

Planning Statement

**Dalemarch (Sheppey) Ltd
and Starnes PLC**

Residential Development

**Land at Plover Road,
Minster,
Sheppey**

August 2015

DCH/9331

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1 Introduction

1.1 Context

1.1.1 This Planning Statement accompanies an application by Dalemarch (Sheppey) Ltd and Starnes Plc which seeks outline planning permission for the residential development of land at Plover Road in Minster, on the Isle of Sheppey.

1.1.2 The full description of the proposed development is as follows:

'A residential development comprising dwellings, garaging, parking, public open space, access and landscaping'

1.1.3 The access to the proposed scheme is to be considered as part of this application. Matters of layout, scale, appearance and landscaping are then reserved for future consideration via a reserved matters application.

1.1.4 This Statement appraises the proposed scheme in the context of relevant local and national planning policy and guidance and should be read in conjunction with the other documents which form part of the application. These include a Design and Access Statement which fully explains the proposed scheme.

1.1.5 As discussed within this Statement, a separate application has been submitted which seeks full planning permission for a retail scheme on one part of the Plover Road site.

1.2 Supporting Documents

1.2.1 A number of technical documents have been produced in support of the proposed scheme.

1.2.2 The documents provided as part of the applications are as follows:

Statement	Author
Planning Application Forms	DHA Planning
Planning Statement	DHA Planning
Design and Access Statement	BDB Design
Statement of Community Involvement	DHA Planning
Ecological Assessment	Ecology Solutions
Archaeological Desk Based Assessment	CgMS
Desktop Contamination Survey	Constructive Evaluation
Acoustic Report	Sharps Redmore
Flood Risk Assessment	GTA Civils
Transport Assessment	PBA

Table 1.3 – Submitted Documents

1.2.3 The following plans are then provided as part of this application:

Reference	Title	Author
2279A-100	Site Location Plan	BDB Design
2279A-101	Proposed Residential Layout Plan	BDB Design
2279A-102	Street Section	BDB Design
2279A - 103	Connectivity Plan	PBA

Table 1.2 : Submitted Plans

1.3 Pre-application discussions

- 1.3.1 The development of the wider Plover Road site has been the subject of pre-application discussions with the Borough Council over an extended period of some four years, with the approach and scheme proposed evolving throughout that time.
- 1.3.2 The proposals were discussed at a meeting of the Swale Design Panel in February 2013, with the Panel response letter provided as Appendix A to this Statement. Section 5 of this Planning Statement discusses the comments made by the Panel in respect of the residential element of the development.
- 1.3.3 In addition elements of the application, such as the Transport Assessment, have been scoped separately with Kent County Council. The scope of the Retail Impact Assessment was the subject of specific discussions between the applicants and the Borough Council.
- 1.3.4 The issues raised during pre-application discussions have therefore been covered and addressed within this Planning Statement and the other issue specific reports provided as part of this planning application.

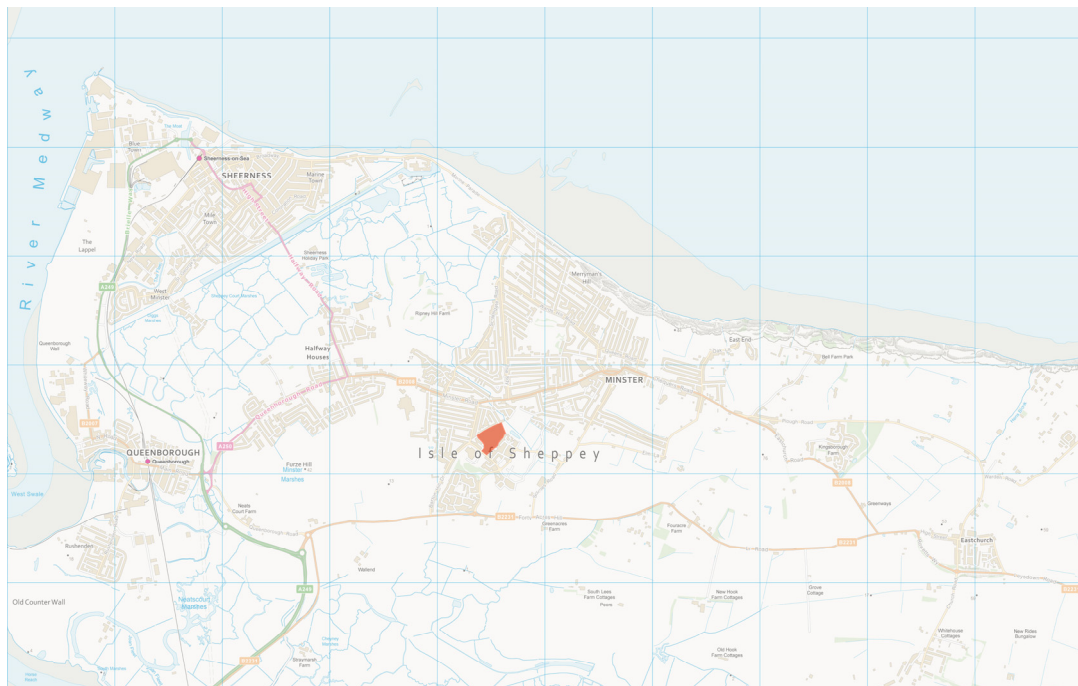
1.4 Pre-application public consultation

- 1.4.1 The retail and residential elements of the overall development of the Plover Road site were the subject of a public exhibition in February 2015. The pre-application public consultation which has taken place is documented in the separate Statement of Community Consultation submitted as part of this application.

2 Context

2.1 The Site and Surroundings

- 2.1.1 The land in question lies to the south of the settlement of Minster, on the north coast of the Isle of Sheppey. Minster lies between the smaller urban areas of Halfway Houses and East End and is to the east of Queensborough and south-east of Sheerness.
- 2.1.2 The only vehicular access onto Sheppey is provided via the A249, which runs north from Maidstone and past Sittingbourne and across the Sheppey Crossing before continuing along the western side of the island to Sheerness. The B2008 leaves the A249 at Queensborough before running east through Halfway Houses and the centre of Minster. The B2231 runs in an easterly direction towards the settlements of Eastchurch, Warden and Leysdown-on-Sea and passes along the southern extent of the Minster urban area. Rail access to the island is provided from Sittingbourne, with stations at Queensborough and Sheerness.
- 2.1.3 The **wider Plover Road site** is rectangular piece of land approximately 3.6 hectares in size, which currently contains rough scrub and unimproved grassland with more established vegetation along its north-west and south-eastern boundaries. There is a ditch running through the centre of the site, which slopes down from its south-western to north-eastern boundary with a fall of around 10m across the area in total.



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- 2.1.4 The south-western corner of the wider site contains an existing development of 30 affordable homes which were completed in 2007 by Amicus Housing. These are accessed from Plover Road via an internal close, with an existing hard surfaced play area to the north of the development. The properties within this development comprise a mix of two storey detached and terraced units, finished with brick or white weatherboarding elevations.
- 2.1.5 Plover Road runs along the south-western boundary of the wider site, with the north-western boundary formed by the unmade and un-adopted Parish Road. The site abuts similar areas of rough scrub and unimproved grassland to the north-east, with the residential areas of the Thistle Hill development to the east and south-east. The wider land uses are primarily residential, although the Sheppey Community Hospital lies to the south of the site across Plover Road.
- 2.1.6 The **proposal site**, which is the subject of this planning application, extends to some 2.9 hectares and therefore covers the majority of the wider Plover Road site. It excludes a parcel of land which is 0.7 hectares in size at the south-eastern corner of the wider Plover Road site, immediately to the east of Yarrow Drive and Clover Close, which is the location of the proposed retail scheme.

2.2 Plover Road Planning History

- 2.2.1 The Swale Local Plan (2008) allocates the land at Plover Road for 130 dwellings but on the conditions that construction only commence once Thistle Hill was fully developed or building rates had fallen below 80 dwelling per annum (Policy H9). The second part of that stipulation has now been met.
- 2.2.2 Application SW/04/1409 established 30 affordable housing dwellings on the western corner of the site, fronting Plover Road. That scheme was intended by the landowner to frontload the provision of part of the affordable housing provision for the wider Plover Road site, due to a shortage of affordable housing on the Isle of Sheppey at that time. The application was allowed at appeal in 2005 and that scheme has since been built out.
- 2.2.3 A second application (SW/13/0943) was submitted and granted in 2013 for the construction of 14 affordable dwellings as well as supporting infrastructure at the land opposite the Dreadnought junction and fronting Parish Road, at the northern end of the Plover Road allocation. That application is on land outside the ownership of the current applicants but is within the Plover Road allocation and has now been built out.

2.3 Thistle Hill

- 2.3.1 The Plover Road site lies to the west of the Thistle Hill development. Outline planning consent was first established for Thistle Hill in 1995 and envisaged a development of around 1000 houses together with a village centre, community facilities and open space. The development of the Thistle Hill site began in 1999 and it is understood some 1,200 dwellings have now been completed.

- 2.3.2 The Planning Statement submitted in support of the Plover Road retail scheme appraises in detail the context of the Plover Road site in respect of the Thistle Hill community centre, the location of which is shown on Figure 2.1 below for ease of reference.

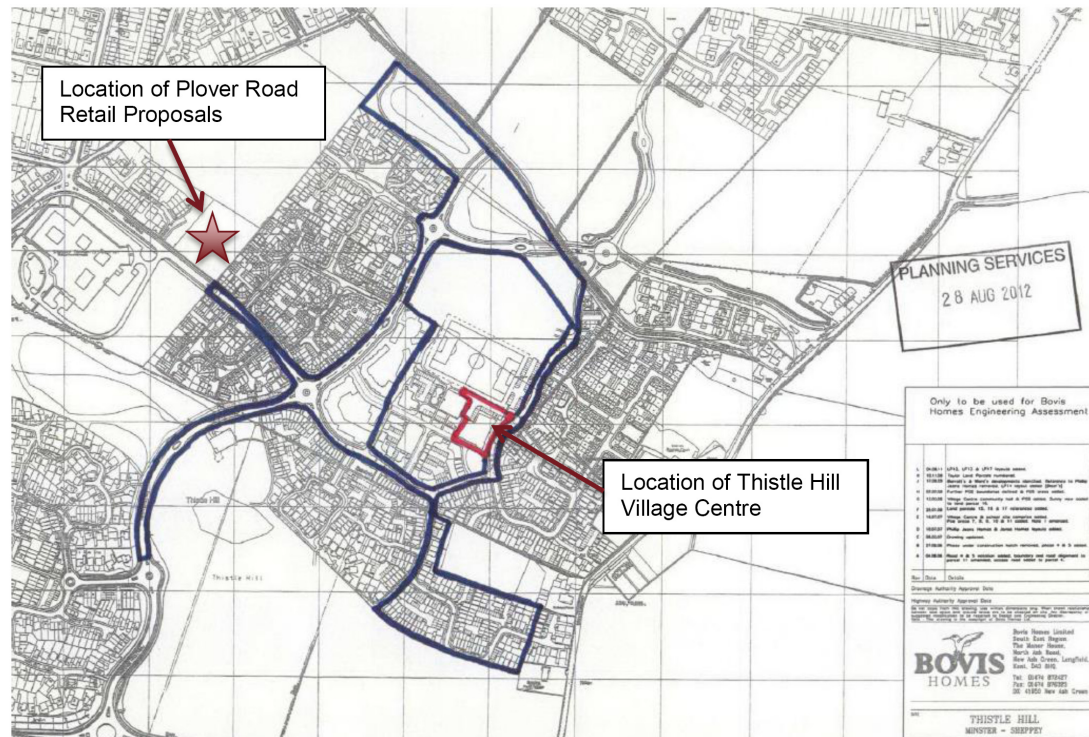


Figure 2.1 ; Location of Thistle Hill village centre and Plover Road (extracted from retail Planning Statement)

- 2.3.3 The original outline consent for Thistle Hill is now understood to have lapsed. There is a current live planning application (SW/13/1455) on land across the north of Thistle Hill to re-establish outline planning consent for the development of up to 500 houses. That application remains undetermined at present.

3 Proposed Scheme

- 3.1.1 The Design and Access Statement provided as part of the planning application contains a full appraisal of the proposed scheme, which is therefore summarised below.
- 3.1.2 Across the wider Plover Road allocation a mixed use development is planned. The first element of that mixed use development would be a neighbourhood retail centre with an anchor Asda foodstore and four small retail units, which is being sought separately through the current retail planning application.
- 3.1.3 This application represents the second element of that development and seeks to establish outline planning consent for the allocated residential use on the remainder of the Plover Road site.

3.2 The Proposed Residential Scheme

- 3.2.1 The indicative layout plan provided as part of this application shows a residential scheme of 97 dwellings in total, with a mix of detached, link detached, semi-detached and terraced properties. The indicative streetscenes provided within the application indicate that the housing would be primarily two storey in scale.
- 3.2.2 The development would be accessed via the existing Yarrow Drive, which runs off Plover Road and which currently provides access to the existing affordable housing development at the southern end of the Plover Road site. A secondary emergency access would be provided into the existing residential development.
- 3.2.3 The indicative scheme shows the dwellings arranged around a central road loop, with further dwellings served via a combination of other internal estate roads and private drives. Pedestrian connectivity would be provided from the scheme into the proposed neighbourhood retail centre within Plover Road, to Parish Road to the west and to the Thistle Hill development to the east.
- 3.2.4 The existing play area, located immediately to the north of the affordable housing scheme, would be extended with a further area of public open space. Buffer landscaping is then proposed between the proposed scheme and the neighbourhood retail centre, Parish Road, the housing development to the north and Thistle Hill to the east.

Quantum of Development

- 3.2.5 The applicants are keen to ensure flexibility within the amount of dwellings consented within any outline planning permission, so that the development of the site can respond to market factors and need when it is delivered. For that reason the description of development proposed does not specifically identify a number of dwellings. Instead a condition is proposed, as set out in Section 14 of this report, which would set an upper limit of 97 dwellings at this stage, based on the indicative layout plan provided as part of this application.

- 3.2.6 That approach would allow the number of units permitted on the site to be varied via a S.73 application to amend that condition, should a different layout or mix of dwellings be able to appropriately secure a higher level of dwellings. The technical reports submitted as part of this application do allow for some degree of change in the overall quantum of development, but any S73 application could then be accompanied by further technical assessments of the impacts of the scheme should that be required.

3.3 The Retail Centre

- 3.3.1 The proposed neighbourhood retail centre is explained fully within the separate application. In summary the centre would comprise a 1,366sqm (15,000sqft) (gross) Asda food store, together with four small retail units of just over 186sqm (2002 sqft) in total.
- 3.3.2 The Asda foodstore is a local sized store intended to serve the local community which will cater primarily for top up and occasional shopping, although it will be capable of providing for a limited full weekly shop. In size terms it is considerably smaller in size than the Sheerness Tesco and Neats Court Morrisons and is broadly comparable in size to the Sheerness Aldi.
- 3.3.3 The store design includes curved elevational treatments and hit and miss cladding, together with a glazed entrance lobby feature. A similar design approach has been used for the small retail units, which would be located to the front of the Asda store beside the existing Yarrow Drive.
- 3.3.4 A new vehicular access to the site is proposed from Plover Road, with a 92 space car park proposed to the front of the Asda store. That parking area includes disabled and parent and child spaces, together with a loading bay for the retail units and a click and collect facility. The service yard serving the Asda is located to the east of the store and would be accessed through the store car park.
- 3.3.5 Pedestrian access is proposed centrally from Plover Road, together with from Yarrow Drive. The entrance lobby to the Asda foodstore is located centrally within the site, whilst the small retail units would have circulation space along their eastern side and an area capable of accommodating outside seating to the north.

4 Planning Policy Context

4.1 Introduction

- 4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This section therefore identifies and appraised relevant planning policies and refers to any material considerations which should be taken into account when determining this application.

4.2 Statutory Development Plan

- 4.2.1 The Development Plan for Swale Borough Council currently comprises the saved policies of Swale Borough Local Plan (2008). As noted at Paragraph 215 of the National Planning Policy Framework, those saved policies now need to be afforded due weight according to their degree of consistency with the Framework.
- 4.2.2 The December 2014 version of the emerging Swale Borough Local Plan has now been submitted for examination, which will take place later in 2015. The policies within that plan have therefore been reflected and afforded due weight within this Statement.

Supplementary Planning Guidance

- 4.2.3 Swale Borough Council have adopted a number of Supplementary Planning Guidance notes and Documents to support the Local Plan. The Developer Contributions SPD has been taken into account when addressing affordable housing (See Section 7) and suggesting draft conditions and contributions (See Section 14) and the 'Planting on New Developments- A guide for Developers' document has been addressed in Section 6 of this Statement. None of the other documents are considered to be of direct relevance to this planning application.

4.3 The National Planning Policy Framework

- 4.3.1 The NPPF makes clear, at Annex 1, that due weight is now to be given to relevant policies in existing plans adopted since 2004 according to their degree of consistency with the framework.
- 4.3.2 The weight attached to the saved policies of the Swale Borough Local Plan 2008 will therefore be based on their degree of consistency with the NPPF. Each section of this Planning Statement identifies those elements of the NPPF which are relevant to the individual issues which are discussed.

4.4 Specific Planning Policy Context

- 4.4.1 Policy H5 of the Swale Borough Local Plan 2008 allocates the Plover Road site for 130 dwellings, 30% of which are expected to be affordable in nature.

- 4.4.2 The Plover Road allocation covers an area of 4.1 ha in total. The parcel of land around 0.53ha in size in the northern part of the allocation has now been built out with 14 units, leaving around 3.6 hectares of the allocation still to be developed. The retail development would cover 0.7 hectares of the allocation, leaving some 2.9 hectares available for residential development.
- 4.4.3 Policy H9 of the adopted Local Plan notes that planning permission for the development of the Plover Road site will not be permitted until the Thistle Hill site is fully developed, unless:
- (1) After 2011 the annual completion rate on the Thistle Hill site falls below 80 dwellings per year
 - (2) Development has commenced on the Neatscourt and the Ridham and Kemsley employment sites (see Policies B10, B11 and B21)
- 4.4.4 The accompanying text to Policy H9 notes that the site is Greenfield, though located well within the built up area of Minster and that it was allocated for development in the 2000 adopted Local Plan. The Local Plan imposes the time constraints on the delivery of the site to reflect the priority for realised previously developed sites and due to the large existing Greenfield commitment of Thistle Hill which is intended to provide a large proportion of the short to medium term housing on the Isle of Sheppey.
- 4.4.5 The Council's 2012 Housing Land Availability Assessment states with reference to the Plover Road site that Criterion 2 of Policy H9 has now been satisfied. It also notes that the housing output at Thistle Hill has significantly reduced in recent years due to the downturn in the housing market and that the combined annual output of the expected phased completions of Thistle Hill permissions is anticipated to continue at a rate of below 80 dwellings per annum until 2017, unless new applications are submitted which would increase this figure. In that respect there is not considered to be any impediment under Policy H9 to the development of the site.

Emerging Policy A11

- 4.4.6 Policy A11 of the emerging examination version of the Swale Local Plan then also allocates Plover Road for 130 dwellings and requires development proposals to:
- (1) Create an attractive landscaped frontage to Parish Road;
 - (2) Achieve a mix of housing in accordance with Policy CP3, including affordable housing and gypsy and traveller pitches;
 - (3) Assess and undertake mitigation needed for impacts on archaeology;
 - (4) Prepare a Transport Assessment and implement any highway and other transportation improvements arising from the proposed development;
 - (5) Provide infrastructure needs arising from the development.

- 4.4.7 Criterion 1) is achieved by the retention of a landscaped buffer area along the western edge of the site. Criterion 2), on affordable housing, is discussed in detail within Section 7 of this report.
- 4.4.8 Criterion 3) has been addressed within this application by the submission of an Archaeological Assessment, which is addressed at Section 0 of this report. A Transport Statement has been provided in support of this application, which addresses Criterion 4 and which is discussed at Section 8 of this Statement, and the infrastructure needs arising from the development are addressed by Section **Error! Reference source not found.** of this Statement and the Services Report provided as part of the application, with wider infrastructure needs discussed in Section 13.

5 Principle of the proposed development

5.1 Planning Policy Context

REFERENCE	SUMMARY
Saved Swale Borough Local Plan	
SP1	Promotes the efficient use of land and the provision of a range and mix of housing types, including affordable housing.
SP4	Promotes the efficient use of land within the defined built up boundaries and allows for higher densities to be applied where the location, amenity and environmental considerations allow, requires the full range of housing needs in the Borough to be addressed.
H2	Requires proposals for new residential development to make the most efficient use of land and provide a range of house types and sizes.
E19	Provide a mix of uses through building form, use, tenure and densities.
Emerging Swale Borough Local Plan	
ST1	Requires development proposals to deliver a wide choice of high quality homes, supporting housing opportunity, choice and independence.
ST2	Requires developments on allocated land to provide the type/size of housing appropriate to meet the need, requirements and market demands of specific groups.
CP3	Promotes the delivery of a wide choice of high quality homes, to include a mix of housing types with emphasis toward smaller 1 and 2 bed properties and 3+ bed homes, and achieving a density determined by the context and defining characteristics of the area.

The NPPF

- 5.1.1 In seeking to achieve sustainable development the NPPF recognises the social need for supporting strong, vibrant and healthy communities by providing the supply of housing needed to meet the needs of present and future generations, whilst creating a high quality built environment and protecting environmental factors.
- 5.1.2 Paragraph 58 sets out the need to optimise the potential of a site to generate development, as part of the requirement to deliver good design.

5.2 Appraisal

- 5.2.1 The Plover Road site has a longstanding allocation for residential development and in principle the development of the land is therefore considered acceptable, particularly when the conditions set out in the adopted site specific policy for the site have been met.
- 5.2.2 The Plover Road allocation extends to 4.1 hectares in total with both the adopted and emerging site specific policies identifying an overall capacity of 130 dwellings.
- 5.2.3 A 0.5 hectare parcel of land within the allocation has already having been developed for 14 affordable properties and the retail scheme proposed would therefore leave 2.9 hectares of the allocation available for development. Plan 2279 108A submitted as part of this application shows an indicative development across both the retail and residential elements of the Plover Road site and indicates around 97 dwellings being provided on the remaining part of the Plover Road allocation, which would equate to a density of

development of around 33 dwellings per hectare, which is considered appropriate for this site and which accords with the approach set out within the NPPF of optimising the development potential of this allocated site.

