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October 2020 Newington Parish Council response to the revised applicationApplication: 20/501475/FULL Response from Newington Parish Council

Application: 20/501475/FULL Land Rear Of Eden Meadow, High Street Newington ME9 7JH
 Proposal: Erection of 35 No. residential dwellings including affordable housing and associated car parking, hardstanding, landscaping and open spaces, infrastructure including SuDs and earthworks accessed from the existing junction serving Eden Meadow from the A2 High Street

This document supplements the previous response from Newington Parish Council; it does not supersede it.

Newington Parish Council maintains its objection to this application.

Whilst acknowledging that the latest application is slightly smaller (35 instead of 40 homes) this reduction is minor and the proposed development would have an overbearing and detrimental effect on our village. We still sense and fear the threat of an enlarged scheme at some stage in the future. The plans published in September labelled land beyond the perimeter as 'potential access to neighbouring land'. This was described as a mistake by Esquire Developments (Newington Parish Council Planning Committee meeting – 13 October) and revised plans have been subsequently issued. However it was made clear at a public meeting in January 2020 that Esquire developments either owned or had options on neighbouring land together with additional access to the A2 for a larger development.

Therefore all original objections remain, but would wish to note the following:

Planning decisions for this site and an adjacent site

The original application, 16/505861/OUT, for this site (9 dwellings) was rejected by the Planning Committee on the advice of officers. We would still agree with all the objections in the report to the 2 February 2017 Swale Borough Council Planning Committee meeting.

The original application was only allowed following appeal to the planning inspectorate.

This site was not in the June 2016 proposed modifications to the Swale Plan, examined in public and found to be sound in Summer 2017. It is therefore a premature application.

A later appeal for 3 homes on an adjacent site (100 metres closer to the Village centre, also south side of the A2) at 148 High Street, Newington, was dismissed by the Planning Inspectorate in January 2018. A further application (conversion of former agricultural barn and associated lightweight structure to a dwelling house with furniture restoration workshop and home office, associated storage, car parking and access driveway) was refused on 24 January 2020. The subsequent appeal was dismissed by the planning inspectorate on 14 August 2020. (Appeal Decision APP/V2255/W/20/3245359)

6. Bearing Fruits 2031: The Swale Borough Local Plan 2017 (the Local Plan) has defined its built-up area boundary and Policy ST3 of the Local Plan seeks to provide new homes in accordance with the settlement hierarchy for the Borough. Part 5 of Policy ST3 states "At locations in the countryside, outside the built-up areas boundaries as shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities".

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7. Given that the site's location would be outside the built-up area boundary of Newington, the appeal site would not be an appropriate location for residential development.
8. ...The land immediately to the south is open countryside. To the west the land behind the rear gardens of properties fronting onto High Street is open and undeveloped.
9. There is a clear change in character between the existing urban related development fronting High Street and the open land to its south. ...
10. It would result in a diminution of the rural character and appearance of the area and negatively impact upon the tranquillity and beauty of the countryside.
12. For the above reasons, I conclude that the proposed development would not be an appropriate location for a new dwelling with workshop having regard to the spatial strategy of the development plan. Furthermore, the proposed development would have a harmful effect upon the character and appearance of the countryside. The proposal would, therefore, conflict with Policies ST1, ST3, DM9 and DM14 of the Local Plan. These policies seek, amongst other matters, development to support the aims of sustainable development, adhere to the Council's settlement strategy and to conserve and enhance the countryside.
18. ...the proposal would harm the rural character and appearance of the countryside.

We understand that Swale currently has a 4.6 year supply (ie an annual shortfall of 310 homes) and would submit that this is close enough for the harm from this proposed development to outweigh the need.

Swale Borough Council and NPPF Policies relevant to this proposal

This proposal is not part of the Swale Borough Council plan and would be a 'windfall' development that ignores the principles that underpin the local plan by increasing air pollution, exacerbating traffic problems and reducing 'bmv greenfield' land.

The proposed development was rejected in appeal for sites
Rejected at Local Development Framework Panel – May 2016

- a pleasant area of pasture with attractive views southward to higher ground.
- could give rise to moderate to significantly adverse visual impacts
- has fairly poor physical connectivity and accessibility to the village
- would read more as a consolidation of A2 ribbon development and the filling of a pleasant gap rather than as a logical extension to the village.
- It is not recommended as a priority for allocation at Newington

The Local Plan, Policy ST 3 identified Newington as a Tier 4 Rural Local Service Centre with noted limitations to expansion, so the village was allocated a growth rate of 1.3%. The 2017 edition of the Local Plan reiterated the restrictions on growth with the single exception of "Land North of the High Street".

- Total already built in Newington 2014 to now is 180 properties
- a. For the target six years to date that is 297.5%
 - b. Or for the full 17 year quota that is already 105.3%

This application is outside the built-up area and would create ribbon development (see policies E6 RC3).

The proposal does not meet the definition of sustainable development in rural areas

The land is not a 'brownfield' site. Instead it is 'Best and most versatile' agricultural land that has been left idle possibly in the hope of future permission for building.

