

PLANNING COMMITTEE – 5 JUNE 2023**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

DEF ITEM 1 REFERENCE NO – 22/502834/EIOT		
APPLICATION PROPOSAL Outline application for up to 380 residential dwellings (including affordable homes) and 450 sqm of Use Class E/F floorspace, together with associated open space, play space, and landscaping (All matters reserved except for access).		
ADDRESS Land West Of Church Road Bapchild Tonge Kent		
RECOMMENDATION Grant subject to conditions and Section 106 Agreement with delegated authority to the Interim Head of Planning to amend the wording of the s106 agreement and conditions as may reasonably be required.		
REASON FOR REFERRAL TO COMMITTEE The resolution from the Planning Committee on 25 th January 2023, required officers to take legal advice on the proposed reasons for refusal. While this advice has now been received, the applicant has submitted an appeal against non-determination and as such members are required to consider the decision that they would have made should the Council have been the determining authority.		
WARD Teynham and Lynsted	PARISH/TOWN COUNCIL Tonge	APPLICANT Trenport East Hall Park Ltd AGENT Knight Frank
DECISION DUE DATE 22/12/22	PUBLICITY EXPIRY DATE 30/07/22	CASE OFFICER William Allwood

Planning History

The site was allocated for housing development as part of the Bearing Fruits Local Plan 2017 by virtue of policy MU2.

In terms of the application history of relevance is the EIA scoping opinion, details of which are set out below: -

22/500654/EIASCO

EIA Scoping Opinion - Proposed residential development comprising up to 330 dwellings, with all matters reserved except for access.

EIA Scoping Opinion Decision Date: 15.03.2022

A full list of the site history can be found with the previous officer committee report from 25th January 2023, which can be found at Appendix 1 of this report.

1.0 BACKGROUND

- 1.1 The above application was reported to the Planning Committee on 25th January 2023, where the Planning Committee resolved to refuse planning permission on the basis that the application proposal was contrary to policies MU2 and AS1 in the Local Plan 2017.
- 1.2 Policy MU2 relates to the allocation of the site at north-east Sittingbourne for approx. 106 dwellings and open spaces (including on-site and contributions towards the improvement of existing sports and play facilities), ecological and flood risk mitigation, renewable energy measures and other infrastructure needs arising from the development. It requires the developer to mitigate any transport impact upon the wider highway network and encourage a modal shift to more sustainable transport options through securing pedestrian and cycle links to existing and proposed residential and employment areas as well as the provision of adequate bus access to the site. Importantly, the policy requires that the development does not prejudice the delivery of the Sittingbourne Relief Road. This requirement is echoed within policy AS1 of the Local Plan 2017.
- 1.3 While the application provides a significant uplift in dwelling numbers, this will only happen in the event that the Sittingbourne Relief Road is no longer required as part of the Local Plan Review. This has been carefully considered by officers through the phasing of development whereby up to 212 dwellings can come forward as part of phases 1 & 2 with the remaining 168 only coming forward once the need for the Sittingbourne Relief Road has been determined through the Local Plan Review. As set out previously this requirement can be secured using appropriate safeguarding conditions and future reserved matters applications, and the applicant is agreeable to this approach.
- 1.4 Following officer concerns, highlighted at the Planning Committee regarding the robustness of the proposed reasons for refusal, the planning committee further resolved to defer the item so that officers could seek legal advice on the proposed reasons for refusal. This was on the basis that Phase 2 as identified on the indicative phasing plan would encroach into the safeguarded land for the relief road. It was considered that until such time as the relief road was delivered the residents would need to rely on the existing highway network which would place significant pressure on its resilience. In the event a relief road was not pursued by the Council, a higher number of dwellings are proposed to be constructed. In light of this it was considered by members that the overall scheme would be of poor design, contrary to local and national policies as it would, in effect, comprise a large 'cul-de-sac' style development and this poor design would not be outweighed by the benefits the scheme would bring.
- 1.5 Since the Planning Committee meeting of the 25th January 2023, the applicant has now appealed to the Planning Inspectorate on the grounds of non-determination. The appeal has now been accepted by PINs who have confirmed that the appeal will be heard as a public inquiry lasting 8 days starting on 12th September 2023

2.0 DISCUSSION

- 2.1 There is a strong policy basis to support this application given the allocation within the extant Local Plan 2017. While it is acknowledged that the number of dwellings overall exceeds the number in the Local Plan, this is indicative and subject to further consideration at planning application stage to take into account specific matters such as tenure and unit size. The scheme can be carefully phased to ensure that the land needed for the delivery of the Sittingbourne Relief Road is not prejudiced. It should also be noted that the Local Plan 2017 identifies an area of land safeguarded for the northern relief road (policy AS 1) with housing located in the protected area as identified in the concept masterplan contained at policy MU 2. Taking this into account the Local Plan 2017 does not preclude housing development coming forward within the safeguarded area subject to the route of the relief road not being prejudiced. This has been successfully demonstrated by virtue of only 168 dwellings being provided should the land be required for the relief road and on this basis no objection has been raised from any of the relevant statutory consultees.
- 2.2 The scheme forms a natural extension to the Eurolink industrial area and East Hall residential area. The Local Plan required development in this area to be landscape led to deliver a softer and more cohesive edge to the settlement of Sittingbourne, while also protecting the delivery of the relief road at some point in the future. This has been carefully considered within the indicative layout, which is fully assessed within the officer's report from 25th January 2023 at Appendix 1. However, the final layout would be subject to a Reserved Matters application at a later stage. The Local Plan clearly sets out that access to the site is to be taken from Swale Way, this has been included within the site layout as the main point of access and has the support of all relevant statutory consultees.
- 2.3 In terms of the proposed reasons for refusal, the legal opinion reaffirms the recommendation made by officers at the 25th January committee. Copies of the legal opinion will be available to the committee on the evening should they wish to review the advice that has been given.

3.0 CONCLUSION

- 3.1 For the reasons set out, the conclusions of the officer report remain valid, and it is recommended that members resolve that they would have granted planning permission subject to safeguarding conditions and the competition of a Section 106 agreement.

