

**APPENDIX 1**

Extra-Ordinary Planning Committee Report – 28 February 2019

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**EXTRA-ORDINARY PLANNING COMMITTEE REPORT – 28 FEBRUARY 2019 PART 2**

Report of the Head of Planning

**PART 2**Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 18/503135/OUT</b>			
<b>APPLICATION PROPOSAL</b>			
Outline application for the development of up to 700 dwellings and all necessary supporting infrastructure including land for provision of a convenience store / community facility, internal access roads, footpaths, cycleways and parking, open space, play areas and landscaping, drainage, utilities and service infrastructure works. (All detailed Matters Reserved for subsequent approval except for access to Lower Road and to Barton Hill Drive).			
<b>ADDRESS</b> Land West of Barton Hill Drive Minster-on-sea Kent ME12 3LZ			
<b>RECOMMENDATION</b> - That delegated authority is given to officers to GRANT planning permission <i>subject to</i> –			
<ul style="list-style-type: none"> <li>• Completion of a S106 agreement for the terms as set out in the report below</li> <li>• The imposition of conditions as set out in the report below</li> </ul>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
<ul style="list-style-type: none"> <li>• The application would result in the development of a site that largely falls within site allocation policy A12 of the adopted local plan.</li> <li>• The development within the allocated site would largely comply with the criteria set out in policy A12 of the adopted Local plan.</li> <li>• The inclusion of additional land beyond the site allocation to the west is required to deliver a financially viable scheme and to secure the provision of land to deliver the Lower Road widening improvements.</li> <li>• The scheme would deliver a strategic housing site within the Local Plan.</li> <li>• The scheme would enable the delivery of the Lower Road Improvements for which significant grant funding has been secured.</li> <li>• Further development beyond the site allocation would result in some identified harm, as set out in the report. Nonetheless, in the final planning balance, this harm is considered to be limited when weighed against the benefits that would arise, and the scheme is considered to be acceptable.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
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.			
<b>WARD</b> Queenborough And Halfway	<b>PARISH/TOWN</b> Minster-On-Sea	<b>COUNCIL</b>	<b>APPLICANT</b> SW Attwood & Partners <b>AGENT</b> JB Planning Associates
<b>DECISION DUE DATE</b> 24/09/18		<b>PUBLICITY EXPIRY DATE</b> 10/12/18	

**APPENDIX 1****Planning History**

17/503481/ENVSCR - EIA Screening Opinion to the proposed residential development on Land West of Barton Hill Drive. Decision Date: 10.08.2017

18/501543/ENVSCR - EIA Screening Opinion to proposed residential development on Land West of Barton Hill Drive, Minster. Decision Date: 08.05.2018

**1. DESCRIPTION OF SITE**

- 1.1 The application site occupies land immediately to the west of Barton Hill Drive and predominantly to the north of the Lower Road, though it is noted that the site boundary extends slightly to the south of the Lower Road (an area of approx. 2.5 hectares). The recently-completed Barton Hill Drive / Lower Road roundabout is within the site boundary as is a small length of Lower Road to the east of it. At its northern end, the site boundary extends up to the southern boundary of the Oasis Academy (Isle of Sheppey East Campus) site and adjoins rear gardens to the western end of Parsonage Chase. It includes an area of land between No.s 71 and 73 Parsonage Chase which links the site to this road. The site boundary also runs close to properties on Lovell Road, and adjacent to the play area at Lovell Road.
- 1.2 Parsonage Farm is sited to the north east of the land, and is a Grade II listed building.
- 1.3 A stretch of Lower Road (A2500), extending to 330 metres sits within the application site, while approximately 300 metres further to the west a thin strip of the application site (providing for a possible pedestrian / cycle / emergency access) would connect with the Lower Road, opposite Wall End Cottages. Members will note a rectangular section of the site, measuring 220 metres from east to west and 65 metres from north to south extends out from the main part of the site approximately 240 metres to the north of Lower Road, which it runs approximately parallel to.
- 1.4 The site area is 37.5 hectares.
- 1.5 The existing land use is agricultural and the site is characterised by open, arable farmland.
- 1.6 As noted in the Design and Access Statement:  
*“The site... presents an undulating topography, gradually rising from the lowest points at Lower Road, Barton Hill Drive and another located centrally within the site. The land eventually steepens towards a crest at the north-western boundary. The site is visually exposed due to its sloping landform, with long reaching views due south-west across the site from the highest point adjacent to the northern boundary. These views are broken by native species of hedges that form part-field boundaries, although these are sporadically interrupted by trees.”*
- 1.7 The Design and Access Statement gives a full explanation of the topography, illustrated by a diagram, at paragraphs 2.35 to 2.38 (and which also shows the positions of the hedges and the small number of trees, which are all located on or close to site boundaries), but in summary the land levels range from 7.35 metres AOD (at the junction between Lower Road and Barton Hill Drive) to a high point of 28.13 metres AOD (in the far north-western corner of the site). The land slopes most dramatically in the north west corner from 28m AOD to 20 AOD.

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1.8 There are no public rights of way across the application site.

**2. PROPOSAL**

2.1 Planning permission is sought in outline form for the development of up to 700 dwellings and all necessary supporting infrastructure including land for provision of a convenience store / community facility, internal access roads, footpaths, cycleways and parking, open space, play areas and landscaping, drainage, utilities and service infrastructure works. All matters are reserved (namely layout, appearance, scale and landscaping) for subsequent approval other than the vehicular access to Lower Road and to Barton Hill Drive.

2.2 The primary point of vehicular access will be directly from the new roundabout at the junction of Barton Hill Drive and the Lower Road (A2500). A second vehicular access – in the form of a T-junction - will be provided from Barton Hill Drive, towards the northern end of the boundary between the application site and that road (approximately opposite Numbers 234 to 242 Barton Hill Drive).

2.3 Members will also note that several pedestrian and cycle only links are proposed to connect the site with the adjoining urban area and the local road network.

2.4 The design concept is explained in detail in the Design and Access Statement at pages 31 to 52 and while all the information is illustrative (other than in respect of the maximum number of dwellings and the access points), these pages give a clear indication of how the applicant considers the site could be developed. A site parameter plan (as amended) also establishes a number of principles for the development.

- Dwellings to be predominantly a mix of 2-, 3- and 4-bedroom houses, with larger units at a lower density towards the edges of the site;
- A small number of one- and two-bedroom apartments are envisaged;
- Development to be predominantly two-storey, with some three-storey development in specified locations on the parameter plan.
- The dwellings would be located on 21.7 hectares of the wider site (confined to the main part of the site, i.e. excluding land to the south of Lower Road and the parcel projecting out to the west from central part of the site), with a density of approximately 32 dwellings per hectare;
- 12.5 hectares of public open green space is envisaged;
- Pockets of housing are proposed, separated by green corridors to provide connectivity within the scheme and with adjacent areas;
- The design concept also envisages the creation and enhancement of a number of habitat types to enhance biodiversity, to help mitigate landscape impact and to improve the experience of residents; and
- With regard to sustainable urban drainage, two substantial SUDS ponds are envisaged, on land to the south of the Lower Road and on the parcel of land that projects to the west from the main part of the site. A number of swales are also proposed.

**3. PLANNING CONSTRAINTS**

3.01 A large part of the site (29 Ha) is allocated for residential development under policy A12 of the adopted Local Plan, and for planning purposes falls within the built –up area boundary of the West Sheppey Triangle (i.e. Minster, Halfway, Queenborough

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and Sheerness). In allocating this land for development, the following constraints were taken into account –

- Development of open farmland formerly within a countryside gap
- Development of Grade 3 agricultural land
- Development within an Area of Archaeological Potential
- The location of Parsonage Farmhouse to the north of the site, a Grade II listed building.

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 and is classed as open countryside, and would take up additional Grade 3 agricultural land.
- The unallocated land to the western and southern sections of the site falls within an Important Local Countryside Gap.
- A small part of the land to the south of Lower Road is located within Flood Zones 2 and 3

#### **4. POLICY AND 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 latest National Planning Policy Framework (NPPF) was published 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), 96 (access to high quality open space), 108 (consideration of transport issues in development proposals), 109 (that development should only be refused if highway 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 (refusal of poor design), 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), Chapter 16 (conserving / enhancing the historic environment), 212 -213 (the status of the NPPF in relation to development plans).

## 4.04 National Planning Practice Guidance (NPPG)

Conserving and Enhancing the Historic Environment

Design

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), ST6 (the Isle of Sheppey 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), A12 (site allocation policy for land west of Barton Hill Drive, Minster), DM6 (managing transport demand and impact), DM7 (vehicle parking), DM8 (affordable housing), DM14 (general development criteria), DM17 (open space, sports and recreation provision), DM19 (sustainable design and construction), DM21 (water, flooding and drainage), DM24 (conserving and enhancing valued landscapes), DM25 (Important Local Countryside Gaps), DM28 (biodiversity and geological conservation), DM29 (woodlands, trees and hedges), DM31 (agricultural land), DM32 (development involving listed buildings), DM34 (scheduled monuments and archaeological sites)

4.06 Policy ST6 is specific to development on the Isle of Sheppey. The following numbered criteria within the policy are relevant to this application –

*On the Isle of Sheppey, settlements within the West Sheppey Triangle are the focus of development and long-term change. Development proposals will, as appropriate:*

*5. For larger scales of development, be well located in respect of the most accessible parts of the Island to both car and public transport and, where appropriate, bring forward improvements to the A2500 Lower Road;*

*7. Reduce levels of deprivation in the most deprived wards and facilitate as required, increased capacity in infrastructure and services;*

*8. Manage the level of risk from climate change, flooding and coastal change, especially where subject to the Policy DM 21 and Policy DM 23;*

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*9. Improve the condition and quality of landscapes in the area, especially those in poor condition and ensure that development is appropriate to landscape character and quality, especially within landscape designations and areas with low or moderate capacity to accommodate change. Additionally, the Council will seek to bring landscape wide initiatives to Sheppey to improve landscape condition;*

*10. Where possible, achieve net gains in biodiversity and natural/semi-natural greenspace at development sites and minimise and mitigate impacts on internationally designated sites for biodiversity, including, from developments within 6 km of an SPA, contributions toward the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) in accordance with Policy CP 7. The Council will, where appropriate, establish the Island as a focus for achieving net gains in biodiversity both through the appropriate mitigation and compensation of projects within the Borough and further afield;*

*11. Unless allocated by the Local Plan, avoid the loss of high quality agricultural land in accordance with Policy DM 31;*

*12. Maintain the individual character and separation of important local countryside gaps between the settlements of Minster, Halfway, Queenborough and Sheerness in accordance with Policy DM 25; and*

*13. Make effective heritage protection, integration and enhancement a priority, whilst conserving and enhancing the historic and special interests of the town, coast, rural area and landscapes.*

4.07 Policy A12 is specific to the application site and states as follows –

*Planning permission will be granted for a minimum of 620 dwellings, including landscape, open space and transport improvements on land to the west of Barton Hill Drive, Minster, as shown on the Proposals Map. Proposals shall accord with a Masterplan/development brief and these, together with planning applications will:*

*1. Accord with Policy CP 4, in particular provide a strong landscape framework (shown by a submitted Landscape Strategy and a Landscape and Ecological Management Plan) to integrate the development into the wider landscape and achieve a net gain in biodiversity, including the provision of:*

*a. substantial woodland buffers on the southern and western boundaries of the development and, if necessary, on adjoining land, to be provided as advance planting;*  
*b. open space to serve the needs of the development, including a significant proportion of Accessible Natural Greenspace, and green corridors incorporating existing and new footpath routes;*

*c. retention of existing site features, including existing hedgerows and the overgrown orchard to the rear of Parsonage Chase, which shall be positively managed;*

*d. a site wide landform parameter plan, showing how the existing landform will be respected and how the extent of cut and fill associated with roads and developable parcels will be minimised; and*

*e. conserve the setting of the listed building at Parsonage Farm and undertake a Heritage Assessment, assessing any potential impact on heritage assets.*

*2. Achieve high quality design, responding to local landscape character and distinctiveness as identified by the Swale Landscape Character and Biodiversity Appraisal, 2011. Building heights should reflect the scale and form of existing surrounding development. Individual reserve matters planning applications will be governed by an agreed design code;*

*3. 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*

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*Policies CP 7 and DM28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;*

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

*5. Be accompanied by a Health Impact Assessment in accordance with Policy CP 5;*

*6. Provide a footpath and cycle path links to the surrounding area;*

*7. Deliver a scheme of transport improvements to address capacity issues in the area including the A2500 between Cowstead Corner and Barton Hill Drive, the junction of the A2500 with Barton Hill Drive and provisions for cyclist and public transport (inc. rail facilities); and*

*8. Provision of infrastructure needs arising from the development, including those identified by the Local Plan Implementation and Delivery Schedule, notably education and health provision.*

#### 4.08 Supplementary Planning Documents:

The Swale Landscape Character and Biodiversity Appraisal, 2011  
Developer Contributions SPD 2009

Housing Land Supply

- 4.09 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.”*

- 4.10 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.

