

**REPORT SUMMARY**

<b>REFERENCE NO - 16/507407/OUT</b>		
<b>APPLICATION PROPOSAL</b>		
<p>Hybrid planning application comprising:</p> <p>Outline with access only being sought for a total of 50 no. residential units including an element of affordable homes, a 4 no. consulting room health centre with expansion capability to include pharmacy, dental surgery and other health care facilities, and provision of a school playing field or public playing field.</p> <p>Detailed application for engineering works and change of use to provide a school drop off parking area with associated pedestrian link into school grounds, and associated access, parking, infrastructure and landscaping.</p>		
<b>ADDRESS</b> Land Adjacent To St Clements School Leysdown Road Leysdown Kent ME12 4AB		
<b>RECOMMENDATION - REFUSE</b>		
<b>SUMMARY OF REASONS FOR REFUSAL</b>		
<p>The proposed development falls outside of the built up area boundary and is not identified as one of the Council's preferred housing allocations within the Emerging Local Plan Bearing Fruits 2031. The Emerging Local Plan can now be given significant weight owing to its advanced stage in the examination process. Notwithstanding the contribution that the proposals would make to the five- years supply of housing land, the harm caused by this proposal would significantly and demonstrably outweigh the very limited benefit, and additionally there would be unacceptable harm caused to the character and amenity value of the countryside. As a result the proposal would not constitute sustainable development.</p>		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
Called in by Cllr Ben Stokes		
<b>WARD</b> Sheppey East	<b>PARISH/TOWN COUNCIL</b> Leysdown	<b>APPLICANT</b> Kent Design Partnership <b>AGENT</b> Kent Design Partnership
<b>DECISION DUE DATE</b> 23/02/17	<b>PUBLICITY EXPIRY DATE</b> 06/01/17	<b>OFFICER SITE VISIT DATE</b> various
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		
None		

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

1.01 The application site consists of 4.06 hectares (or 10.0324 acres) of fairly flat land that is currently vacant and comprises of paddocks with gravelled paths, and appears to be for grazing of horses. The site consists of an area of open land to the east of Sheppey lying in-between Bay View and Leysdown, and fronting Leysdown Road and Warden

Bay Road, and backs onto St Clements Primary School. To the immediate south eastern corner of the site is the George Wharton Children's centre.

- 1.02 The primary school and children's centre are relatively modern buildings with contemporary form displaying some design merit. There is the Grade 11 listed building, Paradise Farmhouse on the south side of Leysdown Road, however, this building is not easily visible from the application site.
- 1.03 The nearest area of permanent housing is Bay View which is a 1960/70s development and lies some 250 or metres from the application site to the west, off the Leysdown Road. In-between Bay View and the application site lies a small cluster of houses and associated buildings outside the Bay View built up area boundary.
- 1.04 Immediately to the north and east of the site the land is designated as 'holiday parks' in the Local Plan. Immediately adjoining the site to the north is 'Happy Valley' Holiday Camp. There is a change in levels between the application site and the camp site.
- 1.05 There is a foul and surface water pumping station to the North West corner of the site.

## **2.0 PROPOSAL**

- 2.01 The submission is a hybrid application - as explained on Page 4 of the Planning Statement - seeking:
  - Full planning permission for change of use of land and engineering works to provide a school drop off parking area (for 26 cars) with associated pedestrian link into school grounds, and associated access, parking and infrastructure.
  - Outline planning permission for residential development of 50 dwellings together with a 4 consulting room health centre (to accommodate a pharmacy, dentist and other health care facilities) as shown on additional drawing no. 14-37-1000 – colour plan dated 11/05/2017.
  - Access, parking (the school drop off and pick up), pedestrian links into school grounds, associated infrastructure and landscaping are to be assessed in full as part of this planning application as shown on additional drawing no. 14-37-1000 – colour plan dated 11/05/2017.
  - All other matter matters (namely appearance, layout, scale and landscaping) are reserved for future consideration.
- 2.02 For the avoidance of doubt, the football pitch, school playing field, open space and amenity areas to the north of the site are not within the red edge of the application site (drawing no. 14-37-1000 dated 13.10.16), and as such they do not form part of the current proposals.
- 2.03 All other reserved matters are to be considered only in terms of the principle of the development at this stage and not in detail. The layout drawings submitted with the application are therefore only intended to illustrate how the development would be accommodated within the site. Whilst an indicative layout has been submitted, the actual detail of this, will be the subject of a further reserved matters application, should the current outline application be granted approval.
- 2.04 The submitted revised indicative preliminary development study drawing no. 14.37.SK3 Rev A shows 50 dwellings which includes affordable housing, a health

centre (4 consulting rooms, a pharmacy, dentist and other health centre), vehicular access points from Leysdown Road and Warden Road, a car park for St Clements Warden Bay Primary School (for 26 spaces), an amenity space, a football pitch, a pedestrian link to the school, and associated infrastructure and landscaping works. The site density would be approximately 12.8 dwellings per hectare if the full 50 dwellings were ultimately approved and developed.

- 2.05 The submitted amended illustrative drawing shows predominantly detached market houses to the immediate west and immediate north of St Clements and Warden Bay Primary School, and three clusters of low costing housing to the immediate north of The George Wharton Children’s Nursery, together with a medical centre and pharmacy fronting Warden Bay Road. Also proposed is a playing (football) pitch, amenity space, school set down and pick up parking and pedestrian links in-between the cluster houses and the market houses. A pedestrian footpath would link the proposed school car parking area to the rear school entrance gate, and buffer soft landscaping is proposed around the perimeter boundary of the housing development so as to enclose the development. Vehicular access will be taken from Leysdown Road and Warden Bay Road. The market houses to the western part of the site will be accessed via Lesydown Road, whilst the affordable units and the health centre will be accessed via Warden Road.
- 2.06 The applicants supporting information advises that:
- Regarding the delivery of the affordable units, the S106 could require that no more than 10 private units could be provided before a contract is in place for the delivery of the affordable units
  - The pick up and drop off area would be provide after the affordable housing has been provided
  - The Open Space will be levelled and Whitehorse Leisure will manage it in the first instance. KCC may wish to take ownership.
  - It has not been finalised how the health centre, dentist and pharmacy would be delivered. Negotiations are in place with Doctors.
  - The developer will provide the land and construct and undertake the main construction of the access from the highway
  - The s106 could require that no more than a certain amount of development could take place before a contract for the construction of the health centre, dentist and pharmacy is in place

The application is supported by a number of reports including the following:-

- Planning Statement
- Design and Access Statement
- Ecological Scoping Report
- Transport Statement
- Surface Water Management Strategy
- Letter from planning agent providing clarification (dated 27 February 2017)
- Summary of additional information (received 15 May 2017)

- 2.07 From the above listed reports, I draw the following summarised key points:-

