

AGENDA

EXTRAORDINARY PLANNING COMMITTEE MEETING

Date: Thursday, 29 August 2019

Time: 7.00pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Cameron Beart, Monique Bonney, Roger Clark, Simon Clark, Tim Gibson (Chairman), James Hall, Nicholas Hampshire, James Hunt, Carole Jackson, Elliott Jayes, Peter Marchington, Benjamin Martin (Vice-Chairman), David Simmons, Paul Stephen, Eddie Thomas, Tim Valentine and Tony Winckless.

Quorum = 6

RECORDING NOTICE

Please note: this meeting may be recorded.

At the start of the meeting the Chairman will confirm if all or part of the meeting is being audio recorded. The whole of the meeting will be recorded, except where there are confidential or exempt items.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this recording will be retained in accordance with the Council's data retention policy.

Therefore by entering the Chamber and speaking at Committee you are consenting to being recorded and to the possible use of those sound records for training purposes.

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Pages

1. Emergency Evacuation Procedure

The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.

The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.

The Chairman will inform the meeting that:

(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building until the Chairman has informed them that it is safe to do so; and

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

2. Apologies for Absence and Confirmation of Substitutes

3. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

Part B report for the Planning Committee to decide

4. Deferred Item

1 - 219

To consider the following application:

17/505711/HYBRID Land at Wises Lane, Borden.

Members of the public are advised to confirm with Planning Services prior to the meeting that this application will be considered at this meeting.

Requests to speak on this item must be registered with Democratic Services (democraticservices@swale.gov.uk or call us on 01795 417328) by noon on Wednesday 28 August 2019.

Issued on Monday, 19 August 2019

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Planning Committee, please visit www.swale.gov.uk

Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Extra-Ordinary
Planning Committee

29 AUGUST 2019

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DEFERRED ITEMS

Items show in previous Minutes as being deferred from that meeting may be considered at this meeting

ABBREVIATIONS: commonly used in this Agenda

CDA	Crime and Disorder Act 1998
GPDO	The Town and Country Planning (General Permitted Development) (England) Order 2015
HRA	Human Rights Act 1998
SBLP	Swale Borough Local Plan 2017

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DEFERRED ITEMS

DEF ITEM 1	17/505711/HYBRID	BORDEN	Land at Wises Lane
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EXTRA-ORDINARY PLANNING COMMITTEE – 29 AUGUST 2019**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

Def Item 1 REFERENCE NO - 17/505711/HYBRID			
APPLICATION PROPOSAL			
<p>Hybrid planning application with outline planning permission (all matters reserved except for access) sought for up to 595 dwellings including affordable housing; a two-form entry primary school with associated outdoor space and vehicle parking; local facilities comprising a Class A1 retail store of up to 480 sq m GIA and up to 560sqm GIA of "flexible use" floorspace that can be used for one or more of the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions); a rugby clubhouse / community building of up to 375 sq m GIA, three standard RFU sports pitches and associated vehicle parking; a link road between Borden Lane and Chestnut Street / A249; allotments; and formal and informal open space incorporating SuDS, new planting / landscaping and ecological enhancement works.</p> <p>Full planning permission is sought for the erection of 80 dwellings including affordable housing, open space, associated access / roads, vehicle parking, associated services, infrastructure, landscaping and associated SuDS.</p> <p>For clarity - the total number of dwellings proposed across the site is up to 675.</p>			
ADDRESS Land At Wises Lane Borden Kent ME10 1GD			
RECOMMENDATION			
<p>An appeal has been submitted against non-determination of this application and it cannot now be formally determined by the Council. However Members need to determine whether the application would have been approved if it was still before them, or on what grounds they would have refused planning permission. This will then form the basis of the Council's case regarding the development for the purposes of the appeal.</p>			
SUMMARY OF REASONS FOR RECOMMENDATION			
As above			
REASON FOR REFERRAL TO COMMITTEE			
<p>This is a large scale planning application that is partly a departure from the development plan, and has generated substantial public interest. Members referred the application back to the Planning Committee following the meeting of the committee on 20th June 2019.</p>			
WARD Borden And Grove Park	PARISH/TOWN Borden	COUNCIL	APPLICANT Quinn Estates Ltd & Mulberry Estates (Sittingbourne) Ltd AGENT Montagu Evans
DECISION DUE DATE 10/07/2019	PUBLICITY EXPIRY DATE 03/03/19	OFFICER SITE VISIT DATE	

1.0 Background

- 1.01 At its meeting on 30 January 2019 the Planning Committee resolved to grant planning permission for the above planning application subject to:
- conditions (1) to (58) in the report;
 - additional conditions as outlined in the tabled papers - conditions (59) to (70);
 - amendments to conditions (53) and (54);
 - the resolution of outstanding matters relating to existing public rights of way;
 - no objections being received from Historic England;
 - the wording in paragraph 38 [should be condition (38)] changed from 'indigenous' species, to 'native' species;
 - confirmation from KCC of projects or management/maintenance proposals for the Borden Nature Reserve that would be affected by the increase in use to justify a financial contribution to such works – and agreement with the developer to contribute to this;
 - the expiry of the consultation/publicity period relating to the ecology addendum and badger survey, and subject to no objections being raised by KCC Ecology or Natural England; and
 - the completion of a S106 Agreement for the terms as set out in the report, and the Agreement to come back to the Planning Committee for the final decision.
- 1.02 A copy of the January committee report (including Appendixes 1-6) is attached as Appendix A. The tabled update papers to the committee meeting are attached as Appendix B, and the minutes of the meeting are attached as Appendix C.
- 1.03 In accordance with the resolution, the terms of the S106 agreement were reported back to the Planning Committee on 20th June 2019. This report also included a revised set of planning conditions. At this meeting, the Planning Committee voted against the officer recommendation to approve the S106 terms. An alternative motion was then tabled and passed that the whole application should come back for re-consideration by the Planning Committee.
- 1.04 A copy of this report is attached as Appendix D, the tabled updates are attached as Appendix E and the minutes of the meeting attached as Appendix F.
- 1.05 The applicant has now appealed to the Planning Inspectorate against non-determination of the application. The Secretary of State has also called in the appeal for his own determination (letter dated 13 August 2019). The reason he has given for this direction is that the appeal involves proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.
- 1.06 This means that the Council cannot formally determine the application – it is now in the hands of the Secretary of State to make the decision.
- 1.07 The appeal will be heard by way of a Public Inquiry. This is the most formal appeal process and requires expert evidence to be presented by witnesses under cross examination, usually by a barrister. The Inspector will prepare a report and recommendation, which will be forwarded to the Secretary of State.
- 1.08 The purpose of this report is to advise the Planning Committee that it must now determine the following –

- a) Whether, if an appeal had not been made, the Planning Committee would have approved the application (either in accordance with my recommendation or for other reasons), or
- b) Whether, if an appeal had not been made the Planning Committee would have refused the application, and if so on what grounds.

1.09 If the Planning Committee resolves that it would have approved the application, then the Council would offer no grounds against the appeal during the Public Inquiry process. It would still need to participate in the Public Inquiry, in a much reduced way. This would be in order to inform the Inspector of the Council's consideration and putative decision, and to take part in the discussion about the terms of the planning conditions and section 106 agreement.

1.10 If the Planning Committee resolves that it would have refused the application, then the committee should set out their grounds of refusal in a clear and comprehensive manner, and these will form the reasons upon which the Council will seek to defend the appeal at the Public Inquiry.

2.0 Updated consultation responses

2.01 In my report to the Planning Committee on 30 January 2019, I recommended that delegated powers be given to grant planning permission for the development. This was made subject to the satisfactory completion of a number of points including the receipt of further comments from some outstanding consultees. Those additional responses are as follows -

2.02 KCC Rights of Way advise that they previously raised concerns regarding the site layout and future alignment of public rights of way that pass through the site. However as the majority of the application is in outline form only, the PROW officer advises that such concerns can be resolved through the use of planning conditions. I agree with that and the matter would be covered as part of proposed condition (62).

2.03 Historic England have provided comments specifically on the impact on the setting of specific listed buildings, namely the Church of St Peter and Paul (Grade I), Borden Hall, Hook Hole and Olestede (Grade II*). They advise that a low level of harm would arise from the development on the setting of these buildings, and that this would be minimised by landscaping proposed on the southern and western boundaries of the site, and by careful junction design (in relation to the access onto Chestnut Street). Historic England state that they have no concerns on heritage grounds provided that appropriate landscaping conditions to mitigate the visual impact of the development are included for in any approval. The matter would be covered as part of the proposed conditions.

2.04 Natural England and the KCC Ecologist do not raise any objections in relation to the content of the ecology addendum and badger survey, and do not alter their comments previously made (and included in the January committee report).

3.0 Further representations

3.01 Since this application was first reported to the Planning Committee on the 30th January 2019, a further 26 letters of objection have been received. A large number refer to ecology impacts, specifically in relation to badgers and to the Borden Nature Reserve. Some also raise concern relating to the terms of the S106 Agreement (as

reported in June). Such impacts / terms are considered in the January and June committee reports.

4.0 Update on Planning Policy Position

- 4.01 The Government published its Housing Delivery Test (HDT) on 19 February 2019. As a result of the new methodology to be applied under the HDT, the Council can no longer demonstrate a five year housing supply. This is a material change in the planning policy position compared to that reported to the Planning Committee on 30th January 2019.
- 4.02 Under Paragraph 11(d) of the National Planning Policy Framework, when policies which are most important for determining the application are out of date (which includes applications for housing where the Local Planning Authority cannot demonstrate a 5 year supply), planning permission should be granted unless:
- i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 4.03 A large part of the application site is allocated for housing development under policy MU3 of the Local Plan. However, the application includes the development of additional land beyond the site allocation subject to policies ST3 (the Swale Settlement Strategy), Policy DM25 (Important Local Countryside Gap) and policy DM31 (agricultural land), all of which have the effect of restricting locations for new housing development. The application of paragraph 11(d) of the NPPF does not mean that these policies carry no weight, but a proposal would need to clearly fall under part ii) above to warrant refusal.
- 4.04 Members will note in the January committee report (Section 9) that I had identified conflict with policies ST3, DM25 and DM31 of the adopted Plan arising from the inclusion of land beyond the site allocation. However I advised that the identified harm was outweighed by the wider benefits of the scheme. My advice was written prior to publication of the Housing Delivery Test and subsequent confirmation that the Council does not have a five year housing supply.
- 4.05 Following such confirmation, the advice under paragraph 11(d) of the NPPF tilts the planning balance in favour of granting planning permission, unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits. I have previously advised in the January report that the benefits of granting permission would outweigh the conflict with the above policies. Members should note that the requirement to apply this “tilted balance” under paragraph 11(d) of the NPPF now weighs more heavily in favour of granting permission.
- 4.06 Members should also note that any harm arising to habitats sites, Local Green Space, and heritage assets would be subject to the test under 11(d) (i) of the NPPF (the relevant policies in the NPPF that protect areas or assets of particular importance are defined in footnote 6). I set out in my January report (Appendix 6) that an Appropriate Assessment had been completed, and that impacts on the Swale and Medway Estuary and Marshes SPA and Ramsar sites would be mitigated through securing the appropriate SAMMS contribution via a S106 Agreement. The Appropriate Assessment has concluded that the project will not adversely affect the integrity of the habitats sites (which meets the test in NPPF para 177, as amended in February 2019). My January report also concluded that the loss of Local Green

Space was very limited, as was the harm identified to surrounding conservation areas and listed buildings (“less than substantial”). As such, I do not consider that such impacts provide a clear reason for refusing the application under paragraph 11(d)(i) of the NPPF.

5.0 DISCUSSION

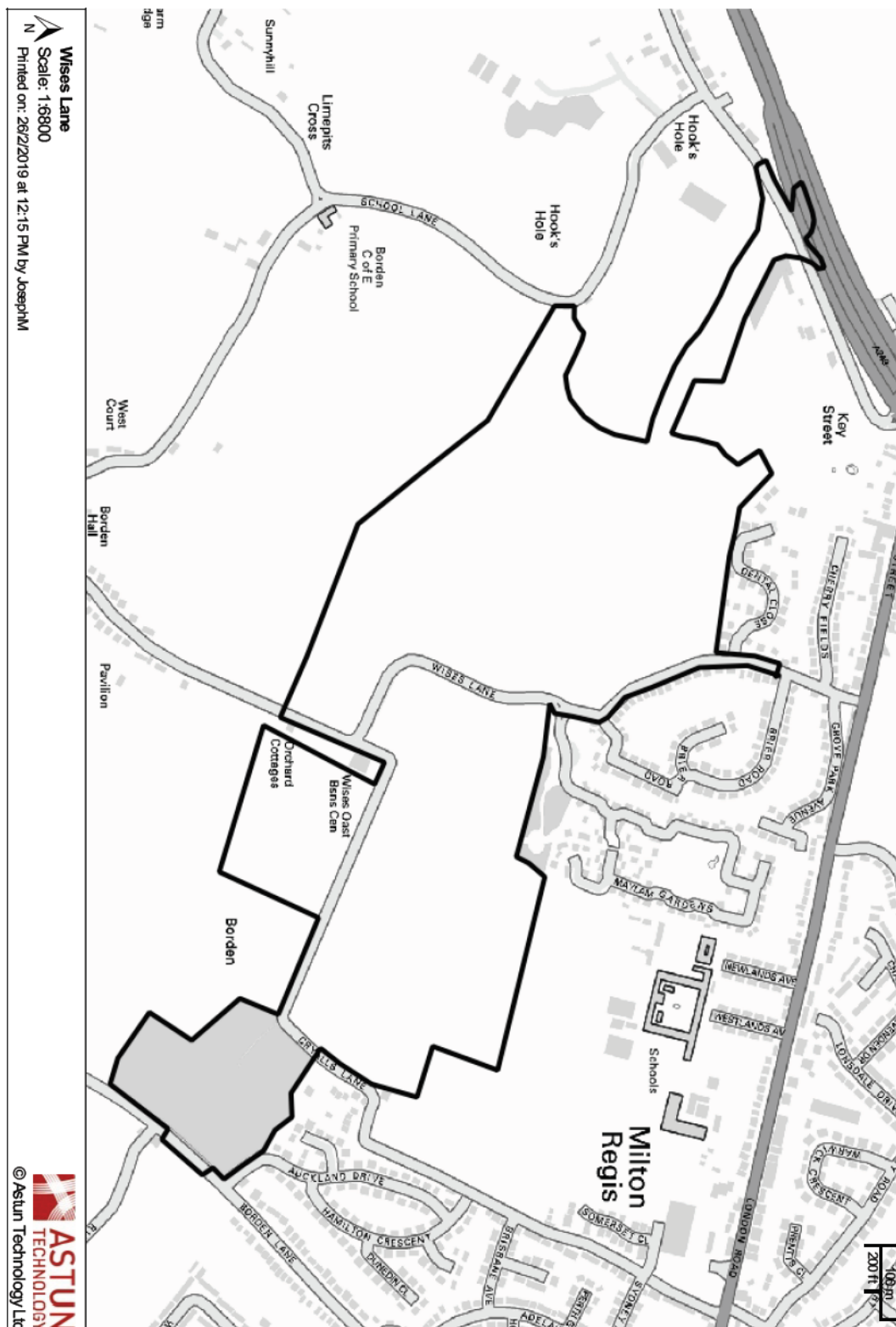
- 5.01 I recommended to Members in January and again in June that planning permission should be granted for the development. I also consider that the lack of a five year housing supply adds further weight to the reasons in favour of granting planning permission, when added to my conclusions in the January committee report. Although an appeal has been submitted, it remains my view that the application should have been approved.
- 5.02 The previous committee resolution on 30 January 2019 to grant permission following a detailed debate is also a material consideration, which attracts considerable weight. The courts have stressed the importance of consistency in decision-making. The fact that this decision is mainly a question of planning judgement does not change the need for good reasons to be given if the committee decides to change its mind and to depart from an earlier relevant decision.
- 5.03 However, the Planning Committee is entitled to reach a different conclusion if it considers there are sound planning reasons for doing so. Members should however note that if the Council cannot substantiate its grounds of refusal at a Public Inquiry, then it places itself at significant risk of an adverse award of costs.
- 5.04 The National Planning Policy Guidance - “Appeals” document sets out the type of behaviour that may place a Local Planning Authority at risk of costs. This includes the following examples
- preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
 - failure to produce evidence to substantiate each reason for refusal on appeal
 - vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis.
 - refusing planning permission on a planning ground capable of being dealt with by conditions.
 - acting contrary to, or not following, well-established case law.
 - not reviewing their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), or an application to remove or vary one or more conditions, as part of sensible on-going case management.
- 5.05 Therefore the Planning Committee must carefully consider the substance and evidence it seeks to rely on for any reason advanced in defending this appeal. I have set out in the January committee report that there are some harmful impacts, but have explained why these are outweighed by other factors when considered against the Local Plan. I have also set out above how the NPPF test in the absence of a five year housing supply points towards the grant of permission.
- 5.06 Members may disagree with my assessment of harm, or assessment against planning policies, or they may disagree with the weight I have given to the benefits of the scheme. However, they must set out this out clearly and substantively, (with appropriate supporting evidence), in any reasons advanced for refusal, to justify their

decision and minimise the risk of costs, and must also ensure that this is tested against paragraph 11 (d) of the NPPF in the absence of a five year housing supply.

- 5.07 Alternatively, if the Planning Committee determines that it would not have refused planning permission, then the Council would offer no grounds to defend the appeal. This would also minimise the risk of an adverse award of costs.

6.0 Conclusion

- 6.01 Having considered the planning balance, my recommendation for this application was to grant planning permission, subject to the conditions as listed in the June committee report and completion of a S.106 agreement. The introduction of the housing delivery test since then means that the policies which are most important for determining the application are out-of-date, and the case in favour of granting permission has become stronger.
- 6.02 However if the Planning Committee considers that there are clear planning reasons why this application should have been refused, in that the adverse impacts would significantly and demonstrably outweigh the benefits, then these would form the putative reasons for refusal for the purposes of the appeal.



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APPENDIX A

Extra-Ordinary Planning Committee Report – 30 January 2019

Item 2.1

EXTRA-ORDINARY PLANNING COMMITTEE – 30 JANUARY 2019**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended**2.1 REFERENCE NO - 17/505711/HYBRID****APPLICATION PROPOSAL**

Hybrid planning application with outline planning permission (all matters reserved except for access) sought for up to 595 dwellings including affordable housing; a two-form entry primary school with associated outdoor space and vehicle parking; local facilities comprising a Class A1 retail store of up to 480 sq m GIA and up to 560sqm GIA of "flexible use" floorspace that can be used for one or more of the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions); a rugby clubhouse / community building of up to 375 sq m GIA, three standard RFU sports pitches and associated vehicle parking; a link road between Borden Lane and Chestnut Street / A249; allotments; and formal and informal open space incorporating SuDS, new planting / landscaping and ecological enhancement works.

Full planning permission is sought for the erection of 80 dwellings including affordable housing, open space, associated access / roads, vehicle parking, associated services, infrastructure, landscaping and associated SuDS.

For clarity - the total number of dwellings proposed across the site is up to 675.

ADDRESS Land At Wises Lane Borden Kent ME10 1GD

RECOMMENDATION – That delegated authority is given to officers to GRANT planning permission *subject to* –

- Resolution of outstanding matters relating to existing public rights of way
- Completion of a S106 agreement for the terms as set out in the report below
- No objections being received from Historic England
- The imposition of conditions as set out in the report below

SUMMARY OF REASONS FOR RECOMMENDATION

- The application would result in the development of a site that largely falls within site allocation policy MU3 of the adopted local plan.
- The development within the allocated site would largely comply with the criteria set out in policy MU3 of the adopted Local plan.
- The inclusion of additional land beyond the site allocation would enable the delivery substantial highways infrastructure benefits that could not be delivered from development of the land within the site allocation only.
- The application demonstrates that the delivery of 80 dwellings on land beyond the site allocation is required for reasons of viability in order to fund the additional highways infrastructure benefits.
- Further development beyond the site allocation would result in some identified harm, as set out in the report. Nonetheless, in the final planning balance, when weighed against the highways benefits that would arise, the scheme is considered to be acceptable.

REASON FOR REFERRAL TO COMMITTEE

This is a large scale development that represents, in part, a departure from the development plan and has generated a significant amount of local interest. The recommendation is also contrary to comments received by the Parish Council.

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WARD Borden And Grove Park	PARISH/TOWN Borden	COUNCIL	APPLICANT Quinn Estates Ltd & Mulberry Estates (Sittingbourne) Ltd AGENT Montagu Evans
DECISION DUE DATE 07/03/18		PUBLICITY EXPIRY DATE 27/01/18	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/504966	EIA Screening Opinion for planning permission to develop up to 700no. dwellings, 1 acre of commercial space, new primary school, sports pitches and associated access and open space.	That an EIA is required	13/07/16
16/504977	EIA Scoping Opinion for planning permission to develop up to 700 no. dwellings, 1 acre of commercial space, new primary school, sports pitches and associated access and open space.	Scoping for Environmental Statement provided.	14/07/16
17/500727	Outline application for residential development for up to 50 dwellings with access off Chestnut Street (All others matters reserved)	Resolution from the planning committee to grant permission	

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.01 The application site consists of a large area of land to the south and west of Sittingbourne, covering an area of some 47.5 Hectares in total. The land primarily consists of open farmland. The site extends from Chestnut Street to the west, to Borden Lane to the east. Wisers Lane crosses the site from north to south, and Cryalls Lane is sited within the southern and eastern extents of the site boundary.
- 1.02 A large part of the site, extending to 33.7 Hectares in area, is allocated as a development site under Policy MU3 of the adopted Local Plan. A copy of the Local Plan map setting out the extent of this allocation and “development concepts” is attached as Appendix 1. This land falls within the built confines of Sittingbourne as identified in the adopted Local Plan.
- 1.03 The remainder of the application site, amounting to some 13.8 Hectares in area, falls beyond the site allocation, to the south and west of the site. A plan is attached in Appendix 2 which shows the extent of this land beyond the site allocation. This land is designated for planning purposes as countryside and is within an Important Local Countryside Gap. Land in the south east corner forms part of an area of Local Green Space.

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- 1.04 The site falls wholly within the parish of Borden, and Borden village lies to the south of the site, on higher ground. At its closest point, the southern part of the application site would be sited some 150 metres from the identified village confines of Borden, and some 300 metres from the Borden Conservation Area boundary. Borden village contains a number of historic buildings, and the closest to the site is Thatch Cottage, a Grade II listed building approximately 200 metres from the southern boundary of the site. The Church of St Peter and St Pauls (Grade I listed) and Borden Hall (Grade II* listed) are sited approximately 400m from the southern boundary of the site.
- 1.05 The proposed eastern access point from the site would be onto Borden Lane, roughly at an equal distance between Auckland Drive and Riddles Road, and approximately 50 metres from a Grade II listed building, now converted into two dwellings (Riddles House / Riddles Cottage). An area of land (approx. 3 Hectares) within the far south eastern section of the application site, adjacent to Borden Lane, is designated as a Local Green Space under the adopted local plan. This land is also excluded from the site allocation under Policy MU3, although Members will note that the development concepts map attached as Appendix 1 indicates that public access to this Local Green Space should be secured. Immediately adjacent to this land, but falling outside the application site, is Borden Nature Reserve (historically a landfill site and also designated as Local Green Space). The boundary to the north and east of this area is defined by housing on Auckland Drive and Cryalls Lane, including Cryalls Farmhouse, a Grade II listed farmhouse. Another area of Local Green Space abuts the site on the western side of Cryalls Lane.
- 1.06 The northern boundary of the site is defined partially by a steel fence and landscaped boundary with Westlands School, and by a mature landscaped buffer area to the south of Maylam Gardens. The north boundary of the site then follows the line of Wises Lane up to No 11, crosses the road, and turns southwards following the southern edge of Dental Close. The application site then narrows in depth and continues west, dropping downhill to Chestnut Street and the A249 dual carriageway, to the proposed point of access on this side of the site. This boundary with Chestnut Street is currently defined by a wooded copse. At this western point, the site would be approximately 80 metres from the Chestnut Street Conservation Area and a group of four listed buildings to the south of Chestnut Street, the closest of which (Hooks Hole) is a Grade II* building.
- 1.07 The site boundary then turns back in an easterly direction, passing to the north of Hooks Hole Farm. It turns south and borders the dwelling at Hooks Hole Cottage, before continuing east through the centre of an open field to Wises Lane. The application site then wraps around (but excludes) Wises Oast and Orchard Cottages, before continuing east past the Borden Nature Reserve and back to the boundary with Borden Lane.
- 1.08 The topography of the site generally falls away from Borden village in a northerly direction towards Sittingbourne and the coast. Ordnance Datum information demonstrates that levels drop from approximately 55m AOD at Borden recreation ground to 30m AOD at Westlands school, to the north of the site. Levels also vary from east to west across the site, rising gently from the east, before undulating towards the centre section of the site, and then dropping more significantly west towards Chestnut Street.
- 1.09 The western end of the site, adjacent to Chestnut Street, falls within Flood Zone 3.

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Extra-Ordinary Planning Committee Report – 30 January 2019

Item 2.1

- 1.10 A network of public rights of way cross through the site – footpaths ZR117, ZR118, ZR119, ZR120, ZR121, ZR122 and ZU43.
- 1.11 The application site is classified as Best and Most Versatile agricultural land (Grades 1, 2 and 3a). The Agricultural Land Classification report submitted with the application provides a detailed survey of the area. This establishes that the Grade 1 land (excellent quality) is wholly contained within the area of the site already allocated for development under the Local Plan. The unallocated land consists of a mix of Grade 2 (very good quality) and Grade 3a (good quality) agricultural land. Large areas of the site are safeguarded for brickearth deposits under the Kent and Medway Minerals and Waste Local Plan.
- 1.12 Wises Lane is designated as a rural lane under policy DM26 of the adopted Local Plan
- 1.13 A group of trees on the north west side of the site and to the south of the existing electricity station are protected by Tree Preservation Order TP-77-6, consisting of Wild Cherry, Oak, Maythorn, Elderberry, Hazel and Field Maple.

2.0 PROPOSAL

- 2.01 The application consists of the following proposed development -
- 2.02 An outline planning application for the erection of up to 595 dwellings across the site, a two-form entry primary school, a retail unit, a “flexible use” commercial unit, sports pitches and clubhouse / community facility, open space and new highways infrastructure in the form of a spine road leading from Borden Lane to Chestnut Street, with a proposed access arm onto the A249 (southbound).
- 2.03 In addition to the 595 units proposed in outline form, full planning permission is also sought for the erection of 80 dwellings, with associated landscaping and open space on land to the south of Wises Lane and Dental Close.
- 2.04 As such, the total number of dwellings on the site would be up to 675 units. 12% of the dwellings (81 units) would be provided as affordable housing.
- 2.05 The outline part of the scheme is submitted with all matters reserved for future consideration, other than the points of access onto Borden Lane and Chestnut Street. The submitted drawings show the likely design of the access points in the form of roundabouts, although this would be subject to further detailed design approval.
- 2.06 The outline proposals would be developed at reserved matters stage. However, this application includes a Masterplan Brief with a series of parameter plans to provide a basis for development of the site and subsequent reserved matters applications, and an illustrative masterplan to demonstrate how the site could be developed. The parameter plans set out a number of principles for development of the site, which include –
- The provision of a spine road running east to west through the development, connecting Borden Road to Chestnut Street (with a direct arm via the proposed Chestnut Street roundabout to the A249 (south)).
 - Housing development to the north and south of the spine road, split into sections separated by green fingers of open space running north to south. The plans provide details of density, height and character area parameters for housing development,

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with areas of lower density and height towards the southern, western and eastern fringes of the sites.

- A “local centre” providing a retail unit of up to 480 sqm floor area, and a “flexible use” commercial building of up to 560 sqm floor area to be used for one or more of the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions).
- A primary school with land capacity to provide two form entry, to be sited to the south of the Spine Road and adjacent to the local centre.
- The provision of sports pitches and open space to the southern boundary of the site. This would include a facility proposed for Sittingbourne Rugby Club, comprising a clubhouse and two rugby pitches on one land parcel, and further pitches to the west. The clubhouse would offer opportunities for further wider community uses falling under Class D2 (Assembly and Leisure) of the Use Classes Order.
- Strategic woodland and landscape buffers located primarily on the southern and western boundaries of the site.
- Retention of, and provision of public access to, the Local Green Space to the far east of the site, footpath improvements to the space and the provision of allotments on land adjacent to Auckland Drive.
- Cryalls Lane to be retained on its current alignment
- A network of secondary roads and tertiary streets serving the proposed housing from the main spine road.
- A network of footpaths and cycle paths throughout the site, some new, some utilising existing public footpaths that cross the site, including diversions to existing Public Rights of Way.

2.07 The site would be developed in phases. Although this would be subject to further approval as part of the S106 terms, the phasing as set out in the application proposes that phase 1 would be delivered on land to the south of Dental Close and west of Wises Lane, phase 2 would take place on land to the south and west of the site (including the housing outside of the Policy MU3 allocation), and includes the link road connection to Chestnut Street which would be delivered prior to occupation of 200 dwellings on the site. Phase 3 is shown in the centre section of the site to the south of Maylam Gardens, and phase 4 to the south of Westlands School. These phases would deliver the majority of the open space and sports facilities on the southern boundary of the site. Phase 5 is shown to the east of the site and adjacent to Cryalls Lane, and includes the open space adjacent to Borden Lane and Auckland Drive. The link road connection onto Borden Lane would be delivered prior to occupation of the 422nd dwelling on the site.

2.08 The detailed part of the application (phase 1A) is located wholly within the part of the site forming the allocation under Policy MU3 of the Local Plan. This detailed element proposes a total of 80 dwellings on land adjacent to Wises Lane, Maylam Gardens and Dental Close. This would comprise a mix of detached, semi detached, terraced and flatted residential units, mainly of two storeys in height, some 3 storey dwellings and a 3 storey flatted block, and some units with rooms in the roof space. The two storey units would generally measure between 8 and 8.5 metres in height, the three storey dwellings up to 10.3 metres, and the three storey flats up to 11.5 metres. 11 units within this part of the scheme would be provided as affordable housing.

2.09 The housing layout for phase 1A would be split into two blocks, one comprising 21 dwellings to the south of Dental Close, and the other being an oval shaped block containing 59 units. The existing route of Wises Lane would be modified at a point just

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south of Dental Close and would be realigned in a south westerly direction. This new road would split the two housing blocks.

- 2.10 The existing route of Wises Lane through to the roundabout at Maylam Gardens would be maintained to provide access to existing properties and to some units within phase 1A. However a section of Wises Lane south of the Maylam Gardens Roundabout to the proposed spine road would be closed to vehicular traffic, and utilised as a cycleway / footway.
- 2.11 Part of the proposed spine road would be constructed under the phase 1A development. This would run to the south and west of the larger proposed housing block, with a junction link to the new section of Wises Lane. Areas of open space including pond / open drainage features would be sited around this junction arrangement. The new spine road would be constructed to link the new section of Wises Lane with the old section further to the south.
- 2.12 Phase 1A also includes large areas of open space to the south and east of the development, amounting to some 1.2 hectares in area, including a play area.
- 2.13 The scheme would generate requirements for a series of “off site” highways works. These are set out in detail in the highways section below, but the main works are summarised as follows –
- Installation of traffic lights at the Wises Lane / A2 junction
 - Widening of Wises Lane in parts
 - Installation of a double mini-roundabout at the Borden Lane, Homewood Avenue and Adelaide Drive junctions
 - Installation of a dedicated lane from Maidstone Road onto the M2 London-bound carriageway at the Stockbury Roundabout (in the event that the M2 J5 works proposed by Highways England do not materialise).
 - Reconfiguration of the Key Street roundabout, including part signalisation, closure of the existing slip road onto the A249(s), use of the Chestnut Street arm to access the A249 (s) (via the new roundabout at the site entrance), and widening and marking out of lanes
 - Improvements to pedestrian crossing facilities at Borden Lane / London Road and Adelaide Drive / Borden Lane
- 2.14 The scheme also includes a commitment to make financial contributions towards works to Riddles Road and Cryalls Lane, to restrict use by through-traffic. However approval for such works would take place via a Traffic Regulation Order process, and cannot be granted under the terms of this planning permission.
- 2.15 The land use parameter plan submitted with the application is attached as Appendix 3. A comparison of this plan with the site allocation development concepts plan attached as Appendix 1 helps to highlight the key differences between the form of development proposed under the Local Plan, and that subject to this application. The key changes included in this application can be summarised as follows –
- A link road from east to west across the site, which incorporates an area of unallocated land to the west to form a road connection to Chestnut Street and ancillary landscaping / buffer planting.
 - The area of additional land take-up for housing (coloured in yellow) and further buffer landscaping beyond the site allocation to the west of the site

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- Additional land take-up to the south of the site, between Hooks Hole Cottage to the west and Orchard Cottages to the east. Such additional take-up ranging between approximately 10m and 25m in depth.
- The location of the school has been changed from the indicative location identified on the development concepts map in the Local Plan to the east of Orchard Cottages and Wises Oast, to a location further west on the site – but still within the land parcel allocated for development under MU3 of the Local Plan.
- The area of possible commercial use on the development concepts plan has been removed from the scheme. This has been replaced by a “flexible use” unit within the central part of the development.
- The inclusion of a facility for Sittingbourne Rugby Club on the land to the east of Wises Oast / Orchard Cottages. This includes use of additional land beyond the site allocation to the south, to a depth of approximately 60 metres.
- The upgrading of the access point onto Borden Lane to a roundabout would involve a small incursion into the land to the south (beyond the site allocation) designated as a Local Green Space.

3.0 PLANNING CONSTRAINTS

3.01 A large part of the site (33.7 Ha) is allocated for a mixed use development under policy MU3 of the adopted Local Plan. In allocating this land for development, the following constraints were taken into account –

- Development of open farmland formerly within a countryside gap separating Sittingbourne and Borden
- Development of Best and Most Versatile Agricultural Land
- Development within an Area of Archaeological Potential
- Existence of Public Rights of Way ZR117, ZR118, ZR119, ZR120, ZR121, ZR122 and ZU43
- Wises Lane (southern section) is designated as a Rural Lane.
- Development within a minerals safeguarding area
- The location of Cryalls Farmhouse to the north of the site, Riddles House / Riddles Cottage to the east, and Thatch Cottage to the south, all Grade II listed buildings.
- The location of Borden Conservation Area to the south
- The designation of land at Borden Lane as Local Green Space
- The location of Borden Nature Reserve (former waste tip) to the south of the site.

3.02 In addition to this, the following constraints also apply, taking into account the extended area of the application site beyond the site allocation –

- The unallocated land within the western and southern sections of the site lies outside of the identified built confines of Sittingbourne and is classed as open countryside.
- The unallocated land to the western and southern sections of the site falls within an Important Local Countryside Gap.
- The unallocated land within the site is also classed as Best and Most Versatile Agricultural land.
- The unallocated land to the south east of the site falls within an area of Local Green Space.
- Part of the west section of the site is located within Flood Zone 3
- Chestnut Street Conservation area is located close to the western boundary of the site
- The proximity of listed buildings on Chestnut Street, to the east of the proposed access point.
- Tree Preservation Order TP-77-6 is located to the north west boundary of the site

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- The unallocated land within the site also falls within an area of archaeological potential.
- The unallocated land within the site falls within a minerals safeguarding area

3.03 Reference has been made by an objector to various constraints and planning history records that have been listed on the Public Access system, and the lack of information available to identify these in greater detail. A number of these records relate to adjacent sites which have been “captured” under this application as they share a common boundary with the application site – but which do not actually relate to it. This includes planning history, enforcement history and S106 records. References are also made under the Public Access system to constraints referred to as MOD Safeguarding, Thurnham Wind safeguarding and the Detling DVOR Technical Site. These relate to windfarm applications or buildings that exceed 45.7 metres in height – none of which are relevant to this application.

4.0 POLICY AND OTHER CONSIDERATIONS

4.01 **Section 70(2) of the Town and Country Planning Act 1990** provides that the decision maker shall have regard to the provisions of the development plan so far as material to the application.

4.02 **Section 38(6) of the Planning and Compulsory Purchase Act 2004** - requires that applications for planning permission shall be determined in accordance with the development plan, unless material considerations indicate otherwise. A material planning consideration is defined in National Planning Practice Guidance as something of relevance to making the planning decision in question, but cannot relate to the protection of private interests (e.g. property value). The weight to give a material consideration is a matter for the decision maker to decide.

4.03 **The National Planning Policy Framework (NPPF)** – Since the application was made, the Government has published a revised version of the NPPF (on 24 July 2018). It must be taken into account in preparing the development plan, and is a material consideration in planning decisions. The Framework should be read as a whole (including its footnotes and annexes). The most relevant sections to this application are as follows –

Paragraphs 8 (the three overarching objectives of sustainable development), 10&11 (the presumption in favour of sustainable development), 12 (the importance of the development plan in decision making), 38 (the approach to decision making in a positive and creative way), 54-56 (use of planning conditions and Planning Obligations), 57 (weight to be given to viability), 59 (supporting the Government’s objective of significantly boosting housing), 61 (housing mix), 62/64 (affordable housing), 91 (promoting health / safe communities), 92 (providing social / recreational facilities), 94 (promoting development to deliver schools), 96 (access to high quality open space), 98 (protection / enhancement of public rights of way, 99-101 (designation / protection of Local Green Space), 108 (consideration of transport issues in development proposals), 109 (that development should only be refused if impacts would be severe), 110 (priority to pedestrians, cyclists and access to public transport within developments), 111 (travel plan requirements), 112 (need for high quality communications), 117 (making effective use of land), 122 (achieving appropriate densities), 124 (achieving well designed places), 127 (design criteria for developments), 128 (consideration of design quality between applicants, the local planning authority and local community), 129 (access to / use of tools and processes

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for assessing and improving design), 130 (that poor design should be refused), Chapter 14 (climate change / flooding), 170 (protecting / enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, minimising impacts on biodiversity and achieving net gains, preventing new / existing development from unacceptable risks from pollution / air quality), 174-177 (protecting habitats and biodiversity, including Special Protection Areas / Ramsar sites), (178 land suitability and risks from contamination), 180 (protection from noise / light pollution), 181 (compliance with air quality limit values and objectives, taking into account Air Quality Management Areas), Chapter 16 (conserving / enhancing the historic environment), 204 (safeguarding mineral resources), 212 -213 (the status of the NPPF in relation to development plans).

4.04 National Planning Practice Guidance (NPPG)

Air Quality

Conserving and Enhancing the Historic Environment

Design

Environmental Impact Assessment

Health and Wellbeing

Housing and Economic Land Availability Assessment

Land affected by contamination

Noise

Open space, sports and recreation facilities, public rights of way and local green space.

Planning Obligations

Use of Planning Conditions

Viability

Water supply, wastewater and water quality

- 4.05 Bearing Fruits 2031 – The Swale Borough Local Plan (adopted July 2017):** Policies ST1 (delivering sustainable development in Swale), ST2 (development targets for jobs and homes), ST3 (Swale settlement strategy), ST4 (meeting local plan targets), ST5 (the Sittingbourne area strategy), CP2 (promoting sustainable transport), CP3 (delivering a wide choice of quality homes), CP4 (good design), CP5 (health and wellbeing), CP6 community facilities to meet local needs), CP7 (providing for green infrastructure), CP8 (conserving / enhancing the historic environment), MU3 (land at South-west Sittingbourne, DM6 (managing transport demand and impact), DM7 (vehicle parking), DM8 (affordable housing), DM14 (general development criteria), DM17 (open space, sports and recreation provision), DM18 (local green spaces), DM19 (sustainable design and construction), DM21 (water, flooding and drainage), DM24 (conserving and enhancing valued landscapes), DM25 (Important Local Countryside Gaps), DM26 – rural lanes, DM28 (biodiversity and geological conservation), DM29 (woodlands, trees and hedges), DM31 (agricultural land), DM32 (development involving listed buildings), DM33 (development affecting a conservation area), DM34 (scheduled monuments and archaeological sites)

- 4.06 Policy ST5** (The Sittingbourne Area Strategy) includes the following criteria –

Within the Sittingbourne area, the town is the principal urban centre and focus for the main concentration of developments in and adjoining the town. Development proposals will, as appropriate:

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- 3. Support, as required, improved connections to the A249 and M2 from west Sittingbourne and, in the longer term, the completion of the Sittingbourne Northern Relief Road.
- 4. Provide housing / mixed uses within the Sittingbourne town centre regeneration or at other sites within urban and village confines, or as extensions to settlements where indicated by proposed allocations.
- 6. Maintain the individual character and separation of important local countryside gaps around Sittingbourne in accordance with policy DM25 and within the A2 corridor to the west of the town through to Rainham.
- 11. Unless allocated by the Local Plan, avoid the loss of high quality agricultural land in accordance with policy DM31.

4.07 **Policy MU3** is directly relevant to this site, and is copied below in full –

Land at south-west Sittingbourne

Planning permission will be granted for a minimum of 564 dwellings, commercial floorspace (including potential neighbourhood facilities), landscaping and open space on land at south-west Sittingbourne (Borden), as shown on the Proposals Map. Development shall take place in accordance with a Masterplan/development brief (developed through stakeholder consultation). These and submitted planning applications will demonstrate and encompass:

- 1. *Accordance with Policy CP 4, in particular, a strong landscape framework, achieving a net gain in biodiversity (to be shown by an integrated Landscape Strategy and a Landscape and Ecological Management Plan) and including;*
 - a. *provision of a substantial landscape and green space buffer, provided in advance of new development so as to ensure the mitigation of adverse visual impacts and the maintenance of a long term local countryside gap between Sittingbourne and Borden, in accordance with Policy DM 25;*
 - b. *provision of green corridors and other green spaces within the development to: ensure an attractive living environment; assist in mitigating wider landscape and visual impacts; link with other existing open spaces; achieve a net gain in biodiversity; and meet open space needs in accordance with policy DM 17.*
- 2. *A high quality design reflecting the rural and village character of the locality, with varying densities that are able to respond appropriately to the local landscape character and distinctiveness of Sittingbourne and Borden as identified by the Swale Landscape Character and Biodiversity Appraisal, 2011;*
- 3. *Mitigation of visual impacts and implementation of public access to, and appropriate management of, the designated Local Green Space at the junction of Auckland Drive and Borden Lane;*
- 4. *Through both on and off site measures, ensure that any significant adverse impacts on European sites through recreational pressure shall be mitigated in accordance with Policies CP 7 and DM 28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;*
- 5. *Undertake a Heritage Assessment to determine heritage impacts and to propose mitigation as necessary. There should be no substantial harm to the setting of Cryalls Farmhouse. Any assessment should include a full archaeological assessment and development should respond to its findings in terms of the overall layout of development, bringing forward proposals for mitigation as necessary;*

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6. *Provision of appropriate access to the site, with a Transport Assessment/design statement at the Masterplan/development brief and planning application stages to further consider:*

a. the implications of a range of potential accesses options, including any linked road between Wises Lane (A2) and Borden Lane (including its design principles, character, impacts upon trees, historic influences and routing);

b. the phasing of development relative to, and financial contributions toward, improvements to the A249 at its junctions with the M2 and at Key Street and other A249 junctions west of Sittingbourne;

c. the need, timing and provision of transport improvements at junctions with the A2, together with other residential streets and rural lanes as may be determined;

d. whether effective and sensitively designed traffic management measures (inc. possible road closure and the creation of green quiet lanes) will be necessary in parts of Cryalls Lane,

Wises Lane and Riddles Road so as to manage traffic levels on rural roads to the south and residential areas to the east, whilst maintaining and enhancing opportunities for walking and cycling;

e. providing public transport, pedestrian and cycle links within the development and to the adjacent network;

7. *A Health Impact Assessment in accordance with Policy CP 5;*

8. *The retention and enhancement of any designated Rural Lane, in accordance with Policy DM 26;*

9. *Provision of a mix of housing in accordance with Policy CP 3, including provision for affordable housing in accordance with Policy DM 8;*

10. *An assessment of potential noise and contamination and any mitigation necessary to address it; and*

11. *Provision of infrastructure needs arising from the development, including those identified by the Local Plan Implementation and Delivery Schedule. This shall include provision by the developer of a one-form primary school and contributions toward the expansion needs of local health, community, learning and skills and youth services.*

- 4.08 For the benefit of Members, I would highlight at this point that whilst the application site was put forward by the developer as an alternative scheme (to the MU3 site and referred to as MUX1a) during the Local Plan Examination, this was not taken forward by the Local Plan Inspector. The Inspector's report set this out as follows –

“16. Confusion has arisen because in August 2016 developers for the proposed new allocation at South West Sittingbourne (MUX1) put forward an alternative scheme, with an extended site and alternative access arrangements (MUX1a). Some sustainability appraisal work of this option has been undertaken by the Council as part of an assessment of reasonable alternatives. However this scheme is not included as a proposed main modification and has not been the subject of consultation. Whilst it seems to have been presented as a potential “improvement” to the proposed new allocation (MUX1) and to help address highway issues, this has not been helpful as it has created considerable anxiety in the local community. I have made it clear at the examination hearings and I re-iterate here that the examination has considered only the Plan as submitted and amended by the proposed main modifications. The proposal for site allocation MUX1a is not before me.”

- 4.09 **The Kent Minerals and Waste Local Plan** – Policy DM7 seeks to safeguard mineral resources, subject to specified exceptions, including where the mineral is not of economic value and where extraction would not be viable or practical.

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4.10 Supplementary Planning Documents:

The Swale Landscape Character and Biodiversity Appraisal, 2011
 The Chestnut Street Borden Conservation Area Appraisal 1999
 The Street, Borden Conservation Area Appraisal 1999
 Harman's Corner Borden Conservation Area Appraisal 1999
 Hearts Delight Conservation Area Appraisal 1999
 Air Quality Planning Technical Guidance Dec 2016
 Developer Contributions SPD 2009

On the 20th April 2018, the Council's Local Plan Panel agreed to use Building For Life 12 as a technical document in determining planning applications for 10 dwellings and above, and an assessment of the detailed part of the scheme is attached as Appendix 5.

Although not adopted by the Council, I have also taken into account the Council's Swale Urban Extension Landscape Capacity Study June 2010.

Housing Land Supply

- 4.11 Paragraph 73 of the NPPF (2018) requires that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to meet a minimum 5 year housing supply. Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development, and states –

*“For **decision-taking** this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 4.12 The footnote to paragraph 11 explains that paragraph d) applies to applications involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are also set out in the NPPF.

- 4.13 At the time of writing this report, the Council's five year land supply position is subject to change. This is because the Government has yet to publish the November 2018 results of its new Housing Delivery Test (HDT). The HDT tests the Council's performance on the number of housing completions achieved over the previous three years against prescribed percentage thresholds that relate to their housing targets with various consequences for failure. One of these is that a failure in the HDT influences the Council's five year land supply position because it determines a key component of the housing land supply calculation; namely the buffer that should be added to any accrued shortfalls in delivery against the prescribed five year

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requirement. Paragraph 73 (footnote 39) of the NPPF requires application of a 20% buffer where the HDT indicates that delivery was below 85% of the housing requirement.

- 4.14 In the current absence of the HDT results, the NPPF is clear that at the time of writing this report, the buffer to be applied should be 5%. This means that for the 2017/18 monitoring year the Council would have a five year supply of 5.3 years. This being the case, the determination of this application should follow the statutory status of the Local Plan in that where there is conflict with a proposal, planning permission should not be granted, unless material considerations indicate that the Plan should not be followed.
- 4.15 Members should note that when the results of the HDT are published (which could be prior to the planning committee meeting), this will almost certainly show that the Council's five year supply will be approximately 4.6 years. This is because Swale will fail the element of the HDT that influences the 'buffer', resulting in a 20% buffer needing to be added to the 2017/18 'shortfall' and prescribed five year requirement. Unless, when the HDT results are released, the Government has made unexpected changes to the methodology of the HDT itself, as set out in the NPPF, the HDT results for Swale can be forecasted with some certainty from Government published information on completions already in the public domain. This being the case, paragraph 11d)i-ii within the NPPF would need to be applied; namely that specific policies in the Framework would need to give clear reasons for refusal or that the adverse impacts would need to significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. This would also affect the weight to be applied to relevant policies such as ST3, DM24-26 and DM31 of the adopted Local Plan; their weight being diminished relative to the provision of housing.
- 4.16 If the results of the HDT are available, a further update on this position will be provided to Members at the meeting. However in my final balancing and conclusions section, I have assessed the application based on the position at the point of writing this report, namely that the Council is currently able to demonstrate a five year supply of housing.

