


jb planning associates

Our Ref: JB/1456/JD/
Your Ref: 18/503135/OUT

10 May 2019

Mr Andrew Byrne
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Dear Mr Byrne

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 are reserved for subsequent approval except for access to Lower Road and to Barton Hill Drive.

Land west of Barton Hill Drive, Minster

I write further to Planning Committee's consideration of the above application at its Extra-Ordinary Meeting on 28 February 2019. The determination of the application was deferred to a future meeting of the Committee after Members voted to refuse the application contrary to Officers' recommendation and contrary to planning policy and guidance.

We understand that the application is now due to be considered at the 30th May 2019 Meeting, and in advance of this meeting we have been giving consideration to further information or clarification that can be provided to address a number of the concerns that Members raised during the debate. The issues raised can be summarised as follows:

- The delivery of the local centre.
- Highways impact and the effectiveness of the Lower Road improvements.
- The provision of open space to the south of Lower Road.
- The loss of part of the Important Local Countryside Gap and agricultural land as a result of the inclusion of the Harris Trust land.
- The viability of the development as a result of Highways England's requirement for a Grampian condition to restrict the development to no more than 250 dwellings until the M2 Junction 5 improvement works are complete.
- The impacts on infrastructure / services.
- The omission of the orchard from the application.
- The achievement of net gains in biodiversity.

We set out below our proposed response to these issues.

e-mail Info@jbplanning.com url www.jbplanning.com tel 01438 312130 fax 01438 312130
JB Planning Associates Ltd, Chells Manor, Chells Lane, Stevenage, Herts, SG2 7AA

John Boyd BA (Hons) MRTPI
Director

Registered In England & Wales, No: 4531412
Registered office: Hardy House, Northbridge Road, Berkhamstead, Herts, HP4 1EF

Local Centre, incorporating GP Surgery and retail/community uses

Although not specifically required by Local Plan Policy A12, the application proposes to make provision for a local convenience store / community facility within the development. Prior to the 28 February committee, we were made aware of concerns raised by Members on other development sites where local facilities secured under a planning permission have not emerged. To address this concern, we worked with you to develop a package that would assist in facilitating the delivery of the local centre, which includes agreeing a marketing strategy for the site, a contribution of £200,000 towards the build costs, and the provision of land at nil or nominal value. This was the first time that an applicant had agreed to such a package.

Whilst a unique offer, Members were concerned that this may still not be sufficient to secure the delivery of local facilities.

In response, the Applicant has been investigating opportunities to provide greater certainty for Members. Even before 28th February, the Applicant had received an approach via the Council's Economic Development Officer from a local GP who wishes to establish a new GP surgery (with additional GP's) on the site. Since then, discussion with the GP and with the Swale Clinical Commissioning Group have progressed and both the GP and the Applicant are keen to establish a surgery together with GP training facilities (linked to Sheppey Hospital) on the Application site.

Discussions are at an early stage and the Clinical Commissioning Group procedures are likely to take a considerable time and so the Section 106 Agreement is being drafted to allow the prospect of both the GP surgery and some retail / community uses on the site.

The suggestion now is that the £200,000 incentive should instead be used to help fund the GP surgery; that the NHS Healthcare contribution to be paid by the site and currently directed towards the Minster Medical Centre be redirected to GP provision on-site; that a housebuilder should provide the local centre "at cost"; that flats could be provided within the local centre to enhance viability and that other Section 106 contributions, e.g. commuted sums towards the future maintenance of the landscaped parts of the site and contributions to public transport subsidy could be adjusted (say by a total of £150,000) towards provision of the GP facilities.

There are of course issues over the forward funding of these medical and retail facilities but the Applicant is prepared to assist through the Section 106 Agreement. Clearly the sort of medical facilities envisaged would be of significant benefit, not only to future residents of the proposed development but also the existing residents of Minster and the Island generally.