6 Layout and Design

6.1 Planning Policy Context

REFERENCE	SUMMARY
Saved Swale Borough Local Plan	
SP1	Part 7 promotes ways to reduce energy and water use and to increase the use of renewable resources, including locally sourced and sustainable building materials. Part 10 requires a high quality design which respects local distinctiveness and promotes healthy and safe environments.
SP2	Promotes good design in its widest sense.
E1	Requires development proposals to 3) respond positively by reflecting the positive characteristics and features of the site and locality and to protect and enhance the natural and built environments, 6) be well sited and of a scale, design and appearance appropriate to the location with a high standard of landscaping, 7) to meet the highest standards of accessibility and inclusion and 10) to integrate security and safety measures within their design and layout.
E19	Expects developments to be of a high quality design and to: <ul style="list-style-type: none"> - create safe accessible, comfortable, varied and attractive places; - reinforce local distinctiveness and strengthen the sense of place; - make safe connections physically and visually to and within developments; - make efficient and prudent use of natural resources; - provide hard and native soft landscaping which responds positively to the character of the locality; - be appropriate to its context in respect of scale, height and massing, both in relation to surroundings and individual details; - make best use of texture, colour, pattern and durability of materials; - maximise opportunities for sustainable design and construction techniques.
E21	The Borough Council will expect development proposals to incorporate sustainable design and build measures into the detailed design of new development in its use of siting, design, materials, and landscaping
C3	Requires at least 10% of the site area to be provided as public open space, containing equipped childrens' play areas and casual kick about areas appropriate for the development.
T4	Have regard to the needs and safety of cyclists and pedestrians by providing routes within the site and to surrounding services and facilities.
Emerging Swale Borough Local Plan	
ST1	Part 8) requires good design which reflects the best of an area's defining characteristics and Part 10 requires the challenge of climate change to be met. Part 11d) requires plentiful native landscaping to be provided in and around developments.
CP4	Achieve high quality design by responding to the defining characteristics of an area and creating safe and accessible environments; <ul style="list-style-type: none"> - Create safe, accessible, comfortable, varied and attractive places; - Promote and reinforce local distinctiveness; - Make safe physical and visual connections; - Make efficient and prudent use of natural resources; - Conserve and enhance landscape, biodiversity and local environments; - Ensure scale, height and massing is appropriate to its context; - Make best use of texture, colour, pattern and durability of materials; - Ensure long term maintenance and management of buildings; - Maximise opportunities for sustainable design and construction techniques.

DM6	Requires the design and layout of developments to give priority to the needs of pedestrians and cyclists, through the provision of safe routes and to retain existing public rights of way.
DM7	Notes that the Council will continue to provide extant Kent County Council vehicle parking standards, taking into account the type, size and mix of dwellings and the need for visitor parking and ensuring an efficient and attractive layout of development whilst ensuring appropriate provision for integrated parking. Also requires the provision of cycle parking facilities on new developments.
DM14	Requires all development proposals to: <ul style="list-style-type: none"> - Reflect the positive characteristics of the site; - Conserve and enhance the natural and built environments; - Be well sited and of a scale, design, appearance and detail which is sympathetic and appropriate to the location; - Provide for an integrated landscape strategy.
DM19	Promotes sustainable design and construction: <ul style="list-style-type: none"> - Use materials and construction techniques which improve energy efficiency and thermal performance. - Promotion of waste reduction and recycling during construction and lifetime of development; - Use of adaptable design - Use of measures such as planting and soft landscaping - All new non-residential developments to aim to achieve BREEAM 'Good' standard or equivalent with Very Good to be achieved for developments of over 1000sqm.
DM27	Requires development proposals to actively promote the expansion of biodiversity.

NPPF

- 6.1.1 The NPPF attaches great importance to the Local Authorities in acquiring good design throughout the built environment. Chapter 7 sets out the need to require good design, noting that this is a key aspect of sustainable development and is indivisible from good planning.
- 6.1.2 Paragraph 58 of chapter 6, sets out the need to optimise the potential of a site to generate development, as part of the requirement to deliver good design. This paragraph also notes that decisions should ensure that developments, in summary, will:
- function well over their lifetime and add to the overall quality of an area;
 - establish a strong sense of place through the use of streetscapes and buildings;
 - optimise the potential of a site to accommodate development and incorporate green spaces;
 - respond to local character and history and reflect the identity of local surroundings and materials;
 - create safe and accessible environments;
 - are visually attractive through the use of good architecture and appropriate landscaping.

- 6.1.3 Paragraph 60 states that planning decisions should not attempt to impose particular styles or tastes, but should promote or reinforce local distinctiveness, before Paragraph 61 notes that high quality and inclusive design goes beyond aesthetic considerations and should address connections between people and places and how development integrates into the surrounding environment.
- 6.1.4 Paragraph 64 states that planning permission should be refused for development of poor design and that proposals that can demonstrate that their evolution takes account of the views of people likely to be directly affected will be considered more favourably.

6.2 Appraisal

- 6.2.1 The application is accompanied by a Design and Access Statement which describes the design rationale. As noted within this application, matters of layout, scale, appearance and landscaping have been reserved for future consideration through a subsequent reserved matters scheme, with only the access to the site defined within this outline application.
- 6.2.2 The indicative layout provided as part of this application demonstrates that the site is capable of accommodating a development of 97 dwellings together with appropriate levels of open space, landscaping, parking, garaging and private amenity areas, within a scheme which responds logically to the site and which addresses the relevant elements of emerging site specific policy A11.
- 6.2.3 The Design and Access Statement discusses on Page 12 the core concepts which have informed the indicative layout, including the creation of a medium density development, the creation of substantial mature landscape belts around the site perimeter, pedestrian permeability throughout, a central and two smaller areas of public open space, individual gardens and on-curtilage parking. The indicative scheme combines those elements and illustrates a development with houses fronting the two main arterial roads in a traditional manner.
- 6.2.4 The scale and design of the proposed houses is expected to reflect the character of the surrounding developments, with predominantly two storey dwellings finished in a range of materials.
- 6.2.5 The landscaping indicated within the scheme continues the structural planting proposed around the retail development, with mature belts of trees indicated around the site perimeters together with a central area of public open space and two smaller greens.

Connections

- 6.2.6 The illustrative scheme makes provision for pedestrian connections between the proposed development and the retail neighbourhood centre, Parish Road and with Thistle Hill to the east.
- 6.2.7 The indicative plan shows a link being created up to the boundary of the site in order to create a connection with Mistletoe Drive, with the Thistle Hill development to the east of the proposed scheme. The Applicants understand in that case that Bovis Homes control a

narrow strip of land between the site boundary and Mistletoe Drive, and would encourage Bovis to complete the footpath in this location in the interests of local residents.

- 6.2.8 The applicant would be happy to accept a condition requiring appropriate footpath links to be created to the boundary of the site, suitable for connection into the wider footpath network. A condition requiring connection over the third party land would not be acceptable to the applicant, as case law is clear that it would not be reasonable for the Council to impose a condition requiring the Applicants to complete the small section of footpath on land outside their control.

Open Space

- 6.2.9 In accordance with Policy CS3 the indicative scheme shows areas of open space provided across the development which comprise one main Public Open Space, to link with the existing equipped area of play beside the Clover Close development, together with two smaller greens. The exact form of that provision would be defined at the reserved matters stage, but at this point the illustrative scheme demonstrates that Policy CS3 has been addressed. It is expected that an appropriate condition would be imposed on any consent stating the level of open space provision which would be required within the final scheme.

6.3 Design Panel

- 6.3.1 The scheme was presented to the Swale Design Panel on 13th February 2013, following which the Design Panel summarised their assessment of the scheme in a letter dated 14th March 2013. That letter is provided as Appendix A to this report.
- 6.3.2 As the Panel's comments reflect, only broad concepts of the proposed residential scheme were presented given an outline consent is to be sought at this stage. The Panel recommended that connectivity with Thistle Hill to the east be considered carefully to ensure the new homes become part of the wider community. The ability for the proposed scheme to link with Thistle Hill is limited by the form and layout of the adjacent development, but a link is proposed where that is possible to achieve.
- 6.3.3 The Design Panel discussed the setting of the new homes, which would be located behind the proposed retail neighbourhood centre, with the scheme considered by the Panel showing a shared access to the residential development and the service yard within the neighbourhood centre. That situation has been changed in the scheme now proposed to address that point, with the service yard accessed via the retail scheme car park. That allows Yarrow Drive to function independently as an access to the residential scheme. It is considered appropriate to locate the neighbourhood centre at the Plover Road frontage where it can benefit from more prominence within the streetscene, but the design of the store frontage beside Yarrow Drive has been carefully addressed to ensure a well-designed entrance to the residential part of the site.

6.4 Summary

- 6.4.1 The layout, scale, design and landscaping of the proposed scheme are not being defined at this stage. The indicative plan provided as part of this application illustrates the broad concepts which any scheme for the site would be expected to follow and demonstrates that an approach would be taken which accords with those policies of relevance to design and which addresses the comments made by the Design Panel.

7 Affordable Housing Provision

7.1 Planning Policy Context

REFERENCE	SUMMARY
Saved Swale Borough Local Plan	
H2	Requires new housing development proposals to address the full range of housing needs in the borough, including the provision of affordable housing.
H3	Provide affordable housing which has regard to locational, market and site conditions and is based on an up to date evidence of local need.
Emerging Swale Borough Local Plan	
ST2	Requires land allocated for development to address the need for affordable housing.
DM8	Requires not less than 70% of affordable housing to be social rented, with the balance intermediate housing, with all affordable housing to be built to Lifetime Homes Standards.

7.2 NPPF

- 7.2.1 Paragraph 50 identifies that it is appropriate to seek affordable housing to be provided on site where this contributes to the objective of creating mixed and balanced communities, and unless off-site provision or a financial contribution can be robustly justified.

Developer Contributions Supplementary Planning Document

- 7.2.2 Section F addresses the design of affordable housing. This notes the need to avoid segregation, that affordable housing should be subject to the same design and environmental protections and enhancement policies as market housing, and that affordable housing should be well integrated into developments. It notes that clusters of no more than 15 dwellings should be created where these are 50 metres apart. A mix for intermediate units of 5% one bed, 35% two bed and 60% three bed properties is proposed.

7.3 Appraisal

- 7.3.1 The application has been submitted on the basis that no affordable housing will be required within the proposed scheme, due to a number of factors.

Base case scenario

- 7.3.2 The site specific policy allocates Plover Road for 130 units, with 39 of those (30%) expected to be affordable in nature. Part of the Plover Road allocation, to the north of the land which forms part of this application, has been developed with a scheme of 14 affordable units. The retail scheme which is proposed separately then reduces the land available on the allocation for housing development.
- 7.3.3 As such with the scheme in the northern part of the allocation and the scheme proposed by this application there would be a total of 111 dwellings across the Plover Road allocation. Thirty three of those would need to be affordable, based on the 30% level of

provision set out within the Local Plan, leaving a residual affordable requirement of 19 dwellings within the scheme now proposed.

The Clover Close Affordable Housing scheme

- 7.3.4 The Plover Road allocation as drawn in the 2008 Swale Local Plan excludes the existing affordable housing development of 30 units set around Clover Close, to the south-west of the proposed scheme and to the west of the proposed neighbourhood centre.
- 7.3.5 That land fell within the ownership of the current applicants prior to it being developed. It also formed part of the Plover Road allocation within the 2000 Swale Borough Local Plan, which allocated Plover Road for a development of 100 dwellings in total.
- 7.3.6 The applicants secured planning permission at appeal for the Clover Close scheme with the intention of ensuring a front-loaded provision of the affordable requirement of the wider Plover Road site. However during the preparation of the 2008 Local Plan the Close Close scheme was then excluded from the site specific policy area.
- 7.3.7 This issue has been the subject of ongoing discussions between the applicants and the Borough Council, who dispute that the Clover Close development should form part of the affordable provision across the Plover Road site. Correspondence relating to those discussions is provided for completeness at Appendix B of this Statement.
- 7.3.8 If the applicant's stance regarding Closer Close is accepted then there is not considered to be any further requirement for affordable housing on the Plover Road scheme. Should the current applications for the retail centre and the proposed residential development be permitted then the wider Plover Road site would have delivered, in total, 141 dwellings and a neighbourhood centre. 44 of those units are affordable in nature, which represents an overall level of provision of 31%.
- 7.3.9 However even if that position is not accepted, the approach of not providing affordable housing within the current scheme is still considered appropriate, as set out below.

The Emerging Local Plan

- 7.3.10 The Inspector's decision on a proposed housing scheme at Brogdale Road in Faversham has been included as Appendix C of this Statement and is referred to specifically in Section 7.3.20 of this Statement with reference to gypsy and traveller provision.
- 7.3.11 The Inspector's comments on that particular issue are then also considered to have relevance to the weight to be attributed to the emerging Swale Local Plan, which has now been submitted for examination.
- 7.3.12 The emerging Local Plan proposes, within emerging Policy DM8, that there be no requirement to provide affordable housing on the Isle of Sheppey. That position has been taken by the Council following an East Kent Strategic Housing Market Assessment 2009 and having then had regard to the need to propose a Local Plan which is deliverable and against the poor economic climate present during the preparation of the draft Local Plan document. Part 5 of the emerging policy does note that if economic conditions have positive changed the impact of viability of the provision of affordable

housing, then the Council will seek a proportion of affordable housing which is closer to the assessed level of need.

- 7.3.13 The Local Plan has now been submitted for Examination, which will take place at the end of 2015. In the meantime there are currently unresolved objections to Policy DM8 based on the stance taken by the Council to the level of provision of affordable housing on Sheppey. The weight to be attributed to that emerging policy needs to reflect that current position and those unresolved objections. The position taken within this application is that emerging Policy DM8 has been based on the Council's assessment and review of a robust evidence base and should be afforded weight in that respect, although clearly the policy cannot be afforded full weight until the Local Plan has been adopted following examination.

Other contributions

- 7.3.14 The applicant will review requests made for contributions arising from the proposed development as the application is determined. However they have committed in this application to address the upgrading of the Lower Road/Barton Hill Drive junction either via a Grampian condition or a S106 contribution.

Proposed level of provision

- 7.3.15 The approach taken to affordable housing provision within this application balances and addresses all the above issues.
- 7.3.16 The applicant remains of the view that the 30 affordable homes delivered on the Plover Road site should be considered against the overall level of affordable provision now being proposed. That notwithstanding, there have already been 14 affordable homes delivered within the existing Plover Road allocation.
- 7.3.17 That existing level of provision now needs to be set against the emerging policy position being taken by the Borough Council, which is that to ensure delivery of the Local Plan no affordable housing should be provided on the Isle of Sheppey. The Plover Road allocation has already delivered an element of affordable housing, and therefore the applicant is of the view that no further affordable housing should be provided as part of the scheme for which outline planning consent is to be sought.
- 7.3.18 It is acknowledged that emerging Policy DM8 is currently being examined and also includes provision to review the stance it takes should economic conditions improve. However that position needs to be considered against the other contributions which the developer of the Plover Road site is likely to have to make. In this case that includes contributions towards or indeed the direct delivery with another developer of an upgrade to the Lower Road and Barton Hill Drive junction.
- 7.3.19 In order to reflect the emerging nature of the DM8 policy the applicant would be amenable to agreeing a S106 which required the viability of the proposed scheme to be assessed at the reserved matters stage, to establish whether economic conditions locally had changed sufficiently to make the provision of affordable housing feasible. That assessment of viability would also in this case need to consider the mechanism selected to deliver the Lower Road/Barton Hill Drive upgrade, together with any other

contributions arising from the scheme. It would also be considered independently from the retail neighbourhood centre also being proposed on the Plover Road site. Should that assessment demonstrate that the provision of affordable housing is viable, then the level of provision would need to reflect both the final amount of dwellings proposed within the scheme as well as taking into account the 14 affordable units already provided in the northern part of the Plover Road site.

Gypsy and traveller provision

- 7.3.20 Site specific policy A11 states that the Plover Road site should achieve a mix of housing in accordance with Policy CP3, which is to include provision for housing Gypsies and Travellers in accordance with Policies DM8 and DM10. The preamble to the policy states that one pitch should be provided within the scheme.
- 7.3.21 The issue of pitch provision is dealt with by the Inspector in respect of the Brogdale Road decision which is included as Appendix C to this report. Section 32 of the decision in particular states that the Inspector believes that very little weight can be attached to emerging Policy CP3 at this stage, as at that the time of writing the plan had not been submitted for examination, there were outstanding objections to that policy and the approach being taken to site provision is not one set out in the NPPF or in the Planning Policy for Traveller Sites document. As such the Inspector finds 'no policy justification for the Council's approach of seeking the provision of a gypsy and traveller pitch on the site'.
- 7.3.22 This application therefore takes a consistent approach with that decision and does not propose the provision of a gypsy pitch within the proposed development.

8 Highways, Access and Parking

8.1 Planning Policy Context

REFERENCE	SUMMARY
Saved Swale Borough Local Plan	
SP1	Part 8, new development to be located to provide the opportunity to live, work and use local services in such a way that can reduce the need to travel, particularly by car and Part 9, to be located to promote a choice of transport other than the car.
SP6	Part 2 requires developments to be planned and located close to good quality public transport, housing, jobs, local services and local amenity and the principal highway network. Part 4 seeks to reduce car dependency by ensuring options to walk, cycle and to access public transport are provided to link new development with the surrounding network.
E1	Part 9; development proposals to provide safe vehicular access, convenient routes and facilities for pedestrians and cyclists.
T1	States that developments which generate volumes of traffic in excess of the capacity of the highway network will be unacceptable unless they can be addressed by agreed improvements. Developments which lead to the formation of a new access will be unacceptable unless the new access is in an acceptable location.
T3	Notes that the Council will only permit development if appropriate vehicle parking is provided in accordance with adopted Kent County Council parking standards. The needs of pedestrians and cyclists should be addressed.
Emerging Swale Borough Local Plan	
ST6	Part 5) states that larger scales of development should be well located in respect of the most accessible parts of the Island by both car and public transport and where necessary bring forward improvements to the A2500 Lower Road.
CP2	Requires development proposals to improve safety through adequate parking, lighting and traffic management schemes (Part 5) and to achieve alternative access to sustainable forms of transport (Part 6). Part 7 requires integrated walking and cycling routes to be provided to link existing and new communities with local services and facilities.
DM6	Development proposals with a significant amount of transport movements will be required to provide a Transport Assessment. Proposals will then need to demonstrate that: <ul style="list-style-type: none"> - Opportunities for sustainable transport modes have been addressed - Improvements to the highway network have been agreed where residual cumulative impact of development on traffic generation would be in excess of the capacity of the highway network and/or lead to a decrease in safety; - Identify appropriate locations for new accesses onto the highway network The location, design and layout of development proposals has to demonstrate priority is given to the needs of pedestrians and cyclists, access to public transport is integrated into site design and layout, the safe and efficient delivery of goods and access for emergency vehicles can be accommodated.
DM7	States that Swale will continue to apply extant Kent County Council vehicle parking standards.
DM14	Requires development proposals to achieve safe vehicular access, convenient routes and facilities for pedestrians and cyclists.

8.2 NPPF

- 8.2.1 The NPPF looks for safe and suitable access to be achieved to sites for all people and for developments to create safe and secure layouts which minimise conflicts between traffic, cyclists and pedestrians.
- 8.2.2 Paragraph 32 requires a Transport Statement or Assessment for developments which would generate significant amounts of movement, with decisions taking account of whether sustainable transport opportunities have been taken and whether improvements can be undertaken that cost effectively limit the significant impacts of the development. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Kent County Council Parking Standards

- 8.2.3 In a Suburban location the adopted Kent County Standards require the following levels of provision, as a minimum:
- (1) 1 space per unit, unallocated, for one and two bed flats;
 - (2) 1 space per unit, possibly allocated, for one and two bed houses;
 - (3) 1.5 spaces per unit, possibly with one allocated, for three bed houses;
 - (4) 2 independently accessible spaces per unit, with allocation of both possible, for four bed houses. The guidance notes that tandem spaces are often under-utilised.
- 8.2.4 In addition garages are additional to the above provision and 0.2 visitor spaces per unit should be provided on street for each unit proposed.

8.3 Appraisal

- 8.3.1 The planning application is accompanied by a Transport Assessment by Peter Brett Associates. That document assesses the 97 unit scheme with a contingency of 10% to ensure a robust and flexible assessment of the impacts of the development of the site.

Proposed Access arrangements

- 8.3.2 The residential scheme proposed would be accessed via Yarrow Drive, which runs off Plover Road and which currently provides access to the Clover Close development in the south-western part of the Plover Road site. A secondary emergency vehicle access would then be provided into the Clover Close development.
- 8.3.3 Pedestrian linkages will be provided throughout the scheme and will create linkages between the proposed development and Parish Road, Thistle Hill and the retail neighbourhood centre which is being proposed separately on the Plover Road site.

8.4 Vehicle Movements

- 8.4.1 Surveys of existing traffic conditions indicate that in the morning peak the majority of vehicles head southbound, most likely towards the A249, with the opposite true in the evening peak. Queues were evident at the Lower Road/Barton Hill junction during the morning and evening peaks, with modest or intermittent queues noted at other junctions in the area.
- 8.4.2 Trip generation rates arising from the proposed development have been calculated using the TRICS database and journey to work data sourced from the census. A sensitivity case has been analysed in respect of the various junctions in the area, which takes account of the retail development also proposed on the Plover Road site, together with a base case which takes into account any general growth in vehicle movements and other committed developments in the area.
- 8.4.3 The anticipated trip rates have been used to model traffic flows in the local area, based on other committed projects in the area also coming forward and using a scenario where the remainder of the Plover Road allocation is also developed out for residential purposes.
- 8.4.4 The sensitivity model does not identify any issues with the following junctions:
- (1) Barton Hill Drive and Minster Road (B2008) – this junction operates below its theoretical maximum capacity and there would be a minimal impact on the junction with the proposed development implemented;
 - (2) Thistle Hill Way/ Lower Road (B2231) – this junction operates well below its theoretical maximum capacity and no issues are therefore identified.
 - (3) A249/ B2007/ A250 – the junction operates well within capacity under present day conditions. The junction is relatively modern and has significant spare capacity at present so was not modelled in detail.
 - (4) A249/B2231 – the junction operates below the theoretical maximum capacity for the sensitivity case for both the morning and afternoon peaks and no issue is therefore expected.
 - (5) Lower Road/ Sheppey Way/ Queenborough Road roundabout - the junction operates below the theoretical maximum capacity for the sensitivity case for both the morning and afternoon peaks and no issue is therefore expected.
- 8.4.5 There are local concerns regarding the Barton Hill Drive and Lower Road junction. The proposed development is not expected to have a significant additional adverse impact on that junction. However in response to those local issues and following discussions with Swale Borough Council and Kent Highways, it is proposed that improvements be made to that junction through upgrading it to a roundabout design.
- 8.4.6 The parties expected to be involved in delivering that upgrade are Kent Highways Services, the developers of the Plover Road site and the developers of a scheme of

around 450 dwellings on the remaining part of the Thistle Hill development. It is understood that there is also a willing landowner in place.

