

DEF ITEM 1 REFERENCE NO - 16/505280/OUT			
APPLICATION PROPOSAL			
Outline Application for residential development (up to 33 dwellings), and open space; including associated access (vehicular / cycle / pedestrian), alterations to levels, surface water attenuation features (including swales), landscaping and related development.			
ADDRESS Land At Swale Way East Hall Farm East Hall Lane Sittingbourne Kent ME10 3TJ			
RECOMMENDATION Refuse			
SUMMARY OF REASONS FOR RECOMMENDATION			
The development would provide much needed housing within the built-up area boundary on part of a wider site allocated for housing development. However, the provision of solely housing as opposed to a mix of 'Neighbourhood Centre Uses' is a significant concern in respect of meeting the aims and objectives of securing sustainable development for this site and the wider Great Easthall housing development. The option of securing funds for the development of a community shop is now not viable and this was fundamental to the acceptance of the scheme. Our independent consultants – CBRE - have also highlighted the need for further evidence to support the applicant's case for not providing a convenience retail unit on this site. This additional evidence has not been forthcoming.			
REASON FOR REFERRAL TO COMMITTEE			
Strong public objection and Ward Member request.			
WARD Murston	PARISH/TOWN COUNCIL	APPLICANT Trenport Investments Limited	
		AGENT Vincent And Goring	
DECISION DUE DATE 20/09/16	PUBLICITY EXPIRY DATE 15/11/16		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/510505/FULL	Construction of new community centre with adjoining changing room facilities and associated works (land opposite application site)	Approved	03/08/16
SW/07/0431	Approval of reserved matters pursuant to outline permission SW/02/1180 for the development of a neighborhood center, erection of a supermarket, local convenience store, seven shop units, a public house, twelve dwellings, veterinary surgery and associated development.	Approved but not implemented	02/05/2007
SW/02/1180	Residential development, employment development, open space and supporting facilities	Approved	16/07/2004
This application granted outline planning permission for the development of Great Easthall. Members will be aware that since the grant of outline permission, there have been numerous approvals of reserved matters applications for housing and development of the wider site has been underway for many years. Further planning permission have also been granted for Parcels F,G and H, and approximately 500 of the 860 dwellings approved at this site have been completed.			

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 Please refer to the appended report for a full description of the site and its surroundings.

2.0 PROPOSAL

2.01 Details of the proposal are set out at paragraphs 2.1-2.4 of the appended report.

2.02 Members will be aware that this application came before them at the planning committee on 8th December 2016. The original committee report and minutes of that meeting in respect of this application are appended. Following the motion to approve being lost, the Head of Planning Services used his delegated powers to ‘call-in’ the application. The resolution is recorded as:

“That as the Planning Committee was minded to make a decision that would be contrary to officer recommendation and contrary to planning policy and/or guidance, determination of the application be deferred to the next meeting of the Committee.”

2.03 Members will also note that the recommendation put forward by Officers is now one of refusal. The reasons for this change in recommendation are set out in detail in the discussion section below.

3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	1.4ha
Resi storeys	Max 3
Height	Min 8m max 12.5m
Parking Spaces	Not set
No. of Residential Units	Max 33
No. of Affordable Units	10%
Density	25.8 dph (not set)

4.0 PLANNING CONSTRAINTS

4.01 A medium-pressure gas pipeline runs through the southern part of the site, and its position is shown on the Illustrative Layout.

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 The National Planning Policy Framework (NPPF): paras 7 (three dimensions of sustainable development), 8, 11 (presumption in favour of sustainable development), 12, 14, 17 (core planning principles), 19 (economy), 32 (sustainable transport), 34, 47 (delivering a wide choice of high quality homes), 49, 50, 55, 56, 58 (good design), 69, 70, 73 (healthy communities); 118, 119 (biodiversity), 120, 121 (contaminated land), 123 (noise), 129, 131 (heritage assets), 159 (housing), 162 (infrastructure), 186 (decision taking), 187, 196 (determining applications); 197, 204 (planning obligations) & 216 (weight to emerging policies).

- 5.02 National Planning Policy Guidance (NPPG): Design; Natural environment; Housing and Economic Development needs assessment; Planning Obligations; Use of planning conditions; transport assessments and statements in decision taking; Water supply, waste water and water quality land affected by contamination.

Development Plan:

- 5.03 The Swale Borough Local Plan 2008 saved policies SP1 (sustainable development), SP2 (environment), SP4 (housing), SP6 (transport and utilities), SP7 (community services and facilities), TG1 (Thames Gateway Planning Area) SH1 (settlement hierarchy), E1 (general development criteria), E11 (biodiversity and geological interests), E12 (designated biodiversity and geological conservation sites), E14 (Developing involving Listed Buildings) H2 (new housing), H3 (affordable housing), H7 (East Hall Farm), C1 (Community services and facilities), T1 (safe access), T4 (cyclists and pedestrians) & C3 (open space on new housing developments)
- 5.04 The emerging Swale Borough Local Plan “Bearing Fruits” – ST1 (sustainable development), ST2 (targets for homes and jobs), ST3 (settlement strategy), ST4 (meeting local plan development targets), ST5 (Sittingbourne area strategy), CP2 (sustainable transport), CP3 (high quality homes), CP4 (good design), CP5 (health and wellbeing), CP6 (community facilities and services to meet local needs), CP8 (conserving and enhancing the historic environment), DM6 (managing transport demand and impact), DM7 (vehicle parking), DM8 (affordable housing), DM14 (general development criteria), DM17 (open space, sports and recreation provision), DM21 (water, flooding and drainage), DM28 (biodiversity and geological conservation), DM23 (listed buildings), DM34 (Archaeological sites) & IMP1 (implementation and delivery plan).
- 5.05 Kent Minerals and Waste Local Plan 2013 – 2030 – Policy DM7 states that planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding where it is demonstrated, among other things, that it constitutes development on a site allocated in the adopted development plan.

Supplementary Planning Documents:

Developer Contributions (2009)

Other Planning Documents (not adopted as SPD)

East Hall Farm Development Brief March 2003

Great Easthall Development Brief Review October 2009

6.0 LOCAL REPRESENTATIONS

- 6.01 Sixty letters of representation have been received. Please refer to the appended report for a full summary of the comments received.
- 6.02 An e-petition protesting against the planning application has also been created. This is entitled – *“We want amenities not properties on the entrance to the Great Easthall estate.”* This had a total of 84 comments and 120 signatures at the time of writing this report. The comments largely reiterate the concerns set out above.

7.0 CONSULTATIONS

- 7.01 Please refer to the appended report for the full list of consultee responses.
- 7.02 In addition we have received comment from Southern Water in which they note that wastewater discharged from the proposed development will be drained to their wastewater treatment works which currently do not have capacity to accommodate flows from the proposed development. Although they are currently undertaking a capital programme to increase capacity, they ask that occupation of the development does not take place until wastewater facilities exist to effectively drain the development and suggest a condition to impose this requirement. They specify distances for tree planting and construction to ensure that public water mains and sewers are not damaged. They confirm that the site can connect to the foul sewerage system and that a formal application to them is required. They also confirm that the surface water sewer has capacity. They warn that the long term maintenance of SUDs is critical to their effectiveness and suggest that drainage details submitted to the LPA should include details of this maintenance and management. They recommend a condition to ensure that details of foul and surface water are submitted to the LPA. They confirm that they can provide a water supply to the development and that a formal application to them is required.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The applicant has submitted the following documents to support their application:
- 8.02 Design and Access Statement; Transport Statement; Preliminary Geo-Environmental and Geotechnical Risk Assessment; Extended Phase 1 Habitat Survey; Great Crested Newt Survey and Preliminary Assessment of Trees for use by Bats; Noise Impact Assessment; Draft Heads of Terms – Section 106 agreement; Flood Risk Assessment; Cultural Heritage Desk Based Assessment; Utilities Statement; Air Quality Assessment; Assessment of Viability of a Neighbourhood Centre.
- 8.03 Appended to this report is the original committee report for 8th December 2016 along with the minutes of that meeting.

9.0 APPRAISAL

Principle of Development

- 9.01 The appended report sets out that the principle of the development of this site for housing is accepted as the site lies within the built-up area boundary and is within the Great Easthall housing allocation. However, the report concludes that the development would be sustainable, subject to the community shop contribution being provided.

