

2.11 REFERENCE NO - 16/507689/OUT		
APPLICATION PROPOSAL		
Outline Application (with all matters reserved other than access into the site) for mixed use development including up to 300 dwellings; employment area (Use Classes B1(a), B1(b) and B1(c) (offices, research and development, and light industrial) (up to 26,840sqm); sports ground (including pavilion/changing rooms); open space (including allotments and community orchard); access, including new link road and roundabout on A2; other vehicular/pedestrian / cycle accesses (including alterations to Frogнал Lane); reserve site for health centre; and associated parking and servicing areas, landscaping, wildlife areas, swales and other drainage / surface water storage areas, and related development		
ADDRESS Land Between Frogнал Lane And Orchard View, Lower Road, Teynham.		
RECOMMENDATION - Grant subject to conditions as set out below and to:		
<p>1) The signing of a Section 106 agreement for contributions towards:-</p> <ul style="list-style-type: none"> • Education; • Libraries; • Highways (in respect of both the local and the strategic road networks); • Provision of ‘wheelie bins’; • Use of local labour and apprentices • SPA mitigation; • Local health care; • Management of the open space. If it is to be transferred to Swale Borough Council – a ten-year commuted sum (otherwise, the legal agreement will need to include arrangements for transfer to a management company) • Public rights of way improvements; and • An administration charge; <p>[Members will also note the full list at paragraphs 9.33 to 9.47 below]</p> <p>2) The s106 agreement will also need to secure the provision of the pavilion / changing room building; and</p> <p>3) Clarification of the contributions required by KCC Highways and Transportation, Highways England, the Environmental Protection Team Leader, and KCC Public Rights of Way.</p>		
SUMMARY OF REASONS FOR RECOMMENDATION		
The application site is an allocated housing site in the Emerging Local Plan ‘Bearing Fruits’ under Policy MU3.		
The development would amount to the provision of new residential dwellings and employment floorspace within the defined built up area boundary, on a site allocated under the Emerging Local Plan, Bearing Fruits 2031 for residential development, and in a sustainable location, without giving rise to any serious harm to amenity, landscape, ecology, archaeology, and the highway network. As such the proposal is considered to be in accordance with Adopted Local Plan 2008, the Emerging Local Plan Bearing Fruits 2031 and National Planning Policies.		
REASON FOR REFERRAL TO COMMITTEE		
The application is subject to an objection from Lynsted with Kingsdown Parish Council.		
WARD Teynham And Lynsted	PARISH/TOWN Teynham	COUNCIL APPLICANT Trenport Investments Ltd AGENT Vincent And Goring
DECISION DUE DATE 07.02.2017 EOT given	PUBLICITY EXPIRY DATE 23.12.2016	OFFICER SITE VISIT DATE Various

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): No relevant planning history**MAIN REPORT****1.0 DESCRIPTION OF SITE**

- 1.01 The application site is in two parts. The majority of the site is to the east of Frognal Lane (21.26 hectares) and the rest of the application site is to the west of Frognal Lane (8.59 hectares). The application site lies to the north of the A2 and is located just outside, but adjoining, the built-up area boundary of Teynham. The land to the east of Frognal Lane adjoins the rear gardens of residential properties and is used as an agricultural field and sports ground, whilst land to the west of Frognal Lane is an open, agricultural field.
- 1.02 The dwellings adjacent to the application site are mainly two storey dwellings and a few bungalows. The application site is generally flat, however, the southern part of the field is on slightly higher ground than the rest of the site. The site was worked for minerals in past years and has been restored. The site is enclosed by hedgerows and there is a public footpath running along the eastern boundary of the application site.

2.0 PROPOSAL

- 2.01 Outline planning permission is sought for residential development with all matters (namely appearance, landscaping, layout and scale) reserved for future consideration except access, which is to be assessed as part of this application. 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 and proposes, as set out above, up to 300 dwellings, up to 26, 840 square metres of employment space (for B1 uses only), and ancillary space for – among other things – various forms of open space and provision of pavilion / changing room building. .
- 2.02 For the avoidance of doubt, the application seeks to establish the principle of the mix and amounts of the uses proposed and to agree the access arrangements for the development.
- 2.03 One of the submitted drawings (namely the layout plan drawing no. 4300 305 Rev A) – which is indicative only – showing up to 300 dwellings, employment areas of 26,840 square metres of floor-space, a new sports field with a pavilion and changing room facilities, and car parking space, a health centre and, green spaces including community orchards and allotments.
- 2.04 The indicative details suggest – with respect to the residential development - that the development could comprise a mix of link detached, semi-detached, and terraced, two-storey dwellings with detached and attached single and double garages spread across the site. Site density would be approximately 40 dwellings per hectare. Car parking would be provided within the residential curtilage of individual dwelling, and also as communal parking areas in close proximity to dwellings.
- 2.05 The employment area would, as noted above, be limited to B1 floorspace (a, b and c, namely offices, research and development and light industrial with an element of start-up businesses. For the avoidance of doubt, no general industrial (Class B2) or storage and distribution (Class B8) space is proposed. The existing playing fields would be

replaced with improved sports ground (at least three hectares of sports pitches) including a new pavilion and changing room. The sports field would be located in between the residential development (to the south) and the employment area (to the north). To the west of Frognal Lane, there would be at least six hectares of open space (including allotments, community orchard, grass land, an informal open space and areas of wetland).

- 2.06 The site layout indicates vehicular, pedestrian and cycle access including alterations to Frognal Lane and a new emergency vehicular access to the development and highway improvements including a new roundabout on the A2 and closure of a section of Frognal Lane. In addition, the development would include land for the possible provision of a new health facility (which is to be located to the west of Frognal Lane, opposite Frognal Close) The submitted indicative layout shows soft landscaping throughout the boundaries of the site, and a landscaping buffer on the northern part of the site that is 60 -70m deep. Wildlife zones, biodiversity enhancements and surface water storage areas are also proposed within the scheme, together with associated parking and servicing areas.
- 2.07 The new roundabout – to measure 24 metres in diameter - is proposed to the west of Frognal Lane, and would incorporate re-alignment of the northern part of Claxfield Road. The A2 would be re-aligned for a total of 55 metres. Frognal Lane would be closed approximately 25m north of the junction with Frognal Close. There would be an emergency access that links Frognal Lane to the new housing development. The new roundabout and vehicular access will be connected right up to the employment areas to be located on the northern part of the.
- 2.08 The applicants are also committed to making highway improvements to mitigate the impact of the traffic generated by the development to acceptable levels. These improvements include Frognal Lane/Lover Road junction; A2 London Road Environmental Improvement Scheme (further to Section 7.9 of the Transport Assessment), including provision of a lay-by in front of the co-op; Swanstree Avenue with the A2 (upgraded to increase capacity) and Murston Road / Rectory Road junctions, and provision of a pedestrian link along the alignment of public footpath ZR256, together with improvements to the Public Right of Way. Further information relating to the highway changes is given in paragraph 7.17 below.
- 2.09 The indicative layout (drawing no. 4300 305 Rev A) shows the dwellings arranged over an irregular street pattern of meandering roads and dead ends. Pedestrian footpath links are shown within the development together with footpaths linking the development to adjoining established residential areas.
- 2.10 Two pockets of communal public open spaces are proposed within the development. Buffer soft landscaping is proposed around the boundary of the application site to enclose the development, and, a planting buffer is proposed between the proposed residential development and the sports field and between the sports field and the employment area. There is also a landscaping buffer on the northern part of the site (adjoining Frognal Lane and the Lower Road) that is 60 to 70m deep. Wildlife zones, biodiversity enhancements and surface water storage areas are proposed within the development and associated parking and servicing areas are proposed.
- 2.11 In addition to the provision of communal open spaces on-site, as outlined above, the applicant intends to provide a financial contribution to off-site formal sports contribution towards the improvement in capacity of local formal sports provision.

2.12 The applicants are committed to providing 40% affordable housing as required by Policy DM8 of the Emerging Local Plan Policy: Bearing Fruits 2031.

2.13 The application is supported by the following reports:

- Design and Access Statement
- Desk-Top Contamination Survey
- Phase 1 Geo-environmental and Geotechnical Risk Assessment
- Ecological Assessment
- Transport Assessment
- Heritage Statement
- Tree Report and Impact Assessment
- Archaeological Desk Based Assessment
- Statement of Community Involvement
- Flood Risk Assessment
- Heritage Statement
- Landscape and Visual Impact
- Utilities Statement
- Noise Assessment
- Air Quality Assessment
- Mineral Assessment Report
- Affordable Housing Statement
- Topographical Survey
- Environmental Risk Assessment
- A statement justifying provision of up to 300 dwellings (rather than approximately 260 as suggested in Policy MU3)

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (hectares)		29.97	0
No. of Storeys	0	unknown	unknown
No. of Residential Units	0	Up to 300	+300
No. of Affordable Units	0	40% (or up to 120)	+120
'B' Class employment use	0	Up to 26,840 square metres	Up to +26,840 square metres

4.0 PLANNING CONSTRAINTS

- There are three Listed building nearby (Frognal Farmhouse and outbuilding, and Claxfield House)
- The site is in close proximity to Teynham AQMA
- Potential Archaeological Importance
- The site is located just outside the built-up area boundary of Teynham, in a countryside location on an arable agricultural field
- Part of the application site is a sports field
- The site was used in the 19th century for brick earth extraction (Minerals)

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

- 5.01 The NPPF was adopted on 27th March 2012 and is a material consideration in determining planning applications. Also of importance to the determination of this application is the guidance as set out in the National Planning Practice Guidance (NPPG).
- 5.02 The NPPF sets out the Government's position on the planning system explaining that "The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision taking this means:
- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out of date granting permission unless:-
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted."

It further outlines a set of core land use planning principles (para 17) which should underpin both plan-making and decision taking including to contribute to conserving and enhancing the natural environment and reducing pollution and encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high value.

Members will be familiar with the requirements of Paragraphs 47 and 49 of the NPPF in respect of the requirement for Local Authorities to be able to demonstrate a five-year housing land supply. However, given the imminent publication of the Inspector's report into the new Local Plan, Bearing Fruits 2031 and the continued implementation of the allocated housing sites, the Council should be in a position to demonstrate a 5 year housing supply, which this site would make a significant contribution towards.

Paragraph 64 of the NPPF states "*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*"

'Meeting the challenge of climate change, flooding and coastal change' is addressed at Paragraphs 93 to 108.

Paragraph 93 refers to the key role that planning plays in, among other things, "*...supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social*

Paragraph 96, 2nd bullet states that in determining planning applications, local planning authorities should "*take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption*".

Paragraph 100 stipulates that "*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but*

where development is necessary making it safe without increasing flood risk elsewhere.”

The conservation and enhancement of the natural environment is discussed at **Paragraphs 109 to 125**.

At **Paragraph 109** it states, among other things, that “...*the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.*”

Paragraph 112 seeks to protect best and most versatile agricultural land, ie Grades 1,2 and 3a and new development should, where possible, be directed to “*poorer quality land in preference to that of a higher quality.*” Members will note that the former landfill site at the southern end of the site is used for livestock grazing, but this land does not have high agricultural land value and, in any case, is not to be developed as part of this application.

Paragraphs 126 to 141 deal with ‘conserving and enhancing the historic environment’. In particular,

Paragraph 129 requires local planning authorities to “*identify and assess the significance of any heritage asset that may be affected (including by development affecting the setting of a heritage asset) and to take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.*”

Paragraphs 132 and 134 sets out that “*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*”

Paragraph 142 recognises that the safeguarding of minerals is an important element of sustainable development.

