

REFERENCE NO - 14/501588/OUT			
APPLICATION PROPOSAL			
<p>Hybrid application (part outline, part approval of detail) consisting of: Outline application for the development of 550-600 houses and all necessary supporting infrastructure including roads, open space, play areas, neighbourhood shopping/community facilities (up to 650m2 gross) and landscaping. All detailed matters are reserved for subsequent approval except (i) vehicular access to A2 Fox Hill; (ii) emergency access to Peel Drive; (iii) landscape buffer between housing and countryside gap and (iv) layout, planting, biodiversity enhancement and management of countryside gap.</p>			
ADDRESS			
Land At Stones Farm The Street Bapchild Kent ME9 9AD			
RECOMMENDATION			
<p>Grant of outline planning permission for housing development and full permission for countryside gap and access arrangements; SUBJECT TO: a Section 106 Agreement for;</p> <ul style="list-style-type: none"> • Affordable housing, with review process • Developer contributions regarding education and other community facilities • A 650sq m area for the provision of a neighbourhood shopping/community facility within phase 1 of the scheme safeguarded until occupation of the 500th dwelling • Provision of wheelie bins • Strategic Mitigation payment at reduced rate • Public transport enhancement and travel plan implementation (£250000) • Off site playing pitch contribution • Commuted sums for maintenance of the countryside gap, landscape buffer and detention basin, and for local play areas • Ownership and management of the countryside gap • Funding of link and drop-off area, and footpath link at Lansdowne School • Broadband provision to all dwellings, electric charging points to all suitable dwellings • Commitment to the Considerate Constructors Scheme • Index linking of contributions, and • Monitoring fee <p>And to the further views of Kent Highways and Natural England</p>			
REASON FOR REFERRAL TO COMMITTEE..			
Significance, Parish Council objection, local representations, and need for Section 106 Agreement			
WARD	PARISH/TOWN	COUNCIL	APPLICANT
West Downs	Bapchild		G H Dean & Co.Ltd. AGENT Mr Paul Sharpe
DECISION DUE DATE	PUBLICITY EXPIRY DATE		
31/12/15	29/01/16		

1.0 DESCRIPTION OF SITE

Planning Committee Report
11 February 2016

ITEM 2.7

- 1.01 This large site extends to 33.4ha of open undulating farmland adjoining the eastern edge of the built up area of Sittingbourne, with the A2 to the south and the main railway line to the north; its eastern boundary being just within the Tonge conservation area. The majority of the site is open arable land but to the south-west there is an orchard, and a small part of the site is at a lower level and partly surrounded by trees growing on a bank. The site is crossed by two public footpaths but the site has no particular planning policy designation apart from its allocation as a development site on the proposals map of the Swale Borough Local Plan 2008, and now in the publication version of Bearing Fruits 2031 (The Swale Borough Local Plan Part 1). The site is easily visible from the A2 except where houses front the A2 along the western part of the site frontage. Housing opposite offers a good view across the site because it is largely set at an elevated position along the southern side of Fox Hill.
- 1.02 The site lies 900m from nearest part of The Swale SSSI/SPA/Ramsar site and 1500m from the bulk of the site. The applicants have commissioned studies regarding the possible impact of the development on that area. The application site mostly comprises heavily managed arable land and does not provide any habitat for bird species for which The Swale is designated, and no direct or hydrological impacts on the site from the development are envisaged. The most significant possible issue is that of recreational disturbance from new residents as walkers (especially dog walkers) and users of boats are known to disturb birds. If such effects are thought likely to be significant (either alone or in combination with other developments) and the development is not associated with management of the area it will be necessary for the Council to conduct an Appropriate Assessment of the development under the Habitats Regulations. However, the site is not particularly well linked to The Swale for visitors on foot, with the intervening railway line, farmland and the East Hall Farm development site making for an extensive circular route from the site to The Swale. In addition the development includes 15ha of informal open space right on the doorstep of the development which will be far more convenient to most dog walkers and might be considered as a Suitable Alternative Natural Greenspace (SANG) especially if suitably landscaped and laid out and linked to existing footpaths and the Tonge Mill Country Park.
- 1.03 The site contains some badger setts on a tree lined bank which had been thought to be abandoned but are now thought of as active. Otherwise the site has not been found to home to protected species other than slow-worms and lizards found around the site margins. It is suggested that reptiles can be re-located to within the proposed open space area on the site.
- 1.04 The site does not lie in a flood risk area or contain any listed buildings, protected trees or other special features except the very edge of the Tonge conservation area. The site lies adjacent to Lansdowne Primary School and close to Sittingbourne Community College on Swanstree Avenue.

2.0 PROPOSAL

- 2.01 This hybrid application is principally in outline and seeks outline permission for the development of up to 600 homes on 16.428ha to the west of the site adjoining the urban area of Sittingbourne. However, it also seeks detailed approval for means of vehicular access to the site from the A2 at Fox Hill, the pedestrian/cycle/emergency access point from Peel Drive, as well as for the landscaped buffer to the site and the layout of the proposed 15ha countryside gap to the east towards Bapchild and Tonge.

Planning Committee Report
11 February 2016

ITEM 2.7

2.02 The application is supported by the following documents;

- Application form
- Plans and drawings
- Design And access statement
- Transport assessment
- Travel plan
- Noise and vibration assessment
- Air quality assessment
- Habitat surveys and wintering birds survey
- Habitat regulations screening and scoping report
- Landscape studies
- Flood risk assessment
- Archaeological assessment
- Contamination reports
- Consultation statement
- Heads of terms for Section 106 Agreement
- Planning statement
- A 2015 Badger Survey report has since been submitted
- A 2015 Habitats Screening and Scoping Report on the potential impact of the development on The Swale etc Special protection Area has also since been submitted by the applicant.

2.03 The proposals follow local consultations since 2010 and the adoption by the Council (in May 2011) of a Development Brief for the site. The outcome of consultations has resulted in redesign of the main road junction in order to minimise impact on existing residents and to retain the cycle route; the inclusion of “character areas” within the now lower density (31 dwellings per hectare average density) housing areas; and refinements to the countryside gap proposals. Affordable Lifetime Homes standard housing will comprise 30% of the housing provision, whilst overall, the bulk of new housing would be 3 bedroom or more family housing. Housing was intended to be at or above Code Level 3 with drainage via a sustainable urban drainage system to Tonge, including a detention basin within the countryside gap. Most housing will be two-storeys with limited three storey development. Play areas will be included within the housing areas on top of the countryside gap open space proposals.

2.04 The countryside gap is intended to provide informal open space and to include a community orchard, wet woodland, open grassland, benches, seating and gates, paths, ecological “interventions” and a (normally dry) water detention basin to restrict water run-off rates to prevent localised flooding. The proposals also involve putting the existing overhead power lines underground across the countryside gap. The landscaped buffer immediately adjacent to the proposed housing area will feature a variety of native tree species to encourage a dense, tall tree and shrub screen of woodland character. These features are intended to protect the separate character of Bapchild, and to safeguard the setting of the Tonge conservation area, and will be implemented alongside the first phase of housing development. It is envisaged that a Section 106 Agreement will be required to secure the provision, management, accessibility and ownership of the countryside gap.

2.05 The proposals do not include any provision of, or reservation of land for, a continuation of the Sittingbourne Northern Relief Road (SNRR) between East Hall Farm and the A2 as the route of this has not yet been decided. No alternative route proposed so far has affected the proposed housing area of the site, but the effect of the SNRR on the proposed countryside gap is not yet known and will have to be

Planning Committee Report
11 February 2016

ITEM 2.7

dealt with when it is known. However, the most likely route of the SNRR is safeguarded by the current proposals for the countryside gap. It is not felt necessary to see the SNRR completed before this quantum of development takes place here as existing roads will have sufficient capacity.

- 2.06 The applicant's 2015 Habitats Screening and Scoping Report reviews the likely impact of the development on the European Special Protection Area (SPA) sites on the Thames, Medway and Swale. It recognises that these areas are of international importance for breeding and overwintering birds and that the application site lies about 900m south of the Swale. Under the relevant legislation the Council must consider whether the development will have a significant effect upon the SPA(s) under what is known as a Habitats Regulation Assessment (HRA). This is to establish whether or not the proposal (or project) will alone, or in combination with other projects, is likely to have a significant effect on the SPA. The applicant's report responds to Natural England's original response to this application which was to seek clarity on the potential effect (see below).
- 2.07 The applicant's report notes that the site is currently farmland but that the application proposes detailed plans for 15ha of the site to remain undeveloped and designed as a "Suitable Alternative Natural Greenspace" (SANG) to cater both for the needs of new and existing nearby residents, an approach advocated by the North Kent Environmental Planning Group. It points out that the adjacent housing estate (which has no local resource for dog walking) will be linked to the new development and SANG which will be provided as part of the first phase of the development, and that the SANG proposed is in fact larger than it needs to be, just to serve the development that is proposed. In terms of the potential for additional disturbance from recreational activity, especially dog walking, the report states that whilst physically close to the SPA walking routes between the two are, because of the railway in between, longer, between 2.6 and 4.6km; further than most walkers will wish to walk. Accordingly, most dog walking can be expected more locally perhaps within the SANG, which will also be accessible by existing residents nearby, such that it is estimated that the impact of dog walking from the site to the SPA will actually be reduced if some existing residents use the SANG instead of visiting the SPA.
- 2.08 In the applicant's covering letter with the above report they argue that Natural England does not challenge their evidence of minimal impact upon the SPA, but that they still suggest mitigation funding is required. However, the applicants are keen to point out that the likely increase in visitor numbers to the SPA is less than 1% of the overall impact envisaged from new development, and that the 585 dwellings on the adjoining housing state do not currently have dog walking areas on site, so that if 20% of these people diverted to the proposed countryside gap instead of using the SPA this figure would fall to just over half of one per cent, meaning that it is not a significant effect. In August 2015 the applicant submitted a number of amendments to the application in response to local representations and discussions both with officers and with other bodies. These comprise;
- Amendments to the Peel Drive emergency access to deter use by motorbikes and to ensure a better standard of design, involving reducing the width of the emergency access from 4.8m to 3.0m and incorporating a locked five bar gate and pedestrian/cycle only barrier
 - Alterations to the main A2 access point in relation to residents parking (increasing from 12 to 16 spaces) and access thereto, screening from car headlights, continuation of the cycle path, and clarification of bus stopping facilities. These amendments incorporate the results of and response to a safety audit