Loss of Neighbourhood Centre

- 9.02 Policies C1 of the adopted Local Plan 2008 and the 2009 Development Brief for Great Easthall are of particular relevance for this issue. I consider that this policy and the Development Brief are still relevant and are not therefore 'out of date' for the purposes of paragraph 14 of the NPPF. Policy C1 states:

“Existing and New Community Services and Facilities:

The Borough Council will not permit proposals that involve the loss, or change of use, of a local community facility, where this would be detrimental to the social well being of the community, unless a suitable and equivalent replacement facility is to be provided

both in a location and period of time as agreed by the Borough Council. Before agreeing to its loss or change of use, the Borough Council will require evidence that the current use is no longer needed and is neither viable, nor likely to become viable. Additionally, in the case of private and public open space, proposals will not be permitted that would result in the erosion or loss of environmental quality or amenity.

The Borough Council will grant planning permission for new or improved community services and facilities. Additionally, where proposals would meet an identified local need in an accessible location, it will permit development proposals that will help maximise the use of existing public and private community services and facilities, including those that would make them available for wider public use, in locations where shortfalls in local public provision could be met.”

9.03 The relevant extract from the 2009 Development Brief for Great Easthall states:

“The original brief illustrated that a Neighbourhood Centre would be located on both sides of the site entrance, which is the main access and a key focal point on the site. The land area allocated for the Neighbourhood Centre/Village is 2.033 hectares, which was to be further divided into the following uses:

- *Neighbourhood Centre 1.507ha*
- *Community Hall and/or Sports Pavilion /0326ha*
- *Medical Centre Site 0.2ha.*

*...Adopted Local Plan policy C1 seeks the retention, and supports expansion, of existing community facilities. These include both the key services, commercially and publicly provided, within communities, town centres and commercial areas, together with public and private open space and school fields and sporting facilities. **Where the need exists, it applies equally to those sites where the provision of facilities has been agreed but where their physical provision has yet to be made.***

The Section 106 agreement requires that no more than 350 dwellings are occupied on site until the Community Centre can be accessed and services to the land for the Neighbourhood Centre/Village have been provided”

9.04 Both policy C1 (adopted LP) and the above mentioned Development Brief are supported by paragraphs 69 and 70 of the NPPF which seek to promote:

“opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity.”

(para. 69)

“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;”*

(para. 70)

9.05 In addition, policy C1 and the development brief are consistent with policy CP6 (community facilities and services to meet local needs) of the emerging Local Plan which can be given some weight given its advanced stages in the examination process. Within this policy context, the loss of this site for the provision for even a small convenience store to meet the day-to day needs of the Great Easthall resident's is a serious concern.

9.06 Officer's had previously considered the submitted report entitled "Assessment of the Viability of a Neighbourhood Centre" and the Marketing Report in which the consultant sets out the context within which Great Easthall sits and assesses the likely commercial viability of uses such as shops and a pub at the application site. The conclusions of these reports are set out in the appended committee report at paragraphs 9.06-9.09. Given the concerns of Members and their vote against approving this application, Officer's commissioned an independent review of the submitted viability information and marketing report. CBRE have provided their report to Officers and its conclusions are as follows:

- There may be scope to deliver a local convenience store in the area, outside the town centre;
- Example case studies provided by the applicant do not give a robust enough arguments to support the case that a neighbourhood centre is not realistic or viable;
- The applicant has not fully demonstrated that no retailer would be interested in the site with only evidence of one convenience retailer being approached and;
- The applicant has not taken account of population increases in the catchment area.

"In conclusion, after reviewing the arguments and evidence presented by Alsop Verrill, we agree that a neighbourhood centre of the scale and format proposed in the reserved matters application is unlikely to be viable in this location. Given the site's location and limited catchment area, there is unlikely to be sufficient population to support a pub on the site, or any comparison retail units.

However, we do not think that Alsop Verrill have adequately demonstrated that a local convenience store on the site, alongside a proposed residential development, would not be viable.

We are not concluding that a local convenience store is viable in this location; however we think that the opportunity for a local convenience store, alongside residential development should be explored by the applicant in more detail, to ensure their assessment is completely robust. As detailed above, this additional assessment should take account of the potential uplift in population in the surrounding area, as well as exploring the requirements of grocery retailers, other than Tesco, to determine the likelihood of them being interested in a store in this location. Alongside the main grocery retailers, we would also recommend that Alsop Verrill explore the possibility of a local convenience store being operated by an independent operator under the One-Stop, Londis or Spa fascias."

9.07 The CBRE report has been reviewed by the applicant who have clarified that the anticipated increase in population in the area was taken into account in the previously submitted Viability Assessment. CBRE acknowledge this and accepts its findings in this respect. However, the applicant is not willing to provide any further evidence in respect of other convenience retailers noting:

“We respectfully request Swale Borough Council to accept that the reasons Tesco rejected Great Easthall, and which would be repeated by other major retailers are:

- 1. There are not enough customers available in the catchment area;*
- 2. The compromised location of the site; and*
- 3. There is no possibility of pass-by trade as the site is at the end of a cul-de-sac. The road continues away from Great Easthall and passes through a very large employment area).*

Independent retail operators such as One Stop, Londis and Spar, like their larger counterparts, also continuously monitor the market for opportunities. The Great Easthall site, as CBRE acknowledges at paragraph 1.5, has been around as a potential retail location since May 2003. None of those independent retailers, like larger retailers, has ever approached any owner or potential developer of the site.

Fourteen years of inactivity must demonstrate, beyond doubt, that Great Easthall has no future for retail development of any sort. The market, shopping conditions and many other considerations have changed enormously in the last few years and the general reluctance to risk investment has increased as a consequence.

We sympathise that people want local facilities, but conditions for investment and development of retail facilities now are very different to those that obtained ten and twenty years ago. Any investor must be confident that there will be a return on investment. The many adverse circumstances of Great Easthall mean that no confidence can be had in that occurring.”

9.08 CBRE respond:

“However... whilst it is probable that other grocery retailers would not be interested in a store on the site, simply stating that Tesco are not interested therefore by default no one else is, is not in our opinion, a robust argument; rather it is an assumption.

We therefore don't think it's unreasonable to request that the applicant provides an overview of other grocery operators store requirements. This overview will likely support the applicant's argument; however as I've said previously, we think it is needed to provide a completely robust argument. We are not asking the applicant to directly approach other retailers to gauge their interest, rather to look at the different operators requirements for stores in terms of size and population catchments and make a conclusion based on these facts.”

9.09 For this reason, and given the policy context within which this development sits (as set out above), I consider that it would be unwise to recommend that Members approve this scheme which would, in all likelihood, see the loss of any opportunity to provide even a small convenience store on the site. Although I do acknowledge that it is clear that establishing a 'neighbourhood centre' on this site is highly unlikely to be a viable proposition.

9.10 Members will note that Officers set out details (paras. 9.11 – 9.13 of the appended report) of a potential community shop to be sited close, or attached to, the recently constructed community hall. It is very unfortunate but this is no longer an option because the landowner transferring the community hall land to SBC have decided not to allow it. There is currently a covenant on the community hall land that requires the

use to be for the community hall only. As such, unless the landowner was willing to amend this covenant (which they had verbally agreed with me a few months ago), then the community shop cannot be located on the community hall land. The landowner has very recently decided not to allow the covenant to be amended. As such, I have asked the applicant to re-consider siting the community shop upon the application site and including it as part of the outline planning application. However, they have refused to do this, but continue to offer the money (£180,000 with an additional £20,000 contingency) for the community shop if an appeal can be avoided. My concern is that there needs to be a realistic prospect of the community shop being established in order that we can justify requiring the money through a Section 106 agreement and to allow us to give it any weight in the balancing of the planning merits of this proposal.

- 9.11 Officers had previously given the community shop significant weight in considering the acceptability of the scheme. Now that the use of the community hall land is no longer available, it is unlikely that there would be land outside of the application site that could be used for the community shop. The land would need to be situated within the Great Easthall Estate and would need to be either owned by the applicant or Swale Borough Council with no restrictive covenants. The land would also have to be of a size and in a location that would be suitable for the shop. I am not aware of any such land. As such, I must conclude that the idea of a community shop, with funds provided by the developer to help its initial start-up, is now no longer an option. The community shop was seen to be a significant benefit of the proposed development and I cannot now give this any weight in the consideration of the merits of the scheme. The provision of a shop on the application site need not lead to a reduction in the number of dwellings on this site. The shop itself does not need to be especially large. Indeed, the community shop that would have been attached to the community hall was a modest size of 56² (600ft²). In addition, the reserved matters application could show a retail space provided at ground floor with residential above.
- 9.12 Without the provision of a convenience shop upon the Great Easthall Estate, outside or within the application site, local residents would be more likely to travel by car to meet their day to day needs and opportunities for social interaction would be reduced. This is to the detriment of promoting sustainable forms of travel and to the social well-being of the community, at odds with the social and environmental dimensions of sustainable development. I am therefore of the view that the proposed development, with the resulting loss of the opportunity for 'neighbourhood centre uses', specifically a convenience store, at this site, would be harmful to the local community and would not be a sustainable form of development. The development would be contrary to Policies C1 and SP1 of the adopted Local Plan 2008 and the Great Easthall Development Brief Review October 2009 as well as paragraphs 7, 14, 69 and 70 of the NPPF.