The determination of applications is covered at **Paragraphs 196 to 198**, and **Paragraph 197** instructs local planning authorities to “*...apply the presumption in favour of sustainable development.*”

The use of ‘planning conditions and obligations’ are addressed at **Paragraphs 203 to 206**. To a large extent, these paragraphs advocate the approach set out in Circular 05/ 2005: ‘Planning Obligations’ [which is now cancelled], the Community Infrastructure Levy (CIL) Regulations (2010), and in particular, Regulation 122 (2), and Circular 11/95 ‘The Use of Conditions in Planning Permissions’.

And Members will note that **Paragraph 204** states the following:

“Planning Obligations should only be sought where they meet all of the following tests:
 _ *Necessary to make the development acceptable in planning terms*
 _ *Directly related to the development; and*
 _ *Fairly and reasonably related in scale and kind to the development.*”

However, **Paragraph 205** places an onus on taking account of changes in market conditions and being “*...sufficiently flexible to prevent planned development from stalling.*”

Paragraph 216 deals with the weight to be given to relevant policies in emerging plans according to:

- *“the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

National Planning Practice Guidance (NPPG)

5.03 The NPPG also provides general guidance in relation to development. It encourages the provision of housing within sustainable areas, subject to consideration of issues such as local and residential amenity, highways, contamination, noise, urban design / architecture, and ecology, amongst others.

The Local Plan

5.04 The Development Plan for Swale comprises the adopted 2008 Local Plan as amended by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in respect of those policies directed to have expired as of 20th February 2011. The emerging Local Plan (Bearing Fruits 2031 Main Modifications, June 2016), is at an advanced stage and having been subjected to an Inquiry by an independent Planning Inspector carries significant weight, particularly as there are considered to be good prospects of the Plan being found to be sound.

Swale Borough Local Plan 2008

5.05 Also of relevance to the determination of this application are the following saved Local Plan policies;

- SP1 (Sustainable Development)
- SP2 (Environment)
- SP3 (Economy)
- SP4 (Housing)
- SP7 (Transport and Utilities)
- E1 (General Development Criteria)
- E6 (Countryside)
- E9 (Protecting the Quality and Character of the Boroughs Landscape)
- E10 (Trees and Hedges)
- E11 (Protecting and enhancing the Borough’s Biodiversity and Geological Interest)
- E12 (Sites designated for their importance to biodiversity or geological conservation)
- E19 (Good Quality Design)
- H2 (Providing for New Housing)
- T1 (Providing Safe Access to the Highway Network)
- T2 (Essential Improvements to the Highway Network)
- T3 - (Vehicle Parking for New Development),
- T4 - (Cyclists & Pedestrians) are relevant to this proposal
- C2 (Housing Developments and the Provision of Community Services and Facilities)
- C3 (Open Space within Residential Development)
- H5 (Housing Allocations)
- B2 - (Providing for New Employment)

H2 - (Providing for New Housing)

5.06 Emerging Local Plan ‘Bearing Fruits 2031’ relevant policies include:

- ST1 (Delivering Sustainable Development in Swale)
- ST2 - (Development targets for jobs and homes 2011-2031)
- ST3 (Swale Settlement Strategy)
- ST4 (Meeting the Local Plan Development targets)
- CP2 (Promoting Sustainable Transport)
- CP3 (Delivering a wide choice of high quality homes)
- CP4 (Requiring Good Design)
- CP7 (Conserving & Enhancing the Natural Environment – Providing for Green Infrastructure)
- DM6 (managing transport demand and impact)
- DM7 (Vehicle Parking)
- DM8 (Affordable Housing)
- 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 (Woodlands, trees and hedges)
- DM31 (Agricultural Land)
- MU3 (Land at Frogmal Lane, Teynham missed use development approximately 260 dwellings, 26,840 sq.m employments use B use class, open space, landscaping. Preparation of a development brief, landscape strategy, open space, sports facilities, pedestrian and cycle links, highway improvements, transport assessment and mix of housing).

5.07 Members should note that Policy MU3 of the Emerging Local Plan: Bearing Fruits (modifications) – Land at Frogmal Lane, Teynham states that:-

‘Planning permission will be granted for mixed uses comprising approximately 260 dwellings, 26,840 sq. m and o ‘B’ use class employment, open space and landscaping on land at Frogmal Lane, Teynham, as shown on the proposals map. Development proposals will:-

1. *Provide an integrated landscape strategy that will achieve a net gain in biodiversity and natural/semi-natural greenspace, integrate the development and its access road within the wider landscape and create a strong landscape structure to incorporate existing vegetation and create new planting and habitats;*
2. *Prepare a heritage assessment and, if necessary, provide for adequate mitigation measures to be put in place;*
3. *Provide open space and sports facilities to meet the needs of both the existing and new residents, with no net loss in existing provision;*
4. *Secure pedestrian and cycle links between the existing community, the proposed development area and the service and facilities within Teynham*
5. *Avoid increased use of the Lower Road and junction of the A2 and Frogmal Lane by bringing forward, as appropriate, traffic management measures within Frogmal Lane and on the A2 within the village;*
6. *Bring forward such transport improvements and other mitigation as required by a transport assessment*
7. *Achieve a mix of housing in accordance with Policy CP3 and any village/parish housing needs assessment, including provision for affordable housing in accordance with Policy DM8*

8. *Locate and provide employment uses appropriate to the amenity of existing residents*
9. *Ensure waste water connections at points that are adequate in their capacity*
10. *Ensure that, through both on and off site measures, any significant adverse impacts on European sites through recreational pressure will be mitigated in accordance with Policies CP7 and DM28, including a financial contribution towards Strategic Access management and Monitoring Strategy*
11. *Achieve improvements to education. Library and health facilities at the village*
12. *Address air quality impacts arising in the Teynham AQMA, including the implementation of innovative mitigation measures; and*
13. *Provide infrastructure needs arising from the development, including those identified by the Local Plan Implementation and Delivery Schedule, in particular for health and primary school provision’.*

The difference between the original Emerging Local Plan and the modifications is that:-

- The policy now says planning permission will be granted for mixed uses comprising of **approximately** 260 dwellings, 26,840 sq.m of ‘B’ use class employment, open space and landscaping on land at Frognal Lane, Teynham as shown on the Proposals Map.
- There is no longer a requirement for a developer brief to be prepared and adopted as a Supplementary Planning Document
- The reference to provision of a transport assessment that will additionally address the timing of development relative to the proposed Sittingbourne Relief Road Bapchild Link has been deleted
- The reference to provision for Gypsies and travellers has been deleted

Supplementary Planning Documents:

5.08 The Swale Landscape Character and Biodiversity Appraisal SPD (2011) seeks to support landscape and other policies of the Swale Borough Local Plan 2008. The SPD states that there is a need to retain pattern and diversity in the landscape of the Borough to ensure that character and local distinctiveness are maintained. The Borough Council needs to ensure that landscapes are visually satisfying, and give enjoyment to those who visit them and those who live and work in them. The SPD states that the document should be analysed to gain an impression of whether development would be appropriate and, if so, how it might be accommodated within the landscape and mitigated sensitively.

5.09 Developer Contributions SPD (2009)

5.10 The Swale Borough Council: Implementation and Delivery Schedule 2016/2017: Published June 2016

6.0 LOCAL REPRESENTATIONS

6.01 Seventy-one representations have been received, which generally raise objection. The points made are summarised below a number of sub-headings. Members will note that the full representations are also available for inspection.

Consultation

- Consultation letters should have been distributed more widely.
- There were no planning notices out up on “Ash path”.

- Support Teynham Parish Council's stance that this application should be deferred and a public meeting held, for people who are not computer literate to view the proposals.
- This and many other similar applications are listed as delegated decisions. No application which could cause harm to residents should be subject to a delegated decision.
- Every time I make comments they are blithely dismissed.
- The developer should engage with residents of 121-135 (odds) of Honeyball Walk) to discuss increasing the length of the gardens to increase the distance between them and the new development.

Principle

- We do not need this development – unsuitable for siting in this is a village.
- The new Swale Local Plan is not yet adopted, and in the 2008 Local Plan this development is outside of the built up area boundary and there is still a considerable consultation timetable to be completed on the new Local Plan which makes granting this application premature.
- This proposed development is not sustainable as defined in the NPPF.
- SBC should focus primarily on brown-field sites to return decrepit sites to community use. There are other brown field sites that are better placed for development. Use a more suitable site such as Norton Ash garden centre.
- This application is for well over the number of houses as set out for this land in the developing Swale Local Plan.
- Use all the empty properties in Kent for housing; most have been empty too long. They should be refurbished and either sold on or rented out.
- Whilst I accept that there is a shortage of housing in the south east, the size of this development is completely inappropriate for Teynham. It is much larger than has been originally proposed and now includes light industrial units.

Transport Issues

A2

- The A2 already carries large volumes of traffic and HGVs which will further increase. There will be approximately an extra 200 cars.
- Proposed road/junction changes could make the junction less safe.
- The solution proposed for the Co-op delivery lorry is hardly a solution.
- It is clear that no development should take place along the A2 until KCC and the Government have provided an adequate road network.
- The A2 is often used when the M2 is closed and this causes traffic build up/standstill.
- Living on the A2 we have already seen increased traffic and congestion as a result of the developments at Fowler Welch which were given permission despite considerable local opposition. Not only have the extra lorries increased vibrations, noise and pollution but it is frequently impossible to cross the road safely.
- Noise and light pollution from the new roundabout on A2 will impact me.

Frognal Lane/Lower Road

- Lower Road will be used as a rat run, both for the business units and proposed residential units. Any increase in Lower Road use is utterly wrong.
- Frognal Lane/Lower Road junction: existing garage users will face more danger using their garages.

- Lower Road is very narrow and at times floods and there is also farm traffic on it and therefore unsuitable for extra traffic.

General

- Safety is already poor on the local roads.
- Traffic congestion is already “terrible”.
- Need to consider traffic impact in conjunction with all of the other proposed developments.
- There is nothing to stop vehicles from simply using the new road and, instead of continuing straight on into the new development, simply turn left and use Frogmal Lane as before (if they are prohibited from turning left then so too would the residents who live down it).
- The proposed highway works will not work. (See full representations for junction analysis, etc.)
- In order to prevent a single extra car movement in the lane, the only way would be to make Frogmal Lane a dead-end.
- Putting barriers up outside the coop so vehicles can't abandon outside cause disruption, traffic delays or being dangerous.
- Question a lot of the facts contained in this document especially vehicle movements in the village, did this company actually carry out a survey. The traffic assessment doesn't come close to reflecting the reality of rush hour traffic to and from Sittingbourne / A249 / M2.
- The only way a site like this would be feasible, in a small village like Teynham, is if a link to the M2 was built through farmers' fields to the south of the site in Bapchild, this would also provide better access to the Fowler Welch site and restrict the number of HGVs that currently hinder traffic flow in and out of Teynham,
- Emergency vehicles already struggle to get through Teynham.
- There's no work in the village so more cars leaving and entering for commuting to work.
- KCC Growth, Environment and Transport's response requires a crossing point where Public Right of Way ZR256 joins London Road. KCC now want to add a further obstruction that will, at times, further reduce flow of traffic through the Air Quality Management Area (AQMA). This is unsatisfactory. Upgrading PRW ZR256 to a public bridleway should be considered.
- The train service at Teynham is very limited and unreliable.

Parking

- Concerned about parking especially with 300 extra houses as at the moment it is really bad. It is dangerous with cars parking either side of the road in Frogmal Gardens.
- Not enough car park spaces proposed.
- Parking restrictions on the north side of the A2, without suggesting an alternative, just moves the problem somewhere else.