- 4.11 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

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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 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.

- 4.12 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.
- 4.13 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)j-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.
- 4.14 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 LOCAL REPRESENTATIONS**

Total Neighbour representations = 249

**Reasons for objections (= 248)****Design**

- Over-development
- Some of the buildings are odd shapes
- Much more detail of plots and buildings is needed for clarity

**Amenity**

- Noise, dust, smell and light pollution and adverse impact to the landscape during construction phase
- A dumping ground for trouble makers from other areas
- Increase in anti-social behavior and crime
- Loss of views
- The environment will become noisier due to increased traffic

**Highways and Parking**

- Exacerbation of excessive traffic queues



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- Increase traffic will prevent emergency vehicles accessing the island beyond Barton Hill
- Benefit from the current road improvements will be negated
- The proposed roundabout and widening of the lower road from Cowstead Corner is insufficient to deal with increased traffic
- There are no plans to revamp Cowstead Corner which creates most of the traffic congestion
- Installing a cycle lane and footpath will not be sufficient
- Due to increased traffic emergency vehicles will take longer to get to casualties
- Insufficient parking provision
- There is no mention on the plan of the position of the proposed cycle lanes
- The cycle access path through Parsonage Chase will adversely affect highway safety and the convenience of road users on Parsonage Chase
- Existing public transport is non-existent
- Highways safety issues crossing Barton Hill Drive

**Infrastructure**

- Insufficient jobs, school places, health services, and facilities and inadequate road and utilities infrastructure, public transport
- Section 106 money will not be enough to update the existing infrastructure
- The local facility will not be built – look at Thistle Hill as an example

**Trees, Landscaping, Green space**

- Insufficient green space
- Loss of green space, farmland
- It is not clear whether the new trees proposed at the very end of Parsonage Chase will be a buffer zone or are going to be in the gardens of the new houses and if so under whose control
- These trees will take time to mature if they are going to be a screen for the existing housing stock
- Orchard / woodland behind Parsonage Chase is not protected along the eastern edge of the site
- There is no good quality boundary treatment proposed for the pedestrian / cycle access path existing to the North East of the development through to Parsonage Chase

**Ecology**

- Loss of wildlife habitats

**Air Quality**

- Increased air pollution due increase in traffic
- Lack of information on air quality

**Waste and Recycling**

- Waste Excessive waste generation waste operatives struggle to keep up with recycling and disposal

**Housing / Affordable Housing**

- No shortage of housing on the island. There is existing approval for over 500 houses on the Island that have not yet been built.
- The dwellings will only benefit individuals and families from outside the area
- There would be no affordable housing
- Some affordable housing would go to vulnerable tenants out of their area

**Policy**

- The development does not meet the sustainability tests of national or local policy
- Brownfield land should be considered first
- This was a late addition to the local plan and was not subject to appropriate public consultation

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- The southern section of the site plan does not accord with the Local Plan Tourism
- Due to exacerbation of traffic problem, tourists will be reluctant to visit

**Other**

- No thought in providing good quality consumer outlets in Sheppey
- No amount of amendments will make this scheme acceptable

**Reasons for support (= 1)**

- Efforts to mitigate the impact of the proposed development on neighboring properties
- Provision made for a convenience store / community facility

**6 CONSULTATIONS**Minster Parish Council

6.01 Original comments – object on the grounds that

- the site area exceeds the policy allocation.
- Intensification of development on the south side with open space south of Lower Road that would be inaccessible to residents
- 700 dwellings is excessive and beyond the local plan policy
- Impact upon infrastructure

6.02 Further comments (05/10/18)

*State that “Due to the proposal being agreed for inclusion within the Swale Borough Local Plan [Policy A12] despite Minster-on-Sea Parish Council fighting very hard against this large-scale development on account of its perceived impact on local infrastructure, the Parish Council could find no material considerations from which to object. The Parish Council hopes the full application leads to a sustainable development that meets the needs of the existing and future local population.”*

6.03 Further comments (07/12/18)

*“Whilst Minster-on-Sea Parish Council's (MPC's) hands are tied and it has no option but to abide by the Planning Inspector's ruling on the Local Plan regarding the development of the Barton Hill site and bearing in mind that the figure of 700 dwellings has been set to secure the Section 106 funding of the A2500 Lower Road improvements despite its strongest opposition at the Local Plan Public Examinations Hearings, it is MPC's fervent hope that the full application accords with the terms and conditions clearly defined in the original proposal particularly in respect of density, visual impact, location and associated Local Plan Policy”*

KCC Highways

6.04 Original comments (summarised) (03/08/18)

- The TA acknowledges congestion problems at the Lower Road / Barton Hill Drive junction.
- Local bus services have been correctly identified. However, such services are limited in frequency and destination.
- Contest that the site is conveniently located in relation to local services and facilities.
- Road safety data suggests that mitigation to minimize pedestrian / cyclist

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incidents on the local road network is required.

- Main access into the site accords with local plan policy. This access is under construction, the land having been provided at no cost by the landowner. The plan needs updating to reflect the latest approved roundabout design.
- The second access point meets Kent Design criteria for a Major Access Road.
- There are insufficient pedestrian crossing facilities on Barton Hill Drive. A puffin crossing is a minimum requirement for access to Sheppey hospital / Thistle Hill Academy.
- The Parsonage Chase and Lovell Road footpath links fail to meet design criteria for walking routes and need to be amended.
- Walking and cycling connections to the south and via Lower Road are good, but the development should explore measures to provide better connections beyond Cowstead Corner and to link to cycle route 174 via the lane through Wallend.
- The Western footway of Barton Hill Drive would remain incomplete requiring users to cross Barton Hill Drive.
- A study of routes to existing facilities should be provided.
- The site does not contain any local / community facilities. It is recommended that a small local centre is provided to reduce car dependence and for access purposes.
- Proximity of the site to public transport is well in excess of recommended distances. A contribution should be sought to increase the frequency of services.
- Trip generation from the development is agreed.
- Additional junction assessments are required.
- The road hierarchy and parking would suggest that Kent Design standards would be applied.
- Conclude that further assessments are required, but that greater pedestrian improvements for access to services, or provision of on-site facilities is required to meet sustainability tests.

#### 6.05 Further comments (summarised) (13/09/18)

- Continue to place a holding objection on the scheme.
- The Highway Authority maintains that, in its present form, the development is unlikely to meet the sustainability tests of local or national policy. It is recommended that options are proposed that improve the sustainability of the site. In no particular order this could include greater pedestrian or public transport mitigations for access to services, alternatively that a small local centre is provided on the Eastern side of the development.
- The Transport Assessment assumes that 30% of development traffic would walk, using TEMPRO data for the Model Super Output Area Swale (004). This however does not take into account the site-specific restrictions, distances and environment that make walking from the proposed development far less achievable.
- Those junctions assessed to the North of the development all exceed capacity by the end of the Local Plan period with this development having the greatest impact within that period. It is clear that the level of development proposed, without local amenities within a walkable distance, is unsustainable.
- It is acknowledged that the development is offering to make contributions to the Lower Road and Barton Hill roundabout mitigation schemes. These partially address congestion issues of traffic heading South, however do not provide a complete pedestrian/cycle link to the Neats Court amenities.

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## 6.06 Further comments (summarised) (12/10/18)

- Note that the masterplan has responded positively to include land provision for a local / community facility and a defined corridor between the site and Parsonage Chase
- Seek measures to improve access to public transport through improvements to bus services.
- Require a crossing facility on Barton hill Drive and pedestrian improvements to Lovell Road to be secured.
- Seek funding to improve walking / cycling facilities to access Neats Court.
- State that an uplift in the contribution to deal with possible improvements to the Cowstead Corner roundabout may be required.
- Advise that testing of the Wallend junction to Lower Road has been requested to address evidence of queueing at this junction.
- Measures to reduce congestion at Halfway Road/Minster Road/The Crescent are requested.

## 6.07 Further comments (summarised) (12/02/19)

- The applicant has acknowledged the need to reduce vehicular movements from the site and has agreed to a residents incentive package to provide £300 per unit to encourage use of sustainable transport means.
- The request for a Puffin crossing has been accepted and this should be delivered via a S278 Agreement rather than a S106 agreement.
- A financial contribution has been agreed to improve walking / cycling on the old Queenborough Road, to improve access to Neats Court, and to connect with the Lower Road improvements.
- Tactile Crossing provision for Lovell Road is agreed and would be expected to be delivered via a S278 Agreement.
- A 3 metre wide shared use route, surfaced and lit, will be provided to connect the site to Parsonage Chase.
- The additional above measures are considered to provide sufficient mitigation to address previous concerns relating to the operation of the Barton Hill Drive / Minster Road roundabout.
- The applicant has agreed to make a financial contribution to enable the Highway Authority to install some mitigation measures to improve the performance of the Halfway Road / Minster Road / Crescent junction and discourage existing issues of increased traffic on the surrounding roads, namely, Holmside Avenue, Adelaide Gardens, Southdown Road, Highfield Road and Banner Way. It is agreed that the improvements to Lower Road and the Cowstead corner would further mitigate the impact of routes to the North.

Should the application be recommended for approval, KCC Highways recommend that a number of conditions are applied – (*Officer note - these are set out in the list of conditions below*).

KCC Highways also require the following S106 contributions –

- A contribution of £1,223,000 along with any land required to deliver the proposed Lower Road capacity improvement scheme following a recommendation to approve. Land will be required immediately under licence with a further requirement to transfer land at a point requested by the Highway Authority.
- A contribution of £20,000 towards traffic management and control in the vicinity of

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the Minster Road/Halfway Road junction.

- A contribution of £20,000 for pedestrian and cycling improvements along the Queenborough Road.
- A commitment to provide the identified “Sustainable Transport Incentives” on point of sale of each dwelling

Highways England

6.08 Original comments –

- Advise that it will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the A249 around Queenborough and further south towards the M2.
- Advise that insufficient data and highways modelling has been provided within the Transport Assessment to reach a conclusion that significant / severe impacts upon the highway network would not occur.
- Note that an addendum TA is to be provided. Require information to include congestion from queueing at the A249 / A2500 junction, the effect of road improvements at Barton Hill Drive on the A249, and the impact of additional traffic on the A249/M2 junction, Grovehurst and Bobbing junctions

6.09 Further comments (summarised) (30/01/19)

Recommend that the following conditions should be attached to any permission granted –

- That no more than 250 dwellings are occupied prior to the M2 Junction 5 works being completed.
- Imposition of a construction Management Plan.

Natural England

6.10 Raise no objection, but advise that this proposed development, and the application of measures (SAMMS) to avoid or reduce the likely harmful effects on the SPA / Ramsar sites, may need to be formally checked and confirmed by the Council, as the competent authority, via an appropriate assessment in accordance with the Conservation of Habitats & Species Regulations 2017.

KCC Ecology

6.11 Advise that they have reviewed the ecological information submitted in support of this planning application and that sufficient information has been provided in regards to the impacts upon protected species. No objection is raised in relation to the survey information.

6.12 Advise that there is a requirement to undertake an Appropriate Assessment due to the increase in recreational pressure upon the nearby SPA and Ramsar site, and that the applicant is required to undertake financial contributions as outlined within the SAMM.

6.13 Advise that if planning permission is to be granted, conditions are attached to secure

- Biodiversity Method Statement;
- Ecological Design Strategy; and,
- Landscape and Environmental Management Plan (LEMP).

**APPENDIX 1**KCC Developer Contributions team

6.14 Request the following contributions –

- Primary school land acquisition - £2026.22 per dwelling and £506.56 per applicable flat (Total £1,336,292.30 based on indicative housing mix)
- Primary education build costs - £4535 per dwelling and £1134 per applicable flat (Total £2,990,846 based on indicative housing mix)
- Secondary Education build costs - £4687 per dwelling and £1172 per applicable flat (Total £3,091,090 based on indicative housing mix)
- Secondary land acquisition - £1932.16 per dwelling and £483.04 per applicable flat (Total £1,274,231 based on indicative housing mix)
- Community learning - £60.43 per dwelling (total 42,298.68)
- Youth services £37.58 per dwelling (total £26,308.25)
- Libraries £48.02 per dwelling (total £33,611.07)
- Social care £60.09 per dwelling (total £42,693.00)
- Provision of 7 wheelchair adaptable homes as part of the on site affordable homes delivery
- Recommend that high speed broadband infrastructure is provided.

6.15 The KCC Developer Contributions team have subsequently advised that the school land acquisition costs are no longer needed, and that a sum of £820,000 is acceptable for Secondary school build costs.

NHS Swale Clinical Commissioning Group

6.16 State that the development would place additional pressure on local health facilities. A financial contribution (based upon 700 units at 2.4 persons per unit) of £604,800 is sought to mitigate this.

SBC Greenspaces Manager

6.17 Advises that the application includes provision of 12.5ha of open space and formal sports provision against a desired level of 10.7ha identified in the Local Plan Allocation. When taking account of the increased number of proposed dwellings within the outline proposal at 700 as opposed to 620, the proposed level of provision still meets the standards identified in the Open Spaces & Play Area Strategy.