5.0 LOCAL REPRESENTATIONS (as of 21st Jan 2019)

- 5.01 A total of 1,565 letters were originally sent to local residents in the area. In addition, a number of site notices were posted in and around the vicinity of the site. This process has been repeated following amendments to the scheme that have required re-consultation.
- 5.02 Following this process, the following representations have been received
- 5.03 968 representations have been received in objection to the application. This includes a large number of representations (in the region of 600) based on template objections that have been circulated locally. The objections are based on the following grounds.
- Impact on neighbouring amenities in terms of light, privacy and outlook
 - The development does not respect local context or street patterns
 - The development does not respect the scale and proportions of surrounding buildings
 - Loss of green / open space

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- Loss of right to enjoy a quiet and safe residential environment
- The development would result in town cramming / urban sprawl
- Lack of landscaping / overdevelopment of the site
- Impact on stability of surrounding buildings
- The development would be contrary to the Human Rights Act, in respect of private / family life for existing residents
- Impact of development on traffic congestion on the A2 and A249
- Impact of development on highways safety and amenity of Wises Lane
- Lack of convenient parking within the development
- Impact upon the wider landscape
- Impact upon character and amenity of the countryside, and loss of rural views
- The development is poorly designed
- Loss of high quality agricultural land
- Impact on character and identity of Borden as a historic rural village
- Lack of infrastructure – doctors, dentists, schools.
- Road infrastructure is struggling
- The development will become a rat run
- Provision of the primary school, rugby club, retail and medical facility will not emerge, as has been the case on other housing developments
- Other areas of Sittingbourne should be developed
- Traffic queues in the rush hour are terrible
- The proposed roundabout onto the A249 will become a bottle neck and an extension of the congestion
- Development of the site ignores the wishes of the local community
- Borden Lane, Wises Lane, Chestnut St, Maidstone Road, Oad Street, Cryalls Lane, Adelaide Drive, Homewood Avenue, Key Street, School Lane, Pond Farm Road, Sutton Baron Road, Wrens Road, Connaught Road, Park Road, Hearts Delight Road, and Riddles Road will be adversely affected by rat running
- The dwellings will be largely unaffordable to local residents
- Traffic through Borden village will increase
- Any improvements to the A249 will be futile unless the junction with the M2 is significantly improved
- Highways England improvements to J5 are not sufficient to cope with additional demand
- Cumulative impact of development – including the Aldi distribution depot – on the local road network
- Loss of rural views
- Impact of development near the nature reserve, which is on a historic landfill site
- This adds to the cumulative large scale housing development in the Borough with adverse impacts on existing residents
- Borden Lane will need major works to accommodate new traffic flows
- The application includes land not allocated for development in the local plan
- Air pollution from new development, and increasing pollution on the A2 and A249
- Brownfield sites should be developed first
- Lack of time for residents to go through significant paperwork
- The Wises Lane / A2 junction needs to be redesigned as it is difficult to turn right from this junction
- Noise disturbance
- Loss of trees
- No development should take place until an appropriate road network is put in place
- No development should take place until the school and rugby facilities are provided

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- The housing mix is unacceptable – the local community need 2 and 3 bed units, not large dwellings
- Too many houses are proposed – 80 more than the local plan allocation
- The rugby provision only caters for a small part of the community
- Erosion / loss of wildlife
- Housing design and density is not in keeping with Borden village.
- Lack of parking for residents
- Increased light pollution
- The extent of green space proposed is insufficient
- Use of metal railings is dangerous and unsightly
- The proposal does not address secondary school deficiencies
- Lack of water supplies
- Loss of a countryside gap
- Impact on surrounding right of way network
- Lack of jobs for new resident population will result in further commuting
- Faversham should take more share of the housing for the Borough
- The affordable housing is not affordable
- The parish of Borden will increase by 50%
- Impact on residents of Pine Lodge care home through increased use of public footpath
- The area lacks local facilities
- The development would result in Borden becoming a suburb of Sittingbourne
- Increased traffic / pollution on the A2
- Traffic calming will be required on Borden Lane
- Impact upon the Memorial hospital
- Does KCC want a new primary school?
- How will secondary schools accommodate the new residents?
- Traffic impact on Wises Lane / A2 as the only access point to the development during the first phases
- Impact of additional traffic on historic / listed buildings in Borden
- Noise / safety impacts during construction
- Increased pollution and queueing on Wises lane to the detriment of local residents
- Existing residents have chosen to live in a rural area which will be destroyed by the development
- Overlooking into Dental Close
- The proposed new roundabout on Chestnut Street will not assist with traffic coming off the A249 as this still needs to go via Key Street roundabout
- The proposed roundabout on Borden Lane is too close to existing junctions, making this dangerous
- Existing services within the area of Borden will not be able to cope
- Some PROWs will be re-routed
- The applicant's claim that air quality would be improved for a number of existing residents is not supported
- Lack of housing for disabled persons
- Use of roundabouts / traffic lights at junctions will increase the amount of stop-start traffic and increase air pollution.
- Solar panels should be a requirement on all new housing
- The nature reserve should be transferred to a third party to protect it from development.
- The application includes development on a Local Green Space

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- Southern water advice that there is no capacity for waste water – which demonstrates that essential utilities have not been properly considered.
- Need for a primary school, medical facility or local shop has not been demonstrated.
- Inadequate sporting facilities are provided within the development.
- Length of construction period
- No baseline air quality monitoring has taken place within the site or surrounding key corridors
- The land acts as a floodplain
- Air quality levels in Key street are already close to / EU maximum guidelines
- Existing traffic problems within Sittingbourne – such as failure to complete the Northern Relief Road – have not been addressed
- Up to 5000 additional vehicle movements per day would be generated
- No provision for suitable accommodation for local older residents wishing to downsize
- Economic impacts relating to increased road delays
- Wises Lane needs to maintain safe pedestrian access
- The S106 agreement will need to secure provision of the school, shop and community facilities
- Loss of parking for vehicles on Chestnut Street that use coach services to / from London
- Use of vacant houses and office blocks should be used instead of greenfield sites.
- A proper sports complex should be provided, not three rugby pitches
- Lack of details regarding electricity supply
- The scheme should have gone to tender for other developers to bid and provide an alternative development
- The online system for making comments is slow and not fit for purpose – and difficult if you are not IT literate
- Improvements to local roads should be made prior to the development of houses
- The rugby complex will cause traffic, noise and light pollution
- The development would be premature to the local plan review and J5 works and should be refused.
- Lack of funding for doctors to staff existing facilities.
- Impact on protected wildlife and effect of domestic cats
- Impact on neighbouring amenities through additional traffic noise and disturbance
- It is within the zone of influence of the Medway Estuary and Marshes, and The Swale Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Site).
- The sporting facilities are being used as a bribe and do not address deficiencies in other sports such as football and hockey
- Increased risk of flooding through development of green fields.
- The rugby clubhouse, parking areas and housing to the south of Cryalls Lane would adversely affect the Local Countryside Gap and would be contrary to policy DM25 of the local plan
- The development would cause harm to the character of rural lanes of Wises Lane and Cryalls Lane and would be contrary to Policy DM26
- The plans do not demonstrate how a lower density and more rural character would be achieved to the south and west of the site.
- Harm to an area of High Landscape Value
- Pressure on local policing
- Impact of the development on the AQMA at Newington, and the need to take into account legal decisions including Pond Farm Newington in respect of air quality

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- Thistle Hill and Great East Hall estate are two schemes in Swale where amenities were not provided.
- Impact of development of traffic from Maylam Gardens estate
- Proposed play areas are inadequate
- Too many housing developments in Sittingbourne
- The new school will likely mean closure of the present village school
- The proposed housing lacks identity and context with its surroundings
- Support for this scheme has been generated by Quinn Estates and Sittingbourne Rugby Club, using templates downloaded from their website – and are not neighbour comments
- Neither the Health Authority or Education Authority support the on-site provision of a medical facility or school
- The area surrounding Borden and Key Street is of historical archaeological significance
- The “support” letters are unethical, do not take into account the wider issues of the application and the planning officer should look carefully at whether these are admissible
- The constraints on the application site were not available to view on the website and were not all available to planning officers or residents
- Concern whether all appropriate documents and assessments have been provided
- The development would be contrary to the Council’s landscape guidelines for Tunstall and Borden Mixed Farmlands
- The population for Borden parish increase would increase dramatically
- High density housing would not be in keeping with its surroundings
- The local plan process did not involve the local community
- The adverse impacts far outweigh the benefits of the application
- No safe crossing places within the scheme
- Poor design of dwellings
- The Council should be prioritising development of brownfield land but is not
- Concern that the proposed retail unit would not be viable
- Objections from consultees has not been addressed
- Concern regarding excessive gas concentrations as set out in the Gas Risk Assessment report
- No provision for public transport
- Will encourage car use through infrastructure works
- The town centre does not cater for those persons likely to buy a house in this development
- The focus should be for 2 and 3 bed housing as set out in the Local Plan.
- Additional strain on railway services and commuter parking
- No evidence of a masterplan document or use of the Design Panel
- Existing sites with permission for housing should be developed first.
- How will the open space be managed
- Lack of cycle paths and a perimeter trail
- Detrimental impact upon climate change
- The consultation process was inadequate
- Many documents contained within the application can be challenged
- Why are the rugby club members allowed to comment when they are not local residents
- Some letters in support pre-date the application
- Lack of compliance with many policies of the Local Plan
- No Transport, Heritage, or Archaeological Assessments have been submitted

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- The development should provide 40% affordable housing as it is in a rural parish
- The development is contrary to the NPPF
- The additional land was specifically excluded from the site allocation by the Local Plan Inspector
- Inadequate highways data is relied upon
- Lack of data relating to air quality
- Lack of a credible archaeological evaluation of the site
- Impact on PROW network
- There are no proposals to deal with extra traffic when the rugby pitches are in use
- Most roads around Borden have no paths
- Detrimental impact to listed buildings and conservation areas at Chestnut Street, Borden Village and Harmans Corner, which include medieval houses
- The scheme has not been properly advertised
- Potential for further future development that would close the gap between Sittingbourne and Borden
- Lack of mitigation measures to reduce private petrol / diesel vehicles
- There is a recognised shortfall in health funding arising from planned development across Swale, and this will be exacerbated by the development
- Lack of information regarding the proposed roundabout at Chestnut Street and relationship with the Tudor Rose (which may lose custom due to lack of parking)
- No mention of substation by Chestnut Street
- Lack of any bungalows / accommodation to suit elderly / disabled needs
- The roundabout at Chestnut Street will prevent residents, school children, horse riders and cyclists from safely moving through Key Street
- The proposed access crosses various areas of land ownership with no guarantee that this will come forward in future phases
- Historic flooding in the area – the river Borne flows underground nearby
- The slip road onto the A249 is too short
- Concern regarding floodlighting at the rugby ground and school
- Greater traffic delays, especially around the new roundabout in Chestnut Street,
- Impact on journey times, not just in Borden area but also those to London, Maidstone and beyond
- The scheme does not meet the three dimensions of sustainable development
- Swale has no clear strategic transport infrastructure, hence why a five year review is required for the Local Plan. Approval of this scheme would be premature prior to a review of strategic transport.
- The development is premature whilst the A249 / M2 improvements are under consideration by Highways England
- Impact on Borden Lane – deterioration in air quality, traffic, and noise. Vehicles parked at the end of Borden Lane make passing difficult.
- Impact of traffic lights on Wises Lane junction, effect of stop-start traffic on fumes and air quality, loss of trees to facilitate junction works
- London bound traffic will continue to use Chestnut Street onto Danaway, and this road is not equipped for such use being narrow and close to listed buildings
- The link road through the development is too narrow with too much direct access
- All mitigation is for traffic leaving Sittingbourne, none for traffic coming into the town
- The new school is not required - the local school is adequate and there is capacity at Tunstall
- Visual, heritage and traffic impacts on St Peter and Paul's Church, Borden, including the bell tower

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- The impacts of the development on a phased basis need to be considered, i.e the detailed 80 dwellings would be built with no improved road or infrastructure – and many reports submitted with the application deal with the impacts of the finished development and not phasing.
- The main road through the development has been increased in width, and would be a fast and busy road – not well designed for residents
- The three storey buildings are out of keeping with the area and taller than any other buildings in Borden other than the church – and would take over the viewpoint
- The design does not respect the bungalows on Wises Lane
- The design does not reflect rural / village character or respond to the landscape
- Detrimental impact on skylarks and no evidence that mitigation would work
- Land should be retained for agriculture and food production – which will be needed more after Brexit
- Does not accord with Building for Life
- The Council should refuse to accept the housing requirements imposed by Central Government
- The rugby pitches should be provided as a village green
- The scheme should include measures to deal with bus drop off and pick up arrangements for Westlands School on the A2, which causes traffic problems
- Concern regarding air quality has been further highlighted by the “Air Quality Report for Borden Parish Council” prepared by the University of Kent, which disputes the findings of the developer’s report and is the only source of current and real data
- Impacts on water supply and wastewater are still unresolved
- Impacts on badgers have not been resolved, and a detailed survey is needed
- The road infrastructure should be in place before any housing.
- Loss of countryside / open space has a detrimental impact on wellbeing and mental health
- Current drainage cannot cope without additional strain from the new development
- Emergency services cannot cope with levels of calls
- How can Borden Lane physically manage an increase in traffic of 24,000 vehicles?
- The mixed use facilities proposed are not supported by the relevant authorities
- Will exacerbate the shortfall in health funding in Swale
- Traffic data contradicts that in the Manor Farm application, and submitted data is flawed and out of date
- Internal space standards and garden space for dwellings are far too small
- Inaccurate information within application documents
- Sustainable transport measures are not sufficient
- Some dwellings have access directly onto the main access road which is not permitted by KCC
- Poor junction design for Wises Lane / the link road
- Inadequate width of Wises Lane and other local roads for 2 way traffic
- There is a shortage of dentists as well as doctors in the area
- The proposed slip road onto the A249 is far too short
- Contrary to comments made, Borden Parish Council have not been approached to take on the land as open space or allotments
- The findings of the applicant’s air quality report are not acceptable. Swale BC should commission an independent assessment.
- Air quality adverse impacts must be expected as a mitigation package of £481639 is allocated to deal with this.
- Existing healthcare facilities are not sustainably located in relation to the development

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- Impact of soil compression on local roads through extra use
- Lack of proper consultation on development of this site during both the Local Plan process and this application.
- SBC should not be carrying out an air quality review on this site. That should be done properly by the developers.
- The Phlorum Air Quality review should be removed as evidence
- There are still no figures to demonstrate existing and proposed air quality levels on the application site
- It is difficult to understand how the developer concludes that traffic on Borden Lane would be lower under MUX1a than MUX1
- The latest SBC Playing pitch strategy shows a surplus of rugby pitches
- The Council has been working in partnership with the developer to allocate this site and cannot be impartial in determining this application
- A 2017 air quality report and data has not been used
- Air quality mitigation proposed is inadequate
- Swale is the worst place in the country for access per population head to medical facilities

5.04 746 responses have been received in support of the application. These are almost entirely based on a small number of template letters that have been circulated – and I understand this circulation has originated from the rugby club. The support for the scheme is based on the following grounds

- The development will deliver affordable housing giving young people the chance to get on the housing ladder
- Provision of community facilities, including a new school, medical facility, and road improvements
- It will provide excellent sports facilities/ a hub for the rugby club
- More housing is needed and land will need to be released for this
- The developer has delivered some great schemes across Kent
- Such development will attract business to the town
- New residents will spend money in the town centre and make it a more vibrant area
- There is a guarantee of delivery with a national housebuilder involved
- It will help alleviate traffic congestion in the local area
- It will create construction jobs
- Good that allotments are included

5.05 Representations from a solicitor and a planning agent acting for Borden Residents Against Development have been received, making the following comments (summarised) –

- The application is in conflict with the adopted Plan and site allocation policy MU3 which provides for a minimum of 564 dwellings.
- The policy requires a masterplan to be consulted on and adopted prior to the application coming forward. This should be in the form of a Development Plan Document and such a document should be approved prior to the determination of a planning application. Therefore the current application is premature and in breach of the PCPA 2004 Act and the Town and Country Planning (Local Planning) 2012 Regulations
- The masterplan process has taken place during the course of the application and does not proactively involve local stakeholders

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- The outline nature of the application is surprising given the comprehensive policy detail for development of the site.
 - The application is premature and at risk of challenge
 - The redline boundary exceeds the development area allocated under policy MU3 and must be determined as a departure application.
 - Impact on strategic gap and surrounding landscape – the landscape and green buffer is wholly inadequate.
 - Harmful impact upon surrounding heritage assets
 - Harmful impact upon surrounding rural character
- 5.06 The Sittingbourne Society – object on the following grounds –
- Allocation of the site in the Local Plan was contentious. This application goes beyond the site allocation and results in additional loss of Grade 1 agricultural land, additional impacts on Borden and Chestnut Street Conservation Areas
 - Unacceptable traffic impacts from increased number of vehicles and impacts on local roads
 - No measures to address lack of commuter parking
 - The new sports facilities are opportunistic.
 - Removal of rugby facility will call into question the viability of the cricket club
 - The existing school is not proposed for closure
 - Lack of secondary school places
 - Lack of research and inaccuracies in the developer's statements
 - Saturation of local housing market through additional housing above that in the allocation – and whether this is viable to a developer
 - Outstanding issues regarding heritage, archaeology and impacts on the Public Rights of Way
 - A higher percentage of housing should be for identified local needs – there are too many 4/5 bed dwellings that do not meet such need
- 5.07 CPRE Kent – object on the following grounds –
- The planning application goes significantly beyond the area of land allocated in the local plan and the level of housing proposed in the plan
 - Loss of additional Grade 1 agricultural land
 - Impact on Borden and Chestnut Street Conservation Areas
 - Danger of coalescence between communities
 - Impact of additional traffic on local and strategic road network
 - Housing mix is weighted towards 4 and 5 bed dwellings. More 2 and 3 bed units should be provided to meet local needs and reduce likelihood of commuting out of the Borough.

6.0 CONSULTATIONS

- 6.01 Consultation responses are generally summarised below and Members will have access to the full consultation response online. However given the significant interest and impacts relating to highways and air quality, the latest relevant consultation responses from KCC Highways, Highways England and the Council's Environmental Protection Team Leader have been copied in full.
- 6.02 **Borden Parish Council** (original comments) – Objection
- The current Planning Application goes significantly beyond what is already in the Local Plan
 - Even more Grade 1 agricultural land being lost

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- Increased intrusion on the Borden Village and the Chestnut Street Conservation Areas
- Lack of prior consultation with the Parish Council and other stakeholders on a master plan
- The amount of housing proposed in this Application represents a 70% increase in the housing numbers for Borden Parish. It does nothing to address the identified need within the Parish for bungalows and housing for the elderly.
- Inaccuracies in application.
- The proposed road structure would rearrange traffic movements across the southern half of the town into Borden Parish, completely beyond the Local Plan and would make this plan redundant.
- Harm arising from proposed rugby pitches on the setting of Borden Conservation Area.
- The application incorrectly states that Borden Primary school would close.
- Lack of secondary education facilities.
- Disruption to PROW network.
- The development is far too heavily swayed towards 4 and 5 bed dwellings, with little heed to local housing needs.
- Impact of traffic re-routed from Key Street along Chestnut Street and to the new roundabout. This will cause congestion.
- Lack of evidence that return journeys into Sittingbourne would re-route through this site.
- Grave concern about levels of air pollution in several areas, including Key Street Chestnut Street, and in the new road from the estate. How can this be calculated until the Council undertakes extensive measuring?

6.03 Further comments (19/06/18) – BPC concerned that the developer is making a presentation to Members on the scheme – and that this should be made in public.

6.04 Further comments (received 9th July 2018)

Borden Parish Council has commissioned and submitted an Air Quality report by Dr Ashley Mills and Professor Stephen Peckham from the University of Kent. The report summarises that –

- The air quality modelling undertaken by the applicant underestimates levels and the impact on the local community
- Real values of both nitrogen dioxide and particulates for some areas already exceed the predicted 2025 worst case predictions estimated by the developer after completion of the development.
- Both pollutants exceed World Health Organisation guidelines
- This report does not include the addition 50 dwellings (Manor Farm) that would make predicted levels even higher.

Borden Parish Council objects to the development on the basis of negative health impacts arising from increased pollution from additional vehicle movements and highways congestion at both Key Street and Chestnut Street, as informed by the air quality report provided by the University of Kent.

6.05 Further comments (16th July)

Maintain objection on previous grounds, and add–

- Lack of masterplan consultation

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- No consideration of Borden Parish Plan or the Local Needs Housing Survey in 2013
 - Lack of housing to meet young and older persons needs
 - The revised housing designs are inappropriate and should revert back to original designs
 - The scheme ignores advice from the Council's own landscape consultant by siting sports pitched on the southern boundary.
 - Unacceptable impact on badgers, skylarks and other wildlife
 - Lack of sewerage capacity
 - Inadequate heritage report
 - Inadequate approach to archaeology
- 6.06 A Transport and Highways Review was submitted by Railton on behalf of Borden Parish Council on 23rd October 2018. The review disputes the evidence and findings within the applicants Transport Assessment and concludes that there are grounds to object to the proposal by virtue of a lack of clarity in relation to key aspects of the transport impact, flaws in modelling work, a failure to consider rat-running, the inadequacy of the environmental assessment work and the inability to deliver adequate and appropriate mitigation works.
- Officer note – this assessment was circulated to KCC Highways and to Highways England. Neither organisation has changed their comments or recommendation following this.*
- 6.07 Borden Parish Council submitted a review of the Phlorum Air Quality Report by the University of Kent (UoK), received on the 7th January 2019. This states that the Phlorum review fails to criticise discrepancies in the applicant's air quality report, but dismisses the UoK report produced. The UoK state that their report is likely to be more accurate than the Entran report and should be considered the more authoritative of the two.
- 6.08 **Tunstall Parish Council** – Objection. The current infrastructure for the area does not meet the requirements of this application in so far as:
- Impact of traffic on A249 when road is already unacceptably congested.
 - Impact will increase on the A2 if the A249 is congested
 - Lack of capacity for secondary school education
 - The shops / facilities may not be delivered, as with Great Easthall
 - Lack of capacity at Medway hospital
- 6.09 Further comments (11th July 2018 and 09/01/19) – continue to raise objection –
- Increase in traffic / pollution through Tunstall Parish
 - Impact on heritage assets in Tunstall and the 4 Borden Conservation Areas
 - The suggestion that skylarks can be moved is not acceptable
 - Impact on character of village / parish of Borden
 - The revised house designs include 3 storey urban designs which are not suitable
 - Loss of countryside gap / risk of coalescence
 - Parts of the site were not allocated for development in the Local Plan
 - Development of brownfield sites should be prioritised
 - Pollution will worsen at Key Street
 - The CCG cannot guarantee healthcare facilities and Southern Water cannot guarantee wastage is removed
 - Loss of grade 1 agricultural land
- 6.10 **Bobbing Parish Council** - objection

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- The area of land that forms the connection between the site and Chestnut Street is not in the Local Plan.
- The new roundabout will add to congestion at Key Street / on the A249
- The A2 / A249 cannot cope with this additional traffic
- Air pollution at Key Street already nears the E.U. Air Pollution Law of 40% maximum in this area – we understand the real figure taken from nearby monitoring stations is 38.8%, whereas the documentation shows 30.4?
- Loss of more Grade 1 agricultural land when there are brownfield sites in Swale.

6.11 Newington Parish Council - objection

- This will result in more traffic flow through Newington and greater / unacceptable air quality impacts on the AQMA. This issue has been considered in a landmark legal case relating to Pond Farm, Newington - *Gladman Developments Ltd v SSCLG & CPRE (Kent) [2017] EWHC 2768 (Admin.)*, and also *R (Shirley) v Secretary of State for Communities and Local Government [2017] EWHC 2306 (Admin.)*. The question of air quality and exceedance of any limit values or thresholds is clearly and obviously a material consideration in the decision as to whether or not to grant planning permission. It is also material to the determination of whether mitigation measures are required and the affect of any mitigation measures that are proposed." Owing to the types of buildings along the A2/High Street Newington and canyon effect of the buildings it is hard to see what mitigation measure can be applied to mitigate the Newington AQMA.
- Air Quality in the Key Street area is already almost over the EU limit of 40 µg/m³ as it was at 38.3 µg/m³ in 2016 (not the 30 µg/m³ quoted by the Developers consultants).
- Unacceptable impact on infrastructure – local and main roads, bus services are being reduced, trains are full. GP services are full, and Medway Hospital at capacity. Lack of secondary school capacity.
- Loss of Best and Most versatile agricultural land.
- The offer of a Rugby Club and grounds, a site for a medical facility and a 2-form primary school, are welcomed but do not offset the above and this development is unsound and unsustainable.

6.12 Bredgar Parish Council – objection

- Part of the land falls outside the Local Plan allocation
- KCC Highways response (2nd Jan 2018) state that the Key Street data is out of date. Concern that delays at Key Street / the A2 would lead to additional traffic through Bredgar
- Loss of Grade 1 agricultural land
- Loss of countryside gap
- Brownfield land should be used for development
- Impact upon the setting of the AONB.
- Inadequate protection of wildlife

Kent County Council Highways and Transportation

- 6.13 Comments have been made in relation to the application dated 04/01/18, 29/06/18, 07/09/18, 10/10/18 and 03/01/19. The most relevant comments are dated 07/09/18, copied in full below – and result in KCC withdrawing earlier holding objections to the scheme. The later comments dated 10/10 deal with minor changes to the Phase 1A layout, to which KCC raise no objection subject to a condition to secure a formal

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crossing facility over the spine road. Earlier main relevant comments are summarised below -

- That the scope and robustness of the Transport Assessment is agreed
- That the spine road between Chestnut Street and Borden Lane should meet with the typical parameter standard for a “Local Distributor Road” with a width of 6.75 metres, with avenue planting and footpaths / cycle paths.
- That the masterplan demonstrates excellent internal and external permeability for walking, cycling and vehicles.
- That traffic impacts and associated highways improvements to surrounding roads (Borden Lane, Wises Lane, Cryalls Lane, Chestnut Street) are acceptable (following amendments) subject to mitigation
- That bus access can be provided into the site between the Chestnut Street access and Wises Lane. Suitable bus stop facilities need to be provided.
- That opportunities exist to divert school buses into the site (via Chestnut Street) and avoid using the A2 – where congestion occurs.
- That the evidence submitted to demonstrate benefits to Key Street roundabout and the A2 is clear and robust. Even taking into account Local Plan growth to 2031, the application offers considerable betterment to this when compared to a reference case based on currently consented schemes and background growth to the same year.

6.14 KCC Highways comments dated 07/09/18

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to the Transport Assessment addendum.

Development Proposals

Wises Lane East – (Adjacent to Maylam Gardens) –The developer has agreed to upgrade the proposed footway using the existing Wisers Lane to footway/cycleway up to the point where the existing footway reduces in width by way of a Section 106 contribution. The proposal is accepted.

Wises Lane South – Drawing 13-042-044 REV is agreed subject to a minor change. The existing route at Maylam Gardens is a shared use route as opposed to segregated and that would therefore be required for consistency.

Sustainable Travel Proposals

Bus access – The Highway Authority understands that changes to the 333 service are agreed by Arriva and as such have no further comments on this matter.

It is understood that the applicant has offered to facilitate provision of school drop off facilities to the rear of the school grounds. It is requested that a condition be placed on the development to ensure that future phases which adjoin the school grounds includes a layout through which school bus drop offs can be facilitated.

Walking and cycling –The approach to have the Section 278 process as the preferred delivery mechanism, where possible, is now understood and welcomed.

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Borden Lane/A2 crossing - The proposals shown for Borden Lane in drawing 13-042-071 Rev A are agreed however we will require right turns into the lane to be tracked to demonstrate that the movements are possible by larger vehicles.

Zebra crossing of Borden Lane – The crossing demonstrated on Drawing 13-042-80 Rev A is welcomed and will facilitate pedestrian access to the Town Centre amenities and local schools. The crossing provides safe facilities mitigating the increases in traffic on this section of Borden Lane.

The financial contribution previously offered to enable the Highway Authority to pursue pedestrian and cycling priority by removing the possibility of through traffic along Cryalls Lane is again acknowledged. The Highway Authority shall attempt to place a Traffic Regulation Order between the Restricted Byway by numbers 77 and 79 Cryalls Lane, with restrictive structures and changes required at each end. This proposal would also assist in preventing rat running and associated additional vehicular movements that may arise at Brisbane Avenue, Adelaide Drive junction and Borden Lane junction. An amount of £10,000 should be allocated for these measures.

A further issue has been reviewed in respect of Site Policy 6d and the future operation of Riddles Road. To remove any desires for increased use from development traffic and improvement to the realm for pedestrians and cyclists it is proposed that a further TRO is installed to prevent vehicular use other than access. Works would be required to install physical preventions and re-design the access. It is suggested that a Section 106 contribution of £20,000 should be provided for these measures. Such works are required to provide safe, sustainable access to the schools situated on Minterne Avenue.

Off-site mitigation (Keycol and A2 corridor)

and To enable the proposed development and mitigation to be properly assessed KCC

HE requested that the junction be reported in three scenarios; an existing base scenario, a reference case that included only those currently consented allocations and background growth to 2031 and lastly a local plan scenario that included the submitted application and all proposed local plan growth to 2031.

The evidence presented is considered clear and robust. On review it is agreed that the submitted application offers considerable betterment to that of the requested 2031 reference case or indeed the allocated MUX1 Local Plan proposal. Subject to the deliverability of the mitigation proposed in drawing 13-042-045 C, it is acknowledged that approving the submitted MUX1A application offers the greater benefits to highway capacity at Keycol junction.

KCC's Highway Authority objected to the previous local plan at the Inquiry in Public largely due to the inadequacies of capacity on the local highway network at this junction caused, in part, by the signalisation scheme previously presented. The applicant has now presented a scheme that, along with signalisation of the A249 off-slips, also provides a number of other design changes and mitigation that enables us, subject to conditions, to remove our previous objections to development affecting this junction.

It is important to also note that the proposed application would reduce congestion through the Key St AQMA, supporting the emerging Air Quality Action Plan. As the

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AQMA is in place primarily because of traffic related pollutants it should be anticipated that as the congestion eases, air quality improves. The expected queues on the A2 Key St approach would extend over 800 metres in the 2031 reference case scenario. The proposed development includes the alternative southern link road and despite the growth, significantly reduces the queue length to below that of current levels.

As expected the benefits derived from the proposed development and link road are most evident in the AM peak. It is noted that in the average delay performance of the proposed scheme operates better in 2031 with local plan growth than currently. Those benefits are however reliant on the delivery of the completed internal Spine Road. The Highway Authority advises that a condition should be in place to restrict the number of occupations to 200, prior to delivery of the Wises Lane to Chestnut Street section of the Spine Road and Chestnut Street roundabout. An inclusion within the accompanying Section 106 will be required to cover the possibility of the HIF funding being secured prior to the 200th occupation and commencement of Section 278 works. The 106 will also require suitable wording that allows for the costs of the Chestnut St roundabout to be delivered by the HIF with the equivalent level of funding repaid to the Highway Authority. The proposed condition would allow early accessibility to public transport, ensure that the increasing traffic flows along Wises Lane are limited and that the Chestnut Street connection is completed at a similar time to that of the proposed HIF funded Key Street junction improvements.

A condition will also be required to limit the number of occupations until such a time as funding has been secured (preferably through the initially successful Housing and Infrastructure bid) to deliver the required improvements to the Key St/A249 junction. It is recommended that the level of development that would be permitted be equitable to that accepted in the Examination in Public of the Local Plan. This assumes that 60 dwellings per annum could have been built from this site between 2018 until 2022, a total of no more than 300. A suggestion for the wording of the condition is as follows: "No more than 300 dwellings are to be occupied prior to the Highway Authority having guaranteed success of the Key St/Grovehurst HIF grant or the provision of an alternative means of funding full implementation of the scheme identified on drawing 13-042-045C".

In respect of contributions to the Key St Roundabout and proposed on slip we will require an amount of £1,345,140.00 for the roundabout and an amount, as yet unspecified, to cover delivery of the proposed on-slip.

Wises Lane/A2 - The applicant has submitted a proposed signalised junction as requested and has been included in the VISSIM model prepared for the Key St junction above. The junction modelling appears to offer significant benefits particularly in the PM peak and in facilitating the proposed public transport connectivity. The currently observed delay times for right turn movements out of Wises Lane are 53 seconds; with the signalised scheme in place in 2031 this is reduced to 47 seconds, despite the considerable growth. There are also significant safety benefits of the proposed scheme as the right turning movements would be controlled, removing the need to make judgments on suitable gaps in the traffic to exit Wises Lane.

There remain concerns over the phasing of this development and the need for access to Sittingbourne. A suitably worded condition is suggested that allows both the Highway Authority and Planning Authority to approve a submitted phasing plan ensuring sustainable access to Sittingbourne Town Centre. To ensure permeability within the development and demonstrate commitment to the full completion of the

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internal Spine Road a condition is required to ensure the proposed Spine Road between Wises Lane and Borden Lane is open prior to the occupation of the 422nd dwelling. This approach would allow for permeability to the Town Centre and limit the impact on Wises Lane. Consideration has also been given to the required timing of delivery of the suggested Local Plan signalised scheme. In their assessment of the Hybrid element of the junction we can see that there are 26 additional movements to the junction from the development in the AM Peak and 14 in the PM. The junction analysis demonstrates that whilst the junction operates within capacity the delay for exiting Wises Lane is predicted to increase to between 3 and 4 minutes. Delays of such levels are likely to increase the chances of people making unsafe movements. In the interest of Highway Safety, it is recommended that a condition be placed on the development to ensure detailed and technical approval for the full signalised scheme through a Section 278 agreement is received, prior to the occupation of the 40th dwelling with completion of the scheme prior to the commencement of the second phase. Any associated construction traffic will be required to avoid this junction in both the AM and PM peak hours. The proposed bus routing along this arm to address issues of sustainable access from the development is entirely reliant on suitable mitigation to enable buses to operate without significant delay.

Adelaide Drive/Homewood Avenue/Borden Lane – The draft design for this junction demonstrated in drawing 13-042-80 offers significant improvement to capacity and pedestrian priority. The inclusion of the Zebra crossing will ensure that access to Sittingbourne town centre can be achieved despite the increase in traffic, whilst also acting as a feature for controlling speed.

The applicant is requested to complete a speed survey in order to determine the appropriateness of sight lines and whether further speed controlling infrastructure would be required on the Northern arm of Borden Lane. It is recommended that this could be secured by a suitably worded condition which ensured that a suitable scheme be approved by the Highway Authority prior to discharge.

Detailed Element of Hybrid Application

All previously outstanding elements regarding the Hybrid element have been satisfactorily resolved following the re-submission of documents.

Framework Travel Plan (TP)

The TP includes a target to reduce vehicular journeys by 10% over the course of the plan which is agreed is appropriate.

EV Charging – The updated TP includes a commitment to providing 10% active charging facilities within shared and community spaces and this accords with emerging local policies. In addition all direct access residential properties will include passive charging with residents being offered active charging conversions at the point of sale. These measures are now in line with NPPF guidance.

Travel Incentives – The TP now includes a choice of three travel incentives that will be offered to new residents. These include a 4 week Arriva travel ticket for the South East ticket zone, a monthly rail ticket to the value of £153.30 or a £100 cycle voucher to be used towards a new bike or safety equipment. All are accepted as appropriate other than that of the 4 week bus pass. The plan rightly states that the site is well located to encourage bus use and that opportunities exist to encourage bus use. The

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value set is however not comparable to previously agreed travel plans and unlikely to be of sufficient length to encourage long term shifts in travel patterns. Noting that the ticket offered has a large geographical range it is suggested that this offer should be made to cover a minimum of three months with an alternative 5 month “Swale” zone ticket also being offered.

Budget – As requested the plan clearly demonstrates a cost analysis of providing the travel plan demonstrating a total cost of just under £150,000. The Highway Authority would seek a £5,000 contribution towards monitoring the travel plan to cover the 5 year period.

Summary

The County Council recommends that the application be granted subject to a number of Conditions:

1. That the internal Spine Road between Wises Lane and Chestnut Street is open and available for public use and to an adoptable standard, prior to the occupation of the 200th dwelling.
2. That the Chestnut St Roundabout as shown on drawing 13-042-045 C is delivered through a section 278 agreement and is open and available for public use and to an adoptable standard, prior to the occupation of the 200th dwelling.
3. No more than 300 dwellings are to be occupied prior to the Highway Authority having guaranteed success of the Key St/Grovehurst HIF grant or the provision of an alternative mechanism of funding full implementation of a capacity improvement scheme for the Key St/A249 junction indicatively shown on drawing 13-042-045 C.
4. That the internal Spine Road between Wises Lane and Borden Lane including the proposed site access roundabout is open and available for public use and to an adoptable standard, prior to the occupation of the 422nd dwelling.
5. That detailed and technical approval of the signalisation scheme for the Wises Lane/A2 junction through a section 278 agreement, as indicatively shown in draft drawing 13 042 009 is received by occupation of the 40th dwelling and open and available for public use prior to the commencement of the second phase.
6. That any future reserved matters application which adjoins the Westlands secondary school grounds includes a layout through which school bus drop offs can be facilitated with either direct access or a direct walking route of 100 metres to an agreeable point of access to the school grounds.
7. That the proposals shown for Borden Lane in drawing 13-042-071 Rev A are delivered through a Section 278 agreement, prior to the full occupation of the first phase.
8. That the proposals for Wises Lane South shown in Drawing 13-042-044 REV are completed through a Section 278 agreement prior to full occupation of the first phase.
9. That the proposals for Homewood Avenue/Borden Lane/Adelaide Drive shown in Drawing 13-042-80 Rev A are completed through a Section 278 agreement prior to the occupation of the 422nd dwelling
10. The revised Wises Lane Site Access shown in drawing 13-042-038 C is delivered through a section 278 agreement and completed prior to commencement.
11. The proposals for improvements for pedestrian crossing at the A2/Adelaide Drive junction shown in drawing 13-042-073 should be completed prior to full occupation of the first phase.
12. Approval of a Construction Management Plan by the Highway Authority before the commencement of any development on site to include the following;
 - a.) Routing of construction and delivery vehicles to/from the site
 - b.) Parking and turning areas for construction and delivery vehicles and site personnel

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c.) Timing of deliveries to avoid the peak hours

d.) Provision of wheel washing facilities

e.) Temporary traffic management/signage

13. Detailed travel plans shall be submitted in accordance with the principles set out in the Framework Travel Plan submitted on the 31st July 2018 prior to the first occupation of any part of the development.

14. Any application submitted for the approval of Reserved Matters shall include details of the areas of parking and manoeuvring of vehicles in the development in accordance with the Councils adopted parking standards. The parking areas shall be provided in accordance with such details as approved details prior to the occupation of each dwelling to which they relate and retained thereafter.

15. Prior to the occupation of any dwelling or other building secure, covered cycle parking facilities shall be provided for the dwelling or building in accordance with the Council's adopted parking standards, and the facilities retained thereafter.

16. Prior to the occupation of any dwelling or other building the following works between the dwelling or building and the adopted highway shall be provided;

a.) Footways and/or footpaths, with the exception of the wearing course;

b.) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

17. That final drawings of the internal spine road include details of any necessary controlled crossing points as approved by the planning authority following recommendations of the Highway Authority.

18. Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

19. The proposed 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, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

The following Section 106 contributions are equally sought;

1. A contribution of £1,345,140.00 towards the design and deliver of a scheme to improve the capacity of the Key St/A249 junction.

2. A contribution, as yet unspecified, to cover the cost of delivery of the proposed new Southbound on-slip in drawing 13-042-045 C

3. A contribution of £30,000.00 to cover the costs of delivering infrastructure and traffic regulation orders for the Local Plan proposed walking and cycling only links on Cryalls Lane and Riddles Road

4. A commitment to cover all costs associated with the implementation of an approved Travel Plan

5. Provision of £5000 to the County Council to enable independent monitoring of the travel plans performance.

6. A contribution of £8,000 is provided to enable an off-road cycle route connection to Maylam Gardens.

6.15 Since the submission of the above list of proposed conditions, KCC have recommended an alternative condition 5, as follows –

“That detailed and technical approval for the Wises Lane/A2 Junction through a Section 278 agreement, as indicatively shown in drawing 13 042 009 Rev B is

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received by the Highway Authority prior to the occupation of the 40th dwelling That all associated works are completed to the satisfaction of the Highway Authority within 12 months of being served notice to commence by the Highway Authority provided always that the notice is not served prior to the occupation of the 61st dwelling and not later than the occupation of the 200th dwelling.”

In relation to recommended condition 6, KCC further advise that the distance can be extended to 160m.

6.16 **Further comments** (dated 03/03/19) – have been made by KCC Highways following the submission of an addendum to the Environmental Statement, providing further information on reasonable alternatives to the proposed development, KCC Highways make the following further comments (summarised)–

- That the proposed application offers betterment to the highway network than the option (MUX3) contained within the Local Plan.
- That a comparison between the application proposal and traffic flows from an MU3 compliant development at the Key St A2 arm of the roundabout show the following reduction in traffic levels from the application proposal

MUX1 AM = **2612** MUX1a AM = 2138

MUX1 PM = **2920** MUX1a PM = 2493

- That the above improvements are due to vehicles in both peaks accessing/exiting the site via Chestnut St rather than the A2. The MUX1a option therefore provides much betterment on the Key St arm than MUX1 along with any congestion associated air quality.
- That the following data highlights the fundamental flaw in the Local Plan MU3 scheme where the main point of access to the site would be through the Wises Lane/A2 junction which would be unable to operate with the volumes of traffic expected. There is no mitigation solution that I am aware of that could make this junction work in a MUX1 scenario.
- Wises Lane at Wises Lane/A2 MUX1 AM = **859** MUX1a AM = 376
- MUX1 PM = **863** MUX1a PM = 437

The analysis shows the expected changes in distribution following the introduction of the link road. Conversely the MUX1 application has the following Highway issues;

1. There are significant increased volumes and congestion through the Keycol roundabout Key St arm in both peaks without the alternative link and site access.
2. Significant movements through the A2/Wises Lane junction taking this over capacity.
3. The effect on the villages of Borden and Oad St would be exacerbated due to both existing and new development traffic choosing to avoid the A2 heading South to the A249/M2.

Highways England

6.17 Highways England originally placed a holding objection on the application due to outstanding matters relating to the modelling works and concern that this could adversely affect the Strategic Road Network. This objection has now been lifted in the latest comments received on 5th November, and set out below.

6.18 Having reviewed the applicants supporting Transport Assessment, Addendum reports and traffic modelling and having undertaken our own analysis we are now satisfied that the applicants proposed highway improvements, once implemented, will be sufficient to mitigate the additional traffic generated by the development on the SRN. Accordingly, we consider that with the mitigations in place the development will

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not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 para 10 and DCLG NPPF para 32). Please note in advising that this is our position in respect of this application the contents of the applicants supporting highways evidence are not fully agreed and accordingly the information contained therein may not be accepted by Highways England in relation to any other development.

Please find attached Highways England's conditional response to this application along with the applicants agreed highways mitigation schemes. Please also note our informative in relation to our requirements for the agreed improvement scheme at M2 Junction 5 Stockbury Roundabout. Accordingly, our holding position in relation to this application is now lifted and your council can determine the application as appropriate.

Referring to the planning application (consultation received 26th July 2018) referenced above, in the vicinity of the A249 & M2 Junction 5 in Swale that form part of the Strategic Road Network, notice is hereby given that Highways England's formal recommendation is that we: recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);

Annex A Conditions

We recommend that the following conditions be attached to any permission granted:

1) No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority, who shall consult with Highways England. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The CMP shall provide details of, but not necessarily be restricted to, the following matters:

- construction HGVs should not use the Strategic Road Network during the peak hours (0800-0900 and 1700-1800 hours);
- all loose loads will be sheeted;
- the method of access for vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding or other appropriate security barriers; and
- the provision of wheel washing facilities to mitigate the impact of construction upon the public highway.

Reason: To ensure that construction of the development does not adversely impact the A249 Trunk Road and M2 Junction 5, to ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

2) Prior to the 150th occupation of the development hereby permitted, the highway improvements to the A249 Junction with the A2 Keycol Hill / Key Street (known locally as the Key Street Roundabout) shall be completed and opened to public traffic in accordance with C&A Drawing No. 13-042-081 Rev A (Proposed Key Street Roundabout Interim Scheme) or such other scheme of works substantially to the

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same effect, as may be approved in writing by the local planning authority (who shall consult with Highways England).

Reason: To ensure that the A249 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage.

Informative:**Provision of M2 Junction 5 Stockbury Roundabout Improvements**

The above conditional response is provided on the understanding that it is agreed between Highways England, Swale Borough Council and the Applicant that it will be a requirement of the s106 Agreement of the Town and Country Planning Act 1990 that prior to the 1st occupation of the development hereby permitted, the Applicant will enter into an agreement under Section 278 of the Highways Act 1980 with Highways England to pay a contribution in full for the cost of the works to the M2 J5 Stockbury Roundabout in accordance with the C&A Drawing No. 13-042-016 Rev B, including any necessary transfer of lands and commuted lump sum to enable the construction and maintenance of the scheme. The amount in full will be payable on the 150th occupancy of the development hereby permitted. The contribution payable will be used towards the funding of the Road Investment Strategy scheme at M2 Junction 5 or an alternative scheme at the junction to mitigate the impact of the proposed and other contributing development.

SBC Environmental Protection Team Leader**6.19 Original comments**

This is a large scale phased proposal nearly all of which is included in the recently adopted Swale Local Plan and could have a potentially significant effect on local infrastructure. The proposal is seeking outline planning permission for the erection of a total of 595 dwellings and full permission for 80 dwellings, a variety of major infrastructure including a primary school, medical centre and rugby clubhouse making across the full site. My comments are for the proposal as a whole.

Because of the size and scale of this proposal an Environmental Impact Assessment (EIA)/Environmental Statement (ES) has been submitted. It is a substantial document which covers my main areas of concern. Taking them in turn:

Air Quality

The location of this large site is some distance away from all current identified areas of air pollution; hence the existing NO₂/PM₁₀ background levels here are lower than areas to the north adjacent to the A2. There is therefore more scope to accommodate a proposal such as this. That said, it is intended ultimately to create an alternative route to the A249 from Borden Lane, reducing the load on the A2 in this part of the town. However this will inevitably increase traffic levels in this vicinity, air pollution and noise levels across the site in question.

The chapter devoted to Air Quality uses modern acceptable modelling methodology (ADMS Roads) and as is now common, also includes a section on dust emissions and their control. I do not have any issues with this particular part of the chapter.

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A number of receptor sites have been chosen, both within and outside the application site. Except at receptor 1, where a medium adverse impact is predicted, the site is predicted to maintain levels below the current guidelines for both NO₂ and PM₁₀ and consequently impact on current levels is predicted to be 'positive' in 2025 with and without the development.

Cumulative impacts have also been taken into account and predicted to be negligible. There are references to current guidelines, both locally and nationally. The reference to the Land Use Planning and Development Control Air Quality document in section 8.79 on page 105 is out of date; the latest version is January 2017.

Despite this section concluding there to be little or no adverse impact on existing air pollution levels, standard mitigation measures are considered appropriate, though not described on page 121, and a total damage cost of £412,548 for both NO₂ and PM₁₀ calculated to be appropriate in this case.

Efforts are being made now to increase our monitoring capability in this area to monitor actual pollution levels and how they might change as a result of this application being granted. I am confident that they will indicate low existing levels with enough scope, if any increase does occur, to still not exceed current guidelines.

I do not disagree with this chapter and do not consider there to be an air quality issue associated with the application, both in the first phase and as a whole. The intended route from Borden Lane to Chestnut Street will not increase to any significant manner current air pollution levels in this vicinity and indeed may well benefit existing areas of known air pollution on the A2.

Noise

Another chapter in the statement covers the effect of noise and vibration arising from the construction and use of the development and also from the noise and vibration from increased traffic close to the application site.

This is another comprehensive assessment which begins by describing the various legislative approaches and how to interpret the noise measurements and hence their perceived impact.

Representative background noise measurements were taken at two positions in October 2016. Four receptors have been chosen to represent the perceived 'worst case' of any noise from construction work and their readings compared with the background levels.

Predicted levels from construction activities are not forecast to exceed 75 dB at the closest receptor and mitigation measures are described later in the chapter. A similar approach has been made regarding vibration.

Traffic noise levels are more difficult to predict, however existing (2016) and predicted flows, with and without development have been factored in at twelve receptors and the difference between existing and predicted levels displayed. The differences are predicted to be small at most locations in and around the proposal site – the maximum difference predicted is around 3 dB at Borden Lane and Chestnut Street, i.e. just noticeable.

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There is a section on mitigation measures, but as the report does not consider there to be much of a difference in levels, the suggested measures on any new properties are a combination of voluntary and physical, e.g. enhanced glazing.

The section summarises the effect of noise and vibration as moderate adverse during the construction phase for certain receptors closest to this activity, but negligible for all others.

There is expected to be a rise in noise levels as a result of increased traffic levels but the increase is considered to minor at worst from some receptors and to be within statutory limits.

Land Contamination

This chapter has an extensive introductory section on the various legislative options and techniques available. As with the other two reports, it follows a logical and acceptable methodology. The chapter splits the potential risk of existing contamination affecting this proposal site into those from a soil-based or gas-based origin.

Sufficient historic research has been carried out to acknowledge the existence of several closed landfill sites near to the proposal site. The site in particular at Cryalls Lane is known to be an active gassing site and is currently being monitored by KCC. The site is known to us and presents a significant potential source of risk to any nearby future developments and any sensitive receptors. It is currently managed and consists of an active gas migration system.

The chapter acknowledges this and other sites and considers the risk to be negligible from soil-based pollution but up to very significant from a gas-based source particularly from Cryalls lane Landfill.

Despite this initial work being carried out, a condition will still need to be included to cover the extent of, and impact from land contamination affecting this site and what if any measures are needed to ensure such pollution does not affect sensitive receptors nearby.

RECOMMENDATIONS:

I do not disagree with much of the content in the three relevant Environmental Statement chapters and I therefore raise no objections to this proposal from the content of the Environmental Statement and its opinion of the impact predicted on and from this proposed development, subject to two issues:

- Regarding the submitted AQ assessment, specific mitigation measures associated with the calculated damage costs need to be described and included prior to any permission being granted.
- The imposition of the following condition:

The EHO recommended that an appropriate land contamination condition be placed on any permission.

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I commented previously in January 2018 and did not raise an objection to the proposal based on the information supplied in the Environmental Statement. I did say, however, that specific mitigation measures would be needed to accompany the damage costs.

To that end an updated Air Quality report has been submitted. After checking the two versions, the only significant changes I could find were firstly, different PM10 values in table 8.19 which changed some of the predicted impacts to make all, except one, 'low/imperceptible'. The values are so low as to make them not significant compared with the guideline value of 40 µgm/m³.

Secondly, a revised damage cost calculation has been submitted in paragraph 8.135, and is slightly higher (£481,639) than the first figure.

My earlier memo stated that there were not enough specific mitigation measures to utilise this figure. There are some measures listed in this report but they are too vague or not feasible. E.g. paragraph 8.139 mentions major traffic infrastructure changes on the M2 J5 as a mitigation measure.

Paragraph 8.141 lists other measures such as;

- A travel plan, which lacks much detail. It is not clear what the measures contained in the plan are and who would be monitoring this plan for effectiveness.
- Electric charging points, but does not say how many, where, and what type. It also mentions improved cycle paths – this could be an issue already discussed in other parts of the proposal.
- Finally, a green infrastructure (trees) to absorb dust and other pollutants is mentioned – which type of tree(s)? Presumably again this is an issue covered in other parts of the proposal under landscaping and therefore should not be included here as a mitigation measure.

In 8.143 it then states that this package of mitigation measures will far exceed the figure in the damage cost calculation. I do not see any quantified evidence of the cost of these measures to back this statement up.

RECOMMENDATIONS:

This report is a slight improvement on the original, as there are measures listed, unlike previously, but it still does not convince me that they are sufficient, realistic and achievable to be able to make use of such a large sum of money as has been calculated.

More detail needs to be included in realistic and tangible mitigation measures for this development, the future occupiers and the surrounding environment. Evidence of adherence to guidance documents on this subject would be helpful.

6.21 Further comments (dated 13/11/18)

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I have been asked by the planning officer to update my previous comments concerning air quality issues. There have been two significant AQ-related issues that have occurred since then.

Firstly, following my last memo dated 31st August in which I was not satisfied with the level of mitigation carried out by the applicant, further statements have been made to clarify and expand their original AQ chapter in the EIA. There have been two such submissions dated 2nd and 17th October 2018 respectively.

The 2nd October summary concludes that this application will have a medium positive impact on current AQ levels and will be 'highly beneficial' when relating to traffic on the A2. Whilst this is welcome and although I expect some benefit from fewer vehicles using the A2, how much of a benefit remains to be seen. The most important factor from my perspective is that current levels of air pollutants in the vicinity of the application site are low and I remain of the view that this proposal will not adversely affect them to the point that this becomes an exceedance.

The 17th October summary the original Air Quality chapter of the Environmental Statement with updated information as an addendum. This includes a breakdown of proposed mitigation measures which seem similar to that previously submitted, though more detail is welcome. My point of concern is that a sum of money (£481,639) has been calculated from a damage cost calculation which I don't dispute, but it is still not clear what this money is to be used on. If it is intended that the measures will be delivered in a travel plan, the measures listed in 2.11 as part of the travel plan add up to a total of £133,014 – what happens to the rest of the damage costs, i.e. £348,625?

Including other measures into mitigation as a cost, which are being dealt with separately, such as landscaping/tree planting into these calculations is not relevant and confusing.

Secondly, Borden Parish Council have commissioned and submitted an AQ assessment, carried out by the University of Kent, in which its claims to demonstrate that there is evidence to show that current monitoring by both SBC and the applicant's AQ consultant underestimates the actual levels of air pollution in this vicinity and therefore, should this application go ahead, that levels of air pollutants would be worsened still, though not exceeding current guideline values.

The report is fundamentally flawed for two main reasons:

The measuring periods are far too short.

The equipment used is not MCERTS approved for this type of monitoring; the particulate monitoring has been carried out by an analyser that is not suitable for outdoor monitoring.

A number of statements are made in the report which cannot be substantiated because the data is not comparable with the long-term monitoring carried out by SBC and also the modelling carried out by the applicant's AQ consultant. Therefore the conclusions and inferences made in the report are not accurate.

This report has also been peer reviewed by the applicant's AQ consultant who, perhaps unsurprisingly, has similarly rejected the report. I do agree with their comments about this report.

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- I agree with the developer that air quality is not an issue of concern for this development and sufficient evidence has been submitted to come to this conclusion. I therefore raise no objection to the development on air quality grounds.

A range of mitigation measures have now been listed which are acceptable, as is the damage cost calculation. My only remaining concern is continued confusion over how this money is to be spent in the most effective way.

- I reject the University of Kent's report for the reasons explained above.

6.22 **Ministry of Housing, Communities and Local Government** – confirm that they have no comment to make on the Environmental Statement.

6.23 **SBC Greenspaces Manager** – advises that overall, the masterplan provides a variety of open space typologies (allotments, semi natural green space, play areas etc) that more than meet quantitative standards contained in the new Open Spaces Strategy.

Provision for Sittingbourne Rugby Club satisfies an action from the Playing Pitch Strategy relating to over use of existing pitches and potentially provides additional opportunities for usage of the existing facilities at Grove Park.

Advises that the design concept is acceptable, with linkages north to south and the main area of open space to the south which would provide a strong urban edge to the rural area. This buffer and green open space which includes the public area sports pitches is seen as a strategic piece of open space and important urban gap to the rural area of Borden and as such the Council would be looking to transfer to public ownership with a commuted sum to maintain into the future. The Parish Council have shown interest in taking this space that extends and includes from Borden Lane in the east through to Hooks Hole Cottage in the west. I further confirm that we would be happy for the Rugby Club to take transfer of the rugby ground as long as there are suitable covenants contained that protect it for future sporting use.

Allotments are within a Parished area and as such these would need to be administered by the Parish Council rather than Borough should management by a public body be required. The rest of the open space within the development and adjacent to the new road link would potentially be management company.

Advises that the off site sports contributions offered are acceptable, taking into account the extent of on-site provision being provided.

Recommends that some species within the detailed planting proposals for phase 1A and the planting positions for some new trees are amended. Dog and litter bins should be increased.