Planning Committee Report
11 February 2016

ITEM 2.7

- Revisions to the design of the countryside gap and detention basin to clarify that the footpaths are not intended as cycle paths, to align proposed paths with existing footpaths and likely future desire lines. The detention basin has been refined to be more naturalistic in appearance, with no safety fence needed, and it will not now be a permanent basin.
- Confirmation that the downstream drainage network can accommodate surface water run-off at a natural rate
- In response to comments of the Swale Design Panel the character areas shown within the housing development have been amended so that The Crescent area is more formal, with the potential for slightly higher buildings at the northern part of the site, and the link from Peel Drive to the countryside gap has been “greened-up” to enhance its use by existing residents
- In addition the text of the Design and Access Statement has been amended to pin down the design requirements for the individual character areas so that a planning condition can ensure that future developers are required by planning condition to respond to the current work rather than start with a blank sheet for reserved matters

2.09 The applicants also advise that they have been negotiating with the County Council's Education and Highways teams to explore ways of overcoming the existing Lansdowne School traffic issues in Gladstone Drive without transferring those issues to the new roads on Stones Farm. I understand that the applicants have reached agreement with the school to fund a new access direct from the site to the school grounds within which a new drop-off/pick-up area cum hard surfaced sports area would be provided. The drop-off area might be accessible from both the new estate and from Gladstone Drive and whilst the route would be managed by the school and only available at each end of the school day, it might involve a one-way system to or from Gladstone Drive; although I have made it very clear that I see this is a bad idea as it might simply require all traffic to use Gladstone Drive even if it otherwise would not need to. The plans might also provide for the setting back of the school fencing between Gladstone Drive and the development site to provide a footpath link to Gladstone Drive for school visitors during the school day, avoiding a long walk (or drive) to the school. The details of this matter do not form part of this planning application and another planning application by the school will be necessary. However, at this stage the Section 106 Agreement with this application will need to require the developer to agree to safeguard access to the school grounds and to funding of the new drop-off zone, hopefully for completion between occupation of 200 to 300 dwellings.

2.10 With respect to the impact of the development on the potential completion of the Northern Relief Road (SNRR), the applicants say that;

- There is no agreed route between East Hall Farm and the A2
- Tests for Section 106 contributions are now legal tests, not simply policy tests
- The applicant's Transport Assessment indicates that the development does not rely on the completion of the SNRR meaning that there is no lawful case for requiring a financial contribution to the road

2.11 The applicant now further suggests that although policy H3 of the adopted Local Plan seeks a contribution of 30% affordable housing (as carried forward into the Development Brief in 2011) recent viability testing for the Council suggests that only a 10% contribution can be sustained by new housing developments in the Sittingbourne area. Accordingly, whilst they are prepared to sign up to a 30% contribution at the start, they maintain their concern over viability and seek provisions within the Section 106 Agreement to give the developer the option for an annual

Planning Committee Report
11 February 2016

ITEM 2.7

review of affordable housing and other contributions, supported by viability information.

- 2.12 The applicants have prepared a bespoke response to the Parish Council's comments, which I refer to below.
- 2.13 Finally, in relation to Habitats Regulations issues, in addition to the 2015 Habitats Screening and Scoping Report the applicants have noted that originally Natural England asked for clarification of the likely impact of the development on the SPA, but that now they seek a financial contribution to Strategic Mitigation strategy. The applicants say that they have demonstrated a minimal likely impact upon the SPA and have not seen any further response from Natural England (this is referred to further below).
- 2.14 The applicants do, however, comment on Natural England's (NE) suggestion that the countryside gap is put in place before occupation of any dwellings, saying that this is unreasonable, especially as NE suggest that the countryside gap will not mitigate the perceived impact of the scheme. They suggest that the provision of the countryside gap must be factored into any contribution to the Strategic Mitigation as the scheme is a special case as it provides alternative dog walking opportunities that other schemes do not. They maintain that neither a financial contribution nor an Appropriate Assessment are required of the application. Nevertheless, whilst maintaining their clear concern over the position taken by Natural England latest negotiations have resulted in the applicants offering a reduced contribution to Strategic Mitigation in recognition that the countryside gap will provide partial alternative provision, and that the combined contribution for future maintenance of the countryside gap and the Strategic Mitigation will be far in excess of that otherwise payable for Strategic Mitigation alone.
- 2.15 The application has been further amended in January this year to revise the main access layout to show how it will maintain access to rear parking areas of existing houses on Fox Hill for larger vehicles and to provide more convenient off-road parking for those houses here which do not have individual driveways. The main lay-by will now hold 12 parking spaces with the remaining four accessed from the west for easier use by visitors to the houses at 43 to 49 Fox Hill who do not have ready visitor access. I have re-consulted the Parish Council, Kent Highway Services and adjoining residents on this amendment (closing date for comments was 29/01/2016).

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	33.4ha	33.4ha	0
No. of Residential Units	0	Up to 600	Up to 600
No. of Affordable Units	0	Up to 180	Up to 180

4.0 PLANNING CONSTRAINTS

Allocated Development Site for housing development

Potential Archaeological Importance

Tonge conservation area

Planning Committee Report
11 February 2016

ITEM 2.7

Public rights of way

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Development Plan: Swale Borough Local Plan 2008 saved policies SP4, SP6, SP7, E1, E7, E9, E10, E11, E15, E19, H2, H3, H5(6), H10 (housing on the application site), T1, T2, T3, T4, T5, C2, C3 and C5 (countryside gap on the application site).

Supplementary Planning Documents:

- Stones Farm Development Brief, May 2011
- Developer Contributions

The Publication version of Bearing Fruits 2031 (The Swale Borough Local Plan Part 1), especially policies A8 and AS1.

- 5.01 Policy H5(6) allocates land at Stones Farm for up to 600 dwellings with at least a 30% affordable housing contribution. This is the biggest single housing allocation in the Adopted Local Plan and represents just over 10% of all new land allocations for dwellings in the Plan across the entire Borough.
- 5.02 Policy H10 is the site specific policy for housing development on 18ha of land at Stones Farm. It did seek to restrict development until after 2011 unless other sites failed to come forward, but this restriction has now expired. The policy leaves a lot of detail to be resolved via a Development Brief. Such a brief has since been prepared and was adopted by the Council in May 2011; this largely guides the current planning application proposals. Policy T2 requires financial contributions towards completion of the SNRR from all housing developments of 10 units or more likely to generate traffic which will access Sittingbourne Town Centre in order to help fund the SNRR and other transport infrastructure.
- 5.03 Policy C5 relates to the countryside gap part of the application site, requiring at least 15ha of land to be retained as a permanent open gap between the housing development site and Tonge and Bapchild, also protecting the setting of Tonge conservation area. This is proposed as publicly accessible informal open space secured via a legal agreement. This part of the site is also included in an Important Local Countryside gap between Sittingbourne and Bapchild under policy E7.
- 5.04 In the publication version of Bearing Fruits 2031 (The Swale Borough Local Plan Part 1) the site is affected by a number of policies which are ST4 (Meeting the Local Plan development targets), A8 (Stones Farm, Canterbury Road, Sittingbourne), AS1 (Safeguarded area of search: Sittingbourne Northern Relief Road – The A2 link), CP3 (Delivering a wide choice of high quality homes), CP4 (Requiring good design), DM8 (Affordable housing), DM10 (Gypsy and Traveller Sites), DM18 (Local green spaces), DM19 (Sustainable design and construction) and DM25 (The separation of settlements – Important Local Countryside Gaps). As this Plan has been approved by the Council for publication (November 2014) and through the recent Local Plan Inquiry (and we now await the Inspector's first interim findings) some weight can now be placed on these policies in accordance with paragraph 216 of the NPPF.
- 5.05 These policies continue to see the application site as suitable for up to 550 dwellings whilst providing a 15ha countryside gap (policy A8) which includes parts of both a Local green space (policy DM18) and Important Local Countryside Gap (policy

Planning Committee Report
11 February 2016

ITEM 2.7

DM25). This eastern part of the site is also within the safeguarded Area of Search for the completion of the Sittingbourne Northern Relief Road (policy AS1). As a large housing site, development will need to be compatible with policies CP3 (relating to dwelling mix), CP4 (design), DM8 (10% affordable housing), DM10, which requires that the development contributes to the provision of gypsy and traveller pitches (possibly six pitches here), and DM19 (sustainable design and construction).

