

## **MEMBER UPDATE FOR PLANNING COMMITTEE 11 FEBRUARY 2016**

### **ITEM 2.7 – Application 14/501588/OUT, Land at Stones Farm Bapchild**

This update relates to two main issues mentioned as outstanding in the “**RECOMMENDATION**” box on page 66 of the agenda, with responses to other comments from the applicant’s agent afterwards.

#### ISSUE 1; Kent Highways

Members will note from paragraph 7.13 (fifth bullet point and accompanying note), and paragraph 9.05, that the recent safety improvement changes to the Swanstree Avenue traffic lights (new right turn only lanes) have reduced the capacity of the junction. Kent Highways have therefore sought confirmation that the applicant’s traffic figures took these changes into account, or if not that the figures are reviewed to see whether the junction will need improvement to cope with traffic from the development.

Kent Highways latest emails include the following advice;

*“Our position is that we will not be supporting the application on highway grounds at the current time as key highway issues remain unresolved, and should the application go to committee next week then Members will need to be made aware that traffic issues are unresolved at this time. The Transport Assessment is out of date with regard to traffic impacts due to changes that have since occurred on the network and, as such, we cannot support our previous comments and need to make it clear to both the applicant and the committee what transport modelling work is now necessary in order that we can form a view of the proposal and determine if (and what) mitigation is necessary.”*

And;

*“The Swanstree junction was reconfigured in direct response to highway safety concerns and as a result of a cluster of crashes, as a primary responsibility of KCC to address. KCC Highways cannot be responsible, especially given current budgetary constraints, for taking account of increased trips from local plan development sites and building in additional capacity which should be mitigated by the developers. The situation therefore currently is that KCC Highways cannot support the planning application at committee next week due to the lack of information concerning the trip impacts on the reconfigured junction and any necessary mitigation that may be required. We therefore are placing a holding objection on this application until such time as further capacity assessments have been submitted and approved.”*

In response, the applicants have been seeking traffic data and junction data to be able to review the junction capacity and development impacts. The agent has this week sent me the following comments;

*“Swanstree Avenue – as you know, the TIA undertaken by consultants showed that there was sufficient spare capacity at this junction to accommodate the traffic likely to be generated by the Stones Farm development. Subsequently however, KCC altered the junction effectively removing that spare capacity and, at the eleventh hour, have now requested further modelling. That modelling was provided direct to KHS last week but unfortunately they are unable to indicate when a response may be available.*

*In addition, we have requested information from KHS to enable the junction to be tested using a more sophisticated and sensitive micro-simulation model but, again unfortunately, KHS have declined to provide the necessary information.*

*Bearing in mind KCC’s evidence to the recent EIP that completion of the SNRR is not a prerequisite to delivery of 776 dpa, it seems therefore that there can be no objection in principle, in highway terms, to the Stones Farm development.*

*Consequently, with continued dialogue, I believe it should be possible to resolve this technical issue with KHS.”*

This issue is not yet resolved, but to my mind it is essentially a technical issue surrounding junction capacity. My RECOMMENDATION is that Members delegate the application for approval subject to the highway objection being resolved, or being brought back to Committee if it cannot be.

## ISSUE 2; Natural England

Natural England’s (NE) position so far has always been that a full financial tariff contribution to SPA Strategic Mitigation (SAMM) is required over and above the on-site SANG (see paragraphs 7.19 to 7.24 and 9.11 and 9.12). The applicants have consistently sought an explanation of Natural England’s position from them, but they have repeated their original advice. However, I have negotiated with the applicants to make a partial contribution to SAMM (see paragraphs 2.13, 2.14 and 7.13 of report) and I have sought Natural England’s view on this. Their latest comments are that;

*“If the applicant wishes to proceed with the proposal to provide both alternative greenspace and a reduced SAMM tariff, we advise the applicant should provide the following information:*

- The role of the proposed greenspace to provide SPA mitigation is clearly identified, as separate from the greenspace being provided to meet other Council policy requirements.*

- *Detailed plans are provided for the specific design, management and maintenance in perpetuity of the alternative greenspace, drawing on the existing visitor survey evidence base<sup>1</sup> to identify the site characteristics that would be necessary to provide an effective alternative visitor destination to the coast.*
- *Further information is provided setting out the justification for a reduced SAMM contribution being made, based on evidence relating to visitor impact on the coastal sites. Subject to further detail being provided on the implementation of the alternative greenspace, we agree a proportionate SAMM contribution can be made to reflect this mitigation element being provided. However from reviewing the visitor survey evidence base, we would suggest a reduced rate of approximately 63% of the standard amount would be appropriate.”*

The applicant’s response is that;