6.18 Advises that the general open space concept includes buffer planting to the west and southern boundaries, which is less than compared to the site allocation plan. There is a compromise between such planting and usable open space elsewhere. While a 15m buffer is indicated on the landscape strategy plan, the buffer between development at Thistle Hill and Lower Road seems to work adequately at something approaching 20m in width.

6.19 Has some reservations at the level of SUDS incorporated into the open space, although it is not clear if they are all permanently wet facilities. While clearly important for drainage and biodiversity etc. there is always a balance to ensure enough usable recreational open space is supplied.

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- 6.20 The general concepts around planting with predominantly native species is appropriate, although would like to see areas of more formal and higher quality planting in appropriate areas such as the play areas and gateways to central core open space and sports area.
- 6.21 Play area provision is adequate and would expect to see the proposed central facility as a Neighbourhood (FIT Standards) sized facility to include ball court provision with two small LEAPs to the north and east.
- 6.22 Formal sports provision includes for an area of dedicated pitches, however there is no indication of associated facilities or car parking and I feel this is an area that needs appropriate strengthening.

*Officer note – further discussions have been held with the Green spaces manager. The original proposal to provide formal sports pitches has now been changed. An off site contribution towards the improvement of existing sports facilities (in this case the Sheppey Rugby Club changing rooms) has been secured, and the formal sports provision shown on the plans is likely to include a more informal “kick about” facility rather than a formal sports pitch.*

Historic England

- 6.23 Do not wish to comment on the application.

Southern Water

- 6.24 Comment on the location of main / trunk sewers through the site and the need for these to be protected. Advise that there is an increased risk of flooding unless network reinforcements are carried out. This would be funded through the New Infrastructure Charge and through Southern Water Capital Works programme. Request that a planning condition is imposed to control phasing to align with network reinforcement. However, some initial dwellings could be connected pending such reinforcement. Advise that water supply can be provided and that any surface water SUDS scheme should include details of maintenance

Environment Agency

- 6.25 Do not wish to make any comments

KCC Drainage team

- 6.26 Raise no objection subject to conditions. They are satisfied with the drainage design, with the incorporation of SuDS, and discharge rates restricted to Greenfield conditions.

Swale Footpaths Group

- 6.27 Advise that If the application is approved it is essential to establish the legal status of new footpaths and the responsibility for their upkeep.

KCC Public Rights of Way

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- 6.28 Raise no objection to the development proposal, though it is requested that the future maintenance responsibilities of the proposed new footpaths and cycle links are clarified before the application is approved.

Kent Police

- 6.29 Advise that the application clearly considers crime prevention but highlight detailed design elements that require further consideration. Advise that this can be resolved through a future meeting or via planning conditions.

Environmental Protection Team Leader

- 6.30 Advises that whilst he would have preferred an air quality assessment to have been submitted with this application, due to the lack of evidence and monitoring of air pollution as an issue of concern on Sheppey, he is prepared to accept that an air quality assessment is not necessary.
- 6.31 Advises that a noise survey was submitted with the application, and which identifies that those properties nearest to the A2500 and Barton Hill Drive are the most likely to be adversely affected by noise, though at worst this is predicted to be a 'medium' impact. Although he accepts the report at this stage, it will be important to see the location and plans particularly showing the orientation of properties in the full application. With the knowledge of this report, he would expect a further acoustic intervention advising the developer what glazing is necessary for the closest properties to both these busy roads.
- 6.32 Advises that a planning condition be imposed to deal with potential contamination of the site.

**7 BACKGROUND PAPERS AND PLANS**

- 7.01 The application, as amended, incorporates a Development Brief and Design and Access Statement, a Site Parameter plan, an Illustrative Masterplan, a Supporting Planning Statement, a Transport Assessment, Ecology and Protected Species reports, a Landscape and Visual Impact Appraisal, a Noise Report, A Statement of Community Involvement, An Archaeological Desk-Based Assessment and Heritage Statement, a Flood Risk Assessment, a Health Impact Assessment, Tree Constraints plans, and a Viability Assessment.

**8 APPRAISAL**

- 8.01 This application is for a large scale residential-led development over a site area of some 35.7 hectares. The proposal is for the erection of up to 700 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.
- 8.02 A large part of the application site is allocated for residential development under Policy A12 of the Local Plan. The site allocation extends to an area of 29 Hectares (it is incorrectly referred to as a 25 Ha site in the supporting text to Policy A12). The majority of the allocation forms part of this application, but not all of it (see below for further detail). Policy A12 sets out that planning permission will be granted for a minimum of 620 dwellings, including landscape, open space and transport improvements.



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- 8.03 As a large part of the site falls within the site allocation and within the built confines of Minster 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 A12, as well as other adopted Plan policies and national guidance. In particular, the impacts on such matters as, countryside, settlement separation and use of agricultural land have already been considered as part of the Local Plan process.
- 8.04 Further areas of land (mainly contained within three land parcels) to the south and west of the site allocation are included within the application, amounting to some 6.7 Hectares in total. The additional parcels of land to the far west and to the south of the site (on the southern side of Lower Road) are primarily to provide drainage facilities for the development (and to deal with highways surface water drainage from Lower Road and the new roundabout), and no additional housing is proposed in these areas. The third parcel of land amounts to an area of approx. 2.1 Hectares, and is the land that forms a “recessed area” along the western boundary of the allocated site. This parcel would be utilised as part of the “development area” of the application site and would contain housing.
- 8.05 As a result, the application site would have different / additional impacts when compared to the A12 policy allocation. The key differences are listed as follows –
- The application site excludes the area of overgrown orchard to the north, which falls within the site allocation (approx. 0.8Ha in size).
  - The application site excludes a parcel of land to the east of the site (approx. 1.1Ha in size)
  - The application site includes an additional parcel of land for housing (approx. 2.1 Ha in size) and two additional areas of land primarily for drainage purposes (approx. 4.6Ha in size).
  - The application includes the potential for a local shop / community facility.
  - The area of land shown for landscaping / open space
  - The extent to which the additional land take would impact upon the countryside and Important Local Countryside Gap, and the loss of additional agricultural land.
- 8.06 The development concepts plan under Policy A12 of the Local Plan is attached as Appendix 1. A plan of the application site is attached as Appendix 2. A comparison of these plans will assist with the points above.
- 8.07 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 protects the individual character and setting of settlements (including between Queenborough, Minster and Halfway).
- 8.08 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.
- 8.09 As such, whilst the majority part of the application site which falls within the site allocation under policy A12 of the Local Plan is in principle acceptable, the development

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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.

**The planning policy implications relating to inclusion of the unallocated land parcels**

- 8.10 The application includes the use of three land parcels that fall outside of the site allocation policy. This land is open in character, similar to the existing site and adjacent land. Two parcels are located on the west side of the site, and also fall within an Important Local Countryside Gap (ILCG), the purpose of which (in this instance) is to avoid coalescence between the settlements of Minster, Halfway and Queenborough. The third parcel is located to the south of Lower Road and is not within the ILCG.
- 8.11 A parcel of land amounting to 2.1 Ha in size is included on the west side of the site, and is indicatively shown to accommodate part of the proposed housing area, part of the central area of open space, and part of the strategic landscaping on the western boundary. In my opinion, the loss of this land would have some harmful impact upon the character and appearance of the countryside, and would also result in the loss of a small part of the designated Important Local Countryside Gap. The effect of this is however reduced by the limited size and the location of this parcel of land which sits within a recessed area on the western boundary, and the site allocation boundary wraps around 3 sides of it. Effectively the inclusion of this land would “square off” the western boundary. Nonetheless, there would be some conflict with Policies ST3 and DM25 of the Local Plan.
- 8.12 The remaining two parcels would be utilised primarily to accommodate the SuDS / pond facilities required for drainage purposes. There would be no housing or formal built form in these areas, although opportunities would exist to use the western parcel for other recreational uses (such as a path around the SuDS facility). The proposed parcels would essentially retain the character of the land as open and undeveloped, and in this respect I do not consider that the use of these parcels for ancillary drainage / recreational uses would be materially harmful to the character of the countryside or the functioning / purpose of the Important Local Gap.
- 8.13 The 2.1 Ha parcel of land to the west of the site that would contain housing is in separate ownership to the land within the application site. The owner of this land also owns the parcel of land adjacent to Lower Road that is required for the widening works. Members may be aware that these widening works have been subject to successful National Productivity Investment Funding of some £3.2m. However, this funding is time limited and must be spent by April 2020. Part of the terms of the application is that if permission is granted, land at Lower Road will be made available for the widening works. Without this land, the widening works could not be carried out along the full length between Cowstead Corner and Barton Hill Drive. If the land is not willingly provided, the only other scenario to acquire this land would be through compulsory purchase, which is a lengthy process and would not be concluded in time for the widening works to take place.
- 8.14 The additional land take would result in the additional loss of some agricultural land. However, this is limited in size and I note from Natural England / Defra maps that the site has a low likelihood of containing BMV land. Whilst Policy DM31 does relate in part to all agricultural land, there is a high likelihood that this land is of lower quality. Provided that the benefits of allowing development beyond the site allocation are

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accepted in the planning balance, I do not consider the loss of this additional agricultural land to be unacceptable

**The Non-inclusion of land also allocated under the Local Plan**

- 8.15 The application excludes two parcels of land that form part of the site allocation under Policy A12. It is important for Members to understand the possible consequences of this.
- 8.16 The land parcel to the north (0.8 Ha) contains an overgrown orchard, and Members will note that one criteria from Policy A12 was to retain and positively manage this land. As this land falls outside the control of the application, it cannot be required to be positively managed. However, the existing function of this land, as at least a green setting to the development would be beneficial. There is potential that a future application could be made for the development of this land. However, this will be considered against any ecological / landscape benefits of the existing orchard, and against the policy A12 criteria that the orchard should be retained.
- 8.17 The land parcel to the east (approx. 1.1 Ha) has also not been secured as part of the development. This land consists of an open field with hedges to the boundary. There is potential that this land could come forward for development in the future and it would benefit from specific allocation in the local plan, as well as being within the “built confines” of the settlement. The outline planning application includes proposals to provide a means of access to this land to avoid it becoming “sterilised”

**Design and layout for the proposed development***Policy Position*

- 8.18 Policy A12 of the adopted Local Plan sets out that development of the allocated site should be in accordance with a masterplan / development brief, and which should accord with policy CP4, particularly a strong landscape framework achieving substantial woodland buffers on the southern and western boundaries of the site, open space to serve the needs of the development, retention of existing site features, including hedges and the overgrown orchard, a site-wide landform parameter plan, and measures to conserve the setting of the adjacent listed building at Parsonage Farm. The development should achieve a high quality design, responding to landscape character, using building heights to respond to existing development, and use of an agreed design code for subsequent reserved matters. The scheme should deliver a mix of housing, including provision for affordable housing in accordance with Policy DM8, and provide footpath and cycle path links to the surrounding area.
- 8.19 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.
- 8.20 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

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scale, height, massing and materials, provide management of spaces, features and social infrastructure, and maximise opportunities for sustainable design.

*General site layout*

- 8.21 The application is made in outline with only means of access to be determined at this stage. The main access to the site would be via the new roundabout at the junction of Barton Hill Drive and Lower Road. A second access would be provided in the form of a T-junction onto Barton Hill Drive.
- 8.22 The application includes a Development Brief and a site parameter plan. This has been amended during the course of the application taking into account comments received through the consultation process and also through a Design Review.
- 8.23 The Development Brief and parameters plan establish a number of principles for the development, which include –
- A landscaped buffer along the southern and western boundaries of the main site, of a minimum 20 metres in width.
  - A range of open space typologies throughout the development, including a central “green heart” containing open space, a Neighbourhood Equipped Area of Play (NEAP) and a ball court, with other smaller areas of equipped play space, green corridors ecology areas and open SuDS.
  - Provision of a site for a local convenience store / community facility of up to 650 sqm in floor area.
  - Areas of housing with differing densities, ranging from low density (up to 25 dph) to high density (45+ dph). This includes parameters for up to 3 storey buildings in certain locations within the central “spine” through the development (max 12 metres in height), and two storey buildings elsewhere (max 9 metres in height). Locations for key / focal buildings are also shown.
  - Areas of green space to the south of the Listed building at Parsonage Farm and the existing orchard
  - A network of pedestrian and cycle links within the site, including links to the north via Parsonage Chase and the play area adjacent to Lovell Road, and links to the west onto Lower Road.

*Built Form Parameters*

- 8.24 The parameter plan sets out that the scheme would adopt a range of building densities through the site to provide different character areas, ranging from low density (up to 25 dph) in the far north of the site to high density (45+ dph) at the main entrance point into the development. The site would predominantly contain two storey development, with some three storey development shown through the central part of the site. Development along the site boundaries is all shown at two storeys, and this would reflect the prevailing scale of residential development in the surrounding area. The use of a mix of house types (see chapter below) together with the density and height parameters would allow for different character areas to be provided, in accordance with the “development principles” as set out in the Design Brief. These principles set out that the site is capable of adopting a distinct identity, the details of which can be set through use of a design code, which would be secured via a planning condition. Whilst a landform parameter plan has not been submitted at this stage, I am content that this can be secured as a condition and in turn will inform the detailed reserved matters submissions.