In addition to the GP surgery, a building with a floorspace allowance of up to 650m² is proposed within the local centre for a flexible retail / community use. It is anticipated that the building could be configured into 2 or 3 retail units to suit actual demand, and noting that it is unlikely that a single retailer would require this much floorspace. Convenience stores, for example, rely on their ability to trade in unrestricted fashion on Sundays and so these stores have a maximum floorspace of 280 m² (not subject to Sunday Trading Hours Restrictions.) Alternatively, 1 or more of the units could be used as a community centre.

Flats above the units are required to help with delivering a viable, but also active and safe local community hub. Whilst the detail will be agreed at the reserved matters stage, it is expected that the building will have a residential appearance so that, in the long term, if neither retail nor community facilities transpire then, rather than becoming an eyesore, the building can be converted to residential use.

Highway Impact and Road Improvements

As you are aware, the application proposes a range of improvements to the local highway network, and these have been agreed with the highway authorities. During the debate at the committee, Members questioned the effectiveness of the Lower Road widening scheme in mitigating the highway impact of the development.

The existing stretch of Lower Road between the A249 and Barton Hill Drive is narrow, with a lack of verge and abutting hedgerows creating a constrained corridor with no facilities for pedestrians or cyclists. This therefore offers no option for sustainable travel along this route, forcing people to resort to use of the private car. In addition, the narrow width of the road means that larger vehicles struggle to pass each other when traveling in opposite directions, slowing the flow of traffic and leading to the deterioration of the carriageway edge.

Works to address these issues are underway and Phase 1, which involves the construction of a new roundabout at the junction of Barton Hill Drive / Lower Road on land gifted by the Applicant, is now substantially complete. As noted by Members during the debate at committee, this has already improved traffic flows replacing a dangerous junction with a free flowing, high quality roundabout.

The Phase 2 improvements are to a 1.1km section of Lower Road between the A249 and Barton Hill Drive. The improvement scheme will include the widening of the road and the construction of a new shared footway / cycleway, supporting future growth and transforming the journey experience for all users. The scheme will help to reduce congestion, improve safety and mitigate associated air quality concerns. The benefits of the scheme set out by KCC include:

- *The provision of a full, coherent east-west cycle link between Minster and Queenborough (containing key employment areas), removing conflict with motorised traffic;*
- *Increased opportunities to use active and sustainable modes of travel and hence reduce car dependency and its associated impacts;*
- *Improved quality of the road for motorised users, easing the pressure of congestion; and*
- *To support economic growth in the area with improved access to key employment areas which is required alongside the proposed housing growth.*

In summary, the existing carriageway will be slightly realigned and widened to 7.3m to comply with the current design standards. This will make it easier for larger vehicles to pass each other, enabling a constant speed to be maintained which has benefits to both congestion and air quality. By providing the shared footway / cycleway, cyclists will no longer be on-carriageway and therefore any delays and safety concerns associated with this will be removed. Furthermore, by providing people with the option to access local facilities and employment opportunities on foot or by cycle, there is a reduced reliance on the private car and therefore the scheme ultimately has the opportunity to reduce the number of vehicles routing along Lower Road.

Additional land has been provided by the Applicant to provide further benefit to the improvement scheme. This additional land enables a right turn lane at the entrance to Wall End Farm. This will reduce any current delays caused by vehicles waiting to turn right into the site, particularly when the car boot sale is operating.

More significantly, additional land has been provided close to the Cowstead Comer roundabout. This will enable the length of carriageway where two lanes are provided in each direction to be extended to approximately 110m, providing additional capacity at the roundabout. In its current form the roundabout would operate beyond its theoretical capacity by 2031 when background growth and committed development traffic are considered. Queues on the Lower Road north arm could reach 42 vehicles in the morning peak hour with an average delay of 79 seconds. The improvements to the roundabout through the provision of land by the Applicant would reduce this impact, with a maximum queue of five vehicles and a maximum delay of ten seconds anticipated. This therefore outlines the significant benefits that the provision of this additional land would bring. KCC support this further improvement as do Highways England.