- 8.4.7 The mechanism used to deliver that upgrade is still being discussed but is expected to take the form of a S106 contribution imposed on any outline planning permission granted, which will require the developer of the Plover Road site to make an appropriate financial contribution to Kent Highways towards the provision of the roundabout, with Kent Highways then responsible for designing and delivering that upgrade to the junction. It is understood that Kent Highways are currently bidding for funding to supplement the contributions they will be seeking for improvements to the junction in question.
- 8.4.8 If that position were to alter then it would still be possible to secure the delivery of the roundabout by imposing a Grampian condition on any consent which would require the roundabout to be delivered by a certain point, most likely to be prior to an appropriate number of dwellings on both the Plover Road and Thistle Hill development sites being occupied. That would require the developers of the Plover Road and remaining Thistle Hill site to deliver the roundabout independently, to a design which would have been either prepared or agreed by Kent Highways, but would potentially be a slower mechanism for delivery.
- 8.4.9 It is envisaged that the mechanism for the upgrading of the Barton Hill Drive and Lower Road junction will continue to be discussed as this outline planning application for Plover Road is determined by the Borough Council.

8.5 Parking

- 8.5.1 The parking provided within the final scheme would address the levels of provision required within the Kent County Council Residential Parking Interim Guidance Note 3. As noted in the Design and Access Statement it is expected that parking will typically be provided on-curtilage.

8.6 Summary

- 8.6.1 The Plover Road site is well located in respect of the main road network through Minster and Thistle Hill, the footpath and cycle network and public transport links. A mixed use development is then proposed across the wider Plover Road site which will have the ability to generate linked trips and to allow the residents of the proposed development to easily access the proposed neighbourhood centre on foot.
- 8.6.2 In planning policy terms the vehicle movements linked with the proposed scheme can be accommodated within the surrounding highway network and in terms of the test set out within the NPPF there would not be any severe residual cumulative impacts in transport terms arising from the proposed scheme. However it is proposed that the scheme would contribute towards the upgrading of the Lower Road/ Barton Hill Drive junction, with discussions ongoing regarding exact mechanism for delivering that upgrade.

9 Noise

9.1 Planning Policy Context

REFERENCE	SUMMARY
Saved Swale Borough Local Plan	
SP1	Part1 requires developments to minimise their impact generally on the environment.
SP2	Requires development proposals to protect the aural environments of the Borough. States that the Borough Council will balance the need for development, environmental protection and the minimisation and mitigation of any adverse impacts.
E1	Part 8 states development proposals are to cause no demonstrable harm to residential amenity and other sensitive uses or areas.
E2	Development proposals are to minimise and mitigate pollution impacts, including on residential amenity and human health.
Emerging Swale Borough Local Plan	
DM14	Requires development proposals to cause no significant harm to amenity and other sensitive uses or areas.

NPPF

- 9.1.1 Paragraph 123 states that decision should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

9.2 Appraisal

- 9.2.1 An Acoustic Report has been prepared by Sharps Redmore and is based on the results of a noise survey undertaken in September 2014. The Acoustic Report then reflects the recently released BS 4142:2014 standard published at the end of 2014.
- 9.2.2 The report assesses noise arising from the proposed retail scheme from mechanical services, plant and from delivery events and its impact on existing residential properties in the areas around the site, together with the residential scheme now proposed on the Plover Road site.
- 9.2.3 The acoustic report notes that in order to address noise from the retail operations new residential dwellings on Plover Road will require a combination of standard double glazing together with alternative background ventilation. It is suggested that detailed sound insulation calculations be carried out using the internal layouts of any properties proposed on the wider Plover Road site and that any residential consent have an appropriate condition attached requiring suitable methods of mitigation to then be installed.

9.3 Proposed Plant

- 9.3.1 A plant and storage area is proposed immediately to the north of the proposed Asda foodstore, between the store and the residential development.
- 9.3.2 At the outset the noise level of the plant and equipment proposed can be controlled by the use of an appropriate condition on any retail planning consent granted, the wording of which is suggested in the Acoustic Report. That condition would specify a suitable rating level for any plant and equipment required. The plant and equipment required has not yet been specified, so such a condition would ensure that a suitable noise level would be established from the outset.
- 9.3.3 The indicative layout proposed for the residential development demonstrates that the use of a landscape buffer together with the positioning of the houses proposed would then further provide sufficient screening and separation between proposed properties and the plant and storage area. A condition could also therefore be placed on any outline consent for the residential part of the scheme which requires the details of appropriate glazing and mechanical ventilation to be used where necessary within the residential development.

9.4 Delivery Events

- 9.4.1 The Asda foodstore would typically require two delivery events per day; one at the start and one at the end of a day's trading. During particularly busy parts of the year, such as Christmas, there would be the potential for additional deliveries to be required. The delivery yard proposed is located to the east of the store itself and would be accessed through the proposed car park. The small retail units would then be served by a separate loading/unloading area immediately to the east which would also be accessed via the main car park.
- 9.4.2 It is proposed to limit the times of delivery events to between 0700 and 2300. The Acoustic Report uses worst case scenario noise measurements taken of delivery events at other retail food stores to assess the impact of delivery events on both existing properties in the area and proposed properties in the Plover Road site.
- 9.4.3 It is proposed that noise from delivery events be attenuated by a 3 metre solid fence bordering the service yard, which would then be separated from the proposed dwellings by a landscaped buffer. Based on that level of attenuation the modelling within the Acoustic Report the noise levels arising from a delivery event would be below the WHO daytime guideline value and would also be below the existing ambient noise climate in the area. By limiting delivery hours to those stated and through the introduction of a noise barrier, there would not be any significant adverse impact on the area from delivery events on the dwellings proposed.

9.5 Car parking activity

- 9.5.1 Modelling of car parking activity at the site, based on noise measurements taken from car parks serving similar uses, demonstrates that noise levels would be below the WHO daytime guideline noise level at the closest sensitive receptors, based on opening hours

of 0700 to 2300. That modelling is considered to represent a worst case scenario in terms of the housing now proposed on the Plover Road site as the car park is separated from the proposed development by the store and the loading yard.

9.6 Road traffic

- 9.6.1 There would be no impact on the proposed residential development arising from noise from road traffic.

9.7 Summary

- 9.7.1 The noise impacts of the proposed retail element of the Plover Road development on the residential element can be appropriately mitigated by a combination of controls on plant design, delivery and store opening hours, physical loading yard attenuation features and noise attenuation features fitted to the proposed properties themselves and on that basis the proposed scheme is considered to comply fully with the policies identified which deal with this issue.

10 Ecology

10.1 Planning policy Context

REFERENCE	SUMMARY
Saved Swale Borough Local Plan	
SP1	Part1 requires developments to minimise their impact generally on the environment.
SP2	Requires development proposals to protect the ecological environments of the Borough. States that the Borough Council will balance the need for development, environmental protection and the minimisation and mitigation of any adverse impacts.
E2	Development proposals are to minimise and mitigate pollution impacts, including on flora and fauna.
E11	Requires the Borough's biodiversity conservation interests to be maintained. Developments will be required to conserve or enhance biodiversity or if that is not the case, evaluate the nature conservation interest and accommodate, manage and create that interest within development proposals, including the incorporation of beneficial features within a development.
E19	Part 6) provide features and management intended to encourage biodiversity
Emerging Swale Borough Local Plan	
CP4	6) Conserve and enhance landscape, biodiversity and local environments, by providing features and management intended to encourage biodiversity.
CP7	Recognise the value of ecosystems for their wider benefits and services and achieve where possible a net gain in biodiversity.
DM28	States that development proposals will conserve, enhance and extend biodiversity and provide for net gains in biodiversity where possible, with the expansion of biodiversity within the design of new development actively promoted.

NPPF

- 10.1.1 The NPPF aims to create net gains for nature, by minimising impacts on and providing net gains in biodiversity where possible. Paragraph 118 encourages opportunities to incorporate biodiversity in and around development.

10.2 Appraisal

- 10.2.1 The wider Plover Road site comprises rough unmanaged grassland with dense patches of scrub.
- 10.2.2 The site has been subjected to various walkover surveys, together with specific presence/absence reptile surveys and surveys of off-site ponds in the area for Great Crested Newts.

10.3 Designated Sites

- 10.3.1 There are no statutory nature designations within the wider Plover Road site or adjacent to it, with the nearest designated site being the Swale Estuary 1.7km to the south, which is a SSSI and RAMSAR site, part of which is also designated as the Elmley National Nature Reserve. The wider Plover Road site and the areas adjacent do not have any non-statutory designations, with the nearest non-statutory area being the Minster Marshes Local Wildlife Site 1.2km to the north.
- 10.3.2 The proposed development is not expected to have a significant effect on any statutory or non-statutory designated sites.

10.4 Protected Species

Reptiles

- 10.4.1 Surveys suggest a low population of slow worms spread across the wider Plover Road site, although any mitigation measures will be based on a good population being present as that was indicated by earlier survey.
- 10.4.2 The mitigation strategy proposed will depend on the timing of the development of the site and the availability of an appropriate off-site receptor site. The overall mitigation strategy for the wider Plover Road site will ultimately involve the translocation to an appropriate receptor site so that both the retail and residential elements of the wider scheme could be realised.
- 10.4.3 It is expected that the retail element of the wider Plover Road development would come forward first. If an appropriate receptor site were identified as being available prior to the development of the retail element of the scheme then it is anticipated that the wider Plover Road site would be subject to an process of trapping and translocation of reptiles to that receptor, to ensure the amount of intervention in the site is limited as much as possible.
- 10.4.4 If no receptor site has been identified by the time work commences on the proposed retail development, then a two phased mitigation approach would be taken. During the active reptile season and in a period of good weather progressive habitat manipulation, using hand held tools, would be undertaken on the retail area, to encourage reptiles to migrate into the remaining parts of the wider Plover Road site. A temporary fence would then be installed to prevent reptiles from re-entering the retail area. The reptile population would then be translocated from the wider Plover Road site when an appropriate receptor site is found. That two phase approach ensures that there is no double handling of the reptile population and prevents a small amount of reptiles being translocated in isolation and potentially not forming a viable population on a receptor site.

Birds

- 10.4.5 The site is considered to have some interest due to the presence of habitats which could be used by nesting and foraging birds. Any removal of vegetation would therefore need

to be appropriately timed or undertaken following an appropriate survey by an ecologist to determine the presence or absence of nesting birds. Any loss of nesting opportunities can be mitigated by areas of new landscape planting using an appropriate mix of species, which is addressed by the landscaping scheme for the proposed retail development.

Bats

- 10.4.6 The site does not offer any roosting opportunities for bats but does offer some potential for foraging, given the areas of dense scrub are a habitat for invertebrates. It is therefore recommended that the landscaping scheme proposed makes provision for foraging and commuting bats and that any lighting scheme proposed has regard to the potential presence of bats on the site post development.
- 10.4.7 As the proposed landscaping scheme demonstrates the proposed retail development would be surrounded on all sides by buffer tree planting, to be formed using native species, which will create potential commuting corridors for bats. Both the detailed specification of the landscaping scheme and the design of any lighting scheme can be addressed by appropriate conditions on any consent.

10.5 Great Crested Newt

- 10.5.1 Five ponds potentially suitable for Great Crested Newt have been identified within 500m of the wider Plover Road site. A number of those ponds are isolated from the site by a combination of existing development and infrastructure, and further surveys of the remaining ponds found no evidence of Great Crested Newts.

10.6 Other species

- 10.6.1 No evidence of badgers has been recorded, with search records indicating that the last reliable record of an active badger sett on Sheppey was in 1842.
- 10.6.2 No notable small mammal species have been surveyed or recorded as using the site or the immediate surrounding area.
- 10.6.3 Any invertebrates using the site are expected to be locally common and would only be temporarily displaced from the site.

10.7 Summary

- 10.7.1 There are not considered to be any overriding reasons in ecological terms for the proposed development not to proceed, with the ability to undertake appropriate mitigation measures through a combination of translocation and appropriate landscaping and lighting schemes.

11 Archaeology

11.1 Planning policy Context

REFERENCE	SUMMARY
Saved Swale Borough Local Plan	
SP2	Requires development proposals to protect the historical environments of the Borough. States that the Borough Council will balance the need for development, environmental protection and the minimisation and mitigation of any adverse impacts.
E2	Development proposals are to minimise and mitigate pollution impacts, including on areas or buildings of architectural or historic interest.
Emerging Swale Borough Local Plan	
CP7	Contribute to the protection, conservation and management of archaeological heritage assets.

11.2 NPPE

- 11.2.1 Paragraph 128 requires applicants to describe the significance of any heritage assets affected, with the level of detail provided proportionate to the asset's significance. For sites where there is the potential for heritage assets with archaeological interest to be present a desk based assessment is required and, where necessary, a field evaluation. The effect of an application on the significance of a non-designated heritage asset should then be taken into account in determining the application, with a balanced judgement required having regard to the scale of any harm or loss and the significance of the heritage asset.

11.3 Appraisal

- 11.3.1 CgMS have conducted an Archaeological Desk Based Assessment of the wider Plover Road site and have local experience of addressing archaeological issues on other development sites in the Sheppey and wider Swale area.
- 11.3.2 The wider Plover Road site does not lie within a designated archaeological priority area, and is not within 1km of any Scheduled Ancient Monuments, Historic Wrecks or Historic Battlefields, but the site specific Plover Road policy (A11) in the emerging Swale Local Plan requires any archaeological impacts to be mitigated.
- 11.3.3 Based on a review of archaeological finds in the local area from the Mesolithic, Bronze Age, Iron age, Roman and Anglo Saxon through to Medieval ages, it is considered possible that there are unknown archaeological remains on the site, although any finds would be expected to be of local significance.
- 11.3.4 As the site has remained undeveloped through its documented history, CgMS have recommended the implementation of a trial pit evaluation process, to confirm the

presence or absence of any archaeological remains. Any further archaeological fieldwork required would be dependent on the results of those trial pits. As it is not anticipated that any remains on this site would be of national significance, it is proposed that an appropriate condition be imposed on any consent requiring the trial pit survey to be undertaken.

12 Contamination

12.1 Planning policy Context

REFERENCE	SUMMARY
Saved Swale Borough Local Plan	
E2	Development proposals are to minimise and mitigate pollution impacts, including on water supply sources, groundwater aquifers, or local hydrology.

12.2 NPPF

- 12.2.1 Paragraph 120 states that new development is appropriate for its location, having regard to unacceptable risks from pollution, with the responsibility for securing a safe development where contamination exists resting with the developer and/or landowner. Planning decisions should ensure that after remediation land should not be capable of being determined as contaminated.

12.3 Appraisal

- 12.3.1 A Desktop Contamination Study and Walkover Survey has been conducted by Constructive Evaluation.
- 12.3.2 Based on the undeveloped nature of the site, the surrounding surface water features and geology, the site is considered to have a low risk of contamination to end users, site workers, services and controlled waters. No further site investigations are considered necessary, although if intrusive investigations are carried out for the purposes of geotechnical investigation then it is recommended that the opportunity be taken to acquire samples for analysis for contamination.
- 12.3.3 In planning terms it is suggested that an appropriate condition be applied to any consent which requires any unforeseen contamination which is identified to be addressed and remediated in an appropriate manner.

13 Flood Risk and Infrastructure

13.1 Planning policy Context

REFERENCE	SUMMARY
Saved Swale Borough Local Plan	
SP1	Requires physical infrastructure to be provided in a timely manner.
SP6	Part 6 requires utility services to be planned and provided to serve new developments
E4	States that planning permission will not be granted where increased surface water run-off arising from the creation of large impermeable areas would result in an increased risk of flooding.
U1	Requires developers to undertake requirement off-site improvements to ensure developments are properly serviced, or to make an appropriate financial contribution.
Emerging Swale Borough Local Plan	
Policy ST1	Requires flood risk to be managed.
DM21	States that development which increases flood risk elsewhere must be avoided, with sustainable drainage systems to be provided to restrict run-off to an appropriate discharge rate. To ensure that adequate water supply and wastewater connection and treatment is in place before construction commences. Make efficient use of water resources and protect water quality.
CP7	Requires developments to taking account of and integrate with natural processes, such as flood risk and utilise sustainable urban drainage.

13.2 NPPF

- 13.2.1 Paragraph 101 aims, via the Sequential test, to steer new development to areas with the lowest probability of flooding. Local Authorities should ensure flood risk is not increased elsewhere.
- 13.2.2 The NPPF generally requires the timely provision of infrastructure to support development. Paragraph 173 states that the cost of any infrastructure provided, along with other requirements, should still allow schemes to provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

13.3 Appraisal

- 13.3.1 The application is accompanied by a Flood Risk Assessment and a Services Report by GTA Civils. As per Section 3.2 of this Statement, regarding the quantum of development sought, those reports do allow some flexibility in the amount of units assessed.

Flooding

- 13.3.2 The site lies within Flood Zone 1 where there is considered to be a negligible risk of fluvial or tidal flooding. It is proposed that the lowest floor level of the properties closest to the southeast and northeast boundaries be set at 0.35m above ambient ground levels to prevent flooding in the case of an extreme flood event.

Surface water drainage

- 13.3.3 Surface water drainage from the site will be controlled to ensure it remains at the greenfield run off rate. The surface water strategy will involve discharging into a new surface water drain at the north east corner of the site, with outflow restricted to the green field run-off rate. As noted at Section 4.4 of the Services Statement, that drain will require either requisition through third party land to the east/north or a negotiation with the adjacent landowner for the easement.

Foul water drainage

- 13.3.4 There is an existing sewage network which runs through Plover and Parish Road, but based on capacity checks of the network it is expected that upgrading works will be required to accommodate the foul water arising from the proposed development, which would be sought via a Section 98 agreement at the appropriate time. The Services Report, at Section 4.3, states that those works could cost in the region of £500,000.

Water supply

- 13.3.5 There are water mains in both Yarrow Drive and Plover Road and Southern Water have confirmed there is sufficient existing capacity in the system to accommodate the proposed development, with a connection anticipated to the existing water main in Yarrow Drive.

Electricity Supply

- 13.3.6 There is a high voltage electricity main running along Plover Road to which the proposed development would connect.

Gas supply

- 13.3.7 There are gas mains present in both Parish and Plover Road, with the proposed development expected to connect to the supply in Plover Road.

British Telecom

- 13.3.8 There is an existing network in Plover Road and Yarrow Drive to which the proposed development would connect.

14 Contributions and Conditions

14.1 Planning Policy Context

REFERENCE	SUMMARY
Saved Swale Borough Local Plan	
SP1	Requires social and community infrastructure to be provided in a timely manner.
SP6	Part 6 requires utility services to be planned and provided to serve new developments
U1	Requires developers to undertake requirement off-site improvements to ensure developments are properly serviced, or to make an appropriate financial contribution.

14.2 Conditions

14.2.1 For the reasons set out elsewhere in this Planning Statement, the applicant would be prepared to accept conditions relating to the following issues (in particular), aside from the standard conditions normally applied, if these are considered necessary by the local planning authority:

- A condition requiring the development to contain up to 97 dwellings, as per the indicative scheme submitted as part of this application;
- A requirement that a link be provided up to the boundary of the site to Mistletoe Drive within the Thistle Hill development;
- An archaeological condition requiring an appropriate trial pit evaluation to be carried out;
- A condition requiring details to be provided of noise attenuation measures to be fitted to specific properties, where required.

14.3 Contributions/Other Commitments

14.3.1 The following are other contributions or commitments which are proposed by the applicant, if considered necessary by the local planning authority;

- The requirement to assess the viability of the scheme and its ability to provide some form of affordable housing, taking into account what has already been provided on the Plover Road site.
- Either a Grampian condition requiring the provision of the Lower Road and Barton Hill Drive Roundabout within an appropriate timescale or an appropriate contribution to Kent Highway Services towards the provision of that roundabout.

15 Summary

- 15.1.1 Outline planning permission is being sought by Dalemarch (Sheppey) Ltd and Starnes PLC for the residential development of land at Plover Road in Minster.
- 15.1.2 The land in question has a longstanding allocation for residential development and the proposed scheme would form part of a mixed use development across the site comprising a retail neighbourhood centre and some 97 dwellings.
- 15.1.3 Matters of layout, scale, appearance and landscaping have been reserved for consideration through a subsequent reserved matters application. The access to the proposed development has been fixed at this stage and would be via Yarrow Drive, which runs north from Plover Road.
- 15.1.4 An illustrative scheme has been provided as part of this application which shows 97 units arranged around a main arterial road together with smaller estate roads and private drives. It is envisaged that the dwellings would be two storey in scale and would reflect the vernacular and appearance of the surrounding area.
- 15.1.5 The proposed scheme is considered to comply fully with adopted and emerging planning policies on matters which include the principle of the development, design, flood risk, archaeology, noise and ecology. No affordable housing or gypsy and traveller provision is proposed as part of the development for the specific reasons set out in this report.
- 15.1.6 It is proposed that the scheme will help facilitate an upgrade to the junction at Lower Road and Barton Hill Drive by providing a roundabout, either by delivering that upgrade in conjunction with another local scheme or making a contribution to be put towards that work.
- 15.1.7 On the above basis the Borough Council are requested to grant planning permission, subject to appropriate conditions and commitments.

Appendix A

Design Panel Letter

South East Regional **Design Panel**

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

David Harvey
DHA Planning
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the **architecture** centre
Historic Dockyard
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ME4 4TZ

Email: info@kentarchitecture.co.uk
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14 March 2013

Dear Mr Harvey,

PLOVER ROAD, MINSTER, SHEPPEY

Thank you for inviting the Swale Design Panel to review the proposed development at Plover Road. The Panel had the opportunity to visit the site with Council Officers ahead of our meeting at Swale House on 13th February. We are grateful to Simon Beck of BDB Design and Mark Williams of Asda for their presentations.

The Panel welcome the mix of uses that are proposed on this site but are keen to hear how the development of the new store, retail units and housing enhance their setting and their neighbouring community. We feel greater attention is required to how the new store and car parking relates to the surrounding area and landscape as well as its immediate neighbours. As currently planned the location of the service yard is particularly unsympathetic. With benefit of control over the whole site, more must be done to ensure that such negative conflicts do not occur.

The proposed housing is currently being pursued in outline, but fails to show the ambition which should be expected of a scheme of this size and significance. There is considerable scope for improvement in the local area and a marker of high design quality could be a significant asset. Learning lessons from the success, or otherwise of the existing housing developments in the area will help in this regard. We believe greater work needs to be done to evidence how the development will enhance the local area in terms of connectivity, use and perception before the Panel can fully support the project.

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BACKGROUND

The new settlement at Thistle Hill has been progressing over the last ten years with a number of the earlier phases of development completed. The majority of the development has been of new houses with the exception of the community health centre which is located opposite the proposed site. There is an aspiration to bring forward a neighbourhood centre to provide facilities for the new residential community. This had been planned to be located in proximity to the community building and playing fields at the heart of the wider development.

The current proposal seeks to relocate the provision of the neighbourhood centre to the site at Plover Road, in the form of a new supermarket and additional retail units. A second connected site to the rear of the proposed store is intended to be developed for approximately a hundred new homes.