Other issues

- 9.13 Discussion on the impact of the proposal on residential amenities, design/visual amenities, heritage, highways, ecology/biodiversity (note appended HRA assessment), archaeology, contaminated land, air quality and minerals is set out in the appended report. In addition, paragraphs 9.25-9.27 of the appended report consider developer contributions that would be required should planning permission be approved.
- 9.14 With regards to the comments from Southern Water as set out above, I am concerned about the waste water capacity comments which suggest that the occupation of the dwellings cannot take place before capacity at their wastewater treatment works is

increased. A condition that requires no occupation prior to capacity being increased would not meet the test of reasonableness as set out at paragraph. 204 of the NPPF in my opinion. It is conceivable that the capacity works could be stalled or cancelled altogether and this would be entirely outside of the applicant's control. In such circumstances, there could be a situation where the houses are built but cannot be occupied. Southern Water do note that there is a current capital programme to increase this capacity but I have no details of this. The applicant's agent provides the following comments on this matter:

“There is an absolute right to connect to an existing public sewer under the Water Industry Act and Southern Water is required to provide treatment capacity for the planned growth in the whole STW catchment (which is agreed via their 5-year AMPs with Ofwat), so it is untenable to claim that what is only 33 dwellings can have a significant effect on this capacity. The site already has the benefit of being part of a long standing allocation for built development, with an adopted Development Brief, an outline planning permission for its development as part of the East Hall Farm / Great Easthall development area, and a reserved matters approval for a neighbourhood centre (including supermarket, local convenience/CTN store, seven shop units, a public house, twelve dwellings, and a veterinary surgery). So Southern Water should already have allowed for the development of what is a longstanding development site. We also note that they say they have sewerage capacity.”

- 9.15 I am in agreement with the applicant's stance on this matter and therefore consider that the wastewater from the development would have to be catered for by Southern Water and that it would be unreasonable to impose the condition suggested by them.

10.0 CONCLUSION

- 10.01 The proposed development would provide much needed housing on land within the built-up area boundary. This weighs significantly in favour of the development. However, this site was originally ear-marked for 'Neighbourhood Uses' serving the residents of the Great Easthall estate. Following the commissioning of an independent review (CBRE) of the evidence submitted in support of this application, the operation of a convenience shop on this site has not been sufficiently proven to be commercially unviable. Although, CBRE do accept that a 'neighbourhood centre' of the scale originally envisaged would be unlikely to be viable.
- 10.02 The applicant has refused to include a shop as part of the proposal, within the application site. Such an amendment to the scheme would not necessarily result in a reduction in the number of dwellings to be provided on the application site and so although I give significant weight to the need for houses in the Borough, it is my view that the provision of a shop on the site, whether it be commercial or a community shop, would not compromise this much needed housing provision. Moreover, the loss of the opportunity to deliver a convenience shop on the site would be harmful to the day to day needs of the local residents of the Great Easthall Estate in my view, leading to unsustainable development. Without a realistic proposition of the setting-up of a commercial or community shop, either within or outside of the application site, I cannot give this any weight in helping to mitigate this identified harm.
- 10.03 In weighing up the merits of the scheme, Members should also be mindful of my conclusions on the other issues set out in the appended committee report. It is my view that there are no benefits to the scheme that would outweigh the harm (identified at para. 9.08 of this report) to the residents of the Great Easthall Estate.

10.04 I therefore consider that the proposed development of this site for up to 33 dwellings would be contrary to the adopted Development Plan, would fail to constitute a sustainable form of development and would be significantly and demonstrably harmful to the social well-being residents of the Great Easthall Estate. I therefore recommend refusal.

11.0 RECOMMENDATION – REFUSE on the following grounds:

1. The proposed development fails to make any contribution towards the provision of a 'neighbourhood centre use', specifically a convenience shop, to the detriment of the social well-being of the residents of Great Easthall estate. This is contrary to the Great Easthall Development Brief Review October 2009 which ear-marks the application site for the provision of 'neighbourhood centre uses' in support of the wider housing estate. Local residents would be more likely to travel by car to meet their day to day needs and opportunities for social interaction would be reduced. This is to the detriment of promoting sustainable forms of travel and to the social well-being of the community, at odds with the social and environmental dimensions of sustainable development. The applicant has failed to adequately demonstrate that the provision of a convenience shop is not a viable proposition for the application site. The development would therefore be contrary to Policies C1 and SP1 of the adopted Local Plan 2008 and the Great Easthall Development Brief Review October 2009 as well as paragraphs 7, 14, 69 and 70 of the NPPF and policies CP5 and CP6 of the emerging Local Plan – Bearing Fruits 2031: The Swale Borough Local Plan Proposed Main Modifications (June 2016).

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner in the processing of their application and by:

Offering pre-application advice.
 Where possible, suggesting solutions to secure a successful outcome.
 As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the applicant was asked to address matters to improve the development. However, they were not able to adequately address our concerns.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
 The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

APPENDIX A

Planning Committee Report – 8 December 2016

REFERENCE NO - 16/505280/OUT			
APPLICATION PROPOSAL Outline Application for residential development (up to 33 dwellings), and open space; including associated access (vehicular / cycle / pedestrian), alterations to levels, surface water attenuation features (including swales), landscaping and related development.			
ADDRESS Land At Swale Way East Hall Farm East Hall Lane Sittingbourne Kent ME10 3TJ			
RECOMMENDATION GRANT subject to comments from Southern Water (consultation expires 13/12/16) and any additional conditions recommended by them and also subject to a section 106 agreement requiring contributions as set out in paragraph 9.25 below.			
SUMMARY OF REASONS FOR RECOMMENDATION The development would provide much needed housing within the built-up area boundary on part of a wider site allocated for housing development. The development is considered to be sustainable in terms of its location and the social, environmental and economic impacts that it would have. The provision of housing as opposed to 'Neighborhood Centre Uses' is regrettable but the applicant has agreed to contribute towards the setting up of a community shop on the opposite site. This would go some way towards addressing the main concerns of the residents of Great Easthall.			
REASON FOR REFERRAL TO COMMITTEE Strong public objection and Ward Member request.			
WARD Murston	PARISH/TOWN COUNCIL	APPLICANT Trenport Investments Limited AGENT Vincent And Gorbing	
DECISION DUE DATE 20/09/16	PUBLICITY EXPIRY DATE 15/11/16	OFFICER SITE VISIT DATE 10/11/16	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/02/1180	Residential development, employment development, open space and supporting facilities	Approved	16/07/2004
This application granted outline planning permission for the development of Great Easthall. Members will be aware that since the grant of outline permission, there have been numerous approvals of reserved matters applications for housing and development of the wider site has been underway for many years. Further planning permission have also been granted for Parcels F,G and H, and approximately 500 of the 860 dwellings approved at this site have been completed.			
SW/07/0431	Approval of reserved matters pursuant to outline permission SW/02/1180 for the development of a neighborhood center, erection of a supermarket, local convenience store, seven shop units, a public house, twelve dwellings, veterinary surgery and associated development.	Approved but not implemented	02/05/2007
15/510505/FULL	Construction of new community centre with adjoining changing room facilities and associated works (land opposite application site)	Approved	03/08/16

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a parcel of empty land (1.4ha) to the northeast of the residential estate of Great Easthall which lies approximately 2km to the northeast of Sittingbourne town centre. The land is mainly flat with a gentle slope down from southwest to northwest, covered in rough grass and is currently enclosed by wire fencing. A medium pressure gas pipe runs through the site at its southern end with a 6m wide easement. A large attenuation pond serving the Great Easthall development lies immediately to the south of the site and there is a children's play area to the southwest. East Hall, a grade II listed farmhouse, lies 100 m to the west of the site and the community hall recently approved under 15/510505/FULL is currently under construction on the opposite parcel of land to the east. The main vehicular access into Great Easthall is immediately to the east of the site. This leads off Swale Way and the Northern Relief Road. There is no other vehicular access into the Great Easthall Estate apart from a bus route which provides access to Oak Road in Murston for buses and pedestrians only. Eurolink IV, a large site comprising of a number of commercial/industrial buildings, lies to the north of the application site. Eurolink V (further commercial/industrial development) will be developed on the land to the northeast, on the opposite side of Swale Way to the application site. Sittingbourne Golf Course lies 600m metres to the northeast of the site with agricultural fields stretching to the north (where they meet The Swale) and to the east towards Teynham.
- 1.02 The application site lies within the built-up area boundary as identified on the proposals maps for the adopted and emerging Local Plans. The site also lies 600m to the south of The Swale and Medway Estuary and Marshes SSSI, Ramsar and Special Protection Area and 800m to the south of the North Kent Marshes Special Landscape Area.
- 1.03 A footway/cycleway is immediately to the north of the site running along Swale Way. The land on the opposite side of Great Easthall Way, to the north of the community hall, is proposed to be developed as a medical centre but there has been no planning application submitted to date and its delivery will be dependent on the requirements of the NHS.