Air Quality

- Air pollution is already high and there is existing AQMA. Under the three AQMAs along our "corridor", there is a formal obligation on SBC to identify and demonstrate the effectiveness of mitigation measures before adding to that harm through planning approvals.
- Concerns about the effect on public health.

- There are alternative sites in Swale with better air quality.
- Need to consider the cumulative impact of new developments on Air Quality.
- The developers have tried to blind us with science with their impact on air quality assessment report which ignores the measurement of PM2.5 particles.
- Was disturbed and angered by the “lily-livered dithering” in the response to this outline application by the Environmental Health Department. Despite accepting there will be an increase in pollution that argues against approval, the officer “waxes lyrically” on the size and quality of the report. Constant reference to “negligible affects” with each application along the A2 in Swale has to be challenged by SBC.

Housing

- What is affordable?
- The houses should be for local people.
- It is too high density.
- Concerns that the development will not be in keeping with the properties already here in terms of design.
- Making the houses more environmentally friendly using solar panels, wind turbines and grey water systems, good insulation and green building products could make this a prestigious project instead of just another greedy developer proposal.

Employment

- The industrial units will require deliveries with no access via Frogal Lane which will mean more traffic going down Station Road and Lower Road which is very narrow and sometimes floods.
- The industrial units will be vandalised.
- There are empty units on the euro link and elsewhere in Sittingbourne so there is no need for them.
- The industrial units do not have enough parking spaces for employees or customers.
- Too many units have been squashed in; landscaping is pathetically inadequate.

Environmental Issues

- Concerned about our reducing water resources as everyone is now water metered.
- The soil has been abstracted for London clay for bricks in the past.
- Concerned about loss of wildlife.
- Will the field be thoroughly drained before work begins?
- Kent has already lost too much green belt land.
- Why develop over green field sites and archaeological ones?
- The natural environment should not suffer purely for monetary reasons.
- Teynham is supposed to be a village. Another industrial area will spoil the character of the village, do not forget large parts of Greenstreet are conservation areas and have listed buildings.
- What happened to the landscaping in keeping with a village? There are the token trees and the public open spaces are minimal and very sparse.

Sports Field

- Concerns re the cost of leasing of the sports field as Trenport have already increased the rent.
- It was originally a living memorial for the troops who fell in the First and Second World wars.
- It should remain where it is as the football pitches have excellent drainage.

Agricultural Land

- In 1998 this site was considered to be grade one agriculture land.
- Concerned about the loss of agricultural land.

Swapping Employment and Open Space around

- Should swap the industry with the public space for safety reasons. Blighting of existing houses, removing field views and sunsets is illogical, unfair or immoral.
- Swapping the industrial estate and public space would give a large open space in the heart of the village, create a safe exercise space, take away a horrid and blighted view from approximately 94 houses and instead impacts on only around 12 by the A2 (excluding Henley Place flats), cut fuel emissions by allowing access immediately from the A2, reduce air pollution and stop lorries passing playing fields.
- The planned Community Orchard & allotments would be better placed where the industrial site is.

Social/Infrastructure Issues

- The infrastructure of Teynham (doctors, dentists, schools, shops) cannot support the development proposed. I have no confidence in the developer's promises to address this.
- There will be extra demand for utilities/communications, etc. The local electrical supply is currently flimsy.
- The NHS response gives rise to serious concerns. Emergency services are unable to respond in a timely manner already.
- Concerned that a site is only reserved for a health centre, not actually proposed. Our local hospital offers a limited service
- The police response recommends measures that further urbanise the village to aid crime prevention.
- Policing in Kent could go into 'meltdown' with current cuts.
- A sports pavilion and community orchard "sound lovely", but we already have a sports area and there is an orchard at Lynsted that is open to the public at certain times of the year. No doubt these things will get left out once the houses are up

General Comments

- Our properties will be devalued.
- It would cause a lot of disruption in the village during the building works.
- I understand the need for more houses but ramming them in the middle of an already over occupied and over stretched village is not the answer.
- It will destroy my open, rural view.
- We will suffer from overlooking and will be over-shadowed.
- This rush to push through these developments at all cost is financially driven; the Council receives from Central Government a sum of money for each house built.

- SBC are obliged to look to provide six themes that together provide the starting point for the Local Plan Strategy:
 - "A place where everyone feels they belong.
 - Healthy people.
 - A fun place to be.
 - A healthy environment with healthy homes and modern infrastructure.
 - A place that feels safe and is safe.
 - A strong local economy with good employment opportunities." This is not the case with this proposal on any of the above.
- This expansion is yet another Government example of the pressure they put on local councils to help with the huge immigration expansion.
- Improve our roads, street lighting and other things instead of wasting money on an industrial estate which will completely ruin the village.
- Many of the items listed are not within the control of SBC or its planning department. It is morally and possibly criminally wrong for SBC to approve or encourage applications where harm may be done to inhabitants.
- I want my children to grow up in Teynham village, not a town.
- The new access road to the new development will open up the whole area from Coolchain to Frogmal Lane, right down to the Lower Road, for house building, which will surely follow.
- Would the development be 'legal'?

Support

- Will reduce the use of Frogmal Lane as a rat run and traffic flows will be improved.

7.0 CONSULTATIONS

7.01 Teynham Parish Council

Comments dated 24 November 2016

The time given within which to assess the application is very short given the scale of development proposed. The developer should be requested to arrange a public exhibition for both community members and parishioners to review the latest information and proposals. The PC requests an extension given the Christmas and New Year break

Comments dated 26 Jan 2017

- The provision of a community orchard is questioned given that Teynham is part of a fruit belt of Kent and surrounded by Orchards. The orchard will need to be maintained and this will be a problem;
- There is a need for affordable housing as stated in the applicant's supporting statement;
- The proposed highway improvement works allows for the siting of a new gateway design feature on the A2 western arm on entry to Teynham. The Theme for the design could be centred on Richard Harris (Henry VIII's Fruiterer) who established England's first large fruit collection at Teynham;
- Teynham does not have strong level of services and facilities providing residents with their day to day needs;
- Train services are poor and there is need for a half-hourly service;
- The Road changes at Station Road/A2 and Lynsted Lane/A2 junctions may significantly affect the pollution levels on the A2;

- Can the Local Planning Authority review the traffic reports submitted with the application?
- The Parish Council are concerned that each application is judged on its own merits without including the cumulative effects on the traffic flows and air quality issues on this and other sections of the A2;
- The new roundabout on the A2 by Claxfield Road seems a good solution for the Frogmal Lane development but concerns are raised regarding the vision lines;
- There could be a rat run via the A2 [southern] end of Frogmal Lane via Frogmal Gardens to Station Road;
- It is not clear what measures will be put in place to prevent those from employment area using the parking provided for the adjacent sports facilities and local adjoining streets;
- Teynham has a poor bus service and the off peak train service is an hourly service;
- The submitted Travel Plan promotes the use of alternative forms of travel such as cycling or use of public transport. The high street shopping area is not equipped with cycle storage areas and most bus stops in rural areas are not equipped with passenger shelters;
- Is any of the s106 money going to be allocated to Teynham Parish Council given the size of this development so that Teynham can make improvements to local infrastructure e.g. improvements to The Meadow, the children's playing field off Belle Friday Close, and conversion of street lights to LED?
- Are there any plans to improve the Teynham Library?
- It is prudent to provide a fully equipped and staffed health centre in Teynham given that the current two doctors are due for retirement;
- Whilst provision has been made for space for a health centre and that the NHS has required monies from the developer, it is not clear how the funding of the building of a new health centre will be achieved. This needs clarification;
- It is not clear how the funding of three extra primary school classes plus supporting facilities will be provided;
- The foul drainage is not fit for purpose;
- The planning for the management and control of surface water does not appear fully developed and there are a number of design issues;
- Outreach should be tasked with replacing the old cable technology throughout Teynham and its surroundings;
- It is unclear why the boundary of the employment use extends over and includes Lower Road; and
- The recreational areas of the scheme should help form a central focus for the village and should reflect village park concept, with grassed areas, flowering shrubbery, and be surrounded with solid perimeter footpaths, sitting areas with benches and play areas suitable for all age groups.

Comments dated 22 May 2017

- It is reassuring that KCC Highways and Transportation have challenged a lot of points and requested improvements and therefore the Parish Council is happy to leave KCC to negotiate all the necessary improvements with the applicant;
- If there is room for a lay by outside the Co-op? Can there be one as this may solve ongoing traffic problems along the A2;
- The additional traffic could also lead to further problems at the junction of Station Road with London Road (A2); and
- The serious air pollution problems in London Road [the A2] are not addressed.

- 7.02 **Lynsted with Kingsdown Parish Council** object to the application and raise the following concerns:
- traffic congestion and air quality pollution in the surrounding roads/areas;
 - the submitted application has increased from 260 to [up to] 300 dwellings and the increase is more than 15%;
 - vehicle congestion is a major consideration especially where Station Road and Frognal Lane join the A2;
 - The Air Quality levels in Teynham already exceeds the legal limits and extra traffic would exacerbate the situation;
 - The additional residents will result in increased pollution, including to the air;
 - Drainage and road capacity are currently under strain and the development will exacerbate the existing situation; and
 - Light pollution will also be of concern.
- 7.03 **Tonge Parish Council** has no adverse comments to make on the application.
- 7.04 **Southern Water** advise that they do not raise an objection regarding the application, however, they advise that no new development or new tree planting shall be located within 3 metres either side of the centreline of the public sewer and that all existing infrastructure should be protected during construction, and that no new soakaways should be located within 5 metres of a public sewer. If planning permission is given for the development, an informative should be attached advising the applicant that a formal application for connection to the public sewerage system is required in order to service the development and that the applicant is advised to contact Southern Water directly.
- 7.05 The **Lower Medway Drainage Board (LMIDB)** advises that the development is outside IDB's district and as surface water is proposed to be disposed of by infiltration IDB interests will not be affected. The comments made by KCC Sustainable Drainage Team Leader are supported. Should disposal by infiltration be considered impracticable, further views of the IDB should be sought.
- 7.06 **KCC Sustainable Drainage Team Leader** advises that the overall concept presented in the submitted Flood Risk Assessment (prepared by WSP Parson Brinckerhoff October 2016) that surface water could be managed within the site is acceptable. However, at reserved matters stage the following need further consideration: a drainage schematic should be included within the application to clearly indicate where these features will be located; testing will be required to be undertaken at the locations proposed for infiltration and the appropriate depth with detailed design to confirm infiltration rates and ground conditions; and, there is a definite overland flow route through the westerly area of the site and this flow route appears to only cross proposed open space but may impact the proposed attenuation storage area. This should be looked into. There is insufficient information to comment on surface water management. With further development of the layout, issues may arise from an inability to provide gravity connection for surface water drainage, an inability to provide surface water features for attenuation due to housing density objectives, and an impact resulting from overland flow paths on location of attenuation basins. For these reasons it is recommended that any layout presented for reserved matters should clearly demonstrate how surface water is accommodated within the site. Notwithstanding the above comments, it is considered that surface water management can be accommodated within the site and permission can be granted subject to conditions requiring submission of a finalised detailed surface water drainage strategy; that the drainage strategy can demonstrate that silt and pollutants

from the site can be adequately managed to ensure there is no pollution risk to receiving waters; infiltration should only be allowed where it has been demonstrated that there is no unacceptable risk to uncontrolled waters and infiltration is feasible; submission of a detailed design for the attenuation basins; submission of a phasing plan for the surface water drainage scheme; submission of a Drainage Management Plan containing details of the implementation, maintenance, and management of the sustainable drainage scheme; and the submission of a Verification Report for approval prior to commencement of development.