LAYOUT: STORE AND PUBLIC SPACE

The relocation of the proposed neighbourhood facilities to the site at Plover Road has been driven by commercial as well as pragmatic reasons. While the community health building is not the most public or engaging in its design, there is a rationale in co-locating the supermarket and other shops near to this established facility. The site is also at the edge of the Thistle Hill area and in this way the new store can hope to act as a link between the new and existing communities in Minster. For this to be a success the ease of access to the new shops for all, including those on foot and cycling needs to be protected. Additionally, the prominence and visibility of the store and other uses needs to be balanced with the creation of attractive streets and spaces.

It is not clear what other options for developing a store on this site have been explored, however we would encourage the team to look at how the elements which form this part of the scheme are brought together. The interaction of public space, small retail units and a large store, as well as the servicing and parking arrangements, need a clear rationale that guide their relationships. As proposed the supermarket and car parking appear to dominate the site, with the smaller shops, public space and landscape being squeezed to the fringes. The various, currently disparate, elements, such as the pedestrian ramps, trolley shelters and adverts, should be incorporated into the landscape design at an early stage to enhance rather than weaken the identity of this space.

The incorporation of additional public-facing facilities such as store café would be welcomed, but their location on the site could do more to address public routes and spaces. The long flank frontage of the store onto the entrance road and existing open space will not be attractive or make that area feel welcoming. The experience of the proposed spaces at night or in the evenings will need to be considered to ensure that do not become unfriendly or threatening.

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LAYOUT: RESIDENTIAL

The layout of the housing element of the scheme is at an early stage, and we understand that it is to be pursued as an outline application. Certain elements of the design will be critical to the success of this new residential neighbourhood and should be considered in greater detail at this stage. Many of the housing areas surrounding the site are of little design quality and suffer from confusion over fronts and backs and are unfortunately dominated by car parking. These lessons should be learnt and not repeated on this site. We would encourage the team to reconsider the limited connectivity between the proposed housing and the existing estate to the east, to allow for residents of the new homes to become part of the wider community of Thistle Hill.

We feel that greater thought should be given to the setting of the new homes. They are to be located behind the new store and its car park; as such they will not have street presence within the estate. Their sole access will be shared with the service vehicle access to the shops. How this is handled and the quality of this approach will be key to the perception and value of these new homes.

DETAILED DESIGN

The existing built environment has little to distinguish it, with nothing of architectural interest or merit in the vicinity. We feel that the new store has the potential to significantly enhance the area and provide a positive feature in this landscape. The standard design solution proposed fails to meet this opportunity. There is little appreciative quality in the architecture of the new store. The application of different materials will do little to embed the building into its context.

Given the change in levels across the site the store will sit somewhat below the main road. This will give particular prominence to the roofscape. We feel this element of the building could help embed the design in its environment, including tackling issues of sustainability through the use of natural light or solar energy as well as helping to support a richer bio-diverse environment. Alternatively this space could be used to take advantage of long distance views through locating staff or other communal facilities at this level.

The Panel were encouraged to hear of the aspiration to engage the community in the use of the store, but were eager to hear how this has effected the design of the building. Considering how the store can give back to the local community might help formulate a more bespoke response to its design.

Dealing with water on this sloping site could be an interesting and positive feature of the design, rather than being routed behind homes. In this way swales and the wider landscape should be thought of as something distinctive and incorporated as an asset for future residents, rather than let it become a management and maintenance liability.

The existing play space in the south west corner of the site appears under used and unappealing. With the development of a large amount of new housing there is the

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potential to reintegrate this as a positive feature through considering how it is over looked or combined with additional facilities.

In the plan shared at the meeting a clear route exists linking this site to the footpath on Coral Road. This is a critical link and one which should be preserved as a pleasant and public connection.

I hope you find our advice helpful but do please contact me if anything in this letter is unclear.

Yours sincerely



ROBERT OFFORD
Panel Manger

cc

Richard Williams, Dalemarch Ltd.
Jo Moon, ASDA
Mark Williams, ASDA
Simon Beck, BDB Design
Peter Bell, Swale Borough Council
Jim Wilson, Swale Borough Council

Panel members present: Allan Atlee (Chair), Alan Legg, Richard Portchmouth, Richard Scott

This review was commissioned by Dalemarch Limited with the knowledge and agreement of Swale Borough Council.

CONFIDENTIALITY

Since the scheme was not the subject of a planning application when it came to the Panel, this letter is offered in confidence to the addressee and those listed as being sent copies. There is no objection to the letter being shared within the respective practices/organisations. SERDP reserves the right to make the guidance known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). The letter would also be made available to any public inquiry concerning the scheme. SERDP also reserves the right to make the guidance available to another design review panel should the scheme go before them. If you do not require this letter to be kept confidential, please let us know.

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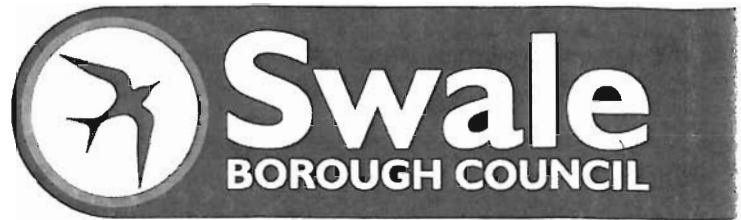
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Appendix B

Correspondence between the applicant and the Borough Council regarding the provision of affordable housing

Swale House, East Street,
Sittingbourne, Kent ME10 3HT
DX59900 Sittingbourne 2
Phone: 01795 424341
Fax: 01795 417141
www.swale.gov.uk



Mr J Buckwell
DHA Planning

Sent by Email

Our Ref: PAA/11/0108
Your Ref:
Date: 31 May 2012
Contact: planning.swale.gov.uk

Dear Jonathan

Pre-application advice for retail and residential development at Plover Road, Minster

Thank you for your letter and enclosures of 30th April 2012 with regards to our ongoing discussions over the future development of the Plover Road site.

As I understand it, you dispute the requirement set by Policy H9 of the Swale Borough Local Plan 2008, which requires 30% affordable housing on this site. Your case is, as I understand it, as follows:

1. The current allocated site had previously formed part of a larger allocation in the Swale Borough Local Plan 2000, and included land at the front of the site which is now occupied by 30 affordable dwellings. Your strategy for the site was based on this original standpoint;
2. The 2000 Local Plan (policies H28 and H32) envisaged residential development on the whole site for approximately 100 units, with a 30% affordable requirement;
3. The site now developed at the frontage of the site was always intended to be 'Phase 1' with the remainder of the site which is currently undeveloped being 'Phase 2', and that accordingly 'Phase 1' met a large percentage of the site's affordable requirement. Thus 'Phase 2', which comprises the current Plover Road allocation, should only meet the appropriate number; and
4. The current allocation and requirement for 30% affordable housing was a sudden change of policy by the Council in 2006. Furthermore you were not afforded the opportunity to present your case at the Local Plan Inquiry where the Inspector may have deleted the 30% requirement as set out in Policy H9.

The Council's case, as I read from your bundle and in discussing with colleagues is as follows:

1. Plover Road was intended as a later development, with Thistle Hill and Stones Farm due to come forward in the first instance.

2. However, the Inspector at the appeal inquiry for the frontage site balanced the high need for affordable housing against the planned development of the area outlined in Point 1, and concluded the need for affordable outweighed the latter.
3. The change in stance and the requirement for 30% affordable housing on the current allocated site was as a result of the introduction of the updated Planning Policy Statement 3, this of course is now superseded by the NPPF; and
4. The Local Plan Inspector had regard to the approval for the frontage site and concluded that the requirement for 30% affordable housing on the current allocated site was sound.

In my view, the two key documents are the appeal inquiry inspector's report and the local plan inquiry report. The latter was not included in your bundle but I have attached it to this letter for your convenience.

In the appeal inquiry report, the Inspector acknowledges that Policies H28 and H32 allow for development on this land to come forward in two phases; that 25 will be allowed in the period 1991-2001 and the remaining 75 to come forward between 2001-2006. And although the Inspector discusses current Local Policy H9's requirement that development on this site should only come forward once Thistle Hill has been established (those measures set out in Policy H8) he gives weight to the then PPG3 requirement to seek sustainable development sites in the first instance. The Council seemed to demonstrate that other sites existed in the short term to meet need and given the perceived imbalance between residential and employment provision that currently existed, the Inspector accepted that the proposal did not accord with the Local Plan. However, in allowing the appeal, the Inspector considers the overriding affordable shortfall outweighed any other matter.

I can find no reference or suggestion in both the planning committee report, and in the appeal decision, that this site formed part of a two-phased approach to development at Plover Road. Indeed had this been the case, it strikes me that a S.106 Agreement should have been signed which would have acknowledged this to be the case. It seems to me that this site was considered on its own merits and that the fact that it was entirely an affordable scheme persuaded the Inspector to allow the appeal where otherwise I think it could be concluded that it would have been refused.

I now turn to the Local Plan Inspector's Report, which post-dated the appeal decision discussed above by approximately 12-months. I note your client objected to the Policy with respect to its phasing. The Inspector in Paragraph 4.48.3 accepts the Council's assertion that a change was necessary because of the requirements in PPS3. Moreover the Inspector in Paragraph 4.48.1 acknowledges the appeal decision for the 30 units, but maintains the requirement that the Plover Road site should provide for 30% affordable housing.

Whilst I understand and accept your comments that you consider you have already provided the requisite affordable housing on Plover Road, it seems to me that the extant development was considered on its own merits to alleviate the existing affordable housing deficiencies that existed, and does not prejudice the requirement for a further provision on Plover Road. Although not directly referenced in the Local Plan Inspector's report. I think it unlikely the

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Inspector would not have had regard to this issue in considering whether Policy H9 was sound.

It is my view that this issue has already been tested and that the policy is sound and reasonable. It will be for you to demonstrate that the evidence underpinning the local plan inquiry report has changed to an extent where the policy can and should be set aside. The Housing Manager has informed me however, that of the 3734 households registered, 956 have expressed an interest in the Minster area which demonstrates that affordable housing need remains high.

As you will be aware, the Council has just completed its public consultation on its draft Core Strategy, known as "Bearing Fruits". Plover Road is again allocated for housing with a requirement for 30% and I am sure you may already have made representations in this regard, and you will have your opportunity to present your case at the Development Plan Examination as and when this is set up.

It may be beneficial to delay submitting the residential element until after the Development Plan Examination into the Core Strategy has been completed; I am told the Examination will be around the summer of 2013. Alternatively, it may be worth separating the residential element from the proposed retail element to ensure that the retail scheme would not be unduly delayed should planning permission be refused because of your case referred to above. That would at least give you the opportunity to appeal; and to argue the point to the Inspector at a public inquiry.

Finally, and following your email earlier this week, I have revisited the letters sent in your bundle, however it does not persuade me to alter my view that a 30% affordable requirement for the Plover Road site is necessary.

I trust this sets out my views on affordable housing on this site. I must state that my views are expressed at officer level and are without prejudice to any decision made by the Local Planning Authority upon assessment of a planning application.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Richard Allen".

Richard Allen
Senior Planner

Mr R Allen
Development Management
Swale Borough Council,
Swale House,
East Street,
Sittingbourne,
Kent, ME10 3HT

Our Ref: JB/DCH/9331

BY EMAIL

30th April 2012

Dear Richard

PLOVER ROAD, MINSTER – AFFORDABLE HOUSING

I write further to our recent meeting regarding the Plover Road site in Minster. As you will recall we discussed the issue of affordable housing provision within the scheme in the context of the past development which has taken place on the site and I have taken the opportunity, as requested, to provide this explanatory note together with relevant background documentation so that you can form a view on this matter.

I enclose the following documents with this letter:

- A - Appeal decision regarding 30no affordable housing units scheme (APP/V2255/A/05/1180090)
- B – Committee Report on original application
- C – Extract of Proof of Evidence of Jonathan Buckwell at the appeal Inquiry
- D - Letter from J Buckwell to A Jeffers, 1st December 2006
- E - Letter from D Hicken (DHA) to S Bessant (SBC), 31st July 2007
- F - Letter from B Lloyd (SBC) to D Hicken (DHA), 30th August 2007
- G - Letter from D Hicken (DHA) to B Lloyd (SBC), 13th September 2007
- H - Note of meeting between SBC, DHA and Dalemarch, 3rd October 2007
- I - Letter from D Hicken (DHA) to B Lloyd (SBC), 12th October 2007, and documents listed (apart from document i):
 - o i) Notes of a meeting held with S Bessant on 21 October 2003
 - o ii) Letters to S Bessant dated 15 June 2004 and 6 July 2004
 - o iii) Letter to Councillor Morris dated 6 July 2004
 - o iv) Letter to Parish Council dated 7 February 2005
 - o v) Notes of a meeting held with A Jeffers on 2 August 2006
- J - Letter from B Lloyd (SBC) to D Hicken (DHA), 13th November 2007

Context

As you will be aware Policy H28 of the Swale Borough Local Plan 2000 allocated the whole Plover Road site for a total of 100 dwellings. The delivery of the site was phased to prevent any implications for the continued delivery of Thistle Hill. A scheme for 30 affordable properties on the south-west corner of the site was proposed, based on a case for providing affordable housing in advance of market units. This application was refused by the Council but permitted at appeal in 2005, based on what the Inspector considered to be an

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John A. Collins BA (Hons), MBA, MRTPI. Jonathan Buckwell BA (Hons), MA, MRTPI.

Matthew J. Woodhead BA (Hons), BTP, MAUD, MRTPI.

Philip J. Aelen BA, MRTPI.

David Hicken Associates Ltd. Registered in England. Registration No. 2683290





overwhelming need for affordable housing and a lack of any reason to delay the delivery of the scheme. The units completed in 2007.

I enclose the appeal decision for reference, as **Document A**, which clearly confirms beyond doubt that the scheme comprised 30 affordable housing units incorporating key worker provision. I summarise each of the other documents provided below. However **Document I (v)** is key in that it records a meeting with the Council in 2006 where the potential to deliver further affordable housing ahead of the policy phasing was discussed. At no point during this meeting was it argued that the 30 affordable units permitted did not form part of the wider allocation for the site.

This remained the position until the Local Plan Inquiry in 2007. At this point the Council changed their stance on the site to argue that the affordable housing element on the site did not form part of the wider allocation. We had made representations to support the continued allocation of the land and had only objected to the restrictive timing at which the allocation could be delivered. As such we would not have expected to attend the Local Plan Inquiry. However we were not made aware of the change to the site boundary, or clearly we would have objected at that time. Our surprise at this altered stance is expressed in the enclosed documentation.

Background Papers

Document B is the Committee report for the 30 unit scheme. As you will note in their comments on Page 3 the Council's Homelessness and Housing Development Manager states that 'this is a small site which forms part of a wider housing development'.

Document C is an extract from my Proof of Evidence at the appeal Inquiry. This notes that 44 affordable homes are to be delivered across the whole site (based on an increased wider allocation of 147 units to reflect changes in density policy) including the 30 proposed in the appeal scheme. I sent this extract to Brian Lloyd at the Council on the 22nd October 2007 and noted that this position was not disputed or questioned by either the Council or the Inspector at the Inquiry.

Document D confirmed our position, noting that "the permitted scheme for 30 affordable units was intended to form the affordable housing element for the whole wider site which, according to the adopted Local Plan, can accommodate 100 units." As this letter then notes, in order to address density policies at that time and the higher allocation proposed within the Local Plan Review, a masterplan was submitted showing a total of 184 units (including the 30 affordable units being constructed at that point). The intention was to therefore provide a further 25 affordable units within the remainder of the site to meet the 30% affordable requirement across the site. **Document E** reiterates the same position in July 2007.

In contrast the Council's position at August 2007 is set out within **Document F**. This notes the Council's recommendation to the Inspector that the existing development be excluded from the allocated area and that the 30% affordable requirement be reapplied to the allocation. This stance was taken on the basis that the affordable provision was allowed "on the basis of the overriding need for affordable housing on the Isle of Sheppey, not as an 'up-front' provision from the site."



Document G clearly sets out our surprise and disappointment at this position at that time and **Document H** summarises a meeting which then took place to discuss this issue. It was agreed at that meeting that the site was not an exceptions scheme since it was allocated within adopted and emerging plans for housing development. It was noted at the meeting that increasing densities on the site would result in additional affordable provision; something to which I return at the conclusion of this note.

I have included the subsequent letter and its enclosures (although Part i is missing from our files), as **Document I**, which was discussed at the October meeting. We remain of the view, expressed within the letter, that it would be inherently unreasonable for the Council to penalise the landowner for taking up the initiative shown by Amicus to provide affordable housing at a time of local need.

Document J is a further letter following the meetings and discussion on this issue and with the Council having had the opportunity to review the 12th October letter and enclosures. Although we disagree with some of the points made, as noted below, it does provide a summary of the Council's position together with setting out a potential way forward.

The letter acknowledges that the documentation provided makes our position regarding the existing 30 unit scheme clear, but contends that it is unclear whether this position was accepted by the Council.

Summary

I trust that the above summary and enclosed documentation provides you with a full understanding of the discussions that have taken place to date with the Council on this issue.

It has always been our understanding that the 30 existing affordable dwellings would form part of the wider development scheme on the site and it is not coincidental that the affordable scheme permitted at appeal equates exactly to the 100 unit allocation in place on the site at that time. **Document J** acknowledges that our position regarding the affordable provision in the context of the wider site is clear, but that it is unclear whether this position was accepted by the Council. However I am not aware of any correspondence which clearly sets out an alternative position or that the Council disagree with our case, which is why the stance taken in the past has been both surprising and disappointing. You will see from **Document I (v)** in particular that the Council did not disagree with our view that the affordable housing was being provided up-front as part of the wider site allocation. If our stance was not accepted, we would have expected a reaction at that meeting.

Way Forward

The layout we discussed at our last meeting indicated a residential element containing 103 properties, together with the retail/village centre element. Although the final figure may change, the current layout discussed would lead to an overall scheme of 133 units across the whole site. This would create a requirement for 40 affordable units, at 30% provision, meaning that 10 of the proposed units would therefore need to be affordable, taking account of the 30 affordable properties already provided.



The inclusion of the retail element clearly reduces the yield in terms of dwellings across the site. However we are proposing to swap the retail centre from Thistle Hill to Plover Road and we would expect that Bovis Homes will seek permission for a residential scheme to replace the original retail centre and that this will also include an element of affordable housing.

As such the proposed scheme, together with the relocation of the retail centre, will still ensure the creation of affordable housing. In addition we have discussed with you the other benefits of the scheme, in allowing the retail element of Thistle Hill to be delivered and in providing housing within the Borough, particularly in the context of the outline permission for areas of Thistle Hill now having lapsed.

I would therefore be grateful if you are able to come to a view, having discussed this issue with your colleagues, as to the Council's current position so that we can move forward with our discussions on this matter and with an application for the proposed scheme. However please do not hesitate to contact me should you have any queries or if you wish to discuss this further.

Yours sincerely

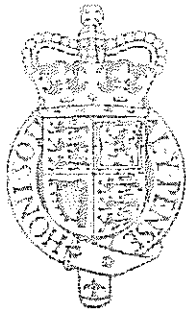
A handwritten signature in black ink, which appears to read 'JBuckwell'.

Jonathan Buckwell
Director (Planning)

Direct email: jonathan.buckwell@dhaplanning.co.uk

DOCUMENT A

**Appeal decision regarding 30no affordable housing units
scheme (APP/V2255/A/05/1180090)**



Appeal Decision

Inquiry opened on 25 October 2005

Site visit made on 26 October 2005

by Alan Woolnough BA(Hons) DMS MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

01 DEC 2005

Appeal Ref: APP/V2255/A/05/1180090

Land at Parish Road / Plover Road, Minster, Isle of Sheppey, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Amicus and Dalemarch (Sheppey) Ltd against the decision of Swale Borough Council.
- The application ref no SW/04/1409, dated 30 September 2004, was refused by the Council by notice dated 4 March 2005.
- The development proposed is the erection of 30 no affordable housing units incorporating key worker units.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matters

1. The Inquiry sat for 2 days, closing on 26 October 2005.
2. At the Inquiry, the Appellants submitted a signed unilateral undertaking made pursuant to section 106 of the Town and Country Planning Act 1990. This makes provision for financial payments to Kent County Council towards extra library space and youth and community facilities prior to the first occupation of the proposed development.
3. At the Inquiry, the Appellants requested that I accept drawings DHA/5390/01 and 16443A/04 revision A, 08 revision A, 09 revision A, 10 revision B and 12 as amendments to the appeal proposal. These drawings resolve discrepancies inherent in the planning application at the time of the Council's decision and received adequate publicity during the appeal process. I am therefore satisfied that it would not be prejudicial to the interests of any party to accept them as amendments.

Main Issues

4. I consider the main issues in this appeal to be:-
 - the implications of the proposal for the achievement of national and local objectives of sustainable development, with particular reference to the sequential release of land for housing;
 - the implications of the proposal for the satisfactory comprehensive development of Thistle Hill; and
 - whether a local need for affordable housing, including key worker accommodation, would clearly outweigh any harm arising from the above issues.

Planning Policy

5. The development plan for the area comprises the Kent Structure Plan, adopted in 1996 (SP) and the Swale Borough Local Plan (LP), adopted in 2000. Of the development plan policies drawn to my attention, I find the following to be the most relevant.
6. SP Policy S1 seeks to achieve a sustainable pattern of development which, amongst other things, will reduce the need for travel. LP Policy H32 advises that residential development will be permitted on 4.9 hectares of land east of Parish Road, Minster and that primary access to the site should be via the residential development at Thistle Hill. This land allocation includes the appeal site. LP Policy H28 indicates that the release of this land for development will normally only be permitted in accordance with phasing comprising 25 dwellings between 1991 and 2001 and a further 75 between 2001 and 2006. LP Policy G1 expects all development proposals to, amongst other things, have regard to the characteristics of the locality, be well sited and provide convenient access.
7. The emerging Kent and Medway Structure Plan has reached an advanced stage in preparation, proposed modifications having been published pending adoption, and carries substantial weight. Emerging SP Policy SS3 promotes a sequential approach to site selection for new development, advocating the consideration of previously developed land before greenfield land. Emerging SP Policy HP4 defines a search sequence based on the same principle, to be applied in identifying new sites to be allocated for housing, taken forward in Policy HP2a of the proposed modifications. Emerging SP Policy HP3 sets a target that 30% of new housing in Swale Borough should be on previously developed land, which the proposed modifications revise to an indicative county-wide target of 70%.
8. The emerging First Review of the Local Plan is at a relatively early stage and therefore carries limited weight. Policies H5 and H9 of the Re-deposit Draft of this plan carry forward the housing site allocation made by adopted LP Policies H28 and H32, but subject it to revised phasing requirements. Emerging LP Policy TG1 records that, within the Thames Gateway Planning Area, planning priorities will include, amongst other things, the use of previously developed land and other land within the existing urban areas for new housing and, on Sheppey, the provision of all new housing sites on such land during the plan period.
9. Reference is made to Regional Planning Guidance for the South East (RPG9). Policy H5 of RPG9 requires that full use should be made of the opportunities for increasing housing development within urban areas and sets a target of at least 60% of new housing on previously developed sites and through the conversions of existing buildings.
10. Reference is also made to the document *Kent Design: A Guide to Sustainable Development*. This has been adopted by the Council as supplementary planning guidance and, having been prepared in accordance with the relevant national advice, carries substantial weight. Amongst other things, it advises that developments should be readily permeable, allowing safe, direct routes for pedestrians and cyclists, and promotes walking and cycling as the dominant mode of travel for short trips.