2.0 PROPOSAL

- 2.01 This is an outline planning application for which all detailed matters are reserved with the exception of the access to the site which is shown on the plans. The access would be taken from Great Easthall Way and would not alter the existing access that has already been constructed on site.
- 2.02 The application specifies that there would be up to 33 dwellings provided on site but details of the type, height and layout of the houses are only shown indicatively under this outline planning application. The indicative layout – though not necessarily showing an arrangement that the Council would accept - does demonstrate that there would be sufficient space for sustainable urban drainage in the form of swales, open space and a housing layout that would provide reasonably sized gardens and parking for each property. The indicative layout describes a housing mix of 2, 3 and 4 bedroom, 1-3 storey properties at a relatively low density of 25.8 dwelling/ha. The parameters information states that there could be some flats/apartments on the frontage to Swale Way/Great Easthall Way. The layout as shown on the indicative plan incorporates the gas main easement with no development shown within this constraint.

- 2.03 The site may have to be altered in terms of its levels to allow suitable gradients for roads and the houses. This would change the levels by 0.5m either up or down.
- 2.04 This land was included within the outline planning consent for the Great Easthall housing estate under SW/02/1180 – outline application for residential, employment, open space and supporting facilities, where it was ear-marked as a ‘Neighbourhood Centre’ as well as the land opposite, upon which the community hall is now under construction. The Section 106 agreement the subject of the outline permission requires the developer to ‘provide services to the area of land to be reserved as a Neighbourhood Centre Site’, the removal of contaminated land from the site of the Neighbourhood Centre and the levelling of the land and, the reservation of the land for ‘Neighbourhood Centre Uses’ (community hall, medical centre, small supermarket, small retail units, public house, residential accommodation (not amounting to more than 0.75ha of the ground area) and, open space) for 2 years following the completion of the residential development. Should Members resolve to approve the current planning application, this Section 106 agreement will need to be modified.

3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	1.4ha
Resi storeys	Max 3
Height	Min 8m max 12.5m
Parking Spaces	Not set
No. of Residential Units	Max 33
No. of Affordable Units	10%
Density	25.8 dph (not set)

4.0 PLANNING CONSTRAINTS

- 4.01 As set out above, the medium-pressure gas pipeline runs through the southern part of the site, and its position is shown on the Illustrative Layout.

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 The National Planning Policy Framework (NPPF): paras 7 (three dimensions of sustainable development), 8, 11 (presumption in favour of sustainable development), 12, 14, 17 (core planning principles), 19 (economy), 32 (sustainable transport), 34, 47 (delivering a wide choice of high quality homes), 49, 50, 55, 56, 58 (good design), 69, 70, 73 (healthy communities); 118, 119 (biodiversity), 120, 121 (contaminated land), 123 (noise), 129, 131 (heritage assets), 159 (housing), 162 (infrastructure), 186 (decision taking), 187, 196 (determining applications); 197, 204 (planning obligations) & 216 (weight to emerging policies).
- 5.02 National Planning Policy Guidance (NPPG): Design; Natural environment; Housing and Economic Development needs assessment; Planning Obligations; Use of planning conditions; transport assessments and statements in decision taking; Water supply, waste water and water quality land affected by contamination.

Development Plan:

- 5.03 The Swale Borough Local Plan 2008 saved policies SP1 (sustainable development), SP2 (environment), SP4 (housing), SP6 (transport and utilities), SP7 (community

services and facilities), TG1 (Thames Gateway Planning Area) SH1 (settlement hierarchy), E1 (general development criteria), E11 (biodiversity and geological interests), E12 (designated biodiversity and geological conservation sites), E14 (Developing involving Listed Buildings) H2 (new housing), H3 (affordable housing), H7 (East Hall Farm), C1 (Community services and facilities), T1 (safe access), T4 (cyclists and pedestrians) & C3 (open space on new housing developments

5.04 The emerging Swale Borough Local Plan “Bearing Fruits” – ST1 (sustainable development), ST2 (targets for homes and jobs), ST3 (settlement strategy), ST4 (meeting local plan development targets), ST5 (Sittingbourne area strategy), CP2 (sustainable transport), CP3 (high quality homes), CP4 (good design), CP5 (health and wellbeing), CP6 (community facilities and services to meet local needs), CP8 (conserving and enhancing the historic environment), DM6 (managing transport demand and impact), DM7 (vehicle parking), DM8 (affordable housing), DM14 (general development criteria), DM17 (open space, sports and recreation provision), DM21 (water, flooding and drainage), DM28 (biodiversity and geological conservation), DM23 (listed buildings), DM34 (Archaeological sites) & IMP1 (implementation and delivery plan).

5.05 Kent Minerals and Waste Local Plan 2013 – 2030 – Policy DM7 states that planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding where it is demonstrated, among other things, that it constitutes development on a site allocated in the adopted development plan.

Supplementary Planning Documents

Developer Contributions (2009)

East Hall Farm Development Brief March 2003

Great Easthall Development Brief Review October 2009

6.0 LOCAL REPRESENTATIONS

6.01 Sixty letters of representation have been received. A summary of their comments is as follows:

- Concern about lack of shop/convenience store to serve the residents of Great Easthall. The closest store by car means travelling through the Eurolink Estate (often congested) into Sittingbourne;
- There are too many houses being built without amenities and schools;
- Great Easthall is like a giant cul-de-sac. It doesn't even have a post box;
- Development should not be allowed unless the developer helps to fund a shop unit;
- Swale Way and local infrastructure are already overcrowded with traffic;
- Many residents of Great Easthall were promised the provision of local amenities (shop/pub) within the estate when buying their properties;
- Parking in the estate is already under pressure and there is congestion on local roads with only one way in and out of the estate;
- The development should provide retail at ground floor and apartments above as a compromise;
- There seems to be space on the site to develop retail as well;

- The completion of the Northern Relief Road should be a priority and the land left available for commercial uses until such time as it is complete;
- The viability survey is bias;
- The community shop may never happen;
- Planning policies support provision of community facilities;
- The school that was planned for the estate has not been provided and the community hall took longer to deliver than expected;
- The community needs somewhere to come together and socialise.

6.02 An e-petition protesting against the planning application has also been created. This is entitled – *“We want amenities not properties on the entrance to the Great Easthall estate.”* This had a total of 84 comments and 120 signatures at the time of writing this report. The comments largely reiterate the concerns set out above.

7.0 CONSULTATIONS

7.01 The Greenspaces Manager notes that the Illustrative Layout would fit into the existing open space and surroundings. He requests a commuted sum for the maintenance of any open space, if it is to be transferred to the Council. He also seeks an off-site formal sport contribution of £511 per dwelling.

7.02 The Head of Housing confirms that in accordance with planning policy, they require 10% affordable housing with a 70:30 split of affordable rented and shared ownership respectively. Affordable housing should be evenly distributed across the site and should represent a mix of house types with some that are wheelchair adaptable.

7.03 KCC Public Rights of Way Officer have no objection noting that a public right of way passes close to the site and that this should not be obstructed

7.04 The KCC Archaeological officer notes that there is potential for prehistoric and Roman remains within part of the site and recommends a condition to ensure the implementation of a programme of archaeological works.

7.05 The Environmental Services Manager has no objection noting that the site is sufficiently far away from known areas of elevated air pollution to pose an air quality issue, levels of dust will be acceptable and, with appropriate mitigation, noise from the nearby industrial units would be at an acceptable level. Conditions are recommended to remediate contamination if found at the site and to deal with landfill gas.

7.06 The Environment Agency have no objection to the proposal noting that development is considered low risk.

7.07 Natural England (NE) have no objection to the application on the basis that the applicant has agreed to pay a contribution towards the Thames, Medway and Swale Estuaries Strategic Management and Monitoring (SAMM) Strategy. They confirm that on this basis, the development can be screened out as not having a likelihood of significant effects of the designated sites. They suggest referring to their standing advice on protected species and encourage biodiversity enhancements.