- 7.07 The **Environment Agency** has no objection to the application subject to a condition requiring a remediation strategy that will deal with risks associated with contamination of the site, together with a verification report demonstrating completion of the works set out in the approved remediation strategy, that no further development should take place if contamination not previously identified is found no further development should take place until the developer has carried out a remediation strategy to the satisfaction of the local planning authority, that piling or any other foundation designs using penetrative methods should not be permitted, and that no drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express consent of the local planning authority. Informatives relating to piling, foul drainage, surface water drainage, land contamination, waste and above ground storage should be attached if permission is given for the development.
- 7.08 **Kent County Council Archaeology** advises that the development is located in an area that is archaeologically sensitive and where prehistoric and Roman findings have been made in the past. The submitted archaeological survey advises that the site has been affected in majority by brickearth quarrying and other areas may remain intact and with potential for archaeology. The proposed development is acceptable subject to a condition requiring the implementation of a programme of archaeological work in accordance with a written specification and timetable. The form of programme of archaeological works should include initial evaluation through trial trenching of areas that cannot be demonstrated to have been not affected by brock earth extraction.
- 7.09 **Kent County Ecology** advise that the ecological surveys done recorded breeding populations of slow worms and common lizards, at least 4 species of foraging bats, foraging badgers, 32 species of birds recorded within the site (including red and amber listed species and species of principle importance) of which 17 species were recorded breeding, and 3 species of wintering birds within and adjacent to the development site. KCC also advise that the submitted information is satisfactory and a detailed mitigation strategy should be conditioned if outline permission is granted for the development, and update surveys ay be required to be submitted with the detailed mitigation strategy.

They also note that, regrettably, up to three skylark territories were recorded within the proposed development site and, if granted, the development will result in the complete loss of nesting opportunities for skylark. Unfortunately, replacement skylark habitat cannot be re-created within the development site and as such the impact on ground nesting birds should be addressed strategically within the district. In addition, the submitted illustrative plan demonstrates that the development will result in an increase in green space which will in turn enhance biodiversity inline with policy requirements. In addition to these enhancements, KCC require the integrated incorporation of bat roosting and bird nesting features in the dwellings particularly those adjacent to hedgerows/green spaces. There is a need for these biodiversity enhancements to be properly managed and this should be conditioned if planning permission is given for the development. Furthermore, the site is within 2km of the Swale SA, Ramsar and SSSI, and it is acknowledged that the applicant has shown a

commitment to make a financial contribution towards the Strategic Access Mitigation and Management Plan.

7.10 **Natural England** makes the following summarised comments:

- The proposed site is located in close proximity to a European designated site and therefore has the potential to affect its interest features;
- The site is close to The Swale Special Protection Area (SPA) and is also listed as the Swale Ramsar Site and also notified at a national level as The Swale Site of Special Scientific Interest (SSSI);
- The Local Authority should have regard for any potential impacts the development may have;
- Swale Borough Council should determine whether the proposal is likely to have any significant effects on any European site ;
- The Local Authority should secure contributions towards mitigating impact of the development on the SPA; and
- The development should provide opportunities to incorporate features into the design which are beneficial to wildlife.

7.11 **Kent County Council** seek the following developer contributions:

- Primary education (Phase1) – A contribution of £2,360.96 per applicable house ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA, and sheltered accommodation) and £590.24 per applicable flat. Therefore a contribution of up to £708,288.00 is required for primary education provision;
- Secondary education – the development will generate up to 60 secondary pupils and these cannot be accommodated within the existing capacity in locals schools and therefore additional spaces will be required. The proposed development will contribute towards Phase 2 of the new Sittingbourne Secondary School in North West Sittingbourne at £5,091.60 per applicable house and £1,272.90 per applicable flat. Therefore a total contribution of £1,527,480.00 is required towards secondary education provision;
- Secondary education land acquisition costs –there is a requirement for the applicant to make a proportionate contribution towards Secondary School land acquisition up to a maximum of £1,932.16 per applicable house and £483.04 per applicable flat. Therefore the total financial contribution towards secondary education land acquisition costs is up to £579,648.00;
- Libraries and Community Learning - A contribution of £287.43 per dwelling (A total of up to £86,229.00) would be required and directed towards the construction costs of the Library element of the new Sittingbourne Hub in Sittingbourne;
- Youth Service – A contribution of £37.58 per dwelling (total of up to £11,274.96) would be required and this will be directed towards a new Youth bus and trained driver;
- Adult Social Care – A contribution of £63.33 per dwelling (total of up to £18,999.00) would be required for the provision of additional adult social care service and will be directed towards equipment for the Teynham Age UK dementia day service. In addition, a contribution of 3 wheelchair accessible units is required; and

- Broadband connection - Details are required for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings.

7.12 **Highways England** advise that, having examined the proposed development, they are concerned about the impact of the development on the M2 principally at junction 6 and junction 7, and that the cumulative impact in conjunction with other committed and emerging sites may be severe and as such the impact needs to be mitigated. The initial impacts are on M2 junction 6 where peak hour traffic conditions regularly lead to queues along the A251 from the A2 junction and without mitigation measures such queues will in the future extend to M2 junction 6. This could in turn prevent traffic from leaving the eastbound off slip road at the junction and queues could form and lead to blocking back on M2 eastbound main carriageway.

There should be an improvement to the A2/A251 junction as a means of prevention so that the future northbound queues along the A251 do not extend back to M2 Junction 6. The supporting evidence shows an increase in vehicles of 99 in the morning peak and 89 in the evening peak hour resulting from this development once it's fully occupied.

With regards to M2 junction 7 shows 6 to 55 vehicle trips through M2 junction 7 in the morning and evening peak hours respectively as a result of the development. This junction regularly experiences peak hour queues and delays and the proposed development will exacerbate the current delays. To mitigate this impact, a proportionate financial contribution is required and will be directed towards a scheme to cover likely impacts from this development as part of a wider mitigation for cumulative development impacts in the area.

Finally, Highways England have indicated that once an appropriate level of financial contribution has been agreed to by the applicant they will be in a position to confirm no objection. I will update Members at the meeting.

7.13 The **Environmental Protection Team Leader (EPTL)** comments as follows:

Three very detailed reports are submitted to justify the proposed development. These reports look at air quality, noise impact and contamination. The proposed development is considered, he suggests, to be a significant proposal which will potentially put the local road network under more strain and therefore likely increase congestion, in and around Teynham and as a consequence, increase air pollution and noise levels.

Air Quality

The EPTL advises that the submitted report states that background levels of NO₂ are expected to decline over time and from this table the conclusion is that this development will have a negligible effect on local air quality, and because the highest predicted value was less than 30 ug/m³, the report concludes that there is enough leeway, even taking into account any "experimental inaccuracies", for this to be sufficient reassurance. The EPTL advises that they concur with this evidence. In addition, the applicant proposes a significant list of mitigation measures listed in Appendix D of the submitted report, and a damage cost calculation of £480,106. This figure is derived from the variables discussed above and an indication of the mitigation measures involved. Given the above, and that mitigation measures with a damage cost calculation of £480,106 are proposed, there is no objection to the development on air quality grounds.

Noise

The EPTL advises that the submitted noise assessment is very detailed and that the methodology used is satisfactory. The assessment is based on various noise sources captured from the vicinity of the site and was taken over various time periods of the day and night as well as weekdays and weekends, and a vibration survey was carried out.

The results of these measurements, traffic noise places the site in between Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL). As a consequence of this indication, the report proposes mitigation measures to achieve the internal noise levels suggested in BS 8233: 2014. The required sound reduction for each of the measured locations was highlighted in table 6.1 on page 30. The author recommends use of suitable glazing to provide the necessary sound protection. Rail noise and vibration was not considered significant for this site. The EPTL raises no objection to the development on this ground subject to recommended mitigation measures.

Land Contamination

A detailed phase 1 assessment of the site was carried out, with numerous appendices and research into the history of the site, together with the geological setting of the site and its surroundings.

The recommendations are that a further phase two intrusive investigation takes place and the EPTL concurs with this.

Conclusion

Overall, based on the submitted reports, no objection to the development subject to conditions completion of land contamination work; a site investigation; a remediation method statement; and a closure report; and subject to a condition restricting working hours during development.

- 7.14 The **Green Spaces Manager** advises that based on the population likely to be generated by a development of up to 300 dwellings and a standard of 1.09 hectares per 1000 population, thereby requiring approximately 0.6 ha of sports pitches to be provided. The proposed development provides 0.67ha which is over and above the requirement. Car parking and changing pavilion are also added value although it is important that the pitch facilities are properly constructed to ensure their playability given increased population/users. The plans make provision for informal open space, community orchard (picking up on the local historic orchard theme) and allotment, but there does not appear to be provision for equipped play which will need to be incorporated. This could be provision located on the informal open space or a combination of the informal open space and enhancement of the Parish Play Area located off site near the village hall if adequate access from the development can be included. Provision will need to be made for future ownership maintenance/management of all the open space provision.
- 7.15 The **Strategic Health and Housing Manager** advises that 40% affordable housing provision is required on this site and this amounts to up to 120 affordable homes. Policy DM8 in Bearing Fruits 2031 requires a 90:10 split in favour of affordable rented housing. However the applicant's statements suggest 60% shared ownership (72 dwellings) and 40% affordable rented tenure (48 dwellings). This is considered to be an acceptable approach. There is a requirement for affordable housing in Teynham

and surrounding areas for all types of affordable accommodation. If the development is phased, 40% of the houses should be provided on each phase with the agreed tenure split and ensuring a proportionate mix is provided across each phase. The mix of houses should be 1, 2, 3 and 4 bedroom dwellings and these should be a proportionate mix to the open market homes to include both flats and houses and should be evenly distributed across the site. A small number of wheelchair adapted affordable housing should be provided and these will be agreed with the preferred Registered Provider (RP). In addition, the site may be suitable for starter homes, the percentage of which will need to be agreed in accordance with national and local policy.

7.16 The **Climate Change Officer** raises no objection to the proposal subject to a 'sustainable measures' condition.

7.17 **KCC Highways and Transportation** advise as follows:

Initial comments received 24 February 2017.

Concern is raised on the following grounds:-

Site Access Arrangements

The site is proposed to be served from a new 4 arm roundabout onto the A2, at the location of the existing junction with Claxfield Road. The principle of creating a roundabout at this location is acceptable, and the design appears to be in compliance with the standards contained in the Design Manual for Roads and Bridges. The A2 is subject to a 30mph speed restriction along this length, and KCC concurs with the TA that the roundabout will introduce a feature to help reinforce this restriction in this location.

The new access road into the site has been designed to a 6m width. However, in accordance with Kent Design Guide, a 6.75m wide carriageway is required given the scale of development.

A 2m wide footway is shown along the length of the access road, to link into the existing 2m wide footway on the A2. The opportunity should be taken to provide a 3m shared use footway/cycleway along the length of this new piece of highway infrastructure, as it is expected that cyclists will use it to reach the A2, and further cycle routes may be able to link to this in the future.

The target speed for the proposed access road will need to be 30mph, as both the A2 and Frogmal Lane are subject to 30mph speed limits, and the length of the proposed road between these two is less than 600m.

The alignment and design of the road should be reviewed in association with a Road Safety Audit to consider the suitability of the road to cater for the expected vehicle types and likely speed of traffic. It is noted that the site access onto Frogmal Lane is to be restricted in order to encourage development traffic onto the A2, rather than rat running through Lower Road and Tonge to access Sittingbourne.

The design of the junction is likely to be abused by development traffic if it is still physically possible for vehicles to turn right into Frogmal Lane from the access road, or left into the access road from Frogmal Lane. The junction arrangement should be revisited to ensure that vehicles do not turn right into Frogmal Lane or left into the access road from Frogmal Lane.