Advises that play areas should normally be a minimum of 20 metres from nearest residential properties, built to relevant standards, provide for inclusive play and be fenced. Further play panels for imaginative / sensory play are recommended.

6.24 **KCC Drainage**

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Advise that the application is supported by a Flood Risk Assessment and Surface Water Drainage Strategy. The proposed development would feature a range of infiltration devices, including permeable paving, swales, infiltration basins and soakaways. KCC Drainage agree with the general drainage approach.

Following the submission of further information, KCC Drainage are satisfied with the drainage information for the detailed phase, which demonstrates that infiltration is feasible within this area

No objection raised, subject to conditions.

6.25 SBC Strategic Housing and Health Manager

Advise that she accepts the delivery within phase 1 of 11 affordable housing dwellings, to be provided all as Affordable Rent Tenure (ART) due to the issues raised when only marketing and selling one shared ownership unit on a site.

Advise that this one shared ownership property must be provided elsewhere on the site within another phase of the development, to ensure the total 10% shared ownership units are provided across the whole site.

Advise that the housing mix on phase 1 (2 x 2 bedroom house, 6 x 2 bedroom flats and 3 x 1 bedroom flats) is acceptable on this phase, but further phases must also include a mix of other sized houses including three and four bedroom houses ensuring overall that the affordable homes are a *reasonable and proportionate mix* of types/sizes to the open market homes.

Confirms that there is a requirement for all types of affordable housing in the Sittingbourne area, including wheelchair adapted housing with greatest demand for this unit type being ground floor one bedroom accommodation.

- 6.26 Kent Police** – advise that the development should design out crime issues in accordance with SBD (Secured by Design), and that the applicant has considered crime prevention and CPTED (Crime Prevention Through Environmental Design) in the submitted plans. Further detailed issues require further consideration. Kent Police advise that if these are not resolved now, a planning condition should be used to secure this.

6.27 Southern Water

Original comments – advise that a public sewer and water main cross the site, that the exact position of such apparatus needs to be determined, and that diversion of apparatus may be possible if at the developers expense. Recommend a condition to deal with this.

Southern Water advise that there is not current capacity to accommodate wastewater flows, and that it regards the application as premature.

Further comments (21/08/18)

Advise that a scheme has been identified for improvement to wastewater capacity at Sittingbourne. The completion date for this is not currently known. Advise that any network reinforcement will be part funded through the New Infrastructure Charge with

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the remainder funded through Southern Water's Capital Works programme, and that the developer will need to work with Southern Water in order that such reinforcement is delivered in alignment with occupation of the development. Further advises that it may be possible for some initial dwellings to connect pending network reinforcement. Recommends a condition is applied to control phasing / occupation of the development.

6.28 Sport England

Original comments – advise that the additional population arising from the development would generate demand for sporting provision, and that this should be met through provision of on site facilities and off site contributions. The Sport England Sports Facilities Calculator indicates that the development would generate a demand for contributions of £689,062 towards sports hall, swimming pools, artificial pitches and indoor bowls facilities. Also advise on feedback from local associations that existing sports pitches for Old Bordenians hockey club require replacement, and that there is a deficit in youth and mini football pitches in the area. State that the Swale Playing Pitch Strategy is robust and up to date, and that there is an established need for provision / improvements to hockey and football that the application does not address. Sport England object to the application on this basis.

Further comments - Advise that England Hockey seek an overall contribution of £50,807 to support AGP development in Swale, split equally between Old Bordenians HC and Gore Court HC. from the current Swale PPS and the EH/SE interim new development calculator.

England Hockey also state that they are aware of a financial agreement that has been arranged directly with The Grove Sports Club (joint site for Hockey, Rugby and Cricket) separately, to which EH were not party to the discussions. While it is disappointing and concerning that England Hockey were not part of these discussions, in order to provide a wider view with regard to need within the district, Sport England nonetheless acknowledges that there may be the potential to address its previous concerns regarding potential sustainability of this existing sports club.

I am unclear as to whether any further contribution to mitigate the impact on existing sports facilities (sports halls, pools etc as outlined in my initial response) has been made and would welcome clarification on this matter.

Should a financial contribution in line with the above be agreed via Section 106, Sport England considers that there is the potential to remove its previous objection, should sufficient provision towards sport be made.

Further comments (24th July 2018) – advise that the calculation in their original letter was for information only, and that if the leisure department is satisfied with the off site contribution offered then Sport England would not object solely on this basis.

6.29 Environment Agency – No objection subject to conditions

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- 6.30 **UK Power Networks** – Object. The applicant has neither served notice in accordance with the Party Wall Act 1996, or satisfied the Company that the works are not notifiable

Officer note – this is not a planning issue. UK Power Networks have been asked if it wishes to comment on the planning application, but no further comments have been received.

- 6.31 **NHS Swale** – comments that the new development will place pressure on local services which are already at capacity. State that they would require a financial contribution of £583,200 towards expanding existing facilities within the vicinity of the development. Confirm that they would not wish for a medical facility to be provided on this site.

- 6.32 **South East Coast Ambulance Service** – No objection

- 6.33 **Swale Footpath Group** – comment that some footpaths would be cut by new roads and would require safe crossings, that diversions to existing routes appear to be necessary. The relationship between PROW and the privacy / security of proposed dwellings needs to be considered.

KCC Public Rights of Way (PROW) Team

- 6.34 Original comments – place a holding objection on the application, on the grounds that there are a number of PROW that run through the site, and lack of clarity about whether these can be accommodated on their definitive route or require diversion, and how this could be achieved without detriment to the PROW network. Recommend that a number of PROW are upgraded to bridleway status within the site and that financial contributions are required for some necessary off site improvements.

- 6.35 Further comments – advise that plans have been amended to accommodate Public Footpath ZR119. However there remain outstanding issues with footpaths ZR117 and ZR120 which remain to be addressed before their holding objection can be lifted.

- 6.36 **KCC Infrastructure** – set out the following requirements for the site

- A 2.05Ha site for a primary school is required within the development site, capable of expansion to 2FE and delivered at no cost to the County Council.
- A contribution of £4,535 per applicable house and £1,134 million is required to construct a one form entry school to accommodate pupils generated from this development.
- A contribution of £4,687 per applicable house and £1,172 per applicable flat towards construction of a new secondary school in northwest Sittingbourne.
- Land acquisition costs up to a maximum of £1,932.16 per applicable house and £483.04 per applicable flat towards land acquisition costs for the new secondary school.
- A Community learning contribution of £60.43 per dwelling (Total £40,788.03) towards shell and core construction of the Adult learning section of the new Sittingbourne Hub.
- A Youth Services contribution of £37.38 per dwelling (total £25,368.68) towards New House Youth Centre to accommodate additional attendees
- A libraries contribution of £227 per dwelling (Total 153,225) towards shell and core construction of the Sittingbourne Hub library

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- A Social Care contribution of £53.36 (Total £36,018) towards shell and core construction of the social care element of the Sittingbourne Hub.
- Provision of 7 wheelchair adaptable homes as part of the affordable homes delivery
- A recommendation that the developer works with a telecommunications partner to deliver high speed broadband.

6.37 **Natural England** - No objection. Comment that “Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017.”

Regarding loss of BMV land, Natural England advise that if the development proceeds, the developer uses and appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site.

6.38 **KCC Ecology**

Advise that the ecological information provides a good understanding of the ecological interest of the site, and that following the submission of additional information sufficient survey information has been provided to consider impacts on wintering and nesting birds, bats and badgers. Raise no objection to the skylark mitigation measures proposed on adjacent land (subject to inclusion in a S106 agreement), and are satisfied that the site is not functionally linked to the Swale SPA, Ramsar and SSSI.

KCC Ecology highlight that the development will result in an increase in noise and lighting, and that bat activity surveys were not carried out across the survey season, but accept that the site does not provide optimum foraging habitat for bats, and raise no objection – but highlight that additional bat activity surveys may be required to inform the detailed mitigation and enhancement strategy.

Advise that the badger surveys undertaken (as updated) are acceptable, and that the open space within the development will continue to enable the badgers to forage / commute.

KCC Ecology are satisfied that the ecological impacts associated with the proposed development can be mitigated for within the proposed greenspace, subject to planning conditions to secure a site wide mitigation and enhancement strategy, a review and update strategy for each phase of development, and implementation of a site-wide Landscape and Ecological Management Plan.

KCC Ecology also advise in respect of recreational impacts on the European Designated SPA and Ramsar sites within North Kent, that the application site falls within the zone of influence for such impacts and must contribute to the North Kent Strategic Access Management and Monitoring Strategy (SAMM) to mitigate for

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additional recreational impacts on the designated sites. Swale Borough Council must undertake an Appropriate Assessment to establish the likely impacts on these designated sites.

KCC ecology also advise that the proposal is adjacent to Borden Nature Reserve which has public access and it is likely that there will be an increase in recreation use within the site, and would encourage the applicant to contribute towards the ongoing management of the LNR, through either a contribution or implementing some management as part of the site-wide management.

6.39 KCC Waste Management

Advise that the Cryalls Lane closed landfill site is now a Local Nature Reserve, located adjacent to the development site, restored to scrub and grassland with some trees, and with unrestricted public access for recreational purposes. The site operates an active gas control system and pumps landfill gas to a gas flaring compound on site. KCC advise that whilst they are confident that the system functions as intended, they would expect any proposed development to provide adequate engineered safeguarding in the event of a systems failure on the landfill site. Planning conditions should be applied to secure this.

Advise that vehicular access to the site must be retained.

Advise that KCC's waste management facilities within Swale are close to capacity, and that further capacity will be required to accommodate increased demand. KCC is currently undertaking forecasting to identify the quantum of additional demand generated by housing growth and would welcome further engagement with the applicant to discuss potential mitigation.

6.40 KCC Minerals and Waste team

Note that a minerals assessment has been provided, which advises that the quality of brickearth on the site is too poor to be used in commercial brick making. In light of this, the County Council accepts that there is potential for criteria 1 or 2 of policy DM7 (of the Kent Minerals and Waste Plan) to be invoked.

6.41 KCC Resilience and Emergency Planning

Advise that details for landscaping should seek to utilise native trees and avoid single species that are potentially susceptible to pest / disease. Natural colonisation of SuDS and other pond features is recommended

KCC recommends SBC should give consideration within a Section 106 to the funding of a rest centre box to be located in the rugby club house/community building for use in the event of a local evacuation situation. The latest data indicates that rest centre facilities in immediate proximity to an impacted community are more likely to be used.

6.42 KCC Archaeology

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Original comments – Place a holding objection on the application, until an Archaeological Geophysical Survey and trial trenching and further assessment on the potential impact of the development on the setting of the First World War defences of the Chatham Land Front has been undertaken.

Further comments – advise that a broad geophysical survey of the whole site and evaluation through trial trenching of the detailed part of the site has taken place. Although archaeology has been found in the detailed application area it is not of a nature to warrant design changes or modification to the present application, further archaeological measures for the present application can be addressed through an appropriate condition. Advise that the holding objection can be withdrawn.

Officer note – I am in discussions with the KCC Archaeologist to confirm the precise wording of conditions sought and will update members at the meeting.

- 6.43 **Rural Planning Ltd** – advises that whilst a significant quantity of BMV land would be lost in the case, it would appear that this factor has already been considered not to be sufficiently detrimental to form the basis for an objection in principle to the development of the land concerned.

6.44 **SBC Tree Consultant**

Original comments

Advises that from an arboricultural perspective the submitted arb impact report by Aspect Arboriculture, dated September 2017 would appear to give a fair assessment of the tree stock on the site and based on my appraisal of the trees on site I have no reason to question the content of the report. In terms of impact, the indicative development shown on the tree plans will generally have limited impact on the trees and hedges shown for retention within the centre of the site with only small areas of hedging shown for removal to aid in road and path access.

Advises that the new road access onto Borden Lane will have more of a visual impact in terms of potential tree removal. The creation of a new roundabout will result in the loss of 4 large prominent Lime trees that are currently growing within the public footway, the largest of which has been graded an A (Tree of high quality) within the tree survey. The loss of these trees is regrettable although their loss needs to be assessed against the overall need/benefit of the development, together with suitable landscape planting that will mitigate their loss. Provided suitable replacement planting is proposed at the more detailed application stage, the Council's Tree Consultant can see no sound arboricultural grounds to refuse the application that would be defensible at an appeal.

Similarly, the new roundabout proposed onto Chestnut Street will punch a hole through highway buffer planting that has established to form a significant screen along the road, although as individual trees they are lower quality only being graded C (trees of low quality) within the tree survey. The Council's Tree Consultant would expect to see suitable mitigation planting in this area.

Advises that the proposed upgrading of the Wises Lane junction with the A2 has the potential to have a significant impact on a line of trees that fall within G1 of TPO 1 of 1965. The trees at this junction have not been surveyed so it is not possible to accurately assess what trees would be directly affected. Therefore any proposed

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scheme at this junction is to be accompanied by an arb impact assessment in accordance with BS5837:2012. Until this has been submitted the Council's Tree Consultant is unable to comment further on this part of the scheme.

With regards to the proposed landscaping for the detailed area of the site, in general the layout and planting specifications are acceptable although in order to uphold the Council's desire for native planting, some changes in tree species are requested.

- 6.45 **Further comments** (following revisions to the land-take required to provide signalisation at Wises Lane / London Road) - Overall, based on the submitted arboricultural technical note by Aspect Arboriculture the impact of the junction improvement to Wises Lane and the A2 will be minimal, with only the loss of one Small Turkey Oak tree. Therefore, provided the recommended tree protection measures, as detailed on the tree protection plan (drawing no. 9200 TPP 02, dated December 2018) are adhered too, I have no objections from an arboricultural perspective.

6.46 **Historic England**

Comments awaited.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 The application, as amended, incorporates a series of parameter plans, an illustrative masterplan, details plans for the development of phase 1A, an Environmental Statement (as amended) (with appendixes that include a Transport Assessment, Ecology and protected species report, Landscape and Visual Impact Appraisal, Air Quality Report, Contaminated land report, noise report, Archaeological reports, Heritage Assessment), Planning Statement, Minerals Assessment, Flood Risk assessment, Viability Assessment, Statement of Community Involvement, Sustainability and Energy Statement, Design and Access Statement, Agricultural Land Classification Report, Economic Benefits Statement, Health Impact Assessment.

8.0 APPRAISAL

- 8.01 This is a large scale application that generates multiple planning considerations. The report is structured to firstly set out the general principles of the development and compliance with strategic policies of the adopted Local Plan, and the extent to which these comply with the National Planning Policy Framework. The report then proceeds to consider the detailed impacts of the development under sections relating to design and layout, landscape and countryside impacts, residential amenity, highways impacts, heritage impacts, the Local Green Space designation, air quality, ecology / nature conservation impacts, loss of agricultural land, contamination, infrastructure requirements, and other matters. It assesses the extent to which the Council is able to reach a conclusion on the likely significant effects of the development under the EIA Regulations. The balancing and conclusions section sets out the weight to be given to the positive and negative impacts of the scheme, the extent to which it complies with the adopted Plan and the weight to be given to material considerations, including national policy, together with a final recommendation.

Principle of Development

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- 8.02 This application is for a large scale residential-led development over a site area of some 47.5 hectares. The scheme has been purposefully designed to provide a spine road through the site from Borden Lane to Chestnut Street, with further connections to the A249 (s), Key Street roundabout and Maidstone Road to carry a proportion of traffic from the local area as an alternative to the A2. As such, this has the ability to influence local travel patterns.
- 8.03 The proposal is for the erection of up to 675 dwellings and this would make a significant contribution towards the delivery of housing in the Borough. This would support the Government's nationwide objective to significantly boost the supply of housing as set out in paragraph 59 of the NPPF.
- 8.04 A large part of the application site (33.7 hectares) is allocated in the adopted Local Plan for a mixed use development under Policy MU3 of the adopted local plan. The policy sets out that the site will deliver a minimum of 564 dwellings, commercial floor space (including neighbourhood facilities), landscaping and open space.
- 8.05 As a large part of the site falls within the site allocation and within the built confines of Sittingbourne as defined in the Local Plan, the principle of development on this part of the site is accepted, subject to compliance with the specific criteria as set out under policy MU3, as well as other adopted Plan policies and national guidance. In particular, the impacts on such matters as, countryside, settlement separation and agricultural land have already been considered as part of the Local Plan process.
- 8.06 Further areas of land to the west and south of the site allocation are included within the application, amounting to some 13.77 hectares in area. The land to the west of the allocation is indicatively shown to accommodate 80 further dwellings, a play area, strategic landscaping and the continuation of the main spine road through the site to Chestnut Street and the A249 slip road. Land to the south beyond the site allocation would range between 10 metres and 60 metres in depth and incorporates part of the sports pitches, open space and strategic landscaping along this boundary to the site, as well as part of the access to Borden Lane.
- 8.07 As a result, the application site would have different / additional impacts when compared to the MU3 policy allocation. The key differences are listed as follows –
- The further land-take to accommodate additional housing (80 units), open / green space and highways infrastructure, to facilitate a link road through the site – and the enhanced nature of the link road (as a Local Distributor Road)
 - The provision of a roundabout at Chestnut Street with a direct connection onto the A249
 - The loss of part of a designated Local Green Space to facilitate a roundabout at the Borden Lane access point
 - The location of the school (compared to the location in the schematic plan under policy MU3).
 - The inclusion of a rugby club facility
 - The removal of possible commercial floorspace from the area now shown for the rugby club.
 - The wider effect of traffic movements arising from the enlarged development and link road, including impacts on highways safety, air quality, heritage assets and surrounding residential areas.
 - The extent to which the additional land take would impact upon the countryside and Important Local Countryside Gap, and the loss of additional Best and Most Versatile agricultural land.

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- 8.08 Policy ST3 of the adopted Plan sets out the settlement strategy for Swale and states that at locations in the open countryside outside of built up area boundaries, development will not be permitted unless where supported by national policy and able to demonstrate it would contribute to protecting and (where appropriate) enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside. Policy DM25 of the adopted Plan sets out that to protect the individual character and setting of settlements (including between Sittingbourne, Borden and Chestnut Street).
- 8.09 The extent to which the development beyond the site allocation boundaries would conflict with policies that seek to protect the intrinsic value, setting, tranquillity and beauty of the countryside, and the local countryside gap is considered in the following sections, as are a range of other impacts, including those listed in paragraph 8.07 above.
- 8.10 As such, whilst the majority part of the application site which falls within the site allocation under policy MU3 of the Local Plan is in principle acceptable, the development proposed extends significantly beyond this site allocation and it therefore needs to be assessed in the light of national and local policy as a whole.

Design and Layout of the scheme*Policy Position*

- 8.11 Policy MU3 of the adopted Local Plan sets out that development of the allocated site should be in accordance with a masterplan / development brief, developed through stakeholder consultation, and which should accord with policy CP4, particularly a strong landscape framework achieving a net gain in biodiversity, including a substantial landscape / green space buffer to be provided in advance of new development to mitigate impacts and maintain a gap between Borden and Sittingbourne, provision of green corridors and other green spaces within the site, to meet open space needs, and a high quality design reflecting the rural / village character of the locality with varying densities and distinctiveness.

The supporting text to the policy states that the site should bring forward a range of housing types, including affordable housing, and that parts of the development could potentially be at higher density with contemporary distinctive architecture to give the area a strong identity, supported by green treed streets and open spaces. Higher density nodes could be provided at key locations to break up the potentially dominating impacts of a through route – if provided. The supporting text also promotes the provision of neighbourhood facilities within the site if viable, and a requirement for a one form entry primary school, the location of which should be considered through the masterplan / planning application process. The policy also requires consideration of the design and character of any linked road through the site, and measures to manage rural lanes such as parts of Cryalls Lane, Wises Lane and Riddles Road. The supporting text states that various access options for the site should be considered.

- 8.12 Policy CP3 requires development to provide a wide choice of quality homes, providing a suitable mix of unit types and catering for different needs, including the provision of affordable housing.

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- 8.13 Policy CP4 states that all developments should be of a high quality design, should create safe and attractive places, promote / reinforce local distinctiveness, make safe connections using green corridors for pedestrians, cyclists and biodiversity, retain features that contribute to local character and distinctiveness, conserve and enhance landscape features, provide a mix of uses, building forms and densities, use densities determined by the context and defining characteristics of the area, be appropriate in scale, height, massing and materials, provide management of spaces, features and social infrastructure, and maximise opportunities for sustainable design.

The Masterplan Process

- 8.14 Members will be aware that the majority of the development subject to this application is submitted in outline form only, with points of access to be considered at this stage. The applicant has provided a masterplan brief which sets a number of parameters and overarching principles for development of the site. If approved, these objectives and parameters would serve to underpin the form of development brought forward in subsequent reserved matters applications.
- 8.15 The masterplan process has drawn criticism from objectors, on the basis that such a masterplan must be in place prior to submission of any application, and that no positive engagement has taken place with stakeholders, contrary to the NPPF. Some objections state that the masterplan document should be adopted by the Council formally prior to any application.
- 8.16 Paragraph 128 of the NPPF states that applicants should work closely with those affected to evolve designs to take account of the views of the local community. Applications that can demonstrate early proactive and effective engagement with the community should be looked upon more favourably than those that cannot. The application includes a Statement of Community Involvement which sets out that the proposal has been influenced by feedback from the local community during public exhibition events in 2016.
- 8.17 Policy MU3 states that **development** (my emphasis) shall take place in accordance with a masterplan / development brief developed through stakeholder consultation. The policy does not state that this document needs to take place in advance of a planning application, nor is there any requirement that this needs to take the form of a SPD. The supporting text to the policy states the reasons for a masterplan approach as *“Given the different landowners involved and the landscape, phasing and infrastructure issues needing to be addressed, including the potentially complex transport issues, preparation of a joint masterplan / development brief is required”*. The masterplan as submitted, together with supporting information, contains this information – albeit that phasing would be subject to further control, taking into account the delivery of highways and other infrastructure.
- 8.18 In accordance with normal procedures, the local community has had the opportunity to comment on this document as part of the consultation / notification process. As such, I do not consider that the submission of the masterplan with the outline application is in breach of the policy requirements.
- 8.19 The masterplan principles have evolved during the course of the application, primarily through discussions between the applicant and my officers, and through a Design Review process. Amendments to the masterplan following this have been subject to further public consultation.

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- 8.20 Overall I am satisfied that the local community has been given the opportunity for input into this process, and that an acceptable masterplan has been prepared in accordance with the policy.

General site layout and provision of a spine road

- 8.21 The masterplan land use parameters set out that built form would occupy around 27 Hectares of the site, with 20.4 Hectares to be provided as open space. Of this, some 16.7 Ha would be public open space and the remainder would form the sports pitches and buffer landscaping to the rugby club facility. Residential development would be the predominant built form, together with a local centre containing a retail unit and a “flexible use” commercial unit, a school and transport infrastructure – and the clubhouse to the proposed sports facility. This built form would be split by a number of green wedges of open space running north to south across the site.
- 8.22 The proposed spine road would run east to west, roughly through the centre of the five residential areas. The spine road itself would take the form of a tree-lined street, with grassed verges and footpath / cycle paths separating any residential development fronting the road from vehicular traffic. The purpose of the spine road would change from that envisaged to come forward under Policy MU3. The road has been designed to a local distributor standard, which would reflect the greater use and function of the road to carry a proportion of local traffic between Chestnut Street and Borden Lane as an alternative to the A2. The approach to the road design follows guidance for a Local Distributor Road (LDR), as set out in the Kent Design Guide. The wider benefit of this spine road in highways terms is considered later in this report. However, in general design and layout terms, the spine road would be a more dominant feature through the site, as would the roundabouts at each end of the site. This would not accord with the supporting text under Policy MU3, which seeks to avoid use of an LDR altogether, although the reason for this is also likely to be based on the more limited access options under such a scheme – as well as for design reasons. The access points to the proposed spine road would also result in some loss of trees on Borden Lane and Chestnut Street (see later section on existing trees and landscaping).
- 8.23 There are some measures available to limit the visual effect of the spine road. In addition to the use of tree planting and verges, the use of different surface materials, chicanes and crossing points with slight build outs to control vehicle speeds, and provision of appropriate pedestrian and cycle crossing facilities would help break up the effect of the road. Members will also note from the detailed phase 1A layout that the development would provide an active frontage to this road, and the illustrative masterplan demonstrates that housing in subsequent phases can also take this approach. Although KCC Highways raise concern over the number of dwellings with potential direct access to the main road, this is in relation to the outline scheme and will be subject to a detailed design process as part of the Reserved Matters, where such issues can be designed out, without the development turning its back on this road.
- 8.24 As such, whilst the road would be more of a dominant feature within the development compared to that envisaged under policy MU3, there are means to reduce the effect of this to an acceptable degree in design terms.

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- 8.25 The parameter plans also show how the southern parts of the site would be used to provide substantial areas of open space and strategic landscaping. This includes the proposed rugby clubhouse and pitches to the east of Wisers Oast. This area has purposefully been designed to maintain a significant open space and landscaped buffer between the new development and Borden village. The structural landscaping on the southern boundary would include advance planting of between 10 and 15 metres in depth.
- 8.26 A key point of the development would be where the spine road would meet the junction of Wisers Lane. This junction forms part of the detailed element of the scheme and has been designed with areas of green space around the junction, including drainage ponds, which separates the road junction from housing and provides an open green setting to this junction. The parameter drawings show that the local shop / commercial building and primary school would be located to the south and east of this junction. An area of open space and a play area to the south of the spine road would be located to the east of the likely location of the commercial area / school. I am satisfied from a combination of the outline parameters and the detailed submission that this has the potential to form a focal point and destination for the proposed community, as well as providing facilities for the existing local population to use. The likely location of the retail / commercial area on/ adjacent to the main spine road would maximise opportunities for custom / business, being on a road designed for high traffic usage by the wider local population, and I consider this appropriate in layout terms, and the best location to successfully attract a retail operator.
- 8.27 The development would generate a requirement for a one form entry primary school, and Policy MU3 states that such on-site provision is required. The supporting text to the policy additionally sets out that this should be provided as a two-form entry site, and on the southern edge of the allocation site where its location can support landscape initiatives within the policy (including strategic landscaping on the southern boundary). The parameter plans set out that the school facility would be to the south of the site, surrounded by open space and sports pitches in addition to the strategic landscaping to be provided on the southern boundary. The school would be well located with the proposed retail / commercial units and immediately adjacent to the residential areas within the site. Whilst it differs to the location shown for a school in the schematic plan supplied with Policy MU3, this was only annotated as a “possible location”, and I consider the location now shown in this application to be appropriate and in accordance with the terms of Policy MU3 (subject to detailed design which would follow in a subsequent application).
- 8.28 The site would accommodate 675 dwellings, split approximately as 595 dwellings on the allocated part of the site and a further 80 on the unallocated part. The plans submitted provide a range of density and building height parameters across the site. Residential development would be primarily up to two or two and a half storeys in height (i.e. top floor in roof space), with more visually sensitive parts of the site on the southern, eastern and western edges of the residential development shown to be limited to development up to two storeys. Some three storey development is proposed, around the Wisers Lane / spine road junction, including the commercial area, and to the north east of the site adjacent to Westlands School. Overall, the density across the areas allocated for residential development within the site would be at 33 dwellings per hectare. The density parameters show that the southern eastern and western fringes of the site would be developed at up to 25 dwellings per hectare, and areas to the north, adjacent to Maylam Gardens and Westlands School, as well as the area to the north of the proposed school, would be developed up to 40

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dwellings per hectare. Remaining parts of the development, including much of the area along the southern side of the spine road, would be developed at up to 30 and 35 dwellings per hectare. These differences in building heights and density would help to create different character areas within the development, whilst allowing densities and scale to reduce in more sensitive locations.

The detailed design for phase 1A

- 8.29 The detailed element of the scheme is for the erection of 80 dwellings (phase 1A) with associated open space. This part of the site lies to the south of Dental Close and to the west of Wises Lane (as existing) and Maylam Gardens. As set out earlier in the report, the application seeks to realign part of Wises Lane, and this forms part of the detailed proposals. The realigned lane would run in a south west direction, to meet the proposed spine road through the site. Phase 1A includes the construction of a section of the spine road, connecting the new section of Wises Lane with the existing lane to the south – leading into Borden village.
- 8.30 The 80 units within phase 1A would be provided in two main groups. An oval-shaped area of land between the existing alignment of Wises Lane and the new alignment of Wises Lane would accommodate 59 dwellings and flats, the southern part of which would front onto the new spine road. 21 dwellings would be erected on a roughly rectangular shaped parcel of land to the south of Dental Close.
- 8.31 My officers have worked with the applicant to identify key focal points within phase 1, particularly the junction between Wises Lane and the new spine road, and the southern tip of the site adjacent to the spine road and near the “centre” of the development. Buildings in these locations, namely the three storey flatted building and the three storey town houses have been specifically designed to a larger scale to add visual strength to these key locations. Members will appreciate that different building heights and scale adds variety and interest to a development. Otherwise, the detailed phase has been designed to follow the largely 2 storey scale of existing buildings at Dental Close and Wises Lane (albeit there are some bungalows on Wises Lane) before rising in height to three storeys in the locations identified above, to help create such variety and form the beginning of a “core” to the development. As well as signifying the centre of the development, this increased building height/density (as well as in other specified locations across the development to come forward under future reserved matters applications) allows for the more sensitive edges to be developed at a lower / looser density. The wider impact of this on the landscape and setting of Borden is considered in later sections. However in urban design terms, I consider this approach would accord with policies CP4 and MU3 of the adopted Local Plan. Members will note that green spaces and verges would separate these focal buildings from the highway and street tree planting would act to further soften the development. In accordance with the outline parameter plans, further development to the south and west of phase 1A would reduce in density and/or height, as it moves towards the more sensitive edges of the site.
- 8.32 The design of the detailed scheme has evolved during the course of the application. The original design attempted to draw on architectural styles from Borden’s older houses, and significant officer concerns (as well as from the Design Review panel) were raised over the reasons to take this approach and the difficulty for a new volume housing development to replicate an older style without appearing pastiche or bland. In this instance, my officers strongly feel that there is no prevailing architectural distinctiveness in the area to follow, and that the development should be designed to

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be of its time and create its own distinctiveness, whilst still respectful of the edge of settlement location of the development and proximity to Borden. The revised design still fundamentally follows a traditional form, with two and three storey brick buildings under pitched roofs. However the use of features such as “pulled” brickwork in elevations, larger window openings on some units, and use of cladding and feature detailing around windows and doors, provides a specific architectural identity and distinctiveness to the development.

- 8.33 The advice in the supporting text to policy MU3 states that “parts of the development could be at higher densities, with contemporary distinctive architecture helping to give the area a strong identity”. I am content that the design approach for the detailed phase 1A accords with this advice, and provides a good barometer for development of future phases, notwithstanding that there are opportunities for a different design approach to be taken on other parts of the site.
- 8.34 Development on this site has been subject to three design reviews by the Design South East panel, and the last comments are attached as Appendix 4. The phase 1A development has been amended to take into account a number of points raised by the Panel in their last comments, reduction in use of cul-de-sacs and use of a more simplified road layout. In addition, the Panel has endorsed the more contemporary approach pursued by my officers for the design of the phase 1A units, as an alternative to the “traditional” style adopted in earlier versions.
- 8.35 Members will note that the Design Panel did raise concerns regarding proposals for the wider site development, (including the access design at each end of the ‘spine’ road. However, roundabouts at each end of the site are a highways requirement (see highways section). The spine road would be subject to the overarching requirement that it would be 6.75m wide with shared footways and a cycleway, and with landscaped / tree lined verges. However the detailed design, including measures for calming and crossings, would be a matter for future applications. Likewise concerns raised regarding use of cul-de-sacs and unnecessarily long access routes would be considered during future applications.
- 8.36 I have also attached a Building for Life assessment that has been undertaken by my officers. This is being used by my officers as a technical document on applications of 10 dwellings or more, although Members should note that at this stage it has not been formally adopted as a supplementary planning document. The assessment generally scores the development well. (see Appendix 5).

The additional housing sought on the unallocated section of the site

- 8.37 The application includes an additional area of 13.7 Hectares, primarily to the west and partially to the south of the existing site allocation. This land has been included primarily to facilitate the east-west spine road link between Borden Lane and Chestnut Street. The additional 80 dwellings to be delivered on part of this land would occupy 2.69 Ha of this additional area, and are sought to help fund the additional infrastructure costs associated with the development, particularly the road infrastructure through the site and off-site infrastructure costs. This housing would be sited immediately to the west of the allocated land and to the south of existing housing at Dental Close, so this housing would not be divorced from housing on the allocated site.

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- 8.38 The application sets out that the additional 80 dwellings are necessary to cover the additional infrastructure costs generated by this development, namely the additional on and off-site highways infrastructure. This has been demonstrated in a viability appraisal which has been reviewed by a consultant on behalf of the council. The consultant has concluded that the 80 additional units are required to make this development viable, in order to provide a marginally competitive return to the landowner for the development as a whole.
- 8.39 The addendum to the Environmental Statement sets out the reasons why these additional units are not provided within the land allocated for development under Policy MU3. The main reasons for this relate to the additional land take up within the site that would be required, which would significantly compromise the density, layout, open space requirements and ability to provide a strategic green landscaped edge to the southern boundary, and viability issues if smaller units were necessary to concentrate development into the allocated site. I am satisfied that the layout of the scheme and the strong landscaped framework approach would be substantially compromised if the additional 80 dwellings were included within the allocated site, and that a higher density design and layout would materially affect values and subsequently viability.
- 8.40 The acceptability of this part of the development beyond the Local Plan allocation is underpinned mainly by the benefits of providing additional highways infrastructure (although delivery of additional housing and sports facilities also provide benefits) against non-compliance with the Local Plan and any identified harmful impacts, and this is considered elsewhere in this report. However in numerical terms, I am satisfied from the advice received that the additional 80 units sought are required to make this scheme a viable proposition, and that the siting of these units, immediately to the west of the existing housing allocation is acceptable in layout terms.

Mix and type of housing

- 8.41 The indicative mix of housing for the site would deliver a range of units from 1 bed flats to 5 bed dwellings. The indicative mix is slanted towards the provision of 3 and 4 bed dwellings which would represent around 33% and 53% respectively of the current indicative mix for the site. This is supported in part by the applicant on the basis that this mix is more suited to the generally lower-density character of south west Sittingbourne.
- 8.42 Members should note that this overall mix is, at this stage, only indicative and will be subject to further consideration at Reserved Matters stages. Nonetheless, the applicant has made the case through the viability appraisal submitted, that the scheme would not be viable if a greater number of smaller units were included. The viability case has been reviewed by a consultant employed by the Council, and has been found acceptable. This is at least in part due to the costs of infrastructure for this site, particularly road infrastructure (both on and off site). It is therefore likely that a sway towards larger units would materialise in reserved matters applications.
- 8.43 Policy CP3 of the adopted Plan provides information on the type and size of housing required in the Borough. This demonstrates the greatest need is for 2 and 3 bed units. The proposal would deliver a large number of 3 bed units in accordance with policy CP3. The number of 4 bed units proposed would be proportionately greater than the Borough-wide mix. However there is some support for the approach adopted by the applicant in the supporting text to policy CP3, which sets out (for the ME10 postcode

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under table 5.3.1) that there is a variation in the housing market between north and south Sittingbourne, with the south seen as more prosperous / desirable where the existing housing offer should be reinforced to protect / enhance existing characteristics of the area.

- 8.44 I also note that the mix of housing as supported under policy CP3 is a Borough-wide mix and not site specific. Overall, I consider the indicative mix proposed to be acceptable based on the specific nature of this site and the viability case submitted to support the housing mix proposed which helps fund the infrastructure costs associated with the development.

Affordable Housing

- 8.45 The scheme would provide 12 % of units as affordable housing, and this would equate to 81 dwellings in total across the site. Policy DM8 of the adopted Local Plan states that within Sittingbourne town, urban extensions and Iwade, that 10% affordable housing will be sought. In rural areas, 40% affordable housing is required. Criteria 5c of policy DM8 states that if it can be demonstrated that full provision of affordable housing would make a scheme unviable, then a reduced requirement may be considered. Criteria 6 of policy DM8 states that if economic conditions or the proposed characteristics of a development have positively changed the impact of viability, the Council will seek a higher level of affordable housing if viability is not compromised.
- 8.46 Using the 10% affordable housing policy requirement for Sittingbourne for the allocated part of the site, and the 40% affordable housing policy requirement for the unallocated part of the site (which falls within the countryside in planning terms), there would be a total requirement for 92 affordable units. The application therefore currently falls 11 units short of meeting this policy requirement.
- 8.47 However, the unallocated part of the site is included in the application as a means to raise revenue for the highways infrastructure works. If more affordable housing was sought, this would either require more housing to be built than is currently proposed, or it would call into question the viability of the scheme. The Council's viability consultant has assessed the development and concluded that the scheme is currently marginally viable based on the offer of 12% affordable units.
- 8.48 I do not consider it would be acceptable to build more housing on the site, as this would extend built form on the site, erode the open space proposed, and increase the impacts generated by the development. On this basis, and taking into account the advice from the Council's viability consultant, I consider that the provision of 12% affordable housing across the entire site is acceptable on the basis of current market conditions. However, in accordance with Policy DM8 a review mechanism will be built into the scheme via a S106 agreement to ensure that further affordable housing can be secured on the site at a later date, in the event that market conditions improve.
- 8.49 In phase 1A, 11 units of affordable housing are proposed. This would take the form of 3 x 1 bed units and 8 x 2 bed units, all shown for affordable rent. This would deliver a higher proportion of affordable units (just under 14% of the total phase 1A development) than the site-wide figure. This is acceptable to the Council's Strategic Housing and Health manager, on the condition that future phases will deliver an overall proportionate mix of affordable housing to the market units (i.e. larger units). This requirement would be secured under the S106 agreement.

APPENDIX A*Provision of Local facilities, open space and landscaping*

- 8.50 Policy MU3 of the Local Plan sets out that in addition to residential development, planning permission will be granted for commercial floorspace (including potential neighbourhood facilities), landscaping and open space. The supporting text states that a small area of commercial floorspace might be appropriate by Wises Oast, and that the addition of neighbourhood facilities would enhance the overall accessibility of the site if demonstrated to be necessary and viable.
- 8.51 The policy also specifies that the development should meet open space needs in accordance with Policy DM17 of the Local Plan, to provide some 8.3 Hectares in total, including provision for 1.5 Ha of sports pitches.
- 8.52 The application includes both local retail (up to 480 sqm) and “flexible use” (up to 560sqm) facilities within the development. As specified earlier in this report, these are shown on the parameter plans to be located adjacent to the main spine road, which would offer the best opportunities for custom. Members will be aware that other schemes in the Borough have proposed such facilities, which have subsequently not materialised. Whilst the ability to secure occupants for the space would be a commercial matter, I am satisfied that the broad location for the uses would benefit from being relatively central within the site, and adjacent to a road connection that would provide passing trade. The S106 agreement would include a requirement that the retail / commercial space is marketed and retained for this use. I am satisfied that the alternative location of the commercial space compared to the schematic plan under Policy MU3 is appropriate.
- 8.53 The proposed primary school would cater for schooling needs generated by the development and the wider area. The land would be secured for Kent County Council under the S106 agreement, and a substantial financial contribution secured to deliver a school building.
- 8.54 The application would provide a range of different open space typologies, landscaping and green corridors, amounting to 20.41 Ha of the total site area. Policy DM17 of the adopted Local Plan sets out the specific standards for provision of different open space typologies to be sought within new developments. These are set out below, together with the amount of each typology to be delivered by the development.

Open Space Typology	Policy Requirement	Actual provision	Excess above policy requirement
Parks & Gardens	1.63 Ha	2.16 Ha	0.53 Ha
Natural and semi natural green space	7.28 Ha	8.10 Ha	0.82 Ha
Formal outdoor sport	1.62 Ha	5.93 Ha	4.31 Ha
Amenity green space	0.67 Ha	3.56 Ha	2.89 Ha
Provision for children / young people	0.36 Ha	0.36 Ha	0

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Allotments	0.3 Ha	0.3 Ha	0
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- 8.55 As can be seen, the development would provide a substantially greater amount of open space than the policy requirement, exceeding this by 8.56 Ha. This is partly due to the additional expectations to minimise landscape and settlement separation impacts, but also significantly exceeds the amount of outdoor sports space, and is linked in part to the aspiration to relocate Sittingbourne Rugby Club to the site. This includes the provision of a clubhouse, parking and two pitches to the east of Wises Oast which would be maintained for use by the rugby club. The sports pitches to the west of Wises Oast would be accessible to the public. Even when removing the two rugby pitches from this calculation (as they would not be generally accessible to the public), the quantum of public open space for outdoor sports would still exceed the policy requirement, providing 16.7 Ha of public open space.
- 8.56 The rugby facilities include a proposed clubhouse, and the application states that this building has the potential to provide a wider community use. The full extent and design of the clubhouse will be subject to a reserved matters application. Nonetheless, as a sports clubhouse it would fall under Class D2 of the Use Classes Order, and could be used for a variety of assembly and leisure related uses that fall within the same use class, without the need for further permission. The potential for wider use of the facility by the local community would be secured under the S106 agreement.
- 8.57 The Council's Greenspaces Manager agrees that the public open space contains a mix of typologies that more than meet policy requirements. He advises that provision of a dedicated facility for Sittingbourne Rugby Club would be in accordance with the Council's Playing Pitch Strategy which identifies that the existing facilities at Grove Park are not sufficient to meet demand from the rugby club. In this respect, whilst the rugby club facility is not a requirement under policy MU3, it would meet an identified sports need. The facility would provide a primarily green and open land use that would add to the strategic landscaping on the southern boundary of the site. The relocation of the rugby club would also provide additional opportunities (for other sports uses) for Grove Park.
- 8.58 The Greenspaces Manager further comments that the design concept for the open space on the site, utilising linkages north to south and a large area of open space to the south, would work as a strong edge to the development. It is likely that the Council would potentially take on the strategic open space, with smaller areas of open space falling under a private management company.
- 8.59 The layout of the open space is designed to provide the bulk of this to the south of the site. The wider landscape impacts relating to this are discussed later. However in layout terms, I consider this to be appropriate, and this would essentially secure a large green corridor running from Borden Lane to Chestnut Street.
- 8.60 The proposal would also provide smaller areas of greenspace, including formal play areas, and three equipped areas for children's play would be provided. This includes provision of open space and play facilities within the Phase 1A development. Some minor amendments to the design of the play area and landscaping relating to this detailed element of the scheme is recommended by the Greenspaces Manager and this is under consideration by the applicant. I will update Members at the planning committee on this matter.

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- 8.61 The applicant has offered a contribution of £50,807 towards improvements to off-site hockey facilities, £5,000 towards the provision of cricket nets at Grove Park, and enhancement of the car park at this site. This contribution is acceptable to the Council's Greenspaces Manager, and Sport England has removed its earlier objections to the application, and accepts the contribution offered. I consider this to be an appropriate sum taking into account the on site sports facilities to be provided.
- 8.62 On the basis of the above, and subject to securing the delivery of such space as public open space through a S106 agreement, I consider the scheme would exceed the requirements of Policies MU3 and DM17 of the adopted Local Plan, insofar that they relate to open space provision, and would offer substantial open space and sports provision. The inclusion of a primary school, commercial and neighbourhood facilities also offer significant potential local benefits, and would be in accordance with Policy MU3 of the Local Plan.

APPENDIX A*Public Transport, Walking and cycling facilities*

- 8.63 The proposal includes provision to divert buses through the site – namely the 333/334 route. This currently runs through Maidstone Rd / Chestnut Street, onto the Key Street roundabout and onto the A2 London Road into Sittingbourne. The same applies to return journeys in reverse. The proposal would be to divert this route from Maidstone Road / Chestnut Street into the site, via the new spine road, onto Wises Lane and onto the A2. This would remove the need for the bus to navigate Key Street roundabout. Bus stops would be provided within the development to serve the new resident population. Although it would divert from an established route, I consider this would not cause any substantial inconvenience to users, given the relatively short section of the existing route that would be diverted.
- 8.64 The proposed bus route would not provide access for all dwellings in the development within a 400m distance (as recommended within the Kent Design Guide). Nonetheless it does provide potential for a route through part of the site – which would be more convenient to most future occupants than walking to a stop on the A2, and would be a benefit for the development.
- 8.65 The application includes a large network of proposed paths and cycle routes throughout the site, connecting to the wider public footpath network in the area. A number of existing public footpaths also cross through the site. Some footpaths are retained on their current alignment, however others would require diversion. KCC Highways comment that the scheme provides excellent permeability for walking and cycling.
- 8.66 The KCC Public Rights of Way Officer has raised concern over the potential diversion of footpaths ZR117 and ZR120. The latter runs from Wises Lane to Cryalls Lane and discussions between the Rights of Way officer and the applicant had sought to divert this to connect to a route through Maylam Gardens. However it has since been established that there is a small strip of land between the site and Maylam Gardens which is owned by a third party. They have not been forthcoming in agreeing the use of this strip to connect the two sites – albeit that this is used informally at present as a pedestrian connection between Maylam Gardens and the application site. It is quite possible that this informal use would continue following the development – but this cannot be guaranteed.
- 8.67 As an alternative, the route of the footpath could be diverted to follow the north line of Maylam Gardens and connect with Wises Lane. This would not be the preferred option, but would not be materially different to the line of the existing formal path. I am currently discussing this further with the PROW officer, as well as measures to deal with outstanding concerns in relation to PROW ZR117, and hope to update Members at the meeting.
- 8.68 Further potential off-site improvements to cycle and pedestrian facilities can be achieved through traffic management measures on Cryalls Lane and Riddles Road, which would close parts of these roads to through-traffic and provide quiet routes for pedestrian and cycle access towards the A2 and town centre. Such measures would accord with Policy MU3 (criteria 6d), which identifies the potential use of traffic management measures on these roads to maintain / enhance walking and cycling. The applicant has agreed to fund such measures, although these would be subject to approval under a Traffic Regulation Order.

APPENDIX A*Existing trees and landscaping*

- 8.69 Policy DM29 of the Local Plan states that woodlands, orchard trees and hedgerows should be protected and enhanced, that new development should take opportunities to provide new woodland, tree and hedge planting, and that where the removal of trees / hedgerows is unavoidable, that appropriate replacements are planted. Unless the need for, and benefits of the development outweigh adverse impacts, planning permission will be refused where there would be a loss of trees, orchards or hedgerows that make an important contribution to the amenity, historic, landscape, townscape or biodiversity value of the site and surrounding area.
- 8.70 The existing site is generally open in character, and much of the land has been actively farmed. However there are a number of landscape features that would be potentially affected by this development, including individual and groups of trees, and hedgerows.
- 8.71 An Arboricultural Impact Assessment has been submitted with the application together with a series of plans that identify those existing trees and landscaping features to be retained and those likely to require removal – albeit that the detailed layout for the majority of the site would be subject to a later reserved matters application (when the impact on existing trees / landscaping would be further considered). The Assessment sets out that many landscape features on the site boundary and within the site are able to be retained. This includes the group of trees subject to TPO 77-6 on the north west boundary of the site. Nonetheless, it is clear that some removal of existing trees and hedgerows is required, primarily to accommodate new access points and road layouts. The most significant of these relate to the removal of trees at the Borden Lane and Chestnut Street access points, removal of approximately half of the hedgerow on Wises Lane to accommodate the Phase 1A development, and removal of sections of hedgerow for construction of the spine road and pedestrian links.
- 8.72 The Assessment identifies that 1 x Category A and 3 x Category B (Higher quality) Lime trees would need to be removed to facilitate the roundabout access onto Borden Lane. These currently form part of a line of Lime trees on Borden Lane that provide an attractive feature to the road. The loss of these trees would, in my opinion, negatively impact the street scene. The Council's Tree Consultant advises that the loss of these trees is regrettable, and this needs to be weighed against the overall needs / benefits of the development, together with measures for suitable landscaping / replacement planting. I also note that the site allocation under MU3 of the Local Plan would require access from Borden Lane, and this would also be likely to result in some tree removal, although not to the extent of the application scheme. Whilst a simpler junction arrangement (as would have been likely for a Policy MU3 compliant scheme) would potentially avoid some tree removal, I note that the use of a roundabout at this junction is a highways requirement (see highways section).
- 8.73 The trees required for removal to form the Chestnut Street access are identified as category C semi mature trees. The works at this access point would be more substantial, providing a roundabout with connections to Key Street and the A249. These existing trees do provide a visual function. However the benefits of this from Chestnut Street are diluted by the A249 dual carriageway and Key Street roundabout nearby, and I note that the scheme would deliver further landscaped buffers around

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the new line of the road and access. I consider the loss of these trees to be more limited than on Borden Lane, and no objection to this is raised by my tree officer.

- 8.74 An assessment of the hedgerows within the site are identified within the ecological survey submitted with the application. The assessment recognises that a number of hedgerows are likely to qualify as “important” under the Hedgerow Regulations, and likely to qualify as a UK Priority Habitat. The drawings submitted with the arboricultural report identify that some hedgerows, or hedgerow sections, would be removed as a result of the development. However these are limited to areas where removal is absolutely necessary, such as the access points and through the route of the spine road. The majority of hedgerows would be retained on site, including those on site boundaries and incorporated into areas of open space.
- 8.75 No objection to this is raised by either the KCC Ecologist or our tree consultant, subject to the provision of mitigation and enhancement measures within the development. Given the extent of open space provided, there is significant opportunity to provide replacement hedge planting within the development, and I am satisfied that this can provide suitable mitigation to compensate for the existing hedgerows to be removed.
- 8.76 The development would require signalisation of the Wises Lane / A2 junction. This would be subject to a S278 Agreement between KCC and the developer and is an “off-site” measure. The application includes proposals for alterations to this junction to facilitate the works, which would result in some use of highways land where trees protected by TPO 1 of 1965 are located. As first submitted, the proposed scheme would have been likely to require removal of a number of trees. The highway layout has subsequently been amended to reduce this impact, and now 1 tree is shown for removal. This is acceptable, and allows for the retention of most of the existing landscaping adjacent to London Road.

Conclusions on Layout and Design

- 8.77 The layout and design of the majority of the scheme is not fixed at this stage, but a series of parameter plans submitted with the masterplan brief set broad principles for development. This establishes a strong landscape framework for the site, with substantial sports, open space and landscape buffer areas to the south, east and west of the site, and green fingers of open space running through the site to break up the housing development. I consider the open space, sports, and school provision in particular to be a substantial and positive feature of this development.
- 8.78 The parameter plans also establish principles for the design of the development, setting out density and building height parameters, and locations for the housing and local / community facilities to be provided, including a local shop / flexible use unit and a new primary school. I consider that the parameter plans provide these uses in appropriate locations, with opportunities to provide variation and interest, and to create character areas within the site.

The proposed spine road would be a more dominant route within the layout than for a Policy MU3 compliant scheme. This is necessary to accommodate the additional traffic movements forecast, and to deliver the highways improvements as set out later in the report. There are measures available to control the design of the spine road to ensure a satisfactory layout and appearance.

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- 8.79 The detailed design of Phase 1A has been subject to a series of amendments and is now at a point where I consider it would follow good urban design principles and provide distinctiveness.
- 8.80 The housing mix is towards larger dwellings, and I consider a greater housing mix would have been more desirable. Nonetheless, there is some support for larger units in this location under CP3 of the Local Plan, and the applicant has demonstrated through a viability appraisal that even with a sway towards larger units, the scheme is marginally viable. Likewise, the 12% affordable housing is considered acceptable on the basis of the viability appraisal submitted.
- 8.81 The proposal would result in the loss of some existing site features, notably some Lime trees on Borden Lane, hedgerows and a copse of trees on the boundary with Chestnut Street. Whilst a significant amount of new landscaping and planting is proposed, the removal of the Lime trees on Borden Lane does weigh against the scheme, and needs to be considered in the final balancing.