The application is facilitating the delivery of the full improvement scheme by providing land and a contribution of £1.223 million. Members were made aware at the last committee that a National Productivity Investment Funding (NPIF) of £3.2 million had also been secured towards the improvements, although this grant is time limited and must be spent by 2020. Had planning permission been granted at the February 2019 committee, the Phase 2 works were expected to commence in April 2019 and both the road widening and the footpath/cycleway construction would have been completed at the same time.

As a result of the deferral of the application and to avoid the risk of losing this contribution, KCC has developed a staged construction programme which would see the construction of the footpath/cycleway completed first (using the NPIF funding), and the widening completed as a separate phase should the £1.223 million be secured in the future. However, KCC has advised that this phased approach results in the overall costs of the improvements increasing by £500,000 and additional sources of funding will be required to meet this cost. However, should planning permission be granted at the 30 May 2019 meeting, then KCC will revert to the original and cheaper delivery programme, although they will require all of the £1.223 million contribution upfront.

Beyond the Lower Road improvements, a number of significant improvements to the local highway network will come forward alongside the proposals. These include:

- A puffin crossing on Barton Hill Drive, which the Applicant is now prepared to deliver on occupation of the 25th unit (previously 75 dwellings).
- A £20,000 contribution to KCC to provide cycle links between Cowstead Comer and the Neats Court retail park.
- A new footpath and cycle link from the site to the Oasis Academy via Parsonage Chase and a separate link to Lovell Road.
- An incentive of up to £350 per household towards bus/cycle/ rail travel to encourage the use of sustainable modes of transport.
- A £20,000 contribution to KCC to provide improvements to the Halfway signal junction.

It is also worth noting with respect to the last point that as a result of the improvements to Lower Road vehicles are likely to route away from local roads including the Halfway junction, thereby enhancing local capacity.

Open Space Provision

Policy DM17 of the adopted Local Plan requires that open space is provided across a range of typologies, and in total a development of 700 homes would be required to deliver 12.08ha of open space.



Concern was raised by Members over the accessibility of the open space proposed to the south of Lower Road, and they questioned whether this area, of approximately 2.62ha, was required in order to meet the open space provision for the development.

In response, we have reviewed the quantum of open space provision across the site, and enclosed Drawing 1456.29, which demonstrates that the proposals deliver in total 14.83ha of open space, which significantly exceeds the Policy requirement of 12.08ha. Should the land to the south of Lower Road be excluded, then 12.21ha of open space would still be delivered, which again exceeds the Policy requirement.

The enclosed drawing also identifies that the area to the south of Lower Road is intended as natural and semi-natural greenspace and whilst the public accessibility of such a space should not necessarily be seen as a pre-requisite, the Applicant is prepared to provide a circular footpath around the SUDs basin.

Turning to provision for children and young people, since the 28 February 2019 committee the proposals for the large central area of open space have been refined through discussions with the Council's Greenspace Manager. In addition to the Neighbourhood Equipped Area of Play (NEAP), a Multi-Use Games Area (MUGA) meeting the specification identified in the Fields in Trust Guidance will be delivered and a commitment made through the S106 Agreement.

Important Local Countryside Gap and Agricultural Land Quality

The application area includes a parcel of land identified for housing (referred to as the Harris Trust land) which falls outside of the site allocation boundary and beyond the adopted settlement boundary of Minster. The Harris Trust land parcel is a small recessed area of land on the western boundary, and is included within the application in order to secure a key strip of land required to deliver the road improvements.

Members concern with including this land in the application area was that it is in a designated 'Important Local Countryside Gap' (ILCG) and its development would be harmful in closing the gap to Queenborough. They were also concerned that it may result in the loss of best and most versatile (BMV) agricultural land.