Inspector's Reasoning

11. The appeal site comprises some 0.56 hectares of greenfield land, on the southern side of the settlement of Minster on the Isle of Sheppey, at the junction of Parish Road and Plover

Road. The latter is a newly constructed section of the spine road that will eventually serve the Thistle Hill residential development and already provides access to the recently completed Sheppey Community Hospital, directly opposite the appeal site. The site lies within the built up area of Minster as defined by the adopted Local Plan and the Thames Gateway Planning Area regional designation.

12. Thistle Hill is a large allocation of housing land to the immediate east and north-east of the appeal site which has the benefit of an outline planning permission for residential development (ref no SW/95/102, dated 12 September 1997). A development brief and master plan have been approved pursuant to this permission and the emerging Local Plan anticipates that the development as a whole will eventually comprise some 1500 houses together with a village centre containing shopping, health and other community facilities.
13. The appeal seeks planning permission for the erection of 30 affordable housing units, comprising a mix of one bedroom apartments and 2, 3, 4 and 5 bedroom houses and including detached, semi-detached and terraced properties. All vehicular access would be via a new spur road leading from Plover Road, with separate pedestrian and cycle routes linking to Plover Road and Parish Road. The Appellants propose that the development would be managed by a Registered Social Landlord (RSL), 10 of the units being in shared ownership and allocated for occupation by key workers, with the remainder for rental. An area of public open space would be provided on its northern edge.

Sustainable development

14. The adopted Local Plan, by means of Policies H28 and H32, allocates the appeal site, together with land to its immediate north, for housing and does not seek to regulate the timing of its development beyond 2001. The emerging Local Plan retains this land allocation but, at Policy H9, specifies that planning permission for its development will not be permitted until the Thistle Hill site is fully developed, unless the annual completion rate on the latter falls below 80 dwellings per year after 2011 and development has commenced on the Neatscourt and Ridham & Kemsley employment sites.
15. The emerging policy seeks to address national objectives concerned with the sequential release of land for residential development in the interests of sustainability contained in the current version of Planning Policy Guidance (PPG) Note 3: *Housing*, which was not published in time to inform the preparation of the adopted Local Plan. However, it is the subject of an objection, lodged by the Appellants, which has yet to be properly considered as part of the ongoing development plan process. Therefore, it would be premature for me to attach significant weight to this policy and the very specific phasing restrictions it prescribes.
16. Having said this, paragraph 38 of PPG3 prescribes that, before development plans can be reviewed, regard should be had to the policy contained in the PPG as a material consideration that may supersede adopted policies. Paragraph 32 introduces a presumption that previously-developed sites should be developed before greenfield sites, unless they perform so poorly in relation to criteria listed in paragraph 31 as to preclude their use for housing before a particular greenfield site. These criteria include the availability of previously developed sites and their suitability for housing use and the location and accessibility of potential development sites to jobs, shops and services by modes other than

the car. Moreover, these objectives have been embraced by the emerging Structure Plan, to which substantial weight can be attached.

17. It is clear from the Council's evidence that there are brownfield sites in the vicinity of Minster that are available in the short term for residential development and could accommodate 30 units. This is not disputed by the Appellants and I accept that these sites, most notably the former Sheppey Hospital and land at Queenborough Creek, are sequentially preferable to the appeal site for general housing purposes.
18. Moreover, there is a clear disparity between housing provision and employment provision on the island, development on key sites allocated for employment development having yet to commence, which the emerging Local Plan sets out to redress. I acknowledge that further housing development at this time could exacerbate this imbalance and work against sustainability objectives by further increasing the high level of commuting by car away from the island to places of employment that already takes place on a daily basis.
19. Additionally, the appeal site lies on the edge of the developed part of the defined built-up area of Minster. The only significant employment facility in the immediate vicinity is the Sheppey Community Hospital and, whilst a 'village centre' with shops and various community facilities is a requirement of the Thistle Hill planning permission, it is clear that it will be some considerable time before this is built. Whilst there are bus services linking the appeal site with shopping and community facilities in Minster and Sheerness, these do not run in the evening.
20. Although there is a local shopping centre with a good range of facilities at the junction of The Broadway and Minster Road, this lies further from the site than the 300 metres prescribed in Planning Policy Statement 6: *Planning for Town Centres* as 'easy walking distance'. It is therefore likely that, at least in the short term, occupiers of the proposed development would be dependent to a significant degree on the car for their travel requirements, contrary to the objectives of PPG3 and PPG13: *Transport*.
21. I conclude that, notwithstanding the allocation of the appeal site for housing in the adopted Local Plan, the current proposal scores poorly in the PPG3 sequential test in comparison to certain other sites, and that the implementation of the proposal at this time would therefore have some harmful implications for the achievement of national and local objectives of sustainable development. Accordingly, I find there to be conflict between the appeal scheme and Policy S1 of the adopted Structure Plan, Policies SS3, HP3 and HP4 (HP2a as proposed to be modified) of its emerging successor, emerging Local Plan Policy TG1, Policy H5 of RPG9 and national policy in PPG3 and PPG13.

Comprehensive development of Thistle Hill

22. The appeal site is not covered by the Thistle Hill planning permission or master plan and is the subject of a separate housing allocation in the adopted Local Plan. Nevertheless, I accept that, in physical and practical terms, it is inextricably associated with Thistle Hill by reason of its close proximity and shared highways infrastructure.
23. Adopted LP Policy H32 requires that primary access to the housing allocation that includes the appeal site should be via the residential development at Thistle Hill, and the Council contends that the current proposal, being accessed from Plover Road rather than adjacent housing development, would fail to comply with this requirement. However, it is clear

from supporting text in paragraph 4.3.22 and from the Inspector's Report that preceded the adopted plan that the precise wording of Policy H32 derives from a concern that the poorly surfaced Parish Road is unsuitable to accommodate the number of dwellings likely to be generated by a housing development of 4.9 hectares.

24. Plover Road has since been built to a high standard and will eventually become part of the Thistle Hill spine road, the construction of which is well underway. I consider that serving the appeal development therefrom would meet the underlying objective of LP Policy H32. Moreover, it would be in general accordance with the approved Thistle Hill master plan, which shows an access to the appeal site from what is now Plover Road, albeit in a slightly different position to the current proposal. I do not therefore find the proposed means of access to the appeal scheme to compromise the future development of Thistle Hill unduly.
25. The Council is concerned that the appeal proposal would relate poorly to Thistle Hill in terms of pedestrian and cycle route linkages and, in this respect, it is evident that the proposed affordable housing would be separated from the land to the east by the access road that would serve it. Although covered by outline planning permission ref no SW/95/102, none of this land yet benefits from a detailed approval and it is generally agreed between the main parties that it will remain undeveloped for some years to come. However, notwithstanding this, there is nothing, in my view, to prevent good, safe pedestrian and cycle routes being constructed in due course that would span the access road and provide adequate linkages between the appeal development and Thistle Hill.
26. Whilst the layout of the current proposal would inevitably influence the eventual positions and form of such links, it need not, in my judgement, constrain the development of land to the east unduly. Similarly, although the provision of public open space on the edge of the appeal scheme would guide the layout of development on land to the north, it need not hamper it significantly. Moreover, the position and standard of the proposed access road are such that this would provide a good pedestrian and cycle link, as well as a vehicular one, between the appeal development and future development to the north.
27. I am therefore satisfied that, in due course, the appeal scheme could be integrated in a satisfactory way with development on adjoining land. I find no justification for a master plan to oversee this integration and, indeed, note that the Council recommends, in its response to the Appellants' objection to the emerging Local Plan, that the appeal site and the land to its north need not be the subject of a development brief.
28. The Council is further concerned that the proposed development would, for some time to come, read in isolation from Thistle Hill in townscape terms, so giving the impression of piecemeal rather than comprehensive development of the wider area. Whilst it would be bordered for some time on 2 sides by open fields allocated for housing pending their later development, the appeal scheme would nevertheless be located in very close proximity to existing housing on the opposite side of Parish Road and to the hospital to the south. In my judgement, these relationships would be sufficient to ensure that it would relate adequately in visual terms to the existing built-up area and would not read as an isolated enclave of housing development. In any event, it would, in due course, be enveloped by built development on all sides.
29. I conclude that the development of the appeal site at this time, separately from the adjacent part of the Thistle Hill housing allocation, would not be unduly prejudicial to the

satisfactory comprehensive development of the latter. Accordingly I find no significant conflict with adopted LP Policies G1 or H32 or *Kent Design*. Whilst the proposal would not comply with Policy H9 of the emerging Local Plan, this carries limited weight for the reason I have already explained.

Need for affordable housing

30. The delivery of affordable housing sufficient to meet the needs of local communities is a national policy objective contained in Circular 06/98: *Planning and Affordable Housing* and PPG3. The Appellants have provided detailed information regarding the level of housing need and the shortfall between affordable housing supply and demand on the Isle of Sheppey. These figures are not disputed by the Council and I give them significant weight.
31. The Appellants also estimate the projected cumulative increase in this shortfall over the next few years. Whilst the general magnitude of the anticipated growth of housing need on the island is not challenged by the Council, the main parties do differ in their assessments of the precise extent to which that need is likely to be met by affordable housing in the immediate future on land which is sequentially preferable to the appeal site in PPG3 terms.
32. The Council points to various housing land allocations in the emerging Local Plan, potential brownfield sites and other sites with planning permission which, it anticipates, should yield considerable affordable housing provision on Sheppey over the period covered by the emerging Local Plan. In particular, it highlights the former Sheppey Hospital and land at Queenborough Creek as sites likely to become available for that purpose within the next 3 to 4 years. However, the Appellants provide evidence to the effect that many of the sites referred to are, in practice, unlikely to be available to RSLs in the short term, not least as the latter will not be able to meet the open market price currently sought by some landowners.
33. Notwithstanding these differences, it is nevertheless clear from the figures before me that housing need on the Isle of Sheppey is an increasing problem of considerable magnitude. Indeed, it is evident that, even if all the future land releases cited by the Council with an affordable housing element were to come forward in the near future, it is likely that they would together fail to meet the prevailing level of need by a considerable margin. In practice, the release of these sites would be spread throughout the period of the emerging Local Plan, which runs to 2016.
34. I acknowledge that affordable housing has come forward on the island at a steady rate in recent years and will continue to do so as Thistle Hill and other general market housing allocations are built out. However, I am not satisfied that this represents reasonable progress in the face of a burgeoning need for such accommodation, having noted in particular the concerns expressed by the Council's Housing Manager regarding the current supply situation. Indeed, evidence suggests that significant inroads into the shortfall are unlikely to be made until larger land releases begin to take place in around 2008.
35. Having said this, I find the Appellants' evidence regarding the need for key worker housing on the island unconvincing. Although positive views regarding the need for accommodation for key workers on the island have been expressed by the National Health Service and Elmley Prison, little has been forthcoming in the way of supporting data. I am not therefore satisfied that there is key worker demand for housing at Minster or on Sheppey generally that would be sufficient to support 10 shared ownership units. However, in circumstances where the demand for affordable housing on the island is so high, I find

the lack of convincing evidence in relation to key workers to be of little consequence, as the units in question could be readily occupied by others in housing need.

36. I acknowledge that PPG3 makes no specific provision within urban areas for affordable housing to be regarded as an exception to the sequential test prescribed therein. However, neither does it give greater weight to the sequential test than to the affordable housing objectives it also seeks to advance. In any event, the fact that the need for affordable housing is so high should, in my judgement, ensure that the appeal proposal would not slow the build rate on the Thistle Hill site or delay the development of brownfield sites on the island, thereby reducing conflict with the underlying aims of the sequential test.
37. I conclude that the prevailing level of affordable housing need on the Isle of Sheppey is such that the contribution that the proposal would make towards meeting it far outweighs any harm that would arise from the short term failure of the appeal scheme to comply fully with objectives of sustainability, as identified earlier in this decision. I therefore find that, on balance, compliance with affordable housing objectives contained in Circular 06/98 and PPG3 justifies a departure from other policy objectives in this particular case.

Other Matters

38. I have considered all the other matters raised, including appeal decision ref no APP/V2255/A/02/1092491 relating to residential development at Danley Farm. Although I do not know the full circumstances of that proposal, it is apparent that it related to the provision of general market rather than affordable housing so is not directly comparable to the appeal scheme. In any event, each proposal must be dealt with primarily on its own merits and I have done so in this case.
39. Although identified as a possibility in paragraph 4.3.22 of the adopted Local Plan, there is no policy requirement for the appeal site to accommodate development fronting Parish Road. I am satisfied that the scheme in its revised form presents an acceptable standard of development in aesthetic terms, and do not find car parking to be so dominant within the layout as to discourage use of the prescribed pedestrian routes. Whilst parts of the development would be clearly visible from existing dwellings, I do not consider that the proposal would impact materially on the living conditions of local residents as long as appropriate safeguards were imposed in relation to construction activity.
40. The Second Swale Crossing, which will link Sheppey to the Kent mainland, is under construction and due for completion in summer 2006, when it is expected to relieve much of the traffic congestion presently experienced on the island. I am therefore satisfied that, by the time any housing permitted pursuant to this appeal would be ready for occupation, the area's highways infrastructure would have been upgraded such that it would be readily able to accommodate the extra traffic generated by the scheme. In a more localised context, evidence from Kent County Council and the Appellants' highways consultants demonstrates the adequacy of the proposal in terms of highway safety and parking provision.
41. The County Council has confirmed that existing educational facilities are adequate to meet the extra demand likely to be generated by the proposal, and that the financial payments provided for by the Appellants' unilateral undertaking would meet the identified need for library and youth and community facilities. Whilst I note the concern of some that the

appeal development would have serious adverse implications for other local services and infrastructure, I have seen insufficient evidence to support this view.

42. Notwithstanding the comments of some local residents regarding problems associated with a housing association scheme at Lapwing Close, I have seen nothing to demonstrate that a concentration of affordable housing on the scale proposed would necessarily lead to problems of social conflict or exclusion, particularly as there is nothing to suggest that the scheme would be readily identifiable as social housing. Whilst the 'pepper-potting' of individual affordable housing units amidst general residential development is often promoted as best practice and is endorsed as such in a government Green Paper, no national or local planning policy to this effect has been drawn to my attention.
43. Concerns relating to drainage and flooding could be adequately addressed by means of conditions and I have seen nothing to suggest that nature conservation interests would be seriously affected by the proposal. Therefore, neither these nor any of the other matters raised are of such significance as to outweigh the considerations that have led to my conclusions on the main issues.

Conditions

44. I have considered the conditions suggested by the main parties and discussed at the Inquiry having regard to the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. In some cases I have altered the suggested wording in the interests of precision and enforceability to reflect that advice.
45. Conditions governing external materials and landscaping are required in the interests of visual amenity, and a condition governing the layout and management of the public open space is essential to ensure the provision and continuing availability of that facility. The prior approval of drainage arrangements is necessary to safeguard against flooding and secure adequate foul sewerage capacity. Given the scale of the proposal and its proximity to existing dwellings, I find restrictions on the hours of construction activity to be necessary in this case to safeguard residential amenity. However, exception clauses which purport to provide an informal procedure to waive or modify the effect of such a condition or address emergencies fail the test of precision set out in the Circular.
46. I have seen no convincing evidence of the need for an investigation to determine the nature and extent of site contamination on this formerly agricultural site. However, advice from the County Council's archaeological officer demonstrates the necessity in this case of an agreed programme of archaeological work rather than a simple watching brief. Although conditions relating to the prior approval of visibility splays and driveway and carriageway gradients and to secure the provision and retention of access, parking and turning facilities are required in the interests of highway safety, I find the highway authority's more stringent requirements to be duplicated by highways legislation, and thus to be unnecessary elements of a planning condition.
47. An agreed affordable housing scheme is required to secure the particular occupancy restrictions envisaged as part of this proposal. However, I find it inappropriate to specifically restrict any of the units to key worker occupation, given that a demand for such accommodation has not been proven to my satisfaction but a more general affordable housing need has been clearly established. Having said this, the absence of such a restriction would not prevent units within the development being allocated to key workers.

Whilst a stipulation that a RSL be involved is acceptable, tying the scheme to a particular social housing provider would be unreasonable under the terms of the Circular.

Conclusion

48. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

49. I allow the appeal, and grant planning permission for the erection of 30 no affordable housing units incorporating key worker units on land at Parish Road / Plover Road, Minster, Isle of Sheppey, Kent in accordance with the terms of the application, ref no SW/04/1409 dated 30 September 2004, and the plans submitted therewith as amended by drawings DHA/5390/01 and 16443A/04 revision A, 08 revision A, 09 revision A, 10 revision B & 12, subject to the following conditions:

- 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaces hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) Construction activity associated with the development hereby permitted shall only take place between the hours of 07:30 and 19:00 Monday to Friday and 07:30 and 13:00 Saturday. Impact pile driving shall only take place between the hours of 07:30 and 17:00 Monday to Friday. No construction activity shall take place on Sundays or public holidays.
- 4) Development shall not begin until details of the means of foul and surface water disposal have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Prior to the commencement of development, a scheme of hard and soft landscaping works and a programme for its implementation shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of all trees and hedges to be retained, measures for their protection during the course of development and the size, species, position and density of all new planting. It shall be implemented as approved and the protective measures shall be in place throughout the construction period. If any tree or shrub included in the approved scheme is removed or destroyed, becomes diseased or dies within 5 years of planting, another tree or shrub shall be planted at the same place and shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- 6) Prior to the commencement of development, a scheme for the laying out and future management of the public open space, with a programme of implementation, shall be submitted to and approved in writing by the local planning authority. The space shall be laid out in accordance with the approved scheme and programme, and the approved management arrangements shall thereafter be fully adhered to.

- 7) No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written specification and timetable which has been submitted to and approved in writing by the local planning authority.
- 8) The development shall not begin until details of the arrangements to secure the provision of the residential development hereby permitted as affordable housing have been submitted to and approved in writing by the local planning authority. Such details shall include:
 - i) the provision of 20 units for social renting and 10 units for shared ownership;
 - ii) the arrangements to secure the involvement of a Registered Social Landlord and ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
 - iii) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.The affordable housing shall be provided in accordance with the approved arrangements, which shall thereafter be fully adhered to.
- 9) Prior to the commencement of development, details of all visibility splays to be provided within the development and of all driveway and carriageway gradients shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and, thereafter, no obstruction exceeding a height of 1.05 metres shall be allowed to occur within any visibility splay.
- 10) All access, parking and turning facilities shall be completed in accordance with the approved drawings prior to the first occupation of the units they serve and shall thereafter be retained and made available at all times for the parking and manoeuvring of vehicles.



INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Andrew Tate	Of Queen's Counsel, instructed by David Hicken Associates, Southgate House, High Banks, Loose, Maidstone, Kent ME15 0EQ
He called:	
Mr S Henderson MA FCIQB MRICS	Group Commercial Director, Amicus Group Limited
Mr J Buckwell BA(Hons) MA MRTPI	Associate Planner, David Hicken Associates

FOR THE LOCAL PLANNING AUTHORITY:

Graham Stoker	Of Counsel, instructed by Mr Milne, Borough Solicitor, Swale Borough Council
He called:	
Mr A J Jeffers BA(Hons) MRTPI	Area Planning Officer, Swale Borough Council
Mrs H E Hanslip BSc MRTPI	Planning Officer, Swale Borough Council

INTERESTED PERSONS:

Councillor J Stanford Mr P J MacDonald	Swale Borough Council Vice-Chairman, Minster-on-Sea Parish Council, Kendor Lodge, Chequer Road, Minster-on-Sea, Sheerness, Kent ME12 3QL
Mr R Glover	Local resident, 71 Barton Hill Drive, Minster-on-Sea, Sheerness, Kent ME12 3NF
Ms C M Kelly	Local resident, La Casa, Parish Road, Minster-on-Sea, Sheerness, Kent ME12 3NQ
Ms T Parker	Local resident, 1 Parish Road, Minster-on-Sea, Sheerness, Kent ME12 3NQ
Mr M White	Local resident, 15 Hilltop Road, Minster-on-Sea, Sheerness, Kent ME12 3NB
Mr M Worf	Local resident, 12 Parish Road, Minster-on-Sea, Sheerness, Kent ME12 3NQ

DOCUMENTS

Document	1	Lists of persons present at the Inquiry
Document	2	Council's letters of notification and lists of those notified
Document	3	Letters received in response to the above
Document	4	Statement of Common Ground, submitted at the Inquiry
Document	5	Appendices 1 to 5 to the Council's Rule 6 Statement
Document	6	Appendices A and B to Mr Henderson's proof
Document	7	Appendices JB1 to JB10 to Mr Buckwell's proof
Document	8	Appendices A to F to Mr Jeffers' proof
Document	9	Annexes 1 to 7 to Mrs Hanslip's proof
Document	10	Agreed list of relevant planning policies, supplied jointly by the Appellants and the Council
Document	11	Unilateral undertaking dated 25 October 2005, submitted by the Appellants
Document	12	Statement by Peter John MacDonald, submitted by Mr MacDonald
Document	13	Pages 5 & 6 of appeal decision ref no APP/V2255/A/03/1118023, supplied by the Appellants
Document	14	Suggested affordable housing condition, submitted by the Council
Document	15	List of suggested conditions, submitted by the Council
Document	16	Letter to the Council dated 24 October 2005 from Kent Highway Services, submitted by the Council
Document	17	Letter dated to the Council 19 October 2005 from Mrs T Brown, submitted by the Council
Document	18	Print of e-mail to the Council dated 20 October 2005 from Mrs J Tucker, submitted by the Council
Document	19	Print of e-mail to the Council dated 23 October 2005 from Mr & Mrs C Crowder, submitted by the Council
Document	20	Letter to the Council dated 2 February 2005 from Amicus Group, submitted by the Council
Document	21	Letter to the Planning Inspectorate dated 25 October 2005 from Kent County Council, submitted by the Appellants
Document	22	Extracts from <i>Kent Design: A Guide to Sustainable Development</i> , submitted by the Appellants

CORE DOCUMENTS (CD)

CD	01	Swale Borough Local Plan 2000
CD	02	Extracts from the Swale Borough Local Plan First Review Deposit Draft, March 2004
CD	03	Swale Borough Local Plan First Review Re-deposit Draft, July 2005
CD	04	Kent Structure Plan 1996
CD	05	Kent and Medway Structure Plan: Deposit Plan, September 2003
CD	06	Kent and Medway Structure Plan: Examination in Public Panel Report
CD	07	Kent and Medway Structure Plan: Proposed Modifications, September 2005
CD	08	Draft South East Plan Part 1: Core Regional Policies, July 2005
CD	09	South East Plan Consultation Document: Employment Housing and Infrastructure in Kent, September/October 2005

CD	10	Report to the Council's Planning Committee of 24 February 2005
CD	11	Decision notice for planning permission ref no SW/95/102 dated 12 September 1997 for residential development on land at Thistle Hill, Minster
CD	12	Thistle Hill Development Brief, November 1997
CD	13	Tapping the Potential – a Companion Guide to PPG3
CD	14	Kent and Medway Structure Plan: Working Paper 7: Housing Development Information, July 2004
CD	15	Swale Borough Urban Capacity Study, April 2003
CD	17	South East Regional Housing Strategy, 2006 onwards
CD	18	Swale Housing Needs Survey 2001 and Supply/Demand Analysis

There is no Core Document 16

PLANS

Plans	A.1 to A.10	Application plans comprising drawing 1621/01 and drawings 16443A/02 to 06 & 08 to 11
Plans	B.1 to B.6	Amended and additional plans comprising drawings DHA/5390/01 and 16443A/04 revision A, 08 revision A, 09 revision A, 10 revision A & 12, submitted with Mr Buckwell's proof
Plan	C	Further amended plan, comprising drawing 16443A/10 revision B, submitted by the Appellants
Plans	D.1 & D.2	Superseded plans comprising drawings 16443A/01 revision D & 07

DOCUMENT B

Committee Report on original application

- Location:** Land at Parish Road, Plover Road, Minster, Isle of Sheppey, Kent.
- Proposal:** Erection of 30 affordable housing units incorporating key worker units.
- Applicant/Agent:** Amicus and Dalemarch (Sheppey) Ltd., C/o David Hicken Associates Ltd, Southgate House, High Banks, Loose, Maidstone, Kent, ME15 0EQ.
- Application Valid:** 8 November 2004 and as amended by additional information received 23 November 2004 and amended plans received on 30 November 2004.
- SUBJECT TO:** the views of the Highway Manager, further exploration of the need for the proposed affordable and key worker housing and the receipt of satisfactorily amended drawings.