*Landscaping and open space*

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- 8.25 The parameter plans demonstrate that a 20 metre deep landscape buffer would be provided on the southern and western boundaries of the site. I am satisfied that this has the potential to provide a strong woodland buffer to the development on these boundaries, in accordance with Policy A12 of the Local Plan. This would include use of some off-site land for landscaping (approx. 5 metres); however, I note that the wording of the policy does allow for this. The submitted plans (as amended) demonstrate that the southern and western boundaries would be landscaped during the first phase of the development, and I am satisfied that this would provide substantial advance planting for the development as a whole.
- 8.26 The extent of open space on the southern boundary of the site is not as substantial as shown on the development concepts plan within the Local Plan. As a result, the areas of housing development have moved further south towards Lower Road. The applicant has submitted that there are two main reasons to take this approach. Firstly, that the extent of land-take for the roundabout is, in practice, much greater than shown on the concepts plan, and reduces the area of the site available for development. Secondly, that the application proposes to utilise a large area of open space in an alternative central location on the site, which has a number of advantages. It is more accessible to all within the development and has the potential to form part of a central feature area, and it is located on a flatter part of the site that is naturally more suited to formal play / sports provision.
- 8.27 Whilst I agree that a substantial landscaped buffer area is necessary on the southern boundary, I do accept that some of this space could be better utilised in a more central area on the site, and that a minimum 20 metre buffer would create a similar landscaped edge to the site than at the Thistle Hill development further to the east. In my opinion, provided that a minimum 20 metre buffer is secured, this has the potential to provide a suitable strong landscape edge to the development on the sensitive southern and western boundaries. The wider impacts of this on the landscape are considered later in this report.
- 8.28 The existing site is generally open farmland, with some limited boundary and field hedges. Some landscaping has already been removed on the south east boundary of the site to facilitate the new roundabout, and I note from the tree survey undertaken that the tree group on this boundary was generally of low quality. The outline parameters seek to retain many hedgerows within the site as part of the green space network and natural boundary vegetation, although some removal will be necessary to facilitate the development. Detailed landscape proposals which include a scheme for the retention of existing landscaping would be subject to reserved matters approval.
- 8.29 The development would deliver a minimum of 12.5 Hectares of open and green space throughout the site, covering a range of typologies. The quantum and type of open space is acceptable to the SBC Green Spaces Manager, and would include a centrally located main area of open space containing neighbourhood play facilities and a ball court, as well as smaller areas of play and green corridors throughout the site.
- 8.30 In my opinion, the scheme would accord with the criteria within Policy A12 of the Local Plan, insofar that it would provide substantial woodland buffers on the southern and western boundaries (albeit less than shown on the development concepts plan), would provide a range of open space typologies to serve the needs of the development, and has the potential to retain existing site features (mainly hedgerows) the exact detail of which would come forward under reserved matters. Whilst the overgrown orchard to the

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north of the site is not included within the application and as such cannot be “managed”, I am satisfied that the layout parameters demonstrate how the provision of open space to the west and south of this land can be utilised to at least preserve the open setting to this orchard and provide a “green ring” around it.

*Provision of local facilities*

- 8.31 Following amendments to the scheme, the application now proposes to make provision for a local convenience store / community facility with the development. This provision has been made following the Design Review process undertaken in July, and following consultation responses, notably from KCC Highways.
- 8.32 The site allocation policy does not specifically seek or require the provision of an on-site facility. I am also very aware of concerns raised by Members on other development sites where local facilities secured under a planning permission have not emerged, including difficulties in attracting a local shop at the Thistle Hill development close to this site.
- 8.33 My officers have been working with the applicant to negotiate a package that would offer the best opportunity to successfully secure a local facility. The final detail of this is yet to be secured, although the proposal at present includes the following –
- That the land for a local facility would be made available by the developer at nil or a nominal value
  - That £200,000 would be made available by the developer towards the build costs of the local facility.
  - That marketing of the site would be through an agreed strategy
- 8.34 In my opinion, the above measures would offer a strong basis to secure a local facility, which in turn would assist in place-making and sustainability objectives for the site. To provide flexibility to give the best chance of success, I would recommend that the range of uses to be permitted should be A1 (retail), A3 (restaurants and cafes), D1 (non-residential institutional uses), and D2 (Assembly and Leisure).

*Housing mix*

- 8.35 As the application is in outline form, the housing mix is not set and this will come forward in subsequent reserved matters applications. The Design and Access statement sets out that the development will predominantly deliver predominantly 2, 3 and 4 bed units, and the viability assessment submitted with the application has been based upon a split of 31.5% x 2 bed units, 60% x 3 bed units, and 8.5% x 4 bed units. This compares favourably with the identified Borough-wide housing requirements that seek predominantly 2 and 3 bedroom homes.
- 8.36 The application does not provide any affordable housing. As a general rule, policy DM8 does not require developments on the Island to deliver affordable housing, due to viability reasons. However, there is scope under this policy to reconsider this position if the particular characteristics of a development or economic conditions allow so. Members will also note that Policy A12 makes reference to the delivery of affordable housing “in accordance with Policy DM8”.
- 8.37 The viability appraisal submitted with the application has tested whether affordable housing can be delivered on the site. This has been assessed by an independent

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viability consultant working for the Council, and he has advised that the site cannot support affordable housing. This is considered further in the viability section below.

- 8.38 On this basis, I am satisfied that the development has the ability to deliver a mix of housing types in accordance with current market housing needs. However, the scheme cannot deliver affordable housing, although it should be noted that the delivery of affordable housing on the Island is a recognised problem and that policy DM8 does not normally require the delivery of such housing.

*Design Review*

- 8.39 The scheme was subject to a design review in July 2018. A copy of the review is attached as Appendix 3. The review made a number of points relating to the development, and the application has been amended in some respects to deal with these. The main points raised are listed below with my further comments in italics.
- 8.40 A movement framework for the surrounding area, to include local facilities and services should be provided and should inform connections and links from the application site – *A movement framework has been produced and demonstrates that the majority of local facilities are provided to the north and east of the site. The application includes footpath and cycle links to the north, and a main vehicle access to the east onto Barton Hill Drive. Highways improvements would be made to Barton Hill Drive to secure a Puffin Crossing facility. The Lower Road improvements would include cycle and pedestrian improvements towards Queenborough and Neats Court. The development includes a cycle / footpath route to the west to link to this.*
- 8.41 Lack of Public Transport Provision – *The S106 agreement will include clauses to either provide facilities for a bus route to run through part of the site, or alternatively will improve facilities on Barton Hill Drive. Incentives will be given to local residents (as secured under the S106 Agreement) to receive vouchers for public transport or cycles.*
- 8.42 The site topography should be used to maximise private and public views – *The detail of this will come forward at reserved matters stage. The parameters plan has been amended to demonstrate how further open space can be incorporated at the highest points of the development to the north.*
- 8.43 An understanding of phasing is required, and each pocket of housing should come forward with a variety of homes, green spaces and access – *The application includes a phasing plan which splits the site into 5 phases. The reserved matters for each phase would need to include a quantum of green space and access routes. The reserved matters would be expected to deliver a range of house types, based on the density parameters for different parts of the site.*
- 8.44 The ambition to handle surface water drainage within swales is positive, but these are often located a significant distance from where water falls and will require a heavy-handed engineering approach – *the development would be required to dispose of surface water via a SUDS –compliant scheme and the attenuation basins shown to the west and south are designed for this purpose. The use of green corridors through the development provides potential for further SUDS. This will be subject to a detailed scheme required by condition*
- 8.45 Effect on the setting of the listed building – *this is considered later in this report*

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- 8.46 Lack of local facilities – *the applicant has amended the scheme to include provision of an area to provide local facilities*
- 8.47 Lack of evidence of hierarchy across the site – *the revised site parameter plan includes a greater range of building densities and heights to aid hierarchy and character.*
- 8.48 Layout of the masterplan – *the revised plan is more grid-like in form and demonstrates greater legibility.*

*Conclusions on layout and design*

- 8.49 The layout and design of the scheme is not fixed at this stage, but a series of development principles and parameter plans submitted together with the masterplan brief set broad principles for development. This establishes a strong landscape framework for the site, with substantial landscape buffer areas to the south and west of the site, use of green corridors through the site, and a central area of open space providing main play and recreation facilities - with small areas in other parts of the site. The proposals demonstrate that existing site features are capable of being largely retained. The application includes provision for a local shop or community facility which would add to place-making and sustainability objectives.
- 8.50 The development would be capable of providing a high quality design and includes a mix of housing, densities and building heights. Subject to the imposition of a design code, the reserved matters applications should demonstrate high quality design. Footpath and cycle links would be provided through the site with links north onto Parsonage Chase and Lovell Road, east onto Barton Hill Drive, and west leading to Lower Road. The site also offers potential for a bus route. I am satisfied that the outline scheme provides landscaping, layout and design parameters that accord with the criteria under Policy A12 of the Local Plan.

**Residential Amenity**

- 8.51 Policy DM14 of the Local Plan states that developments shall cause no significant harm to amenity and other sensitive uses or areas.
- 8.52 As the scheme is in outline form only, the exact relationship between the proposed development and the surrounding area is not yet fixed. The key impacts are likely to be the relationships with existing housing at Parsonage Chase, Willis Court off Lovell Road, and existing dwellings on Barton Hill Drive.
- 8.53 The site parameters plan sets out that those areas of the site close to the above locations would accommodate buildings no greater than 2 stories in height (max 9 metres), and it would be expected that the detailed layout submitted at reserved matters stage would conform to conventional privacy standards (i.e. a separation distance of 21 metres back to back). There would be a change in the view from existing dwellings that face directly onto the site, however this is not protected under planning legislation. In my opinion, there is no reason why a satisfactory relationship between the new development and existing dwellings could not be achieved. On this basis I consider the scheme is capable of being designed to avoid unacceptable impacts on neighbouring dwellings, in accordance with Local Plan policy DM14.

**Impact on Heritage Assets***Policy position*



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- 8.54 Parsonage Farmhouse is a Grade II listed building, located to the north of the site. It consists of two parallel ranges, a back range of two storeys dating to early-mid 17<sup>th</sup> Century, and a front range of 2 storeys dating to the 18<sup>th</sup> Century.
- 8.55 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 places a specific duty on a Local Planning Authority when 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. Members should note that this places a strong presumption against harm to a listed building or its setting.
- 8.56 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 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. Where a development proposal would lead to less than substantial harm, this should be weighed against the public benefits of the proposal.
- 8.57 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.
- 8.58 The site allocation policy A12 (criteria 1(e)) states that the development should conserve the setting of the listed building at Parsonage Farm, and undertake a Heritage Assessment, assessing any potential impact on heritage assets.

*Impact of development on the setting of the listed building*

- 8.59 The outline application is supported by a Heritage Statement. This sets out that the majority of the heritage significance of this building derives from its architectural form, however some is derived from its setting, including the perception of a farming landscape that has historically been associated with the house. The assessment explains that development would impact upon the perceived open farming landscape setting of the former farmhouse (despite the house being severed from its former farming function by 1931 and its lands reduced to domestic gardens), but that such impact on setting falls within the "less than substantial harm" category.
- 8.60 The listed building is located immediately to the east of the overgrown orchard which, as set out earlier, does not form part of this application and is therefore retained. Land to the south of the listed building and orchard is shown to provide part of the open space to the development. This open space would extend 20 metres to the south of the garden to the listed building (which includes a fenced tennis court in this location). As such any built form on the site would be approximately 100 metres from the listed building itself. In addition, there is existing boundary landscaping that forms a screen between the site and the listed building.
- 8.61 The proposal does include a footpath / cycle connection to Parsonage Chase that would follow the western boundary of the garden to Parsonage Farmhouse. Although this path would be formalised through hard surfacing, I do not consider it would cause any material harm to the setting of the farmhouse.

**APPENDIX 1***Conclusions on Heritage Impacts*

- 8.62 Overall, there would be some limited harm to the setting of the farmhouse through development of this site, and the resultant impact on the historic relationship between the farmhouse and surrounding agricultural land. This harm would be mitigated by use of the land by the boundary to the listed building as open space, and by the retention / strengthening of existing boundary landscaping, and as such I consider the degree of harm to be small.
- 8.63 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.