The angle that Frogmal Lane would join the new access road is too sharp, making the right turn from Frogmal Lane onto the access road awkward. Kent Design Guide requires that roads such as this should join the main road at 90 degrees, so that drivers turning onto the main road can view the visibility splays through the front windows. The current arrangement might also result in higher than expected vehicle speeds for those turning left onto Frogmal Lane, as the junction radius is large with little deflection.

The new roundabout on the A2 to provide the access into the development requires the formation of a service road in front of the houses immediately to the east of Claxfield Road. It must be ensured that sufficient turning area is provided within this service road to allow vehicles to turn around. No swept path analysis has been given to demonstrate that the facility is appropriate, and the current proposals appear incapable of being able to accommodate large vehicles that may need to deliver to or service the affected properties. It would be inappropriate for these vehicles to have to park directly on the A2 on the approach to the proposed roundabout.

The service road junction should be relocated further west so that vehicles can reverse within this service road past the junction, enabling them turn around and exit onto the A2 again in a forward gear.

Junction Assessments

The modelling predicts that the queues at the A2/Swanstree Avenue traffic signals would increase by 40 vehicles on the A2 (East) arm with the development proposals. This equates to approximately 230m additional length, and potentially impacts across other junctions. Despite the introduction of MOVA, the Highway Authority does not consider that the potential improvement in performance of the junction will be sufficient to mitigate the proposed development, and the developer should investigate this junction more closely to consider what improvements can be made to resolve the issue. This should be modelled to determine how the impact of the development can be mitigated, and what can be achieved to accommodate the emerging Local Plan development.

The A2/Murston Road signalised junction is considered a sensitive asset that operates at or around capacity, and traffic is expected to increase above the 5% impact threshold discussed during pre-application correspondence. The Highway Authority considers that this junction should be assessed properly to understand the impact on the movement of traffic on the highway network. Although under the suggested 5% impact threshold, the A2/Crown Quay Lane signalised junction is known to be a sensitive constraint on the highway network, and the TA predicts that the development will add a further 95 and 88 movements through it during the AM and PM peaks respectively. It is therefore considered that the junction is worthy of further assessment of its capacity to ascertain what impact the development related traffic will have on it.

Whilst below the 5% impact threshold, the TA suggests that the development will generate 99 trips through the A251/A2 junction during the AM Peak hour, and 89 during the PM Peak. This is a sensitive junction, and already operates over capacity at the peaks, so additional traffic will exacerbate the current difficulties. Highway improvements have been identified for this junction, and it will be expected that this development should contribute towards the cost of these in line with recent developments that are predicted to have a similar level of impact.

The Lower Road/Frogna Lane junction should be reviewed to consider improvements at this location, as this may become more active if existing traffic reassigns itself through here from what otherwise would use Station Road or Hempstead Lane, given that the roundabout will provide an easier opportunity for traffic to join the A2 than at the latter two.

Visibility is restricted at this junction, and marks the transition from the 30mph section of Lower Road into the unrestricted length towards Tonge.

A2 London Road Environmental Improvement Scheme

Section 7.9 of the Transport Assessment acknowledges that the proposed development will lead to an increase in traffic on the A2 through Teynham, and notes that the key junctions with Lynsted Lane and Station Road would operate within acceptable levels.

Unlike Station Road, where the new development will provide an alternative route with easier right turn movement onto the A2, no comparable alternative exists for Lynsted Lane. The assessment will need to include an appraisal of this junction.

No details of A2 London Road Environmental Improvements have been provided in order for the Highway Authority to assess the suitability of the scheme, particularly in respect to the delays that are experienced by eastbound traffic due to parked vehicles and deliveries to the Co-op store opposite Lynsted Lane. It is therefore not possible at this time to comment on the appropriateness of a scheme through Teynham, and whether it would be likely to contribute towards improving the free flow of traffic to reduce vehicle delay, assist air quality, and enhance road safety as suggested.

As noted in the TA, parking along the A2 within Teynham does cause delays to traffic flows, and the TA has suggested that parking restrictions could be implemented to assist with the free flow of traffic. If this were to be brought forward, consideration would need to be given to mitigate against the loss of available on-street parking. In general, it is the parking of larger vehicles, particularly associated with service deliveries to the existing shops, that cause the most difficulty to vehicle flows. It should be explored whether improvements can be introduced to alleviate those specific issues.

It is appreciated that the new roundabout junction serving the development could act as the gateway feature to restrict vehicle speeds entering Teynham from the west. It is requested that an appropriate feature is considered at the eastern approach too, and the addition of further features provided through the wider carriageway section at the eastern end the village to help reinforce the speed limit. Whatever improvements are proposed through Teynham, these will require a further Road Safety Audit to be supplied in support of the highway works.

Public Transport

The Public Transport team have commented that it would be appropriate to seek improvements to the current level of bus services operating in Teynham. They have initially suggested that the existing service 8 could increase its frequency and divert through the development. This matter will require further discussion between the Applicant, the public transport team and bus operators to explore the feasibility of promoting enhancements. In addition this should include the possible provision and/or upgrading of bus stops in the vicinity of the development to encourage greater use of public transport. This would be the provision of new bus stops and bus shelters.

Footway/Cycleways

Public Footpath ZR247 running along the eastern boundary of the development site should be enhanced, as this will provide a strategically important route to link the site to local facilities. It should be surfaced to a width of 3m and be defended at each end to prevent unauthorised vehicle access, including where it would connect onto Honeyball Walk and Donald Moor Avenue.

The changes in the design of the Frogmal Lane junction onto the proposed access road that have been requested above to resolve the alignment concern, may impact on the appropriateness of the form of pedestrian/cycle crossing to be provided at this location. Given this crossings proximity to the junction, special attention should be given to the design to incorporate a suitable facility, and supported by a Road Safety Audit.

In addition, Public Footpath ZR256 will cross the proposed access road, and this should be considered within the Road Safety Audit for these development proposals. Whilst it is unlikely to be a frequently used route, limited mainly to leisure use, it may be appropriate to consider a refuge island at this location that could be used to influence vehicle speed along this road, given the speed limit matter I have raised elsewhere in my comments.

Response to amended highway arrangement - Comments received on 9 May 2017

KCC are satisfied that the amendments to the roundabout, service road and link road are appropriate, as detailed below:

1. The link road carriageway width has been increased from 6m to 6.75m in accordance with the Kent Design Guide, applicable to roads serving developments of over 300 dwellings. This is considered the appropriate width, given the combined scale of the development with 300 dwellings and circa 27k sqm of B class employment in addition to any existing levels of traffic that will be diverted from Frogmal Lane.
2. The footway along the link road has been widened to 3m to accommodate a shared use cycleway.
3. A standard sized pedestrian refuge is now included to provide a crossing facility on the link road along the alignment of public footpath ZR256. The refuge island also introduces a visual feature to the link road that could help encourage compliance with the speed limit applicable to that stretch of road.
4. It is considered that the amended layout of the link road junction with Frogmal Lane is now appropriate, as the sharper exit from the link road will force vehicles making this manoeuvre to do so more slowly than would have been the case with the layout initially proposed. The splitter island will also help prevent vehicles associated with the development from using Frogmal Lane and Lower Road. The physical restriction will also need to be formalised by the use of a Traffic Regulation Order, which will allow enforcement to take place and discourage abuse.

The pedestrian crossing provision at this location is also considered acceptable, providing a refuge to give a less complicated facility where vehicle movement can be more easily anticipated by pedestrians as they wait to cross this staged arrangement.

However, I note that contrary to the statement in the Technical Note, drawing ITB11129-SK-105 Rev A was not included within the attachments, so the swept path analysis cannot be verified. This drawing will need to be submitted for clarification - the drawing has been submitted and forwarded to KCC for final comments)

5. The layout of the new service road arrangement near Claxfield Road has been revised to accommodate refuse and delivery vehicles within it, so that these will not be required to service the existing dwellings from the A2 or obstruct the carriageway in the vicinity of the proposed roundabout. As with point 4 above, drawing SK-105 Rev A was not included within the attachments, so the swept path analysis cannot be verified.

Frogna Lane / Lower Road Junction

The proposals now include a revised layout of this junction, whereby the priority has been changed in favour to Frogna Lane. This has enabled the introduction of deflection into the horizontal alignment of Lower Road, and this will restrict vehicle speeds on the east/west straight through route past Frogna Lane. Although the junction is within the 30mph length of Lower Road, it is close to the transition from the national speed limit, and it has been suggested that some vehicles do travel noticeably in excess of 30mph along this straight, uninterrupted section of road. As visibility is limited for vehicles emerging from Frogna Lane, the changes proposed will force traffic to slow down at this point, and removes the visibility issue that currently exists at the junction. The swept path analysis submitted demonstrates that HGVs and cars will be able to pass one another through the 90 degree bend, and the appropriate amount of forward visibility is also available for vehicles using the revised layout.

This includes sightlines in respect to the private access for the garage on the northern side of Lower Road, just east of the junction. The sightline distance measured around the bend into Frogna Lane from this access will be 51m, some 8m longer than the 43m distance sought for a 30mph restriction. Given the alignment of the road, it is expected that vehicles will also be travelling materially slower than 30mph around this bend, so visibility will be more than adequate. It is also proposed to extend the 30mph section of Lower Road further west to a position more appropriate to the approach of the junction, where it can be seen more easily and from further away. This will give motorists travelling from the west adequate advance warning of the change in speed limit, so they can alter their driving.

A2 London Road Environmental Improvement Scheme

A drawing has now been submitted to identify a scheme that could be provided along the A2 through Teynham. I consider that it would offer some improvement to this part of Teynham, particularly in respect to accommodating delivery vehicles to the Co-op and nearby businesses.

The layby proposed would allow a 5.5m road width to be maintained so that two HGVs could pass one another along the A2 while a delivery vehicle is parked there. Currently, an HGV parked there blocks the eastbound carriageway, causing delays through the village, will can tail back towards Bapchild during the AM and PM peaks. Whilst it would involve the reduction in footway width, the Co-op is set back behind the neighbouring buildings, so is quite wide at this location. It would narrow down to a minimum of 1.5m for a short length in front of part of the surgery building, but this is

not less than the minimum acceptable, and is sufficient for a wheelchair and pedestrian to pass one another.

The introduction of red surfacing through the central hatched area and new islands to the eastern section of the village are likely to change the environment of the highway to give it a narrower appearance for motorists, which may influence driver behaviour to reinforce the 30mph speed limit that exists through there. The islands will also provide the opportunity to create pedestrian refuges, as there are currently no opportunities to cross the road east of the signalised crossing. The scheme also intends to refresh the existing gateway feature on the A2 eastern approach to the village, and the red surfacing on the central hatching is not expected to create a maintenance liability, as it would not be subjected to constant overrunning that would quickly wear off the colour.

Junction Assessments

The Technical Note has now modelled the operation of the A2 corridor junctions requested, and developed two improvement schemes for each of the Swanstree Avenue and Murston Road/Rectory Road junctions, to show mitigation against the impact of their scheme alone, and what would be required to support the cumulative impact of all development over the local plan period. It is accepted that the mitigation schemes are appropriate. However, whilst paragraph 4.1.6 refers to the bus/taxi drop-off access into Sittingbourne Community College that is programmed to commence construction shortly, it is noted that the submitted drawings for the Swanstree Avenue junction improvements do not include that scheme. It is understood that this has been included on other drawings that were meant to be submitted with this Technical Note instead, and it is expected to be received in due course. The mechanism to deliver the mitigation schemes and consideration of the longer term Local Plan schemes will need to be secured through the S106 Agreement and this will be subject to ongoing negotiations in due course. The cost of these schemes will need to be calculated in order to inform the S106 negotiations.