Description of Proposals

This is a full application for the erection of 30 affordable housing units including key worker units comprising of 16 x 2 bedroom terraced 2 storey houses, 3 x 3 bedroom semi detached and detached 2 storey houses, 2 x 4 bedroom, 2 storey semi detached houses and 1 x 5 bedroom 2 storey detached houses which has 2 of the bedrooms within the roof space with front and rear dormer windows. It is also proposed to erect a 2 storey block of flats comprising 4 x one bedroom units. Each of the dwelling houses would have 2 allocated parking spaces whilst the flats would have one each. All the parking would be located directly to the front or rear of the properties and there would also be 5 visitor parking spaces provided.

Unit Nos. 5 to 18 (all) would directly front onto Plover Road, whilst the remainder would be located to the rear of these units at right angles to Plover Road. The block of flats would be located in the south east corner of the site, at the junction of Plover Road with Parish Road.

There would be 2 access roads directly off Plover Road serving the development whilst there would be a pedestrian access directly from the development into Parish Road

Continued....

The application is supported by both Planning and Highway Statements. A copy of the Planning Statement is attached as Appendix A to this report. It is also supported by letters from Amicus and Swale NHS Trust both of which are attached at Appendix B to this report.

Relevant Site History and Description

This application relates to 0.56 hectares of open grassland which slopes gently southwards. To the north is open fields, the Scrapsgate drain beyond which is the development of Fleetwood Close. To the east of the site are currently open fields, which form part of the Thistle Hill development, to the south is Plover Road beyond which is the recently built Sheppey Hospital, whilst to the west is a substantial 2m high hedge beyond which are the 2 storey detached and semi detached houses along the unmade Parish Road.

This site has been the subject of 3 planning applications for outline residential development all of which have been refused permission and dismissed on appeal, two in 1987 (application No.s SW/85/603 and SW/85/1190) and one in 1979 (application no. SW/78/736). The two appeals in 1987 were dismissed as the Inspector considered that irrespective of the lack of a 5 year housing land supply for Sheppey, that the highway objection and the fact that the development would extend the confines of the built up area into the open countryside were sufficiently harmful to dismiss the appeals. However irrespective of the previous planning history it should be noted that this site has subsequently been allocated as a housing site in the adopted Swale Borough Local Plan.

An outline application for residential development of 4.5 hectares, part of which included the current application site, was submitted on 19 December 2000 and has been held in abeyance (ref. SW/00/1228).

View of Consultees

Minster Parish Council raise objection stating:-

"This proposal is not considered sustainable as there is a lack of infrastructure to support it. It will further increase road congestion.

It is also noted that this site, although for key workers, is not planned until 2011. MPC is of the view that no further building should be allowed until the completion of the Swale Crossing. Furthermore MPC agrees with Policy H10 of the Draft Development Plan that there is no justification in releasing additional sites until Thistle Hill is built on.

Continued.....

MPC also noted that this is not a comprehensive plan. If the long term intention is to develop the whole of this site, MPC ought to see a comprehensive development plan showing all the future proposals".

Southern Water Services require that development should not commence until details of proposed means of foul and surface water disposal have been submitted to and approved by the District Planning Authority.

Mouchelpackman request that a suitable condition or Section 106 Agreement relating to the provision of a contribution towards additional library and youth and community facilities is provided.

The Head of Environmental Services requests that conditions relating to any ground contamination of the site, limiting hours of construction and any possible impact, pile driving a programme of dust suppression and no burning of waste or refuse are proposed.

D.E.F.R.A. have no comments to make on this application.

The Lower Medway Internal Drainage Board raise no objection subject to all surface water from the site discharging to a local watercourse is attenuated for a 1:100 year storm with a limited discharge of 7 1/5/ha or equivalent run off from the greenfield site for the 1:2 year storm and the application meets Environment Agency requirements.

EDF Energy raise no objection but note that overhead line and underground cabling need to be safeguarded during the development.

The Council's Homelessness and Housing Development Manager states that:-

"With regard to the planning application submitted for this site on behalf of the Amicus Group. I appreciate that this is a small site which forms part of a wider housing development and that planning would like to see this site developed out a whole but at the moment we are not in the position to do that whereas we are in the position to develop this section of it.

This development was subject to a successful bid to the Housing Corporation in November 2003 for Approved Development Funding and has the total support of the Housing Services Department here at SBC. In conjunction with Thistle Hill and Sheppey General Hospital it is an integral means of delivering the affordable housing required for Minster.

Both the Housing Needs survey (2002) and the Housing Register reflect a very high need for affordable housing in Minster (and this is reflected in the ethos behind the action plan for the current Housing Strategy).

Continued.....

The level of need is such that the scheme can support a mix of unit types and tenure – discussions have already been held with the NHS about making some of the shared ownership units available for health staff and the NHS are in full support of this due to their staffing difficulties. With regard to the rented element there is a very high need for all types of properties ranging from 1 bed flats to 4+ bed houses.

As you can see from the above text I am in full support of this application as it represents a key affordable housing development within Swale and hope that you will be able to recommend it for full planning permission."

Comments from the Highway Manager are still awaited and I would hope to report his views to Members at the meeting.

Other Representations

18 letters of objection have been received raising the following issues:-

- Loss of house values
- Loss of light
- No provision for open space/play area. The proposal appears cramped.
- Loss of green fields/wild life.
- Increase in trouble/crime in the area as a result of this proposal.
- Increase in traffic particularly on Lower Road and Barton Hill Drive. Increase in traffic noise and accidents.
- Lack of service/infrastructure collapsing, cannot cope – not enough schools, doctors dentists etc.
- Where is the need? Where are the key worker vacancies. There are staff at the hospital now so why would they now move house. Unlikely that NHS will increase the services at the hospital, therefore no need for these houses.
- The site is not planned for development until 2011 and any claim for affordable housing is a ploy to circumvent this restriction.
- Development should not go ahead until Thistle Hill is fully developed out.
- Too much housing on Sheppey, why not let Faversham have the "affordable housing"
- Affordable houses claim is a myth/red herring.
- Existing drainage/sewers will not cope with increase in demand from new development.
- Former owner claimed sold land to NHS with clause "no housing" but did this remain on the land when NHS sold the land on?
- Seek reduction in Council Tax as existing properties will not be worth as much.

Continued....

- Potential dangerous conflict of new pedestrian access into Parish Road directly opposite our existing garage drive.

Policies

The relevant policies from the Kent Structure Plan include H1 (provisions of housing) H6 (affordable housing) and H7 (range of dwelling types).

The site is shown as allocated for residential development in accordance with Policy H32 of the Swale Borough Local Plan which states that:-

"Residential development will be permitted on 4.9 hectares of land east of Park Road as shown on the Proposals Map. Primary access to the site should be via the residential development at Thistle Hill."

Other relevant policies from the Swale Borough Local Plan include G1 (general Criteria), IN4 (highway considerations), IN7 (parking), E20 and 21 (trees) E51 (landscaping) E50 (design) H10 (affordable housing) IN17 (cycle routes) and IN21 (disposal of foul and surface water).

Policy H2 of the Swale Borough Local Plan Deposit Draft First Review 2004 relates to providing for new housing, whilst under Policy H10 the application site is shown allocated for housing and should be seen as part of the adjoining Thistle Hill Development.

Discussion

In terms of the principle of whether or not residential development is acceptable on this site, it should be noted that it is allocated in the adopted Swale Borough Local Plan for residential development. Policy H32 identifies that at a low density the site including the whole of the Parish Road site might provide for approximately 100 dwellings, with the requirement that the primary access should be via the residential development of Thistle Hill. Originally, this was all envisaged to be in the 2001-2006 period, 2001 being seen as related to the expected provision of new infrastructure to which the development of the main Thistle Hill site is tied, in particular to improvements to the A249 and the provision of the second Swale crossing. However, the provision of new infrastructure has been delayed and the second Swale Crossing currently under construction is due to be completed in summer 2006.

Continued.....

However, in response to an objection at the Local Plan Inquiry the Council proposed that a limited development of the site could go ahead with access from Parish Road in advance of the development of the remainder of the site, which overall is intended principally to be served by roads on the Thistle Hill site. Hence the Inspector recommended that up to 25 dwellings would be acceptable on this site prior to the intended 2001 highway improvements which are only now being constructed. This current proposal for 30 dwellings shows the two accesses intended from Plover Road, but shows no accesses would be gained from the main Thistle Hill site.

In his comments the Local Plan Inspector recognised that the site was previously identified as part of the Thistle Hill site, but not included in the eventually approved outline planning application (SW/95/102). Nevertheless, he agreed with the Borough Council that it was inextricably associated with the Thistle Hill site, and his conclusions on highway issues at Thistle Hill also apply to this site. These conclusions, of course, are that the development of such a strategic site should be restricted to keep pace with infrastructure provision.

Since the completion of the Local Plan, PPG3 Housing with its emphasis on promoting the development of brownfield sites and either avoiding greenfield sites or at least delaying their development until previously developed land has been given priority has brought about significant changes in the way in which housing applications are evaluated. Members will be well aware of how the Council has addressed these issues and that on Sheppey we have experienced the additional problem of the rate of housing development far exceeding that of employment development and the provision of transport and community infrastructure.

Partly for these reasons Policy H10 of the Swale Borough Local Plan Deposit Draft First Review proposes the following:

"That adjoining land at Plover Road and at Sunnyview, Scocles Road, allocated in the adopted Local Plan, be re-allocated in the Draft Plan for 147 and 30 dwellings respectively as part of an enlarged Thistle Hill site, but that they would not be released until the original Thistle Hill site has been fully developed unless, after 2011, the build rate at Thistle Hill fell below 80 dwellings per year and the development of the Neatscourt and Kemsley Fields employment sites had commenced;"

It is important to recognise that this is a greenfield site, albeit positioned now well within the defined built up area. This clearly makes it an obvious site for future development, but in accordance with the sequential approach advocated in paragraph 38 of PPG3 it should not be given priority over the previously developed sites proposed in the draft Local Plan.

Continued.....

My initial reaction to this application was therefore that it should be refused because of its failure to successfully address PPG3 issues and the Council's current and emerging policy approach to housing proposals on Sheppey. I explained this situation to the applicants who reiterated their belief that local housing needs for affordable and key worker units should be overriding. We accordingly agreed that I would hold the application back from the Committee's last agenda in order that further information could be provided.

I have now received further supporting information from both the agent and Amicus. These are copied and attached as Appendices C and D to this report.

I have also received further views from the Council's Homelessness and Housing Development Manager who comments as follows:

"I understand that there may still be some difficulties with recommending this planning application for approval. I have been told this is because this is a Greenfield site and does not link in with the proposals to build on Brownfield sites in the first instance. While I appreciate this is the case I would also like to point out the housing need in relation to Minster and the availability of Brownfield sites in this location. Due to availability and the cost implications associated with Brownfield sites there are not enough schemes to meet the housing need for an area such as Minster. In order to emphasise the housing need for this scheme I have had a look at the homeless figures for Minster and as I suspected find a disturbing picture in relation to how long applicants to whom we have accepted a full duty are having to wait for permanent accommodation. Of a total of 1120 applicants on the Housing Register requiring accommodation in Minster, 71 are homeless applicants to whom we owe a full housing duty, of which many are living in temporary accommodation and are unable to put down roots, settle children into schools etc. Of those 71, 17 of the households have been waiting for over a year for permanent accommodation and 9 of them have been waiting in excess of 18 months. Like me I am sure you find this situation unacceptable especially when such a wait can also mean the household having to move as many as 4 times within a 21 month period. The cost of this temporary accommodation also represents a direct cost to the local authority in addition to having to place families in Bed and Breakfast accommodation while those we are accommodating in other forms of temporary accommodation await accommodation in the area where they have a local connection.

While I appreciate the difficulties you may face as a planner in relation to this scheme I hope that I have emphasised the housing need and how much this scheme is required in order to meet not only the recommendations of the latest housing needs survey but also the housing needs of these individuals."

Continued.....

In terms of the details of the development itself a range of dwelling sites would be provided. All of which would have adequate amenity space having minimum 10m rear gardens and satisfactory separation privacy distances between windows in line with Kent Design guidance. The parking provision would be in accordance with the Council's parking standards.

However, the development would be very much planned to being served with accesses off Plover Road with no direct links into the Thistle Hill development, contrary to the intentions of the Local Plan.

Furthermore the proposed layout appears somewhat regimented and uninteresting and could be significantly improved, particularly in regard to avoiding the need for large areas of parked cars and roads to the rear of the houses fronting Plover Road, whilst the treatment of the site boundary with Parish Road could be improved with substantial landscaping.

I have discussed these issues regarding the proposed layout of the development with the developer and I anticipate that appropriately amended plans will be submitted shortly.

Summary and Recommendation

As Members know, I do not normally report applications to Planning Committee until I believe that I can include within my report a clear recommendation as to how the application should be determined.

In the case of this particular application, I am however reporting it under Part 1 of the Committee's agenda without at this stage a recommendation. This is because I consider the balance between (1) what would normally be a relatively straightforward recommendation of refusal and (2) a careful and thorough assessment of the housing need for affordable and key worker units to be a difficult one which I have not yet progressed to what I consider to be a satisfactory conclusion.

I am therefore still considering the housing needs evidence and I am hopeful that I will also shortly receive amended drawings addressing my concerns over the details of the submitted scheme.

I will therefore report further at the meeting with a clear recommendation as to how the application should be determined.

List of Background Documents

1. Application Papers for Application SW/04/1409.
2. Correspondence relating to Application SW/04/1409.
3. Application papers on SW/00/1228, SW/85/1190, SW/85/603 and SW/78/736.

DOCUMENT C

Proof of Evidence of Jonathan Buckwell at the appeal Inquiry

Land east of Queenborough station (UCS site 316)	Possible	12	0% (0)	None apparent	Understand access issues preclude sensible development
Land north and south of Queenborough Creek (UCS sites 335, 336, 338, 339)	Possible	500	30% (150)	Partly poor environment; fragmented ownership; contamination	Unlikely to yield affordable housing until 2010/11 at earliest

Table 5.1 Sites on Sheppey allocated for residential development in the SLPR

5.41 Table 5.1 shows the number of dwellings which have been allocated on each of these sites in the Re-Deposit Local Plan, together with the number of affordable homes expected to be delivered from each. It also notes the assessment of market viability for development before 2011 taken from the UCS and also notes any constraints to development identified in the UCS.

5.42 Table 5.1 shows that all of these allocated sites together will theoretically only deliver 251 affordable homes, assuming that all of the sites are fully developed within the emerging plan period (2001-2016). However, as Mr Henderson's evidence shows, in reality there is doubt over how many of these will be delivered as affordable housing. In addition, 150 affordable homes are to be provided in the future at Thistle Hill as a result of the increased density at that site, whilst 44 affordable homes are required to be delivered from the wider appeal site allocation, which includes the 30 homes proposed in this appeal scheme.

5.43 However, the 2001 Housing Needs Survey⁶⁰ predicted a shortfall of 610 affordable homes on Sheppey up to 2006 alone. In reality, Mr Henderson states in section 4 of his evidence that the actual annual shortfall for the three years between 2001 and 2004 was 685 homes (a shortfall of over 220 homes per year). This shortfall is expected to increase to 400 homes per year between 2005 and 2008.

⁶⁰ Core Document 18, Supply/Demand Analysis volume, p19

DOCUMENT D

Letter from J Buckwell to A Jeffers, 1st December 2006

A Jeffers Esq.
Planning Department
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Our Ref: JB/BH/5390

1st December 2006

Dear Mr Jeffers

LAND AT PLOVER ROAD, MINSTER

Further to our meeting earlier this summer, my client Dalemarch Limited intends to proceed to submit a planning application for further affordable housing at the above site.

As you are aware, 30 affordable units have been permitted on appeal on part of this site and I understand these are currently under construction by the Amicus Horizon Group. As you know we have submitted representation to the local plan inquiry objecting to the proposed phasing of the development of this allocated housing site, and we understand that the Inspector is likely to report back early next year.

The permitted scheme for 30 affordable units was intended to form the affordable housing element for the whole wider site which, according to the adopted Local Plan, can accommodate 100 units. As you are aware, a higher total is now proposed in the Local Plan Review and we consider that the original 100 units would not provide an acceptable level of accommodation according to current density policy. I enclose a draft master plan which shows how the site could accommodate a total of 184 housing units, (i.e. the 30 permitted, plus 154 new units) giving a density of just over 41 dwellings per hectare. This would appear entirely acceptable, considering that the neighbouring Bovis Homes site is due to accommodate housing at a density of 40 dwellings per hectare.

We therefore intend to submit an application for a further 25 affordable units on the basis that combined with the 30 permitted affordable units this will provide 30% affordable housing if the rest of the site were to be developed for private housing according to the enclosed masterplan.

Before we proceed with an application, I am writing to you to ask if you have any comments on the draft masterplan, of the proposed location of the affordable housing within the site. I am also sending a copy of this letter and masterplan to Elaine Bunce in the Housing Department, copy of this letter, I would request her views.

The masterplan currently indicates the following provision of affordable housing; 10 affordable one bed flats; 7 two bed flats; 2 two bed houses; 5 three bed houses; and 1 four bed house. We believe that this spread of proposed housing is broadly in line with the identified need for affordable housing in the Minster area.

I would be very interested in your comments on this proposed masterplan. We would be more than happy to come to your offices to discuss this with you further if you feel this would be helpful. I look forward to hearing from you shortly.

Yours sincerely

Jonathan Buckwell

Enc

c.c. plus encls A Bunce – Housing Department

DOCUMENT E

**Letter from D Hicken (DHA) to S Bessant (SBC), 31st July
2007**

S Bessant Esq.
Planning Department
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Our Ref: JB/BH/5390

31st July 2007

Dear Mr Bessant

LAND AT PLOVER ROAD, MINSTER

We are in the process of master planning the above site, which is allocated for 100 residential dwellings by Policy H32 of the adopted Local Plan and for 147 dwellings (subject to phasing requirements) in the Emerging Local Plan Review.

The total site area is just over 4.5 hectares, meaning that the density proposed in the Emerging Local Plan is approximately 30 dwellings per hectare. Neighbouring development sites, in Thistle Hill, have had approval for densities for 40 per hectare, and we consider this should be equally achievable on this site.

If the site were developed at 40 dwelling per hectare, this would give a total yield of 183 dwellings on the site. This would give a total affordable housing requirement of 55 units, based on the 30% requirement in the Emerging Local Plan. Of these, 30 affordable units have been provided up front as permitted on appeal in 2005. Therefore, a further 25 affordable units would be required in order to meet the 30% requirement.

I would be grateful if you could confirm the above approach as acceptable in principle to the Council, subject to of course us demonstrating that a density of 40 dwellings per hectare is appropriate on this site. Your early response to this request would be much appreciated as we clearly prefer to prepare our master plan on principles which accord with the expectations of your Council.

I would be happy to meet you to discuss the future of this site in further detail if this would be helpful.

I look forward to hearing from you shortly.

Yours sincerely

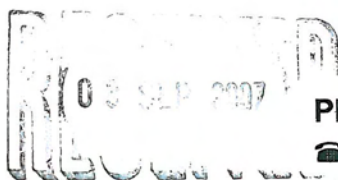
David Hicken

c.c. G Munday Esq.
Direct e-mail: david.hicken@dhaplanning.co.uk

DOCUMENT F

**Letter from B Lloyd (SBC) to D Hicken (DHA), 30th August
2007**

Swale House, East Street,
Sittingbourne, Kent ME10 3HT
DX59900 Sittingbourne 2
☎: (01795) 424341
Fax: (01795) 417141
www.swale.gov.uk



Mr D Hicken
dha Planning
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone, Kent, ME14 3EN

Please ask for: Mr B Lloyd
☎Direct Line: 01795 417118
Our Ref: BL/AVN/D2-3-18
Your Ref:
Date: 30 August 2007

Dear Mr Hicken

Land at Plover Road, Minster

I refer to your letter of 22 August 2007 and to your earlier letter to Mr Bessant of 31 July 2007.

As you say, the site is currently allocated in the adopted (2000) Swale Borough Local Plan for 100 dwellings, and is reallocated in the Re-Deposited (July 2005) Swale Borough Local Plan First Review for 147 dwellings. There is also the issue of phasing, to which you refer, which is currently before the Local Plan Inquiry Inspector to come to a view on.

In addition, you should also be aware of the Council's recommendation to the Inspector as contained in its statement LP1 & WR/SBC/128/1. This, in the light of the appeal decision for the 30 affordable dwellings, sought to amend the site by excluding the land permitted and to adjust the number of dwellings to 130 as a consequence. It was also the Council's position at the Inquiry that the 30% requirement for affordable housing be retained for the amended allocated site, as it was the Council's view that the 30 units permitted were allowed on the basis of the overriding need for affordable housing on the Isle of Sheppey, not as an 'up-front' provision from the site. Consequently, this is also a matter for the Inquiry Inspector to decide upon.

With regard to the overall number of units that might be secured from the site, the Council will be flexible on this. Provided your proposal is acceptable having regard to the normal development control considerations, a development involving more than the allocated number would be acceptable in principle.

