

Update for Planning Committee, 10th January 2019

Deferred Item 1 – Manor Farm, Key Street, Sittingbourne – 17/500727/OUT

(1) Since publication of the Committee report (see Pages 1 to 79 of the Agenda), sixteen further emails of objection have been received from local residents, and one from the Borden Wildlife Group. The comments contained therein which have not been raised previously may be summarised as follows:

- The Committee report has been published ten days before committee, and states that only four additional objections have been made. *'This goes along with my theory that the decision has already been made, regardless of what anyone says.'*
- Local residents are not given enough time to present their evidence
- Duty to ensure no loss of habitats or biodiversity. A number of species such as grass snakes, beetles, owls, birds and bats live on site
- Increase in traffic footfall and pollution *'will make the Borden area more like the council estate of England'*
- Electric car charging points will make no difference as who can afford these cars?
- Hedgerows will be destroyed; pollution from construction, noise pollution and possible fuel/chemical and waste spillage
- No mention of using recyclable materials in the build
- Air Quality Review fails to refer to the Council's own ASR report
- Review does not take into account the Wises Lane development
- Report fails to address the issues to the road layout proposed by the Wises lane developer and the Council – *'Delays, increased air pollution and catastrophic road traffic accidents must be the inevitable outcome of such an ill-conceived strategy, proposed before the potential impact of the proposed idiotic changes to the Wises Lane development plans'*
- Officers have ignored their own Air Quality data
- *'Any impartial observer must be left with the strong impression that data are being deliberately manipulated by both the developers and the local planning authority in such a way as to deceive local residents and the Members of the Planning Committee, who had given a specific instruction to defer further consideration of this application until 12 months, beginning in August 2018, of real data had been collected. By what authority did the planning officers ignore this instruction and take it upon themselves to commission consultants to review the previously submitted 'evidence', ignoring in the process, the Council's own data for 2018 (which showed a significantly different, and rather less favourable, outcome than the earlier data on which the review based its highly suspect conclusions)?'*
- This is not the first time that SBC has used the *'pathetic excuse'* of the possibility of an appeal for non-determination
- Air Quality data and projections are extremely optimistic
- Chestnut Street is used as a diversion when there are accidents on the A249
- Due to SBC's failure to provide lorry parking facilities in the Borough, lorries will use the Manor Farm development to park, increasing pollution
- Out of date information has been analysed

- *'The report seems to be biased to show there is not an air quality problem. As this was commissioned as an independent review then this is extremely disappointing and the council should seek a further review from a consultant that they have never had dealings with, which would provide a true independent and unbiased review'*
- The plans which I have seen for the Keycol roundabout are not fit for purpose
- Security issues from public footpath behind Cherryfields, due to increased use and possible re-paving and lighting
- Disruption to the residents of Pine Lodge
- The mammal survey is flawed and ignores matters such as a large badger sett forty metres away from the site.
- The proposal *'is not critical for Swale's housing target, whereas the protection of biodiversity is critical for our environment'*

(2) An online comment has also been received from Cllr Baldock, regarding safeguarding badgers which may be situated adjacent to the site. He highlights the following concerns:

- *'It is clear from the evidence available that the existing survey was inadequate, and fails to recognise the level of badger activity on this site. It further fails to identify a huge adjacent active sett less than 40 yards from the site. The survey reports suggest that the legally required extended time to watch the setts has therefore not been carried out, along with other aspects of the legal requirements.'*
- *'The Govt Guidance clearly states that "Extra surveys must be done if there are active setts or foraging grounds" - in this case there is an active sett within 40 yards of the site, and the site is an active foraging ground. There is no mention in the report of the required estimate of the existing territorial area of the sett.'*
- *'This has led to a failure to adequately mitigate for the damage done to the badgers within the sett. As the applicants note: "Development should not be permitted unless it is possible to take steps to ensure the survival of the badgers in their existing range and at the same population status, with provision of adequate alternative habitats if setts and foraging areas are destroyed."*
- *'No such steps have been taken to ensure the survival of the badgers in their existing range and at the same population status. It is clear that foraging areas are going to be destroyed, and it is difficult to see where adequate alternative provision has been made.'*
- *'There are extensive trails through the development site, and clear entry points leading to the adjacent sett. When this site was included within the local plan, the adjacent field was not designated for development, which left the badgers with an alternative foraging area and a corridor to further countryside enabling younger badgers to go off and establish new setts. As this alternative is due for development under the nearby Wises Lane Planning Application, it is necessary for the developers and for Swale Borough Council to guarantee adequate alternative foraging areas that will be available to these badgers. This has yet to be done.'*
- *'For this reason, I would ask that the existing application be deferred until such time as the site has been properly surveyed according to legal standards, and adequate mitigation proposed.'*

Officers appreciate these concerns, and would recommend that Condition (18) contained within the report be amended to read as follows:

'No development shall take place (including any demolition, ground works, site clearance) until a method statement for ecological mitigation, including (but not necessarily limited to) reptiles, invertebrates, bats, nesting birds and badgers, (if they are found to be present within the site) has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works, demonstrating that the mitigation hierarchy has been followed;*
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives, informed by detailed, reptile and badger surveys carried out in accordance with good practice guidelines;*
- c) Extent and location of proposed works (including identification of receptor sites) shown on appropriate scale maps and plans;*
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;*
- e) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works.*

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

Reasons: In the interests of conserving protected species; and to ensure that these details are approved before works commence.'

(3) Officers also recommend the inclusion of the following Condition, if approved:

'The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and no dwelling shall be occupied unless the notice for that dwelling 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'

- (4) Borden Parish Council has submitted a response to the independent air quality review from Air Quality Consultant Phlorum. That response is given, in full, as an Appendix to this update.*
- (5) The Principal County Archaeological Officer raises no objection, subject to the inclusion of Condition (23) within the report.*
- (6) As a reminder for Members, with regard to affordable housing, the strategic Housing and Health Manager has confirmed the following: 'As per affordable housing policy DM8, on sites with ten or more dwellings, in Sittingbourne we would seek 10% affordable housing to provide up to 5 affordable homes. The new affordable housing policy requires a 90:10 split in favour of affordable rented housing, to deliver 4 affordable rented homes with 1 shared ownership home.*

Housing would request that the overall mix of affordable property types/sizes be proportionate to the open market homes, as detailed in the table below:

Property Type	Total	10% affordable DM8
2BH	15	2
3BH	28	3
4BH	7	0
Total	50	5

I can confirm that there is a requirement for affordable housing in the Sittingbourne area for all types and sizes of affordable accommodation.'

- (7) In summary, Officers recommend approval of the proposal, subject to the inclusion of the two Conditions noted above, the conditions set out in the main report and the signing of a suitably-worded Section 106 agreement.

Appendix – Response to Air Quality Evidence Review (CHSS, University of Kent)