6.0 LOCAL REPRESENTATIONS

6.01 Firstly, I have been contacted by Roger Gough, the County Council's Cabinet Member for Education and Health Reform, regarding the relationship of this development to Lansdowne Primary School and, in particular, the access links between the site and the school. He says that the school is expanding to ensure that it can accommodate pupils both from the development and existing residential areas even though it is located in a residential area with constrained streets. In the light of this he believes that there should be road and pedestrian access from the new development to the school as a condition of development, as well as enhanced drop-off and collection arrangements within the new development to ensure sustainability and safety.

6.02 I have also been contacted by Tom Gates, Chairman of the Swale Joint Transportation Board who considered this application in September 2014. He notes that Board Members were concerned with safety at the school and wanted measures to address the issue. The meeting agreed to a plan to include a walking bus and they resolved to ask the Planning Committee to seek a direct access from Stones Farm by foot and vehicular access into the school grounds. Members will note that work on this matter has now been done and that the applicants are offering to fund access to and a parking area within Lansdowne School as part of a Section 106 Agreement, although the school will be responsible for submitting the necessary planning application for the final design of that scheme.

6.03 The application has quite naturally generated a lot of local interest and initially I received 32 letters of comment from people living in the Peel Drive, Gladstone Drive, Fox Hill and Bapchild areas. They raised the following summarised points;

- The development would not be in keeping with the area and will cause a negative visual impact and change the character of the area, contrary to Local Plan policies E1, E19 and E24. Loss of orchard trees and landscape. More landscaping is required
- Bapchild will lose its identity and become part of Sittingbourne – it already has no shop or Post Office
- Traffic is a big issue and some fear that the development will make it worse especially at peak times, and especially when traffic is diverted along the A2 if the M2 is closed.
- Traffic already queues on the A2 at the proposed access point at busy times making entry or exit from driveways difficult. Visibility will be reduced
- The new junction arrangements affect access and parking for existing houses, parents collecting children from the school when the village hall car park is in use, and create danger for children walking to school
- People are not likely to walk to work on the Eurolink as the application suggests
- Would a roundabout at the site entrance be safer and more efficient than the junction that has been designed?
- Car headlights shining into houses opposite the new junction
- There have been accidents involving pupils from school on Swanstree Avenue crossing the A2, and increasing traffic will not help this

Planning Committee Report
11 February 2016

ITEM 2.7

- Can a new entrance and drop-off facilities be provided at Lansdowne School to deal with the inevitable increase in traffic?
- The access to Peel Drive is poorly detailed and it is essential that this is not a through route – yet the few bollards shown will not prevent motorbikes getting through. This entrance should be gated, not just a few bollards. Emergency access should be via the A2, not Peel Drive
- Extra traffic in the Vincent Park estate and in Gladstone Drive for Lansdowne School
- Will result in more traffic towards Kemsley/Iwade via Murston Road and Church Road passing primary school – or through Tonge Mill where the road is narrow and buildings are regularly hit by vehicles. The speed limit here ought to be reduced to improve safety
- The development should include completing the SNRR
- Houses on Canterbury Road should be given rear access as it will be impossible to get out of their driveways with the increased traffic
- Roads should be wide with more parking
- The footpath through the site should be relocated as it will lead to crime and anti-social behaviour
- A new crossing on the A2 will be essential
- Lack of health services in Sittingbourne. Can the developers be forced to provide GP facilities before being allowed to build homes?
- Lack of local employment, parking and shopping
- Will there be enough places at Bapchild School or Sittingbourne Community College? Enlarging Bapchild school will lose its village identity
- Will this help to bring back the bus service to this part of the town?
- Why include new shops, they will not last but will turn into fast food outlets leading to anti-social behaviour. In any case they should be at the rear of the site to reduce noise from deliveries, anti-social behaviour and late night opening to existing residents, and to reduce the impact of these tall buildings
- Where will the social housing be?
- Can play areas be provided from the outset and retained for the long term?
- The Countryside Gap is said to be informal open space, but then it refers to dog walking, ball games and picnicking
- How will undergrounding overhead wires affect residents?
- Will the osier swamp near Tonge Pond remain? Will run-off overwhelm the sluice gate at Tonge Mill and Pond where all run-off will eventually end up – and will it lead to additional problems for adjacent properties? Maybe the sluice gate and waterways here need to be upgraded. Will the attenuation pond take out pollutants, and will it be dangerous for small children?
- Destruction of habitats, loss of foxes, hedgehogs, squirrels, bats, owls, skylarks and rabbits.
- What arrangements will be put in place to manage the countryside gap? How will this affect the Tonge Country Park?
- Doesn't this mean the SNRR should go elsewhere? If it goes through the countryside gap it will adversely affect Tonge conservation area
- Where will I walk my dog?
- There should be lighting on paths, to prevent crime or fear of crime, even across the country park where people will want to walk their dog
- Increased crime, pollution, noise and flooding, including highway flooding. Hours of construction, parking for site workers, and dust from the site should be controlled
- Will the scheme include a traveller site?
- The scheme is clearly within the scope of the Local Plan and so whilst we do not object to it overall, attention must be focussed on getting it right. It looks a genuinely great design

Planning Committee Report
11 February 2016

ITEM 2.7

- Overshadowing and loss of privacy from tall buildings, even three storeys, a 15m gap to new houses from the boundary is not enough. There should be no three storey buildings
- Loss of high grade agricultural land
- Loss of property values
- Poor consultation procedures, lack of time and facilities to register comments on-line

6.04 After consultation on amendments was carried out I received a further seven representations from local residents on the following subjects;

- Problems for residents of Fox Hill in accessing their rear parking areas via a narrow track which emerges close to the proposed traffic lights – the design does not seem to allow for more than an estate car when several properties have larger vehicles using that access
NOTE: The latest drawing shows how larger vehicles will be able to use the access
- Cars waiting to turn right into the access may block emerging vehicles and will have nowhere to move to
- Only two parking bays on A2 for the four houses concerned, creating problems for visitors and deliveries
NOTE: The two spaces have now been increased to four
- Despite what the applicants say residents are entitled to park in the cycle lane as it is not designated, and as some residents have steep drives they do need to park on the A2 from time to time
- The scheme is quite unnecessary, Sittingbourne is already large enough and we do not need 550 to 600 more houses. There is not enough infrastructure
- Over development of the site at too great a density leading to a poor development
- Loss of valuable open land, better to spend the money elsewhere on other important projects
- No details of proposals for improving the situation in Gladstone Drive
- Surprise at suggestion of no financial contribution to SNRR as it was understood that this scheme was intended to part fund it
- Concern over traffic volumes from the site on the busy A2, and concern over traffic survey methodologies used
- Congestion and pollution
- It is essential that the countryside gap is in place before any housing or roads are constructed as trees take time to settle in and habitats to adjust
- Local residents should be offered a screen from the development site
- Construction vehicles should be kept out of the countryside gap during construction

6.05 In response to the most recent limited re-consultation regarding the new lay-by arrangements for residents' parking along the A2, I have received two further responses. One queries the nature of the proposals which the applicants have clarified with an annotated drawing.

6.06 The other refers to the newly amended residents' parking provision. The specific concern is that numbers 43 to 49 Fox Hill have no front access driveways and rely on a steep, narrow, rear access track for on-site parking within their gardens, which is not clear or convenient for visitors or deliveries. Further, it is pointed out that residents also need to park at the front in icy weather as the rear access is very steep.

6.07 At the moment, visitors to these houses tend to park on the carriageway where they obstruct a painted-on cycle lane, taking advantage of the unusually wide carriageway. Members should note that the new layout will remove the scope for this

Planning Committee Report
11 February 2016

ITEM 2.7

and officers have asked the applicant if the road could be aligned slightly further north to retain scope for on-street parking outside these four houses. However the applicant has been reluctant to do so , but instead, has suggested a small four-car lay-by for these residents in front of number 41 Fox Hill. The concern remains that existing residents will not be able to park on the road outside their houses and that the road could be moved over a little to retain this facility.

- 6.08 The other matter is that, as shown, a long vehicle entering the A2 from the residents' access will conflict with a vehicle waiting to turn right into the access. This would be avoided if the carriageway was moved as above, and this is what is still requested by residents.

7.0 CONSULTATIONS

- 7.01 Bapchild Parish Council opposed to the application as submitted due to their view that the applicant has failed to abide by the requirements of the Local Plan; due to lack of information; and due to lack of pre-consultation. They also say that they have been “immensely disappointed with the consultation process” over the application citing problems with the original limited and short (three week) publicity (this was subsequently extended) during a holiday period (this was in mid-2014), problems of accessing documentation on and other than by the internet, and its poor presentation from the planning administration service in Maidstone.

- 7.02 Specifically, the Parish Council argued that the application fails to fulfil the fundamental mitigation measure required of it, which is delivery of the full complement of open space required by the Local Plan and to have regard to the possible route of the SNRR/A2 link. This is because the Parish Council does not wish to see the possible route of the SNRR/A2 link detract from the 15ha of open space to be provided as part of this development. They argue that the Local Plan seeks to prevent development that will preclude achievement of the link, and that this proposal is contrary to that aim, without safeguarding any land for the road. They wish the Borough Council to recognise that the SNRR/A2 link is planned and that it should not just be ignored at this stage despite the fact that no route is yet agreed or a timetable for its construction yet known. They refer to the Local Plan Inspector's report which pre-dates adoption of both the Local Plan and the Development Brief for the site. Members should note that the Local Plan Inspector considered the implications for the site for the completion of the SNRR, recognising that the alignment of the final section of the SNRR was (and remains) not certain. The Inspector realised that the most achievable scheme would be the cheapest and the one which opened up as much land as possible for development i.e. the western route, which might in effect form a planning boundary to Sittingbourne. He decided that it was not his role to consider possible route alignments, but that the Council needs to give serious consideration to the best route of this section of the SNRR before committing itself to a detailed design for the housing area of the development.