We have been advised to expect the Inspector's Report in December, and we will write to all objectors to the Plan as soon as possible after its receipt to advise that it is available. There are clearly issues before the Inspector that will have a bearing on the master plan you are preparing.

I hope that this confirms the situation.

Yours sincerely

Brian Lloyd
Local Planning Manager - Planning Services

cc: Andy Jeffers, Area Planning Officer, Planning Services, SBC, Swale House



DOCUMENT G

**Letter from D Hicken (DHA) to B Lloyd (SBC), 13th
September 2007**

Brian Lloyd
Local Planning Manager – Planning Services
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Our Ref:JB/CW/5390

13th September 2007

Dear Mr Lloyd,

RE: LAND AT PARISH ROAD/ PLOVER ROAD, MINSTER

Thank you for your letter dated 30th August 2007 in response to my previous correspondence.

I was astounded to read that it was the Council's position at the Local Plan Inquiry that the 30% requirement for affordable housing be retained for the amended allocated site. This completely flies in the face of all of our previous discussions with Steve Bessant and Andy Jeffers. As both Mr Bessant and Mr Jeffers are very well aware, the initial 30 unit scheme which was allowed on appeal was always intended to form phase 1 of the development of this site, the 30 units being the affordable provision for what was then allocated as a 100 unit site.

Your conclusion that the appeal was allowed purely on need and not as an upfront provision is erroneous and misleading and I am extremely concerned as to how you have reached that conclusion. Neither Mr Bessant nor Mr Jeffers have ever expressed that view to us or our clients and I would be disappointed and extremely surprised if either had conveyed that position to you. As fellow professionals we have to rely on honesty and transparency in all our dealings and if we cannot rely on that basic understanding, then it undermines the planning process as a whole.

I therefore urgently request a meeting with you to discuss this matter further and would be grateful if you could contact me to arrange an appropriate date.

I look forward to hearing from you shortly.

Yours sincerely

David Hicken

DOCUMENT H

**Note of meeting between SBC, DHA and Dalemarch, 3rd
October 2007**

MINUTES OF MEETING

PROJECT Plover Road, Minster	REF NO. JB/5390
SUBJECT OF MEETING Affordable Housing	MEETING NO.
DATE OF MEETING Wednesday 03 October 2007	TIME OF MEETING 09.30am
VENUE Swale Borough Council, Sittingbourne	RECORDED BY Jonathan Buckwell
PRESENT Brian Lloyd, Local Plans Manager, Swale Borough Council Andy Jeffers, Planning Officer, Swale Borough Council Gary Munday, Dalemarch David Hicken, DHA Jonathan Buckwell, DHA	
APOLOGIES None	
DISTRIBUTION GM, DHA	
DATE OF NEXT MEETING	VENUE

ITEM	PROJECT	ACTION
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1 Background

DGH explained the background to his recent letter to Brian Lloyd. In particular, he clarified that Steve Bessant and Andy Jeffers had always understood clearly that the previous application for 30 units had formed the affordable housing provision for a wider scheme, which would be taken into account when considering the affordable housing requirement for the rest of the site.

2 Brian Lloyd's Response

BL had understood that the 30 unit scheme was put forward on an exceptions basis due to the overwhelming need for affordable housing in the Minster area. He had discussions with Steve Bessant and Andy Jeffers about this, and neither had advised BL that this view was incorrect.

After discussion, BL and AJ agreed that the 30 unit scheme had not been put forward as an "exceptions site" since the site was allocated for housing development in the adopted and emerging Local Plan.

JB and GM reminded AJ that at a meeting in August 2006 about the future masterplan, we had made clear that the affordable housing contribution for the remainder of the site would be calculated taking into account the 30 units already provided, in accordance with all previous discussions. At that meeting, AJ continued to agree with that principle. Furthermore, after being reminded today, he did not deny, contradict or argue with our recollection of that meeting.

JB pointed out that he had directly asked AJ to confirm the affordable housing situation on several occasions between December 2006 and the present day but had not received a response on this issue from AJ. Although AJ initially denied this, he conceded that his email correspondence consisted mainly of JB chasing him for a response.

3 The Way Forward

DGH agreed to supply BL with copies of relevant meeting notes and correspondence confirming the previously agreed position. DGH clarified that due to increased densities, there would be significant additional affordable housing on this site as part of a masterplan scheme, even taking into account the 30 existing units. BL confirmed that the Council would remain flexible about the overall number of units which could be achieved.

DHA

BL advised that Swale BC are undergoing serious staffing shortages due to the departure of Steve Bessant, his own imminent departure, and the fact that the Development Control Manager post is currently vacant. However, there is a new

ITEM	PROJECT	ACTION
	Director of Regeneration, Barbara Thompson.	

DOCUMENT I

Letter from D Hicken (DHA) to B Lloyd (SBC), 12th October 2007, and documents listed (apart from document i):

- **i) Notes of a meeting held with S Bessant on 21 October 2003**
- **ii) Letters to S Bessant dated 15 June 2004 and 6 July 2004**
- **iii) Letter to Councillor Morris dated 6 July 2004**
 - **iv) Letter to Parish Council dated 7 February**
- **v) Notes of a meeting held with A Jeffers on 2 August 2006**

Brian Lloyd
Local Planning Manager – Planning Services
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Our Ref: DGH/JC/5390

12 October 2007

Dear Mr Lloyd,

RE: LAND AT PARISH ROAD/ PLOVER ROAD, MINSTER

Thank you for meeting Gary Munday, Jonathan Buckwell and myself together with your colleague, Andy Jeffers, to discuss the above mentioned site on 3 October 2007.

We have now researched our archive files and attach herewith various documents which refer to the principles adopted by our clients from the outset in promoting part of their site as an early release for affordable housing in advance of the open market housing for the balance of the site.

These documents are:-

- i) Notes of a meeting held with S Bessant on 21 October 2003
- ii) Letters to S Bessant dated 15 June 2004 and 6 July 2004
- iii) Letter to Councillor Morris dated 6 July 2004
- iv) Letter to Parish Council dated 7 February 2005
- v) Notes of a meeting held with A Jeffers on 2 August 2006

It is clear from these submissions that the purpose of preparing and submitting an affordable housing proposal was to bring forward the development at an earlier stage than envisaged by the Local Plan. It was clearly the case that the open market housing would have to follow in accordance with Local Plan policy. Furthermore there is no reference in any of the submissions to this proposal as an exceptions site; it was simply the affordable housing element of a larger housing scheme and that position remains the same today.

It would be inherently unreasonable for the Council to now penalise the landowner for taking the initiative supported by Amicus, the local Housing Trust, in providing affordable housing up front at a time when there was a very real need in Minster.

Given the increases in housing yields from sites such as this, there will still be a further tranche of affordable housing even taking into account the 30 units already provided.

In the circumstances I trust you will agree that our client has been reasonable in his approach and that you will now be able to review the position which you set out in your letter of 30 August 2007.

I look forward to hearing from you.

Yours sincerely

David Hicken

cc: Mr G Munday

Encs

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S J Bessant Esq
Head of Development Services
Swale Borough Council
Swale House
East Street
Sittingbourne
ME10 3HT

Our Ref: DGH/CS/3936

6 July, 2004

Dear Mr Bessant

LAND AT BARTON HILL ROAD, MINSTER

I am writing further to my letter of 15th June 2004 to enclose a copy of a letter which I have today sent to Councillor John Morris in respect of the above mentioned site.

If you consider that a meeting would be helpful please let me know. In any event it would be interesting to have the benefit of your views. I look forward to hearing from you.

Yours sincerely

David Hicken

cc: G Munday Esq

Enc.

Direct e-mail address: david.hicken@dhaplanning.co.uk

S J Bessant Esq
Head of Development Services
Swale Borough Council
Swale House
East Street
Sittingbourne
ME10 3HT

Our Ref: DGH/3936

15 June 2004

Dear Mr Bessant

LAND AT BARTON HILL ROAD, MINSTER

I refer to our recent discussions concerning the land at Barton Hill Drive, Minster.

At the end of April you indicated that small scale key worker housing may be acceptable but that you were seeking the views of your local Member. However, you considered it prudent to await the outcome of the local elections.

Now that date has passed it would be helpful to meet with you and the Ward Member to establish whether the Council would be prepared to support the provision of small scale key worker housing on this site, particularly bearing in mind the support which is forthcoming from the NHS Trust Hospital on the adjoining land.

I would be grateful if you could contact me as a matter of urgency to discuss this matter further.

Yours sincerely

David Hicken

E-mail address: david.hicken@dhaplanning.co.uk

cc: G Munday Esq

Councillor John Morris
15 Orchard Way
Eastchurch
ME12 4DS

Our Ref: DGH/CS/3936

6 July, 2004

Dear Councillor Morris

LAND AT PARISH ROAD/PLOVER ROAD, MINSTER

I refer to our telephone discussion yesterday concerning the above mentioned site.

As I explained we act for the owners of the land in question which is identified as a housing site in the Swale Borough Local Plan. However current planning proposals will restrict its development for a considerable period of time.

Our clients are therefore seeking your views on a proposal to provide a small development of keyworker housing as a first phase. This has the support of the Swale NHS Primary Care Trust (see enclosed letter dated 5 February 2004) and preliminary discussions have been held with Steve Bessant (see letter of 15th June 2004). I also enclose a plan showing our preliminary proposals for this development which comprises 25 No. houses and 4 No. flats. Clearly we believe your views as the Local Ward Member to be very important and we would not wish to pursue an application unless there was a reasonable prospect of success.

I would therefore be most grateful if you could let me have your views on whether this is the type of proposal which you consider might be supported.

My clients and I would be very pleased to meet you to discuss the issues involved if you consider that would be helpful.

I look forward to hearing from you.

Yours sincerely

David Hicken

cc: G Munday Esq

Direct e-mail address: david.hicken@dhaplanning.co.uk

Trish Codrington
Parish Clerk, Minster on Sea Parish Council
8 Petfield Close
Minster on Sea
Sheerness, Kent
ME12 3PS

Our Ref: DGH/PJA/5105

7 February 2005

Dear Ms Codrington

**30 AFFORDABLE HOUSING UNITS FOR KEY WORKERS
LAND AT PARISH ROAD/PLOVER ROAD, MINSTER**

I refer to your letter dated the 3rd December 2004 to the Borough Council outlining the Parish Council's objections to the above proposals. On behalf of our clients I would be grateful if your Council could reconsider this application, taking the following matters into account.

Firstly, I would confirm that our clients are happy to work with the Parish Council in order to ensure that the proposed development is satisfactory and fully meets the requirements of local residents as well as providing a high quality scheme for the occupants of the new houses.

In this respect, you may not be aware that we have submitted additional information to the Borough Council and I enclose a copy of my letter to the Planning Officer, Andy Jeffers dated 31st January together with a copy of a letter dated 3 February 2005 from Amicus.

As far as need is concerned, as you know the site is regarded as being entirely suitable for housing development and forms a natural extension to the built-up area together with Thistle Hill. Whilst we acknowledge that the Borough Council is seeking to delay the overall development of this site until after the Thistle Hill scheme, the previous Local Plan Inspector confirmed that it was important that housing needs of the local population should be adequately provided for. In this context, we have established a rigorous case based on the requirements of the Amicus Group for key worker housing, a case that is also supported by the Borough Council's Housing Strategy Manager. These needs cannot be met by the development on Thistle Hill at this time.

The submitted scheme has been designed specifically with the needs of local people in mind and indeed, many of the proposed units have been created around the accommodation requirements of individual families. Importantly, specific needs for key worker housing associated with hospital staff have been confirmed by the Swale Primary Care Trust that runs the new Sheppey District Hospital. The scheme will fully meet these needs, to the benefit of existing health care workers on Sheppey.

The fact that the application site is located immediately next to the hospital means that the use of the accommodation by health workers would be highly sustainable, as they would not need to travel to work. This would ensure that the traffic implications of the development would be minimal to the benefit of the area in general. In any event, you will appreciate that the site is found on a bus route and additional congestion would therefore be unlikely with this scheme. A traffic report accompanies the application and confirms the lack of impact on the road network, a conclusion that is accepted by the Borough Engineer.

Our clients are happy to meet the concern of the Parish Council that the proposals should incorporate a play area and revised plans are being submitted to the local planning authority to address this issue.

The current proposals seek only to meet the stated need for key worker housing now and therefore the design of a layout for the development of the remainder of the site for market housing would be premature as the Parish Council acknowledges. However, our clients are quite prepared to consider any reasonable suggestions by the Parish Council for the use of the rest of the site and if the layout can incorporate such requirements, then these can be planned for in due course.

I hope that this additional information is helpful and satisfies your Council that our clients are serious in meeting local needs and intend to work with the local community to achieve this.

Please do not hesitate to contact me if you have any remaining areas of concern or if I can be of further assistance.

Yours sincerely

David Hicken

cc G. Munday Esq. Dalemarch Ltd.
N Tickle Esq - Amicus

MINUTES OF MEETING

PROJECT PLOVER ROAD, SHEPPEY	REF NO. 5390/JB
SUBJECT OF MEETING FURTHER DEVELOPMENT OPTIONS	MEETING NO.
DATE OF MEETING Wednesday 2 nd August	TIME OF MEETING
VENUE SWALE BC	RECORDED BY JONATHAN BUCKWELL
PRESENT Andrew Jeffers, Swale Borough Council Jonathan Buckwell, DHA Planning Gary Munday, Dalemarch Charlie Munday, Dalemarch	
APOLOGIES NONE	
DISTRIBUTION JB, GM, CM	
DATE OF NEXT MEETING N/A	VENUE

ITEM	PROJECT	ACTION
	Current position	
1.	JB reviewed the current position on this site. The site is allocated in the Adopted Swale Local Plan for 100 units on a 4.9 hectare site given a density of 20 units per hectare. This has been increased in the draft emerging Local Plan to 147 units at 30 units per hectare. 30% of affordable housing is to be provided which would give a requirement for 44 units on the site as a whole.	
2.	Planning permission was granted on appeal for 30 units of affordable housing. This was allowed to come forward in advance of 2011, the date set out in the emerging Local Plan for the earliest development of the site, due to the urgent need for affordable housing.	
3.	The purpose of this meeting was to establish whether it would be possible to put in a planning application for a further affordable housing on this site before 2011 which would then constitute the affordable housing requirement for the rest of the site. In this case we would then be able to put in applications for the private element only after 2011, assuming that the Local Plan Inspector does not relax this phasing restriction.	
4.	JB tabled an initial draft masterplan produced by Clagues which shows how the site can accommodate 178 units including the 30 already permitted. This would give a density of 36 units per hectare which is below the density of the Wards site adjacent (40 units per hectare). The scheme shows 125 private units plus 23 new affordable units in addition to the 30 permitted affordable units. Therefore meeting the overall affordable housing requirement of 53 units for a 178 unit site.	
	Councils Response	
5.	AJ Noted that whilst there is potential for increased density throughout the central areas of Thistle Hill, the Council have sought lower densities around 30 units per hectare around the edges especially where this adjoins the countryside. He did at first indicate that he would expect a lower density on the Parish Road frontage. Although he later seemed to be suggesting that as a whole, higher densities on this site would be acceptable to the Council.	

ITEM	PROJECT	ACTION
6.	Access was also discussed. At first AJ suggested that Parish Road might need to be brought up to adoptable standards although JB did point out that the whole site could be accessed directly from the Plover Road spine road which AJ confirmed would be acceptable to him.	
7.	AJ mentioned that Alan Best and Alaine Bunce were working on housing figures for Swale at present. It appears they have enough housing till 2011, but they may well require further housing sites after that, which might be to Dalemarch's advantage. He suggested that we talk to Alan Best to get hold of this information.	JB
8.	In terms of a planning application AJ say no reason why such an application couldn't be supported by the Council so long as the same arguments were put forward in detail as were put forward in the Inquiry.	
9.	One further detail that will need to be addressed is surface water drainage which is becoming a problem on Thistle Hill. The original drainage proposals were designed for a scheme of 1000 houses, but Thistle Hill is now expected to accommodate at least 1500 if not more. We would need to fully demonstrate how the drainage requirements arising from the development would be dealt with. This may require additional underground storage tanks or other similar solutions.	
10.	AJ recommended that we discussed the pepper potting issue with Alaine Bunce. He agreed that it would not be sensible to create another isolated housing development since this has caused problems at nearby Capwing Close. He therefore recognised that there would need to be a balance between developing an additional affordable requirement fairly close to that which has already been permitted whilst avoiding too large a grouping for affordable housing.	
11.	The local plan review is ongoing and the Inquiry is due to last until late Autumn of this year. AJ anticipates that the Inspectors report will be published in the Spring 2007.	

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DOCUMENT J

**Letter from B Lloyd (SBC) to D Hicken (DHA), 13th
November 2007**

Swale House, East Street,
Sittingbourne, Kent ME10 3HT
DX59900 Sittingbourne 2
☎: (01795) 424341
Fax: (01795) 417141
www.swale.gov.uk

18 NOV 2007



Mr D Hicken
dha planning
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
Kent ME14 3EN

Please ask for: Mr B Lloyd
☎Direct Line: 01795 417118
Our Ref: BL/AVN/D2-3-18
Your Ref:
Date: 13 November 2007

Dear Mr Hicken

Land at Parish Road/Plover Road, Minster

Thank you for your letter of 12 October, and the subsequent e-mail from Mr Buckwell of 22 October.

From the documents you have provided and our earlier meeting, it seems clear that your position on the matter is that the 30 affordable houses permitted were always intended to comprise a first phase of the development of the larger Plover Road site, and that these would count toward the affordable housing provision to be made for the larger site. What remains unclear to me is whether this position was accepted by Mr Bessant and Mr Jeffers, and that this was the basis on which the application was considered by them and by the subsequent Planning Inspector. I do not think that the documents you have provided shed any further light on this.

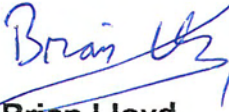
Since we last met we have now received the draft of the Local Plan Inquiry Inspector's Report. Unfortunately I am not yet able to provide you with sight of this as it has been provided to the Council for checking for factual errors. Once we have undertaken this checking we anticipate that the Report will be formally submitted in mid-December when it will be publicly available. However, I can advise you that in relation to Policies H5 and H9 the Inspector has recommended that the number of dwellings to be accommodated at the Plover Road site be amended from 147 to 130, and that the site area be amended to exclude the 30 dwellings permitted. This would suggest that he has sided with the Council on this point, and that the 30% requirement relates to the amended site area. This would mean a provision of 39 affordable units ($130 \times 30\% = 39$).

You accept that additional affordable housing will be provided on the Plover Road site. On the basis of your proposal for 183 dwellings (including the 30 permitted), you explain that this would mean an affordable provision of 55 units – an additional 25 to the 30 already provided. Under the amended Policy H9, the requirement for your proposal would be a further 46 affordable dwellings ($183 - 30 = 153 \times 30\% = 46$). The difference between us, therefore, is relatively modest at just 21 affordable units, especially given the increased numbers you are proposing. It seems to me, therefore, that given the circumstances and with some relaxation of our respective positions, an acceptable solution should be achievable as part of our Section 106 discussions and the overall package of planning obligations that will relate to the site. I would suggest therefore that the matter be resolved in this way, and that these discussions commence as soon as possible in advance of you submitting a planning application.

INVESTOR IN PEOPLE

As I mentioned when we last met, I will be leaving the Council on 21 November. Therefore, can you please direct any further queries or correspondence to Andy Jeffers in the first instance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Brian Lloyd', with a stylized flourish extending from the end.

Brian Lloyd
Local Planning Manager
Planning Services

cc: Mr A Jeffers, Area Planning Officer (Sheppey), Planning Services, SBC, Swale House

Appendix C

Appeal Decision on Brogdale Road, Faversham (APP/V2255/A/14/22224509)

Appeal Decision

Hearing held on 27 January 2015

Site visit made on 28 January 2015

by C J Anstey BA (Hons) DipTP DipLA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 May 2015

Appeal Ref: APP/V2255/A/14/2224509

Brogdale Road/Brogdale Place, Faversham, Kent, ME13 8SX.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Shepherd Neame Ltd. against the decision of Swale Borough Council.
 - The application Ref SW/13/1567, dated 23 December 2013, was refused by notice dated 25 March 2014.
 - The development proposed is the erection of 63 dwellings, open space, pedestrian and vehicular access, car parking, landscaping and associated works.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 63 dwellings, open space, pedestrian and vehicular access, car parking, landscaping and associated works at Brogdale Road/Brogdale Place, Faversham, Kent, ME13 8SX., in accordance with the terms of the application Ref SW/13/1567, dated 23 December 2013, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. At the Hearing an amended red-line site plan (drawing no. D-SLP- Rev A) was submitted on behalf of the appellant to replace that considered by the Council as part of the planning application (drawing no. D-SLP). The amended plan excludes a narrow sliver of land along the southern boundary of the site to reflect the appellant's land ownership. I have considered the appeal on the basis of this amended site plan given that it constitutes a non-material amendment and no interests would be prejudiced by this small reduction in the size of the site.
3. The planning application was also accompanied by a 1:500 scale illustrative layout plan. This layout plan shows the disposition of the dwellings on the site, the road layout and the location of the open space. As part of the appeal documentation a revised illustrative plan was submitted (drawing no. DACA-DWG) to reflect the revised site boundary. I have taken account of this plan in my consideration of the appeal.
4. A finalised Section 106 agreement, signed by the appellant, the Borough Council and the County Council, was submitted by the County Council after the close of the Hearing. I have taken this into account in my decision.

Main Issues

5. The main issues in this case are:

- whether relevant policies for the supply of housing in the Borough are up-to-date, having regard to the 5-year supply of housing land;
- the effect on the rural character of Brogdale Road and the rural approach to Faversham, having regard to the historical development and form of the town;
- whether there would be a significant loss of the best and most versatile agricultural land;
- whether the scheme should include provision for gypsy and traveller accommodation; and
- whether the appeal scheme represents sustainable development, to which the *National Planning Policy Framework's* 'presumption in favour' applies.

Reasons

Description

6. The appeal site, which is about 3.4ha in area, is a rectangular, fairly flat, grassed field. It is situated in an urban fringe location on the southern edge of Faversham and to the south of London Road (A2). The site is bounded to the south and north by post and wire fencing and to the west by a 2m high deciduous hedgerow. Along the eastern boundary are a number of mature leylandii conifer trees.
7. To the north, between the site and London Road, there is a small housing estate, Brogdale Place, and other dwellings. Brogdale Road marks the site's eastern boundary and joins London Road to the north. On the east side of Brogdale Road there are a few scattered houses, school playing fields and beyond that the Abbey Secondary School. Immediately to the west is a commercial nursery, where there is a dense coverage of green houses and poly-tunnels. To the south there is gently rising open farmland extending to the M2 motorway which lies some 600m to the south.
8. The illustrative layout shows 63 dwellings, including 2, 3 and 4/5 bedroom houses. Of these 30% would be affordable housing. The developable area would measure about 2.3ha with some 1.1ha of open space located next to Brogdale Road and the southern boundary. The main vehicular access would be from Brogdale Road, towards the southern boundary of the site, with a pedestrian access in the north-east corner.