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The effects on the countryside and the visual amenity for residents of Newington

This proposal would lead to serious loss of visual amenity (footpaths ZR65 and ZR67/1). NB the Pond Farm Inquiry (subsequently upheld by the High Court and Court of Appeal): where the Inspector decision was that the proposals would have caused substantial harm to the landscape character and form of Newington.

Swale Borough Council's October 2019 Landscape Sensitivity Assessment
 'Cranbrook Wood is priority habitat deciduous woodland'... acts as an important rural gap between Sittingbourne and Newington.'

There is also a further detrimental effect on the grade II listed building Ellen's Place

Newington Parish Council has not had sight of the original comments of the Swale Conservation Officer, but the 'Heritage Addendum' dated 17 September 2020 states:

The site is located immediately to the south of the grade II listed building known as Ellen's Place....The original outline application for 9 dwellings (allowed on appeal) and the subsequent reserved matters application failed to take adequate account, and as a result, the setting of this listed building has been harmed...through the suburbanisation of its setting. The proposed additional housing area would (as the proposal stands at present) exacerbate this impact through the process of cumulative change

I continue to have concerns about various design aspects of the proposal, including the siting and design of the proposed houses and flats and their juxtaposition with the road layout, my primary concern at this juncture remains the principle of allowing an extra 40 houses at this location, particularly when it is clear that there is an ambition to ultimately develop significantly beyond this. I believe my initial view and concern in this respect is effectively backed up by the conclusions set out in the David Huskisson landscape review report which inter-alia references the '*...tightness of the development in relation to its open countryside boundaries where either vegetation is proposed to be retained or augmented or new planting provided. There is simply not enough space to deliver an appropriately robust landscape structure on the present layout*'.

The applicant's heritage consultant makes reference to this document (Historic England Good Practice in Planning Advice Note 3 on The Setting of Heritage Assets 2nd Ed, Dec. 2017) but his assessment is in my view compromised in its degree of authority because of the failure to carefully and methodically work through the five steps (1-4 of which are for the applicant to action) provided in the guidance to allow for an objective conclusion to be reached. Furthermore, he has failed to completely take into account the section of the guidance which requires cumulative change to setting to be taken into account and factored into the assessment on the degree of (in this case) harm that would arise.

The proposed development would impact on views across the open countryside from public footpath ZR65 looking northwards towards the A2. If the proposed development is approved as shown, it is very clear that this view of the listed building from this footpath will be lost and replaced with a strong sense of creeping urbanisation into the countryside separating Newington from Keycol. The concerns raised in this respect are not dissimilar to those raised by the planning officer in the report to planning committee on the 2016 outline application. I therefore strongly object to this application on principle for the reasons outlined above,

Landscape and Ecology

Newington Parish Council has some questions regarding the revised Landscape and Biodiversity Plan, and the Ecological Impact Assessment:

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It was good to read that there had been a follow-up to the Preliminary Ecological Appraisal from the site survey undertaken on 20th February.

We note though:

- The reptile assessment was fairly limited in duration so might not have picked up the site being used by non-resident amphibians and reptiles later in the year. The Great Crested Newt assessment seems reasonable in a landscape context.
- 7.32 A potentially dubious statement given the apparent lack of investigation, including of established oak and cherry which may house invertebrates living in standing dead wood, rot holes, etc.
- 7.33 When was this plant diversity assessed? Would significant species have been evident? Everything else seems to have been done in the Spring.
- Will bird and bat boxes be carefully sited to prevent overheating and encourage use?
- Where does responsibility for future management of meadow/wet grassland lie?
- Is there any requirement/mechanism for buyers to maintain movement gaps on fencing, and bird or bat boxes? What education of buyers as to their importance will be provided?

We welcome the prospect of adding yellow loosestrife to Newington but there is nothing on the creation or maintenance of a wildflower meadow of reasonable size, maintaining the pond for water quality and removal of rubbish and any unwelcome creatures. The landscape strategy does mention Acer (medium sized native) and Sorbus Aria (medium sized native) trees, but there seems to be no intention to add larger long-lived native trees or hedgerow smaller trees. There is no S106 information on a contribution to supporting wider biodiversity in Newington or creating/supporting new wildlife corridors to keep the landscape connected. This would be necessary to ensure some legacy to what seem good intentions in the Biodiversity Plan.

Air Quality in Newington

There is some confusion as to the number of homes being considered in the Lustre Consulting Air Quality Report dated July 2020.

This concludes:

6.11 The total damage cost is £17,754 over five years from 2019. This is an estimate of the costs to society due to the impact of increases in emissions associated with the proposed development. As defined by the IAQM/EPUK guidance¹⁶ the damage cost relates to the value of mitigation that should be applied, preferably on-site.

This calculation is followed by a litany of trite suggestions such as 'welcome pack' and 'car club'. None of these will benefit the health of residents, especially children, in the village centre. There are no positive or concrete suggestions as to the improvement of air quality locally.