Landscape and Visual Impact*Policy position*

- 8.82 Policy MU3 of the adopted Plan states that development of the site must come forward with a strong landscape framework, with provision of a substantial landscape and green space buffer to mitigate visual impacts and maintain a long term countryside gap between Sittingbourne and Borden in accordance with Policy DM24 of the Local Plan.
- 8.83 Policy DM24 of the Local Plan sets out that the value, amenity and tranquillity of the Borough's landscapes will be protected, enhanced and, where appropriate, managed. For non-designated landscapes, planning permission will be granted subject to the minimisation of adverse impacts or, where significant adverse impacts remain, the social or economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character of the area. The policy states that development will be informed having regard to the Council's Urban Extension Landscape Capacity Study (2010) and the Landscape Character and Biodiversity Appraisal SPD. Paragraph 170 (a) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan).
- 8.84 The application site is not a designated landscape, nor is the immediate surrounding area. The closest designations are Areas of High Landscape Value around Highsted (approximately 2km to the south east of the site), at Newington (approximately 1.9 kms from the site) and Hartlip (approximately 3.5km from the site). The Kent Downs AONB is sited to the south of the M2, approximately 2.3 kms away.
- 8.85 The application site lies mainly within the Tunstall Farmlands landscape typology as identified under the Swale Landscape Character and Biodiversity Appraisal SPD 2011. However the area of land to the west of the site that falls beyond the site allocations is located within the Borden Mixed Farmlands landscape typology. The key characteristics of the Tunstall Farmlands relevant to the site are the strong urban edge to Sittingbourne, large open arable fields and the setting of the historic core of Borden Village. The key characteristics of the Borden mixed farmlands relevant to the

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site are the rolling topography and urbanised ribbon development along the western boundary, and the enclosed rural landscape on the boundary with Chestnut Street.

- 8.86 The site forms part of Study areas 11 (SW of Sittingbourne) and 12 (west of Sittingbourne) under the Swale Urban Extension Landscape Capacity Study 2010. Study area 11 considers a landscape area which includes the allocated land under MU3 of the Local Plan, and defines the landscape sensitivity as high, due to the prevalence of open fields, and integrity / setting of Borden and Tunstall villages, and landscape value as moderate. It identifies low capacity for change, with some expansion of residential development possible in some areas, including derelict orchards to the west of Cryalls Lane, and states that further residential development would be most appropriate if it was designed at the same scale and density as existing housing on the urban edge. It recognises the quick transition between urban Sittingbourne and the countryside, and key guidelines include the need to respect the setting of listed buildings, retention of a landscaped gap between Borden and Sittingbourne, softening of the urban edge with native planting, and use of existing landscape features as a framework for any new residential development. Study area 12 includes the unallocated west section of this application and land down to Chestnut Street. It also includes the land known as Manor Farm to the north – which is a separate allocation site for residential development in the Local Plan. Landscape sensitivity is moderate due to topography and existing landscaping, with higher sensitivity near to Chestnut Street conservation area, and landscape value is low. The study states that there is a high capacity for change in this area, with development to the north heavily influenced by the urban area of Sittingbourne. It identifies scope for possible low density residential development on land to the east of Chestnut Street and north of School Lane.
- 8.87 Members will note that the Study is dated 2010 and thus the adopted Local Plan allocation MU3 would have been made having regard to the guidance in the document, although it remains a consideration for this application.

Landscape impact considerations

- 8.88 The site is located immediately to the south and west of the built confines of Sittingbourne, and largely consists of arable farmland with a predominantly open and rural character. The land is relatively flat, although it does slope down significantly to the west where the site meets Chestnut Street and the A249. The land also rises substantially to the south towards Borden Village, which is located on a ridge overlooking the site. This landscape immediately adjoins the built edge of Sittingbourne, with numerous public access points through it, and from the representations received it is “valued” by the local community.
- 8.89 In considering landscape impacts, it is important to recognise that the principle for development of much of the site has been accepted through its allocation in the Local Plan. Whilst Policy MU3 seeks to mitigate any adverse visual impacts, a change in the landscape is inevitable through any form of large scale residential development on this land. The remainder of the site to the west of the allocation is however not subject to this principle.
- 8.90 The layout of the development demonstrates that built form would be separated from the southern boundary of the site by a substantial landscaped and open space buffer to the south of the site of between 60 metres and 190 metres in depth. The application

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site also wraps around the Borden Nature Reserve, and includes the designated local green space to the east of the site.

- 8.91 This large tract of land would contribute to providing a substantial strategic green space buffer between the built form on the application site (with the exception of the proposed rugby clubhouse) and Borden village to the south – with further open countryside between this green space and the village adding to this. The land within the application site would provide strategic woodland landscaping, formal sports pitches semi natural green space and parkland and open space, and would be secured for such purposes in the long term under a S106 agreement. Together with the Borden Nature Reserve, this would provide a long term landscape and green space buffer to the south, and this in turn would help maintain a green strategic gap between Borden village and Sittingbourne.
- 8.92 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with the application, which has been reviewed by a landscape consultant specifically employed by the Council for this application. The LVIA is based on a proposed maximum building height across the site of 12 metres, so takes a “worst case” scenario for the development – in reality the majority if not all buildings on the site will be much lower in height, and Members will note (see Paragraph 2.08) that the tallest building proposed in the detailed phase (1A) would extend to 11.5 metres in height.
- 8.93 The LVIA has considered the effects of the development from 37 viewpoints in various locations, varying from short range to long range views. The LVIA recognises that there would be adverse landscape impacts arising from the development, and this is not surprising given the change in character and appearance from a greenfield site of largely open fields to a large scale housing development. However the visual impacts are relatively contained for the following reasons –
- The rising land to the south limits long range views
 - The setting of the urban area of Sittingbourne in the backdrop of the development
 - The layout of the development, providing substantial open space and substantial landscape buffers in particular to the southern, eastern and western parts of the site where adjacent to the proposed dwellings and sports / school buildings – with advanced planting proposed along parts of the site boundaries.
- 8.94 The LVIA sets out that the greatest effects would be on those receptors within or at the edge of the site (such as users of public footpaths and roads) - which is not surprising given that the site is currently open arable fields, and the experience for users of such footpaths and roads would change considerably. In accordance with usual landscape practice, the effects of the development are considered at years 1 and 15 of the completed development, which establish likely landscape impacts before any new landscaping / planting is effective (year 1) and when such landscaping is more mature (year 15). Longer distance views are less likely to be harmful, and the LVIA concludes that such views would result in no more than slight adverse effects by year 15. The site characteristics will clearly change through major housing development. However these impacts would be generally localised.
- 8.95 The Council’s landscape consultant is generally satisfied with findings of the LVIA, that landscape impacts are likely to be localised ones, and that the proposed landscape strategy would provide a more considered response to the settlement edge than the existing edge of Sittingbourne. This strategy would provide landscape mitigation that would help reduce the significance of effects for the most part by year 15.

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- 8.96 In respect of the unallocated section of the site, the additional housing proposed would be on a relatively level part of the site and would read as part of the wider housing development on the site. This area of land includes substantial reinforcement planting proposed as part of the strategic landscaping requirements, and is bounded to the north by existing built form at Dental Close. In this respect, the LVIA and advice from the Council's Landscape Consultant conclude that the impacts arising from this additional housing area would not be significantly greater than the landscape impacts expected for the existing site allocation.
- 8.97 The western section of the proposed spine road would follow the sloping topography to Chestnut Street / the A249. This has greater potential to have landscape impacts based on its location on a slope, required lighting and engineering associated with the road. The application includes a landscaped buffer area to the south of the road layout, shown to be a minimum 14 metres in depth. The application includes provision for a 10- metre advanced planting buffer in this area.
- 8.98 The Council's landscape consultant has raised some concern that this advanced buffer area of landscaping could be reduced in practice by the effects of earthworks, lighting, signage and engineering required to accommodate the road layout and roundabout, and that the precise position of the road and roundabout is not yet fixed. The consultant advises that, from the initial access drawings submitted, the maximum level of advanced planting is more likely to be 7 metres in places but could be compromised further if the location of the roundabout and road moved further south.
- 8.99 Whilst the exact position of the road and roundabout is not fixed at this stage, I am advised by KCC Highways that the position is highly unlikely to move any further south than currently shown – on the basis that this would shorten the slip road onto the A249. As such, any movement is more likely to be in a north direction. Nonetheless, there remains a question mark over the extent of the area available for planting to mitigate the impact of the road layout. A planning condition can be applied (as recommended by the consultant) to require full details of the earthworks and engineering and provision of a landscape buffer area. However, taking a precautionary approach to this, the Council's landscape consultant advises that landscape impacts at year 15 for the access could remain as moderate adverse.
- 8.100 The submitted assessment and addendum also considers the cumulative landscape impacts arising from any other surrounding developments, including Manor Farm and at Swanstree Avenue (however it should be noted that this site is not allocated and permission has been refused for housing development). The Council's consultant advises that the cumulative impacts arising from the Manor Farm development would not be significantly different or more harmful than the overall significance of landscape effects for the application site considered in isolation.
- 8.101 I would therefore conclude on landscape character and visual impact grounds that the development would clearly have some adverse landscape impacts – as would be expected through development of a greenfield site. However these impacts would have been evident when the majority of the site was allocated for residential development. The main adverse impacts are generally localised, and the scheme has been designed to provide substantial areas of open space and landscape buffer areas. I consider that the development manages these impacts on the allocated part of the site in an appropriate way, and in accordance with policy MU3.

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- 8.102 The development of additional land beyond the site allocation and subject to this application would result in some adverse landscape impacts. The area shown for additional housing would add further built form, but such impacts would be localised and would be mitigated by buffer landscaping. The access onto Chestnut Street has potential to cause landscape impacts, and new landscaping to mitigate this may be hampered by the need for land modelling and earthworks. This can be controlled further by condition, however taking a worse case scenario this impact is likely to remain as a moderate adverse one.
- 8.103 Policy DM24 of the adopted Plan states that planning permission will be granted for development on undesignated landscapes, subject to the minimisation and mitigation of adverse landscape impacts and, when significant adverse impacts remain, whether the social or economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character and value of the area. The LVIA identifies that potential impacts would be significant at year 1, but that most would reduce in significance by year 15. Whilst some adverse impacts would remain by year 15, these are not considered to be “significant adverse” impacts, and on this basis I consider that the development would not be in conflict with Policy DM24 of the Local Plan. Whilst the representations demonstrate that the landscape is valued by local people, the NPPF sets out that the weight given to protecting landscapes should be commensurate with their statutory status or identified quality. For the reasons set out above, and in the absence of harm to a designated landscape, I do not consider the landscape impacts to be unacceptable.

Impact upon wider countryside and an Important Local Countryside Gap

- 8.104 Policy ST3 of the local plan states that at locations in the open countryside, outside the built-up area boundaries, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.
- 8.105 The area of the application site subject to Policy MU3 of the local plan is defined as being within the built confines of Sittingbourne. However the unallocated section of the development is classed as open countryside and is subject to the above policy restriction. The development of this extended area would be contrary to policy ST3 of the Local Plan.
- 8.106 Policy DM25 of the local plan seeks to protect Important Local Countryside Gaps (ILCG) between settlements, including between Sittingbourne and the villages of Borden and Chestnut Street. Within these gaps, unless allocated for development by the Local Plan, planning permission will not be granted for development that would undermine one or more of their purposes, those purposes being to maintain the separate identity of settlements, to safeguard the open undeveloped character of the areas, to prevent encroachment and piecemeal erosion by built development, and to influence decisions on longer term development of settlements.
- 8.107 Development within the allocated section of the site is unaffected by this policy as it is excluded from the designation. However the additional areas beyond the site allocation to the south and west are within the ILCG. In my opinion, the area of unallocated land to the south of the site does not undermine the ILCG as it is used to provide open space and landscaping on the periphery of the site. However the development of land to the west would erode the gap between Sittingbourne and

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Chestnut Street, through the additional 80 dwellings proposed and, to a lesser extent, the highways infrastructure works. The effect of this would be reduced by topography and the extent of landscaping proposed, particularly to provide a buffer to the additional dwellings proposed. A physical gap between the two settlements of approximately 400m would be retained, and the topography and landscaping would be likely to visually screen the two settlements from each other. However I would conclude on this matter that the development would still result in the erosion of an Important Local Countryside Gap, and that some harm would therefore occur.

Residential Amenity

- 8.108 Policy DM14 of the Local Plan states that developments shall cause no significant harm to amenity and other sensitive uses or areas.
- 8.109 The boundaries of the site mainly abut open land uses. The exceptions to this are as follows
- The north boundary where the site is adjacent to dwellings on Dental Close and Wises Lane, and Maylam Gardens to a lesser degree.
 - The east side of the site adjacent to Cryalls Lane and Auckland Drive
 - The southern part of the site which wraps around Wises Oast and Orchard cottages
 - The west side of the site by Hooks Hole Cottage
 - The proposed access to the site on Borden Lane would be close to dwellings at Riddles / Riddles Cottage / Riddles Granary
 - The proposed access to Chestnut Street would be in relatively close proximity to the Tudor Rose PH
- 8.110 The detailed element of the scheme is proposed adjacent to the boundary with Wises Lane and Dental Close. The submitted layout shows that detached houses would be sited backing onto Dental Close. Back to back distances between proposed and existing dwellings would be 25-30 metres. The exception to this would be the relationship between plot 21 and No. 7 Dental Close. No. 7 is orientated so it faces side-on to the application site. The distance from the back of plot 21 to the side of No. 7 would be in the region of 17 metres. Given this is not a back to back relationship, I consider this distance to be acceptable.
- 8.111 A number of proposed plots would face existing dwellings on Wises Lane on the opposite side of the road at varying distances, ranging from 20 to 30 metres. A similar relationship would occur between proposed plots on the west side of Wises Lane and existing dwellings on the east side. Due to the re-alignment of Wises Lane, some changes to access points to existing dwellings would be made, as the road would curve away to the west. This would mean that access to these properties would be via extended driveways.
- 8.112 Overall, and in respect of the detailed part of the application, I consider the distances between dwellings to be acceptable to ensure that a suitable level of light, privacy and outlook is maintained between. Clearly the view from neighbouring properties will change from open fields to built form. However, such views cannot be protected under the planning system.
- 8.113 The remainder of the site is in outline form only at this stage. The relationship between proposed buildings and existing neighbouring properties would be a matter for consideration under reserved matters applications. However, I note from the illustrative masterplan that Cryalls Farmhouse is shown to be separated by

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landscaping and open space from any new development, and that other dwellings on Cryalls Lane would be separated from new dwellings by the lane itself, landscaping and access roads. Whilst this is clearly just illustrative, I am satisfied that a layout can be designed to avoid unacceptable impacts upon these existing dwellings.

- 8.114 The dwellings at Orchard Cottages on Wises Lane are sited close to the southern extent of the site. On the parameter plans, land to the front of the cottages is shown to form part of the strategic landscaping and open space to the site. Land to the rear is shown to be used as formal sports pitches, with landscaping between the boundary to the cottages and the sports pitches. The clubhouse to the sports pitches is shown on the illustrative plan to be approximately 50 metres from the cottages. The use of this land for sport would be likely to give rise to some disturbance, namely noise from players/supporters / referee whistles etc. during matches. However this would be relatively contained and time limited. Whilst this would generate some noise issues, I do not consider this would be likely to cause unacceptable living conditions for occupants of these properties. I would recommend that a condition is imposed to prevent floodlighting and to prevent installation of an artificial pitch – to avoid a much more intensive use of the sports pitches that could give rise to unacceptable amenity impacts – as well as potentially adverse visual impacts.
- 8.115 Wises Oast on Wises Lane / Cryalls Lane is a business unit, in use as offices / a light industrial unit. The illustrative masterplan shows residential development facing the oast from Cryalls Lane, but set back behind landscaping and an access road. The sports pitches are shown to the rear of the oast, separated by a landscaped margin. Given the nature of the use of the existing building as office / light industry, it would not give rise to any unacceptable impacts in terms of noise, dust etc. to proposed residents of the development.
- 8.116 Dwellings at the Maylam Gardens estate to the north, are generally screened from the application site by a considerable area of landscaping. No 2 Micketts Gardens, in the south east corner of the estate, backs onto the site. However given the siting and orientation of this property and landscaping to the south, I do not have any significant concerns relating to the amenity of this property.
- 8.117 The new access point into the site from Borden Lane would be in the form of a roundabout arrangement to the north of Riddles / Riddles Cottage. This would be around 35 metres from these properties, and a similar distance from No 2 Auckland Drive to the north. The use of the land on the western side of Borden Lane within the application site would continue to be natural / green space, which provides a setting to all these properties. I consider the roundabout would be a sufficient distance from these properties to avoid any significant amenity impacts.
- 8.118 The Tudor Rose PH is the closest building located to the proposed roundabout onto Chestnut Street, at approximately 25 metres distance. I consider this to be a sufficient distance to avoid any unacceptable impacts.
- 8.119 Hooks Hole Cottage is sited on School Lane, adjacent to the south west boundary of the site. This area of the site is shown to accommodate part of the strategic landscaping along the southern boundary. As such, I do not consider that this property would be unacceptably affected by the development.
- 8.120 The development would increase the use of some local roads, notably Borden Lane, Wises Lane (N), Chestnut Street and Maidstone Road. The application includes a

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noise report that compares existing traffic with both predicted traffic growth (without the development) and predicted growth with the development. This has been carried out using 12 local receptors in and around the application site. The Council's Environmental Protection Team Leader advises that differences in levels are predicted to be small, and that the maximum difference predicted is around 3 dB at Borden Lane and Chestnut Street, i.e. just noticeable, and that such noise would be within statutory limits. I would agree that these roads are likely to experience the greatest impacts as Borden Lane would form a key route to the eastern end of the proposed spine road, and a section of Chestnut Street, between Key Street roundabout and the proposed roundabout at the western end of the site, would carry traffic heading onto the new A249 slip. The data predicts that traffic on Borden Lane would increase by 75% in the morning peak, and this would increase flows from approx. 8 per minute to 14.5 per minute. In general amenity terms, I consider that the additional traffic would have some impact upon the living conditions of residents on Borden Lane. However given the noise level differences are predicted to be small, I would conclude that this impact would not be unacceptable. The additional traffic may make the pedestrian experience on Borden Lane less attractive, but I do not consider this to be significant enough to warrant refusal. In conclusion, I do not consider that the noise generated from traffic associated with the development would be likely to cause unacceptable impacts.

- 8.121 The potential road works, installation of traffic lights on Wises Lane and increase in vehicle movements on Wises Lane would impact upon existing dwellings on this road. However again the noise impacts are not significant and I do not consider the highways works would cause any substantial loss of amenity to occupants.
- 8.122 The installation of traffic lights at the junction of Wises Lane and the A2 would most likely to involve some removal of part of the grassed highways land between Grove Park Avenue and the A2, and an existing tree. This would be likely to impact upon the outlook of some properties on Grove Park Avenue. Nonetheless, they would remain set back from the A2 and whilst there would be a small reduction in the grassed highways land, I do not consider this would create unacceptable living conditions.
- 8.123 There is a predicted increase in traffic on Maidstone Road (by around 32%) under the scenario that the M2 J5 works do not materialise. Given existing background noise from traffic on the A249, I do not consider this increase would result in unacceptable impacts.
- 8.124 To conclude on this section, I consider the detailed element of the scheme to be laid out in a way that provides sufficient separation from existing and proposed dwellings, and the outline element is capable of being designed to avoid harmful impacts on other surrounding existing buildings and uses. As such, I do not consider that there would be any unacceptable impact on outlook, light or privacy to existing properties. Whilst views from existing dwellings would change, the planning system does not protect such views. Traffic would increase in and around the site, as an obvious consequence of the development. However the impact on related traffic noise would be limited and would not be unacceptable. As such, I consider the development would not conflict with Policy DM14 of the adopted Plan, insofar that it relates to impacts on amenity.

Highways impacts

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- 8.125 Policy MU3 of the Local Plan sets out that development must provide appropriate access to the site, including any linked road between Wises Lane and Borden Lane, phasing of development and any contributions towards the A249, M2 and Key Street, the need, timing and provision for improvements to junctions with the A2, the need for traffic management measures on parts of Cryalls Lane, Wises Lane and Riddles Road to manage traffic levels, and the provision of public transport, pedestrian and cycle links within the development and to adjacent networks. Policy CP6 of the Local Plan sets out that development will deliver timely infrastructure. Chapter 8 of the Local Plan identifies priorities for developer contributions for the first five years of the plan, including transport infrastructure to help unlock growth for the remaining Local Plan period.
- 8.126 Policy DM6 of the Local Plan requires that developments generating significant traffic should include a Transport Assessment, include measures to mitigate the local network where required, avoid the formation of new access points onto strategic or primary roads, and demonstrate that opportunities for sustainable transport modes have been taken up. New development layouts should be designed to provide safe routes and priority to pedestrians and cyclists, retain, or exceptionally divert, and create rights of way, provide access to public transport, ensure service and emergency vehicle access is provided, and include facilities for charging plug in and other ultra low emission vehicles on major developments.
- 8.127 Policy DM7 of the Local Plan requires appropriate car parking to be provided, in accordance with existing KCC standards.
- 8.128 Members will be aware that the Local Plan Inspector's Report for the current Local Plan highlighted the need for deliverable mitigation schemes to address the impact of new development on highways infrastructure. The report specifically highlighted that whilst Highways England was satisfied the strategic road network could be mitigated, this would be at the cost of unacceptable impacts on the local road network, especially the A2 corridor. Whilst the Inspector accepted that mitigation could allow the strategic and local road networks to accommodate traffic from Local Plan growth for the first five years of the plan period, she required an early review of the Local Plan (2022) to allow for continued growth to be underpinned by an agreed transport infrastructure strategy. This is set out under Policy ST2 of the Local Plan.
- 8.129 The National Planning Policy Framework (paragraph 109) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Highways proposals

- 8.130 A key part of the planning application in highways terms is the inclusion of a spine road running east-west through the site and built to a Local Distributor Road standard, connecting Borden Lane with Chestnut Street. The points of access are submitted for approval at this stage, and would consist of roundabouts at each end of the site. The Chestnut Street new point of access to the west of the site would be in the form of a four arm roundabout, providing access to Chestnut Street / Maidstone Road, to the Key Street roundabout, and providing a direct arm onto the A249 (south). This would facilitate remodelling of the existing Key Street roundabout, and the existing A249 (s) arm from this roundabout would be closed, with traffic re-routed onto Chestnut Street and access onto the A249 via the new roundabout. Upon completion, this spine road

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would have the ability to carry a proportion of local traffic through the site as an alternative to using the A2 London Road and (in the case of vehicles using the A249 (s)) Key Street roundabout. The spine road would be built in phases, with the Chestnut Street access completed prior to occupation of the 200th dwelling on site, and the through link to Borden Lane completed prior to occupation of 422 dwellings on the site.

- 8.131 The Borden Lane point of access would be sited roughly halfway between the existing road junctions of Auckland Drive and Riddles Road. This would also take the form of a roundabout, although the exact details would be subject to a condition. KCC Highways have confirmed that a roundabout design is necessary to deal with traffic flows at this access point, and that a lower specification T junction has been ruled out.
- 8.132 The application sets out that the spine road and associated highways works would deliver strategic highways improvements, would be self-funded from the proposed development, and should be given strong positive weight in the planning balance.
- 8.133 Wises Lane (north) would serve as the main access point into and out of the site during the early stages of the development. It is shown as the principal access point for the detailed element of the application (80 dwellings), and would continue to perform this function at least until opening of the Chestnut Street access (at 200 dwellings). KCC Highways require traffic signalisation at the junction of Wises Lane and the A2 to deal with the increased traffic proposed. There would also be connections within the layout to Cryalls Lane, Wises Lane east (towards Maylam Gardens) and Wises Lane south (towards Borden).
- 8.134 The detailed proposals also seek to alter the route of Wises Lane, which runs roughly north to south through the site. The current route of Wises Lane would be severed by the spine road, and the existing length of the lane north of the spine road to the roundabout serving Maylam Gardens would be closed to vehicular traffic. The lane would then be realigned further to the west as part of the new development layout. As a result, traffic using the realigned Wises Lane in a southerly direction towards Borden Village would need to travel partially on the new spine road for a distance of approximately 180 metres before picking up the existing route of Wises Lane to the south, and vice-versa. The section of Wises Lane that would no longer be open to vehicular traffic (see above) would be retained as a pedestrian / cycle route through an area of proposed open space.
- 8.135 The parameter plans show that Cryalls Lane would maintain a link with Wises Lane to the west, but the existing road would be severed for a section to the east of the site, where it currently turns northwards. The route of the existing lane from Cryalls Farmhouse and further north would be retained. This would be connected to the new spine road. It is intended that an existing section of Cryalls Lane to the north of the site would be closed to vehicles to provide further pedestrian and cycle-friendly connections. However, this would be ultimately be subject to a separate Traffic Regulation Order under the Highways Acts.
- 8.136 As the development would be carried out in phases, the connections to local roads would be in stages. The traffic modelling includes analysis to demonstrate the impacts of the development at stages within the development and for the completed development.

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8.137 In addition to the signalisation of Wises Lane / the A2, and closure of the Key Street A249 slip road as set out above, a range of further off-site highways works are also proposed / required, as set out below -

- Installation of a double mini-roundabout at the Borden Lane, Homewood Avenue and Adelaide Drive junctions
- Installation of a dedicated slip lane from Maidstone Road onto the M2 London-bound carriageway at the Stockbury Roundabout (in the event that the M2 J5 works proposed by Highways England do not materialise or are delayed).
- Part signalisation of the Key Street roundabout to control traffic flow leaving the A249 (northbound)
- Reconfiguration of the Key Street roundabout, including relocation of the existing slip road onto the A249(s) via Chestnut Street, widening of the roundabout and lane definition, and provision of a priority lane from the A2 (westbound) onto Chestnut Street.
- Some localised widening of Wises Lane
- Improvements to pedestrian crossing facilities at Borden Lane / London Road and Adelaide Drive / Borden Lane junctions
- Provision of a Zebra crossing on Borden Lane
- Funding of Traffic Regulation Orders and necessary works required to partially close Riddles Road and Cryalls Lane to prioritise walking and cycling

Likely traffic generation

8.138 The Transport Assessment submitted with the application calculates that, when completed, the development in isolation would generate two way flows of 485 vehicles (AM peak), and 361 vehicles PM (peak). The phase 1A detailed element of the scheme (80 units) is forecast to generate 40 trips in both the AM and PM peak periods.

8.139 When in full operation, and taking into account the reassignment forecast for existing trips as an alternative to Key Street / the A2 (as set out in greater detail below), the spine road is forecast to accommodate flows of some 707 vehicles in the AM peak hour period.

Traffic Reassignment

8.140 The proposed spine road connection between Borden Lane and Chestnut Street is purposefully designed to carry a proportion of local traffic that currently uses the A2 London Road and Key Street roundabout. The case for the spine road, together with the off site works to Key Street roundabout is that it would help mitigate known traffic congestion particularly at the Key Street roundabout, and will help “unlock” known highways infrastructure problems. This represents a key difference between the application and the form of development allocated under policy MU3 of the Local Plan. The additional 80 dwellings sought on the unallocated parcel of land are required financially to support the additional highways infrastructure required to deliver this.

8.141 The modelling demonstrates that future year traffic growth would continue to place significant stress on the roundabout and add to queue lengths and delays on the A2 London Road. The application scheme offers the ability to mitigate this through the provision of a spine road that would carry a proportion of local traffic that would otherwise use the A2 / Key Street roundabout, and to reassign it to through the new

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development. This is purposefully designed to relieve the existing and forecast congestion on the A2 and at Key Street.

- 8.142 The Transport Assessment (and further addendums) submitted with the application includes detailed modelled forecasting for distribution of traffic on the highway network and the impact of traffic growth to 2031, including housing growth under the Local Plan. The “full assessment” is based on the scenario that the planned improvements to the A249 / M2 junction 5 are carried out, to provide free-flowing traffic on the A249 and remove incentives for local rat running. This assumes that all traffic, including that reassigned through the new development and Local Plan traffic, uses the A249 via either Key Street or through the link road connection proposed under this application.
- 8.143 An isolated test was also completed for the M2 junction under the scenario that the A249 improvements have not been completed and existing levels of congestion on the A249 would continue. This scenario forecasts that Maidstone Road, would experience higher levels of traffic, rising from 337 movements (2019 assessment) and 392 vehicle movements (2031 forecast without the development) in the AM peak to 520 movements (2031 forecast with the development) – on the basis that drivers would use this as an alternative to the A249. To mitigate this forecast increase, a free flow left turn lane would be created from Maidstone Road onto the M2 London bound slip to improve traffic flow to deal with the additional traffic movements – if the Highways England improvements were not to materialise.
- 8.144 Members will be aware that, at the time of writing this report, Highways England have now brought forward a preferred scheme for improvements to J5, which includes improvements to the M2 slip from the A249 and provides free-flow for traffic on the A249. There is a greater degree of certainty that these improvement works will be delivered than at the time the Transport Assessment was submitted, and these improvements are due to take place in 2020-2021. If this is the case, the predicted increase in vehicle movements on Maidstone Road as set out above would be unlikely to materialise. However it is important to recognise that the J5 improvements are not guaranteed at the time of writing this report.
- 8.145 On the basis of the above, Highways England require a financial contribution to be paid to facilitate improvement works to the Maidstone Road / M2 connection (or alternatively the sum to be used for the wider junction improvement works) prior to the occupation of 150 dwellings within the development.
- 8.146 The scheme has been modelled to demonstrate how vehicle movements would be reassigned, particularly from the A2 and Key Street roundabout. In agreement with KCC Highways and Highways England, the junction was assessed at current operation, at a 2031 reference case restricting growth to background levels and that already granted consent, and finally a Local Plan scenario which includes this application and all other Local Plan growth.
- 8.147 KCC advise that the proposal would deliver clear and considerable betterment to the performance of the A2 corridor and Key Street roundabout, through the reassignment of a proportion of traffic through the application site, using the proposed link road and connection to the A249.
- 8.148 The benefits derived from the proposed development and link road are most evident in the AM peak. The average delay performance of the proposed scheme operates better

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in 2031 with Local Plan growth than it does currently. Current average delays are 103 seconds and this is improved to 72 seconds with the proposed scheme, despite the significant forecast growth to 2031. The corresponding PM peak analysis shows benefits in comparison to the 2031 reference case, although not to the degree of the AM period.

- 8.149 Queue lengths are also improved in the proposed scheme against that tested for the 2031 reference case. The expected queues on the A2 Key St approach are predicted to increase to levels exceeding 800 metres without the development. This is significantly reduced to a level of 50 metres in the AM and 35m in the PM and is as a result both of the improvements to the junction and associated re-distribution from the proposed link road. The current average AM queue lengths on this arm of the junction are approximately 190 metres.
- 8.150 As submitted, the application and associated improvements would substantially reduce congestion on this arm.
- 8.151 The proposed development would deliver the roundabout connection at Chestnut Street, and would make a financial contribution of £1,345,140 to KCC Highways to provide mitigation for wider Key Street roundabout improvements. Part signalisation of Key Street roundabout would be delivered prior to the occupation of 150 dwellings. Further improvements to Key Street are subject to the submission of a HIF (Housing Infrastructure Fund) bid scheme. However, if the HIF bid is unsuccessful, then the developer would be required to make a further contribution of £885,158 towards further improvement works. The trigger for this is still under negotiation, but would be no later than prior to the occupation of 300 dwellings on the site.
- 8.152 The TA also states that the efficiency of the A2 London Road is affected by buses stopping in connection with Westlands School, and associated use of pedestrian crossings. The TA sets out that school buses could be routed through the development site, to a layby on the spine road which would provide access to the rear of the school. Whilst this would be dependent on the detailed design of the development layout through the reserved matters stage, this does offer further opportunity to provide betterment of traffic flow on the A2.
- 8.153 The effect of the development would be to reassign some traffic onto surrounding roads. A number of junctions to local roads most likely to be affected by the development have been modelled to establish the likely impacts. This includes Wises Lane, Adelaide Drive, Borden Lane, Maidstone Road and Homewood Avenue. Off site mitigation has therefore been sought and includes improved pedestrian crossing facilities on the Borden Lane junction, a pedestrian priority crossing on Borden Lane to the south of Adelaide Drive, and a double mini-roundabout for the Adelaide Drive, Homewood Avenue / Borden Lane junction. The northern end of Maidstone Road and Chestnut Street would also be subject to traffic increases and an extended layby and road widening has been proposed to retain parking facilities for vehicles that currently use this road primarily for commuter parking. The Chestnut Street arm would become the new access point to the A249 slip road.
- 8.154 The reassignment associated with the proposed link road would come primarily from traffic generated to and from South Sittingbourne. The model requested for the Key Street junction, reassigns traffic to use the quickest or most direct routes. As a result, traffic would be expected to be reduced along the A2, with associated benefits to the

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A249/Key Street junction and A2/Adelaide Drive. Corresponding increases would be expected to occur on Borden Lane north of the proposed link road.

Table of expected two way flows (AM peak)

Street	2031 Without the development	2031 With the development
Borden Lane	497	868
The Street	433	420
Wises Lane	285	341
Key St	2336	2056
Homewood Avenue	1133	1134
Adelaide Drive	965	693

- 8.155 Subject to the off-site mitigation measures (as listed above), KCC Highways do not raise objection to the likely increased movements on local roads on highways safety grounds.

Whether the scheme offers betterment to a Policy MU3 compliant scheme

- 8.156 The more recent modelling undertaken above does not provide a direct comparison between the application scheme and a Policy MU3 compliant scheme. However this exercise was undertaken during the Local Plan process prior to submission of the application, and forms part of the further information provided in the Environmental Statement to demonstrate why a policy-compliant scheme was not pursued as an alternative.
- 8.157 The advice from KCC Highways is again clear in this respect, that the application proposal would result in significant betterment compared to an MU3 Policy compliant scheme. It would result in a material reduction in traffic levels through the Key Street A2 arm of the roundabout due to vehicles in both peak hours accessing / exiting the site via Chestnut Street rather than the A2. The comparison also highlights the following potential difficulties with a Policy MU3 compliant scheme:
- There are significant increased volumes and congestion through the Key Street roundabout A2 London Road arm in both peaks without the alternative link and site access.
 - Significant movements would occur through the A2/Wises Lane junction taking this over capacity.
 - The effect on the villages of Borden and Oad St would be exacerbated due to both existing and new development traffic choosing to avoid the A2 heading South to the A249/M2.
- 8.158 A Policy MU3 compliant scheme cannot deliver the site-specific mitigation that is possible under the application proposal, and requires traffic heading west away from Sittingbourne to use the A2 London Road and Key Street roundabout, which (in the absence of the mitigation proposed with the application) are forecast to suffer considerable congestion. This in turn places additional temptation for drivers to rat run through Borden and Oad Street. Whilst a detailed analysis of the MU3 scenario is not presented, that demonstrated for the Wises Lane/A2 junction for this application suggests that this junction, and that of the A2/A249 would be subject to unacceptable Highway impacts in an MU3 scenario.

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- 8.159 The significance of the application scheme is that it would provide site-specific mitigation that helps address forecast congestion on London Road and at Key Street roundabout. The modelling demonstrates that the development even results in betterment to the Key St/A249 junction when compared against an alternative scenario where no form of development takes place on the site (as future growth without including the development site also places pressure on this junction).

The ability for the application to deliver mitigation at Wises Lane / London Road

- 8.160 The off site works to provide signalisation to the Wises Lane and London Road junction would require the use of a part landscaped / grassed area of land that extends between Grove Park Avenue and London Road. This land has recently been subject to a Village Green Application (VGA) and a resultant Public Inquiry. The effect of this is that, if village green status is granted, this protects the land from many forms of development – including potentially the junction improvements and provision of traffic lights. The Inspector issued her report on the 8th July and her recommendation is that the land is highways land and does not benefit from village green rights.
- 8.161 Members should note that the Inspector's report is at present a recommendation. The final decision to adopt the Inspector's recommendation lies with Kent County Council. KCC have not yet taken this matter to the relevant committee. Nonetheless, I would place significant weight on the recommendation of the Inspector which accords with the legal advice received by the Council as well. I do not consider that this presents a barrier to determination of this application. In any case, Members will note that my recommendation is dependent on a Grampian condition for delivery of the signalisation scheme, which in itself places an obstruction to wider development of the site if the traffic lights are not installed as required.

Impact on the Strategic Road Network (A249 and M2)

- 8.162 Highways England are satisfied that the scheme, with the mitigation proposed, would not materially affect the safety, reliability and / or operation of the SRN. This is dependent on delivery of a signalisation scheme to Key Street roundabout and mitigation to the Stockbury roundabout. These mitigation measures would be secured via a S106 agreement. The signalisation to Key Street would prevent traffic queueing back onto the A249. The mitigation at Stockbury would provide a dedicated lane for traffic to directly enter the M2 slip road at the roundabout. In the likely event that the M2 J5 improvements will take place, the scheme to provide a slip road from Maidstone Road onto the M2 would be disbanded and a financial contribution towards the wider improvements would be payable.

Conclusions on the Highways Impacts arising from the development – and whether the scheme offers betterment to the development as allocated under policy MU3 of the Local Plan and the highway network as a whole

- 8.163 The scheme would have locally significant impacts upon travel patterns, being purposefully designed to take a proportion of traffic from the A2 and Key Street roundabout and re-route this through the application site. The modelling evidence provided demonstrates that, subject to the delivery of highways infrastructure works as set out at the appropriate times, this would result in considerable betterment compared to the 2031 reference case. It would also result in considerable betterment in highways terms compared to the allocated MU3 Local Plan proposal – which

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cannot offer a link road or connection to Chestnut Street, and even delivers betterment compared to a scenario where no development takes place on the site. The scheme has the potential to help unlock identified problems in local highways infrastructure as identified in the Local Plan, in a way that could not be achieved solely through development of the allocated site under Policy MU3. In fact, KCC Highways advise that the detailed analysis for the Wises Lane/A2 junction for this application suggests that this junction, and that of the A2/A249 would be subject to unacceptable Highway impacts in an MU3 scenario.

- 8.164 The scheme would result in more traffic using some local roads, however the highways impacts arising from this are considered acceptable, subject to the mitigation specified.
- 8.165 The impact on the Strategic Road Network is acceptable to Highways England, subject to securing the mitigation measures put forward by the developer at Key Street and on Maidstone Road by the Stockbury Roundabout.
- 8.166 Overall, I would conclude that the proposal would deliver considerable highways benefits to the operation of the A2 and Key Street roundabout.

Impact on rural lanes

- 8.167 Policy MU3 (8) requires that development of the allocated site should demonstrate the retention and enhancement of any designated Rural Lane, in accordance with policy DM26.
- 8.168 Policy DM26 sets out that planning permission will not be granted for development that would either physically, or as a result of traffic levels, significantly harm the character of rural lanes. Particular regard should be given to the landscape, amenity, biodiversity and historic / archaeological value and importance of the lane.
- 8.169 Part of Wises Lane is a designated rural lane – from No 69 running southwards through the site and into Borden village and beyond. Other than the roundabout at Maylam Gardens the lane is characterised as an unmarked road with no footways running through open countryside. There is a distinct appreciation of the surrounding rural area from the lane, due to the substantial views across the landscape that are experienced. Further south, the lane takes on a more enclosed character.
- 8.170 The proposal would have a substantial impact on this lane, most obviously through the design and layout which severs the lane, and removes part of it for use by vehicular traffic. In addition, the very scale and nature of the housing development proposed would significantly alter the existing rural qualities of the lane – particularly the experience of being surrounded by open countryside as is presently the case. However, this would be an inevitable consequence arising from a large scale residential development and allocated for such purposes in the Local Plan. The potential for part of Wises Lane to be closed to vehicular traffic is set out in the supporting text to Policy MU3.
- 8.171 The north section of Wises Lane that is designated as a rural lane has been designed in part to continue to serve Maylam Gardens, and to provide access to a small number of properties within the new development. In addition, an area of land immediately next to the lane and running from plot 69 to plot 79 falls outside of the application site and would retain its current green form. Further south of this, a

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section of the lane would be closed to vehicular traffic and flanked by open space, which would in part retain some of the existing characteristics of the route. The section of Wises Lane to the south of the spine road would be flanked on one side by a large area of open space. The layout of the development, although not fixed at this stage, demonstrates that only a small proportion of dwellings within the development would be directly served by Wises Lane. The character of the lane as it would turn south at Wises Oast would be likely to remain similar to existing, being flanked by open space on one side and the oast and cottages on the other.

- 8.172 The priority for traffic using the development would be via the main spine road and the traffic modelling does not suggest there would be a material increase in traffic heading towards Borden. Cryalls Lane (which is not a designated rural lane) would experience some change, as it falls in part within the application site, and would likely be used for access to a proportion of the residential dwellings as well as the rugby club. However the layout demonstrates that Cryalls Lane would be sited adjacent to open space and the existing nature reserve, and there are opportunities for this to be designed to maintain rural character.
- 8.173 On this basis, I am satisfied that, in the context of a large development site, the section of Wises Lane designated as a rural lane would retain some characteristics akin to rural lanes, and that the development has been designed to avoid significant increases in traffic on the designated section of Wises Lane. I do not consider the impact on Cryalls Lane to be unacceptable. In terms of impacts on rural lanes beyond the site, the traffic modelling and highways improvements are designed to deter rat running to the south of the site, which would be of benefit to rural lanes in this area. Some additional traffic is likely on Chestnut Street / Maidstone Road, although I consider this can be accommodated without harm to the existing character of the road.

Impact on Heritage Assets

Policy position

- 8.174 There are a number of listed buildings and conservation areas in the vicinity of the site, although none fall within the boundaries of the site itself. The effects of the development therefore relate to the setting of these assets, rather than physical alterations - and include potential impacts from additional traffic.
- 8.175 Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 place the following specific duties on Local Planning Authorities –
- In considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building, its setting, or any features of special architectural interest it possesses.
 - In exercising its planning functions with respect to any buildings or land within a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 8.176 Members should note that this places a strong presumption against harm to a listed building or its setting, or to the character or appearance of a conservation area.
- 8.177 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the

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asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm should require clear and convincing justification. Where a development would lead to substantial harm, this should be refused unless it can be demonstrated that such harm is necessary to achieve substantial public benefits that outweigh that harm. Substantial harm to Grade I or II* listed buildings should be wholly exceptional. Where a development proposal would lead to less than substantial harm, this should be weighed against the public benefits of the proposal.

- 8.178 Policy DM32 of the Local Plan states that development proposals affecting a listed building or its setting will be permitted provided that its special interest / setting is preserved. Policy DM33 of the Local Plan states that development within, affecting the setting of, or views into and out of a conservation area, will preserve and enhance all features that contribute positively to the areas special character or appearance.
- 8.179 Policy DM34 of the Local Plan states that development will not be permitted which would adversely affect an important archaeological site (with equivalent significance to a Scheduled Monument), and that development affecting assets of less than national significance will require a balanced judgement, having regard to the scale of any harm / loss and the significance of the asset. That there will be a preference to preserve important archaeological sites, and where such preservation is not justified, provision should be made for archaeological excavation and recording of findings.
- 8.180 The site allocation policy MU3 (criteria 5) states that the planning application should include a Heritage Assessment to determine heritage impacts and to propose mitigation as necessary. It states that there should be no substantial harm to the setting of Cryalls Farmhouse. Any assessment should include a full archaeological assessment and development should respond to its findings in terms of layout, and bring forward proposals for mitigation.
- 8.181 The Council also has Supplementary Planning Guidance on the 4 conservation areas (Borden (The Street), Chestnut Street, Harman's Corner and Hearts Delight) in proximity to the application site.

Assessment of Anticipated Heritage Impact(s) From Proposed Development

- 8.182 The issues of heritage impacts on this site have, at least in part, been considered as part of the Local Plan review process, informing the Council's decision to allocate a large part of the site for housing in the adopted Local Plan. The heritage impacts arising from the proposed site allocation were considered by the Council's in-house heritage specialists.
- 8.183 In heritage impact terms, it was concluded at the time, that whilst an urban extension of the size in question would inevitably have some impact on the setting of, and views to and from the designated heritage assets in the locality, the impacts would fall into the category of less than substantial harm, in accordance with the impact assessment framework set out in the National Planning Policy Framework.
- 8.184 The site allocation policy (MU3) specifically requires that there should be no substantial harm to Cryalls Farmhouse, and that a full archaeological assessment should be undertaken. The supporting text to Policy MU3 provides further advice that the setting to Cryalls Farmhouse should retain / enhance open areas, avoid new

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development within the setting and visually mitigate the proposed access to the development site. It also states that the Heritage Assessment should consider the impacts of increased traffic on the surrounding conservation areas within Borden Village, and that a full archaeological assessment is required and should inform the layout of the scheme.

- 8.185 The planning application differs from the site allocation policy insofar that it extends further west and includes a link road connecting to Chestnut Street. As a result, the development would extend closer to the Chestnut Street conservation area, and in turn to a Grade II* listed building known as Hooks Hole. In addition, the function of the link road necessitates a roundabout access on Borden Lane, and this would result in a different visual relationship to Riddles / Riddles Cottage (which is a Grade II listed building) than that envisaged under policy MU3. This, together with the traffic related impacts, is considered in further detail below.
- 8.186 The applicant has submitted a Heritage Impact Assessment with the application. I am satisfied that the scope of the assessment is acceptable, and I set out my consideration of the heritage impacts in the sections below.
- 8.187 Members will note that comments are awaited from Historic England. I anticipate being in a position to report these on the night of the committee meeting.

Cryalls Farmhouse, Cryalls Lane (Grade II listed)

- 8.188 This property has not been in use as a farmhouse for many years and is only partially visible from public views outside the property, as it is enclosed by a high brick wall, which appears to have been constructed contemporaneously with the C18 building. Historic mapping shows that the building functioned in association with orchard areas extending to the northeast and southwest of its location, but no further northwest than the line of the high brick boundary wall. In light of this background and historical land use context, the illustrative layout (which shows no development to the southwest or southeast of the listed building, and development to the west/northwest set back behind an indicative landscaped green open space) would adequately maintain its setting, particularly in the context of the existing harm to its setting arising from the 'Commonwealth' housing estate, developed in the late C20. I am concerned that the housing to the west/northwest of this listed building should not creep any closer than shown on the current masterplan, and that the use of standard streetlights to the south and southwest of its enclosing high brick boundary wall should be avoided in order to limit any suburbanising impacts of the development on this designated heritage asset. Planning conditions can be used to secure this.
- 8.189 I would conclude that the development would have some impact on the setting of Cryalls Farmhouse, through the nature of the large scale housing proposed. However, the layout shows how the impact can be mitigated by providing open space around the immediate setting of the farmhouse. On this basis, I am satisfied that the harm to this setting is limited and would fall into the less than substantial harm category under the NPPF.

APPENDIX A*Riddles House and Riddles Cottage, Borden Lane (Grade II listed)*

- 8.190 This former (single) farmhouse has not been used for its original purpose for many years and is now in use as two private dwellings, not functionally linked in any way with the surrounding land. This building also formerly functioned in association with surrounding orchard land extending a minimum of 140 metres to the northeast and southwest, but the orchard areas have long since been replaced by open fields used for grazing. These fields (to the north east and south west) nevertheless still provide an appropriate rural setting to the listed former farmhouse.
- 8.191 The roundabout to the development site would be approx. 50 metres to the north of the listed building. An argument could be made for a T junction design for this access, which would have less land take and visual impact than a roundabout. However Members will note elsewhere in this report that a roundabout design is necessary on highways grounds. I note that the existing highways infrastructure (kerbed footways, standardised street lighting) has already impacted upon the rural setting of the farmhouse, and therefore the detailed access design therefore needs careful consideration to meet relevant highways standards, but also provide mitigation to the setting of the farmhouse. This could include landscaping and consideration regarding the placement of signage and crossings etc. As the detailed design of the roundabout is not fixed at this stage, I consider that this can be controlled via a planning condition.
- 8.192 In my opinion, the proposed site access and use of a roundabout would have some impact on the setting of the listed building. This would be limited by the nature of the access works, essentially at ground level, and by further control / consideration over the placement of signage / related infrastructure. Overall I consider the impact would amount to less than substantial harm to the setting of this building under the NPPF.

Thatch Cottage, Wises Lane (Grade II listed)

- 8.193 This building is positioned close to the northernmost edge of the village of Borden, and forms something of a landmark feature in the approach to the village from the north. It is a wide-fronted, timber framed building dating from the 17th century, and early mapping shows it was previously relatively isolated and set amongst orchard land. The immediate setting of this building has become partially suburbanised from around the middle of the 20th century, through the expansion of Borden Village along Wises Lane, and it is now seen in the context of this later housing.
- 8.194 The proposed development would bring new housing closer to this listed building, but at its closest point, it is estimated that there would be a separation gap of over 340 metres, with substantial strategic landscaping on the southern part of the application site. Given this substantial intervening distance, I consider there would be no material harm to the setting of this building.

Borden (The Street) Conservation Area

- 8.195 This Conservation Area excludes outliers such as Thatch Cottage and Yew Tree Cottage (formerly Thatchers Hall), and instead, its boundary wraps quite tightly around the parish church of St. Peter & St Paul, the adjacent Borden Hall (formerly the parsonage for the church), and the cluster of buildings at the heart of the village dating from the 19th century, and earlier. The Conservation Area is arguably one of the most appealing conservation areas in the Borough, containing all the elements of a traditional English village scene, albeit one intermingled with some late 20th century

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development which typically contributes little or nothing to its overall character and appearance.

- 8.196 The character appraisal for the Borden (The Street) Conservation Area identifies that the proximity of the countryside is important to the character of the conservation area. The gap separating Borden from Sittingbourne to the north will clearly be reduced as a result of developing new homes on the allocated site. Nonetheless, a distance of some 470m would be retained between the boundary of the conservation area and the location of the nearest new dwellings on the site. Intervening fields would separate the conservation area from the site, and the strategic landscaping on the site would add to this. I also consider that the natural topography of the area, with Borden village at a considerably higher level than the application site, would add to the visual separation between the conservation area and development site. In spite of the church being located on high ground at the centre of the village, there are only limited views from its churchyard to the north (towards Sittingbourne). The view in this respect would change, but would still be largely rural in character and benefit from a wide apron-like area of agricultural land between the northern edge of the village and the southern edge of the urban extension. In conclusion, I consider the visual effect of the development on the setting of Borden (The Street) Conservation Area would be limited and would not be materially harmful.

Chestnut Street Conservation Area

- 8.197 The character appraisal for the Chestnut Street Conservation Area identifies that it is a loose knit roadside settlement distinct from the built-up area of Sittingbourne, along the old Sittingbourne to Maidstone Road now by-passed by the A249 dual carriageway. The outstanding feature of the conservation area is the group of four medieval timber-framed houses (Hooks Hole, Olde Houses, Tudor Rose Cottage / Dumbles and Oldestede), which epitomise Kentish vernacular building of the period. The appraisal recognises that the setting of the conservation area is affected to a degree by the A249 dual carriageway, but notes that this new road has allowed most of the through traffic that used to travel through Chestnut Street to be removed.
- 8.198 The application site, at its closest point, would be approximately 80 metres from this conservation area. This is where the road layout for Chestnut Street would start to be realigned to accommodate the roundabout that would provide access into the site and onto the A249. The roundabout itself would be some 150 metres from the boundary of the conservation area. An area of land to the south of the roundabout along Chestnut Street would be landscaped to provide a visual screen. I note that the landscape consultant has raised some concern regarding the effectiveness of new landscaping on parts of the road access. In my opinion, and taking into account these comments, I consider there could be some impacts on the setting of Chestnut Street, but that this would, as a worst-case scenario, be limited to less than substantial harm, based on potential mid-range views of the spine road, roundabout and associated infrastructure, and taking into account the existence of visually dominant large agricultural buildings between the spine road and the conservation area, and the backdrop of the A249 dual carriageway.
- 8.199 The conservation area boundary extends east along School Lane with views north across fields towards the proposed spine road, as well as views east towards the closest area of the site containing the proposed housing development, at a distance of some 170-240 metres. These views would be mitigated by substantial buffer

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landscaping areas, and I am satisfied that the impact on the setting of the conservation area from these locations would not be materially harmful.

Hooks Hole Chestnut Street (Grade II listed)*

- 8.200 This building is located close to the north east boundary of the Chestnut Street Conservation area and is a jettied 15th Century Wealden Hall House. It forms the most significant of element of a group of medieval timber framed houses which epitomise Kentish vernacular building of the period, and it remains of unusual and special character. This particular significance justifies its grade II* listed status. The likely impacts on the setting of this building area are essentially the same as listed above for the conservation area. Given the distances involved, the proximity of large agricultural buildings, and the backdrop of the A249 carriageway, I consider that any potential harm would be limited at a worst-case scenario to less than substantial harm.

Harman's Corner and Hearts Delight Conservation Areas

- 8.201 In respect of these conservation areas, I am satisfied that the application site is a sufficient distance away, with intervening built form, to avoid any harmful visual impacts arising.