- 7.03 The Parish Council further argues that the adopted Development Brief does not adequately address the boundary between the housing development and open space parts of the development site, because the line of the SNRR/A2 link is not safeguarded by the proposals, nor does the housing development include construction of any part of the link, as it might have done. In my view this position ignores the fact that the housing area proposed avoids affecting possible routes, and does not include any part of the route as part of the development, whilst incorporating a substantial landscape buffer between the housing area and the possible road alignments.

Planning Committee Report
11 February 2016

ITEM 2.7

- 7.04 In terms of the boundaries, phasing and maintenance of the proposed open space, the Parish Council wishes to be involved in drawing up any management plan, they express concern regarding its possible cost and they seek reassurances on this subject.
- 7.05 Questions are raised about the incompleteness of details of the emergency-only access to Peel Drive and on the detailed design for the new site entrance from the A2. The Parish Council has made a number of detailed comments on these aspects of the proposals.
- 7.06 The Parish Council feels that traffic impacts may have been under catered for by virtue of unrealistically favourable assumptions about likely travel patterns of future residents, and lack of any plans for improvements to the A2. They dispute the predicted lack of impact on traffic in Bapchild itself and suggest a review(s) during construction with mitigation measures implemented if necessary via Section 106 requirements. In terms of schools, the Parish Council recognises that the site is well placed, yet there can be no guarantee that children from the site will use nearest schools, but that no account of the traffic impacts of expansion of Lansdowne School has been taken, with the possibility of parents dropping off within the development rather than in Gladstone Drive not being catered for.
- 7.07 The Parish Council is very interested in the intended Section 106 Agreement but wish to be assured that once negotiated its terms will persist and not be subject to re-negotiation. They suggest that the countryside open space is protected by a legal covenant prior to any sale or transfer of that land prohibiting any form of development on it, and providing that its use is controlled for informal use only.
- 7.08 In terms of design matters the Parish Council questions the relevance of the application's references to low density developments in other parts of Kent, that appear to mis-represent the likely nature of this development, which might in fact be highly inappropriate for the rural setting. The application leaves many unanswered questions concerning the intended houses in terms of type, height, position and effect on privacy, although the idea of gardens backing onto existing gardens is accepted assuming that there are no boundary disputes and current fence alignments are correct, but they note that boundary fencing/planting intentions here are as yet unclear.
- 7.09 In relation to services and infrastructure the Parish Council is keen to explore the provision of new community, retail and doctors' surgery facilities prior to the detailed application, but they express concern over the inadequacy of foul sewage disposal due to previous leakages which pose a threat to groundwater and to the Tonge Mill spring, stream and pond. They note that Southern Water are fully aware of the need for the development to secure an appropriate improvement in the system. However, they remain concerned over surface water run-off and the risk of flooding and contamination of the conservation area at Tonge Mill.
- 7.10 Trips to Lansdowne School currently result in severe traffic congestion in Gladstone Drive at school times, and a second point of vehicular access from the development site is desired, especially if KCC do double the school's intake as they have announced. Whilst the Parish Council supports a new access they have concerns over whether the development has been planned to take account of the likely traffic patterns that might emerge; they suggest that if a new vehicular access is created there is a designated drop-off/turning area within the school grounds, but in any case the traffic implications of any new access should be fully considered.

Planning Committee Report
11 February 2016

ITEM 2.7

7.11 The applicants have prepared a bespoke response to the comments of the Parish Council, although the amendments to the scheme are partly in response to points raised by the Parish Council, including the following points;

- The potential future route of the SNRR is not yet clear and cannot be a factor in determining this application, although the development proposals do not prejudice any of the various routes so far suggested. No route is currently safeguarded in the emerging Local Plan. It will ultimately be a matter for the County Council to define the route of the SNRR (whether or not it cuts across the currently proposed countryside gap) but this application does not prejudice that process.
- Clarification of the proposals for the countryside gap part of the application site
- Confirmation of changes to access proposals
- Confirmation that the Traffic Impact Assessment (TIA) has been prepared in accordance with national and local protocols and that any potential link to Lansdowne School will not necessitate a review of the TIA
- Clarification of the intended timing and future management of the countryside gap area
- Clarification of the intended relationship of new development to existing boundaries

7.12 Highways England (formerly The Highways Agency) initially imposed a direction prohibiting the granting of planning permission on 22 September 2014 expiring on 17 November 2014. They renewed that direction on 17 November 2014 and on 9 January 2015 when it ran until 1 May 2015. On 29 April they confirmed that after considering evidence of likely queue lengths on the off-slip at the A249/A2 Key Street junction, the development will not significantly affect the Strategic Road Network, and they withdrew their objection. They raise no comments on the amended details.

7.13 Kent Highway Services have commented that;

- The route of the extension of the potential northern relief road has been safeguarded and should not be prejudiced by the development
- More detail of the proposed main A2 junction was requested
- Access to the rear of numbers 31 to 49 Fox Hill would be better from the proposed new access road (lay-by), avoiding vehicles turning right just ahead of the new junction
- More details of how the cycle route will be continued were requested
- Traffic generation may require improvements to the Swanstree Avenue traffic signals

Note: The applicants are seeking to clarify this point with their highway consultants and I hope to be able to report further at the meeting.

- Additional traffic will add 27% to the morning peak time westbound flow and 2% to the afternoon peak eastbound flow, which requires consideration of junctions beyond just the two nearest to the site
- Traffic may affect air quality in the East Street AQMA
- The design of the emergency access to Peel Drive is acceptable
- There are adequate walking and cycling links although the footpath from A2 to Tonge will require upgrading for cycles
- Improvements to cycle lanes in the A2 are not shown but should be explored
- In relation to the Travel Plan KHS say that targets should be a reduction in driving and an increase in passenger, bus, cycling, walking and working from home
- Access from the site to Lansdowne School should be made available
- Good bus links will be important in encouraging bus use but no improvements to bus services are proposed

Planning Committee Report
11 February 2016

ITEM 2.7

- 7.14 The Environment Agency has no objection in principle and recommends conditions relating to;
- Sustainable surface water drainage, and infiltration of water into the ground, and
 - Handling any contamination found during construction
- 7.15 in response to the amended design of the drainage basin the Agency ask if filtration devices will be installed to protect groundwater and they seek assurance that surface water drainage to soakaways will be sealed against pollution. They suggest consulting KCC on the surface water drainage scheme. This has been done without any response being received. The applicants have since confirmed that soakaways are not intended so that filtration devices are not necessary, but that the detention basin will function as a form of filtration device.
- 7.16 Southern Water has sent details of the location of a public water trunk main, foul rising main and foul sewer, one of which appears to cross the proposed Countryside Gap area, and they seek restrictions on buildings, soakaways and planting close to such mains. They note that Sustainable Urban Drainage Systems are not adopted by them and that the developer will need to make arrangements for their long term maintenance. They seek a planning condition requiring details of foul and surface water drainage to be submitted to and approved by the Council in consultation with them. Finally, a lack of water supply capacity to the site is noted meaning that additional services will be required, and they suggest consultation with the Environment Agency due to the site's location within a Source Protection Zone.
- 7.17 In response to amendments Southern Water has raised no further points.
- 7.18 The application site is outside of the Lower Medway Drainage Board's district but it drains into Tonge Mill Stream which they manage and maintain. They consider the applicant's plans to limit run-off rates by using on-site storage to be appropriate. However, the use of Tonge Mill Stream for run-off from the whole site might increase overall volumes of water carried that way. The Board asks that the applicant investigates the downstream capacity and condition of the drainage network for suitability. They ask that a planning condition be imposed to require drainage details and maintenance arrangements with the Environment Agency and Kent County Council. Members will note the applicants' comments above about the adequate capacity of downstream drainage.
- 7.19 Natural England has been consulted as a small part of the site lies within a consultation zone around The Swale SSSI/SPA/Ramsar Site, and they say that the development has the potential to affect the interest features of this area which is a European site. As the development is not intended to assist management of the European site they confirm that the Council must consider the likelihood of a significant effect on that site from the development, and if this cannot be ruled out, it must carry out an Appropriate Assessment under the Habitats Regulations. Natural England say that the application as submitted did not include enough information to determine whether the likelihood of significant effects can be ruled out and sought further updated details of how the development will avoid recreational impacts on the area following the work that the North Kent Environmental Planning Group has been undertaking, including details of avoidance and mitigation measures and means of securing their implementation.
- 7.20 Natural England do not comment on issues relating to protected species.

