision on the appeal was issued. This was because the Council granted planning permission for a duplicate application thereby resulting in withdrawal of the appeal. However, as the situation stands, the matter of this planning permission is the subject of a challenge in the High Court made by Headcorn Parish Council.

5. The manner in which the application for development of the site of housing allocation H1(39) offends against the statutory local plan is fully explained in my evidence to the appeal hearing concerning the first application for planning permission for that site. I provide a copy of that evidence. In my opinion, on the basis of that evidence, there was justification for dismissal

of that appeal and the refusal of planning permission. I ask the Inspector to agree. I suggest that this should lead him to find housing allocation site H1(39) unsuited for development as proposed. Close inspection of other housing allocation sites in Headcorn will show that they are equally unsuited for development for many of the same reasons.

6. I further ask the Inspector to find the Council's procedures to be seriously at fault in that it has granted planning permissions for the development of proposed allocation sites in Headcorn before the emerging Local Plan has been formally adopted. These planning permissions which the Council has granted are not in compliance with the statutory local plan and no sound reasons have been given for exceptions to have been made to the statutory local plan policies. In effect, the Council is operating the emerging Local Plan as if it had been formally adopted, thereby bringing the purpose of this Local Plan examination into question and pre-empting your decision on the examination. To compound the situation further, development on some of these sites has commenced and is well advanced. Perhaps you would clarify in your report what status these developments possess should you find the Local Plan not to be sound.

7. Thank you for listening to my evidence. I hope it will be of assistance in the preparation of your report.

A J Bingham

6 October 2016