Highways related impacts on surrounding Heritage Assets

- 8.202 A number of objectors have raised concern over the extent of additional vehicle movements that would arise from the development, and the possible impact upon the surrounding conservation areas and adjacent listed buildings.
- 8.203 In this respect, I have set out below the likely traffic movements that have been modelled as part of the Transport Assessment. Members should note that this modelling is based on 2031 forecasts, and which compares forecast traffic growth in the area (excluding the development site) with the same growth but including the development. This takes into account the likely reassignment of travel patterns that would arise from the new spine road and link to the A249. The data provides the following information in respect of traffic impacts through the following conservation areas –

Street	2031 Without the development (AM peak)	2031 With the development (AM peak)
The Street, Borden	433	420
Maidstone Road (Chestnut Street)	392	520
Harman's Corner	347	307

- 8.204 Members will note that the development is forecast to marginally reduce likely vehicle movements through The Street and Harman's Corner as it will result in betterment to the functioning of the A2 / A249 junction and would reduce incentives for rat running. Traffic on Chestnut Street to the west of the proposed roundabout (i.e. through the conservation area) and Maidstone Road is forecast to rise as a result of the

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development by approximately 32%. This forecast is based on the scenario that the M2 J5 improvements are not complete and that travelling on Maidstone Road to Stockbury Roundabout would be a desirable alternative to drivers. Given that Highways England now have a preferred scheme for improvements to J5, this scenario is unlikely to materialise, and Chestnut Street / Maidstone Road are likely to experience lower traffic levels when the Highways England improvements are implemented. Notwithstanding this, even in a worst case scenario where these improvements do not materialise, I do not consider that the 32% increase forecast in the peak hour (which would equate to 8.5 vehicle movements per minute with the development compared to 6.5 vehicle movements per minute without the development) would substantially change the character of the Chestnut Street Conservation Area or affect the setting of surrounding listed buildings (including Hooks Hole) to a materially harmful extent.

- 8.205 Whilst traffic on Borden Lane is forecast to increase, the main direction of this would be between the A2 and the access point into the development site, and as a result it is unlikely that there would be substantial additional traffic movements passing the listed building at Riddles House / Riddles Cottage to the south of this access point.
- 8.206 The spine road would carry substantial traffic through the site and this would be located some 15 metres to the south of the curtilage to Cryalls Farmhouse. This intervening area is shown to be landscaped on the masterplan document
- 8.207 Whilst I note the concerns raised regarding the potential impact of additional highways movements on Heritage Assets, the modelled data as set out above demonstrates that future traffic impacts on Heritage Assets arising from the development is unlikely to be substantial or materially harmful.

Archaeology

- 8.208 The applicant has submitted a Geophysical Survey of the site and trial trenching evaluation of the phase 1A element of the scheme. The process has found archaeological remains in the Phase 1A area of the site, and the KCC Archaeologist advises that these are not of a nature to warrant changes or modification to the application. He further advises that evaluation and detailed works on the remainder of the site can be addressed through appropriate conditions. On this basis, no objection is raised on archaeological grounds.

Conclusion on heritage impacts

- 8.209 The heritage impacts of the scheme have been identified and set out above. It is my view, and the view of my conservation officer that none of the individual impacts would result in significant harm or exceed the scope of a less than substantial harm scenario under paragraph 196 of the NPPF.
- 8.210 Members will be aware that there is a statutory presumption in favour of the preservation of heritage assets as set out in the policy section above. This carries considerable weight in the decision making process, and case law makes clear that permission should be refused unless the harm identified is outweighed by material considerations powerful enough to do so. Therefore whilst the identified harm falls under the less than substantial category, there still need to be identified benefits to the scheme that outweigh this harm. This is considered further in the final balancing and conclusions section.

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- 8.211 I am awaiting comments from Historic England and do not anticipate that they will materially differ from those of my conservation officer. Nonetheless, my conclusions above and later in this report, and my final recommendation are of course subject to confirmation that Historic England do not raise objection to the proposal.

Local Green Space

- 8.212 Part of the site in the far eastern corner is designated as a Local Green Space under Policy DM18 of the adopted Plan. This area of land extends from Borden Lane to the Borden Nature Reserve. The nature reserve does not form part of the application site but is part of the wider designated area of Local Green Space.
- 8.213 The area of land in question (excluding the nature reserve) is an informal area of mixed trees and scrubland, including an avenue of trees fronting Borden Lane. The area is crossed by a public right of way and a number of informal paths and is used by dog and recreational walkers. The land extends to the north to the boundary with Auckland Drive. However, part of this was excluded from the Local Green Space designation, to allow for access to the land at SW Sittingbourne as allocated under Policy MU3.
- 8.214 The NPPF sets out that designation of Local Green Space (LGS) allows communities to identify and protect land of particular importance to them. Such space should only be designated through the Local Plan process, and be capable of enduring beyond the plan period. Policies for managing Local Green Space should be consistent with those for Green Belts.
- 8.215 Policy DM18 of the adopted Plan states that within such spaces, planning permission will not be granted other than for construction of essential buildings related to outdoor sport, recreation, or other uses that preserve openness; for the re-use / replacement of an existing building, or for engineering operations or changes of use that maintain the openness and character of the Local Green Space.
- 8.216 The application proposes to develop a small part of the Local Green Space to accommodate part of the proposed roundabout onto Borden Lane. I have calculated that this amounts to an area of approximately 500 sqm. This loss represents less than 2% of the total area of the designated Local Green Space.
- 8.217 In my opinion, the installation of a roundabout would amount to an engineering operation, and this need not be unacceptable as a form of development under Policy DM18. However I would take the view that a roundabout would have some urbanising impacts that would affect the openness and character of the Local Green Space. Nonetheless the amount of land take-up within the Local Green Space would be small. As such, I would conclude that the development would not accord with Policy DM18 or the NPPF, although this harm is particularly limited by the extent of the Local Green Space affected and the nature of the roundabout as an engineering operation.

Air Quality

- 8.218 Policy DM6 (2) (d) of the adopted Local Plan states that developments involving significant transport movements should integrate air quality management and environmental quality into developments and, in doing so, demonstrate that proposals

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do not worsen air quality to an unacceptable degree, especially taking into account the cumulative impact of development schemes within or likely to impact upon Air Quality Management Areas. Paragraph 181 of the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and cumulative impacts from individual sites in local areas.

- 8.219 National Planning Practice Guidance (NPPG) on air quality sets out further guidance on requirements to manage and improve air quality, and the existence of legally binding limits for concentrations in outdoor air of major air pollutants that impact public health, such as particulate matter (PM₁₀ and PM_{2.5}) and nitrogen dioxide (NO₂). The NPPG states that the relevance of air quality to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impacts in an area where air quality is known to be poor, where development would adversely impact upon the implementation of air quality strategies and action plans, or where it would lead to a breach of EU legislation. The NPPG further advises that when deciding if air quality is relevant to an application, considerations would include whether an application would significantly affect traffic movements for example by generating / increasing traffic congestion, significantly changing traffic volumes, significantly altering the composition of traffic on local roads, or whether it would expose people to existing sources of air pollutants.
- 8.220 Where air quality is a potential concern, assessments should set out baseline air quality conditions, whether development could significantly change air quality conditions, assessment methods used, sensitive locations, the significance of the impact, and acceptable mitigation measures.
- 8.221 The application site and immediate surroundings do not fall within a defined air quality management area. The closest defined areas are at Newington (approx. 1 mile from the site), St Pauls Street (approx. 0.85 miles away) and East Street (approx. 1.4 miles away). Nonetheless, as air quality in the Borough is primarily affected by traffic, the large scale nature of the application together with the proposed highways infrastructure and likely modelled traffic reassignment has the potential to impact upon air quality.
- 8.222 The applicant has provided an air quality assessment with the application. The original assessment set out air quality impacts arising from two scenarios - the detailed element of the scheme (i.e. the 80 units in phase 1A that would essentially use Wises Lane / the A2), as well as impacts arising from the completed development of up to 675 dwellings. A further technical note has also been provided to assess the air quality impacts arising prior to completion of the spine road from Chestnut Street to Borden Lane. This assessment has been made on the basis that the spine road would not be completed prior to occupation of the 422nd dwelling (as completion is required by the KCC Highways department at this trigger), and considers the impact of this on Wises Lane further.
- 8.223 The report (as amended) provides three scenarios. A 2016 base scenario, a 2025 “do minimum” scenario (i.e. a future base relating to committed development), and a 2025 “do something” scenario (i.e. a future base including the proposed development). The report uses background concentrations for 2016 to predict concentrations in 2025 assuming no change in future years, to represent a worst-case prediction of future

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concentrations. (i.e. it does not factor in future changes that may occur through, for example, improvements to vehicle emissions through better technologies).

- 8.224 The report and subsequent technical note sets out that there is potential for impacts on air quality arising from both the construction (dust and particulate matter) and operational phases of the development (oxides of Nitrogen and Particulate Matter). The report applies traffic and air quality data, including roadside monitoring data for the development against local background concentrations of pollutants, and has applied these to a number of sensitive receptor points in the area on Borden Lane, Adelaide Drive, London Road, Key Street, Wises Lane, Keycol Hill, Oad Street and Maidstone Road.
- 8.225 The report sets out that as the application site is on the southern edge of the town in a rural setting, it is expected that pollution levels would be considerably lower than recorded concentrations on the A2. The assessment concludes that pollution concentrations at the site itself would comfortably fall within air quality targets.
- 8.226 In respect of the predicted levels of NO₂ concentrations at the sensitive receptor sites identified, the development, both at the interim stages assessed and as completed, is expected to result at worst in medium adverse impacts at some receptors on Borden Lane and Wises Lane respectively. These impacts represent a 1-2 % change to predicted concentrations, although annual mean NO₂ concentrations would remain at less than 75% of objective limits.
- 8.227 The development is predicted to have positive impacts upon a number of other receptors, including those on Key Street and London Road which have higher readings due to existing traffic flows – the positive impacts would arise from a reduction in traffic using the A2 following re-routing through the development site. This forecast reduction in traffic and associated reduction in air quality impacts on the London Road and Key Street should be seen as a positive measure.
- 8.228 In respect of PM₁₀ concentrations, the modelling for the interim development stages and the completed scheme predicts one medium adverse impact at a receptor site on Wises Lane, but otherwise impacts are low / imperceptible. PM_{2.5} concentrations are all predicted to be low / imperceptible. All predicted annual concentrations for both PM pollutants are shown to be less than 75% of objective limits.
- 8.229 Given the predicted adverse impacts on air quality at the selected receptor sites are very limited, the report concludes that impacts on AQMA's would be even lower due to traffic distribution over the network.
- 8.230 The Council's Environmental Protection Team Leader (EPTL) confirms that the report uses modern acceptable modelling methodology (ADMS Roads), that the site is some distance from current identified areas of air pollution, and that existing background levels of air pollution would be lower than areas to the north adjacent to the A2.
- 8.231 The EPTL accepts the conclusions in the report and advises that he does not consider there to be an air quality issue associated with the application. He concludes that any increase in air quality would not be significant or result in exceedances of limits, and some impacts of the scheme may benefit some existing areas of known air pollution on the A2.

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- 8.232 The EPTL has also commented on the air quality report by the University of Kent which was commissioned and submitted by Borden Parish Council. The report claims to demonstrate that current monitoring by both Swale Borough Council and the applicant's AQ consultant underestimates actual levels of air pollution, and that levels of pollutants would be worse than predicted. The report also provides details of observed values taken from actual monitoring in locations around the site. The EPTL advises that this report is fundamentally flawed for two main reasons. The measuring periods used are far too short, and the equipment used is not approved. On this basis, the conclusions are unsubstantiated.
- 8.233 The applicant's consultant has also provided further comments to the same effect.
- 8.234 Members will also be aware that air quality concerns were raised in respect of a development on a neighbouring site at Manor Farm (reference 17/500727/OUT), which has since received a resolution from Members to approve. The Council employed an independent consultant to advice on air quality matters relating to Manor Farm, and to comment on the University of Kent (UoK) air quality report commissioned and submitted by Borden Parish Council on the Manor Farm application which is similar to the one submitted by Borden Parish Council for this application, and referred to above.
- 8.235 The consultant employed by the Council has provided a separate report. This makes clear that the air quality report submitted with the application for the Wises Lane proposal is robust, and follows appropriate guidance and methodologies for AQ assessment. It also makes clear that the report submitted by Borden Parish Council is not valid, as it relies on short term measurements, did not use appropriate equipment and did not locate measuring equipment at sensitive receptor locations. The UoK, on behalf of Borden Parish Council, has recently submitted a further response to dispute this. I will update Members at the Committee Meeting of any further comments the Council's Environmental Protection Team Leader may have on this.
- 8.236 As there would still be a substantial increase in vehicle movements overall, it is necessary to secure mitigation to the calculated damage cost of £412,548 for the identified pollutants. The applicant has listed a number of measures to be implemented to achieve this. They include the use of electric charging points, low emission boilers and travel plan incentives. The detail of this is still being negotiated with the applicant.
- 8.237 Taking the above into account, I would conclude that there would be no unacceptable adverse impacts on air quality arising from the development, and may, when the link road is completed, have positive impacts on the A2 London Road, The development would accord in this respect with policy DM6 of the Local Plan, subject to securing appropriate mitigation to the calculated damage costs.

Ecology and Nature Conservation

- 8.238 Policy DM28 of the adopted Local Plan states that development proposals will conserve, enhance and extend biodiversity, minimise adverse impacts and compensate where impacts cannot be mitigated. Policy MU3 requires the landscape framework for the site to achieve a net gain in biodiversity.
- 8.239 The application site does not fall within a site designated for biodiversity, but is within the zone of influence of the Swale and Medway Estuary Special Protection Area(s)

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and Ramsar Site(s) and immediately adjacent to the Borden Local Nature Reserve, which is a locally designated site.

- 8.240 The KCC Ecologist is satisfied that the site is not functionally linked to the Swale SPA, Ramsar and SSSI, and neither they nor Natural England raise objection regarding impacts on wintering birds, subject to payment of a financial contribution towards the North Kent Strategic Access Management and Monitoring Strategy (SAMM) to mitigate for additional recreational impacts on these designated sites. An Appropriate Assessment has been undertaken by my officers to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017. A copy of this document is appended to this report as Appendix 6.
- 8.241 The applicant has provided a detailed ecological appraisal of the site, including a desk study, an extended Phase 1 Habitat Survey, Phase 2 Faunal surveys, and detailed survey work relating to bats, badgers, breeding and wintering birds and Great Crested Newts. The overall value of the site in biodiversity terms is considered to be relatively limited in many parts, due to the fact that it has largely been farmed, and mainly consists of open arable land.
- 8.242 The submitted details identify that there would be a loss of suitable habitat for ground nesting birds, particularly skylarks. This would be mitigated through the creation of habitats suitable for skylarks on adjacent farmland (which involves providing small unmanaged parcels within fields). A small number of badger setts have been identified within and adjacent to the site, and located within / by the proposed areas of open space within the development. The KCC Ecologist advises that it may be possible to retain the setts in situ, but that the final mitigation strategy will be informed by further updated badger surveys, and that the open space within the development will continue to enable badgers to forage/commute. The site does not provide optimum foraging habitat for bats and KCC Ecology do not raise any objection in terms of impact on this species.
- 8.243 The scheme would result in some loss of trees and hedgerows, but the proposals include substantial landscaping and open space typologies, including wildlife and natural green space. The scheme proposes to retain and restore the remnants of a former cherry orchard to the south east of the site with new orchard planting proposed, creation of wildflower grassland, wetland habitats using water features created as part of the SuDS drainage, new woodland buffer areas, and faunal enhancements. These have the potential to add ecological diversity to the site and to achieve a net gain in biodiversity. Subject to the submission of a detailed site-wide ecological mitigation strategy, to be updated and reviewed upon each phase of development, no objection is raised by KCC Ecology.
- 8.244 Borden Nature Reserve is located immediately adjacent to the site. The development site wraps around the north, east and west boundaries of the nature reserve. Land to the west is proposed to be used for the rugby club pitches, and land to the east is retained in its current form as local green space. The land to the north of the nature reserve, on the opposite site of Cryalls Lane, is shown on the parameter plans to accommodate housing. No objection to the layout in relation to the nature reserve is raised by KCC Ecology. The proposed development would be likely to increase the number of persons using the nature reserve, and the KCC Ecologist has recommended that some measures could be pursued (or a financial contribution paid) towards management of the reserve. The reserve is owned by KCC but is managed

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by Borden Parish Council. I have contacted the Parish Council to establish whether any management measures for the reserve have been identified, and they have responded that this land is leased from KCC and that they have no authority over it. I have now contacted KCC to discuss this matter further, and I will update Members further when I have received feedback.

- 8.245 Overall, the development would not give rise to unacceptable impacts on biodiversity, and includes potential for substantial on-site mitigation measures to add ecological value to the development. No objection is raised by either Natural England or KCC Ecology, and I consider that the application would be in compliance with Policy DM28 of the adopted Local Plan.

BMV agricultural land

- 8.246 The application site is currently predominantly in use as arable farmland, and is classed as Best and Most Versatile agricultural land, containing a range of Grade 1, 2 and 3 agricultural land. Policy DM31 of the adopted local plan restricts development on such land, unless there is an overriding need that cannot be met on land within existing built confines, that there is no alternative site on lower grade land, and that the remainder of an agricultural holding would not become unviable.
- 8.247 In my opinion, development of this 47.5 Ha site would result in the loss of a significant area of BMV land. However, this policy does not apply to land allocated for development in the Local Plan, the principal of which was addressed by the Local Plan process. Therefore the majority of the site as allocated under policy MU3 is not in conflict with this policy. However the additional area of land included in the application site beyond the site allocation does fall to be considered under this policy. This additional area of land does not contain Grade 1 agricultural land and is a mix of grade 2 and grade 3a agricultural land.
- 8.248 The application meets in part the first criteria of policy DM31, but the land beyond the site allocation would not accord with this policy. The use of an alternative site is not an option in this instance, as the development is site-specific to deliver highways infrastructure. In respect of criteria 3, the applicant has provided a further statement to set out that the proposals would take up some land which form part of a larger agricultural holding of 20Ha, and which is currently let out. The farmer owns a much larger holding (over 1176 Ha), therefore the loss of agricultural land would not affect the sustainability of this business. The Council's agricultural consultant advises that the development would not result in the remainder of the holding becoming unviable.
- 8.249 The Council's agricultural consultant has also referred to recent appeal and court decisions, and approval of development of BMV land elsewhere in Swale and Medway – which establish that the loss of BMV land is not absolutely protected, albeit that use of poorer quality land is preferred and encouraged. However for the reason set out above, I would conclude that there would be some conflict with Policy DM31 insofar that the unallocated land would result in the loss of BMV land, unless there was an overriding need for the development. As such, this is weighed in the planning balance below.

Contamination, including risk Gas from Nature Reserve site

- 8.250 Paragraph 178 of the NPPF states that planning decisions should ensure a site is fit for its proposed use, taking account of ground conditions. The application is

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supported by a Geo Environmental Assessment. The key source of contamination relates to possible gas concentrations arising from the historic use of Borden Nature Reserve as a landfill site. The assessment includes details of gas monitoring undertaken. This establishes that there is potential for elevation gas concentrations to be present on site, particularly within the south east area of the site adjacent to the Nature Reserve. The report recommends that this could result in high risk to human health and damage to buildings, and that as a result gas protection measures are required to be incorporated into the development as a worst case scenario. The report recommends further monitoring and assessment takes place to provide a more comprehensive data set to inform the final design of protection measures requires to buildings.

- 8.251 The County Council has confirmed that there is an active gas management system in place on the Nature Reserve site, which collects landfill gas from within the landfill site and pumps it to the gas flaring compound in the south west of the site, where it is burnt off. The County Council advises that the development should provide adequate engineered safeguarding in the event of any systems failure on the landfill site, through planning conditions.
- 8.252 The Environmental Protection Team Leader also recognises the risk posed from the Nature Reserve, the management in place to control this, and the need to ensure that a planning condition is required to cover the extent and impact of such contamination, and what if any measures are needed to ensure such pollution does not affect sensitive receptors nearby.
- 8.253 I note that no objection is raised in principle to development in this location, but that it is clear that any gas contamination must be properly managed and mitigated. On this basis, I consider that a planning condition can be used to secure this. Subject to this, there would be no conflict with the NPPF

Infrastructure

- 8.254 The proposal would generate substantial infrastructure requirements in accordance with Policies MU3, CP5 and CP6 of the Local Plan. In addition to the highways infrastructure, open space and affordable housing requirements set out above, the following infrastructure requirements would be provided.
- 8.255 Policy MU3 of the Local Plan requires on-site provision of a one-form primary school. The applicant has agreed to provide a 2.05Ha area of land to accommodate a two-form entry primary school at no cost to the County Council, and to make a financial contribution to deliver a 1 form entry school on the site (with future potential for KCC to expand to 2FE), to accommodate the pupils generated from this development. (at £4,535 per applicable dwelling and £1,134 per applicable flat)
- 8.256 Members should also note that Kent Council has confirmed there are no plans to close Borden Primary school, despite reference to this in the application documentation.
- 8.257 The development would make a contribution of £4,687 per applicable dwelling and £1,272 per applicable flat towards construction of the new secondary school proposed on land at Quinton Road, in accordance with KCC requirements. It would also provide a financial contribution for land acquisition costs for the secondary school, in the event that this was necessary.

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- 8.258 Financial contributions would be required to meet Kent County Council requirements for Community learning (£40,788.03), Youth Services (£25,368.68), Libraries (£153,225.00) and social care (£36,018.00), including the provision of 7 wheelchair adaptable homes as part of the affordable homes delivery.
- 8.259 The NHS Swale Clinical Commissioning Group requires a contribution of £583,200 towards the expansion of existing facilities within the vicinity of the development. This is agreed by the applicant. Members should note that the NHS CCG Group specifically state that they do not want a medical facility on site. The application originally proposed to include a medical facility on the site, but following the NHS comments this has been removed.
- 8.260 The applicant will make a payment of £161,736.75 to meet the SAMMS contribution to offset recreational disturbance to birds in the SPA and Ramsar sites.
- 8.261 A contribution of £27,140 will be provided to improve the route of public footpath ZR118 which connects the site to the A2 London Road and improvements to a number of public footpaths on the site to allow cycle use.
- 8.262 A contribution of £27,470 to Kent Police will be provided to address additional police infrastructure costs.
- 8.263 In addition to the on-site sports facilities to be provided, a contribution of £50,807 towards off site improvements to hockey facilities in the area and £5,000 towards provision of cricket nets at The Grove Park has been identified, as well as improvements to the car park at The Grove.

Other Matters

- 8.264 Minerals and waste – the site lies within an area of brickearth deposits. A minerals assessment has been submitted which demonstrates that the quality of brickearth is low and too poor for commercial use. This is accepted by the County Council, and on this basis the scheme would fall to be considered as an exception to policy DM7 of the KCC Minerals and Waste Local Plan, which would otherwise require extraction of this resource prior to development.
- 8.265 Drainage – the scheme proposes a range of SUDS compliant drainage infiltrations measures, including permeable paving, swales, infiltration basins and soakaways. These details are acceptable to the KCC Drainage team.
- 8.266 In terms of foul water disposal, Southern Water has advised that there is not currently capacity to accommodate the development in full, and that improvements to wastewater capacity are required. This will be funded partly through the New Infrastructure Charge (a levy placed on developers by Southern Water) and partly by Southern Water's Capital Works programme. Southern Water advises that it may be possible to connect some initial dwellings, but that the development should be phased to allow reinforcement of the system to align with occupation of the development. Phasing can be secured by a planning condition.
- 8.267 Health Impact Assessment – This has been provided in accordance with policies MU3 and CP5 of the Local Plan. I am satisfied that the development has the ability to provide positive benefits through the on-site open space and sports provision,

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provision of allotments, quality of housing, social infrastructure (affordable housing, primary school), and financial contributions to improve existing infrastructure.

Environmental Impact Assessment

- 8.268 The proposal represents EIA development, based on the scale of the development and likely resultant impacts. An Environmental Statement (ES) has been submitted with the application, with a number of technical documents. This includes chapters on Transport, air quality, Noise and vibration, Landscape and Visual Amenity, Ecology and Nature Conservation, Water quality, hydrology and flood risk, soils geology and contaminated land, archaeology and built heritage. Further addendums to the ES with additional information have been submitted on request.
- 8.269 The ES recognises that a development of this scale has the potential to result in significant environmental effects. I am satisfied that the environmental information, including the supplementary examination undertaken by my officers, enables the Council to reach a reasoned conclusion on the likely significant effects of the proposed development on the environment.
- 8.270 My conclusions are that there would be some significant environmental effects arising from this development. I consider the loss of BMV agricultural land would be significant in terms of the land area proposed. I also consider the highways impacts would be significant in terms of betterment of infrastructure, and that the scheme would deliver significant material assets in the form of new road infrastructure, a school, open space and sports facilities. In respect of other impacts, I do not consider these would individually or cumulatively result in significant environmental effects, although I have clearly identified more localised impacts in my assessment.
- 8.271 I am satisfied that the ES includes a list of reasonable alternatives to the development proposed and that I have been able to assess the reasons why these were discounted. A Policy MU3 compliant scheme would not deliver the highways (and to a lesser extent the air quality) benefits that the application scheme would – and in fact KCC Highways consider that the modelling suggests that an MU3 scheme would be likely to result in unacceptable highways impacts.
- 8.272 Overall, and in accordance with Regulation 26 (1) of the EIA Regulations (2017), I am satisfied that the environmental information submitted with the application, together with the Council's own supplementary examination, provides the basis for the Council to reach a reasoned conclusion on the significant effects of the proposed development.

9.0 Final Balancing and conclusion

- 9.01 The proposal would bring forward a large scale residential lead development on a site largely allocated under policy MU3 of the Local Plan for such development. Insofar that the development would accord with the criteria for this policy, I would conclude that –
- The scheme would deliver a strong landscape framework with substantial open space and landscape buffers, and would assist in preserving a long terms gap between Borden and Sittingbourne.

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- The proposals would enable the delivery of housing (including affordable housing) that will be able to support the Council's land supply.
 - The masterplan parameters provide a framework to deliver a high quality design and layout. The detailed layout demonstrates high quality design and distinctiveness.
 - The scheme would deliver mitigation to protected European sites through a financial contribution under SAMMS.
 - The heritage and archaeological assessments are accepted. The proposal would not result in substantial harm to the setting of Cryalls Farmhouse.
 - The layout provides good opportunities for pedestrian and cycle routes. Public transport facilities would be provided through part of the site.
 - The scheme has separated the part of Wises Lane designated as a rural lane from main transport corridors through the site, with part of this lane closed to vehicular traffic.
 - The development would provide an opportunity to create a healthy neighbourhood
 - Noise and contamination matters have been considered and can be mitigated where necessary.
 - The scheme provides for a range of infrastructure on site, including a primary school and sports facilities, and would make substantial contributions towards off site infrastructure.
- 9.02 Whilst the area of the site subject to Policy MU3 accords with the adopted Local Plan, the planning application has included a number of elements that do not. The enlarged application site beyond the site allocation would result in the additional loss of countryside, part of an Important Local Countryside Gap, and further Best and Most Versatile Agricultural Land, and this would be contrary to Policies ST3, DM25 and DM31 of the Local Plan. The scheme would also result in the loss of some land designated as Local Green Space under Policy DM18 of the Local Plan.
- 9.03 Such matters of non-compliance with the adopted Local Plan, point toward the refusal of planning permission. However, this would be to ignore the material considerations that should also be taken into account. Primarily these relate to the highway benefits arising from the diversion of traffic through the application site, as an alternative to using the A2 and Key Street as a result of creating a link road from Borden Lane to Chestnut Street and thus to the A249. This could not be achieved were the Policy MU3 allocation built out as envisaged by the adopted Local Plan, and KCC Highways advise that the analysis suggests an MU3 compliant scheme would be likely to create unacceptable highways impacts. The advice from KCC Highways is clear that the application scheme offers considerable highways betterment compared to a Policy MU3 compliant scheme, and also compared to a scenario where no development took place on the site. Overall, I consider these benefits to be significant.
- 9.04 The transport infrastructure proposed would have some associated adverse impacts, and would result in increases in traffic and diminished air quality on some local roads. However such increases fall within acceptable thresholds and I do not consider these to be significant. In addition, air quality would be likely to improve on the A2 London Road and Key Street, through the reduction in forecast traffic on this road. Taking a precautionary approach, the additional highways infrastructure and land take has the potential to impact upon the setting of Chestnut Street and Hook Hole, a Grade II* listed building. Likewise, the roundabout connection on Borden Lane would impact upon the setting of Riddles / Riddles Cottage. Such harm would be "less than substantial". Although Members should place strong weight on any harm to a heritage asset (and Hook Hole should be afforded greater weight given it is a II* listed building), I consider this harm to be limited and outweighed by the highways benefits.

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- 9.05 The enlarged scheme would result in further landscape impacts, although as this is an undesignated landscape, includes mitigation, and falls short of significant adverse impacts in the longer term, I do not consider this would be contrary to Policy DM24 of the Local Plan, although there is some harm nevertheless to be considered.
- 9.06 The enlarged scheme includes the provision of a spine road through the site to carry local traffic. This spine road would be a more visually dominant feature than required for an MU3 policy compliant scheme, however the layout proposed is acceptable and suitable conditions can help mitigate the visual effect of the road.
- 9.07 The inclusion of the rugby club facility does not form part of the Local Plan allocation. However it is part of the terms of the application, and as a fundamentally open sports use, it would contribute to the strategic landscaping to the south of the site, and the wider sports offer to be delivered.
- 9.08 In reaching my conclusions I have taken into account the likely significant effects of the proposed development on the environment, as required under the Environmental Impact Regulations (2017). Whilst the loss of BMV land across the site is significant, a large part of this land is already allocated for development. The loss of the unallocated BMV land is justified through the highways improvements secured. The highways impacts would result in significant betterment to the A2 and Key Street, and weigh heavily in favour of the scheme. The material assets to be provided as part of the development, including the new school, open space and sports facilities would also be positive, notwithstanding that some additional loss of countryside and BMV land would occur.
- 9.09 In conclusion, whilst the additional land required for this application is clearly contrary to the adopted Local Plan, there are material considerations associated with this application that are significantly beneficial and which strongly indicate a decision to grant planning permission that would in turn depart from the up to date development plan. This view is reinforced by the fact that there are no policies of the NPPF that indicate that planning permission should be refused or that the level of adverse impacts overall are not such as to significantly outweigh and demonstrably outweigh the benefits of the scheme. Finally, I have also considered whether a grant of planning permission in this case would lead to subsequent harm to the adopted Local Plan itself and to future decision making, but I do not believe this to be the case given that the circumstances here are unique with the benefits not capable of being achieved or replicated via other means. Any conflict with the development plan itself is therefore limited to this location.
- 9.10 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. In economic terms, the development would provide construction jobs, on site employment opportunities, and would deliver important infrastructure improvements. In social terms, the development has significant potential to deliver a high quality neighbourhood with open space and local facilities, and a range of homes including affordable houses. In environmental terms, the scheme would deliver a strong landscape framework. There would be some adverse impacts arising from the development, but these are not considered to be of such weight that permission should be refused.
- 9.11 On this basis, my final conclusion is that planning permission should be granted.

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- 9.12 Members will note the list of proposed conditions below. The Neighbourhood Planning Act (2017) has inserted a new section (100ZA) into the Town and Country Planning Act. One of the provisions of this is that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition.
- 9.13 The list of conditions below has been circulated to the applicant and I will update Members at Committee as to whether the applicant has provided written agreement to these.

Heads of Terms

- 9.14 Taking the above into account the following Heads of Terms are proposed for inclusion in a Section 106 Agreement between the applicant and the Council. Officers have reviewed each proposed contribution and are satisfied that these meet the tests under Regulation 122 of the Community Infrastructure Levy Regulations 2010 in that they are:
- a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development;
- 9.15 In addition since 6th April 2015, section 123 of the CIL Regulations places a restriction on the number of different obligations (calculated back to April 2010) that relate to the funding or provision of an infrastructure project or type of infrastructure, (“the pooling restriction”). As such, the scope of contributions that can be requested in respect of new development is restricted. Affordable housing is excluded from this restriction.
- 9.16 The CIL 123 tests have been applied in the context of this planning application and officers are content that the proposed planning obligations are compliant with the Community Infrastructure Levy Regulations 2010 (Regulation 122).
- To secure up to 81 units as affordable housing
 - To provide a viability review mechanism to re-assess the level of affordable housing at an appropriate time in the development.
 - A bin contribution of £101 per dwelling and £945 per 5 flats
 - An NHS contribution of £583,200
 - To secure an area of at least 16.7 Hectares as Public Open Space (including management requirements)
 - To secure delivery of the rugby club sports facility (amounting to a total of 20.4 Ha when taken together with the public open space).
 - An SPA Mitigation contribution of £239.61 per dwelling
 - An off site sports contribution of £50,807 (hockey) and £5,000 (cricket)
 - A community learning contribution of £60.43 per dwelling
 - A Maylam Gardens Cycle path contribution of £8,000
 - A Key Street / A249 contribution of £1,345,140
 - Should the HIF be unsuccessful, a sum of £885,158 (eight hundred and eight five thousand one hundred and fifty eight pounds) towards the Southbound On-Slip Works
 - A Kent Police contribution of £27,470
 - A libraries contribution of £227 per dwelling
 - Provision of an area of land of at least 2.05 Hectares within the site for a primary school.

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- A primary school building contribution of £4,535 per dwelling and £1,134 per applicable flat
- A public rights of way contribution of £27,410
- A secondary school building contribution of £4,687 per dwelling and £1,172 per applicable flat
- A secondary school land acquisition contribution of £1,932.16 per dwelling and £483.04 per applicable flat
- A social Care contribution of £53.36 per dwelling
- A Travel Plan monitoring contribution of £5000
- A Youth services contribution of £37.58 per dwelling
- A marketing strategy and timescale for provision of the retail and flexible use facilities
- To secure advance landscape planting as shown on the landscape plans
- A contribution of £30,000 towards creation of walking and cycling links on Cryalls Road and Riddles Road, subject to the grant of a TRO.
- Air Quality mitigation measures (to be agreed)
- Transfer of an area of 2.05Ha to KCC for use as a primary school
- Provision and maintenance of land (off-site) for skylark mitigation
- Availability of sports club for wider community use.
- Measures to provide apprenticeship places and use of local labour for construction works.

10.0 RECOMMENDATION – That delegated authority is given to officers to GRANT planning permission *subject to* –

- Resolution of outstanding matters relating to existing public rights of way on the site
- Completion of a S106 agreement for the terms as set out above
- No objections being received from Historic England

And subject to the following conditions

Commencement

- 1) The detailed element (phase 1A) of the development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) Details relating to the layout, scale and appearance of the proposed building(s) within a relevant phase (other than the detailed element for Phase 1A), and the landscaping of the site within that phase, shall be submitted to and approved by the Local Planning Authority before any development within that phase 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.

- 3) Application for approval of reserved matters referred to in Condition (2) above must be made not later than the expiration of five 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.

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- 4) 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.

General

- 5) The detailed element (phase 1A) of the development shall be carried out in accordance with the following approved plans:
 2574-313 Rev G, 1733 P230.01.B, 1733.P231.01 A, 1733.P341.02.A, 1733.P341.03, 1733.P341.01.C, 1733.K3.01, 1733.K2.01 A, 1733.H485.01 Rev C, 1733.H470.01A, 1733.H469.01 Rev B, 1733.H455.01, 1733.H455-5E, 1733.H433.01 Rev B, 1733.H431.01 Rev B, 1733.H421.01 Rev B, 1733.H417.01D, 1733.H406.01, 1733.H385.01, 1733.G.02 Rev A, 1733.G.01 Rev A, 1733.BS.01, 1733.B.03, 1733.B.01 Rev A, 1733.9B.01 Rev B, 1733.10 A4, 1733.09 Rev D, 1733.03A, 1733.01 Rev A, 14657C Landscape Proposals sheets 1 of 4, 2 of 4, 3 of 4 and 4 of 4. 1733.SS.01 Rev B

Reason: To accord with the terms of the application and in the interests of proper planning.

- 6) The reserved matters details submitted pursuant to condition 2 shall accord with the Masterplan Parameter Plans, which for the avoidance of doubt are as listed below—
 Building Heights Parameter Plan 2574-304 Rev P
 Land Use Parameter Plan 2574-300 Rev N
 Density Parameter Plan 2574-303 Rev P
 Route Infrastructure Parameter Plan 2574-302 Rev S
 David Williams Landscape Consultancy Indicative Landscape Strategy Plan (Addendum LVIA Figure 10.8, Drawing No L8 Revision E (For the avoidance of doubt this replaced the Landscape and Ecology Masterplan previously submitted).

- 7) Notwithstanding the submitted plans, no development shall commence until a phasing plan for delivery of the development, including the associated highways infrastructure, open space, landscaped buffers and sports facilities, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented strictly in accordance with the approved phasing scheme.

Reason: In the interests of ensuring that the development is carried out in a co-ordinated manner.

- 8) No dwelling within any phase of the development (including phase 1A) shall be occupied until a housing and wastewater infrastructure phasing plan has been submitted to and approved in writing by the Local Planning Authority for that phase in consultation with Southern Water. Development shall take place in accordance with the approved housing and wastewater infrastructure phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that phasing is aligned to improvements to off site wastewater infrastructure.

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- 9) For each phase of the development hereby approved (including phase 1A), 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.

Reason: In the interest of promoting energy efficiency and sustainable development

- 10) The proposed residential development hereby permitted shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the residential units shall not be occupied unless the notice for that dwelling/flat of the potential consumption of water per person per day required by the Building Regulations 2015 (as amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability

- 11) The non-residential buildings shall be constructed to a minimum of BREEAM 'Very Good' Standard or an equivalent standard and prior to the use of the building the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved.

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

- 12) No development shall take place in any phase (including Phase 1A) until details of the existing site levels, proposed site levels (including any levels changes to areas to be used as open space, landscaped buffer areas and highways), and proposed finished floor levels for buildings in that phase have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

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

- 13) Before development commences within a relevant phase details shall be submitted 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 including residential, commercial and community within that phase. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

Reason: In the interests of residential amenity.

- 14) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development in any phase (including the detailed element under phase 1A) beyond the construction of foundations shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in

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writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reasons: In the interest of Security, Crime Prevention and Community Safety

- 15) No development beyond the construction of foundations shall take place on the detailed (Phase 1A) and outline phases until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority for that phase. This shall include a sample panel to demonstrate the appearance of the feature brickwork proposed on buildings within the detailed (Phase 1A) element of the development.

Reason: To ensure a satisfactory appearance to the development.

- 16) Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway, unless specifically shown on the approved plans.

Reason: In the interests of visual amenity.

- 17) The reserved matters details submitted pursuant to condition (2) shall include measures to demonstrate how the detailed design and layout of the residential development would meet the needs of specific housing groups, including older and disabled persons.

Reason: To ensure that the development of this large strategic site makes provision for different housing needs.

Construction

- 18) No development in any phase (including Phase 1A) shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be implemented and adhered to throughout the entire construction period. The CMP shall provide details of:

- Measures to manage HGV movements to deter use of the Strategic Road Network during peak hours (0800-0900 and 1700-1800 hours);
- Measures to ensure that loose loads arriving / departing from the site are sheeted;
- The means of access for vehicles during construction and the routing of construction and delivery vehicles to and from the site, including temporary traffic management and signage
- parking and turning areas for construction and delivery vehicles and site personnel
- loading and unloading of plant, materials and waste
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities and measures to deal with mud or spills on the highway
- measures to control the emission of dust and dirt during construction

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- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To ensure that the impact of construction works on the strategic and local road network are managed, and in the interests of the amenities of the area and highways safety and convenience.

- 19) No construction work (for the avoidance of doubt to include piling) in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

Highways

- 20) No development shall be commenced in any phase until the works to Wises Lane, as shown on the Wises Lane - Site Access drawing 13-042-038C (or as otherwise agreed) have been completed.

Reason: In the interests of Highways safety

- 21) No more than 199 dwellings shall be occupied until the entire length of the internal spine road between Wises Lane and Chestnut Street has been constructed to an adoptable standard and made available for public use.

Reason: In the interests of highways safety and to ensure early delivery of part of the spine road.

- 22) Full details of the design of the roundabout to be installed on Chestnut Street, as currently indicatively shown on drawing 13-042-045C, shall be submitted to and approved in writing by the Local Planning Authority. No more than 199 dwellings shall be occupied until the roundabout as approved is constructed to an adoptable standard and open for public use.

Reason: to ensure a satisfactory appearance and in the interests of highways safety.

- 23) No dwellings shall be constructed on the land shown as phase 2a on the Development Phasing Plan (in the Design and Access Statement submitted with the application) until the internal spine road between Chestnut Street and Wises Lane and the roundabout connection to Chestnut Street has been completed.

Reason: To ensure that highways improvements, which justify the provision of housing on land within phase 2a, are delivered.

- 24) No more than 421 dwellings shall be occupied within the development until the internal spine road between Wises Lane and Borden Lane has been constructed to an adoptable standard and made available for public use.

Reason: In the interests of highways safety and to ensure delivery of the spine road in full.

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- 25) Full details of the design of the access (including associated infrastructure, signage and landscaping) to be installed on Borden Lane, shall be submitted to and approved in writing by the Local Planning Authority. No more than 421 dwellings shall be occupied until the roundabout as approved is constructed to an adoptable standard and open for public use.

Reason: In the interests of highways safety and to control impacts upon the setting of a Grade II listed building.

- 26) No more than 39 dwellings shall be occupied until a Section 278 Agreement has been entered into with the Highway Authority for delivery of a detailed scheme for signalisation at the junction of Wises Lane and the A2 London Road. All associated works shall be completed within 12 months of being served notice to commence by the Highway Authority provided always that such notice is not served prior to the occupation of the 61st dwelling and not later than the occupation of the 200th dwelling.

Reason: In the interests of highways safety, and to ensure that impacts upon protected trees are minimised.

- 27) The details submitted in pursuance to condition 2 shall include the provision of a bus layby on the spine road to be sited a maximum distance of 160 metres from the boundary with Westlands School. The layby shall be completed in accordance with the approved details prior to the occupation of any dwelling within the same phase.

Reason: To provide a facility for school buses to utilise, as an alternative to London Road.

- 28) No more than 80 dwellings shall be occupied within the development until the following off site highways works have been completed.

- Works to Borden Lane, as shown on drawing 13-042-071 Rev A.
- Works to Wises Lane (south) as shown on drawing 13-042—044 REV
- Improvements for pedestrian crossing at the A2 / Adelaide Drive junction as shown on drawing 13-042-073

Reason: In the interests of highways safety

- 29) No more than 421 units shall be occupied until the off site highways works to Homewood Avenue / Borden Lane / Adelaide Drive, as shown on drawing 13-042-80 REV A have been completed.

Reason: In the interests of highways safety

- 30) No more than 150 dwellings shall be occupied occupation until off site highway improvements to the A249 Junction with the A2 Keycol Hill / Key Street (known locally as the Key Street Roundabout) have been completed and opened to public traffic in accordance with C&A Drawing No. 13-042-081 Rev A (Proposed Key Street Roundabout Interim Scheme) or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority (who shall consult with Highways England).

Reason: To ensure that the A249 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act

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1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage

- 31) No development within any phase shall be occupied or first used until detailed travel plans, to be based upon the principles as set out in the Framework Travel Plan, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable transport measures

- 32) The details submitted pursuant to condition (2) above shall show adequate land, reserved for the parking of cars (in accordance with the currently adopted Kent County Council Vehicle Parking Standards where appropriate) and for the loading and unloading of commercial vehicles where necessary. Such land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not shall be carried out on such land or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the buildings / land hereby permitted.

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

- 33) For the purposes of the detailed (Phase 1A) scheme, the area shown on the approved plans as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

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

- 34) The details submitted pursuant to condition (2) above shall include details of covered secure cycle parking facilities for each dwelling and non-residential use. The approved cycle parking shall thereafter be provided prior to the occupation of any dwellings or building hereby approved, and retained in perpetuity.

Reason: To ensure that there is sufficient cycle parking at the site in the interests of sustainable development.

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

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

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manner.

- 36) Prior to the occupation of any dwelling or other building, the following works between the dwelling or building and the adopted highway shall be provided;
- i) Footways and/or footpaths, with the exception of the wearing course;
 - ii) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

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

- 37) No development beyond the construction of foundations shall take place in any phase (including Phase 1A) until detailed drawings of the internal spine road within that phase, to include details of tree planting and verge details, surface materials, and details of chicanes, crossing points (including controlled crossing points) and build out margins have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the spine road is laid out in an appropriate manner and with suitable crossing facilities.

Landscaping

- 38) No development shall take place until a detailed scheme of advance soft landscaping has been submitted to and approved in writing by the Local Planning Authority, and such planting has been completed on the site in accordance with the approved details. This shall incorporate the areas proposed for advance planting, as shown on the Indicative Landscape Strategy Plan by David Williams Landscape Consultancy and referred to as Figure 10.8, drawing L8 Revision E. The soft landscaping scheme shall include proposed trees, shrubs and other features, planting schedules of plants (which shall include indigenous species and of a type that will encourage wildlife and biodiversity), noting species, plant sizes and numbers where appropriate, measures to prevent tree vandalism, and measures to protect the advance planting from construction on the remainder of the site for the duration of such works. Details of the advance planting for the access road and proposed junction with Chestnut Street, shown as AA-BB on the Indicative Landscape Strategy Plan, shall take into account and indicate relevant working and operational constraints, changes in landform and engineering requirements associated with the proposed road and roundabout.

Reason: To accord with the terms of the application and the requirements of Policy MU3 of the Swale Borough Local Plan – Bearing Fruits 2031. To ensure the early delivery of part of the strategic landscaping to the site, in the interests of visual amenity and wider landscape objectives.

- 39) Upon completion of the advance landscaping works, 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 the next planting season, unless otherwise agreed.

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Reason: To ensure the retention and maintenance of strategic landscaping, in the interests of visual amenity.

- 40) The areas shown on the approved drawings for the detailed scheme (Phase 1A) as open space, and play areas shall be reserved for the general amenity of the area. Play spaces shall be surfaced and equipped with play equipment, in accordance with a schedule agreed by the Local Planning Authority before the first dwelling is occupied. The open space and play area within Phase 1A shall be provided prior to the occupation of no more than 40 dwellings. No permanent development whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: To ensure that these areas are made available in the interests of the residential amenities of the area.

- 41) The sports pitches hereby permitted shall not be floodlit, nor shall they be constructed with an artificial surface.

Reason: To protect the visual amenities of the area and the functioning of the site as part of a strategic green buffer area, and to protect the amenities of the occupants of surrounding residential dwellings.

Drainage

- 42) No development in any phase shall commence until details of measures to protect/divert public sewers on the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect existing sewers on the site.

- 43) No development shall commence in any phase until a detailed sustainable surface water drainage scheme for each phase (including Phase 1A), compliant with the complete drainage strategy as approved (Flood Risk Assessment and Addendum to Flood Risk Assessment dated May 2018), has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of each phase of the development (or within an agreed implementation schedule).

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

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44) No building hereby permitted in any phase (including Phase 1A) shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the 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

The drainage scheme as approved shall subsequently be constructed and maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

45) No building in any phase (including Phase 1A) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, has been submitted to and approved in writing by the Local Planning Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

46) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources

Contamination

47) No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority, comprising:

- a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk

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study, shall be approved by the District Planning Authority prior to any intrusive investigations commencing on site.

- b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.
- d) 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 (c) 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: to ensure land contamination is adequately dealt with, and to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution

- 48) Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

Reason: to ensure land contamination is adequately dealt with, and to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution

- 49) Prior to any part of the permitted development being occupied a verification report demonstrating the 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.

Reason To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

- 50) 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

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Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site

- 51) 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 ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants

- 52) No development shall be commenced until a scheme of gas protection measures, to protect the development from gas concentrations arising from the adjacent former landfill site (now Borden Nature Reserve), has been submitted to and approved in writing by the Local Planning Authority. Such measures shall be based upon further monitoring and assessment of gas concentrations, the details of which shall be submitted with the scheme. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development mitigates against risk from gas concentrations.

Ecology

- 53) No development shall take place (including engineering / ground works) until a site-wide ecological mitigation and enhancement strategy has been submitted to and approved in writing by the local planning authority. The content of the strategy shall include the following:
- a) A Preliminary ecological appraisal
 - b) Review/update of existing survey data.
 - c) Purpose and objectives for the proposed works:
 - d) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
 - e) Extent and location of proposed works, including the identification of a suitable mitigation area shown on appropriate scale maps and plans;
 - f) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - g) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
 - h) Use of protective fences, exclusion barriers and warning signs;
 - i) Interterm management plan until the site wide management plan is produced and implemented.
 - j) Disposal of any wastes for implementing work.

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

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

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54) Prior to the commencement of development in each phase, a review of the ecological mitigation strategy shall be undertaken by experienced ecologists and submitted to the Local Planning Authority for approval. The submitted details shall set out any proposed changes (if required) to the mitigation strategy. The review will be informed by the following:

- An updated Phase 1 survey
- Updated specific species surveys (if required)

The development shall be carried out in accordance with the approved details.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

Public Rights of Way

55) No development shall take place over Public Footpaths ZR117, ZR119 and ZR120 until an Order under the Town and Country Planning Act 1990 has been confirmed for the diversion or extinguishment of these footpaths, including the approval of construction details for the diverted or extinguished right of way.

Reason: To ensure that the legal status of a right of way is properly considered

56) Public Footpath ZR119 within the development shall be upgraded to an appropriate standard with a width no less than 3 metres. No development within any phase containing the public footpath shall take place until the length of Public Footpath ZR119 within the application site has been dedicated as a Public Bridleway, through the provision of the Highways Act 1980 (s25 or s26) and details of the footpath surfacing have been submitted and approved in writing by the Local Planning Authority.

Reason: To provide an off-road multi user route across the site and enhance opportunities for cycling.

57) Prior to commencement of any phase, details of the surfacing of all Public Rights of Way (PROWs) within that phase shall be submitted to and approved in writing by the Local Planning Authority. All PROWs must be of a width of no less than 2.5m metres.

Reason: To cater for the expected increase in use of paths by residents seeking outdoor recreation and active travel.

Conservation and Archaeology

58) The reserved matters submitted pursuant to condition 2 shall incorporate a landscaped and green space buffer area to the south and west of Cryalls Farmhouse, such area to be no less in size than as shown on the illustrative masterplan drawing 2574-401 Rev J.

Reason: To protect the setting of the listed building.

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.