2.08 **The Planning Statement**

- The application proposes 50 dwellings to include affordable housing, a health centre with 4no. consulting rooms, a school drop off facility, two vehicular accesses one from Leysdown Road and the other Warden Road, infrastructure, landscaping, and provision of a school playing field.
- The submission is a hybrid application: outline for the dwellings, health centre, and playing field and detailed planning for the school drop off facility with footpath connection to the school, all associated access, parking, infrastructure and landscaping works
- The site is outside the built up area boundary. Despite the sites designation as open countryside, the area has not functioned as a countryside
- Due to the scale and expanse of the holiday parks and existing development in the area means the area does not function or appear as a countryside but instead acts as part of a well established cluster of development
- Land to the immediate north and east is designated as 'holiday parks'
- There is a regular hourly bus service via the B2231 and Warden Bay into Sittingbourne, Sheerness, Leysdown and Minster within 140 metres from the site accesses.
- There are a total of six bus stops within a 320 metre walking distance of the site. These are accessible by foot via well lit pedestrian footpaths and verges in the surrounding area
- The adjoining St Clements School lack spaces for expansion and lacks good quality grass sports facilities
- Services within Leysdown include a bakery, a Public house, fish and chip shop, an entertainment complex, a school, and a church. All of these services are within 0.6miles of the site.
- The Adopted Swale Borough Local Plan considers Leysdown to be an important local centre for the eastern end of the island
- Leysdown is not identified as one of the six local service centres where development will be directed due to poor access and limited availability of public transport
- The Adopted Local Plan also acknowledges that Leysdown is a deprived neighbourhood, particularly in education, economic opportunities, and health of these communities. This application will assist in addressing these issues.
- The application complies with 5 out of 8 of the criteria listed under Policy RC3 of the Adopted Local Plan (the policy is set out in full below)
- The Adopted Local Plan policies support the provision of community facilities
- The Council does not currently have a five-year supply of housing and as such the NPPF advises that applications should be considered in the context of sustainable development
- The site is located 0.6 miles from Leysdown and less than a mile from Warden, it is well served by good transport links and is within 320 metres walk of the nearest six bus stops.
- Leysdown provides services but they are targeted at tourists. Additional services are provided 4.4 miles from the site.
- The site is of poor landscape quality and its development will improve the appearance of the area
- Whilst it is acknowledged that the site was not allocated within the SHLAA (which is one of the documents under-pinning the Emerging Local Plan), it is considered that the application meets the requirements and should be accepted by the Council
- Whilst the development will result in loss of a greenfield site, the development will employ local tradesmen and ensure that locally sourced high quality materials are used to support the local economy thereby resulting in social, economic and environmental benefits

- The development is a high quality hybrid scheme of appropriate density that will provide a high quality environment
- There are no viability issues with the scheme and the site will provide 16 affordable homes (32%)
- Developer contributions should however be reduced due to the provision of healthcare facilities, school drop off facilities as well as recreational and amenity areas across the site
- It is not considered that the development will have a severe impact on the local highway network
- There are no particular ecological issues that would arise from the development
- The site is not at risk of flooding and the proposal will not result in increased flood risk elsewhere
- Surface water runoff from the site will be discharged to the public sewer at an attenuated rate.

#### 2.09 **Design and Access Statement**

- The development is split into two areas. The first has an access from Leysdown Road and consists of 34 one to one and a half storey houses around a central amenity spaces whilst the second area consists of 16 affordable units located behind a medical centre and their access is from Warden Road.
- The two areas are separated by car parking for the school as well as a local amenity area and a football pitch
- Proposed materials will include brickwork, tile hanging and weather boarding
- There will be use of dormer windows, feature brickwork and a mix of roofshapes to give character so as to enhance the local setting
- Existing boundary planting will be protected and enhanced
- Landscaping will be used to provide a soft barrier on Leysdown Road
- A central amenity area is provided to maintain the rural character of the area
- the medical centre has a contemporary design reflecting the character and appearance of the existing primary school and nursery
- the split pitch roof maximises light entering the building
- the detailed design of the building will create a landmark
- the development will meet high standards of sustainable design and construction
- renewable energy will be incorporated
- there will be high levels of insulation and air tightness
- sustainable drainage features and flow control devices will be incorporated
- SUDS will be used and a waste management strategy will be in place
- The site has potential to support a small number of protected species including bats, reptiles and hedgehogs
- Biodiversity enhancements will be incorporated

#### 2.10 **The Ecological Scoping Report**

- A Phase 1 habitat survey was carried out
- There are no statutory or non statutory designated nature conservation sites within 1 km of the site
- The Swale SSSI is located approximately 2.2km from the site
- The site is dominated by species of poor semi improved grassland with small amounts of scattered scrub
- No ponds were recorded on site or within 100m. The nearest pond is 150m to the south of the site

- The closest recorded great crested newt site is located at Warden Bay and it is unlikely that they would be present on this site
- There is potential habitat on site for supporting reptile species, namely the viviparous lizards and as such a reptile surveys should be done
- It is considered that the site has high potential to support breeding birds within the trees and scrub
- None of the trees on site have potential to support roosting bats but the site is likely to be used by foraging and commuting birds. Lighting can be detrimental to roosting, foraging and commuting bats.
- Common mammals are likely to be present, however there were no signs of badgers
- It is recommended that contributions be made to the SPA (Special Protection Area for ecology) as the proposed development will result in increased use of protected sites for recreational and other purposes
- Biodiversity enhancements such as bird boxes, provision of bat roosting spaces, provision of reptile hibernacula, hedgehog nesting boxes, SUDS, and tree/shrub planting should be incorporated

### 2.11 Transport Statement

- Bus stops with laybys are located on the B2231 (Leysdown Road) close to junction with Warden Bay Road and are within 250m walking distance of the site
- Bus service no. 360, 362 operate in the area every hour during weekdays and on Saturdays, the 360 every hour on Sundays and the 366 which is a school service
- Queenborough railway station is located approximately 12 km from the site and there is a train service to Sittingbourne every 30mins
- Two distinct accesses are proposed from Warden Bay Road to service the cluster of affordable units to the eastern end of the site and the other from Leysdown Road to serve the market houses to the western end of the site
- The Leysdown access road has a loop road layout
- There will be a pedestrian link from the car parking area and this link will also provide access to the school and to the amenity areas
- Parking for the bungalows will be provided on their private driveways, garages and rows of parking bays will be provided close to the clusters
- Visitor and staff parking will be provided for the medical centre
- Construction traffic will not be allowed to wait on the public highways
- Service vehicles will access the site via the proposed vehicular accesses
- A vehicle trip generation for the development has been calculated based on TRICS database. The residential aspect of the development is likely to generate a total of 25 vehicle trips in the morning peak hour, 25 total trips in the afternoon peak hour and a total of 233 vehicle trips across the whole day.
- This was also used to calculate vehicle trip generation for the medical centre. The development is likely to attract a total of 34 vehicle trips in the morning peak hour, 23 vehicle trips in the afternoon peak hour and a total of 350 vehicle trips across the whole day.
- At junction with Leysdown Rod visibility is limited and should be improved
- Certain facilities are located within walking distance, and the site is located within walking distance of bus stops
- Parking provision will accord with the relevant standards for residential development and a medical facility
- The TRICKS database indicates that the development will generate a total of 583 vehicle trips per day, with 59 trips in the am peak hour and 48 trips in the pm peak hour. However it is unlikely that this development will have a greater modal split towards modes of transport other than the private car compared with other rural areas

