

Tabled Update for Item 2.4 – Manor Farm, Sittingbourne – 17/500727/OUT

- The Environmental Protection Team Leader (EPTL) raises no objection to the application subject to conditions to limit the hours when construction can take place and to mitigate the impact of dust from the construction. Members will note conditions (23) and (24) in the report.

In reaching the view that no objection should be raised, consideration was given to the potential air quality implications of housing being located on this site, which is located close to the A2 and A249 roads. However, the Council does not have evidence relating to pollutant levels generated by traffic using these roads in this vicinity, and the EPTL concluded that a condition or s106 clause relating to air quality monitoring or mitigation was not justified in this instance.

- One additional highways condition not included within the report is required:

The construction of the development hereby approved shall not commence before the completion of the vehicular access leading from Chestnut Street as shown on drawing reference DHA_11506-T-02. Thereafter, this access shall be maintained as such in perpetuity.

Reason: In the interest of highway safety and amenity

Further to paragraph 7.9 in the report with regard to Traffic Regulation Orders, authority is sought to include wording in a s106 requiring the applicant to use reasonable endeavours to extend the restricted speed limit area and to introduce waiting restrictions on this part of Chestnut Street.

- The KCC Public Rights of Way Officer notes that two footpaths are affected by this proposal; ZR117 & ZR118. As ZR118 will create a pedestrian link between the proposed development and London Road, which is likely to have increased usage should the development be approved and implemented, a sum of £13,200 has been requested as a developer contribution to improve the surface of the last 150 metres of the footpath leading to the rear of the Pine Lodge Care Centre (the length of the western boundary adjacent to the footpath). Again, this will be included in the s106 agreement.

With regard to ZR117, the Public Rights of Way Officer notes that it is disappointing that the proposed rerouting of the footpath is along the proposed estate road. As this is an outline application, he recommends that careful consideration should be given to the relocation of the footpath, avoiding it becoming a footway immediately adjacent to the estate road, with steep gradients and steps being avoided. As such, the following condition is also recommended for inclusion:

No development shall commence until the developer has submitted drawings showing the relocation of Public Right of Way ZR117 away from the proposed estate road, avoiding steep gradients and steps. No development shall take place until such suitable drawings shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with these approved drawings and fully implemented before the first occupation of any of the properties hereby permitted.

Reason: In the interests of protecting the amenity value of the existing Public Rights of Way.

- The KCC Principal Archaeological Officer requests the following condition:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

- (1) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority before any reserved matters application has been submitted; and*
- (2) following on from the evaluation, any safeguarding measures to ensure preservation in-situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.*

Grounds: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in-situ or by record.

- The developer has requested that the Council adopt the open spaces on the site, and agrees to a commuted sum for the maintenance of same which should be added within the s106 agreement. Authority is sought to include such wording in the legal agreement, which should also have the flexibility to allow for the open space to be maintained by a management company appointed by the applicant.
- With regard to the brick earth issue noted in the report, Officers from KCC Minerals Planning have responded as follows:

'As you are aware Sharon Thompson (the Head of KCC Planning) is not here and I lack the full delegated responsibility to either formally object or not on behalf of the County Council. Though I can offer an officer view on the bore hole information supplied.

The geological map information (supplied by British Geological Survey) demonstrates that Bore Hole 1, 3 and 5 are within a Brickearth safeguarded area and Bore Hole 2 and 4 are outside. Looking at the description of the initial layer (the first meter or two) of the same description applies over all the bore holes, that being essentially "brown gravelly, silty, clayey topsoil" with thicknesses varying from 0.40m to 1.00m. Thus though there may be a Brickearth present on the site it appears to be marginal and probably of academic interest rather than a commercially viable deposit. Certainly the presence of a 'gravel' fraction could well further degrade the economic attractiveness of the material as Weinerberger UK has made the comment in the past that flint contamination of a Brickearth renders it uneconomic as this 'contaminant' is unacceptable to its process.

Therefore, I am of the view that exemption criterion of Policy DM 1 of the Kent Minerals and Waste Local Plan 2013-30 would be able to be argued as relevant to the non-mineral development application that is partially coincident with the safeguarded Brickearth deposit in this location.'

As such we seek delegation to approve, subject to confirmation from the KCC Head of Planning that they raise no objection to the application.

- The Housing Services Manager makes the following request:
 - *'As per affordable housing policy DM8, on sites with ten or more dwellings, in Sittingbourne we would seek 10% affordable housing to provide up to 5 affordable homes.*
 - *The new affordable housing policy requires a 90:10 split in favour of affordable rented housing, to deliver 4 affordable rented homes with 1 shared ownership home.*
 - *Housing would request that the overall mix of affordable property types/sizes be proportionate to the open market homes.'*
- Highways England have not as yet lifted their original holding objection to the proposal, seeking further clarification from KCC Highways and Transportation on the form of improvements envisaged at the Key Street roundabout and assurances that the scheme can be funded. As such, Officers seek delegation to approve the application, subject to a successful resolution of this issue.
- Finally, there are two corrections to the submitted report. The paragraph at the top of page 48 of the report should read '*...Criterion 7 of the Kent Minerals and Waste Local Plan*'. Similarly, Paragraph 9.07 towards the foot of page 58 should begin '*Policy A21...*' not Policy A14.

Officers therefore seek delegation to approve the application, subject to the successful resolution of the outstanding issues noted above, including the additional conditions and s106 clauses as noted above. In addition, authority is sought to make such refinements to the wording of planning conditions and clauses in the S106 agreement as may reasonably required.

AJS – 17 August 2017