

## APPENDIX 1



Application: 20/505059/FULL: Willow Trees, 111 High Street, Newington ME9 7JJ

Proposal: Demolition of existing chalet bungalow and erection of 20 dwellings (4 x two bedrooms and 14 x three-bedrooms and 2 x four-bedrooms) with associated access, parking, amenity and landscaping.

---

At the Newington Parish Council meeting on 26 January 2021 there was a unanimous decision to OPPOSE this application.

1 Most of the proposed development is outside the defined urban boundary of our village.

In the three most recent appeals to the planning inspectorate the appeals have been rejected on the grounds of being outside the urban boundary. (see 148 High Street, 6 Ellen's Place, 132 High Street (PINS refs. APP/V2255/W/20/3245359; APP/V2255/W/20/3250073; APP/V2255/W/20/3247555).

The Applicant's Planning Statement

...if the Council deem there to be an unacceptable departure from the Development Plan, it is submitted this very marginal conflict with Policy ST 3 carries very reduced weight and the proposal is justified by other material considerations. Indeed, it is important to stress that Swale Borough Council are currently unable to demonstrate a five-year supply of housing, with their most recent published position (February 2019) suggesting they only have 4.6 years supply. Therefore, in accordance with paragraph 11d of the NPPF, planning permission should be granted unless: i). the application of policies in the framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or ii). the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework.

We also refer to 19/501773/OUT Land Off Jubilee Fields Upchurch Kent ME9 7AQ, Outline application for residential development of 41no. two, three and four bedroom houses. This planning appeal in our neighbouring village was rejected in December 2020 (APP/V2255/W/20/3246265)

Even though, at the time, the '5YHLS is no more than 4.6 years and may be closer to 4 years. The shortfall is therefore of concern but cannot be said to be acute.'

and the conclusion:

I have found that the proposal conflicts with the development plan as a whole. The other considerations in this case, namely the shortfall in 5YHLS and the provisions of the

## APPENDIX 1

Framework, are of insufficient weight to outweigh that conflict. For this reason, the appeal is dismissed.

We believe that this decision should equally apply to this application in Newington.

Bearing Fruits 2031: The Swale Borough Local Plan 2017 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”.*

National planning policy does not support this application and it certainly does nothing to protect or enhance the setting.

The Preliminary Ecological Survey indicates:

6.3.2 The traditional orchard on the site qualifies as a NERC s41 priority habitat. Therefore, further consideration into the retention, protection and enhancement of the habitat is required

We refer to the appeal decisions above where Inspector decisions were that any, then, deficit in Swale’s current supply was not a reason to approve the applications.

It is our understanding that Swale believes it can now demonstrate a 5 year supply and so any arguments on the presumption in favour of development do not apply to this application.

We would also note that the original Eden Meadow application (opposite) 16/505861/OUT, for (9 dwellings) was rejected at the 2 February 2017 Swale Borough Council Planning Committee meeting on the advice of officers. The reasons for rejection apply fully to this application.

## 2 The site is not included in any of the relevant, more recent, Swale plans.

- It is not part of the existing Swale Borough Council Plan
- It is not included in the latest consultation exercise on the local plan
- It was not part of the ‘call for sites’ for the Strategic Housing Land Availability Assessment in October 2020
- The Swale Local Plan Panel on 29 October 2020 followed the officer recommendation that no sites in Newington should be progressed for inclusion as allocations in the Local Plan Review.

Therefore this application is contrary to Swale’s policies and procedures.

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”: a development of 124 homes nearing completion.

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%

## APPENDIX 1

### 3 Infrastructure

Highways England comments refer to the cumulative effect of increased traffic, in this case the Persimmon and Eden Meadow developments which have significantly increased the number of cars and therefore of journeys to and from the East of Newington.

From the applicant's planning statement:

3.2.3 There is a new vehicle access proposed from the High Street, which navigates through the middle of the site in a south to north direction

3.4.1 Access to the proposed development will be achieved via a new junction to the north of High Street, Newington. This junction will take the form of a simple priority junction and will be provided with a visibility splay of 2.4 x 45 metres to the east and 2.4 x 53 metres to the west.... A break in the crosshatching at the frontage of the site will be implemented to allow for vehicles turning right into the site and vehicles turning right out of the site.

We believe that, if approved, this development would create a potentially dangerous cross-over with Eden Meadow

5.4.5 A road safety analysis has been completed which identified nine incidents have been recorded in the last three-year study period. It is noted that one of the incidents was a 'fatal', it is however noted that this occurred because of human error, as did the majority if not all the other incidents. As such, it is not considered that the proposed development will exacerbate the existing highway safety record.

We are concerned that nine incidents, one of them fatal, in a three year period is deemed to be acceptable.

We note that these statistics cover the period before the building of 124 dwellings adjacent to the proposed development.

And:

3.4.2 The development will provide two vehicle parking spaces per dwelling, a total of 42 vehicle parking spaces, plus four visitor parking spaces.

This would clearly be insufficient. All evidence from recent developments shows that many smaller homes have 2 cars and a van. We do not believe the parking allocations are compliant with Swale Borough Council's parking standards as revised in May 2020.

Newington Parish Council has real concerns about potential drainage and sewerage issues. There have been several instances of flooding of neighbouring properties in recent years, even before work commenced on the Persimmon development.