- The proposed school drop off facility will ease congestion at peak times and it is not considered that traffic movements associated with the residential development will coincide with existing school traffic.
- The development is not considered to result in significant impacts in transport terms

#### 2.12 **Surface Water Management Strategy**

- There are two existing foul sewers which cross the site
- The use of infiltration SUDS is unlikely to be a viable option give the impermeable nature of the geology at this site
- There is limited opportunity to discharge surface water to a watercourse without the requirement to cross third party land and given this the only suitable solution is to discharge surface water directly into the public surface water sewer system at an attenuated rate
- A series of sustainable drainage features and flow control devices will be used
- A pumping station has been proposed in order to elevate surface water run off from the lowest parts of the site, allowing the final outfall to discharge to the public sewer system via gravity
- Other opportunities to incorporate SUDS measures within the scheme have also been explored, including the use of rainwater harvesting, permeable paving, and rain gardens.
- The submitted calculations provide evidence that the proposed development can be managed in a safe and sustainable manner and as such the development meets policies.

#### 2.13 **Letter from planning agent (dated 27 February 2017)**

- The Council acknowledges that Leysdown and Bay View are within the most deprived 20% of the local area
- There is very severe deprivation in pockets of the Borough and Leysdown in particular
- Leysdown is not a remote location. Whilst Leysdown is accessed by one road, it is a wide and heavily used route which serves a total of 1146 dwellings at Bay View, Warden Bay and Leysdown as well as holiday mobile homes and chalets.
- There is a pressing need for affordable housing and this scheme seeks to provide 16 units
- The proposed development would lead to a 4% increase in the overall size of development locally and can be argued to be modest development
- The proposed development would be high quality and would have a 10 metre high quality landscaping strip adjacent to the site frontage and would improve the visual character of the area
- The application proposes a school playing field, health care facility and a pharmacy and these should be regarded as a community benefit
- There is a desperate need for affordable housing in this part of the Borough

#### 2.14 **Summary of additional information (received 15 May 2017)**

- Affordable units would be delivered and the s106 could have a 'covenant' which states that no more than 10 private units could be provided before a contract is in place for the delivery of the affordable units.
- From a highway perspective it would be better for the drop off and pick up to be provided earlier, however this would result in people driving through a building site. As such the developer is targeting to deliver affordable housing as early in the as possible

- The open space will be levelled and made with future management arrangement depending on whether KCC wish to take ownership. In the first instance Whitehorse Leisure will manage the open space
- In regards to the health centre it has not been finalised what the arrangement for delivery would be. Negotiations have been on the basis that the Medical Doctors would pay for the construction of the surgery
- The developer would provide the land and undertake the main construction of the access from the highway as well as works up to the land to be transferred.
- Within the s106 agreement there could be a clause advising that no more than a certain amount of development could take place until or unless a contract for the construction of the surgery is in place
- Negotiations are continuing with a local medical practice and an update will be given before Planning committee meeting

### 3.0 SUMMARY INFORMATION

	<b>Proposed</b>
Site Area (ha)	4.06 ha (or 10.0324 acres)
Approximate Ridge Height (m)	Not specified
Approximate Eaves Height (m)	Not specified
No. of Storeys	Various heights
Parking Spaces	-26 for the school -Not specified for the dwellings
No. of market Residential Units	34
No. of Affordable Units	16
Density	12.8d/ha

### 4.0 PLANNING CONSTRAINTS

- The site is located outside of the built-up area boundary of Leysdown, within the countryside as defined in the Local Plan
- Potential archaeological importance
- Flood Zone 2 and Flood Zone 3
- The site is outside but adjoining the defined Coastal Zone
- The site is located within 2km of the Swale Special Protection Area (SPA), Ramsar site and the Swale Site of Special Scientific Interest (SSSI).
- The site is designated as a Local Green Space in the Emerging Local Plan Bearing Fruits 2031.
- Land is grade 3 agricultural land



## 5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 The National Planning Policy Framework (NPPF): paragraphs 7 (three dimensions of sustainable development), 8, 11 (presumption in favour of sustainable development), 12, 14, 17 (core planning principles), 30, 32, 36 (sustainable transport), 42, 47 (delivering a wide choice of high quality homes), 49, 50, 55, 56, 58 (good design), 69, 70, 73 (healthy communities); 103 (flood risk), 110, 112 (agricultural land), 118, 119 (biodiversity), 120, 121 (contaminated land), 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; Flood Risk and coastal change; Open Space, sports and recreational facilities, public rights of way and local green space.

### **The Development Plan:**

- 5.03 The Swale Borough Local Plan 2008 saved policies SP1 (sustainable development), SP2 (environment), SP4 (housing), SP5 (rural communities), SP6 (transport and utilities), SP7 (Transport and Utilities), SH1 (settlement hierarchy), E1 (general development criteria), E6 (countryside); E8 (Agricultural Land), E9 (protecting the quality and character of the Borough's Landscape); E10 (trees and hedges); E11 (biodiversity and geological interests), E12 (designated biodiversity and geological conservation sites), E19 (achieving high quality design and distinctiveness); H2 (new housing), H3 (affordable housing), H5 (housing allocations), RC3 (meeting rural housing needs); C2 (housing development and the provision of community services and facilities); T1 (safe access), T3 (vehicle parking for new development); T4 (cyclists and pedestrians) & C3 (open space on new housing developments). Members will note that Policy RC3 reads as follows:

### **'Policy RC3'**

#### **'Helping to Meet Rural Housing Needs'**

In the rural area, new housing will be permitted as follows:-

- A. Within the built-up area boundaries of settlements in accordance with Policy H2 and the defined settlement hierarchy as set out in Policy SH1; and
- B. Exceptionally at sites where planning permission for residential development would not normally be granted, where proposals are specifically and wholly intended to meet an identified local affordable housing need of the community provided the promoter of the scheme demonstrates that:-
  1. The identified need cannot otherwise be met elsewhere within the confines of the built-up area, or failing this, on previously developed land adjoining the built confines of the settlement;
  2. The development is of a size and type suitable to meet the needs identified in a local housing needs survey;
  3. The site is well related to available services and public transport;
  4. The proposal contains no element of general market housing;
  5. There are no overriding environmental or highway objections; and
  6. The scheme has the support of the local Parish Council.

In both cases, the proposal should be of a form, scale and design that respects and where possible enhances the character of the settlement and its surrounding landscape.