7.08 The KCC Flood Risk Project Officer acknowledges the submitted Flood Risk Assessment which proposes a surface water drainage strategy utilising a swale, attenuation basin, bioretention areas and permeable paving to provide the volume attenuation required to ensure a controlled outflow from the site. Although it has not been demonstrated how these volumes would be accommodated, it would be

expected that this will be possible within the development layout. Discharge rates and attenuated volumes should be agreed with them at detailed design stage. The applicant should discuss the proposal for porous tarmac with Kent Highways if they are going to adopt the roads. Conditions are recommended that require details of surface water drainage and details of the management and maintenance of the SUDs.

- 7.09 UK Power Networks have no objection to the proposal.
- 7.10 KCC Development Contributions team request primary and secondary education contributions at a total of £155,784.78. They also request contributions towards libraries at a total of £1584.52. They also request that the development incorporates superfast fibre optic broadband.
- 7.11 Southern Gas Networks originally objected to the proposal based on incorrect information regarding the status of the gas pipeline running through the site. Following confirmation that the pipeline is medium and not high pressure they consider the proposal to be acceptable.
- 7.12 KCC Highways and Transportation have no objection to the proposal noting that the existing roundabout is more than adequate for a vehicular access on a development of this size. In addition the pedestrian/cycle access improvements provide suitable links to the existing network.
- 7.13 Kent Police invite the applicant to consult them if the application proceeds and recommend a condition or informative to ensure that crime prevention is considered at the design stage. They also draw the applicant's attention to document "Q" building regulations for doors and windows specifications.
- 7.14 KCC Ecology required additional information in respect of the current state of the site which may have become more inviting to reptiles and birds since the ecological scoping survey was carried out. Upon receipt of this updated information, they advise that the site has limited potential for protected/notable species as all vegetation on the site has recently been cleared. It is exceptionally bad practice for sites to be cleared before ecological scoping surveys are carried out and they recommend that the site is managed to prevent suitable habitat establishing in the future. They acknowledge that the proposed pond, swale and vegetated mound will provide some habitat for biodiversity at the site. They recommend that a green corridor is created along the northern boundary of the site. These areas should be managed to the benefit of biodiversity. The applicant could also enhance habitat outside of the site i.e. the pond opposite the site. The final site plan should be designed to incorporate foraging the breeding opportunities for birds within the site. They recommend a condition to control lighting to protect bats and encourage planting that would retain foraging opportunities for bats. They also recommend a condition to encourage ecological enhancements and a management plan.
- 7.15 The Lower Medway Internal Drainage Board do not object to the proposal but recommend that surface water is appropriately managed and that the details are agreed with KCC's flood team.
- 7.16 The Health and Safety Executive confirm that the site does not lie within the consultation distance of a major hazard site or pipeline.
- 7.17 Comments from Southern Water are awaited and will be reported at the meeting.

- 7.18 The Economic Development Officer comments that they understand the issues of viability and acknowledge the lack of passing trade without the through road (NNR) but would wish to see provision of local amenities to serve an expanding local community.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The applicant has submitted the following documents to support their application:
- 8.02 Design and Access Statement; Transport Statement; Preliminary Geo-Environmental and Geotechnical Risk Assessment; Extended Phase 1 Habitat Survey; Great Crested Newt Survey and Preliminary Assessment of Trees for use by Bats; Noise Impact Assessment; Draft Heads of Terms – Section 106 agreement; Flood Risk Assessment; Cultural Heritage Desk Based Assessment; Utilities Statement; Air Quality Assessment; Assessment of Viability of a Neighbourhood Centre.

9.0 APPRAISAL

Principle of Development

- 9.01 For the purposes of the development plan, the site is located within the built confines of the wider Sittingbourne area within the housing allocation for Easthall Farm. Policy SP4 seeks to provide sufficient land for housing need, and policies SH1 and H5 of the adopted local plan seek to concentrate this in the Thames Gateway Planning Area. Policy H2 of the adopted plan states that permission for new residential development will be granted for sites that are allocated or within defined built-up areas.
- 9.02 The NPPF was published in 2012 and is a material consideration in the determination of planning applications. It sets out a presumption in favour of sustainable development. Paragraph 7 identifies three strands to sustainable development, an economic role (supporting the economy and growth), a social role (providing strong, healthy, accessible communities), and an environmental role (contributing to protecting our natural, built and historic environment). Paragraph 14 sets out that, for the purposes of decision taking, this means where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 9.03 The relevant housing policies within the adopted Swale Borough Local Plan 2008 are considered to be out of date and so in accordance with the NPPF, the presumption is in favour of sustainable development. For sites outside of the built-up area boundary, special consideration must be given to the status of/weight to be given to the emerging Local Plan insofar as it directs development towards strategically sustainable sites. For this application, the site falls within allocated housing land for the adopted Local Plan and is identified as being within the built-up area in the emerging Local Plan and so the site is considered to be sustainable from a strategic point of view. The delivery of housing on this site will help towards meeting this Borough's housing need, easing pressure off of sites within rural areas. For these reasons, I consider that the development is acceptable in principle.

Loss of Neighbourhood Centre

- 9.04 Members will note from the 'proposal' section above and the concerns of local residents that this land was, under the masterplan for the Easthall Farm development and under the terms of the Section 106 agreement (both agreed pursuant to

SW/02/1180), originally ear-marked to provide ‘Neighbourhood Centre Uses’ such as shops and a public house. The 2009 Development Brief for Great Easthall states:

“The original brief illustrated that a Neighbourhood Centre would be located on both sides of the site entrance, which is the main access and a key focal point on the site. The land area allocated for the Neighbourhood Centre/Village is 2.033 hectares, which was to be further divided into the following uses:

- *Neighbourhood Centre 1.507ha*
- *Community Hall and/or Sports Pavilion /0326ha*
- *Medical Centre Site 0.2ha.*

...Adopted Local Plan policy C1 seeks the retention, and supports expansion, of existing community facilities. These include both the key services, commercially and publicly provided, within communities, town centres and commercial areas, together with public and private open space and school fields and sporting facilities. Where the need exists, it applies equally to those sites where the provision of facilities has been agreed but where their physical provision has yet to be made.

The Section 106 agreement requires that no more than 350 dwellings are occupied on site until the Community Centre can be accessed and services to the land for the Neighbourhood Centre/Village have been provided”

- 9.05 Planning permission was granted on this site in 2007 for the erection of a supermarket, local convenience site, seven shop units, a public house, twelve dwellings and, a veterinary surgery under SW/07/0431. Unfortunately, this 2007 permission was never implemented as, according to the applicant, it was not commercially viable to do so with the developers eventually going into receivership.
- 9.06 The applicant has submitted a report entitled “Assessment of the Viability of a Neighbourhood Centre” in which the consultant sets out the context within which Great Easthall sits and assesses the likely commercial viability of uses such as shops and a pub at the application site. One of the main factors that the author highlights as having a negative effect on commercial viability of shops/a pub, is the fact that the Northern Relief Road terminates at Great Easthall. There is no opportunity for passing trade therefore with the catchment area effectively limited to the residents of Great Easthall. The report does acknowledge that the workforce at Eurolink Way and the Eurolink IV and V developments could make use of a shop located at the application site, however, it notes that retailers attach very limited importance to non-residential populations as their patterns of behaviour are so unpredictable and prospects are that they will shop in their home locations. The report also notes that the location of the site, being at the edge of the housing estate, would make it less likely to be used than if it were in the centre of the development with better all-round accessibility, including by foot, with more of a community role to play.
- 9.07 The report notes the location of the Co-op in Murston with a sales area of 200 sq m. This is within 5-10 minute driving distance of the estate (approx. 10 min walk) and the proliferation of food retailers in and around Sittingbourne. According to the report, retail trends have changed significantly since the masterplan for Great Easthall was first envisaged. This change has been aided by the global financial crisis in 2007, the UK recession and, the growth in on-line retail sales, all of which could impact on the establishment of a retail business at the application site. On retail, the report concludes that:

“Our view is that whilst there might be enough retail expenditure within and close to Great Easthall to support a neighbourhood convenience store...that in today's market, operators would not be interested. This is compounded by the location's relative inaccessibility from other population centre and the fact that it is a dead-end, with no prospect of 'passing trade'.

- 9.08 The report comments on the potential for a public house at the application site and highlights the recent trend for the closure of pubs across the country. Its states:

“In new markets, those with the most prospect of continued success are family-orientated pub/restaurants. These, however, require large catchment populations that will use them regularly as 'destinations' coupled with plentiful passing trade for those that will opt to patronise them on the spur of the moment. None of this pertains to Great Easthall.”