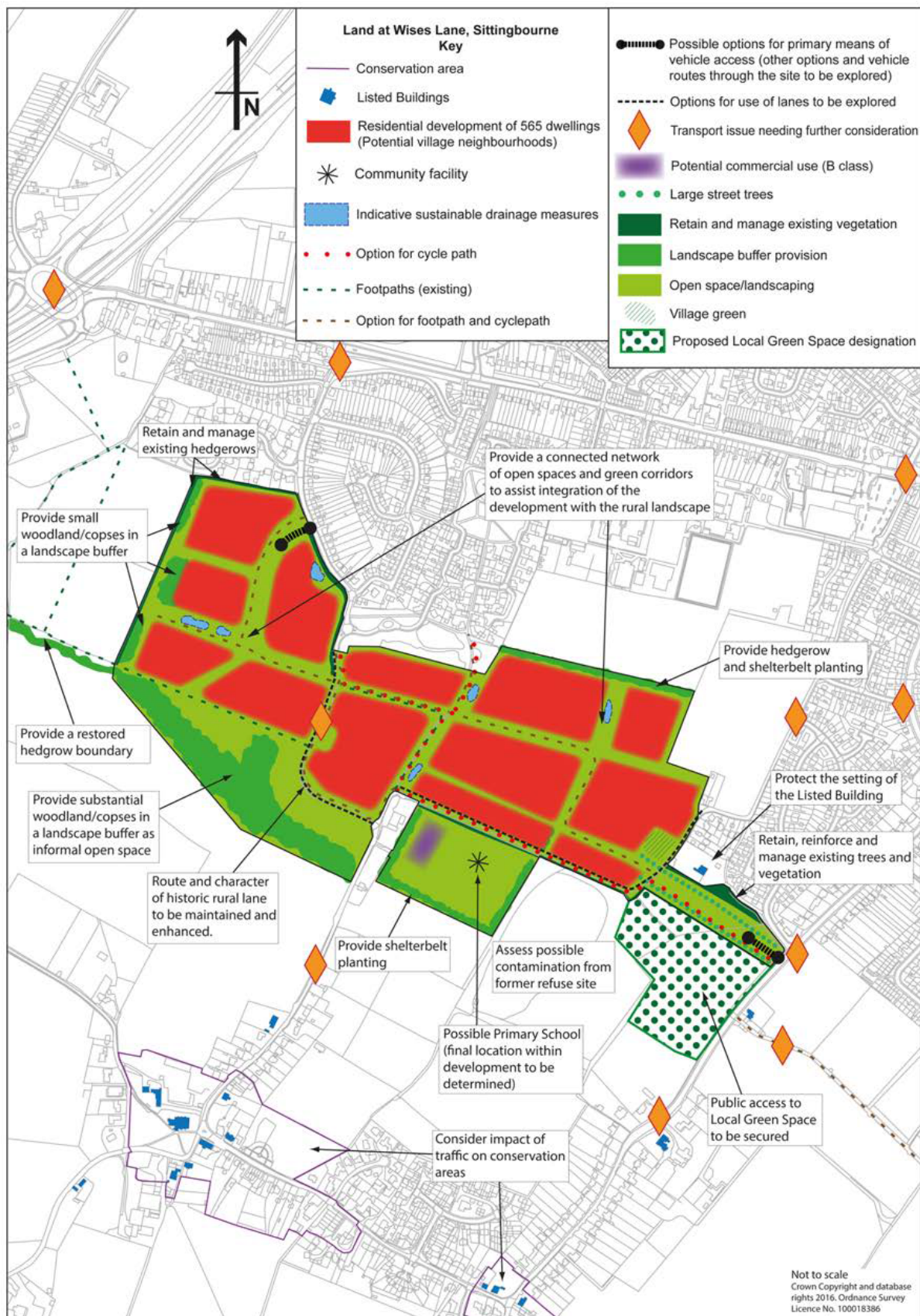
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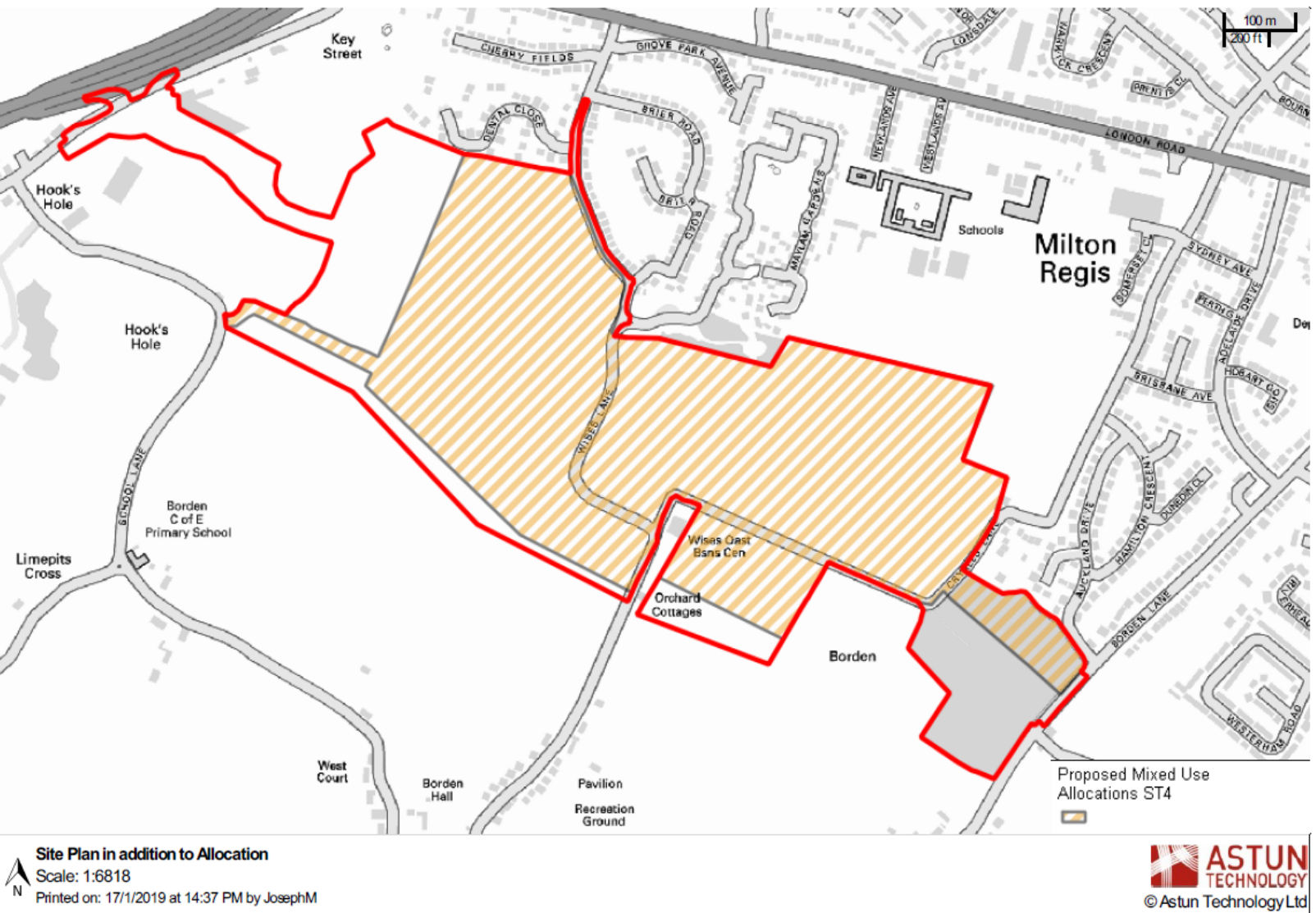
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Appendix 1 – Policy MU3 development concepts map



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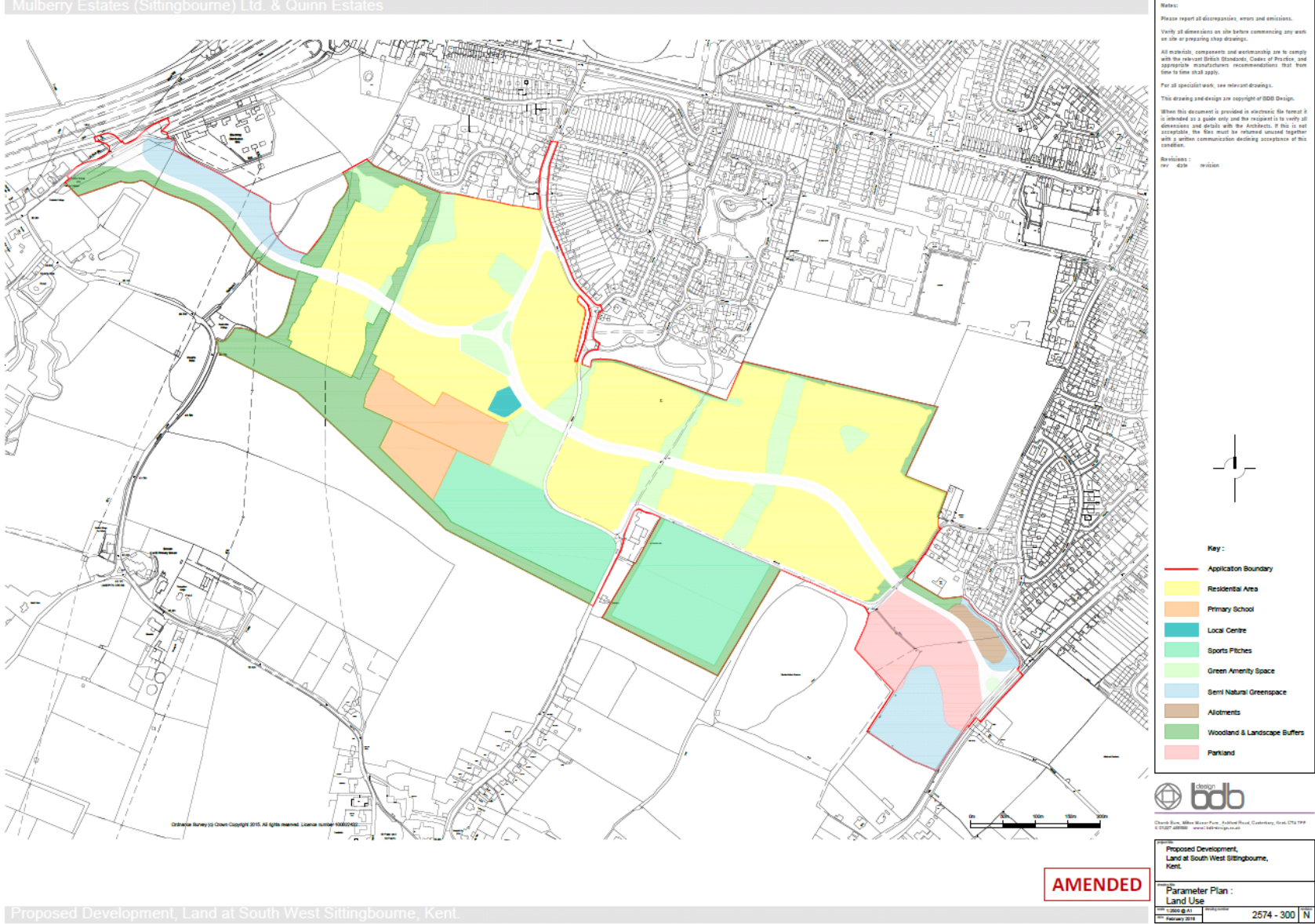
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Proposed Development, Land at South West Sittingbourne, Kent.

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Design Review

Land at Wises Lane and Cryalls Lane Sittingbourne

9 May 2018

Land at Wises Lane and Cryalls Lane, Sittingbourne

Reference: 557.3-1069

Report of Design Review Meeting

Date: 23 April 2018

Location: Swale Borough Council, Swale House, East Street, Sittingbourne

Panel

Allan Atlee (Chair), Architect/ Urban Designer

Luke Engleback, Landscape Architect

Alan Legg, Architect/Urban Designer/Planner

Also attending

David Tittle, Design South East

Mick Drury, Mulberry Estates

Julian Wilkinson, BDW

Brian Sutherland, BDB Architects

Hamish Buttle, Quinn Estates

John Wilde, C&A Consulting

Cllr John Wright, Swale Borough Council and Kent County Council

Cllr Nicholas Hampshire, Swale Borough Council

Cllr Ghlin Whelan, Swale Borough Council

Cllr James Hunt, Swale Borough Council

Cllr Roger Truelove, Swale Borough Council

Cllr Mike Baldock, Swale Borough Council

Simon Algar, Swale Borough Council

Andrew Byrne, Swale Borough Council

Alun Millard, KCC Highways

Site visit

As this was a follow-up review a smaller panel was used and a site visit was not undertaken. A full site visit was undertaken by the panel prior to the first review meeting in June 2016.

Summary

Since we last reviewed this scheme the masterplan has moved in a positive direction on a number of fronts but there are still aspects of the proposal that give cause for concern. It is disappointing that we have not yet seen the design brief which is a requirement of this site allocation. The design brief should have established design principles for the masterplan before it was developed.

The general tendency with this scheme to privilege traffic flow over place-making and pedestrian convenience is likely to lead to higher vehicle speeds and a less safe and attractive neighbourhood. Although the main road through this development has a linking and relieving function it should be seen primarily as a suburban street.

Regarding the phase 1 detailed design, we can see that discussions with the local planning authority have led to a positive evolution of the layout in some aspects but in others it still needs work. Clear design principles would have helped.

Background

This is a proposal for a residential-led mixed-use development of up to 675 homes, community, retail, sporting and medical facilities on an area of 47 hectares to the south west of Sittingbourne. The proposal also includes a primary school, formal and informal public space and a link road between Borden Lane and Chestnut Street.

Two thirds of the site is allocated for residential development under policy MU3 (Land at South West Sittingbourne) of the adopted local plan. A hybrid planning application has been submitted to Swale Borough Council with full planning permission sought for 80 homes on an area closest to the northern access to the site from Wises Lane.

This scheme has been reviewed on two previous occasions by the Swale design review panel. The last review on 18th July 2017 concluded that some strategic changes had been made which significantly improved the proposal; the panel supported the relocation of the school to be closer to the local centre, the inclusion of the rugby club and link road making a more direct connection to the A249. The proposal for north-south greenways through the site was commended. However, we felt there was a lack of vision in the proposals and that although reports such as an environment assessment and heritage reports had been commissioned we could not see how they had influenced design. We felt that more detail was needed at the outline stage to give the local authority confidence that a masterplan potentially delivered by a number of parties could achieve the necessary quality.

We sought greater clarity regarding the nature of the link road and how it would change as it moved through different areas of the development and particularly how it would respond to the greenways. We were strongly concerned about the large roundabouts at each end of the link road and how pedestrians and cyclists would access the development at these points. There was no diagram showing wider pedestrian connectivity into and beyond the development.

APPENDIX A**APPENDIX 4****Masterplan development: response to previous reviews**

While some specific points made in previous reviews have been responded to positively in other areas, the illustrative masterplan has not evolved significantly. In the absence of a design brief articulating clear design principles for the site this is likely to continue to happen.

Junction and link road design

At the last review we called for greater clarity about the character of the 'link road'. We are pleased to see that this has evolved somewhat and that calming/crossing arrangements are illustrated where the road passes through the greenways (although it is not clear exactly what these will be and the the central one nearest the school is absent). Sections drawings across the link road have not been produced and it is still hard to discern how its character changes.

At the first review we said that there was no reason why homes should not have direct access to the link road but on the southern side this seems to have been totally ruled out. This decision might be justified if the southern edge of the road provided a high-quality green verge with swales incorporated as part of an overall SUDs strategy, but this is not the case. The illustrated layout is wasteful of land as the area of carriageway is effectively doubled by the use of a separate service road to the houses. Furthermore, these service roads are often illustrated as being accessed by a convoluted drive around the block, rather than a simple in-out arrangement which has been typical of such service roads in the past.

In previous reviews we have criticised the layout for not following simple urban design principles and employing a loose but fully connected grid. There continue to be illustrations of cul-de-sacs embedded in blocks and obvious vehicle connections not made.

The two over specified roundabouts at each end of the link road are still shown. The applicants have not demonstrated how pedestrians and cyclists will safely and conveniently use these junctions. Nor has our previous request for an illustration of wider pedestrian connectivity been provided.

School and neighbourhood centre

At the last review we commended the decision to relocate the school and locate the shop and medical centre close to it but criticised the illustration of the school as set behind a car park. The school is still shown addressing a combined car park and drop off space with no 'civic space' in front of it for parents to wait and meet. The adjacency to the shop and medical centre could be improved still further and focussed on a shared public space which would become the heart of the neighbourhood.

Density

We are pleased to see a more varied pattern of density and building heights and would urge that this was explored further during the development of phases.

Cryalls Farm and southern edge

At the last review there had been no response to the heritage report. We are pleased

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to see that there is now a suitable response to the listed buildings. The buffer to the southern edge also seems appropriate.

Sustainable Urban Drainage Systems

It is unfortunate that SUDS discussions are on-going at such a late stage in the evolution of the masterplan. They could have driven the design much more. The principle that run-off should be dealt with as near as possible to where the rain drops fall should be one of the design principles for this development. At present we can only see a couple of attenuation ponds in the centre of the site. This does not constitute a SUDS. There are a huge number of benefits in terms of biodiversity, air quality and cooling that wide verges with swales and trees could provide to this development which would greatly increase its attractiveness and marketability.

Phase 1

It is good to see detailed proposals coming forward for a first phase of this development which enable the design issues to be engaged with in a practical way. The detailed designs for Phase 1 underline the importance of the design brief which should have been in place before any full application was submitted.

Layout

We are pleased with the way the layout for the northern part of phase one has developed as a result of discussions with the local planning authority. In particular our recommendation for a back-garden-to-back-garden arrangement where the scheme adjoins Dental Close has been adopted. This has been facilitated by the adoption of a simple loop through this block.

The layout of the southern part of phase 1 does not seem so rational with extended cul-de-sacs creating awkward relationships and possibly using land less efficiently than might be possible. It is not helped by not being able to use the land alongside Wises Lane near the Maylam Gardens and Brier Road junctions but north and south of this strip connections to Wises Lane could be created.

Junctions

The junction between the old and new Wises Lane seems over-specified with splays apparently based on the sweep path of large refuse vehicles. This creates a junction which is not friendly to pedestrians in order to facilitate a movement which will only happen once a week. We were told that a more compact layout was proposed but this was changed following a safety audit. We would suggest that there is something wrong with the safety audit methodology if that is the case.

There is a further problem with the proposal for this junction with the existing houses that currently front Wises Lane having access to drives across the triangular verge created by the new junction. This means that this area will simply be a series of drives and any benefit the green verge provides will be lost.

We can understand what is driving the decision to realign the road to create a more perpendicular junction but it could be that a much more subtle realignment of the old Wises Lane might be sufficient to give the signal to motorists that the new Wises Lane

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in now the through-route (something they will learn soon enough anyway).

At the junction between the new Wises Lane and the link road a dedicated right hand turning lane is proposed. Again, this is prioritising traffic flow over placemaking and is likely to result in increased speeds along the link road.

House designs

We are pleased with the way the house designs for Phase 1 seem to have evolved into a more contemporary approach in line with our recommendation from the previous review. It is unlikely that even the best volume housebuilder could replicate the quality of Bordon's older houses and so it is much better to create something that is simple and of its time. However, the architectural proportions and boundary treatments of these houses might have something to teach us. The larger windows now proposed should allow for greater daylight within homes than a historicist approach would have achieved, although where homes are south facing this needs to be examined carefully so there is not overheating. It would be much better if the spur for contemporary design was modern ways of living and working, in the way that, for example some of the better homes in Newhall, Harlow allow for small strategically-placed office-study areas and well-lit inside-outside rooms for socialising or play.

APPENDIX A**APPENDIX 5****Swale Borough Council Building for Life Checklist**

The table below illustrates the relationship between the twelve questions and the NPPF and NPPG.

Building For Life 12 Question	Links with the National Planning Policy Framework (2012)	Links with Planning Practice Policy Guidance (2014)*
Integrating into the neighbourhood		
1. Connections	9, 41, 61, 75	006, 008, 012, 015, 022
2. Facilities and services	38, 58, 70, 73	006, 014, 015, 017
3. Public transport	9, 17, 35	012, 014, 022
4. Meeting local housing requirements	9, 47, 50	014, 015, 017
Creating a place		
5. Character	17, 56, 58, 60, 64	006, 007, 015, 020, 023
6. Working with the site and its context	9, 10, 17, 31, 51, 58, 59, 118	002, 007, 012, 020, 023
7. Creating well defined streets and spaces	58	008, 012, 021, 023
8. Easy to find your way around	58	022
Street and home		
9. Streets for all	35, 58, 69	006, 008, 012, 022, 042
10. Car parking	39, 58	010, 040
11. Public and private space	57, 58, 69	006, 007, 009, 010, 015, 016, 018
12. External storage and amenity	58	040

Using this checklist

Please refer to the full Building for Life document

(<http://www.udg.org.uk/sites/default/files/publications/BFL12COMPLETED.pdf>) when assessing development proposals.

For each of the criteria and questions listed below you should provide a brief comment as to whether or not the matter has been addressed / considered fully within the submissions.

Not all developments will be able to meet all criteria. This may be due to site-specific circumstances, or matters outside of the applicant's control. In such instances applicants should explain why criteria can't be met, and officers can weight their assessment / comment accordingly.

APPENDIX A**APPENDIX 5****SITE ADDRESS: Land at Wises Lane, Borden****APPLICATION NO.: 17/505711/HYBRID****1. CONNECTIONS**

ITEM	COMMENT	(SBC use) ✓/✗
1a Where should vehicles come in and out of the development?	There are multiple access points, including two new accesses on Borden Lane and Chestnut Street, and existing access points on Wises Lane (north and south)	✓
1b Should there be pedestrian and cycle only routes into and through the development?	There are a network of cycle and pedestrian routes proposed through the site, with potential links to existing paths, Maylam Gardens, and potential for pedestrian / cyclist friendly measures to Cryalls Land and Riddles Road.	✓
1c Where should new streets be placed, could they be used to cross the development site and help create linkages across the scheme and into the existing neighbourhood and surrounding places?	The development will provide a new east-west link specifically designed for use by the wider neighbourhood, although care needs to be taken through detailed design that the link does not become a barrier to non-car users.	✓
1d How should the new development relate to existing development?	It fronts existing development on Wises Lane, and would be likely to face existing development on Cryalls Lane. As Dental Close backs onto the site, a back-to-back arrangement is considered appropriate here.	✓

2. Facilities and services

ITEM	COMMENT	(SBC use) ✓/✗
2a Are there enough facilities and services in the local area to support the development? If not, what is needed?	There are nearby shops and a PH on the A2, and a PH in Borden. The scheme proposes to accommodate a retail unit, and another flexible use commercial building. A primary school is required and forms part of the scheme. The scheme will make financial contributions towards secondary schools, the NHS and other infrastructure.	✓
Where new facilities are proposed: 2b Are these facilities what the area needs?	A primary school is required under the policy. The policy also specifies commercial floor space (including potential neighbourhood facilities). The flexible commercial floor space sought would cover a range of potential uses. The rugby clubhouse would meet a need for Sittingbourne rugby club and has potential to double for elements of community use.	✓
2c Are these new facilities located in the right place? If not, where should they go?	The school and retail / commercial building are shown to be located close to the junction between the Wises Lane and the new spine road in a relatively central location. The proposed retail / commercial uses would benefit from being located close to the spine road.	✓
2d Does the layout encourage walking, cycling or using public transport to reach them?	There are footpaths and cycle routes within the development. The spine road needs to be designed to allow pedestrians / cyclists to cross easily. It would be close to the proposed bus route through the site.	✓

APPENDIX A**APPENDIX 5****3. Public transport**

ITEM	COMMENT	(SBC use)✓/✗
3a What can the development do to encourage more people (both existing and new residents) to use public transport more often?	It provides the ability for a bus route to be diverted through part of the site.	✓
3b Where should new public transport stops be located?	The route will be between Chestnut Street and Wises Lane. A bus stop should be sited close to this junction.	✓

4. Meeting local housing requirements

ITEM	COMMENT	(SBC use)✓/✗
4a What types of homes, tenure and price range are needed in the area (for example, starter homes, family homes or homes for those downsizing)?	The SHMA sets out that new owner-occupied accommodation should be principally 2 and 3 bed units, but supporting text under Policy CP3 states that south Sittingbourne is seen as more prosperous / desirable where the existing housing offer should be reinforced to protect / enhance existing characteristics of the area.	✗/✓
4b Is there a need for different types of home ownership (such as part buy and part rent) or rented properties to help people on lower incomes?	Yes, there is a need on a site of this size to provide a range of housing types to provide a mixed / balanced community. Up to 81 units would be secured as affordable housing.	✓
4c Are the different types and tenures spatially integrated to create a cohesive community?	This will generally be considered at reserved matters stage, although the indicative housing mix is swayed towards larger housing as per commentary in 4a.	✗/✓

5. Character

ITEM	COMMENT	(SBC use)✓/✗
5a How can the development be designed to have a local or distinctive identity?	The detailed part of the scheme has been designed with its own distinctiveness and sense of place based on the more contemporary style of buildings and strong landscape framework.	✓
5b Are there any distinctive characteristics within the area, such as building shapes, styles, colours and materials or the character of streets and spaces that the development should draw inspiration from?	The closest built form is on Wises Lane / Dental Close / Cryalls Lane. Housing styles are mixed with no distinctive character. The style of historic buildings in Borden has been considered to be the wrong approach for a volume housebuilding development.	✓

6. Working with the site and its context

ITEM	COMMENT	(SBC use)✓/✗
6a Are there any views into or from the site that need to be carefully considered?	Yes, the land is open and very visible from some locations, although these are mainly close views with Sittingbourne town in the backdrop. The southern edges of the site are more sensitive as it lies closer to Borden. There are a number of listed buildings and conservation areas nearby and careful consideration has been given to their setting.	✓
6b Are there any existing trees, hedgerows or other features, such as streams that need to be carefully designed into the development?	Most of the site is open arable fields. Some trees and hedgerows will need to be removed, but many are shown for retention with additional planting to replace / strengthen this by the new site access points.	✓

APPENDIX A**APPENDIX 5**

6c Should the development keep any existing building(s) on the site? If so, how could they be used?	N/A	
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7. Creating well defined streets and spaces

ITEM	COMMENT	(SBC use) ✓/✗
7a Are buildings and landscaping schemes used to create enclosed streets and spaces?	Yes, within the detailed scheme, buildings shown to face onto tree-lined spine road. Main junction through site between Wises Lane and Spine road would accommodate taller buildings to give emphasis to townscape.	✓
7b Do buildings turn corners well?	Yes	✓
7c Do all fronts of buildings, including front doors and habitable rooms, face the street?	Where appropriate	✓

8. Easy to find your way around

ITEM	COMMENT	(SBC use) ✓/✗
8a Will the development be easy to find your way around? If not, what could be done to make it easier to find your way around?	Details to be confirmed through subsequent reserved matters applications. Strong parameter plans re distribution of built form, landscaping and open space set a good base for this.	✓
8b Are there any obvious landmarks?	Wises Oast next to the site, and Wises Lane runs through the site. The proposed local centre / school. The tree lined spine road. Buildings at focal points to be designed as landmarks.	✓
8c Are the routes between places clear and direct?	Subject to RM approval. Some conflict with direct access onto spine road, which may mean vehicles have to travel a more convoluted route.	✓

9. Streets for all

ITEM	COMMENT	(SBC use) ✓/✗
9a Are streets pedestrian friendly and are they designed to encourage cars to drive slower and more carefully?	Main spine road to be tree lined with pedestrian and cycle lanes. Spine road designed to strike balance between road function and pedestrian / cycle friendly facilities.	✓
9b Are streets designed in a way that they can be used as social spaces, such as places for children to play safely or for neighbours to converse?	Many beyond spine road and Wises Lane will be lightly trafficked, with options for informal social space.	✓

10. Car parking

ITEM	COMMENT	(SBC use) ✓/✗
10a Is there enough parking for residents and visitors?	To be considered with each RM application. Sufficient parking for phase 1A.	✓
10b Is parking positioned close to people's homes?	Yes, for phase 1A	✓
10c Are any parking courtyards small in size (generally no more than five properties should use a parking courtyard) and are they well	Yes for phase 1A	✓

APPENDIX A**APPENDIX 5**

overlooked by neighbouring properties?		
10d Are garages well positioned so that they do not dominate the street scene?	Yes – set back into rear gardens.	✓

11. Private and public spaces

ITEM	COMMENT	(SBC use) ✓/✗
11a What types of open space should be provided within this development?	There is a significant range of open space provision to cover and exceed policy requirements.	✓
11b Is there a need for play facilities for children and teenagers? If so, is this the right place or should the developer contribute towards an existing facility in the area that could be made better?	Three play areas are proposed through the development.	✓
11c How will they be looked after?	Likely to be a mix of Council and management company.	✓

12. External storage and amenity areas

ITEM	COMMENT	(SBC use) ✓/✗
12a Is storage for bins and recycling items fully integrated, so that these items are less likely to be left on the street?	Yes for flats in phase 1A. Other units generally detached family housing with space for bins within gardens.	✓
12b Is access to cycle and other vehicle storage convenient and secure?	Yes, cycle storage provided to each property.	✓

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APPENDIX A**APPENDIX 6**

Habitat Regulation Assessment (HRA)ⁱ Screening Matrix and Appropriate Assessment (AA) Statement

IMPORTANT NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations¹. However, it is the responsibility of the applicant to provide the Competent Authority with the information required to complete this process.

Application reference:	17/505711/HYBRID
Application address:	Land at Wises Lane, Borden
Application description:	<p>Hybrid planning application with outline planning permission (all matters reserved except for access) sought for up to 595 dwellings including affordable housing; a two-form entry primary school with associated outdoor space and vehicle parking; local facilities comprising a Class A1 retail store of up to 480 sq m GIA and up to 560sqm GIA of "flexible use" floorspace that can be used for one or more of the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions); a rugby clubhouse / community building of up to 375 sq m GIA, three standard RFU sports pitches and associated vehicle parking; a link road between Borden Lane and Chestnut Street / A249; allotments; and formal and informal open space incorporating SuDS, new planting / landscaping and ecological enhancement works.</p> <p>Full planning permission is sought for the erection of 80 dwellings including affordable housing, open space, associated access / roads, vehicle parking, associated services, infrastructure, landscaping and associated SuDS.</p> <p>For clarity - the total number of dwellings proposed across the site is up to 675.</p>
Lead Planning Officer:	Andrew Byrne
HRA Date:	03/08/18

¹ All references in this document to the 'Habitats Regulations' refer to the Conservation of Habitats and Species Regulations 2017

APPENDIX A**APPENDIX 6****Part 1 – Details of the plan or project**

European site or sites potentially impacted by planning application, plan or project (Delete as appropriate):

Medway Estuary & Marshes SPA and Ramsar Site
Thames Estuary & Marshes SPA and Ramsar Site
The Swale SPA and Ramsar Site

Is the planning application directly connected to the management of the site?

No

Part 2 – HRA Screening Assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant should provide evidence to allow a judgement to be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA / Ramsar Site.

The coastline of North Kent encompasses three Special Protection Areas (SPAs): the Thames Estuary and Marshes SPA, the Medway Estuary and Marshes SPA and the Swale SPA. They are classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and / or vulnerable in a European context, and also sites that form a critically important network for birds on migration. All three sites are also listed as Wetlands of International Importance under the Ramsar Convention (Ramsar Sites). For clarity, and the purpose of this assessment, 'European Sites' refers to both the SPA(s) and Ramsar² Site(s). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity.

Research³ conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

Following the CJEU ruling⁴, avoidance or mitigation measures cannot be taken into account as part of the application at this stage of the HRA, and must be considered under an Appropriate Assessment stage of the HRA in part 3 of this document.

² As a matter of Government Policy (NPPF Paragraph 18), Ramsar Sites should be given the same protection of European Sites.

³ Liley, D. & Fearnley, H. (2011). Bird Disturbance Study, North Kent 2010/11. Footprint Ecology

⁴ CJEU Ruling Case C-323/17

APPENDIX A**APPENDIX 6**

Are there any other plans or projects that together with the planning application being assessed could result in a likely significant effect the site when considered in-combination?

Yes. All new dwellings built within 6km of the SPA and Ramsar Site, or other developments that could lead to an increased recreational pressure, could combine to have a likely significant effect on the SPA and Ramsar Site.

Would the proposal lead to a likely significant effect on the European sites, without mitigation measures either alone or in-combination? YES (if yes, continue to part 3)

Part 3 – Appropriate Assessment

Appropriate Assessment under Regulation 63(1) – if there are any potential significant impacts, the Applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long-term management, maintenance and funding of any solution.

The project being assessed would result in a net increase of 675 dwellings within 6km of the North Kent SPAs and Ramsar Sites. In line with Policy CP7 'Conserving and enhancing the natural environment – providing for green infrastructure' and Policy DM 28 'Biodiversity and geological conservation' and based upon the best available evidence, a permanent likely significant effect on the SPAs and Ramsar Sites due to increase in recreational disturbance as a result of the new development, is likely to occur. As such, in order to avoid and mitigate for an adverse effect on the integrity of the SPAs and Ramsar Site(s), the development will need to include a package of avoidance and mitigation measures.

The North Kent Strategic Access Management and Monitoring Strategy⁵ (SAMMS) sets out a strategy to resolve disturbance issues to wintering birds on the North Kent Marshes, focusing on the European Protected Sites and Ramsar Sites and their internationally important bird interest features. Elements within the strategy are:

- Rangers to provide wardening and visitor engagement
- A North Kent Coast dog project to promote responsible dog ownership and encourage walking on lead in sensitive areas
- Codes of conduct developed in partnership with local groups and clubs to raise awareness of recreational disturbance in a variety of activities both on and off of the water
- Interpretation and signage
- New and/or enhanced infrastructure
- Enforcement and Monitoring

The report⁴ also considered alternative measures, such as legal covenants relating to pet ownership in new developments, and capping visitor numbers at recreational sites. Due to the complexities in enforcing legal covenants and in reducing visitor numbers to the North Kent marshes, it is difficult to have confidence that such measures would be effective in the long term.

⁵ Liley, D. & Underhill-Day, J. (2013). Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy. Unpublished report by Footprint Ecology

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The suite of strategic mitigation measures are being delivered through the Bird Wise⁶ project, a partnership of local authorities and conservation organisations in North Kent, to ensure that development, considered in-combination, does not have an adverse effect on the integrity of the European sites. A per-dwelling tariff⁷ has been calculated using the total cost of delivering the mitigation measures in-perpetuity and the planned number of additional dwellings expected to be built in North Kent. Swale's tariff is £239.61 per dwelling.

The applicant has set out the likely impact arising from the development in the supporting documentation on Ecology and Nature Conservation submitted with the application. This sets out that the site lies approximately 3.5 KMS from the nearest parts of the SPA, being at Lower Halstow and adjacent to the Sheppey Crossing. The reports include a wintering birds survey, which shows that the site does not support such species, primarily given its distance from the SPA, the relative abundance of suitable grassland and arable fields closer to the SPA, and the physical separation of the town of Sittingbourne which disconnects the SPA and the site. The applicant also refers to the open space measures proposed as part of the development, and the closer proximity of other recreational areas such as Milton Creek Country Park as reasons why adverse impacts on the SPA would be unlikely. Notwithstanding this, given the proximity of the site to the SPA and the established operation of the SAMMS, I consider that a payment in accordance with this strategy is still necessary, and this is agreed by the applicant.

Natural England has worked with the north Kent Local Planning Authorities to support them in preparing the SAMMS and the underpinning evidence base. Natural England agree that the mitigation measures to ensure additional impacts from recreational disturbance to the SPAs and Ramsar Sites are ecologically sound. As such, the Applicant does not need to provide their own evidence base on these aspects. Evidence should however be submitted showing that a mitigation contribution payment has either:

- Been made to the Bird Wise scheme through a Unilateral Undertaking; or
- Be made through a s106 agreement where Heads of Terms have been agreed and the agreement will be signed prior to any permission being granted.

Part 4 – Summary of the Appropriate Assessment - To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

Having considered the proposed mitigation and avoidance measures to be provided in-perpetuity through the secured contribution to the Bird Wise scheme, Swale Council conclude that with mitigation, the plan or project will have no adverse effect on the integrity of the European protected site(s).

The applicant has agreed to make the required financial payments under SAMMS through a S106 agreement. Given the size of the development, this will be on a phased basis with

⁶ Full details available at www.birdwise.org.uk

⁷ Baseline tariff set at £223.58 per new dwelling in 2014, index linked and subject to annual increase.

APPENDIX A**APPENDIX 6**

proportionate payment prior to occupation of each phase.

Having made this appropriate assessment of the implications of the plan or project for the site(s) in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received (see below), the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Natural England Officer:**Summary of Natural England's comments:**

On the basis of the appropriate financial contributions being secured to the North Kent SAMMS, Natural England concurs with your authority's conclusion this is suitable mitigation, as such the proposed developments will not have an adverse effect on the integrity of the following European protected sites:

- Medway Estuary & Marshes SPA and Ramsar Site
- Thames Estuary & Marshes SPA and Ramsar Site
- The Swale SPA and Ramsar Site

Nathan Burns

Area 14 Kent & Sussex

Mobile : 07554226006

ⁱ This template is to be used to aid the decision making for residential developments where the only potential impact is from recreational pressure that the Bird Wise scheme can mitigate. There may be cases close to the designated sites where additional impacts such as loss of habitat supporting SPA bird species or additional recreation management measures are needed, for example, which will require a bespoke, more detailed appropriate assessment.

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APPENDIX B**TABLED UPDATE FOR ITEM 2.1****17/505711/HYBRID Land at Wises Lane Borden**Outstanding consultation Requirements

It has come to my attention that an addendum to the ecology chapter of the Environmental Assessment (submitted as part of a package of further information and amendments to the scheme on 7th June 2018) was erroneously loaded onto the Council's Public Access system as a sensitive document. This addendum provided a further Technical Note to deal with a number of outstanding matters raised by Kent County Council Ecology in their original consultation response (dated 6/12/17), and included an updated badger survey which also sought to address comments received from the East Kent Badger Group.

As this information forms part of the Environmental Statement, it is a requirement under the Environmental Impact Assessment Regulations (2017) that such information follows a statutory publicity process. Whilst this process was undertaken in June 2018 in relation to the package of amendments received at the time, the information in the addendum to the ecology chapter was not available to view. As such, a further publicity exercise has been carried out to remedy this.

Notwithstanding the above, I can confirm that the KCC Ecology department did have access to this information, and their subsequent comments (dated 8th October 2018) confirm that the information provided is acceptable. In relation to the updated badger survey, they specifically comment that:

"We have reviewed the updated badger survey and we advise that sufficient survey information has been provided. The report has confirmed that there is a number of setts within and adjacent to the site. The setts are located within areas of open space so it may be possible to retain the setts in situ however the final mitigation strategy will have to be informed by updated badger surveys. We are satisfied that the open space within the development will continue to enable the badgers to forage/commute."

As Members will note, my recommendation is for Members to give officers delegated powers to approve this application, subject to the resolution of a small number of outstanding matters. I would recommend that these delegated powers are extended to cover the publicity process required in relation to the above. Whilst I am confident from the above that KCC Ecology have provided comments on this survey, as a precaution I have re-consulted both with Natural England and KCC Ecology as part of this process, taking into account the comments also received from Cllr Baldock below.

For clarity, I have also summarised below the comments originally received from the East Kent Badger Group, and as referred to in the addendum. These were originally only summarised in Section 5 of the main report as part of the wider local representations received.

East Kent Badger Group – object on the following grounds

- The ecological report falls far short of what is expected in respect of detail.
- Neither this badger group or the West Kent Badger Group were contacted for records
- As a result the survey is incomplete and two setts just outside the site (near Dental Close and to the south of the site) have been missed.
- There are impacts on at least one of these setts. Until such time as the badgers on and immediately around the site have been properly assessed, planning permission cannot be granted.

APPENDIX BConsultations / Comments**Historic England** (summarised)

- Agree with the scope of the Heritage Assessment submitted with the application.
- Advise that their remit for comment is in relation to highly designated heritage – and defer to the SBC Conservation Officer for impacts on adjacent conservation areas and Grade II Listed Buildings.
- Advise that The church of St Peter and St Paul and the adjacent Borden Hall form the core of a modest medieval settlement at Borden and are listed grade I and II* respectively. Both derive some significance from agricultural fields to their north (including the site) as these contribute to our understanding of their rural origins. Advise that while the application site is some distance from both listed buildings it is visible in views out from the churchyard and the garden of Borden Hall across agricultural fields to the north. New development within the site will thus cause some harm based on the wider rural setting afforded to both buildings and the significance both buildings derive from this. Advise that this level of harm is low given the distance of the development from both buildings, and capable of being minimised by new planting along the southern boundary of the site.
- Advise that the grade II* listed Hooks Hole and Olstede are both located in the Chestnut Street Conservation Area. The development is unlikely to be appreciated from either listed building due to a change in the topography which largely prevents direct intervisibility between the two. However the introduction of a new junction onto Chestnut Road (north of both listed buildings) and a link road from this running east to the core of the developable area is capable of generating a low level of harm because the modest road into the hamlet will inevitably be upgraded in a way which runs counter to the character of the rural hamlet as a whole. Advise that this harm might also be minimised with landscaping which mitigates the visual impact of the new access road and by careful design of the new junction.
- Summarise that Historic England has no concerns on heritage grounds provided that appropriate landscaping conditions to mitigate the visual impact of the development are included for in any approval.

Officer note – Members will note that Historic England identify a low level of harm to the setting of the above Grade I and II* listed buildings. In the main report, I have considered the impacts on Heritage Assets and concluded that they amount to “less than substantial harm” under the NPPF. The impacts identified by Historic England also fall under this category.

The identified impacts on the various Heritage Assets (including those above) relate to setting. I am satisfied that the impacts are minimised in part by the physical separation between the development site and surrounding assets, and also by the layout of the development and landscaping measures proposed. Whilst the low level harm identified by Historic England adds to the impacts identified in my report, and should be afforded greater weight as it relates to Grade I and II* buildings, I am satisfied that the harm remains less than substantial in all cases, and that my conclusions in paragraphs 8.209 – 8.211 and in paragraph 9.04 still apply – that the harm overall is limited and outweighed by the highway benefits.

KCC Archaeology – I have now received proposed conditions from KCC and these are listed below as additional conditions.

APPENDIX B

Southern Water – advise that Reference should be made to Southern Water publication “A Guide to Tree Planting near water Mains and Sewers”. Otherwise, all other comments in our response dated 11/12/2018 remain unchanged

KCC Highways – I am advised by KCC Highways that the figures specified in paragraph 8.138 of the main report should be updated to read as follows. Two way vehicle flows in the AM peak are 511, and 408 in the PM peak. KCC Highways advise that this makes no material change to the highways impacts or their recommendations.

Further representations

A further representation has been received by the University of Kent (on behalf of Borden Parish Council). This challenges the modelling undertaken by the applicant, seeks further data to be published by SBC, and challenges why measurements taken by UoK have been dismissed.

Officer note – This document has just been submitted and is being reviewed by the Environmental Protection Team Leader, and a verbal update will be given at the meeting. A copy is attached for Members to review.

A further representation has been received from Planning Consultants acting for Borden Parish Council. The letter is attached.

Officer note – this letter challenges a number of points in the officer report and the conclusion that the application should be granted. I have set out in detail in my report how I have reached this conclusion, taking into account local and national policies, and relevant material considerations. There is nothing in this letter that, in my opinion, raises any new issues that are not covered in my main report.

25 additional representations have been received (To Vivien Smith 29/01) These largely repeat objections raised and summarised in the main report and are not repeated here, but the following are new comments –

- The Government has, this week, published intentions to lower limits on air pollution, and the application would fail to meet these.
- It has also been revealed this week that Swale has the worst patient/GP ration in the country, and a strategy to improve this should be agreed before permission is granted for any further large scale housing development.
- The application should be refused or deferred in light of the above.
- Badgers forage in the area, and would lose their habitat
- No mention is made of the new estate at Manor Farm which will be accessed via Chestnut Street
- It is totally wrong to demolish a family home and a listed building which is part of the history of the village.
- The Design Brief attached as Appendix 4 is full of negative comments (lack of Design Brief, priority to privilege traffic flow over place) and it is difficult to understand why this application is being presented to committee.

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- The Building for Life Checklist (Appendix 5) has not been followed
- The detailed application should be for the whole site, not just phase 1A.
- No evidence from KCC that a primary school is needed, and KCC have no budget for this.
- Impact on Borden Nature Reserve
- The Phlorum Air Quality Review could not be objective, as Phlorum knew that the Swale Environmental Protection Team Leader had stated their position and support regarding air quality impacts prior to the review taking place.
- Phlorum has unnecessary time constraints imposed upon them.
- The University of Kent review is the only one that can be considered impartial.
- This application should be deferred in light of the above, and to continue would open the Council to investigation.
- Further air quality monitoring should be undertaken
- The objections are watered down into bullet points
- Lack of consultation for wider community

Officer note – I have summarised my responses below –

- An air quality update will be given at the meeting. Any future intention to lower AQ levels does not affect existing established thresholds that this application should be considered against.
- The Swale Clinical Commissioning Group has specifically sought an off-site financial contribution from the development to meet the needs generated by this development – and this will be secured under the S106 agreement
- The matters raised in relation to badgers are addressed above
- Manor Farm is referred to in the landscape assessment, and the traffic / air quality impacts from this committed site are included in the relevant survey work.
- No listed building (or any building) will be demolished.
- The Design Panel comments are referred to in the main report (8.34-8.35)
- The ability to submit an outline planning application is an established part of the planning process
- KCC have provided evidence in their comments that a primary school is required (para 6.36)
- All objections are summarised into bullet points. They are public comments, so can be read in full online.
- A total of 1565 letters were originally sent to local residents, and a number of site notices were displayed in and around the site, as well as adverts in local newspapers. This includes a number of notices on Borden Lane, Wises Lane, Chestnut Street / Maidstone Road and The Street. This has been repeated several times following amendments to the scheme. I am content that sufficient consultation has taken place.

Representations from Councillors

Cllr Mike Whiting has asked for a letter to be circulated to members prior to the meeting – and this is attached.

APPENDIX B

Cllr Mike Baldock has submitted detailed comments in objection to the scheme and these are attached.

Many points raised by Cllr Baldock are addressed in the main report. I would make the following further comments -

- The delivery of the link road and other highways related improvements are subject to triggers in the planning conditions and S106 Agreement.
- The existing site allocation is part of the Local Plan.
- It is an established principle of the planning process that applications can be made in outline form.
- The Council has employed landscape consultants to advise on the impacts and this forms part of the assessment in the main report.
- The requirement for housing to meet elderly / disabled persons needs is set out in proposed condition 17.
- The issue regarding badgers is addressed above.

Cllr Baldock has also submitted further correspondence that challenges the legality of permitting the application on the following grounds (summarised) –

- That the development would be contrary to the Hedgerow Regulations 1997
- That the application does not comply with relevant legislation as the survey work is inadequate, it does not provide information on a large sett adjacent to the site, and does not propose suitable mitigation.

Officer comment – Members will note the comments above in relation to the ecology addendum that was not made public. Whilst I am confident that the KCC Ecology team has assessed this information, I have as a precaution re-consulted KCC Ecology again. This also provides an opportunity for them to consider the points raised by Cllr Baldock.

With regard to compliance with the Hedgerow Regulations (1997), I can advise that these Regulations do not apply to the removal of a hedge as required for carrying out development for which planning permission has been granted (Regulation 6 (e)). However, if approved, this development would be subject to a number of planning conditions that will govern how the development is soft landscaped (through a combination of retention of existing trees and hedging where possible and the provision of new planting of indigenous trees and shrubs).

Environmental Impact Assessment (EIA) – Members will note in paragraph 8.268 onwards of my report that I have referred to a supplementary examination of the EIA as undertaken by my officers. For clarity, I have attached this document. Members should note that this is based on information submitted with the application and consultee responses, all of which are in the public domain.

Finally, I would advise Members that the wording to some conditions as set out in the main report has been changed. In addition, further conditions have been added. I have listed some of these below, although some further minor changes may follow.

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As Members will note from the main report, it is now a requirement to agree pre-commencement conditions with the applicant. If delegated powers are given to approve this scheme I would advise Members that this should also include to add and amend conditions where considered necessary by officers.

ConditionsArchaeology

59) Prior to the submission of a detailed application for any part of the development other than Phase 1A, the applicant or their agents or successors in title shall secure and have reported a programme of archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority.

Reason: 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.

60) Following completion of archaeological evaluation works for the site (or parts of the site that have been agreed with the Local Planning Authority), no development shall take place until the applicant or their agents or successors in title, has secured the implementation of 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.

Reason: 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.

61) Within 6 months of the completion of archaeological works on any part of the site, for that part of the site a Post-Excavation Assessment Report shall be submitted to and approved in writing by the Local Planning Authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

- i) A description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
- ii) An Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
- iii) A scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

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Reason: To ensure that the results of all archaeological works are properly assessed, analysed, reported and published and that the archive is prepared for archive deposition and properly managed and maintained.

62) Before development commences, a soil management strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall be undertaken by an appropriately experienced soil specialist and shall provide details for soil handling (including when soils are dry enough to be handled), soil storage, measures to retain and safeguard soil resources on the site. The strategy shall be designed to accord with in the Defra advice – “*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks)*”. The development shall be carried out in accordance with the approved details.

Reason: To safeguard soil resources.

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APPENDIX B

SECOND TABLED UPDATE FOR ITEM 2.1

17/505711/HYBRID Land at Wises Lane Borden

This follows the tabled update sent to Members yesterday, and clarifies the extent of the delegated powers that are sought, together with a further review of planning conditions.

I have no further update for Members regarding the outstanding issue relating to the Public Rights of Way and understand that the applicant is still in discussion with Kent County Council on this matter. Likewise, I have contacted Kent County Council regarding the potential for a contribution towards management / maintenance of the nature reserve, and discussions are ongoing.

I have therefore listed below the matters on which delegated powers for approval are sought

- Resolution of outstanding matters relating to existing public rights of way
- Confirmation from KCC of projects or management / maintenance proposals for the Borden Nature Reserve that would be affected by the increase in use to justify a financial contribution to such works – and agreement with the developer to contribute to this.
- The expiry of the consultation / publicity period relating to the ecology addendum and badger survey, and subject to no objections being raised by KCC Ecology or Natural England.
- Completion of a S106 Agreement in the terms as set out in the report
- The imposition of conditions as set out in the main report, the Tabled update sent yesterday, and those listed below (such conditions being subject to agreement with the applicant in accordance with new requirements)

Amended / Additional conditions

Following further discussion with the KCC Ecologist, the conditions below are recommended, and would replace those listed as conditions 53 and 54 in the main report –

53) No development shall take place (including any ground works, site or vegetation clearance) until a site-wide ecological mitigation and enhancement strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include the following –

- Details of baseline ecological appraisals to inform the strategy
- Measures to review/update existing survey data during the course of the development
- Overview of ecological mitigation requirements
- An overview of ecological enhancements to be secured across the site within the built and open space
- Maps clearly showing the ecological mitigation and ecological enhancement areas
- Details of which phases the habitat creation will be carried out/implemented
- Overview of what management will be carried out

Reason: In the interests of biodiversity

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54) Prior to the commencement (including vegetation clearance) of development in any phase, a detailed ecological mitigation and enhancement strategy for that phase shall be submitted to and approved in writing by the Local Planning Authority. This shall be carried out by experienced ecologists, and shall be based on the site-wide ecological mitigation and enhancement strategy submitted as part of condition 53 and shall contain the following:

- Submission of an updated Phase 1 survey
- A review of existing specific species surveys or where required submission of updated specific species surveys
- Overview of the proposed mitigation
- The purpose and objectives for the proposed works:
- Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- The extent and location of proposed works, including the identification of a suitable mitigation area shown on appropriate scale maps and plans;
- A timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- Use of protective fences, exclusion barriers and warning signs;
- Production of an Interim management plan for the first phase
- A review / update of the Interim Management plan for all other phases
- A detailed scheme of ecological enhancement measures for that phase.

The development in each phase shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity

63) No dwelling shall be occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Map showing the management compartments
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- h) Details of the body or organisation responsible for implementation of the plan;
- i) Ongoing monitoring and remedial measures.

The LEMP shall set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be implemented in accordance with the approved details.

I have also added the following landscaping conditions

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64) No development in any phase shall take place until full details of all existing trees and/or hedges in that phase, details of any trees or hedges proposed for removal, and measures to protect any trees or hedges shown to be retained, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include

- (a) a plan showing the location of, and allocating a reference number to each existing tree and hedge on the site to be retained and indicating the crown spread of each tree, and extent of any hedge, and identifying those trees and hedges to be removed.
- (b) details of the size, species, diameter, approximate height and an assessment of the general state of health and stability of each retained tree and hedge.
- (c) details of any proposed arboricultural works required to any retained tree or hedge
- (d) details of any alterations in ground levels and of the position of any excavation or other engineering works within the crown spread of any retained tree.
- (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development.

The development shall be carried out in accordance with the approved details and the approved protection measures shall be installed in full prior to the commencement of any development, and retained for the duration of construction works. No works, access, or storage within the protected areas shall take place, unless specifically approved in writing by the Local Planning Authority

In this condition “retained tree or hedge” means any existing tree or hedge which is to be retained in accordance with the drawing referred to in (a) above.

Reason: In the interests of protecting existing trees and hedges which are worthy of retention in the interests of the amenities of the area.

65) Notwithstanding the submitted plans, no development beyond the construction of foundations shall take place within phase 1A until full details of both hard and soft landscape works proposed within the curtilage of any dwelling or flat have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

66) All hard and soft landscape works shall be carried out in accordance with the approved details under condition 65). The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

67) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

67) No development beyond the construction of foundations within Phase 1A shall take place until a detailed hard and soft landscaping scheme, for all public areas beyond the curtilage(s) of any dwelling or flat has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include –

- Details of the type and quantum of open space to be provided (based upon the information contained within the Design and Access Statement / Development Brief submitted with the application)
- Soft landscaping proposals, to include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.
- Hard landscaping details for the public areas, to include details of footpaths and cycleways (including surface finishes), any means of enclosure, litter bins, dog bins, and benches.

Reason: In the interests of the visual amenities of the area and recreation.

68) The development shall be carried out in accordance with the details approved under condition 66 prior to the occupation of no more than 40 dwellings within Phase 1A. Any trees or shrubs 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.