#### 5.04 The Emerging Swale Borough Local Plan “Bearing Fruits” –

The Emerging Local Plan has now been completed and its examination in public closed on the 9<sup>th</sup> February 2017. Given this and that the publication of the Emerging Local Plan is imminent, significant weight should be given to its policies, which include the following:

ST1 (sustainable development), ST2 (targets for homes and jobs), ST3 (settlement strategy), ST4 (meeting local plan development targets), ST5 (Isle of Sheppey area strategy), CP2 sustainable transport), CP3 (high quality homes), CP4 (good design), CP5 (Health and Wellbeing - seeks to support and promote health and wellbeing and amongst other things seeks to bring forward accessible and new and or community services and facilities including new health facilities), CP6 (community facilities and services to meet local needs), CP7 (conserving and enhancing the natural environment - providing green infrastructure), DM6 (managing transport demand and impact), DM7 (vehicle parking), DM8 (affordable housing: which in respect of the Isle of Sheppey specifies that poor viability means that affordable housing will not be sought on housing developments), DM14 (general development criteria), DM17 (open space, sports and recreation provision), DM19 (sustainable design and construction), DM21 (water, flooding and drainage), DM24 (conserving and enhancing valued landscapes), DM25 (The Separation of Settlements – Important Local Countryside Gaps), DM28 (biodiversity and geological conservation), DM29 (woodland trees and hedges), DM31 (agricultural land), DM34 (Archaeological sites), and IMP1 (implementation and delivery plan).

#### **Supplementary Planning Documents**

- 5.05 Developer Contributions (2009)
- 5.06 Swale Landscape Character and Biodiversity Appraisal SPD (2011). The application site is identified as lying within the Central Sheppey Farmlands character area and Clay Farmlands landscape type – the landscape is generally in poor condition with a moderate sensitivity to change.
- 5.07 The Strategic Housing Land Availability Assessment (Addendum) 2014/15 (SHLAA) - The Council published its 2014/15 SHLAA Addendum in May 2015 and this site (SW/781) (and others sites) was reported to the LDF panel on 19 May 2015 as proposed modifications to the Local Plan. It was considered that the site is remote from services and facilities and was rejected for allocation at the earliest stage of the process.
- 5.08 The Swale Borough Council: Implementation and Delivery Schedule 2016/2017: Published June 2016.

## **6.0 LOCAL REPRESENTATIONS**

Three letters of objection have been received raising the following concerns:-

- The development will affect the Happy Valley Chalet park business and will spoil their peaceful and quiet environment
- The land is for farming and should remain as such
- A development of mixed housing is not supported by policies outside of existing settlements therefore is contrary to RC3 of Swale Local Plan
- The development will generate traffic in excess of the capacity of existing roads. The problems at Barton Hill Drive/Lower Road are well known and the junction is beyond capacity already. The development is contrary to Policy T1.
- There are no job opportunities in the local area and building more houses means more traffic on the roads for commuters
- The development is outside the built up area boundary and contrary to Policy H2, and is not an allocated site
- The Local Plan advises that development in this area should be restricted to infill, which the proposal is not
- The development would erode existing green space which separates Leysdown, Warden Bay and Bay View
- The site will serve the community better as an open space
- Whilst there is need for housing, the sites allocated to the western end of the Isle of Sheppey are more than adequate
- Services are currently overstretched in this area and this development will exacerbate the situation
- A doctor's surgery is needed but houses are not
- The proposed development is overly intensive and is not needed

## 7.0 CONSULTATIONS

7.01 Warden and Leysdown Parish Councils object to the application and raise the following concerns:-

- Leysdown and Warden are not part of the Thames gateway Project, and as such there is no real impetus for development in this area
- The existing open space is a natural buffer zone between Leysdown and Warden and the school was built to link the communities and not to join them
- Leysdown and Warden are vulnerable in terms of rising sea levels and flooding
- Parts of the application site already suffer flooding due to surface water run-off
- Cliff erosion is predicted in the area of Warden and this development should take this into KCC Floods and Drainage Team should be consulted to ensure the plans for surface water management are appropriate
- this site is dominated by clay geology and would probably be unsuitable for infiltration drainage
- there are currently ongoing surface water, fluvial and tidelocking issues downstream by the village hall and as such it is important that this development does not increase surface runoff rates
- the only link between this area and the outside world is a narrow, inadequate road
- there are no direct links to London by train and the bus service is inadequate
- most villages commute to other towns by car

- work is seasonal as the area is made up of a transient population since the main industry is tourism
- another 50 houses means another 100 acres for residents and the existing problems would be compounded
- the school is currently over subscribed and another 50 houses will exacerbate the existing situation

In addition they advise that they welcome the new health centre, dentist, pharmacy, and the school expansion, however they are of the opinion that even without the proposals the medical centre and school expansion would be needed.

Furthermore they advise that Leysdown and Warden need the following:-

- a belter link road/cycle path
- a better, more frequent and more accessible bus transport system
- better medical facilities
- a larger school

7.02 KCC Flood Risk Project Officer advises that comments made by Southern Water on the 28<sup>th</sup> of November 2016 indicate that there is a surface water sewer in Warden Bay Road which could receive flows, but which has capacity issues. Southern Water has indicated that additional local infrastructure would be required to be provided. On this basis if the development is acceptable, a suitably worded condition should be attached to any planning permission, requiring the submission of details of a sustainable drainage system, including its implementation and maintenance. However, they emphasise that any new infrastructure in this location should be a gravity system. Coordination with Southern Water may enable an alternative solution to that proposed within the Herrington Consultants Drainage Strategy (which is referred to above).

7.03 KCC Highways and Transportation advise that the traffic associated with the school drop off and collection would already be on the highway network and this would be the case too with the medical centre. In addition, they advise that the level of additional trips on the highway network would not be significant in respect to the capacity of the existing road infrastructure, and that the local junctions would be able to accommodate these vehicle movements. Furthermore they advise that if parking is to be assessed at this stage concerns would be raised in that the submitted drawings do not make it clear how much of the parking areas within the eastern development parcel are associated with the school, and that there is insufficient room within the main school parking area for vehicles to turn around once all the spaces are occupied and this would lead to congestion and excessive vehicle manoeuvring. An 8m by 8m, turning area should be provided with space for manoeuvring. Subject to the above matters being addressed, KCC have no objection to the development subject to conditions securing the provision of operatives' and construction vehicles loading, off-loading or turning on the site; details of parking for site personnel / operatives / visitors; provision within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority; adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway; completion of works between that dwelling / premises and the adopted highway shall be completed as follows; space for cycle parking; parking areas in accordance with the Approved County Parking Standards;

provision of acceptable visibility splays on the Leysdown Road and Warden Bay Road access; and the submission of a Construction Management Plan for approval.