- 9.09 In response to a request by Planning Officers, the applicant has submitted a statement regarding the marketing of the application site for commercial uses, specifically a retail convenience store. This confirms that the site was marketed widely as a commercial site with the 2007 permission for the “Neighbourhood Uses” noted. It also notes that the land had been available for neighbourhood retail development for about 10 years and at no time in that period has a scheme been viable, with insufficient interest from businesses, and there is no prospect of it becoming viable in the foreseeable future. The statement appends a letter from Tesco Stores Ltd (who may have potentially considered a Tesco Express format) which confirm that they would not be interested in pursuing a store on the site due to the lack of custom in the catchment area, the compromised location of the site effectively in a cul-de-sac and the lack of proximity to an arterial road rendering it largely inaccessible to passing trade. The presence of the Co-op in Murston means that it is highly unlikely that this retailer would consider establishing a new shop at the application site.

- 9.10 The policy position is clear that the application site should be developed as a ‘Neighbourhood Centre’ with uses such as shops and a public house. Members will have noted that the community hall is currently under construction and the site opposite is still available to be developed as a medical centre (although whether this comes to fruition is unknown at this stage and is entirely dependent on the requirements of the NHS). Indeed, when considering sustainable development, it is of course desirable to ensure that housing developments of this scale i.e. that of Great Easthall, are provided with easy access to services and facilities that meet their everyday needs. However, it is fair to conclude that many years have passed since the original masterplan for East Hall Farm was drawn up and that the retail and pub sectors have had to respond to significant changes to the UK economy. Moreover, the terminus of the Northern Relief Road at Great Easthall (which in all likelihood will remain this way for the foreseeable future) is a significant blow to the viability of any potential retail or pub use wishing to develop at the application site. I have given consideration to the evidence submitted by the applicant in respect of the likelihood of a shop or pub business being attracted to the site. The applicant can demonstrate that despite a planning permission for a Neighbourhood Centre being in place in 2007, the development could not be delivered despite the best efforts of the landowner at the time. It is highly unfortunate but the commercial realities of the situation must be acknowledged.

- 9.11 The provision of a small convenience store within the Great Easthall estate is though still highly desirable, not only for the convenience of local residents but also to cut down on the need to travel by car and to feed into the sense of community within the estate. Given the desire by many of the residents of Great Easthall for, at the very

least, a small convenience store within the estate, and given the fact that it would not seem to be commercially viable for such an operation at the site, Planning Officers have suggested to the applicant that they consider contributing towards the setting up of a community shop. Such a shop would be run by members of the local community with a paid manager and volunteers and all profits put back into the shop. The shop would sell essentials and any other goods that the community requires. Its location would be likely to be adjacent, or attached to, the community hall which would allow a concentration of community activity in one place to the mutual benefit of both the community hall and community shop (perhaps shared management responsibilities and an opportunity to utilise the community shop as part of the community hall facilities). The shop is envisaged to be no more than 56 sq m (600 sq ft) and so it is not expected to attract significant traffic with only a small additional parking requirement. The applicant has agreed to pay for the construction of the shop building, contribute towards the fit-out costs, professional fees (for architects, planning fees etc.) and, the manager's salary for up to 2 years (after which the shop will need to be self-sufficient). The total amount offered by the applicant is £180,000. Initial feedback from the local community and a Ward Member about the community shop idea has been positive.

- 9.12 It is acknowledged that a community shop of 56 sq m is a far cry from the Neighbourhood Centre detailed in the 2007 planning permission. However, it seems to me that the provision of a community shop would address the basic convenience needs of the local community and its location on the site of the community hall will be an added benefit contributing, albeit in a small way, towards the social dimension of sustainable development. I am of the view that the contribution towards the community shop would meet the CIL tests as set out at Paragraph 204 of the NPPF – necessary to make the development acceptable, directly related to the development and, fairly and reasonably related in scale and kind to the development.
- 9.13 Should the community decide that the community shop cannot/should not be executed, the applicant has agreed that some of the £180,000 can be used to fund improvements to the community hall. I am waiting for the Economy and Community Services Manager to provide information in respect of the type of improvement project needed and an estimate of the cost of this project. The applicant will then need to agree to the details of this. I will update Members at the meeting.

Residential Amenity

- 9.14 The proposal is in outline form only but the site is over 60 metres from the closest residential property. Therefore, I do not consider that the proposal would cause any undue overlooking and overshadowing to existing local residents of Great Easthall.
- 9.15 There would potentially be noise from the use of the adjacent community hall but I do not consider that it would be at a level that would potentially negatively impact upon future residents of the application site.
- 9.16 The submitted noise report highlights the potential for a noise impact from the adjacent commercial/industrial buildings and road traffic noise. It concludes that the noise climate at the site is considered to meet policy aims and is suitable for residential development, subject to the incorporation of appropriate mitigation. This would include the use of standard double glazing and mechanical ventilation (details to be agreed) with trickle vents. Consideration should be given to the noise sources/impact at the detailed design stage. Specifically, the buildings should screen the rear gardens from surrounding roads. I suggest that an updated noise report is required to be submitted as part of the reserved matters application.

Design/visual impact

- 9.17 The submitted illustrative layout shows how the 33 dwellings might be arranged within the site. I am not convinced that the proposed parking courts shown within the centre of the site follows good urban design principles, nor is the inward-facing arrangement of the dwellings on the northern part of the site likely to be acceptable. However, I consider that there is room within the site to address this at the reserved matters stage. The buildings heights would respond well to the surrounding space, particularly the 3 storey dwellings fronting onto the main entrance to Great Easthall. Establishing high quality design at this point of the site is particularly important in my view as these buildings will act as a focal point/landmark/gateway feature at the entrance to the wider housing estate. The gas pipe easement will be of benefit to the layout as it forces buildings to be set back away from the attenuation pond to the south which is a very important landscape feature of the estate. With regard to density, 33 dwellings on the site would equate to approximately 24 dwellings per hectare, which is on the low side but is considered to be acceptable for this location on the edge of the built-up area.
- 9.18 The proposal would be set against the backdrop of the existing housing development of Great Easthall and Eurolink IV, with Eurolink V soon to occupy the land opposite the application site. I do not therefore consider that there would be any detriment to the character or appearance of the landscape.

Heritage impact

- 9.19 The application site lies 100m to the east of the grade II listed Easthall Farmhouse. The proposed development will impact upon the setting of this historic building to some extent but it is clear that the existing surrounding development (housing and Eurolink IV) has already changed the context within which the listed building sits. I am also mindful of the commercial development that was approved on this site in 2007 which would have seen quite tall buildings of a very modern architecture. In comparison, the proposed houses have the potential to respect the setting of the listed building much more successfully. At this outline stage, I conclude that the development of this site is likely to be able to conserve and enhance the setting of the listed farmhouse. The reserved matters application will need to give careful consideration to the design and height of the dwellings close to the western boundary of the site but I see no reason why the proposed dwellings could not respect the historic value of the grade II listed building.

Highways

- 9.20 Kent Highways have no objection to the proposed access which is actually already in place and has been designed to cater for a high usage. It would certainly be appropriate for use by the residents of, and visitors to, the houses on this site.
- 9.21 Members will be aware that as this application is in outline form only, details of parking arrangements and road layouts within the site will be considered under a separate reserved matters application.

Ecology/biodiversity

- 9.22 Natural England do not object to the application noting that there would be no significant impact on the SPA subject to contribution towards the Thames, Medway and Swale Estuaries Strategic Management and Monitoring (SAMM) Strategy. Article 4(4) of the Birds Directive (2009/147/EC) requires *Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the*

birds, in so far as these would be significant having regard to the objectives of this Article. For proposals likely to have a significant effect on a European site, the Conservation of Habitats and Species Regulations (2010) require the Council to make an appropriate assessment of the implications for the site. An Appropriate assessment is appended.

- 9.23 The Extended Phase 1 Habitat Survey notes that the habitats within the site do not currently have high potential for reptiles, bats and species 1 birds. The submitted survey recommends that a great crested newt survey is carried out on the pond to the south of the site with further survey work if necessary. It also recommends keeping the site mown (outside of bird breeding season), further work to assess the potential for mature trees as roosting sites for bats, provision of bat boxes, nest boxes for birds, minimal lighting close to landscape features and the planting of native trees and shrubs within the site. The applicant submitted an updated ecological scoping survey as requested by KCC Ecology. They agree that the site has limited potential for the presence of protected/notable species but make it clear that it is bad practice to clear the site prior to an ecological scoping survey is carried out, which seems to have been the case here.
- 9.24 The applicant has submitted a Great Crested Newt Survey and the assessment of trees for use by bats in response to the scoping survey. This concludes that no great crested newts were recorded but smooth newts and marsh frogs were found at the site. There were no signs of bats roosting in the trees surveyed. The survey report recommends that another Great Crested Newt survey and assessment of bat roosting in trees is carried out if the development has not taken place within 2 years in case colonisation has occurred. KCC Ecology have recommended conditions to ensure that the site is designed to encourage ecology and biodiversity. Members will note condition (24) below.