Planning Committee Report
11 February 2016

ITEM 2.7

7.21 In relation to the applicant's updated Badger Survey and their Habitats Regulations Screening and Scoping Report, Natural England has said (June 2015) that;

- It will be necessary for the applicants to provide a financial contribution towards strategic mitigation for the North Kent Marshes, in addition to on-site greenspace countryside gap.
- They have referred me to their overarching advice from January 2015.
- They say that the provision of green infrastructure can be a useful and necessary element of an overall mitigation package for larger developments, but that this is not sufficient by itself as it cannot replicate the draw of coastal sites.
- They continue that, the approach of strategic mitigation provides the best means of addressing in-combination effects from all new housing within the 6km zone of influence of the designated sites.
- Natural England's advice is that subject to appropriate financial contributions being made to strategic mitigation, in addition to provision of on-site green infrastructure, the proposal is unlikely to have a significant effect on European sites, and can be screened out from any requirement for further assessment.
- They suggest that the Council's screening decision is based on;
 - a) Appropriate financial contribution to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring
 - b) Provision of on-site publically accessible open space as proposed in the application
 - c) This mitigation to be in place prior to occupation of any dwellings
- Should the applicant not commit to any of the above features Natural England recommends that planning permission should not be granted and that the Council will need to demonstrate conclusively that the proposals will not have a significant impact on the SPA.

7.22 Members may wish to note that in their overarching advice, Natural England do suggest that;

- a) Dog walking, and in particular dog walking with dogs off leads, is currently the main cause of disturbance (by far) and therefore should be the focus for mitigation
- b) Potential mitigation measures include provision/enhancement of green space away from the SPAs
- c) "However, if bespoke mitigation is proposed by individual developers, Natural England's advice is that this will require careful consideration in order to demonstrate that the mitigation being put forward would ensure that bird disturbance from recreational pressure would not increase on the SPAs / Ramsar sites as a result of the development. If having considered any mitigation measures proposed, the likelihood of a significant effect cannot be ruled out, an appropriate assessment will be required."

7.23 In October 2015, in response to the applicants' latest information about Habitat Regulations issues, Natural England have stated that;

- They note the applicants insistence on not contributing to Strategic Mitigation and relying on the SANG
- They say that "such contributions are now necessary to address recreational disturbance"
- That Swale has agreed that Strategic Mitigation is the right approach and that this is embedded on our Local Plan

Planning Committee Report
11 February 2016

ITEM 2.7

- They refer to their overarching advice on the matter
 - They suggest that the SANG cannot replicate the coastal draw of the SPA and “cannot be relied upon alone to mitigate increased recreational disturbance on coastal sites”
 - On such large sites they suggest that on-site open space is provided in addition to Strategic Mitigation
- 7.24 The applicants have sought confirmation from Natural England that as this scheme will have a negligible impact on the SPA Strategic Mitigation payments cannot be justified. In response Natural England have referred the applicants back to generic advice and, despite their own advice (see paragraph 7.22 above) suggesting that bespoke mitigation arrangement should require careful consideration, they simply maintain their position that Strategic Mitigation is necessary over and above that resulting from provision of the countryside gap.
- 7.25 KCC’s ecological advice service has reviewed the application and notes that survey work was carried out in 2011, with an update in June 2013 showing no significant changes, but that even this is now some months ago. Nevertheless they see the combination of limited ecological value of the main part of the site, allied to proposed greenspaces and mitigation measures to be sufficient to enable determination of the application. However, repeat surveys are suggested to inform detailed mitigation strategies and a suitable planning condition is suggested.
- 7.26 In this scheme there is potential for ecological enhancements, especially within the landscape buffer zone and countryside gap areas and it is suggested that planning conditions are used to secure further details. Finally, with regard to the Habitats Regulations they advise that the relevant report dates from 2010 since when further research has been done and an updated report was requested.
- 7.27 In relation to the updated badger survey KCC has advised that the survey confirms the levels of activity and sett presence across the site which has the potential to be a significant constraint to development. They query why as part of an outline application the report states that the current setts cannot be retained, and suggests further discussions about this to explore options to minimise the potential for disturbance to or closure of setts. They add that reserved matters should demonstrate the mitigation hierarchy of avoid – minimise – compensate in relation to the setts.
- 7.28 In relation to the applicant’s Habitats Regulations Screening and Scoping Report, KCC advises that the report is not sufficient to rule out a likely significant effect on The Swale SPA despite the report’s own conclusions. They say that whilst the development does provide public open space which will help to reduce the numbers of recreational visitors to the SPA the likely significant effect on the SPA in combination with other development across North Kent cannot be ruled out. They make clear their view that despite the inclusion of the open space the developer “will need to contribute to the strategic mitigation that is currently in development for Swale BC to be satisfied that the requirements under the Habitats Regulations have been met”. They suggest that the Council confirms with its North Kent Environmental Planning Group representative the approach that the Council is taking on this matter.
- 7.29 In response to the applicants’ latest amendments and updates KCC say that it has been agreed between all North Kent planning authorities that if a developer is not willing to make a financial contribution to Strategic Mitigation, they must carry out a full Habitats Regulation Assessment to demonstrate that their development will not result in a significant effect upon the SPA. They say that such an approach will

Planning Committee Report
11 February 2016

ITEM 2.7

require much more detailed evidence and will have to demonstrate that there will not be a likely effect, not just that such an effect cannot be ruled out and that the SANG will compensate for the effect. They reference Natural England's point that the proposed SANG cannot replicate the "coastal draw" of the SPA and that they cannot maintain that no residents will visit the coast. KCC also pour cold water on the assumption that diversion of existing residents from the coast to the SANG can be expected as there is no evidence base for this.

- 7.30 KCC then state that if the Council were to accept the applicants' position, the SANG would need to be provided in perpetuity which is likely to have a far more significant cost to the developer than the Strategic Mitigation figure currently being suggested. Finally, KCC says that the in perpetuity costs should be understood at this stage in case they are prohibitive and the SANG is not sustainable; they also refer to the possible impact of the SNRR on the long term future of the SANG.
- 7.31 The applicants have, as noted above, retained their strongly held view that this development has been planned in the full knowledge of the alleged potential for impact on the SPA, but that the combination of its difficult access to that area, the provision of a very substantial area of open space partially designed to off-set that impact, and the real potential for a reduction in existing visits from the adjacent existing housing area, means that the full Strategic Mitigation contribution cannot be justified. Nevertheless, they suggest that they make a contribution of £25,000 to Strategic Mitigation alongside the £270,000 commuted sum for maintenance of the countryside gap and detention basin; more than doubling what would have otherwise been payable for Strategic Mitigation.
- 7.32 Kent Police's Crime Prevention Design Advisor has noted that the applicant has considered crime prevention but he has not had any communication with them regarding formal application for Code for Sustainable Homes, BREEAM and Secured By Design, so he suggests reference to the Kent Design Initiative and a meeting between them without which it might be difficult to meet these standards retrospectively and lead to knock on effects for future services. Alternatively, he suggests a planning condition requiring that the development incorporates measures to minimise the risk of crime, or a letter or an informative on the outline permission regarding crime prevention.
- 7.34 The KCC Public Rights of Way Officer has objected to the application as he considers that footpath ZR205 would be directly obstructed by the proposed development, as shown on the indicative layout plan, and that the development cannot proceed unless the footpath is diverted. Attempting to retain the path in its exact location introduces a number of unnecessary and unacceptable risks. He also notes that this footpath (which is to be retained on its current alignment through the housing development) would cross numerous roads with poor sightlines which is a safety concern, and that as the footpath will be carried on footways and through shared spaces it would suffer a significant loss of amenity and public enjoyment. One suggestion is to build part of the development over the footpath and then extinguish it. He suggests a planning condition preventing any development until the footpath is diverted or extinguished, and that such an Order could be made concurrently with determination of the application to save time.
- 7.35 On the other hand the Officer recognises that the development as a whole has excellent provision for walking and cycling links within open space which will adequately meet the needs of new residents. However, in respect of the footpath within the proposed Countryside Gap he asks that the proposals are amended to show a proposed surfaced route following the legally recorded alignment of the

Planning Committee Report
11 February 2016

ITEM 2.7

footpath, and he asks that the site operator maintain vegetation at a suitably low height to allow the full width of footpaths to remain open and available at all times.

- 7.36 In response to amended details the Officer has repeated his advice about the excellent provision for walking and cycling within the scheme but queries funding for the upkeep of such routes. He repeats his view that one public right of way is obstructed by the development (although no details of buildings are yet shown) and that with the public footpath ZR205 from Fox Hill to Peel Drive now in an urban setting its amenity value will be reduced.
- 7.37 The Officer accepts that the other public footpath ZR191 from Fox Hill to Tonge is now correctly recorded and has no objection to the overall application subject to ZR205 not being obstructed, or being legally diverted if necessary.
- 7.38 The Officer does not seek any Section 106 Agreement contributions in respect of public rights of way from this development due to the adequate on site provision.
- 7.39 The County Archaeological Officer has commented on the high probability of the site revealing archaeological remains despite much of the site having been quarried for brickearth. He recommends the imposition of a planning condition requiring field works and evaluation prior to other development proceeding.
- 7.40 The Council's Environmental Health Manager raises no objection to the application but recommends planning conditions regarding;
- Control of construction noise and vibration
 - Control on hours of impact piling, and on overall construction hours
 - Dust suppression during construction
 - Burning on site during construction
 - Survey for possible land contamination
- 7.41 In relation to air quality issues the Council's Environmental Health Manager (EHM) has raised concern over the possible impact of the scheme on the AQMA at East Street in Sittingbourne. Whilst he finds the applicants' air quality report robust he remains concerned about possible increase in Nitrogen Dioxide levels in the AQMA at Sittingbourne and Faversham (and the new AQMA at Teynham), especially in combination with other planned developments, and has asked for mitigation measures. The applicants have referred to the application's travel plan, pedestrian and cycle links, the proposed link to Lansdowne School, broadband connections to facilitate home working, open space provision, provision of electric vehicle charging points at most dwellings, cycle parking provision, and contributions to enhanced public transport to off-set his concerns. After much consideration and debate the EHM has accepted that this package of measures to mitigate against possible air quality issues and he is content to accept the application with these safeguards some of which can only be secured within the Section 106 Agreement.
- 7.42 The Council's Housing Manager notes that the application proposes 600 homes with 60 affordable, 60 intermediate and 60 key worker homes. However, she requests 30% affordable housing providing 180 affordable homes in a reasonable proportionate mix to the market housing; proportionately and clustered within each phase with 70% of units (126 units) for affordable rent and 30% (54 units) for intermediate housing, to serve a significant need in this area for all forms of accommodation. The affordable housing should include a number of wheelchair adapted homes and all affordable housing should be built to Lifetimes Homes

Planning Committee Report
11 February 2016

ITEM 2.7

standard with a 30% contribution in each phase with a reasonable and comparable mix to the market housing. She suggests within the affordable housing 70% should be for affordable rent with 30% for shared ownership and, a certain number to be wheelchair adapted to be agreed with the Registered Provider.