KCC is pleased that the Technical Note acknowledges the additional traffic movements that the development will pass through the A251/A2 junction, and has recognised that a contribution towards the highway improvements being progressed by KCC is appropriate. Again, this should be secured through the S106, and will be based on the proportion of traffic generated by the development.

Provided that the outstanding drawings referred to above are received, and the appropriate contributions are secured via the Section 106 Agreement, no objections are raised to the development subject to conditions requiring development should be carried out in accordance with the detailed offsite highway works; provision of areas for construction vehicles and loading and offloading and turning on the site during development; provision of parking areas for personnel, operatives and visitors throughout the construction of development; provision within the site for disposal of surface water so as to prevent discharge onto the highway; adequate precaution to guard against the deposit of mud onto the highway; provision and retention of cycle facilities; roadways, footpaths, verges, junctions etc. to be laid out and constructed in accordance with details approved by the local planning authority; and the completion of footpaths, footways, carriageways etc between a dwelling and the adopted highway prior to first occupation of the dwelling.

- 7.18 **KCC Minerals and Waste:** advise that as set out in the submitted Mineral Resource and Reserve Appraisal the economic mineral present in the application site has been worked and any remnants of the economic would not be viable for extraction. In terms

of waste management facilities, to accommodate the increased demand from growth outlined in the emerging Local Plan, additional capacity will be required. KCC are currently doing work to identify the additional demand generated by housing growth and appropriate mitigation projects and details of these will be made available as they emerge.

- 7.19 **SBC Economic Development Manager** advises that they would generally be supportive of the scheme from an employment perspective and also its potential to deliver local labour through the section 106 agreement. Given its setting, we would like to encourage a more “campus style” of development as opposed to larger scale, potentially distribution, operations.
- 7.20 **Swale Footpaths Group** advises that Public Right of Way (PROW) ZR256 [which runs north-south through the western part of the site] will be affected by the proposed new road link to the A2. Given this, a safe road crossing on the definitive alignment of the footpath to cross the new road will be required. If KCC concludes that the position of the existing footpath is not in a safe location to cross the new road, consideration should be given to diverting the alignment of the PROW. In addition it is requested that the section of the PROW ZR256 within the proposed development is surfaced by the developer to the same standard as the proposed new paths through the informal open space located to the west of Frogmal Lane. Furthermore, the proposed development will have a significant impact on the PROW ZR247 as it is a strategically important route through the site [running along its eastern edge], providing access links with the local doctors’ surgery, primary school and village hall. Given this, it is recommended that the status of this footpath be upgraded to a Public Bridleway to facilitate walking and cycling.
- 7.21 **KCC Public Rights of Way** advise that In order to secure provision of the above, the developer shall enter into a legal agreement with them to agree to dedicate the length of Public Footpath ZR247 in their ownership as a Public Bridleway; Thus the path should be surfaced by the developer to a width of three metres, with the specification agreed in writing with them; Appropriate barriers should be installed to prevent unauthorised vehicle access; given that the southern section of the Public Footpath ZR247 is located outside the proposed development site, in order to have a continuous Bridleway Link through the development (between Orchard View and Frogmal Gardens this section will need to be dealt with separately unless if the developer is able to acquire the land. However, if the developer is unable to acquire the land, a minimum financial contribution of £8, 000.00 is required; planting is to be kept to a minimum to ensure there are clear lines of view from properties and in turn enhance security and as such no hedging or shrubs should be planted within 1.5m from the edge of the PROW. The developer should make a commitment to maintenance of the new paths; and that new shared user routes should have a minimum width of 3m to ensure there is sufficient space for all path users. In addition, where new paths and cycle tracks are created their legal status (public right of way or ‘permitted’) needs to be clear from the outset as does who is responsible for their upkeep.
- 7.22 The **Rural Planning Consultant** advises that the application site is comprised of land that is largely agricultural except for the three hectares occupied by a sports field. The majority of the site is Grade 1 agricultural land and the remainder is Grade 2 and a very small area of approximately 0.5 hectares is Grade 3b. The applicant’s supporting statement advises that most of the site was damaged by earlier brick earth workings. The site therefore comprises of approximately 26.5 hectares of BMV land which is therefore a significant loss. The Local Planning Authority will therefore need to assess

whether this loss is ‘necessary’ in accordance with paragraph 112 of the NPPF, and with the consequent preference for poorer land to be chosen instead.

7.23 The **NHS Clinical Commissioning Group (CCG)** advise that the new development will place additional pressure on existing local health services, especially GP services which are already at capacity. Given this they advise that there is need for a contribution of £360 per new resident (£360 x 700, if all 300 dwellings are built) which equates to a total financial contribution of £504,000 towards expanding existing facilities within the vicinity of the development.

7.24 **Kent Police** do not object to the application, but advise that based on their assessment of the likely increase in the local population as a result of this development and using a generic assessment of current crime levels (for 2015 – 2016) in Swale and using a standard methodology they have calculated the amount of additional crime expected to result from the increased population. Applying this to their current resources, they advise that a contribution of £77, 510 will be required to fund additional infrastructure to mitigate this impact.

8.0 BACKGROUND PAPERS AND PLANS

8.01 Application papers and correspondence relating to planning application reference 16/507689/OUT.

9.0 APPRAISAL

9.01 I consider that the key material considerations in the assessment of this application are as follows:

- The principle of development (mixed use development comprising of housing and class ‘B’ employment uses in this location)
- Residential amenity implications
- Impact on the surrounding landscape quality and visual amenity
- Archaeology
- Biodiversity and Ecology implications
- Flood risk /Surface water drainage
- Loss of BMV land
- Developer contributions
- Highway network impact

Housing land supply and commercial uses

9.02 The site is allocated as a mixed use development site for housing and B class employment use under Policy MU3 of the Emerging Swale Local Plan, Bearing Fruits 2031 (Main Modifications June 2016). As noted above, the Policy requires the site to provide approximately **260** dwellings including a mix of affordable units in accordance with Policy DM8 of the Emerging Bearing Fruits 2031, together with 26, 840 square metres of ‘B’ use class employment. Members will be considering this application on 22nd June 2017 when we would have received the Inspector’s report on the emerging Local Plan. As Bearing Fruits 2031 is soon to be adopted, its policies, including MU1, can be afforded significant weight in the decision making process.

9.03 However, the application proposes the construction of up to **300** units and 40% (120 units) of these would be affordable units, together with 26, 840 square metres of B1 use class employment, which as noted above is office, research and development and light industrial uses. Given that the proposed 300 houses would be on land that is

7.5 hectares of land, such a development would be at a density of 40 dwellings per hectare and is considered to be an appropriate density in this location, making efficient use of land. Members will also appreciate that as details other than access are reserved, there will be an opportunity to control the quality of the final development at the point when the reserved matters applications are submitted.

- 9.04 It is also worth noting that the application does not envisage either B2 (general industrial) or B8 (storage and distribution) uses, which – in contrast to B1 uses – would be less well suited to being sited on land adjoining existing housing, and would potential generate higher volumes of commercial traffic.
- 9.05 Whilst the submitted layout plan is indicative, it is considered that the development has the potential to be assimilated well into existing surrounding development creating a quality mixed use residential and commercial scheme that has no unacceptable harmful impact on the surrounding established residential development. At detailed planning application stage, it will be important to consider the design, size, scale, detailing and materials of the dwellings so as to ensure that the development relates well to existing Teynham housing development. If planning permission is given for the proposed development, suitably worded conditions would be used to help ensure that a high quality design should ultimately be achieved.
- 9.06 It is also important to consider, and give weight to, the contribution the development would make to the local area such as the provision of a quality communal open space, allotments, provision of housing, provision of much need affordable housing, provision of land for a potential health centre, provision of a sports field and pavilion, provision of employment land, and improvement of existing transport infrastructure, which is arguably much needed in the area.

Residential Amenity

- 9.07 In terms of residential amenity, the impact can only be looked at in general terms at this stage because, as noted above, the specific design and layout will be determined at the reserved matters stage which would be subject to further consultation with local residents and technical consultees. Again, this is a matter that has already been considered in general terms when the site was assessed for allocation in the Emerging Local Plan. The proposed development has the potential to form a natural extension to the existing residential development in Teynham. The Borough Council is required to provide additional housing, and the impact of this development has been considered by Members and Officers alike to be not so significant so as to warrant allocating an alternative site over this one. It will be important at reserved matters stage to ensure that the development is designed in a manner that minimises this impact to an acceptable level. It is considered that the residents most likely to be affected by the proposal are the residents fronting Frognal Close, Frognal Gardens, Cherry Gardens, Frognal Lane, Lower Road, Orchard View, Donald Moor Avenue and Honeyball Walk. It is imperative that at the detailed stage of planning, the amenity of these neighbouring properties is given careful consideration, and the layout and other reserved matters dealt with in a way that minimises the impact upon them.
- 9.08 It is also worth saying that the broad principle of locating the housing at the southern end of the site - close to the centre of Teynham, where the majority of the amenities in the village are located – is considered .to be appropriate
- 9.09 Members will also note that the Environmental Protection Team Leader (see paragraph 7.13 above) raises no objection.

Impact on the surrounding landscape quality and visual amenity

- 9.10 At this stage, the visual impact of the proposal can only be considered in broad terms due to the uncertainty of all matters of design, height of buildings, materials, precise location etc. However, if carefully designed the site will result in a natural extension to the built up area boundary of Teynham, however, given that it will mark the edge of the settlement confines, it is imperative that design of the entire scheme is given careful consideration and is of a high quality with appropriate design, size, scale and detailing to ensure that visually the development is appropriate to its surroundings. The development needs to be less dense around the edges so as to provide a gradual change in the density of the development from centre of the site to the edges. At reserved matters stage, the applicant is encouraged to consider using more rectilinear and regular street patterns with regular building lines on straight roads similar to the established street in Teynham. To add variety along the street, the applicant is encouraged to use genuinely individually designed buildings which respond to their location in the street plan, for example, use of corner plots as focal points. This housing development should aim to be a seamless natural extension to the existing housing development in Teynham and should integrate itself with the existing street plan as well as its architectural character, and with the needs of the local residents
- 9.11 The submitted illustrative master plan shows landscaping, grasslands, allotments, informal open spaces, and wetlands to help soften the appearance and character of the development. A sportsground is also proposed in between the housing development (towards the southern end of the site) and business uses (at the northern end) with soft landscaping to separate the uses and it is considered that if sensitively designed, an attractive scheme would be achieved.
- 9.12 Whilst the submitted illustrative masterplan has gone some way in providing a good scheme, it is considered that additional landscaping is required to separate the housing development from the sports field and employment areas. A soft landscaping belt of approximately 10m width is recommended and such amendments can be incorporated at detailed application stage given that the submitted plan is an illustrative master plan of the development, and Members will note the conditions recommended below.
- 9.13 Overall, it is considered that the application site can accommodate up to 300 dwellings, Class 'B1' employment uses of approximately 26, 840sq.m, a sports field, and communal open spaces and allotments, and that the development has the potential to be assimilated well into the existing context, creating a high quality mixed use residential and commercial scheme that has no unacceptable harmful impact on the surrounding established residential development. As such the development complies with policy. However, at detailed application stage, it will obviously be important for the applicant to give careful consideration the design, size, scale, detailing and materials of the dwellings so as to ensure that the development is assimilated well into the established Teynham housing development. The applicant is strongly encouraged to involve the Design Panel at the reserved matters stage.