- 7.04 The Council's Agricultural Land Consultant advises that the site lies in an area of generally seasonally wet, loamy and clayey soils with impeded drainage. The area of land that would be lost is small in agricultural terms, and the land does not appear to have been in any productive agricultural use for many years, and none of the adjoining land appears to be in productive agricultural use either. In conclusion they do not consider that the development of this land could be said to be 'significant' in terms of applying paragraph 112 of the NPPF.
- 7.05 The Environment Agency (EA) initially objected to the development and required the submission of a Flood Risk Assessment (FRA) - Subsequent to this the applicant submitted a FRA and EA have withdrawn their initial objection and advise that they have no objection to the development subject to conditions requiring residential floor levels to be a minimum of 5.98 AOD.
- 7.06 The Environmental Protection Team Leader has no objection to the application subject to a noise assessment being submitted to assess whether mechanical equipment used by the medical centre will cause a noise nuisance, and that conditions restricting hours of construction, and those requiring submission of dust suppression methods for approval should be attached to any planning permission given for the development.
- 7.07 The Green Spaces Manager advises that the proposal allows for a significant and adequate amount of public open space for the number of dwellings although it is not clear presently if this would include the pitch as shown or if this would be separate and fenced if required by the school. The pitch should have a community use agreement if it is to provide the formal sports requirement for this development. In addition, they would seek a contribution of £200 per dwelling towards off site play facilities to enhance the capacity of existing sites within walking distance of the development. In addition, clarification should be sought from the applicant on management of the open spaces.
- 7.08 The Climate Change Officer advises that there are no details submitted at this stage, However, full detail is required at reserved matters stage if planning permission is given for the development. With regard to the health centre, they advise that the NHS would require the development to meet BREEAM standards ('good or very good').
- 7.09 The NHS Estates advises that in principle they welcome the provision of a new health centre at this location as the current services are over stretched. However, the facility would have to be made available at no cost to the Clinical Commissioning Group so as to ensure adequate planning gain, and discussions will be required with the developer around affordability and value for money. They raise concern that recruitment of doctors is very difficult in this area and there is no guarantee that there would be any doctors willing to offer services from this site, and that rental costs would need to be deemed to be value by the District Valuer. In addition, they advise that a contribution of £18,000 (based on 50 dwellings) is required and this will be directed towards expanding existing facilities within the vicinity of the development.

- 7.10 SBC Strategic Housing and Health Manager advises that they note that the applicant offers 16 affordable homes despite the new affordable housing policy (DM8) in Bearing Fruits 2031 having a 0% requirement for affordable housing on the Isle of Sheppey. They require a 90:10 split of affordable rented and shared ownership respectively, however they are happy to take a reasonable approach to the tenure split. They further advise that affordable housing should represent a mix of house types and should reflect the housing need of the area. They confirm that there is a requirement for affordable housing on the Island including Leysdown for all types and sizes of affordable accommodation.
- 7.11 KCC (community contributions) request that the application contributes towards primary education (towards the new Free Primary School), community learning, library bookstock, and social care as well as the provision of 1 wheelchair adaptable home. Members will note that the sums of money required are detailed at paragraph 9.28 herein. They also request that an informative be added to encourage Next Generation Access Broadband. They further advise that they took a feasibility study to expand St Clements School however due to ground level differences and overhead cables the costs proved to be too high to prepare a workable school playing field and to expand the school. It is for these reasons that whilst St Clements and Warden Bay Primary School adjoins the application site, the primary education contribution will be directed towards the new Free Primary School.
- 7.12 KCC Archaeology advises that the site is located in an area that is archaeologically sensitive. Investigations at the St Clements and Warden Bay Primary School and the adjoining Children's Centre have identified complex and significant archaeology which includes prehistoric, Roman, Saxon and medieval date. This archaeology lies at very shallow depth beneath existing levels, and as such any groundworks for the proposed new development would be likely to affect significant archaeological remains. It is therefore recommended that an archaeological field evaluation works condition is attached, if planning permission is given for the development.
- 7.13 KCC Ecology advise that the site is located around 2km from the Swale SPA, Ramsar and SSSI. Information will need to be provided detailing that developer contribution to a Borough-wide mitigation strategy corresponding to the amount of proposed dwellings is carried out. These contributions should ensure that the proposed development avoids likely significant effects on the designated sites due to an increase in recreation. In addition, there is habitat on site suitable for reptiles and it is advised that reptile surveys are carried out prior to determination of the planning application, and that the biodiversity enhancements mentioned in the Ecology Report should be included in any submitted landscape plans, and be secured by planning condition if planning permission is granted for the development.
- 7.14 Lower Medway IDB has no in- principle objection to the development however advises that the developer should ensure that surface water runoff routes and rates are retained, and that KCC's Flood Risk Team should be consulted. They further advise that Warden Bay Drain to the north of the site has been designated as a Main River, and therefore any connection to this watercourse or works within 8 metres of it will require Environment Agency's formal consent.

- 7.15 KCC Public Rights of Way and Access Service (PROW) have no comments to make.
- 7.16 Natural England advise that the site is located in close proximity to The Swale Site of Special Scientific Interest (SSSI) and subject to a SPA contribution being made, they do not consider that the development will damage or destroy the interest features for which the SSSIs named above have been notified. In addition, biodiversity enhancements should be provided by the applicant and be secured by condition if planning permission is granted for the development.
- 7.17 Cllr Ben Stokes (Ward Councillor for Bobbing, Iwade and Lower Halstow) advises that he has spoken to many residents who are in favour of the application. The older residents support the bungalows, whilst the younger residents support the affordable units. In addition, the dropping off facility at the school will help alleviate traffic in Warden Bay Road, and that the medical centre is much needed in the community.

## **8.0 BACKGROUND PAPERS AND PLANS**

- 8.01 Application papers and correspondence relating to planning application reference 16/507407/OUT.

## **9.0 APPRAISAL**

It is considered that the key material considerations in the assessment of this application are as follows:-

- The principle of development
- The supply of housing in the Borough
- Sustainability of development
- Visual Impact and Landscaping
- Ecological matters
- Loss of Agricultural Land
- Impact on the setting of the listed building (Paradise Farmhouse)
- Archaeology
- Residential amenity implications
- Flood risk /Surface water drainage
- Highway network impact
- Affordable housing
- Health centre, dentist and pharmacy
- S106 requirements

### **Principle of Development**

- 9.01 The key issue for consideration is whether planning permission should be granted for a residential development on a site that lies outside the defined urban confines of Leysdown. In addition, the application site is not allocated for development in the Adopted SLP 2008 or the Emerging Local Plan Bearing Fruits 2031. Policy SH1 of the Adopted Local Plan 2008 and Policy ST3 of Bearing Fruits 2031 sets out the settlement strategy that emphasises development on brownfield land within built-up areas and on sites allocated by the Local Plan. Policy E6 of the adopted local plan

seeks to protect the quality, character and amenity of the countryside, whilst Policy H2 of the Adopted Local Plan states that permission for new residential development will be granted for sites that are allocated or within defined built-up areas. Outside of these, new residential development will only be granted for certain limited exceptions. The application site is outside of the built-up area boundary and as such any housing development would be contrary to the above policies and not in accordance with the Development Plan.