The Planning Statement:

5.6.3 The FRA ... states that the proposed development has the potential to increase the flood risk on and off site if not properly mitigated.

5.6.4,... the surface water would need to be stored on site and released at 2l/s to the existing land drain along the site's western boundary.

5.6.5 ... ground levels through the site are to be subtly be reprofiled to encourage excess surface water runoff through the site to be across the landscaped areas and roads, away from the properties. Finished floor levels should also be raised by + 450 mm above surrounding ground levels.

5.6.9 The surface water drainage infrastructure should be maintained by a management company post development.

These seem to acknowledge the real potential for future problems.



## APPENDIX 1

The site falls 5m from the A2 to the northern boundary and attenuation ponds are being considered for collecting surface water, which will be situated partly in between 4 houses in the Northern Terrace. According to 3.5 in the statement the areas to the western and northern boundaries are at medium to high risk from surface water flooding.

5.12 The landscaping areas along the western, eastern and northern boundaries will be subtly re-profiled to create flow pathways through the site as shown by and garden fences, where designed to be within a flow pathway should be designed to ensure flow paths are not blocked.

Figure 5 appears to indicate that the surface water will flow from the site to the edge of the Watling Place site.

Local knowledge suggests that a culvert runs north through this site.

#### 4 Air Quality

Newington is an Air Quality Management Area. There are further AQMAs one mile to the east and two miles to the west of the village.

The proposal may be for a relatively modest development of 20 homes but there is a cumulative effect of all developments. We would remind officers and councillors that any recent readings must be seen in the light of two long periods during summer 2019 and spring 2020 of closure of our High Street (emergency and scheduled gas works) and the greatly reduced traffic during the Covid emergency. The new, sophisticated, monitoring equipment, commissioned due to concerns about air quality in Newington is not as yet operational.

We are well aware Planet Earth decision and the Coroner verdict following the tragic death of Ella Adoo-Kissi-Debrah in Lewisham. We wish to protect the health of residents, especially young children and the vulnerable elderly in our village.

5.5.3 ...The findings of the damage cost analysis revealed that a figure of £7,485 should be applied as an indicator to the level of mitigation measures required.

5.5.4 ... it is considered that the provision of Electric Vehicle Charging Points, cycle storage and the implementation of a travel plan would represent adequate mitigation for the predicted air quality impacts.

5.5.5 Based on the assessment results, air quality is not considered a constraint to planning consent and the proposed development is considered suitable for residential use.

The Pond Farm decision to reject Gladman's application (Planning Inspectorate and upheld by the Court of Appeal) was because there was no clear proposal for mitigation measures and no evidence that these would improve air quality in Newington.

The Highways England comments on the effect of the application to the proposed improvements to A249 junctions:

It is therefore necessary, via the imposition of a condition, to ensure that there are no occupancies in this development prior to the completion of the junction improvements at M2 J5.

Newington Parish Council is concerned that, if/when improvements to the A249/M2J5 junction are made, this will result in increased traffic flow through the village, impacting through increased pollution within our AQMA.

The reference to electric vehicle charging points is a requirement of all local applications and so a token gesture here. There is significant evidence that the cost of electric vehicles makes them unaffordable for the majority of those in affordable and social housing and that

## APPENDIX 1

as well as their own cars, these residents often have to accept the works van provided by their employer. It is sad that there is no mention of heat source pumps, so presumably these new homes will rely on polluting gas boilers.

## 5 This is not a 'sustainable' development

There is little detail or firm commitment in the application on Affordable Housing

6.1.5 The applicant has engaged with several Registered Providers over the last several months and it is their intention to deliver all the units proposed as affordable tenure. However, for valuation purposes the application seeks permission for the provision of policy compliant affordable housing as the minimum. Therefore, 8no. of the units proposed (40%) would be affordable tenure, comprising 7no. affordable rent products and 1no. intermediate product.

2.5.4 The Councils affordable housing manager also indicated that there was a pressing need for the delivery of two-bedroom affordable homes in the Newington Area.

Newington Parish Council would be interested to see the evidence behind this. We are not aware of a Housing Needs Analysis in recent times.

In the applicant's Planning Statement:

2.3.1 The site enjoys access to several local facilities and services, which are within a reasonable walk distance. These include schools, local shops, healthcare, employment and public transport links. The accompanying Transport Statement provides a summary of walk distance to a range of local amenities and shows that most are less than a 10-minute walk.

However, in reality: the village school is full; there is one convenience store and a joint pharmacy/post office; the GP surgery is not accepting new patients; there is a limited weekday bus service, nothing on Sundays; one train per hour in each direction stops at Newington station. The 10 minute walk to the village is along narrow pavements besides the busy and polluted A2.

The December 2020 planning appeal decision

19/501773/OUT Land Off Jubilee Fields Upchurch (APP/V2255/W/20/3246265)

there is no specific evidence to suggest that the need for affordable homes in Upchurch is particularly pressing. In the short term, the school would face difficulties accommodating the extra 11 children

We believe the same argument applies to Newington.

The proposed housing development outside the established built-up area of the village cannot be described as 'sustainable development' as defined by the NPPF. 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 – Section 106 money for schools is going to schools in Sittingbourne as the local primary school cannot expand and is full further increasing car usage through the Bobbing AQMA.

The principle of **consistency** within **planning decisions** requires that a previous decision is capable of being a material consideration in a subsequent similar or related decision.