

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**AREA 3 PLANNING COMMITTEE**

**22 SEPTEMBER 2005**

**Report of the Chief Solicitor**

**Part 1- Public**

**Matters for Information**

**1 PLANNING APPEAL DECISIONS**

- 1.1 Site **Former Frantschach site, New Hythe Lane, Larkfield**  
Appeal **Against failure of the Council to give notice within the prescribed period of a decision on an application for the erection of 370 dwellings, including 30% affordable housing, with associated parking, landscaping and highways, following the demolition of the existing buildings.**

Appellant **Barratt Southern Counties**  
Decision **Appeal allowed**

Background papers file: PA/30/04

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- 1.1.1 The Inspector considered the main considerations in the appeal to be
- whether or not redevelopment of the employment site for housing would affect the quantitative and qualitative supply of employment land;
  - the current level of housing need within the Borough and the appropriateness of releasing the appeal site for housing; and
  - whether the release of the appeal site for housing would be premature in advance of the Employment Land Review and in the context of the evolving Local Development Framework.

**Quantitative and qualitative supply of employment land**

- 1.1.2 The employment site lies within a defined employment area. The local plan policies provide that proposals for uses other than classes B2, B1 and B8 will not be permitted in such areas except where there are no serious implications for the quantitative or qualitative supply of land for employment purposes. The site is not considered an appropriate location for classes A1/A2 and for most B1 uses, although the Council states that it could be used for class B1(c). The figures agreed between the local planning authority and the appellant demonstrate that, even after excluding the appeal site, there would be 107% of the requirement for classes B2/B8 floorspace. The Inspector therefore concluded that the proposal

would not have serious implications for the quantitative or qualitative supply of employment land and meet the aims of SP policy ED1 and LP policy P5/9.

### **Housing need**

- 1.1.3 The Inspector considered that there is no general shortage of housing land, particularly when seen in the context of the recent permissions granted on the "Three Major Sites". However, she considered that there is a significant shortfall in affordable housing, and that the planning permissions in place as at 1 April 2004 demonstrate that many are or would be too small to deliver any affordable housing element. The latest figures show that there would be a shortfall of 180 units to 2008 even with the contribution of the Three Major Sites. She considered this shortfall to be a material consideration of substantial weight in favour of granting planning permission.

### **Prematurity**

- 1.1.4 The Inspector considered that to delay determination until the ratification of the Employment Land Review would be unreasonable. In view of her conclusions on the lack of quantitative and qualitative harm from the proposal in terms of SP policy ED1 and LP policy 5/9 and the lack of a requirement for additional land for classes B2/B8 in the emerging SP, she considered that the unsubstantiated assertion about the need for replacement land does not justify the refusal of planning permission or that the loss of the appeal site would prejudice the outcome of the Employment Land Review.
- 1.1.5 The First Secretary of State agreed with the Inspector's recommendations and granted planning permission subject to conditions.

**Duncan Robinson**

Chief Solicitor