- 9.02 The Adopted Local Plan clearly states that within the countryside development will not normally be permitted unless under exceptional circumstances, if development is supported by national policy, and if it protects the countryside. Whilst the proposed development would be contrary to these policies, this matter is not the only consideration. There are other material considerations in this instance, which must be balanced in order to ascertain whether the principle of residential development on this site is acceptable.
- 9.03 The application site is located in Leysdown which is classed as a Local Service Centre settlement in Policy SH1 of the Swale Borough Local Plan 2008 (saved policies). This Policy advises that housing development proposals will be supported in accordance with a settlement hierarchy. Local Service Centres will be considered after Primary Settlements such as Sittingbourne, small towns such as Faversham, Sheerness, and strategic settlements such as Iwade, Minster and Queenborough have been considered.
- 9.04 In addition, Policy ST3 of the Emerging Local Plan Bearing Fruits advises that emphasis should be on previously developed land within defined settlement boundaries, and as such development proposals will be permitted in accordance with a settlement strategy. Being in a countryside location, the application site is within Tier 6 of the settlement strategy (the lowest tier), where policy advises that development will not normally be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and where appropriate enhancing the intrinsic value, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.
- 9.05 Within the Emerging Local Plan, settlements outside of the built up area boundary, as is the case here, are ranked at the bottom in terms of where this Council wishes to direct new homes. As such, when tackling the housing need in the Borough on a strategic level this Council has identified sites that would be far more sustainable. The Council is able to demonstrate through the housing allocations identified in the emerging Local Plan that there are many more sites within the Borough that can meet the housing need in a sustainable way. The application site is therefore not necessary to meet the housing needs of this Borough, and developing the site for housing would be contrary to the strategic and sustainable approach to delivering housing that the Council has shown can be achieved through the Emerging Local Plan.
- 9.06 Whilst the applicant argues that the development is of modest scale and as such is supported by Policy SH1, it is considered that Policy ST3 clearly states that in Leysdown, 'modest-scale development, using previously-developed land, will be accepted.' This site is not considered to be previously developed land and as such housing development as proposed on this site cannot be considered to qualify under this policy.

### **The supply of housing in the Borough**



- 9.07 The Emerging Local Plan has been through the initial Examination in Public, and following the Inspector's interim findings, the Council has sought to significantly boost its housing allocations to meet objectively assessed housing needs as modifications to the Emerging Local Plan. A Further Examination took place early this year where the Council sought to demonstrate that it can meet its full identified housing needs and a 5 year housing supply. This examination in public closed on the 9<sup>th</sup> February 2017. Given that the background evidence base on housing allocations has been endorsed by the Local Plan Inspector in her interim findings as a sound basis for the Council to deliver additional sites to meet OAN, there is a high likelihood that these additional site options will be acceptable to the Inspector given the soundness of the evidence base. The publication of the Emerging Local Plan is imminent, and it is considered that its adoption will give the Borough Council a 5 year housing supply.
- 9.08 Paragraph 26 of the NPPF sets out that decision makers may give weight to the emerging plans, depending on the stage of preparation of the plan (the more advanced, the greater the weight), the extent to which there are unresolved objections, and the degree of consistency of relevant policies in the NPPF. Given this, and the endorsements made by the Local Plan Inspector in her interim findings, it is considered that the soundness of the evidence base means that material weight can be given to the emerging plan and demonstration of a five year housing supply. As such, it is considered that the Borough Council has a sound Local Plan with a 5-year housing land supply.
- 9.09 Furthermore, when considering the NPPF, the test as to whether this application constitutes sustainable development and whether any harm arising from the proposal would significantly outweigh the benefits, the position of the emerging plan as set out above, should be taken into account.
- 9.10 This site (SW/781) has been considered as part of the SHLAA, but has scored poorly in relation to other sites and has not been considered for allocation. The Council considers that new housing development can and has been more appropriately and sustainably focused at the higher order locations (Primary Settlements and Rural Service Centres as mentioned herein in paragraph 9.04) and in Local Service Centres new housing developed has been directed to sites within or immediately adjacent to the built up area boundary that the proposals would represent a less sustainable and unnecessary location for growth, contrary to Policy SH1 and E6 and H2 of the Adopted Swale Borough Local Plan 2008 and Policy ST3 of Bearing Fruits 2031.

### **Sustainability of development**

- 9.11 As the supporting documents set out, there are six bus stops within a 320 metres walking distance of the site and these bus stops are all accessible by foot via well-lit pedestrian footpaths and verges in the surrounding area. In addition, a regular bus route passes the site via the B2231 and Warden Bay Road which provides hourly services into Sittingbourne, Sheerness, Leysdown and Minster. Aside from this, and whilst the site is located immediately adjacent to a Primary School, the closest essential services are located in Minster which is approximately 4.4 miles northwest of the site and is accessed either by an hourly bus service or by private car. The services and facilities in Leysdown are tailored for the tourism industry and are therefore very limited. In addition, the nearest train station is in Queenborough and this is approximately 7.4 miles away. When this is combined with the distance to Minster, Sheerness or Sittingbourne (which is a minimum of 5 miles from the site), and that such centres are accessed by an hourly bus service, it is considered that the residents of the new dwellings are highly unlikely to access these facilities and services by foot

and only a keen cyclist would be prepared to cycle to reach these services. Likewise, it is considered that there would be limited potential for future residents of the new development to find employment at one of the limited services provided within Leysdown thereby meaning any future residents would be commuting daily for work to the nearest centres which are a minimum of 5 miles from the site.

- 9.12 Given the above, it is considered that the private car would be extremely heavily relied upon and only reinforces the view that the location of the site is unsustainable. Furthermore, although the intention of all the proposed positive features would be welcomed it is considered that this does not compensate for the inherently unsustainable location of the application site. As such, this negative of the scheme would outweigh the overall positives of the schemes.

### **Visual Impact and Landscaping**

- 9.13 The submitted drawings include illustrative development proposals which suggest that the development would erode the existing open countryside between Bay View and Leysdown and by so doing result in an urbanising effect within a countryside location contrary to policies. Whilst the existing site does not have a particularly high quality landscape and given that it is already visually compromised by the sprawling camp sites/holiday parks to the north, the site is still essentially and predominantly rural in nature. The open countryside between Bay View and the mass of caravans and holiday chalets to the east would be significantly reduced as a result of the proposed development. Given this, it is considered that a development as proposed would result in the loss of a large area of open countryside to the detriment of the visual and rural amenities of the area. The impact of the proposed development on landscape quality would be significant, and would seriously harm the character and quality of the landscape, contrary to policies.
- 9.14 In addition, this site has been identified as a proposed Local Green Space in the Emerging Local Plan Bearing Fruits 2031 and as such should be reserved as an open space. Given the status of the Emerging Local Plan as detailed in paragraph 9.05 herein and that its publication is imminent, it is considered that significant weight should be given to this consideration. As such it is considered that the development, due to this assessment would result in loss of a Local Green Space and would cause unacceptable harm to the character and appearance of the countryside contrary to the Adopted Local Plan policies SP2, SP5, SH1, E6, E9 and E10, and the Emerging Local Plan policies ST1, ST3, ST5 and DM24 and DM29. Any impact caused on the environmental strand of sustainable development would be severe, and as such this negative would need to be weighed against the overall benefits of the development.