**Ecology and Nature Conservation**

- 8.64 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 A12 requires the landscape framework for the site to achieve a net gain in biodiversity, and to be secured through a Landscape and Ecological Management Plan.
- 8.65 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) and Ramsar Site(s), which lies approximately 800 metres to the south of Lower Road. In accordance with advice from KCC Ecology and Natural England, the applicant has confirmed 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. Members will be aware that this strategy has been adopted by the Council to manage recreational impacts and is deemed to be ecologically sound. 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, and is attached as Appendix 4.
- 8.66 The application includes a preliminary ecological appraisal, Bat, Reptile, Great Crested Newt, Water Vole, Wintering and Breeding Birds surveys. These surveys do not identify any unacceptable impacts, but recommend precautionary and mitigation measures to deal with protected species. These reports and measures are acceptable to the KCC Ecologist.
- 8.67 As actively farmed land, the site is generally open and of limited ecological value. It is not within a designated site, although the overgrown orchard to the north is priority orchard habitat, and a priority deciduous woodland lies further to the north east of the site (behind Highfield Road / Furze Hill Crescent). Existing site features are limited largely to existing hedgerows. These are not classified as “important” within the survey work, although many are shown to be retained as part of the development. The provision of green space around the existing orchard and use of a landscaped buffer to

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the north west would assist in protecting the habitats identified above. The supporting information sets out that the provision of substantial landscaping and different open space typologies would enable overall biodiversity improvements to be achieved on the site.

- 8.68 Overall, and taking into account advice from Natural England and the KCC Ecologist, I am satisfied that 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 A12 and DM28 of the Local Plan.

**Highways Impacts**

- 8.69 Policy A12 of the Local Plan sets out that the development shall deliver a scheme of transport improvements to address capacity issues in the area, including the A2500 between Cowstead Corner and Barton Hill Drive, the junction of the A2500 with Barton Hill Drive, and provisions for cyclists and public transport. Policy IMP1 sets out an implementation and delivery schedule for infrastructure and the supporting text identifies the improvements to Lower Road as necessary infrastructure.
- 8.70 Policy CP6 of the Local Plan sets out that development will deliver timely infrastructure. Chapter 8 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.
- 8.71 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.
- 8.72 Policy DM7 of the Local Plan requires appropriate car parking to be provided, in accordance with existing KCC standards.
- 8.73 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.
- 8.74 Members will be aware that Kent County Council are progressing a road improvement scheme on Lower Road. This is being carried out in two phases. The first phase has been delivered and consists of a new roundabout at the junction of Barton Hill Drive and Lower Road. The area of private land now accommodating the roundabout was gifted to KCC by the main landowner of the application site. The roundabout works were funded through a Local Growth Funding grant, and by S106 monies collected on developments elsewhere. As such the improvement to the A2500 / Barton Hill Drive junction as per part of the requirements under Policy A12, has already been delivered.

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- 8.75 The second phase of the road improvement scheme would increase the width of the Lower Road to meet national standards, and would provide a segregated footway/ cycleway along the northern edge of the road. This improvement is mainly funded through NPIF (National Productivity Investment Funding) grant funding (some £3.2m), with a further £1,223,000 provided through this development proposal. The additional land required for the road widening works is owned by two of the landowners of the planning application site – although the widening works extend well beyond the site boundaries of the application site. As part of the terms of the S106 Agreement, the land required for the road widening would be provided to KCC at no cost to the County Council with access rights to carry out the widening before any development would take place on the application site.
- 8.76 On this basis, the planning application would directly influence and help secure the delivery of road improvements between Cowstead Corner and Barton Hill Drive, and the junction of the A2500 and Barton Hill Drive, in accordance with Policies A12 and IMP1 of the Local Plan.
- 8.77 Members should note that the NPIF grant is time limited, and must be spent by Spring 2020. In order to achieve this, the widening works need to be commenced by April this year – and are dependent on the grant of planning permission in order to secure the land required for widening as well as providing the additional funds required to carry out the works. There is no guarantee that the grant funding would be extended. I consider that the ability for this scheme to contribute to the delivery of the Lower Road improvements carries significant weight in the decision-making process.
- 8.78 The application seeks approval of access details only at this stage with all other matters reserved for future consideration. The main access to the site would be via the newly built roundabout, and a second access would be provided by way of a T junction arrangement opposite 234-242 Barton Hill Drive. KCC Highways advise that the main and second access routes into the development would accord with Kent Design Standards. The access arrangements provide potential for buses to be diverted through the site, or alternatively for improvements to be made to existing shelters and stops on Barton Hill Drive.
- 8.79 The scheme originally did not include any provision for a local shop or other local facility, and I note there is no actual requirement in the Local Plan policy for this. As set out above, provision has since been made for this, and an area of land where the two main access points are likely to converge has been made available for such use. This would help address some of the sustainability concerns raised by KCC Highways.
- 8.80 The Development Brief and site parameters plan demonstrate that there is potential for a good network of pedestrian and cycle links through the site and into the surrounding area. Within the site, there is potential to create links and connections through areas of green space. Footpath and cycle connections can be achieved to the north of the site via Parsonage Chase and Lovell Road, to the west of the site via the proposed footpath link onto Lower Road, and to the east onto Barton Hill Drive. The scheme would include provision of a new footpath on the western side of Barton Hill Drive for the length of the application site boundary. However, it is accepted that this footpath would not connect to the existing footpath at the Lovell Road junction. Desire routes from this new footpath eastwards towards Sheppey Hospital and Thistle Hill Academy, would be accommodated through installation of a Puffin crossing over Barton Hill Drive, which would be provided as part of the development.

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- 8.81 The transport Assessment (TA) (as amended) sets out that the development would generate peak AM vehicle movements of 386 vehicles, and 344 in the PM peak. This traffic has been modelled together with other forecast traffic growth to a future assessment year of 2031. The TA includes junction capacity assessments for those likely to be affected by the development.
- 8.82 KCC Highways have considered the impact of the development on the local highway network and following the submission of further modelling work and information, do not identify any substantial unacceptable impacts arising from the development. Potential capacity issues for the Cowstead Corner roundabout have been addressed through changes to the road design for the Lower Road improvement works, and are proposed to include greater two lane entry and exit lengths to deal with merge congestion. KCC Highways accept the improvements to provide potential local on-site facilities and the pedestrian and cycle facilities / improvements within and beyond the site would encourage less vehicle movements. On this basis, KCC Highways do not seek any further mitigation for the Barton Hill Drive / Minster Road roundabout.
- 8.83 In accordance with comments from KCC Highways, the applicant has agreed to provide £20,000 funding to mitigate additional vehicle impacts at the Halfway traffic lights. This would include measures to improve the performance of the junction and discourage existing issues of increased traffic on the surrounding roads, such as Holmside Avenue, Adelaide Gardens, Southdown Road, Highfield Road and Banner Way. The applicant has also agreed to fund a £20,000 contribution towards improvements to the walking / cycling environment at old Queenborough Road, to provide better connectivity between Lower Road and Neats Court.
- 8.84 Highways England do not raise objection to the application in terms of its effect on the Strategic Road Network, but do require that a condition is imposed on any permission restricting the number of dwelling completions to no more than 250 until the M2 J5 road improvements are completed and opened. This is due to the risk that, in the event the M2 J5 improvements do not materialise, the development would add unacceptably to congestion on the A249 beyond the development of 250 dwellings.
- 8.85 In terms of more site-specific highway impacts, the movement network plan and Design Principle 13 set out that a street hierarchy would be adopted, with a main tree-lined avenue running through the site and a range of minor roads, including home zones and green roads providing different character and functionality to housing areas. Design principle 15 sets out that residential parking would be based on 2 spaces per dwelling, 1 space per flat, and visitor parking. I am satisfied that the use of street hierarchy and the parking strategy would accord with policies DM6 and DM7 of the Local Plan.
- 8.86 Overall, the development would facilitate improvements to the Lower Road, through both the delivery of land to accommodate such works and through a financial contribution towards the improvements. This would be in accordance with Policy A12 of the Local Plan. Due to the size of the scheme, the development would generate a materially greater amount of traffic on local roads. However, and subject to mitigation, this is considered to be acceptable and KCC Highways do not raise objection to the scheme. Highways England do not raise objection, subject to the imposition of a condition to restrict the development to 250 dwellings unless the M2 J5 improvements are complete. On the basis of the above, I consider that the development would accord with policies DM6, DM7 and A12 of the Local Plan.

**Wider Landscape Impacts**

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- 8.87 Policy A12 of the adopted Plan states that proposals shall come forward with a strong landscape framework, with provision of substantial woodland buffers on the southern and western site boundaries. The supporting text states that the surrounding area has moderate landscape sensitivity with moderate capacity for change, that the landscape is most rural with elements of scenic quality due to open panoramic views available from and across the land, although there are some urbanising influences from existing infrastructure and development.
- 8.88 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).
- 8.89 The application site is not within a designated landscape. However, an Area of High Landscape Value lies approximately 250m to the south of Lower Road, and close to the proposed SuDS area within this application.
- 8.90 The application site lies within the Sheppey Central Farmlands Character Area as identified under the Swale Landscape Character and Biodiversity Appraisal SPD 2011. The key features of this landscape relevant to the planning application are: a ridge of London clay rising steeply to the north, coastal views of the estuary, a large scale and predominantly open arable landscape, and poor quality urban fringe in parts. The landscape condition is generally defined as poor, but does state that woodland planting in association with recent housing development on the periphery of Minster helps to soften the urban edge. The guidelines seek to maintain existing landscape features, to create stronger landscape structure, and to avoid proposals that would be unduly prominent in highly visible locations.
- 8.91 The application site is relatively contained by the topography of surrounding land and the presence of Furze Hill to the west, by higher land to the north, and by existing development to the east. However, the site is visible in longer range views from the south across the flat open marshland landscape. In this respect, the site is not viewed in isolation but together with other built form within Minster. Views are also attained from the public footpath at Furze Hill, which again take in wider surrounding built form.
- 8.92 The character of the site would clearly change from an open agricultural landscape to predominantly built form, and this would obviously be experienced by a high volume of people passing the site on the Lower Road. However, much of this has been accepted through the allocation of the site for development, and the woodland buffer planting on the southern and western boundaries would help soften this and provide a strong landscaped edge. The application includes a Landscape and Visual Impact Assessment (as amended), and the Council has employed a landscape consultant to assess this. Changes have been made, including an increase in the extent of planting on the southern and western boundaries. I am awaiting further feedback from the

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consultant on these changes, but anticipate that they will have satisfied concerns previously raised. I will update members further at the meeting.

- 8.93 The additional land beyond the site allocation would have some limited landscape impacts. However, two of the three parcels of land would retain open and “green” functions, and would not accommodate buildings. The third parcel which squares off the west boundary would accommodate some housing, but given that it would essentially fill a small recess along the western boundary, I do not consider that the landscape impact would be significant in comparison to the allocated land.
- 8.94 Subject to further comments from the landscape consultant, I do not consider that the development would be likely to give rise to significant adverse landscape impacts, and that the main adverse impacts would be experienced close to the site and would arise from the change of an open rural landscape to built form. This would be softened by the buffer planting to the south and west of the site.
- 8.95 Taking the above into account, I consider that the development would have some adverse impacts but that these would fall short of being significantly adverse and that, in the context of being a largely allocated site for development, the scheme is acceptable under policy DM24 and A12 of the Local Plan.

**Viability and Infrastructure**

- 8.96 A viability Appraisal has been submitted with the application. This sets out a financial case for the inclusion of the additional land parcel for housing to the west of the site and models the potential for affordable housing on the site. The appraisal has been tested under a number of scenarios, including the application proposal, a scheme for development solely within the boundaries of the site allocation based on 664 units, and a scheme that delivers 700 units with 5% affordable housing.
- 8.97 The appraisal has been assessed by an independent consultant appointed by the Council. The advice received is that the application scheme is the only viable proposal of the three options. Even then, viability is only marginally positive, based on an 18% return for a developer. This gives weight to the inclusion of the land parcel to the west of the site to accommodate additional units.
- 8.98 The viability appraisal also sets out the funds available for the provision of infrastructure and S106 requirements, based on an 18% return to the developer. There is a shortfall between the funds available and the infrastructure requirements originally sought. The main individual sources of funding requirements relate to highways and education requirements. The highways costs are non-negotiable and the £1.23m contribution to the Lower Road widening with the gifted land would need to be paid in advance of the commencement of the housebuilding..
- 8.99 Further discussions have been held over the land acquisition costs for new primary and secondary schools originally identified by KCC (as set out in paragraph 6.14). The primary land acquisition costs for the new primary school at Rushenden and Queenborough are no longer required by the landowner (the Homes and Communities Agency), and KCC have also advised that they would not pursue land costs from this development for the new secondary school at Sittingbourne. KCC have reviewed the secondary education build costs contributions and advise that they would be willing to accept a reduced sum of £820,00 in order to facilitate the road widening scheme and to ensure contributions can be secured from the Local Plan allocations to meet the wider

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infrastructure needs, particularly in relation to primary and secondary education build costs, without which the County Council could be facing a significant funding gap.

8.100 I would normally expect a development to meet the required infrastructure costs in full. However, as KCC are willing to accept a lower figure, in this instance I consider this to be acceptable.