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

69) The details submitted pursuant to condition (2) shall include a detailed hard and soft landscaping scheme for all areas within each phase of development. The scheme shall include –

- Details of the type and quantum of open space to be provided within each phase (based upon the information contained within the Design and Access Statement / Development Brief submitted with the application), and this shall secure at least 2 further equipped play areas within the scheme.
- Soft landscaping proposals, for public and private areas to include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall

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be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

- Hard landscaping details for the private and public areas, to include details of hardsurfaces, footpaths and cycleways (including surface finishes), any means of enclosure, litter bins, dog bins, and benches.

Reason: In the interests of the visual amenities of the area and recreation.

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APPENDIX C

PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Wednesday, 30 January 2019 from 7.00pm - 10.11pm.

PRESENT: Councillors Cameron Beart, Bobbin, Monique Bonney (substitute for Councillor Mike Henderson), Andy Booth (Vice-Chairman, in-the-Chair), Tina Booth (substitute for Councillor Peter Marchington), Bowles (substitute for Councillor Bryan Mulhern), Richard Darby, Paul Fleming (substitute for Councillor Mike Baldock), James Hall, Nicholas Hampshire, Harrison, James Hunt, Ken Ingleton, Nigel Kay, Prescott and Ghlin Whelan.

OFFICERS PRESENT: Simon Algar, Alan Best, Andy Byrne, Philippa Davies, Colin Finch, James Freeman, Andrew Jeffers, Cheryl Parks, Steve Wilcock and Jim Wilson.

ALSO IN ATTENDANCE: Councillors Mike Baldock, Mike Henderson, Roger Truelove and Mike Whiting.

470 EMERGENCY EVACUATION PROCEDURE

The Chairman ensured that those present were aware of the emergency evacuation procedure.

471 INTRODUCTION AND WELCOME

The Vice-Chairman in-the-Chair invited members of the Committee, visiting Members and officers to introduce themselves.

472 DECLARATIONS OF INTEREST

Councillor James Hunt advised that, contrary to reports on social media, he was not friends with one of the Applicants.

473 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 17/505711/HYBRID
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APPLICATION PROPOSAL

Hybrid planning application with outline planning permission (all matters reserved except for access) sought for up to 595 dwellings including affordable housing; a two-form entry primary school with associated outdoor space and vehicle parking; local facilities comprising a Class A1 retail store of up to 480 sq m GIA and up to 560sqm GIA of "flexible use" floorspace that can be used for one or more of the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions); a rugby clubhouse / community building of up to 375 sq m

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Planning Committee

30 January 2019

<p>GIA, three standard RFU sports pitches and associated vehicle parking; a link road between Borden Lane and Chestnut Street / A249; allotments; and formal and informal open space incorporating SuDS, new planting / landscaping and ecological enhancement works.</p> <p>Full planning permission is sought for the erection of 80 dwellings including affordable housing, open space, associated access / roads, vehicle parking, associated services, infrastructure, landscaping and associated SuDS.</p> <p>For clarity - the total number of dwellings proposed across the site is up to 675.</p>		
ADDRESS Land At Wises Lane Borden Kent ME10 1GD		
WARD Borden And Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Quinn Estates Ltd & Mulberry Estates (Sittingbourne) Ltd AGENT Montagu Evans

The Senior Planner reported that three further representations had been received; two from local residents and one from Borden Wildlife Group. They had raised issues on the impact of the development on badgers, and the adequacy of the survey work that had been undertaken. The Senior Planner referred to the two tabled papers and explained that this had been addressed in the first tabled paper.

The meeting was adjourned from 7.15pm to 7.35pm to allow Members to read the tabled papers, if they had not already done so.

The Senior Planner introduced the application and explained that the site covered an area of 47.5 Hectares. The site was currently mainly open agricultural land. Much of this, 33.7 Hectares, was allocated under the adopted Local Plan for housing. The remainder of the site was designated as countryside and was within an important Local Countryside Gap. The Senior Planner explained that there were planning constraints to the development. These included: the Local Green Space (access to application site); Borden Nature Reserve; Local Countryside Gap; and proximity to listed buildings and Chestnut Street Conservation Area. The Senior Planner explained that the allocated land to the west of the site would accommodate additional housing, with a link road between Borden Lane and Chestnut Street, with a slip road included onto the A249. The Senior Planner indicated on the plans the location of the rugby club, the school, retained green space, allotments and other areas of green space. He explained that Phase 1 was set-out in detail, with the other phases being outline. Phase 1 consisted of the 80 dwellings, and would include the re-alignment of Wises Lane. He indicated the various highway and off-site highway works. The 80 units would be accessed via Wises Lane. The connecting road between Chestnut Street and Wises Lane would be completed before the occupancy of 200 units. The full length of the spine road would be completed prior to occupancy of 422 units. Offsite highway works included the signalisation of Wises Lane/London Road junction, a roundabout on Borden Lane, mini roundabouts on Homewood Avenue/Adelaide Drive junction; pedestrian improvement works; and re-configuring of the Key Street roundabout, with Chestnut Street providing access to the A249 via the new roundabout.

Parish Councillor Clive Sims, representing Borden Parish Council, spoke against the application.

Roger Down, a supporter, spoke in support of the application.

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Mrs Nicola Butlin, an objector, spoke against the application.

Mark Quinn, the Applicant, spoke in support of the application.

The Vice-Chairman in-the-Chair explained that Members would go through the Committee report, from page 44 to page 103, and he invited questions relevant to these pages.

The questions and answers were on the following issues:

Page 44

In terms of the financial appraisal and the additional highway link, what sort of assessment was carried out, was it independently reviewed, and was there evidence of this? The Senior Planner advised that a viability appraisal had been submitted and external consultants had provided advice. Four different scenarios were tested, including a test on a greater amount of affordable housing, a housing mix with more small units, and a scheme without the additional 80 units. The advice had been that the development was only viable with the extra units and the delivery of 12% affordable housing. He added that there had been tests on the basis of the additional housing needed to fund the highway works. The viability of the development was outlined in paragraph 8.38 of the report.

Page 46

Why had the masterplan not been submitted prior to the submission of the application, and the infrastructure in place before anything else? The Senior Planner explained that infrastructure came at a cost, so a certain amount of housing needed to be provided before the highway works could be delivered. He explained that the Section 106 Agreement, plus conditions required the infrastructure to be in place at set trigger points.

Large sites should have a masterplan, why was it not appropriate that this development had one? The Senior Planner explained that it was not a policy requirement to have a masterplan in place prior to submission of the application, and this was not a barrier to the application going forward. There had been lengthy discussions with the developer on his masterplan brief during the course of the application.

Page 50

A Member asked about break-even profitability and viability figures, and how Members could be assured about the figures and the different scenarios. The Senior Planner explained that this had been reviewed by an independent viability consultant, was in the public domain and was included within the report and supporting documentation.

Page 51

A Member asked about the mix of housing units on the site, and suggested 2/3 bedroom housing was needed. The Senior Planner explained that the mix of

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housing was indicative at this stage and not set. However, it was likely to sway towards larger properties because of viability. He added that the 3-bedroom mix was similar to the Borough-wide requirement mix, but that a greater proportion of 4-bedroom units were likely. This meant that there would be a greater number of larger units than was ideal, but it was not unacceptable. The Member suggested that viability, rather than housing need was being considered? The Senior Planner explained that a range in size of units would still be delivered.

A Member asked why the needs of the Borough were not being considered above profitability? The Senior Planner re-iterated that there was a mix of dwelling sizes Borough-wide, often set by the scenario of the application site. He added that ideally there would be a greater mix than that proposed, but it was not viable in this case.

Page 52

A Member asked why the amount of affordable housing was not 40%, agreed at the out-set, and how the figure was achieved? The Senior Planner explained that affordable housing would be secured through a Section 106 Agreement, to achieve a minimum figure that was viable. The Member raised concern that if a limit on affordable housing was not provided, a greater number could come forward with potential impacts, e.g. that any potential service charge could be a burden and put people off living in the properties which could have an impact on the scheme. The Head of Planning Services explained that the Section 106 Agreement could put a cap on affordable housing.

A Member asked that when the Section 106 Agreement was negotiated, did the seven wheelchair accessible dwellings negate the 11 shortfall of affordable housing? The Senior Planner stated that these were already included. A review mechanism would be provided with the Section 106 Agreement to look into the viability of the scheme further into the development, with an aim to achieve more affordable housing if viability improved at a later date.

A Member considered the figures for the affordable housing contradicted the Local Plan, and why was that allowed to happen? The Senior Planner explained that the Local Plan Policy allowed the scenario of considering viability of the development. He added that the additional 80 units would fund the highway works. He acknowledged that this came at a cost, with the larger units providing more profit.

Page 55

A Member queried how operable the footpaths on the site would be, particularly ZR117 as it was positioned where the allotments would be? The Senior Planner explained that the developer was in on-going discussions with the Kent County Council (KCC) Public Rights of Way Officer regarding this.

In response to a question on whether there would be 3-way signalling at the Wises Lane/A2 junction, the Principal Transport and Development Planner (KCC) confirmed that there would be.

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Page 57

A Member asked about the viability in relation to affordable housing and the impact of a High Court decision, on this application. The Head of Planning Services advised the National Planning Policy Framework and National Planning Practice Guidance had been updated and the Section 106 Agreement would address the affordable housing in relation to viability.

A Member asked whether the viability of the development had been scrutinised and the Senior Planner confirmed that it had been reviewed by a consultant.

Page 58

A Member asked how many hedges, including ancient hedges, would be removed and how many would be replaced? The Senior Planner explained that he had no exact detail of percentage removal, but there would be some hedge removal. This was accepted by the Council's Tree Consultant and the KCC Ecology department. The Major Projects Officer referred Members to the second tabled paper, and to condition (64) which dealt with hedges on the site and ensured that there was a good degree of control, and an opportunity to get suitable replacements and achieve a net gain in bio-diversity.

Page 62

A Member questioned the development that would take place on the Countryside Gap. In response, the Senior Planner indicated on the plans what part of the development encroached into the Countryside Gap. He explained that there would be some strategic landscaping and green spaces, some housing, and some highway infrastructure within part of the Countryside Gap, and that the erosion of this gap was part of the 'planning balance'.

A Member sought clarification on why housing and highways works were being developed within the Countryside Gap. The Senior Planner explained that a Countryside Gap was normally there to stop settlements from merging, and in this case, it needed to be balanced with the planning merits.

Page 80

A Member was not happy that the University of Kent's opinion on air quality and modelling had been dismissed, and referring to the tabled paper, requested the verbal update on this. The Environmental Protection Team Leader explained that the methodology/equipment/time frame of their monitoring had not been comparable with SBC monitoring, which adhered to Department for Environment, Food and Rural Affairs methodology and therefore could not be considered.

Page 84

A Member asked for evidence that skylarks' habitats could be moved, and that it would work? The Member also requested an update on the management of Borden Nature Reserve. The Senior Planner explained that a skylark mitigation strategy had been provided by the developer and this had been reviewed by KCC

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Ecology who were happy with the mitigation measures that would be put in place. With reference to Borden Nature Reserve, the Senior Planner explained that although it was managed by Borden Parish Council, they had no authority over it. KCC owned the reserve and had some projects they would like to implement on the site. There were on-going negotiations to secure a sum of money in terms of Community Infrastructure Levy (CIL)/Section 106 payments.

Page 86

A Member asked what the land set-aside for the medical centre, and no longer required by the NHS/Clinical Commissioning Group, would now be used for? The Senior Planner explained that there had originally been a plan to have an on-site medical facility, but this had now changed to a 'flexible use' building, that could be either retail, restaurant use, financial or non-residential use.

A Member considered that by not having a medical centre on the site, there would be an increase in traffic movements from residents travelling elsewhere for medical treatment. He also wanted clarification on whether a restaurant use would have more impact, in terms of traffic movements, than the planned original use of a medical centre? The Principal Transport and Development Planner (KCC) explained that the trip rates would be less than those projected for the medical use.

A Member asked whether KCC had stated whether they would utilise the school on the site? The Senior Planner explained that KCC had confirmed that a school was required on the site, and it was a requirement of the Section 106 Agreement that the land be delivered to KCC. The current draft Section 106 Agreement provided delivery of the school land at 150 units, but the Senior Planner added that this was only a draft trigger at present. The Planning Lawyer explained that the Section 106 Agreement had been drafted, and there were safeguards in place, whereby the monies were paid to SBC, who then paid KCC when evidence was provided illustrating that the school would be delivered.

Page 90

A Member asked for information on the clawback facility if the monies were not required? The Planning Lawyer explained that often the draft of a Section 106 Agreement had a clawback period of 10 years, whereby if the infrastructure had not been delivered, the money could be repaid and this would be part of the negotiations. The Member asked how often the Section 106 Agreement reviews would take place. The Head of Planning Services explained that they were guided by CIL regulations. Schools for example, were fixed, and the developer had to pay the money, so there was no review. Only if the money was not required could it be given back. The Senior Planner added that the purpose of a review was loaded on the Council's side, i.e. affordable housing numbers would go up, not down.

A Member asked where the children of the first 150 dwellings would be schooled, prior to the school on site being completed? The Senior Planner explained that this was a matter for KCC to consider, and would be likely to influence their requirements to bring forward the new school.

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Page 91

A Member asked how it could be guaranteed that monies for a particular scheme would be used for that, i.e. libraries? The Senior Planner explained that the Council collected the money for KCC and they needed to demonstrate to the Council what they were spending the money on before SBC would release it. The Major Projects Officer referred Members to page 40 of the report and stated that clarity of intentions would be built into the Section 106 Agreement and SBC would need to see evidence.

A Member asked whether the contribution figures set out were likely to be the final figures, and not be reduced? The Head of Planning Services explained that this was index related capital infrastructure which would be audited and reported back to Members.

A Member requested that the final Section 106 Agreement be decided upon by the Planning Committee, rather than be delegated to officers. In response, the Vice-Chairman-in-the-Chair explained that this was normally carried out by the Chairman and Ward Members, with any variation being submitted back to the Planning Committee.

Page 93

A Member sought assurance on no reduction in the Building Research Establishment Environmental Assessment Method (BREEAM) 'Very Good' standard as outlined in condition (11). The Senior Planner explained that the condition was specific, and the applicant would have to apply to vary this if they sought a lower standard.

Page 94

A Member referred to condition (14) of the report and whether 'secure by design' was incorporated into the development. The Senior Planner explained that this was a standard condition, and that its likely effect would be the same thing

Page 95

A Member queried the different phasing parameters, and suggested it was all about viability? The Senior Planner stated that it was to a degree, but that income from the development was also needed to secure the infrastructure. KCC Highways and Transportation were happy with the triggers. It was hoped to get the infrastructure in as early as possible, and to improve the infrastructure in the area.

A Member considered the developer could deliver the infrastructure from their profit from other developments, and that the community would get nothing until the development was completed.

Page 98

A Member asked if the wording in paragraph 38 could be changed from 'indigenous' species, to 'native' species. The Senior Planner noted the request.

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The Vice-Chairman in-the-Chair moved the officer recommendation to approve the application and this was seconded by Councillor Cameron Beart.

A visiting Ward Member spoke against the application.

A visiting adjoining Ward Member spoke against the application.

A visiting Member spoke against the application.

A Ward Member spoke against the application. He raised the following points: the application fell far short of approving; there were a lot of 'loose ends'; part of the application site was outside the area allocated in the Local Plan for housing; the independent report on behalf of Borden Parish Council showed flaws in the Committee report; the roundabout on Borden Lane was not approved by the Design South East Review; concerned where pupils would be schooled prior to the school being built, with impact on highways; series of narrow lanes; lack of GP/medical provision, this needed to be considered further; the spine road was shifting problems off the main road; air quality issues; impact on Chestnut Street; Oad Street would become a 'rat-run'; the development would be detriment to Borden residents; junction 5 scheme on M2 needed to be in place for this to succeed; there would be an increase in car movements; the highway infrastructure could not cope at the moment; 3-way signalling at Wises Lane was not a good option; should be 40% affordable housing, not 12%; this gave developers the 'green card' to build anywhere; Borden needed to be safeguarded as a rural village; the Local Plan should be respected; and needed to refuse this application.

The Committee debated the proposal to approve the application, and raised the following points:

- The majority of the site was allocated for housing within the Local Plan;
- needed to think about national policies as well;
- there were benefits re the highway works, new junction and spine road;
- there was no need to defer this application;
- thanks to the officers for the detailed report, and detailed updates;
- Phase 1a looked like a brilliant design, and was contemporary;
- acknowledged residents' concerns, but this should be approved;
- Countryside Gap was important;
- the development within the Countryside Gap seemed to work;
- the Section 106 Agreement should come back to the Planning Committee;
- the Police had requested further details re crime prevention measures, this should have been dealt with already;
- concerns from Sports England should be noted;
- Southern Water had stated there was not enough capacity to accommodate waste water flows;
- the exact position of public sewer and waste needed to have been sorted out by now;
- there should be 40% affordable housing at this site;

- 480 -

APPENDIX C*Planning Committee**30 January 2019*

- needed to recognise the dangers of poor air quality on all residents;
- virtually all of the site was within land allocated for development in the Local Plan;
- the Local Plan should be defended;
- if we did not support development on sites allocated for housing in the Local Plan, this would open up green spaces for development, and these needed to be defended;
- 13.8 Hectares fell outside the Local Plan – that was not a small add-on;
- this application did not meet SBC's affordable housing targets;
- this was outside the scope of the Local Plan allocation;
- on a large site like this, would expect to see a masterplan;
- lots of documents had been delivered late;
- the Countryside Gap was disappearing, with an impact on ecology;
- concerned with the highway works: the spine road and roundabouts;
- Borden Lane was already a 'nightmare';
- lack of medical provision on the site;
- it was not unusual to have last minute representations;
- applauded dialogue between officers and developers;
- welcomed the addition of play panels;
- dog and litter bins should be increased;
- should uphold the distance from Cryalls Farmhouse and future potential dwellings;
- apprenticeship scheme for construction work was critical; and
- there should be no decrease in BREEAM standards.

Councillor Nigel Kay moved the following amendment: That the Section 106 Agreement comes back to the Planning Committee for the final decision. This was seconded by Councillor Nicholas Hampshire and included in the vote below.

Councillor Nigel Kay moved the following amendment: that there should be a condition so that areas on the south of the site, outside the Local Plan, and part of the Countryside Gap be landscaped. The Senior Planner advised that the closest build from the southern boundary on the parameter plans was the school and some housing, and so it was essentially an open space, with sports pitches, plus a club house, and would be strategically landscaped in any case. Councillor Kay withdrew this amendment.

In accordance with Council Procedure Rule 19(2) a recorded vote was taken on the motion to approve the application, plus amendment, and voting was as follows:

For: Councillors Cameron Beart, George Bobbin, Andy Booth, Tina Booth, Bowles, James Hunt, Ken Ingleton, Nigel Kay, Prescott. Total equals 9.

Against: Councillors Monique Bonney, Richard Darby, Paul Fleming, James Hall, Nicholas Hampshire, Harrison, Ghlin Whelan. Total equals 7.

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Absent: Councillor Mike Dendor.

Resolved: That application 17/505711/HYBRID be delegated to officers to approve subject to:

- conditions (1) to (58) in the report;*
- additional conditions as outlined in the tabled papers - conditions (59) to (70);*
- amendments to conditions (53) and (54);*
- the resolution of outstanding matters relating to existing public rights of way;*
- no objections being received from Historic England;*
- the wording in paragraph 38 changed from 'indigenous' species, to 'native' species;*
- confirmation from KCC of projects or management/maintenance proposals for the Borden Nature Reserve that would be affected by the increase in use to justify a financial contribution to such works – and agreement with the developer to contribute to this;*
- the expiry of the consultation/publicity period relating to the ecology addendum and badger survey, and subject to no objections being raised by KCC Ecology or Natural England; and*
- the completion of a S106 Agreement for the terms as set out in the report, and the Agreement to come back to the Planning Committee for the final decision.*

474 SUSPENSION OF STANDING ORDERS

At 10pm Members agreed to the suspension of Standing Orders in order that the Committee could complete its business.

Chairman

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

All Minutes are draft until agreed at the next meeting of the Committee/Panel

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PLANNING COMMITTEE – 20 JUNE 2019**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

Def Item 1 REFERENCE NO - 17/505711/HYBRID		
APPLICATION PROPOSAL		
Hybrid planning application with outline planning permission (all matters reserved except for access) sought for up to 595 dwellings including affordable housing; a two-form entry primary school with associated outdoor space and vehicle parking; local facilities comprising a Class A1 retail store of up to 480 sq m GIA and up to 560sqm GIA of "flexible use" floorspace that can be used for one or more of the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions); a rugby clubhouse / community building of up to 375 sq m GIA, three standard RFU sports pitches and associated vehicle parking; a link road between Borden Lane and Chestnut Street / A249; allotments; and formal and informal open space incorporating SuDS, new planting / landscaping and ecological enhancement works.		
Full planning permission is sought for the erection of 80 dwellings including affordable housing, open space, associated access / roads, vehicle parking, associated services, infrastructure, landscaping and associated SuDS.		
For clarity - the total number of dwellings proposed across the site is up to 675.		
ADDRESS Land At Wises Lane Borden Kent ME10 1GD		
RECOMMENDATION		
That delegated authority is given to officers to proceed with agreeing a S.106 planning obligations agreement based on the contributions, triggers and details included in appendix A.		
SUMMARY OF REASONS FOR RECOMMENDATION		
The S.106 obligations sought would comply with the CIL regulations and reflect the requirements of key service and infrastructure providers		
REASON FOR REFERRAL TO COMMITTEE		
Following the resolution to grant planning permission at its extraordinary meeting on 30 January 2019, the Committee requested that the details of the S.106 agreement be presented to the Committee for approval		
WARD Borden And Grove Park	PARISH/TOWN Borden	COUNCIL APPLICANT Quinn Estates Ltd & Mulberry Estates (Sittingbourne) Ltd AGENT Montagu Evans
DECISION DUE DATE 07/03/18	PUBLICITY EXPIRY DATE 03/03/19	OFFICER SITE VISIT DATE

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MAIN REPORT**1.0 Background**

- 1.01 At its meeting on 30 January 2019 the Planning Committee resolved to grant planning permission for the above planning application subject to:
- conditions (1) to (58) in the report;
 - additional conditions as outlined in the tabled papers - conditions (59) to (70);
 - amendments to conditions (53) and (54);
 - the resolution of outstanding matters relating to existing public rights of way;
 - no objections being received from Historic England;
 - the wording in paragraph 38 [should be condition (38)] changed from 'indigenous' species, to 'native' species;
 - confirmation from KCC of projects or management/maintenance proposals for the Borden Nature Reserve that would be affected by the increase in use to justify a financial contribution to such works – and agreement with the developer to contribute to this;
 - the expiry of the consultation/publicity period relating to the ecology addendum and badger survey, and subject to no objections being raised by KCC Ecology or Natural England; and
 - the completion of a S106 Agreement for the terms as set out in the report, and the Agreement to come back to the Planning Committee for the final decision.
- 1.02 This report deals exclusively with the details of the S106 Agreement, being the one item that was not delegated to officers by the Planning Committee. A table is attached (Appendix A) with the S106 items and triggers set out.
- 1.03 This report will focus on the heads of terms for the S.106 obligations, and the section of the report to the 30th January 2019 Committee report that dealt with these is appended (Appendix B).
- 1.04 Members should note that the original committee report referred to a Kent Police contribution of £27,470. I have since determined that this request does not meet the CIL tests and have removed it from the S106 Agreement.
- 1.05 I have also appended the draft set of planning conditions for Members' information (Appendix C).

2.0 CONSULTATIONS

- 2.01 I have received the following list of proposed improvement works to the Borden nature reserve, which has been provided by Kent County Council (the landowner) in conjunction with Borden Parish Council (the leaseholder).
- A Land Management Plan to look at in detail the potential management opportunities of the site going forward
 - Improving the hardstanding inside the new entrance gate and fencing this area so that 4/5 cars could park off road,
 - Picnic benches were also discussed for the open area.
 - It was noted that the open area would need maintenance by the Parish Council if this was made into a 'picnic' type area.

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- Ideas for attracting or introducing more biodiversity and habitat management to promote new species development including a volunteer group could be formed to litter pick and look after the area.
 - Boundary fencing and Styles need to be upgraded.
- 2.02 Officers have recently met with representatives from Borden Parish Council and the local ward members to discuss the obligations to be secured under the S106 Agreement. A number of requests for additions / amendments to the Agreement have been made, and I have assessed whether such requests would meet the relevant CIL tests (as set out in section 3 below). The terms of the S106 agreement are now being adjusted to take this into account. Those areas where amendments have been agreed with the applicant following the above discussions are as follows –
- 1) An obligation for the developer to fund an extension to public footpath ZR121, which would improve pedestrian access between the site and Borden Village.
 - 2) An amendment to the open space provisions which would enable Borden Parish Council to take on some of the space. Specifically Borden Parish Council has shown an interest in the land between the nature reserve and Borden Lane, and the proposed allotments.
 - 3) An increase in the financial contribution towards improvements to the nature reserve (as set out above) to £40,000.
 - 4) The ability to use the NHS contribution on other facilities within a catchment area of the site (including the potential to use this on-site if the NHS considered taking on the “flexible use” unit).
 - 5) The delivery of the rugby club facility at an earlier stage in the process. Currently this is proposed prior to occupation of 549 units. The applicant is willing to bring this forward and is presently assessing the construction timetable to establish when services / connections can be provided to enable this. I will update Members with a more precise trigger at Committee.
 - 6) That the requirement for a reserved matters application for the retail / commercial floorspace is brought forward to be submitted prior to occupation of the 80th dwelling on site (currently proposed at 100 dwellings).
 - 7) That any surplus from the footpath ZR118 contribution can be used to improve other footpaths immediately adjacent to the site.
 - 8) Use of KCC funding for community learning and social care services to be potentially invested in more local projects, although KCC have stated that the current mobile library service to Borden (2 stops) is not under threat.
- 2.03 Following a request by Borden Parish Council to request an earlier timescale for bringing forward the transfer of the primary school land, KCC Education have responded stating that an ‘over early delivery could destabilise other local schools and place an onerous obligation upon KCC for construction of the school and/or maintenance or management of the site prior to construction. In these circumstances, the original obligation trigger for the transfer to take place prior to occupation of no more than 150 dwellings or after a period of 36 months from the date of commencement of development of Phase 1A whichever is the sooner – should be retained as the trigger.’
- 2.04 Further matters were raised by the local Ward Members regarding highways and transportation:

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- 1) To pay the contribution towards the southbound on slip road before the occupation of the 150th dwelling (in advance of phase 2) rather than the 300th dwelling;
 - 2) Request that two bus stops are provided on Wises Lane - Provision of this would be through the section 106 requiring a s.278 agreement with the Highway Authority at a point soon after the Chestnut Street to the Wises Lane link is available.
 - 3) Request that no more than 120 dwellings (rather than 199 dwellings) should be occupied until the entire length of the internal spine road between Wises Lane and Chestnut Street has been constructed to an adoptable standard and made available for public use (this would need amendment to corresponding conditions 21 and 22 of the item agreed by Planning Committee) – to ensure delivery prior to the completion of Phase 2 of the development and reduce the predicted impact on the A2/Wises Lane junction.
 - 4) To assist with the ability to deliver the above Spine Road/On slip requests Members are offering a relaxation of the need for a condition requiring that the section 278 agreement need not be required until 100 occupations and that the Highway Authority would not serve notice for delivery prior to the 150th occupation and not later than the 500th dwelling occupation - This is felt to assist the housebuilder in commencing and occupying at an earlier stage and allows the Highway Authority to ascertain whether traffic lights at the A2/Wises Lane junction are indeed necessary at all once the spine road is completed to Borden Lane allowing additional time before having to finance what is likely to be a significant outlay for junction improvements at wisers Lane and the A2 London Road;
 - 5) Request that commuter parking is provided on the Spine Road at close proximity to the Chestnut Street roundabout. This would be instead of the parking currently shown on Chestnut Street North of the proposed Chestnut Street roundabout. A 6" 6"HGV restriction would be required for the Spine Road to prevent HGV parking however this could be picked up by Section 38 agreements. The Section 106 would be amended to state that it will be provided on the spine road in close proximity to the Tudor Rose PH instead of that on Chestnut Street.
 - 6) Concerned that the retention of the link between Wises Lane and Cryalls Lane is retained through the delivery of the development. This is to ensure that existing residents of Wises Lane and Maylam Gardens have the ability to head towards Borden and Sittingbourne without having to use the Wises Lane/A2 junction. It is suggested that the Cryalls Lane South and North section of the road remain open until the point that the Spine Road is in place.
 - 7) Request that the currently agreed 160m distance between the proposed spine road bus stop layby and the school be reduced to a comparable distance to the current A2 bus stops and the Westland School buildings Bus Drop offs.
- 2.05 The outcome of negotiations with the applicant on these particular requests had not been finalised by the time of drafting this report. The outcome of those negotiations will be reported to the Committee through a tabled update.
- 2.06 Some matters have been raised by the Parish Council representatives and ward members that I consider cannot be pursued. These are as follows:
- 1) Gifting of land off Cryalls Lane to Borden Parish Council – this relates to an open area of grassland / scrubland of approximately 4 Hectares in size, located

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between the application site and Westlands school. This land is designated as Local Green Space under policy DM18 of the Local Plan. The land is owned by Ward Homes (which in turn is owned by the same group as BDW Homes – the housing developer involved with this application). They do not intend to transfer this land to the parish council, and I cannot require this as it does not meet the necessary tests in paragraph 3.01 below.

- 2) Provision of a pond feature within the main area of open space to the south of the proposed spine road. I am advised by the developer that this land is on a “high point” within the development and as such this is not feasible. I would also advise that a series of open drainage features have been secured around the junction of the spine road and Wises Lane, which I consider would create a feature point.
- 3) Allocation of some of the affordable housing for local persons within Borden Parish. I have discussed this with the Council’s Strategic Housing and Health Manager. Such allocation would require the housing to be defined as rural exceptions housing, and would remove it from the general needs affordable housing stock, for which there is considerable demand. The two forms of housing operate under entirely different needs criteria, and the last Borden village needs survey (2012) is now out of date. There is no basis under Policy MU3 to require this type of housing to be secured for this strategic housing development, and the evidence base for local need is out of date. Whilst the applicant has not objected in principle to further consideration of this as part of the S106 negotiations, I do not consider the provision of local needs housing to be necessary to make this development acceptable in planning terms, and I share the Housing Officer’s concerns that this would not be based on any up-to-date local needs. As such, I do not consider it passes the relevant CIL tests.
- 4) That the obligation should include air quality monitoring at various phases in the development. I cannot include this as the air quality impacts have been assessed as part of the application, and determined to be acceptable. Members may seek for the Council’s Environmental Protection Team to carry out such monitoring (as the responsible authority for this), but this cannot be an obligation placed on the developer under the S106 agreement.
- 5) That a community hall should be provided / that the rugby facility should instead provide a multi-use facility – A new community hall was not identified as part of the development criteria under policy MU3 of the Local Plan, nor has a deficiency in such provision been identified. The inclusion of a rugby facility has been considered acceptable on its planning merits. The rugby facility will be subject to a community use agreement (to form part of the Section 106 Agreement) which will enable use by other groups outside of use for rugby purposes – and it is part of the “business plan” that this forms a means for income generation. The design of the rugby facility will be subject to reserved matters, and officers / Members will be able to review the extent to which the building has been designed to accommodate other groups / uses at that stage.

3.0 S.106 OBLIGATIONS

- 3.01 Section 106 Agreements are legal agreements between Local Authorities and the planning applicant or landowners. These are linked to planning permissions and also known as planning obligations. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the CIL Regulation tests, namely that they are:

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- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind.

3.02 Section 106 agreements can provide a flexible tool for delivering a broad range of site-specific infrastructure and community facilities necessary to get schemes off the ground. Given this important role in unlocking development, it is vital that the process of finalising S106 agreements is as swift and efficient as possible. The obligations have been drafted taking into account the representations from the key service and infrastructure providers. The obligations have also been amended following discussions with Borden Parish Council, Local ward members and the applicant, where they meet the tests as set out above.

3.03 Table 1 sets out the planning obligation items, the contributions involved (including specific contributions for phase 1, where applicable) and a detailed commentary on the triggers and mechanisms for the payment of contributions or the carrying out of actions as necessary.

4.0 CONCLUSION

4.01 The contributions and items included within the table have been agreed with the infrastructure and service providers involved. The contributions have been agreed in accordance with demographic based formulae and /or the needs generated by the development proposed. Accordingly, the draft list of items is considered to accord with the CIL regulations set by the Government. Members will be updated at the meeting on any further comments from KCC or arising from discussions with ward members re highways obligations.

5.0 OTHER MATTERS

5.01 Members should note that I propose a minor change to condition 20, to more accurately reflect requirements from KCC Highways and Transportation. The condition requires widening works on the existing part of Wises Lane to take place prior to commencement of any other development – to facilitate construction traffic. I would propose a change in the wording to be as follows –

20) No development shall be commenced in any phase until the highway works north of No 35 Wises Lane, as shown on the Wises Lane – Site Access drawing 13-042-038C (or as otherwise agreed) have been completed.

Reason: In the interests of Highways safety

5.02 This limits the extent of work required under this condition to within the boundaries of the existing highway and enables such work to be carried out without the need for the developer to discharge other pre-commencement conditions to be attached to the permission. I also propose to amend the wording of these pre-commencement conditions (originally numbered 7, 9, 12, 13, 18, 38, 42, 43, 47, 52, and 57 in the January report and numbered 53, 54, 62, 64 in the tabled updates) to provide clarity that they do not apply to the works required under condition 20. (Members should note that the attached list does not follow precisely the same numbering)

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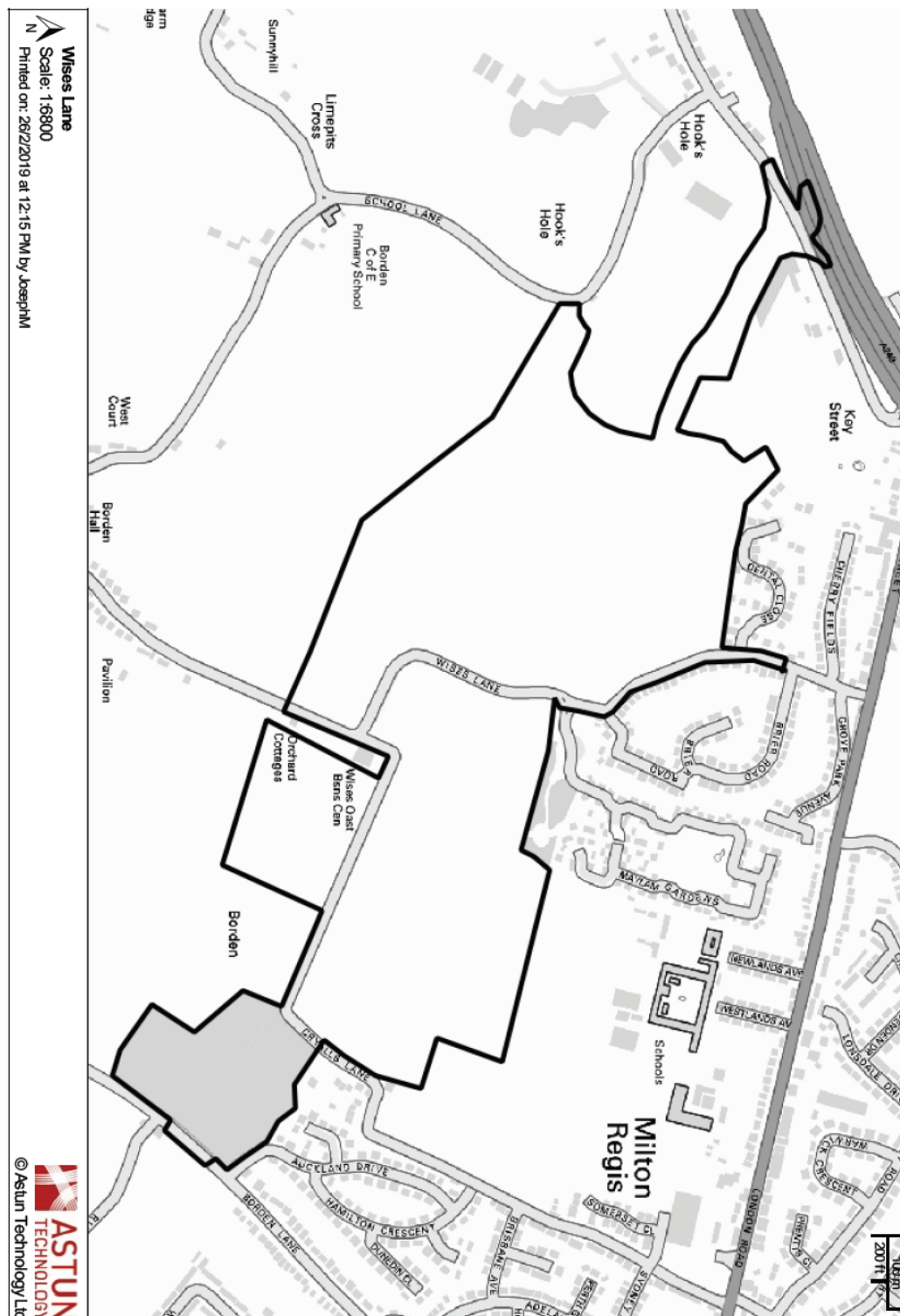
5.03 Minor alterations have also been made to the wording of conditions 7, 8 and 13, and condition 50 has been removed as it repeats requirements already set out under condition 48 (now condition 55 on the attached updated list).

6.0 RECOMMENDATION – That delegated authority is given to officers to proceed with finalising a S.106 planning obligations agreement based on the contributions, triggers and details included within Appendix A.

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APPENDIX D**APPENDIX A****Wises Lane - SW Sittingbourne (17/505711/HYBRID)****S.106 Items and Triggers**

Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/ flats)	Triggers	Other commentary
Bin contributions	£9,048	£101 per dwelling £945 per 5 applicable flats	Circa £71,871 although the ultimate amount will depend on the mix of houses and flats which is not yet known.	Prior to occupation of each phase	Provision of bins. Contributions to be used within 10 years of practical completion of development
Community learning contribution	£4,834.40	£60.43 per dwelling	£40,790.25	Prior to occupation of each phase	Contribution to be spent on either – (i) Shell and core construction of the adult learning section of the new Sittingbourne Hub. Or (ii) Direct provision of community learning facilities within the local area. To be paid to SBC and forwarded to KCC once SBC satisfied that KCC will

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Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/ flats)	Triggers	Other commentary
					spend on the above project. SBC will repay if not satisfied.
Ecology contribution	£40,000		£40,000	Prior to occupation of Phase 1A	Management and maintenance of Borden Nature Reserve 10 year expenditure period
Library contribution	£18,160	£227 per dwelling	£153,225	Prior to occupation of each phase	Shell and core construction of the new Sittingbourne Hub Library To be paid to SBC and forwarded to KCC once SBC satisfied that KCC will spend on the above project. SBC will repay if not satisfied. It should be noted that a mobile library provision is already provided in the Borden area and KCC do not believe this needs any additional support.
NHS CCG contribution	£86,292	£360 per person based	Circa £583,200, although this will	Prior to occupation of each phase	(i) The Meads Medical Practice and London Road Medical centre.

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Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/ flats)	Triggers	Other commentary
		on the average number of persons per 1bed/2bed/ 3bed/4 bed / 5 bed open market dwellings	be dependant on the overall housing mix.		Or (ii) other new or existing facilities within a 3km radius of the site, (including the potential to use this on-site if the NHS considers taking on the “flexible use” unit). To be paid to SBC and forwarded to NHS Swale CCG once SBC satisfied that NHS Swale CCG will spend on the above project. SBC will repay if not satisfied.
Off site sports provision at Old Bordonians Hockey Club and Gore Court Cricket Club	£55,807	£50,807 off site hockey facilities £5,000 cricket nets	£55,807	Before occupation of any dwelling	Artificial grass pitches and cricket nets. 10 year expenditure period
Gore Court Cricket Club Car Park Works	£20,000 (if applicable)			Either complete the Gore Court Club Car Park Works prior to occupation of any dwelling or pay the	In the event a contribution is paid SBC to hold contribution until request for payment made by a party who will undertake the works

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Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/ flats)	Triggers	Other commentary
				contribution to the Borough Council prior to occupation of any dwelling.	
2FE Primary School contribution	£325,389	£4,535 per house £1,134 per flat	£3,061,125* *assumes 675 units are all Applicable Houses	50% of each phase payment to be made at 40% occupation of each phase with the remaining balance for each phase to be paid on the 60% occupation of each phase	Construction of new 2FE primary school within development site To be paid to SBC and forwarded to KCC once SBC satisfied that KCC will spend on the above project. SBC will repay if not satisfied.
Primary School Land transfer (2.05 hectares)				Transfer of primary school land prior to occupation of 150 dwellings or after a period of 36 months from date of commencement of	Whilst the Parish Council questioned why the primary school should not be provided in advance of 150 dwelling completions, KCC Education would be concerned that the <i>“over early delivery could de-stabilise other local schools and place an onerous obligation upon</i>

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Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/ flats)	Triggers	Other commentary
				development of Phase 1A (whichever is the sooner) Option to be brought forward to 18 months following commencement – subject to KCC approval.	<i>KCC for construction of the school and/or maintenance / management of the site prior to construction”.</i>
PROW contribution	£27,410		£27,410	Prior to occupation of any dwelling	Footpath ZR118 improvements, or any other public footpath immediately adjacent to the site. To be paid to SBC and forwarded to KCC once SBC satisfied that KCC will spend on the above project. SBC will repay if not satisfied.
Secondary Education (build cost contribution) – phase 2 off Quinton Road site	£336,295	£4,687 per house £1,172 per flat	Circa £3,016,095 subject to mix of houses and flats.	50% of each phase payment to be made at 40% occupation of each phase with the remaining balance for each phase to be paid	Construction of phase 2 of the new secondary school of Quinton Road, Sittingbourne. To be paid to SBC and forwarded to KCC once SBC satisfied that KCC will

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Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/ flats)	Triggers	Other commentary
				on the 60% occupation of each phase	spend on the above project. SBC will repay if not satisfied.
Secondary Education – (acquisition of secondary school land contribution)		£1,932.16 per house £483.04 per flat	£1,243,345 subject to a reduction in the event that KCC acquire the secondary school land at a lower cost than the contribution	Prior to occupation of 400 th dwelling unless KCC has acquired secondary school land separately at nil cost	Acquisition of serviced land on land at Quinton Road pursuant to policy MU1 To be paid to SBC and forwarded to KCC once SBC satisfied that KCC will spend on the above project. SBC will repay if not satisfied. To be repaid in full if KCC secure secondary school at nil cost. Part to be repaid if KCC secure secondary school land at lower cost than the contribution
Social Care	£4,268.80	£53.36 per dwelling	£36,018	Prior to occupation of each phase	Shell and core construction of the social care element of the new Sittingbourne Hub Or

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Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/ flats)	Triggers	Other commentary
					<p>Towards the social care facilities or for such other purposes for the benefit of the development, including supporting independent living and social care services locally (including third party commissioned providers) for the different social care groups as the Borough and County Council determine to meet the priorities of the local community at the time of payment.</p> <p>To be paid to SBC and forwarded to KCC once SBC satisfied that KCC will spend on the above project. SBC will repay if not satisfied.</p>
Youth services contribution – New House Youth Centre	£3,006.40	£37.58 per dwelling	£25,366.50	Prior to occupation of each phase	<p>Improved facilities at the New House Youth Centre to include – Expansion of coffee bar room and extension to kitchen; re-flooring theatre stage, wheelchair access improvements; reconfiguration of space to provide meeting / project rooms.</p> <p>To be paid to SBC and forwarded to</p>

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Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/ flats)	Triggers	Other commentary
					KCC once SBC satisfied that KCC will spend on the above project. SBC will repay if not satisfied.
Affordable Housing		<p>12% AH dwellings – 90% affordable rented / 10% shared ownership</p> <p>Subject to independent 'viability review' by 400th dwelling occupation</p>		<p>Prior to commencement of each phase submit an affordable housing scheme</p> <p>Prior to Occupation of any open market dwelling in each phase to exchange contracts with a registered provider; and</p> <p>Prior to occupation of not more than 75% of open market dwellings to construct and transfer the affordable dwellings to the</p>	<p>Total of 81 affordable housing units</p> <p>There is also a requirement to undertake a further viability review for up to a further maximum 11 affordable units.</p>

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Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/ flats)	Triggers	Other commentary
				<p>registered provider</p> <p>In the event the viability review shows additional affordable housing can be provided, such provision is linked to the subsequent phase</p>	
Open Space specification (including on- going management and maintenance)	16.7 hectares			<p>Prior to commencement of each phase the developer shall submit an Open Space specification / implementation plan and have that approved by the Borough Council</p> <p>Delivery will be in accordance with the Open Space specification to be</p>	<p>Maintenance and management contributions set through agreed formula to be paid to SBC over initial 10 year period if Open Space transferred to SBC.</p> <p>To enable the land between the Nature Reserve and Borden Lane, including the proposed allotments, to be offered to Borden Parish Council.</p> <p>Maintenance funded by annual service charges payable by owners of dwellings if Open Space transferred to Management Company</p>

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Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/ flats)	Triggers	Other commentary
				submitted. Management and maintenance until transfer of Open Space	
Retail and commercial floorspace – a marketing strategy and timescale for provision				<p>No more than 80 dwellings occupied until reserved matters application for commercial floorspace has been submitted to the Local Planning Authority.</p> <p>No more than 200 dwellings occupied until owner has put in place all services up to boundary of commercial units including provision of broadband</p>	

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Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/ flats)	Triggers	Other commentary
				No occupation of more than 200 dwellings shall take place until the owner has submitted to and received approval from the Borough Council of a marketing strategy	
Air Quality				Prior to Occupation of the first dwelling in Phase 1A and subsequent phases to provide an on plot car parking space with passive provision of electric vehicle charging to the parking space. Reserved matters to include details for provision of up to 10% of residential parking	

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Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/ flats)	Triggers	Other commentary
				<p>areas and 10% of parking spaces allocated to non-residential uses within each phase for such charging provision</p> <p>Gas boilers to be low emission.</p>	
Sports Club / Community facility and sports pitches	3.65 hectares	Capped at £1,510,000		<p>Prior to commencement of development to enter into a sports club user agreement</p> <p>The trigger to deliver the sports club car park and sports pitches was originally proposed to be prior to development of phase 5 (at 549 units), but the developer has</p>	Restriction on use of sports club for sports and community uses in accordance with community use agreement

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Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/ flats)	Triggers	Other commentary
				agreed to bring this forward – details to be confirmed.	
Local Apprenticeship and use of local labour for construction works				During construction employ Local Labour and offer apprenticeships.	
SPA contribution	£19,168.80	£239.61 per dwelling	£161,736.75	Prior to occupation of each phase	Mitigation measures to avoid adverse effects on SPA
Key Street / A249 junction	£200,000		£1,345,140.00	£200,000 prior to occupation of development £572,570 prior to occupation of 150 th dwelling £572,570 prior to occupation of 300 th dwelling	Improvements to the capacity of the Key Street/A249 junction

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Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/ flats)	Triggers	Other commentary
Signalisation Works (s278 Agreement)				To enter into a s278 Agreement unless it is agreed with KCC prior to occupation of 150 th dwelling that KCC shall deliver the signalisation works	Works to Key Street Roundabout
Maylam Gardens cycle contribution			£8,000	Prior to commencement of Phase 2	To provide a connection between the new cycle route within Phase 1A of the development and the existing cycle path at Maylam Gardens (to the north of the existing roundabout). 10 year expenditure period
Provision of walking and cycling links on Cryalls Land and Riddles Road			£30,000	Prior to occupation of 350 th Dwelling	10 year expenditure period

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Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/ flats)	Triggers	Other commentary
pursuant to policy MU3					
South bound on-slip contribution and Chestnut Street Connection Works			£885,158 if HIF bid unsuccessful	<p>Either: No more than 300 dwellings to be occupied where KCC have secured funding for full implementation of the capacity improvement scheme for Key St/A249 junction OR No more than 200 dwellings to be occupied until payment of South bound on-slip contribution received</p> <p>Chestnut Street Connection Works to</p>	<p>Southbound On Slip Works Contribution - to fund delivery of 4th arm of roundabout (part of Chestnut Street Connection Works) in event no funding secured</p> <p>Repayment in the event the contribution is paid to KCC but KCC then acquire funding</p> <p>Chestnut Street Connections Works – delivery of 3 arm roundabout (4th arm to be provided by KCC pursuant to Southbound On Slip Works contribution/Funding)</p>

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Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/ flats)	Triggers	Other commentary
				<p>be completed prior to occupation of 200th dwelling</p> <p>KCC and owner to use reasonable endeavours to coordinate delivery of Southbound On Slip Works (by KCC) and Chestnut Street Works (by owner)</p>	
Stockbury Roundabout Contribution			Equivalent to £275,000 worth of works	<p>Required works agreed with Highways England (HE) and Kent County Council(KCC) (Approve drawing – 13-042-016_RevB – M2 Junction 5 proposed improvements)</p> <p>To enter into a S.278</p>	This contribution will be used towards the funding of the M2 J5 works, or an alternative scheme (such as that shown as the “interim scheme”).

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Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/ flats)	Triggers	Other commentary
				agreement before occupation of any dwellings, to be agreed with KCC and HE. To pay the contribution upon 150 th occupancy of the development.	
Travel Plan contribution – independent monitoring			£5,000	<p>Prior to occupation of 400th dwelling or completion of the Spine Road whichever is the sooner</p> <p>TP will include a choice of three travel incentives that will be offered to new residents. These include an Arriva travel ticket for the South East ticket zone, to cover a</p>	<p>Towards costs of monitoring the implementation and performance of the Framework Travel Plan</p> <p>10 year expenditure period</p>

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Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/flats)	Triggers	Other commentary
				<p>minimum of three months with an alternative 5 month “Swale” zone ticket also being offered or a £100 cycle voucher to be used towards a new bike or safety equipment.</p> <p>It is estimated that the cost to the developer of the TP is approximately £150,000.</p>	
Footpath ZR121 contribution	£20,000		£20,000	The contribution to be used to enable the footpath to be extended southwards, adjacent to Wisers Lane, to provide a pedestrian link between the site and Borden village.	This will enable a safe pedestrian link between the application site and Borden village.

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Obligation item	Cost for phase 1A	Cost per dwelling /flats for future phases	Total Contribution (based on 675 dwellings/ flats)	Triggers	Other commentary
				<p>The owner of the land to complete a S25 Agreement (Highways Act) with KCC PROW prior to occupation of 50 dwellings, and to agree to dedication of the footpath without seeking compensation / payment.</p> <p>The contribution to be payable prior to occupation of 100 dwellings.</p>	

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APPENDIX B**Extract from 30th January Committee report****Heads of Terms**

- 9.14 Taking the above into account the following Heads of Terms are proposed for inclusion in a Section 106 Agreement between the applicant and the Council. Officers have reviewed each proposed contribution and are satisfied that these meet the tests under Regulation 122 of the Community Infrastructure Levy Regulations 2010 in that they are:
- a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development;
- 9.15 In addition since 6th April 2015, section 123 of the CIL Regulations places a restriction on the number of different obligations (calculated back to April 2010) that relate to the funding or provision of an infrastructure project or type of infrastructure, (“the pooling restriction”). As such, the scope of contributions that can be requested in respect of new development is restricted. Affordable housing is excluded from this restriction.
- 9.16 The CIL 123 tests have been applied in the context of this planning application and officers are content that the proposed planning obligations are compliant with the Community Infrastructure Levy Regulations 2010 (Regulation 122).
- ☐ To secure up to 81 units as affordable housing
 - ☐ To provide a viability review mechanism to re-assess the level of affordable housing at an appropriate time in the development.
 - ☐ A bin contribution of £101 per dwelling and £945 per 5 flats
 - ☐ An NHS contribution of £583,200
 - ☐ To secure an area of at least 16.7 Hectares as Public Open Space (including management requirements)
 - ☐ To secure delivery of the rugby club sports facility (amounting to a total of 20.4 Ha when taken together with the public open space).
 - ☐ An SPA Mitigation contribution of £239.61 per dwelling
 - ☐ An off site sports contribution of £50,807 (hockey) and £5,000 (cricket)
 - ☐ A community learning contribution of £60.43 per dwelling
 - ☐ A Maylam Gardens Cycle path contribution of £8,000
 - ☐ A Key Street / A249 contribution of £1,345,140
 - ☐ Should the HIF be unsuccessful, a sum of £885,158 (eight hundred and eight five thousand one hundred and fifty eight pounds) towards the Southbound On-Slip Works
 - ☐ A Kent Police contribution of £27,470
 - ☐ A libraries contribution of £227 per dwelling
 - ☐ Provision of an area of land of at least 2.05 Hectares within the site for a primary

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school.