### **Ecological matters**

- 9.15 An ecology report has been submitted and this identifies the site as having a limited ecological value. The findings of the report are accepted by KCC Ecology, and the development is considered acceptable subject to a reptile survey and conditions as detailed in the consultation section paragraph 7.13 herein. The development is considered to accord with policies E11 of the adopted plan and DM28 of the emerging plan.
- 9.16 In addition, the site falls within 6km of the Swale which is a Special Protection Area (SPA) and Ramsar site, and Policy DM28 of the Local Plan 'Bearing Fruits' 2031 sets

out that internationally designated wildlife sites such as the Ramsar and SPA are afforded the highest level of protection. As such it is likely that the future occupiers of the site will be using the SPA for recreational purposes in some instances which would result in some impact on the SPA thereby requiring this impact to be addressed through appropriate mitigation measures. The agent advises that they will seek a reduction in contributions given that 16 of the dwellings are proposed to be affordable units. Whilst affordable units are provided by the applicant and are warmly welcome, not fully contributing to mitigation measures would be contrary to Policies. As such the impact caused on the environmental strand of sustainable development would be severe, and this negative would need to be weighed against the overall benefits of the development.

### **Loss of Agricultural Land**

- 9.17 The land to be lost as a result of the development comprises Grade 3 agricultural land. Paragraph 112 of the NPPF expects Councils to take into account economic and other benefits of BMV land and if the significant development of agricultural land is necessary, they should seek to use areas of poorer quality land. Emerging Local Plan policy DM31 also looks for the loss of BMV land to be avoided if possible. It is considered that the loss of this agricultural land represents an environmental negative. However, given that the land that would be lost is considered to be an insignificant area of agricultural land (approximately 0.69 hectares) in comparison to the considerable agricultural land of similar quality that surrounds Leysdown, that this land appears to lie in an area of seasonally wet, loamy clayey soils with impeded drainage, and given that this land does not appear to have been in any productive agricultural use for many years, and none of the adjoining land appears to be in productive agricultural use either, any impact caused on the environmental strand of sustainable development would be moderate. As such, this negative would need to be weighed against the overall benefits of the development.

### **Impact on the Listed Paradise Farmhouse**

- 9.18 The listed building, Paradise Farmhouse is located on the south side of Leysdown Road, but is well set back from the road behind a graveyard area and so does not form a prominent feature in the landscape at this location in views from the Leysdown Road, and is not easily visible from public vantage points.
- 9.19 Given the separation distance between the listed farmhouse and the application site, together with the available intervening screening of trees and hedging associated with the graveyard, it is considered that the impact of the proposed development on the setting of this listed building would be considered to be less than substantial. In accordance with paragraph 134 of the NPPF it will therefore be necessary to balance the limited harm in this respect against any public benefits this housing development can provide. The lack of an identifiable harm to the heritage asset is a positive factor because of the contribution this makes to the environmental strand of sustainable development, and should be afforded weight.

### **Archaeology**

- 9.20 The application site has some remains of archaeological importance. KCC Archaeology do not have an objection to the proposed development, but seek the

securing of a programme of archaeological work that would be in accordance with a written specification and timetable which has been submitted to and approved in writing by Swale Borough Council. Given this it is considered that the development complies with Policy DM34 of the Local Plan 'Bearing Fruits' 2031. The lack of an identifiable harm on archaeology is a positive factor because of the contribution this makes to the environmental strand of sustainable development and should be afforded weight.

### **Residential Amenity**

- 9.21 The precise impact on residential amenity arising from the design of the dwellings will be dealt with as part of the subsequent reserved matters application(s), should Members decide to grant outline planning permission. The site is considered to be of a sufficient size to accommodate up to 50 dwellings, a health centre, a pharmacy, a school drop off and pick up area, associated parking areas for each dwelling, open spaces, appropriate area of private amenity space for each dwelling, and with separation distances between each which would ensure that there is no significant overlooking or loss of outlook. As such it is considered that any impact on residential amenities would not be unacceptable. The lack of an identifiable harm to neighbour amenity is a positive factor because of the contribution this makes to the environmental strand of sustainable development, and should be afforded weight.

### **Flood risk /Surface water drainage**

- 9.22 Parts of the site fall within Flood Zone 2 and 3. A Flood Risk Assessment is submitted with the application. Environment Agency advise that it has been sufficiently demonstrated that risk to human health and property as a result of flooding will be minimised to acceptable levels, and as such they do not have an objection to the development subject to recommended conditions as detailed in the consultation section paragraph 7.05 herein. As such, the lack of an identifiable harm to human health and property is a positive factor that should be afforded weighed.

### **Highways**

- 9.23 Further to KCC Highways and Transportation's comments at paragraph 7.03 above, Warden Road and Leysdown Road are considered to be capable of accommodating traffic that would be generated by the proposed 50 dwellings. The impact of the proposal upon highway safety or amenities would not be unacceptable, and as such KCC Highways and Transportation have no in-principle objection to the proposed access points, and the proposed development is considered to be acceptable in principle, subject to conditions as detailed in 7.03 above. Concerns are raised regarding the school parking layout that is proposed to the eastern part of the site. Clarification is required on the number of parking spaces that would be associated with the school, and the proposed turning area would need to be revised so that it meets the minimum standard which is 8m by 8m. It is considered that there is enough land for this amount of turning area to be made available for manoeuvring and as such limited weight should be attached to this harm on the highway network.

### **Affordable housing**

- 9.24 Whilst the provision of affordable units is not a requirement in this location, it is a positive factor that is most welcome and adds to the economic and social strand of sustainable development, and as such should be afforded weight. Members should note that whilst this is a positive factor, the affordable housing is being provided at the expense of a contribution towards infrastructure provision and as such limited weight should be given to this positive. Contribution towards infrastructure services is essential to any housing scheme and is considered to be necessary infrastructure required to support the development. As such, in the absence of a full contribution towards infrastructure, the development would be contrary to policies.

### **Health centre, dentist and pharmacy**

- 9.25 The NPPF and The Swale Emerging Local Plan Bearing Fruits 2031 stress the importance of health and wellbeing and the role that the planning system should play in improving this. To achieve sustainable development, the NPPF advises that the planning system should perform a social role, including supporting strategies to improve health and cultural wellbeing, promoting healthy communities and by supporting the provision of health facilities. There are significant health and wellbeing issues in Swale, especially in its deprived communities such as west and east Sheppey, which includes Leysdown where the application site is located. Given this, it is considered that the proposed healthcare facility, dentist and pharmacy are positives that contribute to the social and economic strand of sustainable development.
- 9.26 Whilst the proposed healthcare facility, dentist and pharmacy are considered to be positives, Bearing Fruits Implementation and Delivery Schedule 2016/2017 advises that in Eastern Sheppey (where the application site is located) there is a need for a consolidation of existing practises to support the population. Members should note that The Implementation and Delivery Schedule does not identify a need for a new health centre, but rather a consolidation of existing ones. Given this, it is considered that limited weight should be given to these positives.
- 9.27 In addition, it is considered that the deliverability of the health centre, dentist and pharmacy is uncertain given that the applicant has not adequately demonstrated how they would be delivered, including whether their provision would make the scheme viable. As such, it is considered that whilst the health centre and pharmacy are positives (as described above), limited weight should be given to these benefits given the uncertainty surrounding their deliverability, and viability.