8.101 On this basis, the development would provide for the following identified range of infrastructure requirements -

8.102 *Kent Country Council Developer contributions*

- £4535 per applicable dwelling and £1134 per applicable flat towards Phase 1 of the new 2FE Primary School construction on land at Rushenden, Queenborough (Total £3,091,090 based on indicative housing mix)
- A contribution of ££820,00 towards construction of a secondary school at Quinton Road, Sittingbourne
- £60.43 per dwelling (total £42,298.68) as a Community Learning contribution towards Sheerness Adult Education centre
- £37.58 Youth Services contribution (total £26,308.25) towards Sheerness Youth Centre
- £48.02 Library contribution (total £33,611.07) towards additional stock and shelving at Minster-on-Sea library
- £60.09 Social Care contribution (total £42,693.00 towards Changing Place facilities at Sheppey Healthy Living Centre

8.103 *Kent County Council Highways*

- £1,223,000 towards the Lower Road widening scheme
- £245,000 towards public transport enhancements
- Provision of a pedestrian and cycle link between the site and Lovell Road
- Provision of bus stops either within the site or as improvements to those on Barton Hill Drive
- £20,000 towards enhancements to Queenborough Road
- £20,000 towards enhancements to the Halfway crossroads
- Provision of a puffin crossing facility on Barton Hill Drive
- £232,600 towards electric charge points
- £38,000 towards secure cycle storage

8.104 *NHS Swale Clinical Commissioning Group*

- £604,800 towards expanding existing facilities in the vicinity of the development. Swale CCG state that this funding should be earmarked for the use of the Minster medical centre.

8.105 *Other*

- A bin contribution of £101 per dwelling and £945 per 5 flats
- A SPA Mitigation contribution of £239.61 per dwelling
- An off-site sports contribution of £160,000 for the provision of new changing rooms at Sheppey Rugby Club.
- A contribution of £200,000 for the build costs towards a local shop / facility within



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the development

**Other Matters**

- 8.106 Air quality – Members will note that the site is not within or close to any Air Quality Management Areas, and the application does not require an air quality assessment to be carried out. Notwithstanding this, and given the scale of the development proposed, the application includes a number of measures to encourage alternatives to petrol / diesel vehicles, including provision for electric vehicle charging points, vouchers for each property for bus / train travel or cycles, pedestrian and cycle connections to the surrounding area, wider improvements to Lower Road for pedestrians and cyclists, and provision of a local facility on site.
- 8.107 Contamination – as the site is agricultural land, there is some potential for contamination to be present from this use, and the Environmental Protection Team Leader recommends that a condition is imposed to deal with this.
- 8.108 Noise – A noise report has been submitted with the application, and identifies the potential for road noise from Lower Road to affect the development. This would in part be mitigated by the buffer planting and set back of dwellings from the road. The Environmental Protection Team Leader advises that further details and acoustic measures should come forwards as part of subsequent reserved matters applications.
- 8.109 A Health Impact Assessment has been submitted with the application as required by the policy. This states that the development would have positive impacts arising from the provision of open space and play facilities, footpaths and cycle paths, good quality housing and access to services.

**9. Final Balancing and conclusion**

- 9.01 The proposal would bring forward a large scale residential development on a site largely allocated under policy A12 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 woodland buffers to the south and west, a range of open space typologies and the potential to utilise existing site features, including providing an appropriate setting to the listed building at Parsonage Chase and to the orchard area to the north of the site. A site-wide landform parameter plan would be required through a planning condition on the outline permission and reserved matters applications would need to comply with this.
  - The development would have the potential to bring forward a high quality scheme, based on the parameter plans and design brief, and upon a design code that would form a condition of this permission.
  - The scheme would deliver mitigation to protected European sites through a financial contribution under SAMMS.
  - The scheme proposes to provide a mix of housing and this would be brought forward under reserved matters applications.
  - A Health Impact assessment has been provided.
  - The scheme includes footpath and cycle links to the surrounding area
  - The scheme is critical to the delivery of wider transport improvements on Lower Road, which would be secured under the terms of the permission and S106 agreement.

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- Identified infrastructure costs would be met by the development, including the highways infrastructure. Although this includes a smaller education payment than initially requested, Kent County Council are prepared to accept this.
  - In addition, the scheme puts forward a proposal for an on-site local facility which would aid place-making and sustainability objectives.
- 9.02 Whilst the area of the site subject to Policy A12 accords with the adopted Local Plan, the planning application includes some 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 agricultural land (albeit unlikely to be BMV land), and this would be in conflict with Policies ST3, DM25 and DM31 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. These relate to the viability case that has been put forward and accepted by the Council's consultant that a scheme for 700 dwellings is necessary to achieve a viable proposal, and that the delivery of the land adjacent to Lower Road to accommodate the widening works cannot be achieved without inclusion of the land parcel to the west of the site. In my opinion these carry strong weight, as the road improvement scheme on Lower Road is unlikely to materialise otherwise, and forms a key component of the Local Plan Infrastructure Delivery Schedule as well as a requirement for development of this strategic housing site under policy A12.
- 9.04 I have set out earlier in my report that the policy harm identified in paragraph 9.02 above is limited. This is because two land parcels beyond the land allocation would retain a fundamentally green, open and undeveloped character and would have limited harm on the character of the countryside and no harm to the objectives of the Important Countryside Gap. The third parcel of land would fill a small recessed area along the site allocation boundary and square off this boundary. Whilst this parcel would accommodate built form, it would not extend further west than the site allocation boundary would include woodland buffer planting, and I consider this harm to be limited.
- 9.05 The development would have some impact on the setting of Parsonage Farmhouse. Such harm would be "less than substantial", and would be further mitigated by the provision of open space at the northern boundary of the site. Although Members should place strong weight on any harm to a heritage asset, I consider this harm to be limited and no greater than would have been anticipated in allocating the land for development within the Local Plan. In my opinion, the public benefits of delivering a large scale housing scheme would outweigh the limited harm to the setting of this building.
- 9.06 The enlarged scheme would result in some further landscape impacts, although given the nature and position of the additional land parcels and the landscape mitigation proposed, I consider this impact on an undesignated landscape would fall well short of significant adverse impacts in the longer term. As such I do not consider this would be contrary to Policy DM24 of the Local Plan, although there is some harm nevertheless to be considered.
- 9.07 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

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application that, in my opinion, 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.

- 9.08 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 help 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. 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.
- 9.09 On this basis, my final conclusion is that planning permission should be granted.

**Planning conditions**

- 9.10 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.
- 9.11 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**

- 9.12 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
- 9.13 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.
- 9.14 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).
- A bin contribution of £101 per dwelling and £945 per 5 flats
  - An NHS contribution of £604,800

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- To secure an area of at least 12.5 Hectares as Public Open Space (including provision of a NEAP, ball court, car park, play areas, provision of SUDS, landscaping , paths / cycleways, management requirements and maintenance costs)
- An SPA Mitigation contribution of £239.61 per dwelling
- An off-site sports contribution of £160,000 towards improvements to Sheppey Rugby Club changing facilities
- A community learning contribution of £60.43 per dwelling
- A Lower Road improvement contribution of £1,223,000
- A libraries contribution of £48.02 per dwelling
- A primary school building contribution of £4,535 per dwelling and £1,134 per applicable flat
- A secondary school building contribution of £820,000s
- A social Care contribution of £60.09 per dwelling
- A Youth services contribution of £37.58 per dwelling
- A marketing strategy and timescale for provision of the retail / local facility
- A sum of £200,000 towards the built costs of the local facility and delivery of the land at nil / nominal costs
- A sum of approximately £350 per dwelling towards bus / train /cycle vouchers
- Provision of a pedestrian cycle connection to Lovell Road
- Provision of bus stops or improvements to existing shelters on Barton Hill Drive
- A sum of £20,000 towards enhancements to Queenborough Road
- A sum of £20,000 towards enhancements to the Halfway crossroads
- Provision of a puffin crossing facility on Barton Hill Drive
- Measures to provide apprenticeship places and use of local labour for construction works.
- A monitoring sum

9.15 If for any reason the sum of money secured for the local facility is not spent, it will be diverted to provide an additional sum towards secondary school build costs.

**10 RECOMMENDATION**

GRANT Subject to the completion of an appropriate Section 106 Legal Agreement, the further views of the landscape consultant and the following conditions:

**APPENDIX 1**Commencement

- 1) Details relating to the layout, scale and appearance of the proposed building(s) within a relevant phase, 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.

- 2) 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.

- 3) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

General

- 4) The development shall be carried out in accordance with the phasing plan drawing 1456.21 Version 07, unless otherwise agreed in writing by the Local Planning Authority.

Reason To ensure appropriate development of the site.

- 5) The reserved matters shall be submitted to be in accordance with the Site Parameters Plan drawing 1456.18 Version 07 and the Landscape and Open Space Framework Plan 1456.26 Version 01.

Reason: To accord with the terms of the outline permission

- 6) Prior to the submission of a reserved matters application, a design code for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The design code shall be based upon the Site Parameter Plan drawing 1456.18 Version 07, the Landscape and Open Space Framework Plan 1456.26 Version 01, and the Development Brief and Design and Access Statement, and shall include the following –
  - A design strategy for buildings, to include housing mix, density and massing, architectural treatment, the use of feature buildings in key locations, principles for the use of external materials, boundary treatments, and provision of car parking.
  - In relation to phase 3 (as shown on drawing 1456.21 Version 07), a design strategy for buildings to the south and west of Parsonage Farm and measures to respond to the setting of this listed building.
  - Principles for establishing character areas

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- Principles for road hierarchy, pedestrian and cycle connections in each phase, including the alignment, width, lighting and surface materials to be used
- A strategy for street tree planting
- Principles for the layout to accommodate and respond to existing landscape features within the site.
- Design of the public realm, including principles for the design and layout of public open space, areas for play, lighting, street furniture and sustainable urban drainage
- A strategy to provide open space, footpath and cycle linkages through each phase

The reserved matters shall be designed to accord with the approved Design Code.

Reason: In the interests of providing a high-quality layout and design for the development.

- 7) Prior to the submission of any reserved matters application, a site-wide landform parameter plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall provide a strategy for utilising the existing landform of the site, measures to minimise cut and fill operations, and measures to minimise or avoid over-engineered operations to deal with levels changes. The reserved matters applications shall be designed to accord with the approved site-wide strategy.

Reason: To respect and make best use of the sloping landform of the site and to accord with the site allocation policy.

- 8) For each phase of the development hereby approved, no development shall take place within a relevant phase until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures will be taken to ensure that the development in that phase incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development of the phase of development in question as approved, and retained as such in perpetuity.

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

- 9) 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

- 10) No development shall take place in any phase until details of the existing site levels, proposed site levels, 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.

**APPENDIX 1**

- 11) 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.

- 12) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development in any phase 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

- 13) No development beyond the construction of foundations shall take place in any phase until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) permitted in that phase have been submitted to and approved in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development.

- 14) The reserved matters details 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.

- 15) The reserved matters details for the convenience store / community facility shall make provision for a building(s) of up to 650 sqm of floor space with associated car parking. The building(s) shall be permitted for uses under classes A1, A3, A4, D1 and D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), and for no other purpose.

Reason: To provide for a local facility, in the interests of sustainability and local amenities.

- 16) No development beyond the construction of foundations shall take place in phases 1 or 2 of the development (as shown on drawing 1456.21 Version 07), until an acoustic assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall set out predicted internal and external noise levels for dwellings in that phase, and (if required) shall provide a scheme of mitigation measures in accordance with BS8233:2014 – “Guidance on Sound Insulation and Noise Reduction for Buildings”. The development shall be carried out in accordance with the approved details and mitigation prior to occupation of any dwelling.

**APPENDIX 1**Highways

- 17) No more than 250 dwellings on the site shall be occupied until the M2 Junction 5 Roads Investment Strategy scheme (the scheme of works in the May 2018 Preferred Route Announcement) has been completed and opened to public traffic.

Reason: To avoid adding unacceptably to congestion at the existing A249 Trunk Road and M2 Junction 5, to ensure the effective operation of the Strategic Road Network, and to satisfy the reasonable requirements of road safety.

- 18) No development shall take place in any phase (including any engineering or levelling works), 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:
- (a) The predicted numbers of construction and delivery vehicles and measures to manage routing of construction traffic to / from the site,
  - (b) Means of access to the site during the construction process
  - (c) Parking and turning areas for construction and delivery vehicles and site personnel
  - (d) Timing of deliveries
  - (e) Provision of wheel washing facilities
  - (f) Temporary traffic management / signage
  - (g) Areas for the loading / unloading and storage of plant, materials and waste
  - (h) Measures to control the emission of dust and dirt during construction
  - (i) A scheme for recycling/disposing of waste resulting from demolition and construction works
  - (j) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

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.

- 20) The reserved matters for phase 1 (as shown on drawing 1456.21 Version 07), shall include the provision of a footway on the west side of Barton Hill Drive, and this shall be completed prior to the occupation of any units on the site.

Reason: In the interests of pedestrian safety.



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- 21) No occupation of any dwelling within phase 1 (as shown on drawing 1456.21 Version 07), shall take place until access from that dwelling to the roundabout at the junction of Barton Hill Drive and Lower Road has been completed.