Loss of BMV Agricultural land

- 9.14 The site is, as noted above, defined as containing best and most versatile agricultural land (BMV). As well as economic benefits, as indicated within the NPPF, there are other benefits of BMV land. These include social/ strategic benefits in terms of securing the best land for local and national food production and environmental benefits in that better quality land is generally easier and more efficient to work, and

not unduly subject either to drought or to bad drainage and more likely to achieve good and consistent yields. Its unnecessary loss should therefore be strongly resisted, particularly in cases where development results in loss of a significant area of land.

- 9.15 However, while the requirements of paragraph 112 of the NPPF are noted, the site is allocated for mixed use development under Bearing Fruits 2031, and it is considered that this development is necessary in order to meeting the Council's housing supply. As such there is justification for loss of this area of BMV and into houses.

Biodiversity and Ecology implications

- 9.16 As noted above, the site is located in close proximity to the Swale estuary Special Protection Areas (SPA) and as such it is likely that the future occupiers of the site will be using the SPA for recreational purposes in some instances. It is therefore likely that there will be some impact on the SPA, which would need to be addressed through appropriate mitigation measures. The agent has confirmed, at the outset of the application, that they are willing to provide the required contribution towards the SPA mitigation (£223.58 per dwelling or a total of £67,074 for 300 dwellings. Members will also note the appended Habitats Regulations Assessment.
- 9.17 The NPPF states that 'the planning system should contribute to and enhance the natural and local environment by *'.....minimising impacts on biodiversity and delivering net gains in biodiversity where possible'*. The applicants have proposed as significant amount of biodiversity enhancements and this is welcome. KCC Ecology and Natural England have no objection to the development subject to conditions as detailed below. As such it is considered that the proposed development is in accordance with the emerging Local Plan policies in respect of biodiversity..

Flood risk /Surface water drainage

- 9.18 With respect to surface water drainage, Members will have noted above, at paragraphs 7.06 and 7.07, that neither KCC SUDS or the Environment Agency raise objection to this application, subject to imposition of suitable planning conditions. Similarly, with regard to foul drainage, Members will have noted the comments of Southern Water Services (see paragraph 7.04), who also raise no objection.
- 9.19 Appropriate conditions are included below, and the development is considered to be acceptable from a drainage point of view.

Impact on Minerals and Waste

- 9.20 The site is partly located within the Swale Borough Mineral Safeguarding Area map for brick earth as defined in policy CSM5 of the Minerals and Waste Local Plan for Kent. The application site was worked for minerals in past years and has been restored. The submitted application is accompanied by a Minerals Resource Assessment that demonstrates the acceptability of non-mineral development in accordance with Policy DM7 of the plan, and as such it is not considered that the proposed development would result in sterilisation of economically important minerals.
- 9.21 KCC Minerals and Waste confirm that the economic mineral present in the application site has been worked and any remnants of the mineral would not be viable for extraction. Given this the development complies with policies Members will note that KCC Minerals and Waste raise no objection.

Highways implications

- 9.22 A significant number of local residents refer to highways issues likely to arise from the proposed development, with particular reference to the existing congestion in the area, that the proposed development will exacerbate existing congestion, noise and air pollution.
- 9.23 KCC Highways and Transportation advise – see paragraph 7.17 above (which provides considerable detail in respect of local highway matters) - that they are satisfied with the submitted mitigation measures which mainly relate to changes to the highway network (notably the A2 and Frogmal Lane) at the site and in the immediate vicinity and to highway works that will be required elsewhere, to junctions in Sittingbourne and the A2/A251 junction in Faversham.
- 9.24 Members will also note the comments of Highways England above, who have raised issues in respect of possible impact on strategic road network at junctions 6 and 7 of the M2.
- 9.25 Neither organisation has a fundamental objection to the application, and I expect to be able to provide Members with an update on local and strategic highway matters at the meeting.

Affordable Housing

- 9.26 As noted elsewhere (see paragraph 7.15 above), 40% of the dwellings will be provided as affordable housing. The Section 106 Agreement will need to include the relevant wording to ensure the appropriate tenure split, phasing, mix of dwelling types and sizes, and pepper-potting is secured.

Air Quality

- 9.27 Members will note that Paragraph 109 of the NPPF states: *The planning system should contribute to and enhance the natural and local environment by...preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.*
- 9.28 Furthermore, Paragraph 124 of the NPPF states: *“Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.”*
- 9.29 It is noted that the Environmental Protection Team Leader (further to paragraph 7.13 above), has considered the possible implications of the development in respect of air quality, notably in respect of the AQMA designated for part of the A2 through Teynham. He considers that provided that mitigation to value set out in the damage cost calculation – which amounts to £480,106 – is secured then the impact will have been adequately mitigated.
- 9.30 I have included a condition below [see (43)(xii)] in order to ensure that the appropriate mitigation is secured.

Heritage

9.31 As noted above, the application is supported by a detailed Heritage Statement, and Members will note the conclusions on page 23 of the document. Members will also note that the application site is not located in, or close to, a Conservation Area. Members will also note that the three listed buildings in the vicinity of the site - two at Frogmal Farm and a third, Claxfield House – are not within the application site. The applicant has though assessed the impact of the development on the setting of these heritage assets, and concluded that there will be “*no harm to the significance...*” of the listed buildings at Frogmal Farm and that the “*...harm to the significance of [Claxfield House] is considered to be less than significant and should be weighed against the public benefits of the scheme.*”

9.32 I agree with this assessment and consider that the public benefits of the scheme are considerable in respect, among other things, of the provision of much-needed housing across a mix of tenures and the likely significant local job creation.

Developer contributions

9.33 A section 106 agreement to secure a package of financial contributions – and other measures - to mitigate potential impacts arising from this development will be required. These are as follows.

9.34 As discussed above, the developer is making contributions towards the mitigation of the impacts on the Swale SPA of £223.58 per dwelling or £67,074 if all 300 dwellings are built.

9.35 As described above, highway improvements consisting of the construction of a roundabout, and off-site improvement to the A2 through Teynham and to junctions (both in Teynham) and on the A2 to the west of the site where improvements to existing signalised junctions are required. Mitigation is also required, as noted above, in respect of the impact on the A2 / A251 junction to the east of the site, in Faversham. The Section 106 agreement will either need to include provisions to secure the timely delivery of all the highway works or allow for the payment of appropriate financial contributions to ensure that they can be delivered by KCC Highways and Transportation.

9.36 Further to paragraphs 7.20 and 7.21 above, provision will need to be made in respect of upgrading the two public rights of way that cross. This could include the £8000 contribution referred to above and requirements to carry out the specified works within the site. Authority is sought to negotiate appropriate measures.

9.37 With regard to waste and recycling bins, £92 per dwelling and £471 per six flats (rounded up to the nearest 6).

9.38 Further to paragraph 7.11 above, Kent County Council seeks a total contribution of £2,931,989 assuming all 300 dwellings are built out) in planning contributions. This sum is broken down as follows:

Contribution	Amount
Primary education	£2,360.96 per applicable house and £590.24 per applicable flat (or a total of £708,288.00 for 300 houses).
Secondary Education	£5,091.60 per applicable house and £1,272.90 per applicable flat (or a total of

	£1,527,480.00 for 300 houses).
Secondary School land acquisition	Maximum of £1,932.16 per applicable house and £483.04 per applicable flat. Therefore a total financial contribution of £579,648.00 i.e. requested towards secondary education land acquisition costs.
Libraries	£287.43 per dwelling (or a total of total of £86,229.00 for 300 houses)
Youth Service	£37.58 per dwelling (or a total of £11,274.96 for 300 houses)
Adult Social Care	£63.33 per dwelling (or a total of £18,999.00 for 300 houses) In addition, a contribution of 2 wheelchair accessible units is required.

Together with the following:

- 3 Wheelchair adaptable homes

- 9.39 The Section 106 agreement will also need to include provisions to ensure the timely delivery – at the applicant’s expense - of the pavilion / changing rooms building, associated car parking, and the allotments, and a specification to ensure that these amenities are delivered for the benefit of the community and to a sufficient level of quality.
- 9.40 Further to paragraph 7.12 above, a financial contribution is required to mitigate potential impacts on traffic flow on the strategic road network. I will update Members on this matter at the meeting.
- 9.41 Further to the Green Spaces Manager’s comments at paragraph 7.14 above, the legal agreement will also need to ensure the timely delivery of the proposed sports pitches, equipped play space and other public open space. In addition, provision will need to be made for the on-going management of these areas, either by a management company (with suitable safeguards in place) or by the Council (for which a sufficient commuted sum – to cover a 10-year period - would be payable).
- 9.42 As set out at paragraph 7.24 above, a contribution of £77,510 is sought by Kent Police. However, notwithstanding the justification that has been submitted in support of the request, I do not consider that the request satisfies the relevant tests in the NPPF for the payment of developer contributions, noting that it is based on a broad assessment of crime levels and policing costs, rather than relating to the specific circumstances in Teynham.
- 9.43 A contribution may also be required for air quality monitoring in Teynham. I am in correspondence with the Environmental Protection Team Leader about this matter and will update Members at the meeting.

- 9.44 As set out at paragraph 7.23 above, a total financial contribution of £504,000 towards enhanced health care provision will also be required.
- 9.45 The Section 106 agreement will also need to make provision for the use of local labour during the construction phase.
- 9.46 A phasing plan dealing with the entire development.
- 9.47 A Section 106 administration charge of up to 5% of the total value of developer contributions will also be payable.

10.0 CONCLUSION

- 10.01 As set out above, the site is allocated – under Policy MU3 - for residential and employment development in the soon to be adopted Local Plan, Bearing Fruits 2031. Significant weight should be given to the fact that this proposal is broadly in line with the allocation under Policy MU3.
- 10.02 The proposed development would be in line with the aims of the housing policies and would bring significant benefits. The housing would help the Council towards meeting a five year supply of sites and enable it to be in a more secure position at appeals, and will also make a positive contribution towards affordable housing. The employment uses will bring about much needed employment for the locals. Furthermore, the scheme brings other positive benefits which include land for a potential health centre, open spaces, allotments, improvements to an existing formal sports field and pavilion, and local – and off-site - highway improvements. No significant impact would be caused to visual and residential amenities of neighbouring properties, and the surrounding development and landscape as a result of the proposed development.
- 10.03 It is therefore recommended that planning permission be granted subject to the signing of a suitably-worded Section 106 Agreement to secure the contributions and other matters as described above, to the further comments of KCC Highways and Transportation, Highways England and KCC Public Rights of Way, and to conditions as set out below.

- 11.0 RECOMMENDATION – GRANT** Subject to the further comments of KCC Highways and Transportation, Highways England, the Environmental Protection Team Leader and KCC Public Rights of Way; the signing of a suitably-worded Section 106 agreement; and to the conditions as set out below. Authority is also sought to make reasonable amendments to Section 106 clauses and to condition wording, and to add a condition setting out the approved drawings.

CONDITIONS to include

1. Details relating to the appearance, landscaping, layout and scale (the reserved matters) of the proposed buildings 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 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 details submitted pursuant to condition (1) shall include a schedule setting out the areas that shall be reserved as public open space (including formal sports pitches, allotments, informal recreation areas, structural landscaping, SUDS features, and equipped and unequipped play areas). No permanent development whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: In accordance with the terms of the application and to ensure that these areas are made available in the interests of the residential amenities of the area.

5. The details submitted pursuant to condition (1) above shall provide full details of how the residential part of the development will meet the principles of 'Secure by Design'. The development shall be implemented in accordance with the approved details.

Reason: In the interests of public amenity and safety.

6. The details submitted pursuant to condition (1) above shall include cross-sectional drawings through the site, of the existing and proposed site levels. The development shall then be completed strictly in accordance with the approved levels.