### **S106 requirements**

- 9.28 The following obligations and contributions are required for this application. They are as follows:-
- SAMM - £223.58 pre dwelling - total of £11,179.00
  - Primary education - £4,535 per dwelling (or £1,134 per flat) – total of £226,750.00 for 50 dwellings
  - Libraries - £48.02 per dwelling - total of £2,400.79
  - Community learning - £60.43 per dwelling - total of £3,021.75
  - Adult social care - £60.99 per dwelling - total of £3,049.50
  - Bins - £92 per dwelling - total of £4,600.00
  - NHS – £360 per new unit - total of £18,000.00

- Open space - £200 per dwelling – a total of £10,000.00
- 1 wheelchair adaptable home as part of the affordable housing requirement;
- Possible reptile mitigation measures;
- 5% monitoring and administration fee

9.29 The applicant has not objected to such provision, however, advises that they will be seeking reduced contributions given that they propose a total of 16 (approximately 33% of the scheme) affordable units as discussed herein. Given that developer contributions for infrastructure projects are essential and necessary to support housing development such as this one, it is considered that in the absence of a commitment to make a full contribution towards infrastructure, the impacts caused by the development would not be fully mitigated and as such the impact on the environmental, economic and social strands of sustainable development would be severe. This negative would need to be weighed against the overall benefits of the development.

## **10.0 CONCLUSION**

10.01 It is important to consider whether these proposals constitute sustainable development as set out in paras 7 to 10 of the NPPF which sets out the social, economic and environmental strands of sustainable development and that the planning system should seek gains across all 3.

10.02 In terms of the social and economic strands of sustainable development, limited weight should be attached to the development by providing affordable units, a health care facility, dentist and a pharmacy as discussed herein. Offsetting this is the poor and remote location of the site relative to the range of services and the likely dependence upon the car to reach them. These also feed into the conclusions against the environmental strand where it is considered that the development would have significant adverse impacts on the countryside as discussed in paragraphs 9.13 and 9.14 herein, and as such overall it is considered that the proposals do not constitute sustainable development.

10.03 Whilst the applicant argues that the Council has an undersupply of housing and that housing policies are out of date, it is considered that the Emerging Local Plan is at an advanced stage and its publication is imminent, that the Borough Council has made considerable progress towards securing a 5 year housing land supply, and that the adoption of the Emerging Local Plan Bearing Fruits 2031 will give the Borough Council a 5 year housing supply.

10.04 Whilst it is acknowledged that the levels of deprivation on the Eastern and Western sides of the Isle of Sheppey are linked to poor health and housing amongst other issues, it is considered that the provision of a new health centre, dentist and pharmacy would be at the expense of developer contributions for infrastructure to service this housing development. As such this benefit is outweighed by the financial contribution towards infrastructure services that would be lost, if planning permission is given for the development.

10.05 In addition, it has not been adequately demonstrated how the health centre, dentist and pharmacy will be delivered and whether together with the affordable units the scheme would be viable. In the absence of such information, it is considered that the positives of the scheme are limited, and are outweighed by the negatives, and as such the proposals do not constitute sustainable development.

10.06 Given the above, it is therefore concluded that the proposals fail to achieve the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF as not withstanding the benefits of the proposals, they are significantly and demonstrably outweighed by the adverse impacts, and as such the application should be refused.

#### 11.0 RECOMMENDATION –REFUSE for the following reasons:-

1. The proposed development would be located outside of the defined urban boundaries of Leysdown (as established by Swale Borough Council Adopted Local Plan Policy SH1 and Bearing Fruits Emerging Local Plan Policy ST3 which place emphasis on the use of previously developed land within the defined built up areas and on sites allocated by the Local Plan) and is not proposed as an allocated housing site within the Emerging Local Plan. The development fails to demonstrate positive improvements across the three dimensions of sustainable development as required by paragraphs 7-9 of the National Planning Policy Framework 2012. Furthermore, notwithstanding the lack of availability of a 5-year supply of housing land, in accordance with paragraph 14 of the National Planning Policy Framework 2012, the proposals do not achieve the presumption in favour of sustainable development as the adverse impacts of development would significantly and demonstrably outweigh any benefits because:-
  - (i) Leysdown is considered to be a less sustainable settlement, in terms of services, transport and access to employment, than the other higher order locations identified within Policy SH1 of the Swale Borough Local Plan 2008 and Policy ST3 of Bearing Fruits 2031: The Swale Borough Local Plan, Main Modifications June 2016.
  - (ii) The nearest service centre is not within walking and cycling distance and is served by an infrequent bus service.
  - (iii) There would be loss of a large area of open countryside resulting in a significant adverse impact on the landscape character, quality and value, (including the contribution made by the tranquillity and the amenity value of the site)
  - (iv) There would be significant, permanent and unnecessary loss of a Local Green Space as identified in the Emerging Local Plan Bearing Fruits 2031, including the contribution made by the tranquillity and the amenity value of the site)

As such it is considered that the proposed development does not accord with the National Planning Policy Framework, being contrary to policies set out in paragraphs 14, 17, 64, 109, 113, 117-119 and 142 -144, nor with the Development Plan, being contrary to policies SP1, SP2, SH1, T1, E1, E6, E9, E12, E19 and H2 of the Swale Borough Local Plan 2008. The proposals are also contrary to emerging Development Plan policies ST1, ST3, ST6, CP2, CP3, CP4, CP5, CP6, CP7, CP8, DM8, DM18, DM21, DM24, and DM28 of Bearing Fruits 2031.

2. It has not been adequately demonstrated that the health care facility, pharmacy and drop-off area can be delivered, and that with the provision of these facilities, together with the affordable units, the scheme would be viable. As such the benefits of the scheme are outweighed by the negatives and therefore the scheme is not considered to be sustainable development, contrary to the NPPF, and Policy C2 and H3 of the Adopted Local Plan 2008, and Policies CP5 and CP6 of the Emerging Local Plan Bearing Fruits 2031, Main Modifications June 2016.
3. No Reptile survey has been submitted to justify the development, and as such it has not been acceptably demonstrated that the development would conserve biodiversity.

Given this, the development is contrary to NPPF and Policy E12 of the Adopted Local Plan 2008, and DM28 of the Emerging Local Plan Bearing Fruits 2031.

4. In the absence of a commitment to fully meet the cost of mitigation by way of developer contributions the development is considered to be contrary to the NPPF and Policy C2 of the Adopted Local Plan 2008, and Policy CP6 of the Emerging Local Plan Bearing Fruits 2031.

The Council's approach to this application:

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 by:

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

In this instance, the development gave rise to fundamental concerns, which could not be overcome.

- 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.