Reason: In the interests of highways safety

- 22) No occupation of any dwellings other than those within Phase 1 (as shown on drawing 1456.21 Version 07), shall take place until the Highway works for the Barton Hill Drive access as shown in drawing T-01 Rev P3 have been completed in accordance with a Section 278 agreement with the Highway Authority.

Reason: In the interests of highways safety

- 23) No more than 75 dwellings shall be occupied until a Puffin Crossing is provided on Barton Hill Drive at a location and specification approved by the Highway Authority through a section 278 agreement, and is open and available for public use and to an adoptable standard.

Reason: In the interests of pedestrian safety

- 24) The details submitted for the approval of Reserved Matters 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: In the interests of highway safety

- 25) The details submitted for the approval of Reserved Matters above shall include details of covered secure cycle parking facilities for each dwelling. The approved cycle parking shall thereafter be provided prior to the occupation of any dwellings and retained in perpetuity.

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

- 26) Prior to the occupation of any dwelling or other building the following works between the dwelling or building and the adopted highway shall be completed:
- (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).

Reason: To provide suitable access to the development

- 27) The pedestrian/cycle link between the development site and Lovell Road together with the installation of tactile paving at the crossing of Lower Road at its junction with Barton Hill Drive shall be constructed to a specification approved beforehand by the

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Local Planning Authority and Highway Authority via an s278 Agreement and made available for public use prior to the occupation of the 350<sup>th</sup> dwelling.

Reason: In the interests of highway safety and to facilitate the use of alternative means of transport.

- 28) No more than 350 dwellings shall be occupied until a pedestrian and cycle link from the site to Parsonage Chase has been completed and opened for public use in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surfacing for all weather conditions, and details of lighting.

Reason: In the interests of highway safety and to facilitate the use of alternative means of transport.

- 29) The reserved matters for each phase shall include measures to provide electric vehicle charging and shall include –
- a) Provision for on-site electric vehicle charging facilities to all dwellings with on-site parking
  - b) Details of provision for electric vehicle charging for 10% of all other residential parking areas (save for visitor parking areas) within that Phase;

No dwelling shall be occupied until the electric vehicle charging for that dwelling has been installed (whether for an individual property or a communal point).

Reason: To encourage the use of electric vehicles, in the interests of climate change and reducing pollution.

Drainage

- 30) No development shall be commenced until:

i. the details required by Condition 1 have demonstrated that requirements for surface water drainage can be accommodated within the proposed development layout for that phase.

ii. a detailed sustainable surface water drainage strategy 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 discharged from the site at an agreed controlled discharge rate. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

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.

- 31) No development shall be commenced until a phasing plan for the surface water drainage scheme has been submitted to and approved in writing by the local planning authority, and which demonstrates the provision of a drainage network to serve any

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designated Phase 1 or subsequent phases prior to occupation. The phasing plan shall also indicate and provide details of any temporary works associated with the construction of the surface water drainage system.

Reason: To ensure 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.

32) No building hereby permitted in any phase 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

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), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

33) No building on any phase (or within an agreed implementation schedule) 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, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood 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, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

34) No development shall commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure that adequate foul drainage is provided.

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- 35) The development shall be phased and implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development, and shall be designed to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

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

Contamination

- 36) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:
- i) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  - ii) A site investigation, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - iii) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (ii). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
  - iv) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (iii). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: to ensure land contamination is adequately dealt with.

Ecology

- 37) No development shall take place in any phase (including any ground works, site or vegetation clearance) until a method statement for ecological mitigation has been submitted to, and approved in writing, by the local planning authority. The content of the method statement shall include the:
- a) Purpose and objectives for the proposed works:
  - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives including updated ecological surveys as necessary;
  - c) Extent and location of proposed works, including the identification of a suitable receptor site for reptiles and great crested newts, shown on appropriate scale maps and plans;

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- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- f) Use of protective fences, exclusion barriers and warning signs
- g) Initial aftercare and long-term maintenance (where relevant);
- h) 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.

- 38) Prior to any occupation of the development, a site-wide Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. 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) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) Details of the body or organisation responsible for implementation of the plan;
  - h) 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 approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.

- 39) No development shall take place until an Ecological Design Strategy (EDS) to achieve ecological enhancements to the site has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works;
  - b) Review of site potential and constraints;
  - c) Detailed design(s) and/or working method(s) to achieve stated objectives;
  - d) Extent and location/area of proposed works on appropriate scale maps and plans;
  - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance;

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- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long term maintenance;
- i) Details for monitoring and remedial measures;
- j) Details for disposal of any wastes arising from works (where relevant).
- k) A timetable for the works to be implemented.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implantation can demonstrate this.

#### Landscaping

- 40) 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.

- 41) The development shall deliver a minimum of 12.5 Hectares of open space. Prior to the submission of any reserved matters, a site-wide open space strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the quantum of open space to be delivered in each phase and how the 12.5 Hectares of open space would be achieved across the site.

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42) The reserved matters shall include a detailed hard and soft landscaping scheme for all public areas within each phase of development. The scheme shall include the following details -

- Details of the type and quantum, and layout of open space to be provided within each phase (based upon the information contained within the Design and Access Statement / Development Brief and parameters plans 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.
- A detailed scheme for street tree planting.
- Hard landscaping details for the public areas, to include details of lighting, hardsurfaces, footpaths and cycleways (including surface finishes), means of enclosure, litter bins, dog bins, and benches.
- Phase 2 (as shown on drawing 1456.21 Version 07) shall include a Neighbourhood Equipped Area of Play, ball court facility and central open space / kick-about facility
- Phases 1 and 5 (as shown on drawing 1456.21 Version 07) shall include a Local Equipped Area of Play / Local Area of Play facility.
- Phase 3 (as shown on drawing 1456.21 Version 07) shall include a scheme for an extended orchard area and open space in the north east corner of the site, in accordance with the Illustrative Landscape strategy by Lloyd Bore.
- A timetable for implementation

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

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

43) The reserved matters shall include full details of both hard and soft landscape works within the curtilage of any building. 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. The development shall be carried out in accordance with the approved details.

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

44) 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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- 45) No development beyond the construction of foundations in Phase 1 shall take place until a detailed scheme of advance soft landscaping has been submitted to and approved in writing by the Local Planning Authority. This shall consist of a woodland buffer on the southern and western boundaries of the site as shown on the approved Site Parameters Plan, and shall be a minimum of 20 metres in depth. The 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. The advance planting shall be completed prior to occupation of the 50<sup>th</sup> dwelling on site and in accordance with the approved details.

Reason: To accord with the terms of the application and the requirements of Policy A12 of the Swale Borough Local Plan – Bearing Fruits 2031. To ensure the early delivery of the strategic landscaping to the site, in the interests of visual amenity and wider landscape objectives.

- 46) 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.

#### Heritage

- 47) The reserved matters and design code to be submitted for phase 3 of the development (as shown on drawing 1456.21 Version 07), shall be designed to maintain an area of open space of at least 20 metres from the boundary of Parsonage Chase.

Reason: To protect the setting of the listed building.

- 48) No occupation of any units within Phase 3 of the development (as shown on drawing 1456.21 Version 07) shall take place until a scheme to provide a heritage interpretation board in relation to the Listed Building at Parsonage Farm has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the information to be displayed, the design and siting of the interpretation board, and maintenance of the board. The heritage interpretation board shall be installed in accordance with the approved details prior to occupation of the 75<sup>th</sup> dwelling within Phase 3.

Reason: To provide information to the public on a nearby designated heritage asset,



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The Council's Approach

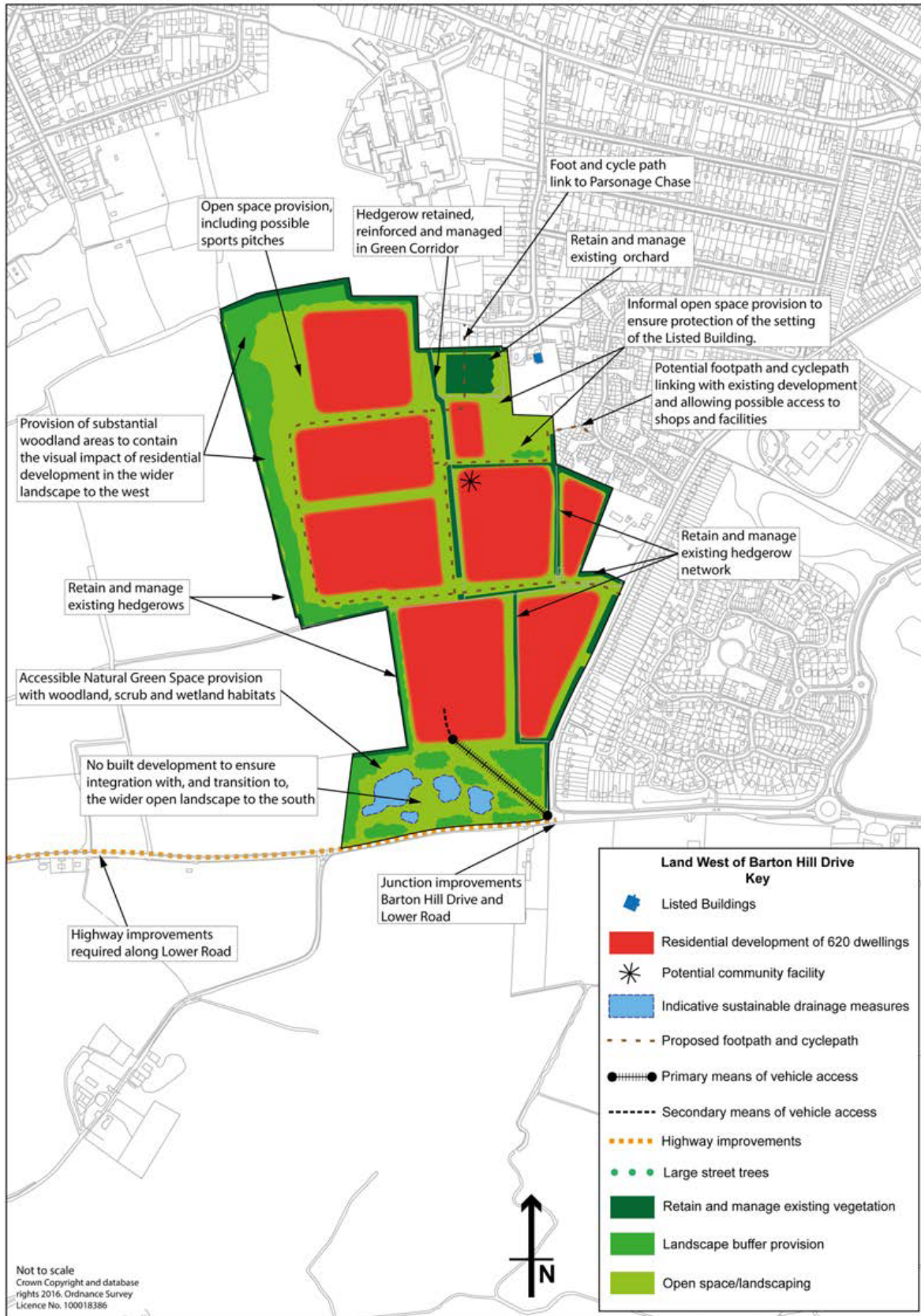
In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance, pre application advice was provided, the applicant was given the opportunity to make amendments to the scheme, and the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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**LOCAL PLAN DEVELOPMENT CONCEPTS MAP**



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**APPENDIX 1**

**APPENDIX 2**

**SITE PARAMETERS PLAN**



**APPENDIX 1**

**APPENDIX 3**



Design Review

**Land West of  
Barton Hill Drive  
Minster**

2 August 2018



**APPENDIX 1**

**APPENDIX 3**



**Land West of Barton Hill Drive, Minster**

Reference: 934.1-1075

Report of Design Review Meeting

Date: 17 July 2018

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

**Panel**

Margaret Baddeley (Chair) Planning

Mark Bottomley, Architecture

Luke Engleback, Landscape architect

Angela Koch, Planning and Urban Design

David Prichard, Architecture and Urban Design

**Also attending**

Huw Trevorrow, Design South East

Sarah Williams, Design South East

Simon Algar, Swale Borough Council

Andrew Byrne, Swale Borough Council

Councillor Gerry Lewin, Swale Borough Council

Councillor Ken Ingleton, Swale Borough Council

Councillor James Hunt, Swale Borough Council

Councillor Cameron Beart, Swale Borough Council

Councillor Tina Booth, Swale Borough Council

Councillor Richard Darby, Swale Borough Council

Councillor Colin Prescott, Swale Borough Council

Alun Millard, Kent County Council Highways

Colin Finch, Kent County Council Highways

Jim Wilson, Swale Borough Council

James Delafield, JB Planning Associates

Jonathan Stewart, JB Planning Associates

Paul Sharpe, Paul Sharpe Associates

Paul Whatley, Lloyd Bore

Simon Moon, DHA transport

**Site visit**

A full site visit was conducted by the panel ahead of the review

**APPENDIX 1****APPENDIX 3****Summary**

This is a very attractive, allocated south facing site with exceptional views of the surrounding areas. We consider this is an appropriate location for development; however, the current proposals raise concerns and require further design development to make best use of the landscape, views and special qualities of the site. It is essential for this development to become an integrated part of the existing community, particularly given its large scale and location in relation to Minster village. This integration has not yet been achieved, and further opportunities should be sought to create a cohesive neighbourhood and tackle environmental, social and health considerations through design.