- 7.43 The Council's Greenspaces Manager has commented that the application does cater for most of the provision he would expect from such a large development with a large central open space, smaller satellite spaces, a large countryside gap for which a lot of detailed design work has been done. He notes that no allotments are included as a result of consultations but notes that there remains a waiting list for allotments locally.
- 7.44 The other point of concern raised is the lack of formal sports provision or contribution towards such provision as there is a potential deficiency in junior pitches, although he accepts that the countryside gap may not be the appropriate place for such provision. Accordingly, he raised the question of a financial contribution to improving capacity or facilities on existing sites. The applicants have now offered £160,000 as a financial contribution for off-site playing pitch equipment alongside £180,000 for maintenance of local play areas within the site, which the Greenspaces Manager has confirmed to be acceptable.
- 7.45 The Council's Climate Change Officer notes that in the adopted Design Brief it is said that in the light of an anticipated mandatory requirement to build to Code Level 6 by 2016 "about half" of the dwellings would be built to this standard. However, in the application papers now merely talk of homes that "meet or exceed" Code level 3, or that meet Code Level 3 as a minimum or Building Regulations at the time, whichever is higher. She notes that the Code for Sustainable Homes has now been abolished and that Building Regulations now replace the parts of the Code relating to energy and water use, leaving out other parts of the Code. She refers to emerging Local Plan policies DM19 and DM21 for guidance on this issue, including a water usage target per dwelling, and I have recommended a planning condition to require details of sustainable construction measure to be approved by the Council.
- 7.46 The Swale Design Panel considered this application at a meeting on 23 September 2014. In summary the panel found the proposals to be very well presented and convincing in most respects. Their main concern was to ensure that the intentions evident at this stage are carried through into the final development. The full text of the Panel's letter can be found at the Appendix to this item.
- 7.47 Kent County Council's Development Project Manager has noted comments in relation to the need for access to Lansdowne School from the application site and I gather that he has been involved in the discussions about this. Beyond this, he suggests that due to problems with further expanding Lansdowne School, the County Council are now having to look at expanding Murston Infant and Junior School. He further suggests that secondary school funding will be allocated towards Phase 2 of the Sittingbourne Community Academy expansion. He has requested developer contributions of (at March 2015);
- Primary Education £590.24 per flat and £2360.96 per house towards Murston Primary school expansion plus a new access and pathway to Lansdowne School
 - Secondary Education £588.95 per flat and £2359.80 per house towards Sittingbourne Community Academy expansion
 - Community Learning £60.43 per dwelling
 - Libraries £227.00 per dwelling

Planning Committee Report
11 February 2016

ITEM 2.7

- Adult Social Care £63.33 per dwelling - all three above towards new Sittingbourne Hub
- 12 wheelchair accessible homes as part of the affordable housing provision
- Youth Service £37.58 per dwelling towards New House Youth Centre on-site and outreach facilities

8.0 BACKGROUND PAPERS AND PLANS

8.01 All papers and plans submitted with application 14/501588/OUT.

9.0 APPRAISAL

9.01 This is essentially a simple case of an allocated housing site coming forward in accordance with an agreed Development Brief. The housing element of the proposal is in outline form apart from access points, whereas the countryside gap area is proposed in detailed form. This almost 50:50 split of the site between housing and open space is the main feature of the development. This open space is to be informally laid out to serve four main purposes. These are to;

- Maintain a permanent gap between Sittingbourne and Bapchild
- Protect the setting of Tonge conservation area
- Provide alternative natural green space for residents, improving biodiversity and reducing possible additional pressure on designated wildlife sites, and
- Providing a sustainable surface water detention basin

9.02 The overall approach to the housing development being split into character areas has been warmly welcomed by the Swale Design Panel and there have been few comments about the suggested housing layout or the impact of the houses themselves. Nevertheless, some markers have been laid down and a planning condition is recommended to require reserved matters to have regard to the character area guidelines in the revised Design and Access Statement, avoiding all this work being undone by others. The countryside gap and landscape buffer will contain the impact of the development upon the character of Bapchild as a separate village.

9.03 The Parish Council has very strongly questioned how the countryside gap can be protected from a possible extension of the Sittingbourne Northern Relief Road (SNRR) which KCC consulted on, inconclusively, a few years ago. It is the Council's stated view based on high level transport modelling work that the housing now proposed here does not have any material impact on the need for completion of the SNRR. Nor does this proposal curtail any reasonable option for the possible route of the SNRR as no housing is proposed within the safeguarded area of search. It is, however, the Parish Council's view that the SNRR is known about and is likely to pass through what is currently being promoted as a countryside gap, leading to the question of what will happen to the countryside gap if the SNRR does go ahead. Whilst no preferred route for the road has yet been agreed, the draft Local Plan suggests a wide safeguarding area which includes both the area of the proposed countryside gap and much other land further east. Whilst the Parish Council may consider that the SNRR would cross the proposed countryside gap, the need for the road or its chosen alignment is by no means certain and none of the options open to the Local Plan Inspector in respect of the safeguarding policy, or those open to the Highway Authority at any later date, are likely to impact upon whether planning permission should be granted for this application. Notwithstanding this, it is, however, clear that this site was always likely to come forward for development before the

Planning Committee Report
11 February 2016

ITEM 2.7

route of the road was settled, and that it has been thought important that it comes forward in a way that does not narrow down route options.

- 9.04 The SNRR extension is not currently a project with a timetable or a certainty of completion. Accordingly, with the application site being an allocated site with a need for delivery, and its development not precluding the road, the only conclusion I can draw is that the possible route of the SNRR is not material to determination of the current application; and that if the SNRR is eventually proposed to cross the countryside gap it will be for the proposer of that scheme to address its impact on the countryside gap.
- 9.05 The access to the site is not designed to serve as the start of the SNRR but it does introduce a significant new junction on the A2. This has been designed following consultation with the community and is designed to minimise the impact of headlights from vehicles emerging from the site on houses opposite, partly by having the road sloping downwards where the houses opposite are set above road level, and by the inclusion of a light barrier fence alongside the junction. Amendments have been made to the junction layout to respond to queries from the Parish Council and local residents involving parking within lay-bys for residents and providing continuity for the cycle path through the junction. Kent Highway Services do not raise objection to the proposed junction layout, or to the expected traffic generation from the site, but the matter of the capacity of the Swanstree Avenue traffic lights, and the possible need for their upgrading, is one detail I am hoping to resolve before the meeting
- 9.06 Amendments have also been made to the secondary emergency access from Peel Drive which was originally wide and controlled simply by demountable bollards. It is now designed to be far narrower and with a locked five bar gate and adjacent motorcycle control barrier allowing only pedestrian and cycle access other than in an emergency. These amendments have been well received locally.
- 9.07 The securing of a new direct access to Lansdowne School has perhaps been the most significant access issue for this application. It is clear that children from this site will be closer to that school than many others will and there is currently no easy way into the school from the site. The school's only entrance is onto Gladstone Drive but congestion in Gladstone Drive is already seen as a problem and, without a more direct access this might only get worse. Solutions examined include a footpath from the site to the school gate and a direct access to the school. Whilst the footpath idea would help a lot, and it might reduce traffic in Gladstone Drive if parents use the new estate to get close to the school, it might simply transfer the congestion problem to the new estate. The applicants have not appeared keen to recognise this as their problem, or to agree to wider roads or a car park area being built on their land. However, they have privately negotiated with the school (and KCC) to fund a new hardsurfaced area within the school grounds. This might be a new playing court that can be used at each end of the school day for parents to enter the school with the car to park, drop-off or collect children. The school can then close the access during school hours and after the school closes for the day.
- 9.08 This drop-off zone has been suggested to be accessible both from the new estate and from Gladstone Drive, and even that there might be a one-way system employed through the school from Gladstone Drive to the new estate; or vice versa. This seems unnecessary to me as the alternative access point is likely to reduce traffic in Gladstone Drive (now the only access option) and to have a one-way system will potentially increase traffic in Gladstone Drive if all parents had to use that road at some point rather than being able to come in and go out from the new estate. Nevertheless, this idea does not form part of this planning application albeit funding

Planning Committee Report
11 February 2016

ITEM 2.7

for the drop-off area or link can be secured as part of the Section 106 Agreement and Members might wish to make clear at this stage what that funding can be used for. The potential footpath link outside the school fence is additional to the vehicular drop-off area or through route, and will allow access during the school day for parents to collect sick children or meet teachers, so will be very useful. I am recommending that Members agree that the Section 106 Agreement requires funding for this new access facility, although the necessary planning application would be made by the school or the County Council.