Development plan policies

9. There are a number of saved development plan policies in the adopted *Swale Local Plan 2008 [2006-2016] (SLP)* that are considered to be relevant to the determination of this appeal. The amount of weight to be attached to each of these policies is dealt with under the various issues, having regard to the government's *National Planning Policy Framework (the Framework)* and *Planning Policy Guidance (the Guidance)*.

10. *SLP Policy SP1: Sustainable Development* is a general policy that seeks to ensure that new development accords with the principles of sustainable development. Amongst other things the policy indicates that development proposals should: avoid harming areas of environmental importance; secure the efficient use of previously-developed land; and reduce the need to travel.
11. *SLP Policy SP4: Housing* is designed to ensure that sufficient land is provided to satisfy housing need in accordance with the *SLP's* spatial strategy. *SLP Policies SH1: Settlement Hierarchy* and *H5: Housing Allocations* seeks to direct the majority of the Borough's housing growth (5,428 dwellings) to the Thames Gateway Planning Area (Sittingbourne and Isle of Sheppey) with limited development to meet local needs in Faversham and the Rest of the Swale Planning Area (377 dwellings). *SLP Policy H2: Housing* specifies that permission for new residential development will be granted for sites that are allocated or within defined built-up areas. Outside of the defined built-up areas and allocated sites new residential development will only be granted for certain limited exceptions.
12. *SLP Policy E6: Countryside* is designed to protect the quality, character and amenity value of the countryside and ensure that development outside the defined built-up boundaries is restricted to that which needs to be there. *SLP Policy E9; Protecting the Quality and Character of the Borough's Landscape* confirms the importance of protecting the quality, character and amenity value of the wider landscape of the Borough.
13. *SLP Policy FAV1: The Faversham and Rest of Swale Planning Area* specifies that the conservation of the historic and natural environment is the prime and overriding consideration. One of the priorities identified in the policy is support for meeting Faversham's development needs within the urban area so as to minimise greenfield land development.

Emerging local plan policies

14. *Bearing Fruits 2031: The Swale Borough Local Plan Part 1 [Publication Version December 2014] (SBLP)* is the emerging local plan. It was made available for consultation during December 2014 and January 2015 and the Council intend to submit the plan to the Planning Inspectorate for independent examination in the coming months. I have been referred by the Council to several policies in this plan and these are set out below under the relevant issue as is the weight to be attributed to them.

Issue 1: Supply of housing

15. On the basis of the housing requirement contained in the adopted *SLP* the Council accepts that within the Borough there is 3.17 years of housing land supply and a shortfall of 1,437 dwellings. These figures include provision for a 5% buffer and take account of the shortfall of dwelling completions in past years in accordance with the Sedgfield method. In my judgement, having regard to the material submitted, this is a reasonable assessment of the current position as regards housing land supply within the Borough.
16. In my view, therefore, there is a significant shortfall of deliverable housing sites in the Borough. Although I am aware of the distribution of housing development inherent in the *SLP* and the Council's recent endeavours to identify and release additional housing sites in Faversham this does not change

my finding that in the Borough there is a shortage of deliverable housing sites. As the Council cannot demonstrate a 5-year supply of deliverable housing sites paragraph 49 of the *Framework* makes it clear that relevant policies for the supply of housing should not be considered up to date.

17. It is evident that certain of the adopted development plan policies are solely concerned with the supply of housing. These include *SLP Policy SP4: Housing*, *SLP Policy SH1: Settlement Hierarchy*, *SLP Policy H5: Housing Allocations* and *SLP Policy H2: Housing*. Although these policies remain part of the development plan they attract very little weight in view of the marked shortfall of housing land in the Borough.
18. Other adopted development plan policies contain elements that relate to the supply of housing. *SLP Policy SP1: Sustainable Development* endeavours to steer development to previously developed land within urban areas. *SLP Policy FAV1: The Faversham and Rest of Swale Planning Area* develops this approach by stating that Faversham's development needs will be met within the urban area so as to minimise green field development. *SLP Policy E6: Countryside*, amongst other things, seeks to restrict development outside built-up areas. Again although these policies remain part of the development plan those elements of the policies that relate to the supply of housing attract very little weight in view of the marked shortfall of housing land in the Borough.
19. Emerging *SBLP Policies ST3: The Swale settlement strategy* and *ST7: The Faversham area and Kent Downs strategy* indicate that Faversham will be a secondary urban focus for growth at a scale compatible with its historic and natural assets. Clearly these are housing supply policies. As the *SBLP* has not yet been submitted for examination and there are outstanding objections relating to the supply of housing very little weight can be attributed to these policies.
20. Applying *paragraph 215 of the Framework* it is considered that the local policies and elements of certain policies referred to above are inconsistent with the housing supply policies contained in *paragraph 47 of the Framework*.
21. I conclude, therefore, on the first main issue that since the Council cannot demonstrate a 5-year supply of deliverable housing sites, all relevant policies and parts of relevant policies for the supply of housing have to be regarded as out of date. In turn this means that in determining this appeal very little weight can be attributed to housing supply policies related to the distribution of development across the Borough, the release of previously developed sites in preference to the use of green field sites, and resisting housing outside built-up areas.

Issue 2: Rural character and appearance

22. Historically Faversham has mainly developed to the north of the A2. As a result the Council argues that development to the south of the A2 should not be allowed as it fails to respect the historical development and form of the town. From the material submitted and the discussion at the Hearing I am unclear as to why the historical development of Faversham and its current form is seen as being so significant that it merits protection. In reaching this view I am mindful that the historic core of Faversham lies some distance to the north of the A2 whilst a considerable amount of the land to the north of the A2 is occupied by housing estates of more recent origin. Furthermore there is already existing

- development south of the A2 including housing and a large secondary school and associated playing fields.
23. Notwithstanding this an important element of adopted *Policy SLP Policy E6: Countryside* is the protection of the quality, character and amenity value of the countryside. Similarly one of the elements of *SLP Policy SP1: Sustainable Development* is the avoidance of harm to areas of environmental importance. As these elements accord with national guidance these parts of the policies need to be accorded significant weight. *SLP Policy E9; Protecting the Quality and Character of the Borough's Landscape* also accords with national guidance and should be attributed significant weight.
24. Although the appeal site is not within a landscape designated for its quality or within the setting of the Ospring Conservation Area it forms part of the attractive open countryside to the south of Faversham and is clearly valued by local people. Consequently in its present state the site positively contributes to the rural character of Brogdale Road and the rural approach to Faversham. The proposal, therefore, would detract from the rural character and appearance of the local area.
25. There are a number of factors, however, that have a bearing on the degree of harm that would result. The appeal site is relatively small compared to the considerable amount of agricultural land extending southwards towards the M2 and is bounded by residential development to the north, glasshouses and poly-tunnels to the west, and school playing fields and several houses to the east. It is also at a slightly lower level than the agricultural land further to the south. As a result it is much more self-contained than other sites in the area. In my judgement these particular characteristics of the site and the surroundings would lessen the development's impact on the wider landscape. Furthermore the submitted illustrative layout makes provision for sizeable areas of open space and planting along the Brogdale Road frontage and southern boundary. In time this would help soften the appearance of the development and provide an appropriate area of transition between the developed part of Faversham and the countryside. Taking account of these factors it is my view that the proposed scheme would have a moderate adverse impact on the rural character of Brogdale Road and the rural approach to Faversham.
26. I conclude, therefore, on the second main issue that the proposal would have a moderate adverse impact on the rural character of Brogdale Road and the rural approach to Faversham. This brings the proposal into conflict with elements of *Policies SLP Policy E6: Countryside* and *SP1: Sustainable Development*, and with *SLP Policy E9; Protecting the Quality and Character of the Borough's Landscape*.

Issue 3: Agricultural land quality

27. The Council contend that the development of the site would lead to the unnecessary loss of the best and most versatile agricultural land and increase the pressure to develop other such land in the area. In support of this the Council refer to emerging *SBLP Policy DM31: Agricultural Land* which indicates that apart from in a limited number of specified instances development will not generally be permitted on the best and most versatile agricultural land (specifically Grades 1, 2 and 3a).

28. I accept that in accordance with *paragraph 216* of the *Framework*, account can be taken of emerging policies. However the *SBLP* has not yet been submitted for examination. Furthermore the wording of *SBLP Policy DM31* is different from that set out in *paragraph 112* of the *Framework* which advocates the use of poorer quality land in preference to that of a higher quality where significant development of agricultural land is demonstrated to be necessary. The *Framework* does not rule out the development of the best and most versatile land as a matter of principle. In the light of this I consider very little weight can be attached to *SBLP Policy DM31*.
29. In my view the proposal does not involve a significant loss of the best and most versatile agricultural land. At 3.4 ha in area the field is very small in comparison to the amount of agricultural land around Faversham, most of which is of similar quality. I also note that the Council has recently identified other good quality agricultural land around Faversham for development. As it is not related to any other land-holding in the area its loss would not prejudice the continued operation of any farming business. Whilst acknowledging the Council's concerns about the release of other high quality land in the area south of the A2 each proposal needs to be determined on its particular merits, including its overall scale and relationship with existing development.
30. I conclude, therefore, on the third main issue that the proposal would not involve a significant loss of the best and most versatile agricultural land.

Issue 4: Gypsy and Traveller site accommodation

31. Emerging *SBLP Policy CP3: Delivering a wide choice of high quality homes*, in particular Criterion 6, indicates that for housing developments of 50 dwellings or more provision should be made for on-site gypsy and traveller pitches. The supporting text states that pitch provision should be at the rate of 1% of the total number of dwellings. The Council considers that in accordance with this policy a single gypsy and traveller pitch should be provided on the appeal site. I note that there is no support for this approach in the *SLP*.
32. I accept that in accordance with *paragraph 216* of the *Framework*, account can be taken of emerging policies. However the *SBLP* has not yet been submitted for examination and there are unresolved objections to that part of *SBLP Policy CP3* relating to the provision of gypsy and traveller sites. Furthermore the particular approach to site provision inherent in the policy is not one that is set out in the *Framework* or in the *Planning Policy for Traveller Sites*. Consequently I believe that very little weight can be attached to *SBLP Policy CP3*. As a result I find no policy justification for the Council's approach of seeking the provision of a gypsy and traveller pitch on the site.
33. It is evident from the material submitted and the discussion at the Hearing that there is a need for additional gypsy and traveller site provision in the Borough. However it is less clear how this need is currently distributed and where it should be met. As a result it has not been established that Faversham is an appropriate location for additional gypsy site provision or whether there are more suitable areas available. Furthermore at a more detailed level gypsy sites usually include several pitches so that families can live together in small family groups. Consequently there is uncertainty as to whether a single pitch would address the need or prove attractive to would-be occupiers. In the light of this I do not believe that it has been established that there is sufficient evidence to support the provision of a single gypsy and traveller pitch on the appeal site.

34. I conclude, therefore, on the fourth main issue that the development need not include provision for gypsy and traveller accommodation.

Issue 5: Sustainable development

35. *Paragraph 14* of the *Framework* makes it clear that there is a presumption in favour of sustainable development, which has three dimensions: economic, social and environmental. In my judgement the proposal would fulfil the economic role of sustainable development and would contribute to building a strong, responsive and competitive economy, by helping to ensure that sufficient land is available to support growth. In terms of the social dimension the scheme would contribute to boosting housing supply by providing a range of sizes and types of housing for the community, including a number of affordable housing units. The site is available and in the absence of any significant constraints could be developed in the near future.
36. As regards environmental considerations the site is reasonably well located in terms of accessibility to the various services and facilities available in the town, including schools. Although the historic medieval core of Faversham town centre is located some distance away it is not so far as to rule out access by walking or cycling. For longer trips alternatives to the private car are readily available with regular train services from Faversham station to London St Pancras and Victoria, Canterbury and Dover. There is also a regular bus service operating along the nearby A2 to Sittingbourne. The proposed 1ha of land to be given over to public open space will increase the opportunity for recreational activities, whilst the proposed pedestrian crossing will make it safer and easier to cross London Road.
37. It is clear from my consideration of the second main issue that in terms of the environment the proposal would have a moderate adverse impact on the rural character of Brogdale Road and the rural approach to Faversham. However it is my view that the positive attributes of the development, in terms of the economic, social and environmental gains outweigh the negative visual impact, and that when taken as a whole the scheme would constitute sustainable development. Consequently the *Framework's* presumption in favour of sustainable development applies.
38. I conclude, therefore, on the fifth main issue that the proposed scheme constitutes sustainable development and therefore the *Framework's* 'presumption in favour' applies.

Other matters

39. Local people have raised a number of other concerns including the impact on highway safety, traffic congestion, residential amenity, biodiversity, drainage, and the capacity of local services and facilities. However, having considered all the material before me, including the views of statutory authorities and the various reports submitted, none of these matters individually or cumulatively would be likely to cause overriding harm, and they are not, therefore grounds for dismissing the appeal. In particular I note that the Highway Authority has acknowledged that there would be no unacceptable impacts to the safe and free flow of traffic on London Road and Brogdale Road.

Overall planning balance

40. I have concluded that the proposal does not involve a significant loss of the best and most versatile agricultural land, and that the proposed development need not include provision for gypsy and traveller accommodation. These considerations, therefore, are neutral and do not weigh against the scheme.
41. I have found that the proposed scheme constitutes sustainable development and therefore the *Framework's* 'presumption in favour' applies. In determining this I have found that there are a number of economic, social and environmental benefits associated with the scheme. These factors weigh heavily in favour of allowing the appeal.
42. I have found that since the Council cannot demonstrate a 5-year supply of deliverable housing sites, all relevant policies and relevant parts of policies for the supply of housing have to be regarded as out of date and accorded very limited weight. *Paragraph 14* of the *Framework* makes it clear that planning permission should be granted, where relevant policies in the development plan are out-of-date, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the *Framework* taken as a whole.
43. My conclusion on the second main issue is that the proposal would have a moderate adverse impact on the rural character of Brogdale Road and the rural approach to Faversham, and is therefore contrary to development plan policy. In my judgement, however, this adverse impact would not significantly and demonstrably outweigh the identified benefits of the proposed development.

Conditions

44. I have considered the planning conditions put forward and discussed at the Hearing in the light of the advice in *the Guidance*. I have applied the standard outline conditions (*Conditions 1, 2 & 3*). To ensure that the development proceeds in accordance with what has been approved the plans are specified (*Condition 4*). The submission of samples of materials for approval is required to make sure that those used are in keeping with local character (*Condition 5*). In the interests of public amenity and safety the development needs to be laid out in accordance with the principles of 'Secure by Design' (*Condition 6*). Parking space, and the retention of such areas, is necessary to minimise on-street parking and associated disturbance to residents (*Condition 7*).
45. Given the sensitive location of the site on the edge of Faversham and the need to ensure a high quality development a Development Brief for the site needs to be produced to guide the scheme (*Condition 8*). Most of the material required for the production of this Brief is contained in the application and hearing documents. In order to control the height of the new dwellings, thereby minimising the impact on the surrounding area, details of existing and proposed levels are required (*Condition 9*).
46. The provision of appropriate sewerage and drainage works to serve the site are necessary (*Condition 10*). The roads and associated elements need to be laid out in a satisfactory and timely manner (*Condition 11*). Landscaping details are required to ensure that the site is suitably landscaped and in keeping with local character (*Conditions 12 & 13*). In the event that any contamination is found on the site a remediation scheme strategy will be required (*Condition 14*). The

dwelling need to meet appropriate levels of sustainable construction (*Condition 15*).

47. During the construction period various matters, including the parking of vehicles and plant, hours of operation, burning of waste, condition of roadways and dust emissions, need to be controlled to protect highway safety or residential amenity (*Conditions 16-21*).
48. As no exceptional reasons have been put forward the removal of permitted development rights is not justified. As provision for cycle parking would be within domestic curtilages there is no need to require the provision of covered secure cycle parking facilities.

Section 106 Agreement

49. The finalised section 106 agreement, which will make provision for affordable housing, public open space and social and community infrastructure, is compliant with *paragraph 204* of the *Framework* and *Regulation 122* of the *CIL Regulations 2010*.

Overall Conclusion

50. My overall conclusion, therefore, is that there are compelling grounds for allowing the appeal subject to appropriate planning conditions. None of the other matters raised outweigh the considerations that have led to my decision.

Christopher Anstey

Inspector

APPEARANCES

FOR THE APPELLANT:

Michael Bedford	Barrister (acting as legal representative)
Simon Milliken	Principal, Milliken & Company , Chartered Surveyors & Town Planners
Jonathan Billingsley	Director, The Landscape Partnership
Chris Blamey	Director, RGP (Transport Planning)
Michael Bax	Senior Partner (Rural), BFT Partnership

FOR THE LOCAL PLANNING AUTHORITY:

Tracey Day	Development Management
Shelly Rouse	Planning Policy
Libby McCutcheon	Senior Planning Solicitor
Richard Lloyd-Hughes	Rural Planning Ltd.
Alan Best	Planning Policy
Claire Dethier	Development Management

INTERESTED PERSONS:

Bryan Lloyd	Council for the Protection of Rural England
Janet Turner	Faversham Society
Joan Tovey	Local resident
David Bass	Local resident (also representing other local residents)
Priscilla Walker	Local resident

DOCUMENTS

1. Swale Local Plan Policy H4 Providing Accommodation for Gypsies and Travelling Show-persons handed in for the appellant
2. Statement on behalf of Mr D Bass and Mrs P Walker and 46 other local residents
3. Section 106 Agreement
4. Council's statement on housing land supply (27/1/2015)
5. Extract from SHLAA handed in for the appellant
6. Mr Lloyd's statement
7. LDF Panel report (23/2/2012)
8. Statement of Common Ground
9. Council's Committee Report relating to mixed use development on land east of Love Lane, Faversham
10. Mr Bedford's closing statement on behalf of the appellant
11. Statement of Common Ground relating to housing land supply
12. Bearing Fruits 2013 The Swale Borough Local Plan Part 1 Publication Version (December 2014)
13. Finalised Section 106 Agreement

PLANS

- A. 1:1250 scale red-line site plan submitted with outline application (drawing no. D-SLP)
- B. 1:1250 scale amended red-line site plan submitted during hearing (drawing no. D-SLP- RevA)
- C. 1:500 scale illustrative layout plan submitted with application
- D. J C White – Topographical survey plans submitted with application
- E. Boundary of Faversham Conversation Area handed in for the appellant.
- F. Illustrative Masterplan for mixed use development on land east of Love Lane, Faversham
- G. Revised Figure 01A from Appendix 1 of Mr Billingsley's hearing statement
- H. Revised 1:500 illustrative layout plan (drawing no. DACA-DWG)

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters referred to in Condition 1 above shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the approved plans [i.e. drawing no. D-SLP-Rev A at 1:1250 scale, illustrative layout plan - drawing no. DACA-DWG - at 1:500 scale, and J C White – Topographical survey plans].
- 5) No development shall commence until samples of the materials to be used on the external elevations of the dwellings hereby permitted, have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall not be constructed other than in accordance with these approved materials.
- 6) Prior to the commencement of development full details of how the development will meet the principles of 'Secure by Design; shall be submitted to the local planning authority for approval in writing and shall be implemented in accordance with the approved details.
- 7) The details pursuant to condition (1) above shall show adequate land to the satisfaction of the local planning authority reserved for the parking or garaging of cars (in accordance with the currently adopted Kent County Council Vehicle Parking Standards). The land so identified shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development Order 1995) or not, shall be carried out on such land (other than the erection of a private garage or garages) or in a position as to preclude vehicle access thereto.
- 8) The details submitted in pursuance of condition (1) shall be in accordance with a Development Brief that shall first have been agreed by the local planning authority and which shall include the following:
 - (a) details of the road layout for the site;
 - (b) connectivity for pedestrians between the site and the town centre;
 - (c) an overall landscape strategy for the site;
 - (d) an overall sustainable surface water drainage strategy for the site (based on a network of open ditches and ponds);
 - (e) a strategy for the architectural treatment of the buildings on the site, including elevational treatment, roof design and palette of colours;
 - (f) a strategy to maximise opportunities for biodiversity across all parts of the application site;

- 9) The details submitted in pursuance of condition (1) shall show details of existing and proposed ground levels across the site and the levels of the proposed floor slabs and heights of the proposed dwellings and shall be submitted to and approved in writing by the local planning authority. Development shall be carried out as approved.
- 10) Prior to the commencement of development hereby approved full details of the method of disposal of foul and surface waters as part of a drainage strategy shall be submitted and approved in writing by the local planning authority. This drainage strategy shall be based on SuDS principles and shall be designed to ensure that run-off rates are no greater than existing conditions. A drainage infrastructure Maintenance Plan should be incorporated into the strategy which should set out the information and procedures the owners/operators of the development will adhere to. The approved details shall be implemented before the first use of the development hereby permitted.
- 11) 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 and driveway gradients, and street furniture, as appropriate, shall be constructed and laid out in accordance with details to be submitted at the reserved matters stage and approved in writing by the local planning authority 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. The works as approved shall be completed prior to the occupation of the fiftieth dwelling.
- 12) All hard and soft landscape works approved pursuant to condition (1) above shall be carried out in accordance with the approved details. These details shall include existing trees, shrubs and other features, planting schedules, noting species (which should be native species where possible and of a type that will enhance or encourage local biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing, materials and an implementation programme. The works shall be carried out prior to the occupation of the fiftieth dwelling or in accordance with a programme first agreed in writing with the local planning authority.
- 13) Upon completion of the approved landscaping scheme, any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees and shrubs of such size and species as may be agreed with the local planning authority, and within whatever planting season is agreed.
- 14) If during development contamination not previously identified is found to be present at the site then no further development (unless agreed in writing by the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how the unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 15) The dwellings shall meet at least the Level 3 Rating of the Code for Sustainable Homes or any other specification approved by the local

planning authority. 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 voltaic installations. Upon approval the details shall be incorporated into the development as approved.

- 16) During construction of the development adequate space shall be provided on site, in a position previously agreed with the local planning authority, to enable all employees and contractors and construction vehicles to park, load and off-load, and turn within the site.
- 17) No construction work 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 and Saturdays 0730-1300 hours, unless in association with an emergency or with the prior written approval of the local planning authority.
- 18) No impact pile driving in connection with the construction of the development hereby approved shall take place on 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 prior written approval of the local planning authority.
- 19) No burning of waste or refuse shall take place on the site during construction works other than may be agreed in writing by the local planning authority.
- 20) No development shall take place until measures, including wheel washing facilities, to prevent the deposit of mud and other debris on the public highway have been agreed in writing by the local planning authority. The agreed measures shall be implemented and retained on site during the construction period unless any variation has been agreed by the local planning authority.
- 21) No development shall take place until a programme for the suppression of dust during the construction period has been agreed in writing by the local planning authority. The agreed programme shall be implemented during the construction period unless any variation has been agreed by the local planning authority.