With respect to the landscape concern, Members were advised in your update note that a revised Landscape and Visual Appraisal had been submitted to the Council in response to comments made by Huskisson Brown Associates (on behalf of the Council). Your note identifies that HBA's were in the process of reviewing this and would provide detailed feedback, although their initial advice was that the inclusion of land beyond the allocation boundary would have no greater than a "minor/moderate adverse" effect on the ILCG and the wider countryside.

Members were keen to have the detailed feedback, and we note that this has now been received. It confirms that HBA are of the view that the effects of including the additional land are probably insufficient to alter the overall range of landscape and visual effects such as to make the proposed development significantly more harmful than a Policy A12 compliant scheme.

We trust this assists in demonstrating to Members that the application is acceptable in landscape terms. All applications must be considered on their individual merits and in assessing the impact on the ILCG's, much depends on the actual or perceived coalescence; whether the land is a critical part of the Gap; whether there would be pressure for more development or whether the remaining Gap would be so small as to fail to function as a Gap.

In this case, the land in question is small (2.1 ha); it is bounded on three sides by the allocation and its inclusion within the development will square-off the boundary on its west side and development will not project further west than does the Local Plan allocation. Consequently, there will be no actual or perceived coalescence as a result of its inclusion. The land in question is not a critical part of the Gap; of itself its development would not lead to pressure for more development and the remaining Gap (between Minster and Queenborough) would still be substantial and would continue to function as an ILCG.

In response to the concern raised over the agricultural land quality of the Harris Trust land, we note that your committee report identified to Members that the land is limited in size and Natural England / Defra maps indicate that it has a lower likelihood of containing BMV land. This reflects work undertaken in the past on the soil characteristics of the land between Barton Hill Drive and Cowstead Corner, which identifies issues associated with the high clay content and poor permeability.

This work is broad in coverage and therefore, to assist you in addressing the quality of the Harris Trust land, an independent assessment has been commissioned and a technical report will follow early next week.

Impact of Highways England's Grampian Condition

As you are aware, Highways England has not raised an objection to the application in terms of its effect on the Strategic Road Network, but do require that a Grampian condition is imposed on any permission restricting the number of dwelling occupations to no more than 250 dwellings until the M2 Junction 5 road improvements are completed.

Whilst this condition has been accepted by the Applicant, Members were concerned that, should the J5 improvements be significantly delayed or not materialise, then the restriction of 250 dwellings would jeopardise the delivery of the full development and its ability to make contributions. It was suggested that it was premature to consider the application in advance of completion of the J5 improvements.

The latest information published by Highways England on the improvement scheme confirms that a preferred route has been identified and a planning application is to be submitted to the Planning Inspectorate in late Spring 2019. Moving forward, HE's programme is for the works to commence in March 2020 and the improved junction open to the public in later Autumn/Early Winter 2021. We are aware from recent discussions with HE that they are committed to the scheme, and remain on track to meet the project programme.

Should outline planning permission be granted for land west of Barton Hill Drive, then reserve matters applications will need to be prepared and determined before any dwellings are delivered on site. Assuming the first reserve matters consents are obtained in 2020, then delivery of the first units would be expected in 2021, and based on recent delivery rates on the Isle of Sheppey, the 250 dwelling limit is unlikely to be reached before 2025/26. There is therefore scope for significant slippage in HE's programme, should this occur, without impacting upon the viability/deliverability of the development.

We therefore are firmly of the view that the required Grampian condition will not affect the viability of the proposed development.



Impacts on Infrastructure / Services

A significant package of contributions has been discussed and agreed with Officers to address the additional demand on infrastructure generated by the proposed development. In particular Members highlighted issues with primary school places, and questioned the deliverability of the new primary school at Rushenden. It was also suggested that the NHS was stretched on the Island and should be given the full contribution right away as revenue.

In response we wish to highlight that a substantial contribution of over £3 million will be made towards the construction of the new 2 FE primary school at Rushenden, and we understand that this will make a valuable contribution to meeting the shortfall required to guarantee is delivery.