- 9.09 The detailed proposals for the countryside gap have not attracted much comment but they have been refined to better align proposed paths with the definitive footpaths and to refine the design of the detention basin from one of steep slopes and concrete outlets to a more natural looking often dry pond. This basin is designed to cater for all surface water on the site, avoiding the use of soakaways as the permeability of the ground is unclear. The detention basin should be an added attraction to the site.
- 9.10 Nature conservation has been a strong theme in the design and consideration of the scheme. Locally, the currently largely arable land will be enhanced with various habitats including the detention basin. Protected species (reptiles) can be re-located to this large area, although the future of the badger sett is not yet clear. As the application is in outline at this point, and the tree lined bank is proposed to stay between various character areas, I see no particular reason why the sett cannot remain in situ. A condition is recommended to ensure that the reserved matters take the location of the sett into account and plan accordingly.
- 9.11 On wider nature conservation issues, the site lies within 6km of The Swale SPA/Ramsar site/SSSI, where the Council has agreed that the impact of potential increase in recreational disturbance should be addressed by a Strategic Mitigation approach. This approach has been a long time in coming to a conclusion but this development has been in gestation for some years and the countryside gap area is designed at least partly to act as mitigation for a potential increase in dog walking by new residents. Whilst it is not a coastal resource it does include a water body and will be a substantial area for new and existing residents to access. Provision of this sort of alternative natural green space is precisely one of the intended methods of Strategic Mitigation (normally provided on the basis of developer cash funding) and this scheme essentially provides it anyway. Accordingly, whilst Natural England do not consider that it can completely take the place of Strategic Mitigation, I am satisfied that the contribution it will make, bearing in mind the actual difficulties for residents to access the SPA, will be significant. Despite not being convinced, or having any clear answers from their enquiries with Natural England, the applicants are content to contribute to Strategic Mitigation albeit at a reduced rate. I am entirely satisfied that this is the right approach and that it would be wrong to seek the same level of cash contribution from this scheme as from any other that provides no on-site mitigation. Ultimately, this will be a more effective way of providing the mitigation as it will all come allied to phase one of the scheme, whereas otherwise it might only come as the development proceeds, and it will be provided direct by the developer without any leakage or administration costs. We are awaiting Natural England's comments on the approach being taken.
- 9.12 The countryside gap and Strategic Mitigation payments will be more than double what would otherwise be due for Strategic Mitigation alone and I believe this underlines the value that this approach offers. Accordingly, given the way in which this scheme makes direct and indirect (cash) contributions to Strategic Mitigation I am satisfied that there is no significant effect likely to arise for the SPA and that an

Planning Committee Report
11 February 2016

ITEM 2.7

Appropriate Assessment under the Habitats Regulations is not necessary in this case.

- 9.13 The applicants' position on affordable housing is worth noting. Saved policy H10 of the adopted Local Plan makes clear that at least 30% of new housing on this site will be affordable, as does the adopted Development Brief for the site. The application at submission stage accepted this position. However, Members will be aware of recent viability evidence that shows, amongst other things, that development at Sittingbourne might not be viable at such levels of affordable housing. Such conclusions are not applicable to all schemes and in order to deviate from the adopted Plan position it is normal to seek evidence on individual sites, and to have this independently verified at the applicants' expense.
- 9.14 In this case the applicants have, at a rather late stage, indicated that although this land has been in their ownership for many years, only a lower level of affordable housing might be viable. However, they do not wish to delay determination of the application pending viability studies and now suggest that they commit to 30 % affordable housing but with a mechanism built into the Section 106 Agreement that allows for annual review of the affordable housing level. I see no real objection to this provided the Section 106 Agreement makes it clear that any reduction in affordable housing provision will require viability testing in the same way as it would otherwise do.

10.0 CONCLUSION

- 10.01 This scheme remains faithful to the adopted Development Brief required by the adopted Local Plan, and I am measuring it primarily against those provisions for two reasons. Firstly, because the site was a reserve site in the adopted Plan and intended not to come forward before 2011; it is thus well overdue and could have been expected to have been well underway by now. Land ownership reasons caused significant delay in the submission of the application. Secondly, the adopted Plan still carries more weight than the draft Plan where the policies are not significantly changing; here the only significant changes might have been affordable housing provision (referred to above) and the possibility of the site providing gypsy or traveller pitches under draft policy CP3 ;although this may now be abandoned in the light of new supply figures and changes to PPTS (2015).
- 10.02 Seen in this way, the application provides a firm foundation for a high quality development that retains the sense of separation between Sittingbourne and Bapchild, provides a significant area of public open space, protects the setting of Tonge conservation area, safeguards the possible route of the SNRR, and provides for access to Lansdowne School subject to a further planning application. Section 106 Agreement funding runs to in excess of £4.2 million and other safeguards in terms of environmental management and technological installations will enhance the quality of lives of residents.

- 11.0 RECOMMENDATION** – GRANT full permission for the countryside gap area and outline permission for the housing area subject to the further views of Kent Highways and Natural England and to the following conditions:

CONDITIONS

- (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

Planning Committee Report
11 February 2016

ITEM 2.7

be submitted to and approved by the Local Planning Authority before any development is commenced.

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

- (2) Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of five years beginning with the date of the grant of outline planning permission.

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

- (3) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

- (4) The areas shown for development as a countryside gap, landscape buffer and detention basin on the approved drawings as listed in condition (5) below, and all landscape planting so shown, shall be implemented in conjunction and in parallel with the construction of the first phase of housing development and shall be in place and ready for their intended purpose before occupation of the 200th dwelling on the site. These areas shall thereafter be reserved as public open space and no permanent development whether permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: In accordance with the terms of the application and to ensure that these areas are made available in the interests of the residential amenities and wildlife interests of the area.

- (5) The landscape buffer, design of detention basin, layout of the countryside gap, landscape planting and access arrangements for the site shall be carried out in accordance with the following approved drawings:

D119/25RevI, D119/40RevF, D119/45RevA, D119/47RevC, 1930_DR_100RevA, 1930_DR_007RevJ, 1930_DR_011RevH, 1930_DR_012RevH, 1930_DR_013RevH, 1930_DR_014RevH, 1930_DR_015RevH, 1930_DR_016RevH, 1930_DR_017RevH, and 1930_DR_018RevH,

Reason: For the avoidance of doubt and in the interests of proper planning.

- (6) The details submitted pursuant to condition (1) above shall provide full details of how the residential part of the development will meet the principles of 'Secured by Design'. The development shall be implemented in accordance with the approved details.

Reason: In the interests of public amenity and safety.

- (7) The details submitted in pursuance of condition (1) above shall accord generally with the provisions of the adopted Stones Farm Development Brief Supplementary

Planning Committee Report
11 February 2016

ITEM 2.7

Planning Document dated 11 May 2011 and the Design and Access Statement (as amended in June 2015). Proposals shall incorporate the subdivision of the site into Character Areas generally as shown in Section 5 of the Design and Access Statement and for each Character Area the details shall incorporate the design principles set out in the Summary Table of Design Principles for each Character Area.

Reason: In the interests of promoting a consistent quality of development, sustainable development and of visual and landscape amenity.

- (8) The details submitted pursuant to condition (1) above shall include cross-sectional drawings through the site, of the existing and proposed site levels. The development shall then be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development having regard to the nature of the site.

- (9) Prior to the commencement of the development hereby approved, full details of the method of disposal of foul water shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: In order to prevent pollution of water supplies and in order to prevent localised flooding; and to ensure that these details are approved before works commence.

- (10) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record; and to ensure that these details are approved before works commence.

- (11) No development shall take place (including any demolition, ground works, site clearance) until a method statement for ecological mitigation, including (but not necessarily limited to) reptiles, invertebrates, bats, nesting birds and the future retention and protection (or, subject to adequate evidence of need and of measures to re-locate the badgers closure) of the badger sett within intended housing area of the site has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives, informed by detailed, reptile and badger surveys carried out in accordance with good practice guidelines;
- c) Extent and location of proposed works (including identification of receptor sites) shown on appropriate scale maps and plans;

Planning Committee Report
11 February 2016

ITEM 2.7

- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reasons: In the interests of conserving protected species; and to ensure that these details are approved before works commence.

- (12) No development shall take place until details have been submitted to, and approved in writing by the Local Planning Authority, which set out what measures will be taken to ensure that the development incorporates sustainable construction techniques such as rainwater harvesting, water conservation, energy efficiency and, where appropriate, the use of local building materials; and provisions for the production of renewable energy such as wind power, or solar thermal or solar photo voltaic installations. Upon approval, the details shall be incorporated into the development as approved.

Reason: In the interest of promoting energy efficiency and sustainable development; and to ensure that these details are approved before works commence.

- (13) The details submitted pursuant to condition (1) shall include infrastructure - including ducting - to provide each dwelling with a broadband connection. The development shall then be implemented in accordance with the approved details.