The proposal would be detrimental to the health of residents of Newington. The submitted reports do not adequately address the cumulative effect on air quality of 124 homes nearing completion at Watling Place, the existing 9 Homes in Eden Meadow, and now the proposed 35 additional homes. One of the two reasons why the Pond Farm appeal was refused after the Planning Inquiry in November 2016

See Pond Farm Inquiry - Appeal decision date 9 January 2016 Appeal Ref: APP/V2255/W/15/3067553 and APP/V2255/W/16/3148140 (subsequently upheld by the High Court and Court of Appeal):

'even after taking into account the proposed mitigation measures, the appeal proposals would have an adverse effect in air quality, particularly in the Newington and Rainham AQMAs (proposals conflict with NPPF paragraphs 120 and 124)'

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The Court of Appeal decision [EWHC 2768 (Admin)] 12 September 2019 (between Gladman Developments and Secretary of State for Communities and Local Government, Swale Borough Council & CPRE Kent

71. It was not unreasonable to think that the section 106 obligations represented the basis on which he was being invited to conclude that the financial contributions and proposed mitigation measures were adequate and would be effective. His conclusions show very clearly that he was unconvinced by both parts of the mitigation strategy – the financial contributions and the mitigation measures themselves.

77.... As Dr Bowes submitted, an essential purpose of the air quality action plans was to improve air quality in the Air Quality Management Areas, which, as the air quality action plan for Newington made quite clear, might require planning permission to be refused where effective mitigation could not be secured. Proposed development such as this, judged likely to worsen air quality in a material way because the proposed mitigation had not been shown to be effective, was inevitably inconsistent with the air quality action plans.

The Lustre report does not demonstrate how its proposed contribution would mitigate against the likely harm to human health through increased pollution.

On 7 May 2020 Medway Council objected to the application

The air quality assessment submitted fails to demonstrate that the proposal would not have an unacceptable impact upon the Rainham Air Quality Management Area contrary to Policy BNE24 of the Medway Local Plan 2003 and the provisions of Paragraph 181 of the National Planning Policy Framework 2019.

The 20 April 2020 Environmental Protection Report informs the intention for the ...

declaration of an AQMA in the Keycol Hill area in response to exceedances shown in 2019. Therefore, I would recommend that a revised AQA is necessary to include 2019 data and the additional tubes to be included in the model. This is due to the significant air quality sensitivity that exists currently in the area and the need to address the worst case scenario.

Receptors that show moderate or substantial are R4; R5; R7; R14; R15. All receptors which show the highest impact on air quality are within the Newington AQMA.

There are therefore concerns about air pollution to the east and west of this proposed development, currently in open countryside, with AQMAs 300 yards and 2 miles west and the proposal for a new AQMA 1 mile to the east.

Other remaining concerns

The proposal would be likely to create problems of access with a new, dangerous junction with the A2 almost opposite the new junction for 123 Persimmon homes at Watling Place

The access / egress at the A2 into Eden Meadow is acceptable at 5.5m. However current residents park their cars outside their properties, with visitors' vehicles parked beside kerbs, meaning there is a restricted width for vehicles to pass. The actual access into the proposed rear of Eden Meadow is only 4.8m, which does not allow sufficient width for certain vehicles. The quoted *'Kent Design Guide: Designing for Movement'* states 'carriageway width not necessarily constant but there should be sufficient space for two cars to pass each other at least every 40m'. The Parish Council believes that the existing access / egress cannot support both the current site with its day to day activities and the proposed development.

In addition to existing parking problems at Eden Meadow we believe that there is insufficient parking for the proposed properties, done in order to make the development look good on the

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plans and ignoring what would be reality. There are similar concerns about the predicted traffic movements should the application be approved.

Our original objections stand regarding the transport assessment. In this we give details of the actual train and bus services in Newington.

In the original objections we questioned the measurements used for children to reach Newington School and the fact that that these young children would have to walk along the busy, polluted A2 and cross long before the pedestrian crossing in order to reach a pavement for the remainder of their journey. This has become an academic point as the School is now full and closed to new admissions. Therefore children would need to enrol in Rainham or Sittingbourne for both Primary and Secondary education. Inevitably this would result in increased traffic movements and increased air pollution.

The proposed housing estate outside the established built-up area of the village cannot be described as 'sustainable development' as defined by the NPPF. It may be a short walk to the village in measured distance but is a difficult and dangerous one in practice. Our school is full and the GP surgery is not accepting new patients. We believe residents would drive to schools, doctors, shops and the better rail services from Rainham and Sittingbourne; that they would ignore the bus service which is very limited in terms of route and regularity; therefore increasing pollution further. The proposal does nothing to improve the *economy* of Newington, there are no obvious *social* benefits and clear *environmental* harm

Newington Parish Council requests that, in the event of the planning officer recommending approval, our original (15 April 2020) response and this addendum be forwarded to all members of planning committee as well as the customary summary in the officer report.

This document supplements the previous response from Newington Parish Council; it does not supersede it.