With respect to the health contribution, we note the advice provided to Members at the last meeting by the Head of Planning that the contribution can only be spent by the NHS when required for a specific capital project. We trust that the abovementioned proposals to identify a reserve site for a GP surgery and the active discussions with an end user are helpful in demonstrating to Members the Applicant's commitment to facilitate the delivery of a new GP surgery and see the contribution used as early as possible. In this respect it should also be noted that the Applicant has amended the boundary of the first phase of the development so to include the proposed local centre.

Exclusion of the Orchard

The application excludes two parcels of land that form part of the site allocation under Policy A12. The land parcel to the north (0.8ha) contains an overgrown orchard, and the policy requirement is for this land to be retained as an orchard and positively managed.

Members were advised in the committee report that the land falls outside of the Applicant's control, and as such it cannot be positively managed. The report did, however, note that the existing function of the land, as at least a green setting to the development would be beneficial. It adds that whilst there is potential that an application will be made for the future development of the orchard, this would need to be considered against the Policy A12 criteria that the orchard should be retained.

Members expressed concern over the future of the orchard, and the Applicant has therefore sought to reopen negotiations with the owners of the orchard with a view to including it within the application proposals and secure its positive management. The owners have however, declined to participate being unwilling to share in the S10 costs.

Net gains in Biodiversity

At the meeting on 28th February, Members suggested that the proposals lacked an emphasis on net gains in biodiversity.

With many internal hedgerows removed, the application site has been the subject of intensive arable use for many years. There are now limited remnant hedgerows and the ecological surveys submitted with the application demonstrate that, apart from Great Crested Newt habitat on adjacent land to the north, the site itself is of low ecological value and has no relationship with the Swale SSSI/SPA.



Andrew Byrne
Swale Borough Council

8

10 May 2019

That so, the proposals put substantial weight on achieving net gains in biodiversity. The extended orchard would seek to recreate traditional orchard habitat, with a mosaic of scrub and species rich grassland that provides suitable habitat for both reptiles and Great Crested Newts during their terrestrial phase. It would also contain features such as log piles and hibernacula and would be managed passively and on a rotational basis to create structural diversity of benefit to a variety of species, such as invertebrates, hedgehogs and birds.

The two surface water attenuation basins have been designed to maximise value for wildlife and biodiversity by creating a series of shallow terraces to harbour various water depths and seasonally wet areas for wetland grass and wildflora and native species aquatic / marginal planting.

Wildlife habitat links are also proposed as integral features to the green routes and semi-natural green spaces presented in the landscape strategy drawings submitted with the application.

Calculations undertaken by The Ecology Partnership using the Environment Bank's Biodiversity Impact Calculator are provided in Appendix 2 of the Supporting Planning Statement. These demonstrate that the outline proposals for habitat enhancements would achieve a net gain in biodiversity and a net increase in the diversity of habitats present.

Furthermore, in the S106 Agreement, the detailed landscaping schemes to be submitted for each phase are charged with delivering biodiversity and the Management Plan prescriptions for all Maintainable Landscaped Areas are similarly charged with biodiversity objectives. In addition, many of the conditions proposed seek measures to encourage wildlife and biodiversity. It is therefore expected that the net gains in biodiversity will be even greater than those identified in the Supporting Planning Statement.

Application Drawings

Whilst not an issue arising from the 28 February 2019 committee meeting, we note your email of 11 April 2019 which identifies the need to amend the application red line boundary to exclude a slither of land that falls in separate ownership towards the western boundary of the site. Accordingly, we enclose amended drawings which address this matter. The site phasing plan has also been amended to include the local centre within the first phase, as discussed above.

We trust that you find this letter helpful in completing your report for 30th May 2019 Planning Committee. Should you require any further information or clarification, please let me know.

Yours sincerely

John Boyd
Managing Director
john.boyd@jbplanning.com
Encs