The environmental, social and economic health of a community does require infrastructure beyond the provision of green space.

Withdrawing the masterplan, developing the framework plans and making amendments to the submitted planning application's supporting documents that reflect the content of this report is encouraged at this early stage in the determination process.

**Background**

This is a recently submitted outline application proposal for approximately 700 dwellings with a principal access to Lower Road, a secondary (restricted) access to Barton Hill Drive, and associated landscape works. The site is 37.5 hectares in size and south-facing, rising generally from the south to the north across the site, with a small central plateau and existing hedgerow remnants. Designated countryside lies to the west of the site with a Grade 2 listed building, now used as a private home, just beyond the north east corner of the site. An overgrown orchard sits directly to the north of the site, and the Medway Estuary and Marshes Site of Special Scientific Interest (SSSI)/Special Protection Area (SPA) lies approximately 600m to the south. The site is within a kilometer of a Ramsar and National Nature Reserve and lies within the Central Sheppey Farmland landscape character area as defined in the Swale Landscape Character Assessment Guidelines March 2005. There are also three designated special landscape areas to the south and north west of the site. They are the North Downs, Blean Woods and North Kent Marshes. The ponds adjacent to the site provide a habitat for great crested newts.

The site itself is allocated for housing in the adopted Swale Borough Local Plan, for a minimum of 620 dwellings. Local Policy does not require any affordable homes. Some of the proposed development area in the south west of the site is in the ownership of the Harris Trust, lying outside the allocated site boundary (the blue ownership line is absent on the drawings).

A number of pre-application discussions have been held with Swale Borough Council and Kent County Council (highways) and a public consultation event was held on the 17th May with approximately 80-100 attendees.

A roundabout is currently under construction at the junction of Lower Road and Barton Hill Drive. As well as easing current traffic flows, a fourth arm would provide the principal access point into the proposed housing development. Phase 2 of these highway works will include the widening of Lower Road, which will take land owned by the Harris Trust. This work is due to be completed in March 2020.

**APPENDIX 1****APPENDIX 3****Local context and connections**

A better understanding of how the site connects with its neighbours must be gained, by producing a movement framework for all modes for the site, linking it to the wider area and its infrastructure and destinations, such as schools, GP surgeries, hospitals, churches, shopping, services, important places of employment as well as social and leisure amenities. The site's access considerations also need to link with the wider public transport network, pedestrian links and cycle routes. In addition, the history of the site needs to be researched, to add a cultural layer to the site's masterplan framework. No footpath is currently shown on the existing lane but it is within the applicant's gift to provide one.

A larger context site plan is required showing all of these facilities and how the routes would work within the site and connect into the wider network. Any future development commitments and the certainty of whether they are to go ahead or not must be considered as part of this study, and the scope or likelihood of longer term proposals - such as the potential residential site to the west - coming forward e.g. for further housing. This extensive analysis should positively impact on the proposed layout and avoid extensive cul-de-sacs by being properly designed and thought through at this stage. It is important that this scheme does not repeat mistakes that have been made in the past.

Access into and around the site is a concern as there will be large numbers of residents using cars and the single main entry point; there is no certainty that there will be extensive use of alternative modes of transport. This is likely to cause traffic issues, and the lack of public transport provision using routes within a site of some 700 new homes is highly problematic. The potential for a bus route to run through the site should be explored. For example, if the main spine route connects to any future scheme, could it accommodate a bus route; likewise, if it is not possible to provide full vehicular access to Barton Hill Drive, could this be bus and emergency vehicle only? Without these facilities, the elderly and families with fewer than two cars will not be provided with equal opportunities to access day-to-day services and facilities.

The second access point to the site is essential to better connect the scheme to its surroundings but the character and disposition of homes along the route needs careful thought. The surrounding streets in the masterplan do not lead into this secondary route and consequently, it appears to be an afterthought. Further work and exploration of its integration into the road network needs to be undertaken and then consideration given as to how the buildings and landscape respond; this is an important ingredient of the overall masterplan.

A more legible network allowing direct and shorter routes is required. Where connections to surroundings can be made these should be as clear as possible, creating direct vistas and avoiding non-instinctual convoluted routes that might not support safety during evening hours. The proposed pedestrian route from the site to the north does not appear to be well-connected to Minster. Consideration should be given to pedestrian and cycle access to local employment and services.

We understand that the Air Ambulance is often used as the nearest Accident and Emergency Department is some distance away, therefore landing space for an ambulance should also be considered.



**APPENDIX 1****APPENDIX 3**

In view of the above comments regarding the need for a fully integrated transport and accessibility strategy, we suggest that access should be a reserved matter that SBC will require further submissions on, once outline planning permission has been granted.

**Site context**

There are many distinctive characteristics of the site that can inform the proposals and should be taken advantage of. These include:

**Site topography** - The site rises from south to north, affording scenic and wide-ranging panoramic views and vistas. This is a key feature of the site and more should be done to celebrate it and potentially add value to the development. The highest area of land in the north western part of the site has the best views and strategies to take advantage of this could include the creation of a public space, or a proposal for a special housing typology to capture views and establish a distinct character area. Site topography should drive the approach to key issues including sustainable drainage, the green spaces strategy and street layout. An east to west orientation of many of the homes and gardens will maximise views for many and provide kerb appeal, while creating morning and evening sun-lit outdoor spaces, south-facing roofs with good thermal potential and new homes that are reasonably protected from the colder north easterly winds in the winter.

**Sustainable drainage** - The ambition to handle surface water drainage within swales is positive, however, as these appear to be often located a significant distance from where water is falling this will require a relatively heavy-handed engineering approach with underground pipes. Localising surface water retention with more catchment areas throughout the site should be explored instead. This consideration should link into a connected green spaces strategy, considering additional potential benefits to the provision of public amenity spaces and wildlife corridors.

**Phasing and construction** - An understanding of the phasing of the development is required, as this could impact on masterplan formulation. As the development is going to be built out over a relatively longer time frame, each pocket of homes must be self-sustaining, with a variety of homes, green spaces and access provided at each stage of development so as to build the sense of community. Each phase needs to be considered in turn to establish its own character, layout, landscaping, infrastructure and place-making qualities. Construction access is an important part of this equation, as it will affect how the revised masterplan is conceived and potential layout.

All of the elements of the development that are referred to above need to be thought through carefully at this stage, and fully tested to ensure that the revised masterplan is robust and has longevity.

**Listed building** - Although the listed Parsonage Farm lies outside the planning application boundary, and it is well-screened, the setting of this Grade 2 building needs to be carefully considered. As currently designed, the proposed development could do more to respond.

**Ponds, green spaces and swales** - More detail on the new pond for the great crested newts and an understanding of how the ponds can be better integrated into the overall masterplan is required. There is no proposed connected wildlife corridor and there is



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therefore uncertainty about how movement of the great crested newts, and other wildlife, will be facilitated.

The longer-term maintenance of any green and open spaces, or swales, needs consideration at this stage and while low maintenance species are being specified, future management mechanisms on completion of each of the phases of the development have to be put in place and retained.

**Illustrative masterplan**

The illustrative masterplan is unconvincing and has resulted in an inward looking scheme that requires a far more legible street network. The current illustrative layout needs simplification and clues can be taken both from the clearer framework strategies developed by the team and illustrated in the presented Urban Design and Movement Framework, as well as nearby street layouts that have dealt with rising land and capitalised on the vistas out of the area across North Kent. A hierarchy of well-defined spaces, streets and gardens, maximizing the views, enjoyment and value that can be created through these vistas, should be developed, with different types and varieties of homes considered in terms of how these relate to the site topography, footpaths, cycle lanes and long distant views. All should impact on the proposals, informing how the streets are laid out and drained.

The illustrative layout also shows a complex street network of curving streets and cul-de-sacs. This will be difficult to navigate and potentially block long distance views. A simpler grid layout that follows the lines of existing and retained hedgerows would make the most of views and vistas, helping with way-finding and giving the site's development a distinct character and quality that it currently lacks. More legibility is required generally across the site, providing well-defined spaces that have a function, such as play areas for particular age groups of children. Secluded green spaces that have no clear function ought to be avoided.

The needs of the future residents and possible service capacity and service quality challenges in current local facilities ought to be determined and planned for. It is recommended that the applicant assesses the outline planning application content in light of Swale Borough's 'Core Planning Policies'. The fundamental principle of plan-led development is achieving and supporting sustainable communities to enable them to thrive. Some on-site provision of facilities such as a shop, nursery, community hall etc. should be fully considered and is to be encouraged. The 'nodal point' must become more of a heart (hub) space for the new community and should be celebrated by becoming more than just playing fields, perhaps providing facilities for the existing wider community. Further consideration should be given to viability and location of such a facility. The location, character and use of the open spaces needs to be re-considered and the scheme should make more of the available views, also using them to help with way-finding around the site.

The design approach and general site strategy should incorporate a recognition of climate change risks and opportunities, and physical and social health and well-being, by restoring and creating landscapes that give back to the community. The inclusion of the Harris Trust land in the application is supported, creating more regularity and coherence to the boundary of the site, although the protrusion of the Basin to the West does weaken the urban edge of the site and this needs to be further justified.

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In the current proposal, although some consideration has been given to creating different densities and heights of buildings, with lower density being proposed to the west, there is very little evidence of a hierarchy across the site. There appears to be an even distribution of houses, very few apartment buildings and little evidence of the focus points that are alluded to in the framework diagrams. For example, a higher density of homes might face onto a well-defined central space or village green, while larger homes towards and in the north west corner of the site may be spaced further apart.

Looking at the masterplan in the context of other comments made on the proposal, it does not yet foster a sense of community and could result in the creation of a dormitory suburb and commuter town. On-site facilities are just one element of community and their consideration and inclusion in a revised framework masterplan is strongly encouraged to create a sense of place and community and prevent the continual use of cars to access local facilities.

As currently designed, green spaces are separated out from the residential areas, with trees mainly shown as being located in gardens. The role of landscape should be used to help save energy, regulate temperatures, encourage well-being, deal with drainage and create communal spaces between the buildings.

Some thought must also be given to the future resilience of the scheme to climate change, such as heavier bouts of rainfall and hotter, drier and longer summers. Dealing with surface water closer to where it falls and enhancing biodiversity and performance of the landscape needs integration into the masterplan.

Trees are not necessarily the appropriate landscape solution and could undermine openness and interrupt views, two of the most important and vital characteristics of the site.

This review was commissioned by S W Attwood & Partners with the knowledge of Swale Borough Council.

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## **Habitat Regulation Assessment (HRA)<sup>i</sup> Screening Matrix and Appropriate Assessment (AA) Statement**

**APPENDIX 4**

IMPORTANT NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations<sup>1</sup>. However, it is the responsibility of the applicant to provide the Competent Authority with the information required to complete this process.

<b>Application reference:</b>	<b>18/503135/OUT</b>
<b>Application address:</b>	Land west of Barton Hill Drive, Minster
<b>Application description:</b>	Outline application for the development of up to 700 dwellings and all necessary supporting infrastructure including land for provision of a convenience store / community facility, internal access roads, footpaths, cycleways and parking, open space, play areas and landscaping, drainage, utilities and service infrastructure works. (All detailed Matters Reserved for subsequent approval except for access to Lower Road and to Barton Hill Drive).
<b>Lead Planning Officer:</b>	Andrew Byrne
<b>HRA Date:</b>	17/02/19

### Part 1 – Details of the plan or project

<b>European site or sites potentially impacted by planning application, plan or project (Delete as appropriate):</b>	Medway Estuary & Marshes SPA and Ramsar Site Thames Estuary & Marshes SPA and Ramsar Site The Swale SPA and Ramsar Site
<b>Is the planning application directly connected to the management of the site?</b>	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

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

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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 Ramsar<sup>2</sup> Site(s). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity.

Research<sup>3</sup> 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 ruling<sup>4</sup>, 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.

<b>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?</b>	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.
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**Would the proposal lead to a likely significant effect on the European sites, without mitigation measures either alone or in-combination? YES**

**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 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

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

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

<sup>4</sup> CJEU Ruling Case C-323/17

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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 Strategy<sup>5</sup> (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 report<sup>4</sup> 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.

The suite of strategic mitigation measures are being delivered through the Bird Wise<sup>6</sup> 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 tariff<sup>7</sup> 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.

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.

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

<sup>6</sup> Full details available at [www.birdwise.org.uk](http://www.birdwise.org.uk)

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



**APPENDIX 1****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).

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: Please see NE consultation response on the planning file which raises no objection subject to securing a SAMM payment.**

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<sup>i</sup> 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.