Developer contributions

- 9.25 The applicant has agreed to meet the various requests for developer contributions/obligations within a Section 106 agreement. These are as follows:
- primary education contributions £77,911.68
 - secondary education contributions £77,873.40;
 - libraries at a total of £1584.52;
 - 10% affordable housing with a 70:30 split of affordable rented and shared ownership respectively;
 - £223.58 per house contribution towards the Thames, Medway and Swale Estuaries Strategic Management and Monitoring (SAMM) Strategy;
 - Community shop contribution £180,000 (some of this money to be used to fund an improvement to the community hall if the community shop does not come to fruition. Details to be agreed).
 - commuted sum for the maintenance of the open space £17,495.13;
 - Bins - £92 per dwelling and £905 per 5 flats for communal bins;
 - NHS (expanding local health services) - £864 per dwelling;
 - 2.5% (of total contributions) administration fee.
- 9.26 The applicant has disputed the need for a financial contribution towards off-site sports provision which the Greenspaces Manager confirms would be put towards changing facilities for the local sports pitches. They do not consider that this request meets the CIL tests as set out at Paragraph 204 of the NPPF – necessary to make the development acceptable, directly related to the development and, fairly and

reasonably related in scale and kind to the development. I am inclined to agree with the applicant that this request does not pass the CIL tests as the need for a changing facility cannot be directly related to this particular housing development. It is true to say that the residents of this development will make some use of the sports pitches but a direct link cannot be made between the proposed houses at this site and the provision of changing facilities off-site in my view.

- 9.27 Members should also note that the original Section 106 agreement pursuant to SW/02/1180 will require some small variations to the wording where it relates to the provision of the Neighbourhood Centre at the application site.

Other Matters

- 9.28 The KCC Archaeological officer notes that there is potential for prehistoric and Roman remains within part of the site and recommends a condition to ensure the implementation of a programme of archaeological works. The applicant notes that a large part of the site was used for brick-earth extraction and that this limits the potential for archaeological finds. However, for a small part of the site, the programme of archaeological works would be appropriate. I have recommended an appropriate condition.

- 9.29 I am content that foul and surface water drainage can be designed to meet the requirements of the relevant consultees. Surface water is to be managed so that run-off from the site is minimised via sustainable drainage methods such as swales and ponds. I therefore consider that there would be an increase in the likelihood of flooding by way of increased surface water run-off. The submitted Flood Risk Assessment confirms that there is no risk of flooding at the site.

- 9.30 The Head of Environmental Services accepts the findings of the Geo-environmental/geo-technical report in respect of contaminated land which conclude that there would be a low to medium risk to human health and recommends an appropriate condition to remediate any contamination that may be found at the site. He also recommends a condition to deal with landfill gas at the site.

- 9.31 The Air Quality Assessment concludes that the proposals would have no significant impacts on the Sittingbourne AQMA and that the site is suitable for residential use. The Environmental Service Manager accepts this conclusion and I therefore have no concerns in this respect.

- 9.32 The Utilities Statement concludes that there is sufficient capacity for the proposed development for all services.

- 9.33 Policy DM7 of the Kent Minerals and Waste Local Plan 2013 – 2030 states that planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding where it is demonstrated, among other things, that it constitutes development on a site allocated in the adopted development plan. As the application site lies within allocated land (Swale Borough Local Plan 2008), the development of this site for housing would comply with Kent policy DM7.

- 9.34 I do not intend to limit the number of dwellings allowed to be developed on this site to 33 as indicated in the application. This is because it may be possible, given the need for housing in the Borough, for a higher number of dwellings to be provided on site which would be demonstrated through the reserved matters application. However, Members should note condition (6) which sets out the building parameters for the site

which will ensure that the development has adequate landscaping and that the buildings are of an appropriate height.

10.0 CONCLUSION

- 10.01 The proposed development would provide much needed housing on land within the built-up area boundary. Whilst this site was originally ear-marked for 'Neighbourhood Uses' serving the residents of the Great Easthall estate, the operation of shops and a pub on this site have proven to be commercially unviable. Planning Officers have negotiated a contribution of £180,000 towards the setting up of a community shop that would cover the cost of construction, fit-out costs, professional fees and payment of the manager's wages for up to two years. The shop would be provided next to the community hall contributing towards a community hub within the Great Easthall estate. Subject to the community shop contribution, the development is considered to be sustainable and acceptable in principle.
- 10.02 Consideration has been given to residential amenity, design, landscape impact, highway safety/amenity, ecology and biodiversity, impact on heritage assets, flooding, contamination, air quality, brick earth extraction and utility provision. I have recommended appropriate conditions where necessary.
- 10.03 The applicant has agreed to make various financial contributions towards education, libraries, the Thames, Medway and Swale Estuaries Strategic Management and Monitoring (SAMM) Strategy, NHS (expanding local health services), bins and a commuted sum for the maintenance of open space. It is considered that these contributions met the CIL tests.
- 10.04 I therefore consider that the proposed development of this site for up to 33 dwellings would be acceptable and recommend approval subject to the conditions set out below, comments from Southern Water and the completion of a section 106 Agreement to incorporate the requirements as set out above at paragraph 9.25.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

1. Details relating to the layout, scale and appearance of the proposed building(s), the access thereto and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development to which this permission relates must be begun not later than the expiration of five years from the date of the grant of outline planning permission; or two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby approved shall be carried out in accordance with the following approved drawing: ITL11359-SK-002 rev A, Development Parameters 006c.

Reason: For the avoidance of doubt and in the interests of proper planning.

5. The details referred to in condition (1) shall include cross-sectional drawings through the site, of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development having regard to the sloping nature of the site.

6. The layout for the reserved matters application pursuant to condition (1) shall include open space/open land and the connecting cycle/footway as shown within the application site on the Development Parameters plan 006c. In addition, the maximum storey height shall not exceed 3 with a maximum ridge height 13 metres.

Reason: In the interests of achieving a good design and living environment for future residents.

7. No development shall take place on areas not previously excavated for brickearth (as identified in green on plan entitled “Figure 17” prepared by CgMs) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

8. If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with the approved details in the interests of protection of Controlled Waters and human health.

9. Upon completion of the works to remediate contaminated land under condition (8), and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details remediation works undertaken, with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site

Reason: To ensure any land contaminated is adequately dealt with.

10. Prior to the commencement, a detailed scheme for the investigation, recording and remediation of gas shall be carried out. Such a scheme to comprise:

A report to be submitted to and approved by the Local planning authority. The report shall include a risk assessment and detail how on site monitoring during the investigation took place. The investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a methodology that complies with current best practice, and these details reported.

Detailed proposals in line with current best practice for gas protection measures (the 'Gas Protection Proposals') have been submitted to and approved by the Local Planning Authority. The Proposals shall detail sources of best practice employed.

Approved works shall be carried out in full on site prior to first occupation. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved scheme.

Reason: To safeguard the future occupants of the site.

11. Prior to the commencement of development hereby approved, full details of the method of disposal of foul and surface waters including discharge rates and attenuated volumes, shall be submitted to and approved by the Local Planning Authority. This shall include full details for the Sustainable Urban Drainage System and how it will be maintained. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: In order to prevent pollution of water supplies and localised flooding.

12. Prior to the commencement of development hereby approved, a programme for the suppression of dust during the demolition of existing buildings and construction of the development shall be submitted to and approved by the Local Planning Authority. The measures shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity.

13. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:-
Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

14. No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:-
Monday to Friday 0900-1700hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

15. During construction of the development adequate space shall be provided on site, in a position previously agreed by the Local Planning Authority to enable all employees and contractors vehicles to park, load and off load and turn within the site.

Reason: In the interests of highway safety and convenience.

16. Adequate precautions to be previously agreed in writing by the Local Planning Authority, shall be taken during the period of demolition and construction to prevent the deposit of mud and/or other debris on the public highway.

Reason: In the interests of highway safety and convenience.

17. The details submitted pursuant to condition (1) above shall show adequate land, reserved for the parking or garaging of cars and such land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not shall be carried out on such land or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users and detrimental to amenity.

18. The proposed estate road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture, as appropriate, shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins and in accordance with a schedule of house completion and an implementation programme for the agreed works, also to be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that the roads are constructed and laid-out in a satisfactory manner.

19. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, where possible), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

20. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

21. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as

may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

22. Prior to the commencement of development hereby approved, details in the form of samples of external finishing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

23. Prior to the commencement of development hereby approved, a Noise Assessment shall be submitted to the Local Planning Authority that specifically responds to the layout of the housing development pursuant to condition (1) above. This shall include details of the double glazing and any mechanical ventilation that is to be installed within the properties and any other mitigation measures recommended as a result of the noise assessment.