*“I note that, in principle, NE appear to accept the concept of part payment of a SAMM contribution and part provision of an on-site SANG (plus a commuted sum for future maintenance in public ownership) as appropriate mitigation.*

*I note also that NE now suggest that the part payment of SAMM should be approximately 63% of the standard amount. However, the NE approach does not take account of the fact that the SANG has been designed (and the housing part of the housing development has been designed) to provide open space and “close to home” facilities for dog walkers from the Lansdowne Estate which currently has no such open space whatsoever.*

*In principle therefore I would say that the applicant is prepared to increase the part payment of SAMM and again, with continued dialogue with NE this issue should be capable of resolution.”*

This issue is not yet resolved, but I there does now appear scope for agreement, subject to further information and clarifications. My RECOMMENDATION is that Members delegate the application for approval subject to the approach on the SAMM contribution being resolved, or the application being reported back to Committee if it cannot be.

Further to the above points the applicant’s agent has this week sent me a list of detailed comments on the report, and proposed planning conditions, in response to which I recommend as follows;

Agent’s comment

1 A Screening Opinion indicating that an Environmental Impact Assessment was not required was issued on 3rd November 2010.

Officer recommendation – No action

Agent’s comment

2 In 1.02 – in the final sentence, we have explored the possibility of linking the countryside gap with Tonge Mill Country Park. However, Tonge Mill Country Park is privately owned and, after careful consideration, the owners decided that they did not wish to see connection between the two areas.

Officer recommendation – No action

Agent's comment

3 In 6.01 – as a point of information, I am advised by KCC Education that the children from Stones Farm will not attend Lansdowne School. The recently opened extension caters only for indigenous needs and KCC maintain that, in planning that extension, they were not aware that 550-600 dwellings were to be built immediately adjacent to the school (sic).

Officer recommendation – No action

Agent's comment

4 In 6.08 – the residents' concerns are noted. However, it must be borne in mind that this is a private access way and not a priority highway junction and the current arrangements cater for all reasonably likely manoeuvres.

Officer recommendation – No action

Agent's comment

5 In 7.24 – in addition, I think it worth pointing out that the applicant has repeatedly sought a response from Natural England regarding its own (NE) finding that “no statistically significant overall correlation was found between bird and visitor numbers” but no response has been received.

Officer recommendation – See commentary on “ISSUE 2” above

Agent's comment

6 In 7.27 – for information, consultants for the applicant continue to monitor badger activity at these setts.

Officer recommendation – No action

Agent's comment

7 In 7.34 – we would have no objection to an informative indicating that public rights of way should not be obstructed or altered unless and until an appropriate Order has been secured.

Officer recommendation – No action; this matter is covered by other legislation

Agent's comment

Tabled Paper

8 In 7.42 – please note that in regard to the mix of affordable housing etc, whilst the principle is agreed, the mix is not yet agreed with the Housing Department.

Officer recommendation – This can be dealt with in the Section 106 Agreement

Agent's comment

9 In 9.03 – in addition, it may be worth advising the Planning Committee of KCC's evidence to the EIP Inspector that completion of the SNRR is not a prerequisite for the delivery of 776 dwellings per annum during the Plan period.

Officer recommendation - No action

Agent's comment

10 In 9.08 – for information, please note that the developer will not provide the funds for the access and parking arrangements but, rather, will carry out the works at no cost to the school or the Education Authority.

Officer recommendation – This can be clarified in the Section 106 Agreement

Agent's comment

11 Regarding condition (1), as drafted, the condition requires the prior submission of details over the whole of the housing element of the application site. I suggest the insertion of "in accordance with the approved phasing schedule" after "Local Planning Authority" in line 3. In this way, there would be no necessity to then amend condition 6, 7, 8 or 13.

Officer recommendation – Condition 1 to be amended to say;

(1) Details relating to the appearance, landscaping, layout and scale (the reserved matters) of the proposed buildings within the approved housing area of the site shall be submitted to and approved by the Local Planning Authority in accordance with the approved phasing schedule before any development is commenced within that phase of development.

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

Agent's comment

12 Regarding condition (11), I am not sure whether the aspect of this condition which relates to badgers is appropriate. As a protected species, it is not possible to work with machinery within a proscribed distance of a badger sett and all such works would have to be carried out under licence from Natural England. Consequently, under the "duplication principle", the reference to badgers should perhaps be removed. There would be no objection to reference to badgers and the need for a Natural England licence within an informative to the permission.

Tabled Paper

Officer recommendation – I am seeking advice from KCC’s Ecological Advice Service on this matter and hope to be able to report further at the meeting

Agent’s comment

13 In condition (24) – this item of detail could perhaps be included within the compass of condition (1).

Officer recommendation – No action

**END OF UPDATE**