Reason: In the interests of ensuring that each dwelling benefits from a broadband network connection.

- (14) Adequate underground ducts shall be installed before any of the buildings hereby permitted are occupied to enable telephone services and electrical services to be connected to any premises within the application site without resource to the erection of distribution poles and overhead lines, and notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) no distribution pole or overhead line shall be erected other than with the express consent of the Local Planning Authority.

Reason: In the interests of the amenities of the area.

- (15) Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

Reason: To protect groundwater; and to ensure that these details are approved before works commence.

- (16) Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report

Planning Committee Report
11 February 2016

ITEM 2.7

shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure any contaminated land is adequately dealt with.

- (17) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater quality.

- (18) No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect groundwater quality.

- (19) No development shall take place until a programme for the suppression of dust during the construction of the development has been submitted to and approved by the Local Planning Authority. The measures shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority

Reason: In the interests of residential amenity; and to ensure that these details are approved before works commence.

- (20) As an initial operation on site, adequate precautions shall be taken during the progress of the works to prevent the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. The agreed details shall then be retained throughout the development.

Reason: In the interests of amenity and road safety.

- (21) Prior to the works commencing on site, details of parking for site personnel / operatives / visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development. No construction traffic shall park on the area intended as the landscape buffer, countryside gap or detention basin for operations supporting the construction of any houses.

Reason: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents; and to ensure that these details are approved before works commence.

Planning Committee Report
11 February 2016

ITEM 2.7

- (22) During construction provision shall be made on the site to accommodate operatives' and construction vehicles loading, off-loading or turning on the site within the area intended for house building. No construction traffic shall use the area intended as the landscape buffer, countryside gap or detention basin for operations supporting the construction of any houses.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

- (23) The details submitted in pursuance of reserved matters shall show adequate land, reserved for parking or garaging in accordance with the Approved County Parking Standards and, upon approval of the details this area shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before any building is occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- (24) No dwelling shall be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for cycles to be securely sheltered and stored.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

- (25) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

- (26) Before the first occupation of any dwelling the following works between that dwelling and the adopted highway shall be completed as follows:

(A) Footways and/or footpaths shall be completed, with the exception of the wearing course;

(B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:

- (1) highway drainage, including off-site works,
- (2) junction visibility splays,
- (3) street lighting, street nameplates and highway structures if any.

Planning Committee Report
11 February 2016

ITEM 2.7

Reason: In the interests of highway safety

- (27) No clearance of the site shall take place in the months March to August inclusive, this being the breeding season for birds.

Reason: In the interests of biodiversity.

- (28) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:-

Monday to Friday 0900-1700 hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (29) No works or ancillary operations in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority. Deliveries to the site and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

Reason: In the interests of residential amenity.

- (30) Upon completion of the approved landscaping planting, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area.

- (31) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect groundwater which is a controlled water.

INFORMATIVES

This development is also subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

Council's approach to the application

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Planning Committee Report
11 February 2016

ITEM 2.7

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered to be fundamentally acceptable and in accordance with the provisions of the Development Plan and the NPPF, and a Section 106 Agreement was intended to provide safeguards not possible under planning conditions.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Graham Thomas
Area Planning Officer
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

South East Regional **Design Panel**

Tel: +44(0)1634 401166 Fax: +44(0)1634 403302

the **architecture** centre
Historic Dockyard
Chatham
Kent
ME4 4TZ

Email: info@kentarchitecture.co.uk
www.architecturecentre.org

2 October 2014

Dear Mr Thomas

STONES FARM, FOX HILL, SITTINGBOURNE
Planning Application Number: 14/501588/OUT

Thank you for asking the Regional Panel Swale to review the above project. Panel members visited the site before their meeting in Sittingbourne on 23 September. We were grateful to Hilary Satchwell of Tibbalds Planning and Urban Design for her presentation and it was also helpful to have your summary of the planning background.

SUMMARY

The proposals are very well presented and we find them convincing in most respects, responding appropriately to its surroundings and taking advantage of the topography. Our main concern, which is also shared by the applicants, is to ensure that the aspiration for an exceptional quality of design will be met when others build out the development. Whilst we recognised the need for flexibility it would help if the hybrid application went further in pinning down the requirements for each character area. This can be done without having to produce a design code, which may not be an appropriate mechanism for this site.

The development offers the chance for the highway authority to improve the very poor environment on the A2, calm traffic and improve the conditions for pedestrians and cyclists. As part of this redesign, we would invite the team to look again at the junction to see if a less formal configuration would work.

CONTEXT

The site is on the eastern edge of Sittingbourne and is allocated for development in the 2008 Swale local plan for up to 600 homes and 15 hectares of open space. This is supported by a development brief (SPD) adopted by the Council in 2011. Objectives in the brief include maintaining of a gap between Sittingbourne and the neighbouring village of Bapchild.

770-476 Stones Farm, Fox Hill, Sittingbourne

1



Land to the north of the site at Easthall Farm is also allocated for residential development but is separated by the railway line.

The land is currently in arable use but the western part was at one time used for extraction of brickearth. The south- western corner was formerly a commercial pear orchard.

A hybrid planning application was submitted earlier this year.

DESIGN PRINCIPLES

The principles underpinning the scheme are clearly set out in the Design and Access Statement; the aim is for a robust, distinctive but varied new quarter for Sittingbourne. There will be a landscape buffer to maintain the separation with Bapchild and the development is broken down into character areas. The development has been designed with a positive face to the countryside gap, forming a firm edge to the town and encourage biodiversity. We support these aims and consider that they are being addressed effectively.

More sectional analysis would help the detailed design, particularly in dealing with some abrupt changes of level around the brickfields area.

MOVEMENT AND CONNECTIONS

The site is bounded to the south by the A2 road - the old Roman Road from Dover to London with the main railway line to the north, mostly in cutting. Changes of level and poor permeability through the housing to west have resulted in a single access from Fox Hill. There will be pedestrian and emergency access only from the existing housing to the west. A Sittingbourne eastern link road has been proposed and would cut across part of the site, but its route remains uncertain.

The applicants aim to avoid the artifice of a distributor road, making circulation as logical and natural as possible. We endorse this approach, but the parameter plans might need to be more explicit about how it will be secured.

Access to Lansdowne School should be as easy as possible, but there may be a demand for drop-off parking within the development.

The Fox Hill stretch of the A2 is unattractive for pedestrians and sub-standard for cyclists. The development offers the chance to greatly improve the existing conditions through a partnership between the developer and highway authority, calming the traffic and perhaps have a more modest junction. Reduced vehicle speeds will ensure that children at the community college can safely cross the main road.

This work could be the first part of a much longer project for improving the A2 but there is also an opportunity for the applicants to design for health; encouraging walking including circular walks to landmarks like Tonge Castle or to the pub (especially if its setting was improved through the blue infrastructure scheme). Making the most of the cycle network could also contribute to healthy living.

PUBLIC REALM, LANDSCAPE AND ECOLOGY

The public realm strategy is well thought out and we like the positioning of the Ridgeline Park (formerly the site of Stones Farm) on the crown of the hill. The proposed community

770-476 Stones Farm, Fox Hill, Sittingbourne

2

orchard is an attractive idea. Stones Square, served by the loop road, has the prospect of being a well-used multi-purpose space.

We wonder whether more could be done to sustain or encourage wildlife habitats and a wider landscape buffer might be needed.

CHARACTER AND COMMUNITY

We fully support the idea of using the illustrative masterplan to create distinct character areas rather than rely on their later interpretation by the housebuilder. The seven different areas (nine with the landscape and countryside areas) are logical and well described in the Design and Access Statement. We commend the intention to use differences of rhythm, density, scale and landscape qualities as determinants of character. However, we feel the plan may need to be more prescriptive if the aspirations are to stick. There is a case for another parameter layer, stopping short of a design code but including the metrics or standards that the housebuilder would need to follow.

SUSTAINABILITY

There is considerable scope for a holistic approach to sustainable design, embracing water management, climate change mitigation and a water-sensitive urban design. We see an opportunity to use aims for a low carbon development to influence the distinctiveness of the houses and to reinforce the character areas through the orientation of buildings and energy saving through planning. Recycling and waste management might be better served through communal collections, with below ground cassette systems as an alternative to wheely bins.

We hope you find these comments helpful. Please keep us in touch with further progress and do contact me if anything in this letter is unclear.

Yours sincerely



ROBERT OFFORD
Panel Manager

cc Oliver Doubleday, GH Dean & Co Ltd
Hilary Satchwell, Tibbalds Planning and Urban Design
Julian Bore, Lloyd Bore
Paul Sharpe, Paul Sharpe Associates
Graham Eves, PFA Consulting
John Woodward, Swale BC
Cllr Mike Henderson, Swale BC
Cllr Monique Bonney, Swale BC

Panel members present: Allan Atlee (chair), Luke Engleback, Robert Huxford,
Marianne Mueller, Richard Scott
Geoff Noble, DSE (report)

NOTE

Hilary Satchwell, Director at Tibbalds is a member of the South East Design Panel, which is managed jointly with the Swale Panel by Design South East. This association was declared at the start of the meeting.

Ms Satchwell has played no part in the Swale Panel's deliberations or in the contents of this letter.

This review was commissioned by G H Dean & Co Ltd with the knowledge and agreement of Swale Borough Council.