Reason: In the interests of residential amenity.

24. Prior to the commencement of development pursuant to condition (1), a report demonstrating how the proposal will incorporate measures to encourage and promote biodiversity and wildlife, including details of the type and location of lighting to be provided close to landscaped area (so as not to discourage bats from foraging) and details of how the biodiversity habitat areas of the site will be managed, shall be submitted to and approved in writing. This report shall comment on the likelihood of Great Crested newts colonising the site since the last survey was undertaken at the site in March and April 2016 and suggest appropriate further survey work and mitigation if required. Development shall be carried out in accordance with those approved details and shall thereafter be retained.

Reason: In the interests of promoting wildlife and biodiversity and wildlife in urban areas.

25. Prior to the commencement of development hereby approved, details shall be submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

Reason: In the interest of promoting energy efficiency and sustainable development, and in pursuance.

26. Prior to the occupation of the dwellings hereby approved, ducting / culverts and any other associated equipment to enable the provision of Broadband to each property within the application site, shall be installed as part of the layout pursuant to condition (1).

Reason: To enable the provision of Broadband to each property.

Informative

1. Prior to the submission of any reserved matters application, the applicant, agent, or successors in title, are encouraged to undertake pre-application (reserved matters) discussion with the local Planning Authority. As part of this pre-application discussion, it may well be necessary to consult with external bodies such as Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety.

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner in the processing of their application and by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the applicant was asked to address matters to improve the development.

Case Officer: Emma Eisinger

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

APPENDIX: HABITATS REGULATIONS ASSESSMENT

Context

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires *Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.*

For proposals likely to have a significant effect on a European site, the Conservation of Habitats and Species Regulations (2010) requires the Council to make an appropriate assessment of the implications for the site. Para. 119 of the NPPF states that *“The presumption in favour of sustainable development ... does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.”*

Given the scales of housing development proposed around the North Kent SPAs, the North Kent Environmental Planning Group (NKEPG) commissioned a number of reports to assess the current and future levels of recreational activity on the North Kent Marshes SPAs and Ramsar sites. NKEPG comprises Canterbury, Dartford, Gravesham, Medway and Swale local authorities, together with Natural England and other stakeholders. The following evidence has been compiled:

- Bird Disturbance Study, North Kent 2010/11 (Footprint Ecology).
- What do we know about the birds and habitats of the North Kent Marshes? (Natural England Commissioned Report 2011).
- North Kent Visitor Survey Results (Footprint Ecology 2011).
- Estuary Users Survey (Medway Swale Estuary Partnerships, 2011).
- North Kent Comparative Recreation Study (Footprint Ecology 2012).
- Recent Wetland Bird Surveys results produced by the British Trust for Ornithology.
- Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy (Footprint Ecology 2014).

In July 2012, an overarching report summarised the evidence to enable the findings to be used in the assessment of development. The report concluded (in summary):

- There have been marked declines in the numbers of birds using the three SPAs.
- Disturbance is a potential cause of the declines. The bird disturbance study provided evidence that the busiest locations support particularly low numbers of birds.
- Within the Medway, the areas that have seen the most marked declines are the area north of Gillingham, including the area around Riverside Country Park. This is one of the busiest areas in terms of recreational pressure.
- Access levels are linked to local housing, with much of the access involving frequent use by local residents.
- Bird disturbance study - dog walking accounted for 55% of all major flight observations, with a further 15% attributed to walkers without dogs along the shore.
- All activities (i.e. the volume of people) are potentially likely to contribute to additional pressure on the SPA sites. Dog walking, and in particular dog walking with dogs off leads, is currently the main cause of disturbance.
- Development within 6km of the SPAs is particularly likely to lead to increase in recreational use.

Natural England's advice to the affected local authorities is that it is likely that a significant effect will occur on the SPAs/Ramsar sites from recreational pressure arising from new housing proposals in the North Kent coastal area.

The agreed response between Natural England and the local authorities is to put in place strategic mitigation to avoid this effect – a ‘strategic solution.’ This provides strategic mitigation for the effects of recreational disturbance arising from development pressure on international sites and will normally enable residential development to proceed on basis of mitigation provided avoiding a likely significant effect.

This strategic approach is set out in the Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy (Footprint Ecology 2014). It will normally require the creation of on-site mitigation, such as the creation of open space suitable for dog walking and, secondly, via payment of a dwelling tariff for off-site impacts. The money collected from the tariff would be used by the North Kent Councils and its partners for mitigation projects such as wardening, education, diversionary projects and habitat creation. The policy context for such actions is provided by policies CP7 and DM28 of the Emerging Local Plan.

Associated information

The applicant confirms that they are willing to commit to contributions towards the strategic mitigation noted above. Natural England’s email to SBC dated 12th September 2016 has also been considered; in particular that they have raised no objections subject to contributions towards strategic mitigation.

The Assessment of Land at Swale Way, East Hall Farm, Sittingbourne

The application site lies 600m to the south of The Swale and Medway Estuary and Marshes SSSI, Ramsar and Special Protection Area. Therefore, there is a medium possibility that future residents of the site will access footpaths and land within these European designated areas. Natural England consider that the development is unlikely to have a significant effect on the internationally designated site either alone or in combination.

This assessment has taken into account the availability of other public footpaths close to the site and the open space, footways and cycleways close to the site and within the Great Easthall estate. Whilst these would no doubt supplement many day-to-day recreational activities, there would be some leakage to the SPA. However, the commitment of the applicant to contribute £223.58 per house to address SPA recreational disturbance towards strategic mitigation in line with recommendations of the Thames Medway and Swale Estuaries SAMM as detailed above, will off-set some of the impacts. This mitigation will include strategies for the management of disturbance within public authorised parts of the SPA as well as to prevent public access to privately owned parts of the SPA.

Conclusions

Taking the above into account, the proposals would not give rise to significant effects on the SPA. At this stage it can therefore be concluded that the proposals can be screened out for purposes of Appropriate Assessment.

Case Officer: Emma Eisinger

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council’s website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Minutes of Planning Committee 8th December 2016

2.4 REFERENCE NO - 16/505280/OUT

APPLICATION PROPOSAL

Outline Application for residential development (up to 33 dwellings), and open space; including associated access (vehicular / cycle / pedestrian), alterations to levels, surface water attenuation features (including swales), landscaping and related development.

ADDRESS Land At Swale Way East Hall Farm East Hall Lane Sittingbourne Kent ME10 3TJ
WARD Murston

PARISH/TOWN COUNCIL APPLICANT Trenport Investments Limited

AGENT Vincent and Goring

Mr Trevor Grain, an objector, spoke against the application.

Mr Chris Hall, the applicant, spoke in support of the application.

Members were given time to read the tabled statement from the applicant's agent.

The Chairman moved the officer recommendation to approve the application and this was seconded.

The Senior Planner confirmed that the applicant had offered a further £20,000 contingency fund against the costs of setting-up a community shop, and this would be specified separately within the S106 Agreement. He explained that the fund would provide a contingency for construction and related fees, and fit-out costs for the building.

Ward Members spoke against the application and raised points which included: land had been set-aside by the developer to provide a medical centre, public house, school but had not been provided; the local community must come first; strong objections to the proposal by local residents; lack of community cohesion; lack of facilities; and would add to current congestion and access problems.

Members considered the application and raised points which included: important for the local community to have a convenience store; should add a condition that a shop be provided within one year; should be no more development on the Great East Hall estate until the Northern Relief Road (NRR) was completed; local residents should have confidence that the Local Planning Authority ensured developers deliver what they have promised; the Council should have requested that the developer provide shops after so many houses had been built; need to look at the Eurolink V development and the impact it would have on the viability of a community centre; cannot build 700 properties and not have shops; should not accept the application without substantial changes; concern that the developer misled people when they were purchasing properties at the site; do not consider that residents should have to operate the shop; two or three shops would be a better proposal; the developer needs to consider the future viability of the site; as the estate increases there would be a need for shops to be provided; the developer needs to ensure they leave space for retail; and should refuse as premature application and provision of a shop will become viable in the future.

In response to queries from Members about the development of Eurolink V and its impact on the viability of a neighbourhood centre, the Senior Planner drew attention to paragraph 9.06 of the Committee report which clarified the position. He advised that the additional money that the developer was offering would not be available until the development commenced.

On being put to the vote, the motion to approve the application was lost.

At this point the Head of Planning Services used his delegated powers listed under Part 3 (Responsibility for Council Functions) of the Council's Constitution for the Planning Committee to 'call-in' the application.

Resolved: That as the Planning Committee was minded to make a decision that would be contrary to officer recommendation and contrary to planning policy and/or guidance, determination of the application be deferred to the next meeting of the Committee.