

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

13 October 2010

Report of the Director of Planning, Transport and Leisure

Part 1- Public

Executive Non Key Decisions

1 THE LOCAL DEVELOPMENT FRAMEWORK AND ISLES QUARRY WEST

Summary

This report considers the current situation in respect of the allocated housing site at Isles Quarry West and considers recent resolutions made by Parish Councils.

1.1 Background

1.1.1 In July I reported to the meeting of the Planning and Transportation Advisory Board on the various emerging changes to the Planning System. In considering a wide range of issues, the Board recognised and endorsed the sound and up to date position of the Council's recently adopted Local Development Framework (LDF). (Minute PE10/018 refers).

1.1.2 The opportunity was also taken to recently run a seminar and discussion evening for all Members of the Council to provide an update on the emerging programme of the Coalition Government on planning related matters. It is true to say that although some specific changes have been made to the planning system, including the abolition of Regional Spatial Strategies and most notably regional housing targets, there have been no changes made in respect of the LDF system of planning. It may well be that alternative planning arrangements are introduced in the future but at present the Council has the advantage of a recently adopted suite of Development Plan documents that are based upon the needs of the Borough as defined through the robust evidence and processes followed in our LDF work.

1.2 Isles Quarry West

1.2.1 A key component of the LDF Core Strategy and Development Land Allocations Development Plan Document (DPD) was the allocation of Isles Quarry West at Borough Green for housing development. The primary reason for this allocation was in order to address the very significant affordable housing needs of the rural area in the north and west of the Borough. It is also important to note that whilst the affordable housing aspect of this site was recognised by the Examination

Inspector, she concluded that it was the range of benefits that would be achieved arising from the particular circumstances of the site which justified its allocation for development. For reference the relevant extract from the Inspectors report on the Core Strategy is annexed to this report.

1.2.2 For some months now potential developers have been in the course of preparing scheme designs in advance of submitting a planning application for the site. As part of this process a number of public consultation exhibitions have been arranged by potential developers.

1.2.3 The allocation of Isles Quarry West for residential development is clearly a cause of concern to some and recently correspondence has been received from both Borough Green and Platt Parish Councils as follows:

From Borough Green Parish Council

“This Council supports the statement by Councillors Evans and Murray calling for the Local Development Framework policy to be revisited, with particular reference to Isles Quarry housing density and traffic management.

We are currently drawing up a new Parish Plan to replace that presented in evidence to the Local Development Framework in April 2005.”

From Platt Parish Council

“Platt Parish Council wishes to inform you that it is in total support of Borough Green Parish Council’s letter calling for the LDF policy on Isles Quarry West to be revisited, with particular reference to housing density and traffic management.

After seeing plans for Isles Quarry West the Council realises that there will be a lot of impact on our parish. In particular one of the proposed road schemes for the Isles Quarry development would impact on Basted Mill residents.”

1.2.4 It will be noted that the main concern of both Parish Councils are specifically related to the housing density and traffic management of the proposals for Isles Quarry West which will be key elements of the detailed design of any scheme for the allocated site.

1.3 The case for developing Isles Quarry West

1.3.1 The principal reason for the allocation of Isles Quarry West as noted above is to address significant affordable housing need. It is also true that other particular site characteristics related to the damaged and despoiled nature of the land and the potential impact that could be caused by the lawful use of the site for industrial operation were also key factors in its allocation.

1.3.2 It is also the case that other positive benefits would arise from the development such as the upgrading and improvement of the existing haul road, securing a considerable area for nature conservation and public amenity use and the

provision of funding for local leisure and community facilities. Bearing in mind Borough Green's role as a local service centre it is also recognised that development would sustain the viability of local education and health care facilities and support the local economy and the viability of local shops and services.

- 1.3.3 The reasoned justification for the allocation of the site and the guidelines applying to it are set out in the adopted Core Strategy and Development Land Allocations DPD.

1.4 The Local Development Framework Process

- 1.4.1 The merits of the allocation of Isles Quarry West are clear. However, even if the Council were persuaded that some form of review of the relevant LDF policies should take place the Council could not simply suspend or alter a policy of an adopted LDF. This could only be achieved through a process that is prescribed by law and would likely to be a lengthy and costly process with considerable uncertainty as to the outcome.
- 1.4.2 Any proposed changes would need to be clearly evidenced and would be the subject of an examination in public by an independent inspector. The circumstances leading to the allocation of Isles Quarry West have not changed in terms of policy or evidence and to withdraw the site or significantly alter its allocation would be unsupportable in this respect. Indeed, the landowner and other interested parties would be in a position to use evidence and take advantage of the strong case previously advanced by the Council that the previous inspector found compelling. It is also possible that others would advance alternative locations for development in the vicinity that might add additional uncertainty. In all the circumstances this approach would constitute a high risk and uncertain strategy.

1.5 The Planning Application Process

- 1.5.1 In the meantime a planning application is expected to be submitted in the near future and this would stand to be assessed in accordance with the currently adopted LDF in terms of the principles of the development.
- 1.5.2 It is important to note that the particular issues raised by both Parish Councils relate to issues of housing density and traffic management. These are clearly matters that will be before the Council in detail when a planning application for a specific scheme is submitted. These factors do not go to the policy and principle of the development of the site, rather they relate to the form and content of the development which is only properly capable of full examination through the consideration of a detailed planning application. It is understood that such a planning application is in the course of preparation by potential developers and is soon to be submitted to the Council. It is absolutely right and proper that these matters are examined closely by the Council's Members and Officers during the consideration of the application. Similarly, it is most appropriate that Parish Councils and any others having concerns about these and any other material

planning considerations should submit their views to be considered through the Council's normal decision making processes. The potential developers having carried out significant public consultation have an opportunity themselves to respond to the views that they have received and that have been reported to them.

- 1.5.3 Consequently, it is through the course of the consideration of a planning application that the matters raised by the Parish Councils should be addressed and for all the reasons set out in this report a review of the LDF policy on Isles Quarry West is not appropriate.

1.6 Legal Implications

- 1.6.1 The LDF forms the statutory Development Plan for the Borough. Its preparation and review is set by Statute and Regulation. Matters relating to development form, access and traffic management are material planning considerations that must be taken into account in determining planning applications.

1.7 Financial and Value for Money Considerations

- 1.7.1 None as a direct result of this report.

1.8 Risk Assessment

- 1.8.1 The risks associated with reviewing the LDF in respect of the allocation of Isles Quarry West are outlined in the report.

1.9 Policy Considerations

- 1.9.1 Local Development Framework.

1.10 Recommendations

- 1.10.1 The Borough Green and Platt Parish Councils **BE THANKED** for their comments and **ADVISED** that these matters are most appropriately raised and considered during the course of any planning application that is submitted to the Borough Council in respect of Isles Quarry West on which the Parish Councils will be consulted.

Background papers:

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Nil

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