- ☐ A primary school building contribution of £4,535 per dwelling and £1,134 per applicable flat
- ☐ A public rights of way contribution of £27,410
- ☐ A secondary school building contribution of £4,687 per dwelling and £1,172 per applicable flat
- ☐ A secondary school land acquisition contribution of £1,932.16 per dwelling and £483.04 per applicable flat
- ☐ A social Care contribution of £53.36 per dwelling
- ☐ A Travel Plan monitoring contribution of £5000
- ☐ A Youth services contribution of £37.58 per dwelling
- ☐ A marketing strategy and timescale for provision of the retail and flexible use facilities
- ☐ To secure advance landscape planting as shown on the landscape plans
- ☐ A contribution of £30,000 towards creation of walking and cycling links on Cryalls Road and Riddles Road, subject to the grant of a TRO.
- ☐ Air Quality mitigation measures (to be agreed)
- ☐ Transfer of an area of 2.05Ha to KCC for use as a primary school
- ☐ Provision and maintenance of land (off-site) for skylark mitigation
- ☐ Availability of sports club for wider community use.
- ☐ Measures to provide apprenticeship places and use of local labour for construction works.

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- 1) The detailed element (phase 1A) of the development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) Details relating to the layout, scale and appearance of the proposed building(s) within a relevant phase (other than the detailed element for Phase 1A), and the landscaping of the site within that phase, shall be submitted to and approved by the Local Planning Authority before any development within that phase 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.

- 3) Application for approval of reserved matters referred to in Condition (2) above must be made not later than the expiration of five 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.

- 4) 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.

General

- 5) The detailed element (phase 1A) of the development shall be carried out in accordance with the following approved plans:
2574-313 Rev G, 1733.P230.01.B, 1733.P231.01 A, 1733.P341.02.A, 1733.P341.03, 1733.P341.01.C, 1733.K3.01, 1733.K2.01 A, 1733.H485.01 Rev C, 1733.H470.01A, 1733.H469.01 Rev B, 1733.H455.01, 1733.H455-5E, 1733.H433.01 Rev B, 1733.H431.01 Rev B, 1733.H421.01 Rev B, 1733.H417.01D, 1733.H406.01, 1733.H385.01, 1733.G.02 Rev A, 1733.G.01 Rev A, 1733.BS.01, 1733.B.03, 1733.B.01 Rev A, 1733.9B.01 Rev B, 1733.10 A4, 1733.09 Rev D, 1733.03A, 1733.01 Rev A, 14657C Landscape Proposals sheets 1 of 4, 2 of 4, 3 of 4 and 4 of 4.

Reason: To accord with the terms of the application and in the interests of proper planning.

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- 6) The reserved matters details submitted pursuant to condition 2 shall accord with the Masterplan Parameter Plans, which for the avoidance of doubt are as listed below–
Building Heights Parameter Plan 2574-304 Rev P
Land Use Parameter Plan 2574-300 Rev N
Density Parameter Plan 2574-303 Rev P
Route Infrastructure Parameter Plan 2574-302 Rev S
David Williams Landscape Consultancy Indicative Landscape Strategy Plan (Addendum LVIA Figure 10.8, Drawing No L8 Revision E (For the avoidance of doubt this replaced the Landscape and Ecology Masterplan previously submitted)).

- 7) Notwithstanding the submitted plans, no development (other than as required under condition 20) shall commence until a phasing plan for delivery of the development, including the associated highways infrastructure, open space, landscaped buffers and sports facilities, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented strictly in accordance with the approved phasing scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ensuring that the development is carried out in a co-ordinated manner.

- 8) No dwelling within any phase of the development (including phase 1A) shall be occupied until a housing and wastewater infrastructure phasing plan has been submitted to and approved in writing by the Local Planning Authority for that phase. Development shall take place in accordance with the approved housing and wastewater infrastructure phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that phasing is aligned to improvements to off site wastewater infrastructure.

- 9) For each phase of the development hereby approved (including phase 1A), no development (other than as required under condition 20) 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.

Reason: In the interest of promoting energy efficiency and sustainable development

- 10) The proposed residential development hereby permitted shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the residential units shall not be occupied unless the notice for that dwelling/flat of the potential consumption of water per person per day required by the Building Regulations 2015 (as amended) has been given to the Building Control Inspector (internal or external).

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Reason: In the interests of water conservation and sustainability

- 11) The non-residential buildings shall be constructed to a minimum of BREEAM 'Very Good' Standard or an equivalent standard and prior to the use of the building the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved.

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

- 12) No development (other than as required under condition 20) shall take place in any phase (including Phase 1A) until details of the existing site levels, proposed site levels (including any levels changes to areas to be used as open space, landscaped buffer areas and highways), and proposed finished floor levels for buildings in that phase have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

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

- 13) No development beyond the construction of foundations shall take place within a relevant phase until details have been submitted to and approved in writing by the Local Planning Authority 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 including residential, commercial and community within that phase. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

Reason: In the interests of residential amenity.

- 14) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development in any phase (including the detailed element under phase 1A) beyond the construction of foundations shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reasons: In the interest of Security, Crime Prevention and Community Safety

- 15) No development beyond the construction of foundations shall take place on the detailed (Phase 1A) and outline phases until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority for that phase. This shall include a sample panel to demonstrate

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the appearance of the feature brickwork proposed on buildings within the detailed (Phase 1A) element of the development.

Reason: To ensure a satisfactory appearance to the development.

- 16) Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway, unless specifically shown on the approved plans.

Reason: In the interests of visual amenity.

- 17) The reserved matters details submitted pursuant to condition (2) shall include measures to demonstrate how the detailed design and layout of the residential development would meet the needs of specific housing groups, including older and disabled persons.

Reason: To ensure that the development of this large strategic site makes provision for different housing needs.

Construction

- 18) No development (other than as required under condition 20) in any phase (including Phase 1A) shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be implemented and adhered to throughout the entire construction period. The CMP shall provide details of:
- Measures to manage HGV movements to deter use of the Strategic Road Network during peak hours (0800-0900 and 1700-1800 hours);
 - Measures to ensure that loose loads arriving / departing from the site are sheeted;
 - The means of access for vehicles during construction and the routing of construction and delivery vehicles to and from the site, including temporary traffic management and signage
 - parking and turning areas for construction and delivery vehicles and site personnel
 - loading and unloading of plant, materials and waste
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - wheel washing facilities and measures to deal with mud or spills on the highway
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To ensure that the impact of construction works on the strategic and local road network are managed, and in the interests of the amenities of the area and highways safety and convenience.

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

Reason: In the interests of residential amenity.

Highways

- 20) No development shall be commenced in any phase until the highway works north of No 35 Wises Lane, as shown on the Wises Lane – Site Access drawing 13-042-038C (or as otherwise agreed) have been completed.

Reason: In the interests of Highways safety

- 21) No more than 199 dwellings shall be occupied until the entire length of the internal spine road between Wises Lane and Chestnut Street has been constructed to an adoptable standard and made available for public use.

Reason: In the interests of highways safety and to ensure early delivery of part of the spine road.

- 22) Full details of the design of the roundabout to be installed on Chestnut Street, as currently indicatively shown on drawing 13-042-045C, shall be submitted to and approved in writing by the Local Planning Authority. No more than 199 dwellings shall be occupied until the roundabout as approved is constructed to an adoptable standard and open for public use.

Reason: to ensure a satisfactory appearance and in the interests of highways safety.

- 23) No dwellings shall be constructed on the land shown as phase 2a on the Development Phasing Plan (in the Design and Access Statement submitted with the application) until the internal spine road between Chestnut Street and Wises Lane and the roundabout connection to Chestnut Street has been completed.

Reason: To ensure that highways improvements, which justify the provision of housing on land within phase 2a, are delivered.

- 24) No more than 421 dwellings shall be occupied within the development until the internal spine road between Wises Lane and Borden Lane has been constructed to an adoptable standard and made available for public use.

Reason: In the interests of highways safety and to ensure delivery of the spine road in full.

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- 25) Full details of the design of the access (including associated infrastructure, signage and landscaping) to be installed on Borden Lane, shall be submitted to and approved in writing by the Local Planning Authority. No more than 421 dwellings shall be occupied until the roundabout as approved is constructed to an adoptable standard and open for public use.

Reason: In the interests of highways safety and to control impacts upon the setting of a Grade II listed building.

- 26) No more than 39 dwellings shall be occupied until a Section 278 Agreement has been entered into with the Highway Authority for delivery of a detailed scheme for signalisation at the junction of Wises Lane and the A2 London Road. All associated works shall be completed within 12 months of being served notice to commence by the Highway Authority provided always that such notice is not served prior to the occupation of the 61st dwelling and not later than the occupation of the 200th dwelling.

Reason: In the interests of highways safety, and to ensure that impacts upon protected trees are minimised.

- 27) The details submitted in pursuance to condition 2 shall include the provision of a bus layby on the spine road to be sited a maximum distance of 160 metres from the boundary with Westlands School. The layby shall be completed in accordance with the approved details prior to the occupation of any dwelling within the same phase.

Reason: To provide a facility for school buses to utilise, as an alternative to London Road.

- 28) No more than 80 dwellings shall be occupied within the development until the following off site highways works have been completed.
- Works to Borden Lane, as shown on drawing 13-042-071 Rev A.
 - Works to Wises Lane (south) as shown on drawing 13-042—044 REV
 - Improvements for pedestrian crossing at the A2 / Adelaide Drive junction as shown on drawing 13-042-073

Reason: In the interests of highways safety

- 29) No more than 421 units shall be occupied until the off site highways works to Homewood Avenue / Borden Lane / Adelaide Drive, as shown on drawing 13-042-80 REV A have been completed.

Reason: In the interests of highways safety

- 30) No more than 150 dwellings shall be occupied until off site highway improvements to the A249 Junction with the A2 Keycol Hill / Key Street (known locally as the Key Street Roundabout) have been completed and opened to public traffic in accordance with C&A Drawing No. 13-042-081 Rev A (Proposed Key Street Roundabout Interim Scheme) or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority (who shall consult with Highways England).

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Reason: To ensure that the A249 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage

- 31) No development within any phase shall be occupied or first used until detailed travel plans, to be based upon the principles as set out in the Framework Travel Plan, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable transport measures

- 32) The details submitted pursuant to condition (2) above shall show adequate land, reserved for the parking of cars (in accordance with the currently adopted Kent County Council Vehicle Parking Standards where appropriate) and for the loading and unloading of commercial vehicles where necessary. Such land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not shall be carried out on such land or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the buildings / land hereby permitted.

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

- 33) For the purposes of the detailed (Phase 1A) scheme, the area shown on the approved plans as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

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

- 34) The details submitted pursuant to condition (2) above shall include details of covered secure cycle parking facilities for each dwelling and non-residential use. The approved cycle parking shall thereafter be provided prior to the occupation of any dwellings or building hereby approved, and retained in perpetuity.

Reason: To ensure that there is sufficient cycle parking at the site in the interests of sustainable development.

- 35) The proposed estate road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture, as appropriate, shall be constructed and

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laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins and in accordance with a schedule of house completion and an implementation programme for the agreed works, also to be submitted to the Local Planning Authority for approval in writing.

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

- 36) Prior to the occupation of any dwelling or other building, the following works between the dwelling or building and the adopted highway shall be provided;
- i) Footways and/or footpaths, with the exception of the wearing course;
 - ii) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

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

- 37) No development beyond the construction of foundations shall take place in any phase (including Phase 1A) until detailed drawings of the internal spine road within that phase, to include details of tree planting and verge details, surface materials, and details of chicanes, crossing points (including controlled crossing points) and build out margins have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the spine road is laid out in an appropriate manner and with suitable crossing facilities.

Landscaping

- 38) No development (other than as required under condition 20) shall take place until a detailed scheme of advance soft landscaping has been submitted to and approved in writing by the Local Planning Authority, and such planting has been completed on the site in accordance with the approved details. This shall incorporate the areas proposed for advance planting, as shown on the Indicative Landscape Strategy Plan by David Williams Landscape Consultancy and referred to as Figure 10.8, drawing L8 Revision E. The soft landscaping scheme shall include proposed trees, shrubs and other features, planting schedules of plants (which shall include native species and of a type that will encourage wildlife and biodiversity), noting species, plant sizes and numbers where appropriate, measures to prevent tree vandalism, and measures to protect the advance planting from construction on the remainder of the site for the duration of such works. Details of the advance planting for the access road and proposed junction with Chestnut Street, shown as AA-BB on the Indicative Landscape Strategy Plan, shall take into account and indicate relevant working and operational constraints, changes in landform and engineering requirements associated with the proposed road and roundabout.

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Reason: To accord with the terms of the application and the requirements of Policy MU3 of the Swale Borough Local Plan – Bearing Fruits 2031. To ensure the early delivery of part of the strategic landscaping to the site, in the interests of visual amenity and wider landscape objectives.

- 39) Upon completion of the advance landscaping works, 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 the next planting season, unless otherwise agreed.

Reason: To ensure the retention and maintenance of strategic landscaping, in the interests of visual amenity.

- 40) The areas shown on the approved drawings for the detailed scheme (Phase 1A) as open space, and play areas shall be reserved for the general amenity of the area. Play spaces shall be surfaced and equipped with play equipment, in accordance with a schedule agreed by the Local Planning Authority before the first dwelling is occupied. The open space and play area within Phase 1A shall be provided prior to the occupation of no more than 40 dwellings. No permanent development whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: To ensure that these areas are made available in the interests of the residential amenities of the area.

- 41) The sports pitches hereby permitted shall not be floodlit, nor shall they be constructed with an artificial surface.

Reason: To protect the visual amenities of the area and the functioning of the site as part of a strategic green buffer area, and to protect the amenities of the occupants of surrounding residential dwellings.

- 42) No development (other than as required under condition 20) in any phase shall take place until full details of all existing trees and/or hedges in that phase, details of any trees or hedges proposed for removal, and measures to protect any trees or hedges shown to be retained, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include
- (a) a plan showing the location of, and allocating a reference number to each existing tree and hedge on the site to be retained and indicating the crown spread of each tree, and extent of any hedge, and identifying those trees and hedges to be removed.
 - (b) details of the size, species, diameter, approximate height and an assessment of the general state of health and stability of each retained tree and hedge.
 - (c) details of any proposed arboricultural works required to any retained tree or hedge

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- (d) details of any alterations in ground levels and of the position of any excavation or other engineering works within the crown spread of any retained tree.
- (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development .

The development shall be carried out in accordance with the approved details and the approved protection measures shall be installed in full prior to the commencement of any development, and retained for the duration of construction works. No works, access, or storage within the protected areas shall take place, unless specifically approved in writing by the Local Planning Authority

In this condition “retained tree or hedge” means any existing tree or hedge which is to be retained in accordance with the drawing referred to in (a) above.

Reason: In the interests of protecting existing trees and hedges which are worthy of retention in the interests of the amenities of the area.

- 43) Notwithstanding the submitted plans, no development beyond the construction of foundations shall take place within phase 1A until full details of both hard and soft landscape works proposed within the curtilage of any dwelling or flat have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

- 44) All hard and soft landscape works shall be carried out in accordance with the approved details under condition 43). The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

- 45) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

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46) No development beyond the construction of foundations within Phase 1A shall take place until a detailed hard and soft landscaping scheme, for all public areas beyond the curtilage(s) of any dwelling or flat has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include –

- Details of the type and quantum of open space to be provided (based upon the information contained within the Design and Access Statement / Development Brief submitted with the application)
- Soft landscaping proposals, to include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.
- Hard landscaping details for the public areas, to include details of footpaths and cycleways (including surface finishes), any means of enclosure, litter bins, dog bins, and benches.

Reason: In the interests of the visual amenities of the area and recreation.

47) The development shall be carried out in accordance with the details approved under condition 46) prior to the occupation of no more than 40 dwellings within Phase 1A. Any trees or shrubs 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.

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

48) The details submitted pursuant to condition (2) shall include a detailed hard and soft landscaping scheme for all areas within each phase of development. The scheme shall include –

- Details of the type and quantum of open space to be provided within each phase (based upon the information contained within the Design and Access Statement / Development Brief submitted with the application), and this shall secure at least 2 further equipped play areas within the scheme.
- Soft landscaping proposals, for public and private areas to include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.
- Hard landscaping details for the private and public areas, to include details of hardsurfaces, footpaths and cycleways (including surface finishes), any means of enclosure, litter bins, dog bins, and benches.

Reason: In the interests of the visual amenities of the area and recreation.

Drainage

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- 49) No development (other than as required under condition 20) in any phase shall commence until details of measures to protect/divert public sewers on the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect existing sewers on the site.

- 50) No development (other than as required under condition 20) shall commence in any phase until a detailed sustainable surface water drainage scheme for each phase (including Phase 1A), compliant with the complete drainage strategy as approved (Flood Risk Assessment and Addendum to Flood Risk Assessment dated May 2018), has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of each phase of the development (or within an agreed implementation schedule).

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 51) No building hereby permitted in any phase (including Phase 1A) shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the 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

The drainage scheme as approved shall subsequently be constructed and maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

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- 52) No building in any phase (including Phase 1A) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, has been submitted to and approved in writing by the Local Planning Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

- 53) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources

Contamination

- 54) No development (other than as required under condition 20) approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority, comprising:

- a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the District Planning Authority prior to any intrusive investigations commencing on site.
- b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.
- d) 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 (c) 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 written consent of the local planning authority. The scheme shall be implemented as approved.

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Reason: to ensure land contamination is adequately dealt with, and to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution

- 55) Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: to ensure land contamination is adequately dealt with, and to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution

- 56) Prior to any part of the permitted development being occupied a verification report demonstrating the 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.

Reason To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

- 57) 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 ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants

- 58) No development (other than as required under condition 20) shall be commenced until a scheme of gas protection measures, to protect the development from gas concentrations arising from the adjacent former landfill site (now Borden Nature Reserve), has been submitted to and approved in writing by the Local Planning Authority. Such measures shall be based upon further monitoring and assessment of

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gas concentrations, the details of which shall be submitted with the scheme. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development mitigates against risk from gas concentrations.

Ecology

59) No development (other than as required under condition 20) shall take place (including any ground works, site or vegetation clearance) until a site-wide ecological mitigation and enhancement strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include the following –

- Details of baseline ecological appraisals to inform the strategy
- Measures to review/update existing survey data during the course of the development
- Overview of ecological mitigation requirements
- An overview of ecological enhancements to be secured across the site within the built and open space
- Maps clearly showing the ecological mitigation and ecological enhancement areas
- Details of which phases the habitat creation will be carried out/implemented
- Overview of what management will be carried out

Reason: In the interests of biodiversity

60) Prior to the commencement (including vegetation clearance) of development (other than as required under condition 20) in any phase, a detailed ecological mitigation and enhancement strategy for that phase shall be submitted to and approved in writing by the Local Planning Authority. This shall be carried out by experienced ecologists, and shall be based on the site-wide ecological mitigation and enhancement strategy submitted as part of condition 53 and shall contain the following:

- Submission of an updated Phase 1 survey
- A review of existing specific species surveys or where required submission of updated specific species surveys
- Overview of the proposed mitigation
- The purpose and objectives for the proposed works:
- Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- The extent and location of proposed works, including the identification of a suitable mitigation area shown on appropriate scale maps and plans;
- A timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- Use of protective fences, exclusion barriers and warning signs;
- Production of an Interim management plan for the first phase
- A review / update of the Interim Management plan for all other phases
- A detailed scheme of ecological enhancement measures for that phase.

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The development in each phase shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity

- 61) No dwelling shall be occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions, together with a plan of management compartments;
 - f) Map showing the management compartments
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - h) Details of the body or organisation responsible for implementation of the plan;
 - i) Ongoing monitoring and remedial measures.

The LEMP shall set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity.

Public Rights of Way

- 62) No development shall take place over Public Footpaths ZR117, ZR119 and ZR120 until an Order under the Town and Country Planning Act 1990 has been confirmed for the diversion or extinguishment of these footpaths, including the approval of construction details for the diverted or extinguished right of way.

Reason: To ensure that the legal status of a right of way is properly considered

- 63) Public Footpath ZR119 within the development shall be upgraded to an appropriate standard with a width no less than 3 metres. No development within any phase containing the public footpath shall take place until the length of Public Footpath ZR119 within the application site has been dedicated as a Public Bridleway, through the provision of the Highways Act 1980 (s25 or s26) and details of the footpath surfacing have been submitted and approved in writing by the Local Planning Authority.

Reason: To provide an off-road multi user route across the site and enhance opportunities for cycling.

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- 64) Prior to commencement of development (other than as required under condition 20) in any phase, details of the surfacing of all Public Rights of Way (PROWs) within that phase shall be submitted to and approved in writing by the Local Planning Authority. All PROWs must be of a width of no less than 2.5m metres.

Reason: To cater for the expected increase in use of paths by residents seeking outdoor recreation and active travel.

Conservation and Archaeology

- 65) The reserved matters submitted pursuant to condition 2 shall incorporate a landscaped and green space buffer area to the south and west of Cryalls Farmhouse, such area to be no less in size than as shown on the illustrative masterplan drawing 2574-401 Rev J.

Reason: To protect the setting of the listed building.

Archaeology

- 66) Prior to the submission of a detailed application for any part of the development other than Phase 1A, the applicant or their agents or successors in title shall secure and have reported a programme of archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority.

Reason: 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.

- 67) Following completion of archaeological evaluation works for the site (or parts of the site that have been agreed with the Local Planning Authority), no development shall take place until the applicant or their agents or successors in title, has secured the implementation of 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.

Reason: 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.

- 68) Within 6 months of the completion of archaeological works on any part of the site, for that part of the site a Post-Excavation Assessment Report shall be submitted to and approved in writing by the Local Planning Authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

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- i) A description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
- ii) An Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
- iii) A scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure that the results of all archaeological works are properly assessed, analysed, reported and published and that the archive is prepared for archive deposition and properly managed and maintained.

- 69) Before development commences (other than as required under condition 20), a soil management strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall be undertaken by an appropriately experienced soil specialist and shall provide details for soil handling (including when soils are dry enough to be handled), soil storage, measures to retain and safeguard soil resources on the site. The strategy shall be designed to accord with in the Defra advice – “*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks)*”. The development shall be carried out in accordance with the approved details.

Reason: To safeguard soil resources.

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 E**TABLED UPDATE FOR DEFERRED ITEM 1****17/505711/HYBRID Land at Wises Lane Borden**

Members will note that paragraphs 2.02 (5) and 2.05 of the report state that Members will be updated on further negotiations with the applicant. This update is provided below –

The Rugby Facility – the applicant has agreed to bring forward delivery of the rugby facility to a point prior to occupation of 180 dwellings. The timing of this is based on the provision of access and services to the site. The rugby facility was originally shown to be delivered prior to the occupation of phase 5 of the development – which equated to a delivery point at 549 occupied dwellings. As Members can see, the revised trigger brings this considerably forward.

Highways matters – Members will note in paragraph 2.04 of my report that local Ward Members had raised a number of queries relating to highways issues. The local Members have now met with KCC Highways and following this, the amendments below have subsequently been agreed with the developer.

- That the trigger for payment of the southbound on-slip highway contribution (from the new roundabout onto the A249) is brought forward from prior to occupation of 200 dwellings to a trigger of prior to occupation of 150 dwellings (set out in the S106 Agreement).
- That the trigger for completion of the spine road between Chestnut Street and Wises Lane is brought forward from prior to occupation of 199 dwellings to 160 dwellings (this necessitates a change to the wording of condition 21).
- That the trigger for signalisation of Wises Lane / London Road (as set out in condition 26) is made more flexible, to allow KCC Highways to consider whether signalisation is still necessary once the spine road connection to Chestnut Street has been opened. The revised wording is specified at the end of this update.
- That two bus stops will be provided on Wises Lane - to be added to the S106 Agreement.
- That the development retains a vehicular link between Wises Lane and Cryalls Lane during the construction process. This can be achieved via a condition. Please see proposed condition 70 below.
- That commuter parking is provided on the proposed spine road as an alternative to parking on Chestnut Street, and that HGV restrictions are placed on this area of parking. The 106 Agreement can be amended to state that such parking will be provided on the spine road in close proximity to the Tudor Rose PH instead of that on Chestnut St. The reserved matters will show such detail. If the layby is provided on the north side of the spine road, the strategic landscaping on the southern side should not be affected. The restriction on HGV use will be covered under relevant Highways legislation.
- That the distance of the bus layby for school drop off / pick up as set out in condition 27 is reduced from the 160m maximum distance specified to one more comparable with the distance between the current A2 stops and school buildings. A revised condition to deal with this is set out below.

APPENDIX ERevised / additional conditions

The list below sets out the amended / additional conditions following discussions with Local members and the developer, and as agreed with KCC Highways.

21) No more than 160 dwellings shall be occupied until the entire length of the internal spine road between Wises Lane and Chestnut Street has been constructed to an adoptable standard and made available for public use.

Reason: In the interests of highways safety and to ensure early delivery of part of the spine road.

26) No more than 100 dwellings shall be occupied until a Section 278 Agreement has been entered into with the Highway Authority for delivery of a detailed scheme for signalisation at the junction of Wises Lane and the A2 London Road. All associated works shall be completed within 18 months of being served notice to commence by the Highway Authority provided always that such notice is not served prior to the occupation of the 150th dwelling and not later than the occupation of the 500th dwelling.

Reason: In the interests of highways safety, and to ensure that impacts upon protected trees are minimised.

27) The details submitted in pursuance of condition 2 shall include the provision of a bus layby on the spine road to be sited at a distance comparable to that between the current A2 bus stop and Westlands school. The layby shall be completed in accordance with the approved details prior to the occupation of any dwelling within the same phase.

Reason: To provide a facility for school buses to utilise, as an alternative to London Road.

70) No development shall be commenced (other than as required under condition 20) until a scheme to demonstrate the retention and phasing of road connections during the construction process has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure the retention of a link between Wises Lane and Borden Lane, via Cryalls Lane (and connecting roads beyond the site) throughout the duration of the development, until the proposed spine road between Wises Lane and Borden Lane has been constructed to an adoptable standard and made available for public use.

Reason: In the interests of highways safety and convenience.

The applicant has also sought for some minor changes to the wording of the following conditions, which I am agreeable to and do not consider that these change the overarching substance or effect of such conditions –

Condition 7 (Phasing) – to be amended to allow phase 1A to be commenced free from this condition (as this is the first phase of this application which has been considered in detailed form (whereas the remainder of the development is in outline)).

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Condition 9 (details of sustainable construction) – to be amended to apply “prior to development beyond the construction of foundations” rather than “prior to commencement of development” in any phase.

Condition 58 (gas protection measures) – to be amended to require such details to be provided prior to development in each phase of development. This enables the development to commence without the requirement for site-wide testing, but still puts in place control / protection measures for each phase.

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APPENDIX F

PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 20 June 2019 from 7.00pm - 10.50pm.

PRESENT: Councillors Cameron Beart, Monique Bonney, Simon Clark, Tim Gibson (Chairman), James Hall, Nicholas Hampshire, James Hunt, Carole Jackson, Elliott Jayes, Peter Marchington, Benjamin Martin (Vice-Chairman), Ben J Martin (Substitute for Councillor Eddie Thomas), Richard Palmer (Substitute for Councillor Paul Stephen), David Simmons, Tim Valentine and Tony Winckless.

OFFICERS PRESENT: Simon Algar, Andy Byrne, Colin Finch, James Freeman, Kellie MacKenzie, Ross McCardle, Cheryl Parks and Graham Thomas.

ALSO IN ATTENDANCE: Mike Baldock, Alastair Gould, Roger Truelove, Ghlin Whelan and Mike Whiting.

APOLOGIES: Councillors Roger Clark, Paul Stephen and Eddie Thomas.

62 EMERGENCY EVACUATION PROCEDURE

The Chairman ensured that those present were aware of the emergency evacuation procedure.

63 MINUTES

The Minutes of the Meeting held on 30 May 2019 (Minute Nos. 19 – 23) were taken as read, approved and signed by the Chairman as a correct record.

64 DECLARATIONS OF INTEREST

Councillor Tim Valentine declared a non-pecuniary interest in respect of item 1.2 Land at Cleve Hill, Graveney as he was a Director for the company responsible for the solar farm at Iwade. He had also campaigned against this application, but had been advised by legal that he was not pre-determined.

65 PLANNING WORKING GROUP

The Minutes of the Meeting held on 11 June 2019 (Minute Nos. 39 – 40) were taken as read, approved and signed by the Chairman as a correct record.

19/500050/FULL & 19/500051/LBC Tunstall Church of England Primary School, Tunstall Road, Tunstall

The Area Planning Officer reported that following the site meeting a further letter of objection had been received from a local resident disputing the contention that the use of the land to the rear of the building was used as parking for the school. However, Appendix B within the applicant's Design and Access Statement included

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an aerial view dating from 20 April 2015 which showed a number of cars parked on the land.

The Area Planning Officer stated that he was aware that Members of the Planning Committee had received a letter from Tunstall Parish Council. He referred to the tabled paper which outlined details of possible amendments to condition (16) and additional condition (17).

The Area Planning Officer reported that if permission was granted, the applicant would have to pay the Strategic Mitigation payment relating to the effect on the Special Protection Area and this could be dealt with by a unilateral undertaking or advance payment.

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

Members debated the application.

A Ward Member also a Member of the committee spoke against the application. She stated that the application would have a significant adverse impact on the setting of the listed building. It would also have an adverse impact on the adjoining footpath and was over-intensification of the site.

Members raised the following points: the harm of the application did not outweigh the need for housing; did not consider that condition (17) was required; appreciated the need to preserve the building; access to the site was dangerous; and highway issues were a concern.

Councillor James Hunt moved the following addendum: That condition (16) be imposed. This was seconded by Councillor Cameron Beart. On being put to the vote the addendum was not agreed.

The following further points were raised: concerns about construction traffic accessing the site; the school previously managed the traffic flow; application needed to be more sympathetic; concern regarding the setting of the listed building; should impose condition (17); and deeper hedgerows were required.

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

Councillor Monique Bonney moved the following motion: That the applications be refused as they would be an over-intensification of the site resulting in harm to the Listed Building and Conservation Area from the public realm and streetscape. Poor residential amenity. The access to the site was too narrow. This was seconded by Councillor Nicholas Hampshire.

Councillor Benjamin Martin moved the following addendum: It would affect the setting of the listed building. This was seconded by the Chairman, and agreed by the proposer and seconder of the original motion.

On being put to the vote the motion to refuse the application was agreed.

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Resolved: That application 19/500050/FULL be refused as it was an over-intensification of the site resulting in harm to the Listed Building and Conservation Area from the public realm and streetscape. Poor residential amenity. The access to the site was too narrow. It would affect the setting of the listed building.

Resolved: That application 19/500051/LBC be refused as it was an over-intensification of the site resulting in harm to the Listed Building and Conservation Area from the public realm and streetscape. Poor residential amenity. The access to the site was too narrow. It would affect the setting of the listed building.

66 DEFERRED ITEM

Deferred Item 1 REFERENCE NO - 17/505711/HYBRID		
APPLICATION PROPOSAL		
Hybrid planning application with outline planning permission (all matters reserved except for access) sought for up to 595 dwellings including affordable housing; a two-form entry primary school with associated outdoor space and vehicle parking; local facilities comprising a Class A1 retail store of up to 480 sq m GIA and up to 560sqm GIA of "flexible use" floorspace that can be used for one or more of the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions); a rugby clubhouse / community building of up to 375 sq m GIA, three standard RFU sports pitches and associated vehicle parking; a link road between Borden Lane and Chestnut Street / A249; allotments; and formal and informal open space incorporating SuDS, new planting / landscaping and ecological enhancement works.		
Full planning permission is sought for the erection of 80 dwellings including affordable housing, open space, associated access / roads, vehicle parking, associated services, infrastructure, landscaping and associated SuDS.		
For clarity - the total number of dwellings proposed across the site is up to 675.		
ADDRESS Land At Wises Lane Borden Kent ME10 1GD		
WARD Borden and Grove	PARISH/TOWN COUNCIL Borden	APPLICANT Quinn Estates Ltd & Mulberry Estates (Sittingbourne) Ltd AGENT Montagu Evans

The Senior Planner introduced the application and referred to the tabled paper which provided updates on: the rugby facility; highways matters and details of amendments following local Members meeting with Kent County Council (KCC) Highways and Transportation. The Senior Planner stated that a further four representations had been received, one from the applicant and three objections from local residents, these were tabled for Members.

The Senior Planner reported that there was a requirement for off-site skylark mitigation measures to be included in the Section 106 Agreement and explained that KCC's Ecology Officer required adjacent farmland to be maintained as appropriate habitat for skylarks and this would be triggered on commencement of the development. The Planner then outlined the general terms of the proposal for

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Members including details of the proposed spine road which would link Borden Lane to Chestnut Street including a slip road onto the A249 southbound.

Parish Councillor Clive Sims, representing Borden Parish Council, spoke against the application.

Roger Down, a Supporter spoke in support of the application.

Nicola Butlin, an Objector spoke against the application.

Kate Row, the Applicant, spoke in support of the application.

At this point, following a request from a Member, the Chairman adjourned the meeting for 10 minutes to allow Members to read the tabled papers.

A Member raised concern that there were a lot of tabled papers. He asked the Chairman and Cabinet Member for Planning to review this and see if a deadline for updates could be imposed. The Chairman agreed to look into the issue for the Member.

The Chairman invited Members to ask questions.

In response to queries from a Member, the Senior Planner clarified that with regard to the Section 106 Agreement, the contribution to the Police was not required as it did not meet the requirements of the Community Infrastructure Levy test. The National Health Service (NHS) had advised that they would not require an on-site facility and had requested a financial contribution be allocated off-site. He confirmed that the NHS did not have to provide a reason for this.

A Member raised queries in respect of the proposed spine and slip roads and the location of the commuter parking and bus stops. The Senior Planner drew attention to paragraph 3 on page 4 of the Committee report. He stated that previously, construction of the spine road between Chestnut Street and Wises Lane would be following the occupation of dwelling 199, however local Ward Members had requested that this be prior to the occupation of property 120. He advised that the Applicant had stated that due to timings and costs it would not be possible to achieve that and had offered from the occupation of the 160th property. The Senior Planner stated that in order to assist the applicant in bringing this forward, the trigger for improvements to the Wises Lane/London Road junction be delivered prior to the 200th occupation rather than the 39th. The Senior Planner explained that delaying that work would allow KCC Highways and Transportation time to establish whether the traffic lights were required.

The Senior Planner stated that KCC had originally proposed some layby parking would be retained in that part of Chestnut Street for commuter parking, however Members had requested that this be provided on the spine road. He advised that details of that scheme and parking would be provided at the reserved matters stage.

A Member queried the proposed width restrictions and raised concern about where the commuter pick-up points would be located. The KCC Highways and

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Transportation Officer explained that two local bus-stops would be provided on Wisers Lane, one northbound and the other southbound, with two on the spine road, the exact locations were unknown at this stage. The KCC Highways and Transportation Officer explained that there would need to be discussions with Kingsferry Coaches to establish whether they would be happy to use Wisers Lane for picking-up commuters.

A Member drew attention to paragraph (5) of page 5 of the Committee report, and asked for clarification about how the rugby club would be operated and shared as a community facility. The Planner stated that the detailed layout would be subject to consultation and considered at a later stage. The Section 106 Agreement required that the applicant entered into a Community User Agreement which would allow the club to be hired out for other uses when not being used by the Rugby Club.

In response to a comment, the Senior Planner advised that condition (38) relating to landscaping could be re-worded to refer to 'entirely' native species. A Member requested that condition (9) relating to sustainable construction should be a pre-commencement condition, as the construction of floor slabs could impact sustainability of a building.

In response to a question, the Senior Planner explained that with regard to the land requested by the Parish Council, that he was advised that this land had never been offered by the developer.

Following further questions about the details of the Section 106 and provision of schools from a Member, the Senior Planner stated that education was KCC's responsibility, and that it was in KCC's interests to use the correct pupil forecasting and trigger points for delivery of schools.

A Member asked what was meant by 'passive provision' of electric vehicle parking. The Senior Planner explained that passive provision was providing the infrastructure for 10% car charging to be provided. The kit to operate the system would be provided separately.

In response to further queries, the Senior Planner confirmed there had been no discussion on heating provision for the proposed flats. The Senior Planner outlined details of the SAMMS policy and Special Protection Area payment. The Senior Planner advised that with regard to the south bound on-slip contribution and Chestnut Street Connection Works, set out on page 20 of the Committee report, Highways England had requested the proposed 150 housing occupation triggers.

The KCC Highways and Transportation Officer confirmed that the 300 occupation trigger had also been requested by Highways England.

The KCC Highways and Transportation Officer responded to queries from a Member, and explained that considerable walking and cycling provision would be provided throughout the scheme. With regard to car charging, he explained that this was 'ever-changing', and provision of cabling was in 'passive' form, to allow fluidity in what charging levels could be provided.

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A Member queried what the proposed route was for HGVs servicing the commercial units, as they would not be able to negotiate the width restrictions. He drew attention to page 10 of the Committee report, and queried why the £75,000 was been giving to the rugby club and not to provide play areas within the development. He also drew attention to paragraph 10 on page 28 of the Committee report, and queried how the comment in respect of water consumption would be achieved.

The KCC Highways and Transportation Officer stated that the A2 would still be available for HGVs and that Members had requested the weight restriction, but this could be reviewed if Members now had concerns. The Senior Planner stated that the off-site sport provision had been negotiated with Sports England and the Council's Green Spaces Manager for wider sports provision within the Borough. Three play areas were being provided within the development. The water consumption rates would be controlled under Building Regulations and the developer would need to demonstrate how that would be achieved through water saving measures.

In response to a query about provision of funding for the Sittingbourne hub, the Planner explained that it related to the Central Avenue area of Sittingbourne. He confirmed that if the hub did not materialise the Section 106 Agreement could specify that the money be used on other related projects in the local area.

The KCC Highways and Transportation Officer confirmed that the Housing Infrastructure Fund (HIF) bid may be unsuccessful. He confirmed that with regard to provision of the slip road would be from the occupation of the 300th property. He confirmed that none of the existing roadwork would be lost and that Chestnut Street would be widened to allow access for HGVs, and confirmed that this would be achieved by closing the existing on-slip so Chestnut Street had a wider boundary.

The Head of Planning Services confirmed that if the HIF bid was unsuccessful the money from the developer for the slip road would still be secured and re-circulated for use elsewhere.

The Chairman invited visiting Members to comment on the application.

A Ward Member spoke against the application.

A visiting Member representing Homewood Ward, spoke against the application.

The Chairman moved the officer recommendation to approve the application, and this was seconded by the Vice-Chairman.

A Ward Member, also a Member of the Planning Committee, spoke against the application. He raised concerns which included: air quality issues had not been mitigated under the Section 106 Agreement; the Swale Clinical Commissioning Group should push for the provision of a doctor's surgery; would also have an adverse impact on the ward of West Downs; had requested a pond be included but the developers had dismissed out-of-hand; did not consider the developer could be trusted; and traffic issues had not been addressed.

Members debated the application and raised points which included:

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- Proposed mitigation for air quality control was inadequate;
- Needed to be more imaginative in mitigating air quality issues;
- Concerned that £1.5 million of the Section 106 might not be provided;
- Developer had not listened to concerns of the Ward Members;
- Did not see how HGV access at Key Street would work;
- More on-site employment was required;
- 40% affordable housing should be provided;
- The adjoining ward Members should have been consulted;
- No air quality or traffic impact studies had been undertaken;
- Concern with regard to no provision for primary or secondary schools;
- Would impact on traffic safety at Fulston Manor School and Sittingbourne Community College;
- The scheme had not been thought out;
- Air Quality study needed to be undertaken in Homewood Ward;
- Would have an adverse impact on the ward of Homewood in terms of increased traffic;
- Disappointed no medical centre being provided;
- Local people would not be able to afford the proposed houses;
- A marketing strategy and building of the retail unit needed to be provided before commencement of the development;
- The maximum affordable housing level should be provided;
- Should be more emphasis on design and future-proofing the proposed properties;
- Commuter parking was a significant issue already in the area and needed proper design plan on how to deal with the issue;
- Concern that residential streets could be used for commuter parking;
- Major concern relating to environmental measures proposed;
- Concern that Members were being miss-lead and that report referred to south west Sittingbourne, but it was the village of Borden;
- Increased traffic from the proposed scheme would also impact on other areas including Newington along the A2 which was already an Air Quality Management Zone;
- Local Ward Members had a duty to protect local residents from the harm caused by poor air quality;
- Would adversely impact on the air quality in other areas including: Newington; Chalkwell; Homewood; and Rainham;
- The developer needed to work with the Parish Council on local housing needs;
- The Council could not allow developers to ignore the Council's Local Plan in terms of affordable housing provision; and
- Officers had done well to negotiate the Section 106 Agreement to be better than reported in January 2019 and should be approved.

In accordance with Council Procedure Rule19(2) a recorded vote was taken on the motion to approve the application and voting was as follows:

For: Councillors: Cameron Beart and James Hunt. Total equals 2.

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Against: Councillors Monique Bonney, Simon Clark, Tim Gibson, James Hall, Nicholas Hampshire, Carole Jackson, Elliott Jayes, Peter Marchington, Benjamin Martin, Richard Palmer, Ben Martin, Tim Valentine and Tony Winckless. Total equals 13.

Abstain: Councillor David Simmons. Total equals 1.

The motion to approve the application was lost.

At this point the Chairman adjourned the meeting to allow officers to receive advice from legal.

Councillor Nicholas Hampshire moved the following motion: That the entire application be brought back to the Planning Committee for consideration. This was seconded by Councillor Monique Bonney.

In accordance with Council Procedure Rule19(2) a recorded vote was taken on the motion that the whole application be brought back to the Committee and voting was as follows:

For: Councillors: Monique Bonney, Simon Clark, Tim Gibson, James Hall, Nicholas Hampshire, Carole Jackson, Elliott Jayes, Peter Marchington, Benjamin Martin, Richard Palmer, Ben Martin, Tim Valentine and Tony Winckless. Total equals 13.

Against: Councillors Cameron Beart, James Hunt and David Simmons. Total equals 3.

Abstain: Total equals 0.

The motion for the entire application to be brought back to Committee was agreed.

Members requested that the application be considered at an Extraordinary meeting of the Planning Committee.

Resolved: That application 17/505711/HYBRID be brought back to Committee for consideration at an Extraordinary Planning Committee meeting, date to be confirmed.

67 SCHEDULE OF DECISIONS

PART 1

Reports to be considered in public session not included elsewhere on this Agenda

1.1 Section 106 Year End Review 2018/19
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Highlights of the Year: April 2018 to March 2019
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This item will be considered at the reconvened meeting on Thursday 27 June 2019.

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1.2		
APPLICATION PROPOSAL		
A solar photovoltaic array, and electrical storage and connection infrastructure, each with a gross electrical output capacity of over 50 megawatts.		
ADDRESS Land At Cleve Hill Graveney Kent ME13 9EE – Approximate National Grid reference of site centre TR 037 639.		
WARD Boughton and Courtenay	PARISH/TOWN COUNCIL Graveney with Goodnestone	APPLICANT Cleve Hill Solar Park Ltd

The Area Planning Officer introduced the report and suggested the following amendments to the draft Written Representation: the Environment Agency had advised that Managed Realignment was more to do with compensatory habitat creation than easing flood risk, so deletion of the last five words from paragraph three was suggested; and in paragraph 19(v), on page 62 of the Committee Report, the word “not” was missing and should be the third word in the second sentence.

Parish Councillor Alan Stewart, on behalf of Graveney Parish Council, spoke against the application.

Mrs Stewart (on behalf of Graveney Environment Action Team), an objector, spoke against the application.

Hugh Brennan, the Applicant, spoke in support of the application.

The Chairman moved the officer recommendation to endorse and submit the Council's response, and this was seconded by the Vice-Chairman.

The Chairman invited Members to ask questions.

A Member raised concern about the removal of the words 'and ease flood risk elsewhere', suggested by the officer, and the potential risks of flooding to Faversham. The Area Planning Officer explained that the principal aim of the alignment was to protect the environmental habitat and not to reduce flood risk.

A Member raised concern that light pollution from the proposal could cause harm to the local community. The Area Planning Officer stated that there was no permanent lighting planned for the scheme, only sensor-related security lighting and that he was not aware that it would be lit-up at night.

A Member stated that he had received a response from the developer about timings of traffic movements and he asked for this to be circulated. He suggested that paragraph 18 of the written representation could be shortened by deleting the final sentence. He also suggested that paragraph 19 be amended by replacing the word “the Council is particularly concerned” with the word “extremely”.

A visiting Ward Member spoke against the application and welcomed the comprehensive report and response.

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A Ward Member who was a member of the Committee, welcomed the officer report and response. He referred to paragraph (3) on page 58 of the Committee report and made the point that the sea defences breached area would return to salt marsh which was the best way to lock-up carbon in the land. He considered the loss of that potential should be included in the response. The Member also drew attention to paragraph (8) which he supported and asked officers whether they would consider including reference to policies EN-1, EN-3 and EN-5, to strengthen the policy.

The Area Planning Officer advised that the Council's Spatial Planning Policy team were currently looking at the document and would be able to advise on the points raised by the Ward Member.

Resolved: That the draft written representation be endorsed and submitted with amendments to the Examining Authority for decision by the Secretary of State for Business, Energy and Industrial Strategy.

1.3 Review and re-designation of Conservation Areas at: Boughton Street, Boughton Church and South Street
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This item will be considered at the reconvened meeting on Thursday 27 June 2019.

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 19/501555/FULL & 19/501556/LBC		
APPLICATION PROPOSAL		
Refurbishment and improvement of existing granary to provide ancillary accommodation.		
ADDRESS Scotts Farm House Hansletts Lane Ospringe Faversham Kent ME13 0RW		
WARD East Downs	PARISH/TOWN COUNCIL Ospringe	APPLICANT Mr Tim Stiles AGENT Alan Foster Architects

This item will be considered at the reconvened meeting on Thursday 27 June 2019.

2.2 REFERENCE NO - 19/501881/FULL		
APPLICATION PROPOSAL		
Proposed first floor rear extension.		
ADDRESS Old Moss Mill Lane Hartlip Sittingbourne Kent ME9 7TB		
WARD Hartlip, Newington and Upchurch	PARISH/TOWN COUNCIL Hartlip	APPLICANT Mr Ryan Bendelow AGENT Resi

This item will be considered at the reconvened meeting on Thursday 27 June 2019.

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2.3 REFERENCE NO – 19/502141/FULL		
APPLICATION PROPOSAL Erection of garage with self contained annexe above and associated drive to facilitate the care of elderly parent. (Resubmission to 19/500219/FULL)		
ADDRESS 20 Hustlings Drive Eastchurch Sheerness Kent ME12 4JX		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT P&S Properties Services (South East) Ltd AGENT Giarti

This item was withdrawn by the applicant prior to the meeting.

2.4 REFERENCE NO – 19/500768/FULL		
APPLICATION PROPOSAL Winter storage of seasonal workers caravans and welfare unit.		
ADDRESS Owens Court Farm Owens Court Road Selling Faversham Kent ME13 9QN		
WARD Boughton and Courtenay	PARISH/TOWN COUNCIL Selling	APPLICANT F W Mansfield & Son AGENT Hobbs Parker Property Consultants

This item was withdrawn from the Agenda.

2.5 REFERENCE NO – 19/501731/FULL		
APPLICATION PROPOSAL Alteration to domestic garage to provide annexe to main dwelling house.		
ADDRESS 1 Brenley Bridge Cottages Brenley Lane Boughton Under Blean Faversham Kent ME13 9LZ		
WARD Boughton and Courtenay	PARISH/TOWN COUNCIL Boughton Under Blean	APPLICANT C Riches Properties Limited AGENT Wyndham Jordan Architects

This item will be considered at the reconvened meeting on Thursday 27 June 2019.

2.6 REFERENCE NO – 19/500577/REM		
APPLICATION PROPOSAL Reserved Matters of access, appearance, landscaping, layout and scale following outline application 18/501409/OUT for erection of 2 No four bedroom houses and 1 No disabled sheltered bungalow.		
ADDRESS Land To The North Of Vicarage Road Sittingbourne Kent ME10 2BL		
WARD Milton Regis	PARISH/TOWN COUNCIL	APPLICANT Prestige Developments

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		AGENT MRW Design
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The Senior Planner reported that the Agent had submitted additional drawings outlining details of tracking for refuse vehicles and fire engines. The applicant had also submitted an updated landscaping plan which outlined details of planting species and densities. The Senior Planner explained that the proposed planting consisted of both native and non-native species to support native wildlife such as cherry, juniper and honeysuckle. The Senior Planner stated that this was acceptable to officers and requested delegation to add a condition listing approved Drawing Numbers including those outlined above.

Sandra Barton, an Objector, spoke against the application.

Alex Allchin, the Applicant spoke in support of the application.

A Ward Member raised concerns.

Councillor Tony Winckless moved a motion for a site meeting. This was seconded by Councillor Monique Bonney.

On being put to the vote the motion was agreed.

Resolved: That application 19/500577/REM be deferred to allow the Planning Working Group to meet on site.

2.7 REFERENCE NO – 19/500577/REM		
APPLICATION PROPOSAL		
Change of use of residential annexe to independent residential use (Retrospective).		
ADDRESS Annexe James House Kent View Drive Eastchurch Sheerness Kent ME12 4DP		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Eastchurch	APPLICANT Ms Patricia Bath AGENT Brachers LLP

Andy Booth, an Objector, spoke against the application.

Patricia Bath, the Applicant, spoke in support of the application.

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

A Member raised concern that the annexe would have no amenity space.

The Senior Planner stated that officers could explore the possibility of amending the application to provide amenity space with the applicant.

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

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Councillor Cameron Beart moved the following motion: That the application be delegated to officers to discuss with the applicant the possibility of a larger amenity space being provided for the annexe. This was seconded by Councillor Elliott Jayes.

On being put to the vote the motion to defer the application was agreed.

Resolved: That application 19/500577/REM be delegated to officers to discuss with the applicant the possibility of a larger amenity space being provided for the annexe.

PART 5

Decisions by County Council and Secretary of State, reported for information

These items will be considered at the reconvened meeting on Thursday 27 June 2019.

- Item 5.1 – Shurland Farm, Shurland Cottage, High Street, Eastchurch

APPEAL ALLOWED

DELEGATED REFUSAL

- Item 5.2 – 64 School Lane, Lower Halstow

APPEAL DISMISSED

DELEGATED REFUSAL

- Item 5.3 – Broadoak Farm, Broadoak Road, Milstead

APPEAL ALLOWED

DELEGATED REFUSAL

- Item 5.4 – Uplees Fruit Farm, Uplees Road, Oare

APPEAL DISMISSED

APPEAL AGAINST NON-DETERMINATION

68 EXCLUSION OF PRESS AND PUBLIC

Resolved:

(1) That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds they involve the likely disclosure of exempt information as defined in Paragraphs 5 and 7 of Part 1 of Schedule 12A of the Act:

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

7. Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.

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APPENDIX F*Planning Committee**20 June 2019***69 URGENT ITEM 18/501667/FULL NEW ACRES SPADE LANE, HARTLIP**

The Development Manager introduced the urgent report which had been tabled for Members. He advised that the application was refused by Members at the Planning Committee meeting on Thursday 7 March 2019, but unfortunately the wrong decision notice had been issued. The Development Manager explained that this was extremely rare and measures had been implemented to hopefully ensure the situation could not happen again. Members were asked to note the report.

In response to queries, the Head of Planning Services advised that the Leader of the Council had instructed officers to apply for a judicial review and that one of the Ward Councillors had agreed to this action.

Resolved: That the report be noted.

70 ADJOURNMENT OF MEETING

The meeting was adjourned at 7.50pm and reconvened at 8pm, and adjourned again at 9.25pm and reconvened at 9.33pm.

71 SUSPENSION OF STANDING ORDERS

At 10pm and 10.30pm Members agreed to the suspension of Standing Orders in order that the Committee could complete its business.

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee/Panel