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

7. No development shall take place until a detailed strategic landscape scheme (which shall consist of native species and of a type that will encourage wildlife and biodiversity) designed in accordance with the principles of the 'Swale Landscape Character and Biodiversity Appraisal' (2011) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show all existing trees, hedges and blocks of landscaping on - and immediately adjacent to - the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained, provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles, and buffers between proposed and existing development, and include a planting specification, a programme of implementation and a minimum five year management programme.

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development

8. The details submitted pursuant to condition (1) above shall show the residential development and the employment development restricted to the corresponding areas as identified indicatively on the 'Development Parameters' plan, number 304 B.

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

9. Prior to the commencement of the development hereby approved full details of the method of disposal of surface waters as part of a detailed drainage strategy (including measures to prevent runoff on to public highways) shall be submitted to and approved in writing by the Local Planning Authority. This drainage strategy should be based on Sustainable Urban Drainage Systems (SUDS) principles – incorporating features designed to enhance biodiversity where possible - and shall be based on the recommendations of the Flood Risk Addendum prepared by Rural and GTA Civils (January 2016) and shall demonstrate that both the rate and volume of run-off leaving the site post-development will be limited to 7 litres / second / metre squared. No building shall be occupied until details of the implementation, maintenance and management of the SUDS have been submitted to and approved in writing by the Local Planning Authority and thereafter the scheme shall be implemented, managed and maintained in accordance with the approved details. Such details shall include:-

- 1) a timetable for its implementation
- 2) a management and a maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public or statutory undertaker, or any other arrangements to secure the operation of the SUDS throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

10. Any finalised detailed layout for submission of reserved matters for layout shall demonstrate that requirements for the surface water drainage strategy can be accommodated within the proposed development layout.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

11. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and infiltration is feasible. The development shall only then be carried out in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

12. A detailed design for the attenuation basins has been submitted to (and approved in writing by) the local planning authority. The attenuation ponds shall be designed with appropriate side slopes, such that they may be unfenced for free recreational access within country open space and provide an area of permanent water to provide biodiversity enhancements. The detailed design shall include, but not be limited to details of all outfall structures, cross-sections, and landscaping specifications for within the ponds and surrounds.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

13. The development shall not begin until a phasing plan for the surface water drainage scheme has been submitted to (and approved in writing by) the local planning authority and which demonstrates the provision of drainage network to serve early phases prior to occupation. The phasing plan shall also indicate and provide details of any temporary works associated with the construction of the surface water drainage system.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

14. No building hereby permitted shall be occupied until a Drainage Management Plan containing details of the implementation, maintenance and management of the sustainable drainage scheme has been submitted to and approved in writing by the local planning authority. The DMP shall include:
- i. a timetable for its implementation and
 - ii. management and maintenance arrangements for the lifetime of the development including arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. Such management and maintenance arrangements shall include details of the following:
 - a. design criteria;
 - b. management techniques
 - c. maintenance schedules and frequency of operations, whether regular, occasional, remedial or monitoring action
 - d. health and safety matters
 - e. timescales for the replacement of any elements to ensure operation
 - f. public access issues

The Plan shall be implemented and thereafter managed and maintained in accordance with the approved details

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

15. No development shall take place (including any demolition, ground works, site clearance) until a method statement for ecological mitigation, including (but not necessarily limited to) reptiles, invertebrates, bats, nesting birds and the Roadside Nature Reserve, has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
- a) Purpose and objectives for the proposed works;
 - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives, informed by detailed botanical (NVC), invertebrate, reptile and other update ecological surveys (as appropriate), carried out in accordance with good practice guidelines;
 - c) Extent and location of proposed works (including identification of an appropriate reptile receptor site and RNR mitigation) shown on appropriate scale maps and plans;
 - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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

16. For each phase of the development hereby approved, no development shall take place within a relevant phase until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures will be taken to ensure that the development in that phase 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 of the phase of development in question as approved, and retained as such in perpetuity.

Reasons: In the interest of promoting energy efficiency and sustainable development.

17. No development shall take place 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 by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

18. Prior to each phase of development approved by this planning permission being commenced a remediation strategy that includes the following components to deal with the risks associated with contamination of that phase shall be submitted to and approved, in writing, by the local planning authority
1. A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. Sufficient information has been provided to satisfy part 1 of the above condition.

Reasons: To ensure any possible land contamination related to historic site activities is addressed in line with current planning guidance on sustainable development. To protect controlled waters and comply with the NPPF: Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

19. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved

verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To prevent pollution of controlled waters and comply with the NPPF.

20. No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration through land contamination has the potential to impact on groundwater quality.

21. 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect groundwater which is a controlled water and comply with the NPPF.

22. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater and to comply with the NPPF.

23. Prior to the commencement of development hereby approved, a report demonstrating how the proposal will incorporate measures to encourage and promote biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out fully in accordance with those approved details and shall thereafter be retained.

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

24. As an initial operation on site, 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 in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. The agreed details shall then be retained throughout the demolition of development.

Reason: In the interests of amenity and road safety.

25. Prior to the works commencing on site details of parking for site personnel / operatives / visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the

development. The approved parking shall be provided prior to the commencement of the development.

Reason: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents.

26. During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority, to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

27. The details submitted in pursuance of reserved matters shall show adequate land, reserved for parking or garaging in accordance with the Approved County Parking Standards and, upon approval of the details this area shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before any building is occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

28. No dwelling shall be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for cycles to be securely sheltered and stored. The agreed provision shall then be permanently retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

29. The access details shown on the approved plans shall be completed in accordance with a timetable, and to a specification, that shall be agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved, and the access shall thereafter be maintained as such.

Reason: In the interests of highway safety

30. The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture 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. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

31. Before the first occupation of a dwelling the following works between that dwelling and the adopted highway shall be completed as follows:

(A) Footways and/or footpaths shall be completed, with the exception of the wearing course;

(B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:

(1) highway drainage, including off-site works,

(2) junction visibility splays,

(3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety

32. 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 0800 – 1800 hours, Saturdays 0800 – 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.

33. No external lighting shall be constructed at the site other than on private domestic residences or in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be designed in a manner that minimises impact on neighbouring residential amenity and bats.

Reason: In order to prevent potential harm to neighbouring residential amenity and the local bat population.

34. No clearance of the site shall take place in the months March to August inclusive, this being the breeding season for birds.

Reason: In the interests of biodiversity.

35. 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 0900-1700 hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

36. All hard and soft landscape works shall be carried out in accordance with a landscaping scheme that shall be submitted to and approved by the Local Planning Authority pursuant to condition (1) above. The approved works shall thereafter be carried out prior to the occupation of any part of the development.

Reasons: In the interests of the visual amenities of the area.

37. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within ten 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.

38. Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site without the prior written approval of the Local Planning Authority.

Reasons: In the interests of residential amenity.

39. All land allocated for development as employment land, Use Class B1 and shown on the submitted 'Development Parameters' plan, number 304 B shall be retained for such uses and for no other purpose.

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

40. Details relating to the upgrade of the existing public rights of way (known as ZR247 and ZR256) within the site shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced and shall be implemented in accordance with the agreed details and a timetable that shall have been agreed in writing with the Local Planning Authority before the development is commenced.

Reason: In the interests of highway and pedestrian safety and convenience.

41. No development shall take place until a Green Infrastructure and Biodiversity Management Plan (GIBMP) – which shall include a comprehensive network of SUDS features - has been submitted to and approved in writing by the Local Planning Authority, and the development shall be implemented in accordance with the agreed details.

Reasons: In the interests of protecting and encouraging biodiversity

42. Construction of any phase of the development hereby approved shall not commence until details of the proposed means of foul drainage for that phase have been submitted to and approved in writing by the Local Planning Authority

Reasons: In the interests of achieving an acceptable scheme of foul drainage and in the interests of minimising flood risk and ground water contamination.

43. No development of the residential phase and the highway works within the application site boundary of the scheme - nor of the commercial phase - hereby approved shall take place until a Construction and Environmental Method Statement for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved Statements for both the residential and commercial elements of the scheme shall be adhered to throughout the construction period for those phases. These shall include details relating to:

- (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to

- monitor noise emissions from the development site during the construction phase;
- (ii) The loading and unloading and storage of plant and materials on site;
 - (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (iv) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development site during the construction phase;
 - (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
 - (vi) Measures to control mud deposition off-site from vehicles leaving the site;
 - (vii) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
 - (viii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site;
 - (ix) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking;
 - (x) Lighting strategy for the construction phase, designed to minimise light spillage from the application site;
 - (xi) Phasing of the development in accordance with the phasing plan in the S.106; and
 - (xii) A package of measures to mitigate the impact of the development on local air quality, particularly within the designated Teynham Air Quality Management Area.

Reasons: To ensure the development does not prejudice conditions of residential amenity, highway safety and convenience, and local ecology, through adverse levels of noise and disturbance during construction.

44. The off-site highway works indicated on drawings ITB11129-SK-006 revision C and ITB11129-SK-013 revision B shall be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority before the development is commenced.

Reason: In the interests of highway safety and convenience.

45. No development shall take place until a tree protection plan and arboricultural method statement in accordance with the recommendations of BS 5837:2012 have been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and shall take account of site access, demolition and construction activities, foundations, service runs and level changes. It shall also detail any tree works necessary to implement the approved scheme.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

46. The employment floor space hereby approved shall be used for purposes falling with Class B1 of the Town and Country Planning (Uses Classes) Order (as amended) only and for no other purpose, including any purposes in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In the interests of the amenities of the area and highway safety.

INFORMATIVES

1. The applicant may be required to apply for other consents directly from the Environment Agency and the applicant is advised to contact 03708506506 or to consult EA website to establish whether a consent will be required.
2. All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended) and as such any vegetation must be removed outside the breeding bird season, and if this is not possible an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works must cease within that area.
3. The IDB's formal consent will be required for any works affecting any watercourse on this site, including drainage outlets, so further details would be appreciated in due course.
4. Any ditch or watercourse on this site (including the receiving Scrapsgate Drain) falls under the jurisdiction of the Lower Medway Internal Drainage Board.
5. Any works whatsoever in, under, over or within 8km of any ditch or watercourse will require the full, formal written Consent of the Medway IDB. They can be contacted at enquiries@medwayidb.cu.uk.
6. Medway IDB should be consulted on the requirements for the ongoing maintenance of the existing and proposed ditch systems with regard to the two options presented (i.e. either having the title deeds make specific mention of the home-owner's responsibilities or having the ditch-line fenced and maintained by a third [party]). Whichever option is pursued, sufficient access should be provided for any machinery that may be required for any such works.
7. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement.
8. The applicant or developer should enter into a formal legal agreement with Southern Water to provide the necessary sewerage infrastructure required to service the development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 3030119 or www.southernwater.co.uk).
9. A formal application for connection to the public sewerage system is required in order to service the development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 3030119 or www.southernwater.co.uk).

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: <https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>

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 application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Case Officer: Jim Wilson

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 scale 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's ecological assessment dated October 2016 entitled 'Updated Baseline Surveys and Ecological Assessment of Land at Teynham, Kent Final' contains information to assist this HRA.

Natural England's letter to SBC dated 11th November 2016 has also been considered; in particular that they have raised no objections subject to contributions towards strategic mitigation, which will be secured under the proposed Section 106 agreement.

The Assessment of Land Between Froggal Lane and Orchard View, Lower Road, Teynham

The application site is located approximately 1.5km from The Swale SPA. Therefore, there is a medium possibility that future residents of the site will access footpaths and land within these European designated areas.

Measures are to be taken to reduce the impact on the SPA and these would be built into the development in respect of the provision of public open space..

This assessment has taken into account the availability of other public footpaths close to the site and to a lesser extent, the open space proposed within the site. 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 through 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.