



G H DEAN & CO LTD

LAND AT GREAT GROVEHURST  
FARM, SITTINGBOURNE

## PLANNING STATEMENT

prepared by

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## **1 INTRODUCTION**

- 1.1 Paul Sharpe Associates LLP are instructed by G H Dean & Co Ltd, the owner of land at Great Grovehurst Farm, Sittingbourne, to submit a hybrid application for development of the site for housing.
- 1.2 The application is in outline form but seeks permission for the removal of brickearth prior to housing development as well as detailed approval for the means of access from Grovehurst Road.
- 1.3 Extending to 4.8 ha, the Great Grovehurst Farm site is well defined by transport infrastructure and is detached from the wider area. Nevertheless it forms part of the Swale Borough Local Plan 2031 Policy MU1 allocation for a minimum of 1500 houses on the north west side of Sittingbourne.
- 1.4 Working with other landowners and developers, G H Dean has contributed to the overarching Development Framework for the allocation within the context of which this application is formulated.
- 1.5 The site is overlain by brickearth and, following pre-application discussion with Swale BC and with Kent County Council as Mineral Planning Authority, it has been agreed that any residential permission should be conditional upon the prior removal of the brickearth. This application therefore includes details of how the brickearth will be recovered.
- 1.6 Illustrative drawings show how about 110 dwellings can be developed and how vehicular access would be obtained from Grovehurst Road, initially as a 'T' junction (and later perhaps as a roundabout junction shared with the main access to the main housing allocation further to the south west). Only pedestrian, cycle and emergency access would be taken from Godwin Close.
- 1.7 Part of the site is occupied by Great Crested Newt, a protected species, and land along the southern boundary would be set aside and protected during the brickearth extraction and house building processes as temporary receptor habitat. Thereafter it would form part of the permanent longer term habitat for Great Crested Newts.

1.8 G H Dean has assembled a consultant team to prepare the application as follows:-

Tibbalds Planning & Urban Design Ltd	-	Masterplanning
PFA Consulting	-	Highways & Infrastructure
CGMS	-	Heritage
Ecosulis	-	Ecology
Sharps Redmore	-	Acoustics & Vibration
Aecom	-	Air Quality
Lloyd Bore	-	Arboriculture & Landscape
E Brossler	-	Minerals
RPC Land & New Homes	-	Viability
Paul Sharpe Associates LLP	-	Planning

1.9 In this report, from hereon, the Great Grovehurst Farm site will be referred to as "the GGF site".

1.10 Section 2 of this report describes the site and surrounding area.

1.11 Section 3 describes the proposals.

1.12 Section 4 identifies the policies of the Development Plan relevant to the determination of this application.

1.13 Section 5 sets out the case for development in the context of identified issues.

1.14 Section 6 concludes that planning permission should now be granted.

#### Note

Please note that this application is submitted contemporaneously with or subsequent to an application covering the main Policy MU1 allocation prepared by JB Planning Associates. That application provides information for the Environmental Impact Assessment of the proposals including, cumulatively, development of the Great Grovehurst Farm site. That Environmental Impact Assessment (and Non Technical Summary) are also submitted in support of this application.

## **2 SITE & SURROUNDING AREA**

- 2.1 Extending to about 4.8 ha the site is relatively flat with a gentle slope down to the north west corner.
- 2.2 A complex of farm buildings, including a dwelling house, long redundant from agriculture and put to non agricultural uses, once occupied part of the site. However, following prior notification to the Council this complex of buildings was demolished towards the end of 2017. The previously developed element of the site comprising the footprint of the buildings and surrounding and intervening hardstandings extends to about 22% of the total.
- 2.3 A 132 kV overhead power line (on pylons) crosses the north west corner of the site; a small electricity substation (owned by UK Power Networks) is located centrally within the development footprint and would remain for the time being, while a medium pressure gas pipeline runs along the eastern boundary of the site.
- 2.4 The site is bounded by the Sittingbourne – Sheerness railway line to the east; the Godwin Close/Danesmead estate to the south; by Grovehurst Road to the west and by Swale Way on its north side.
- 2.5 The construction of Swale Way (generally on embankment) with maturing landscaping forms the northern boundary, largely containing the site by transport infrastructure. To the western boundary is a remnant boundary hedgerow. To the southern boundary incongruous leylandi surrounding the pond at the adjacent Great Grovehurst Farmhouse; a 2.5 – 2.8m high brick wall runs to the rear and north of the farmhouse. To the eastern boundary is an area of dense scrub at the top of the railway embankment where the railway is in cutting.
- 2.6 Generally, the undeveloped part of the site has been put to arable use but now is a relatively small remnant of the once much larger Great Grovehurst Farm.
- 2.7 Vehicular access to the site is available from Grovehurst Road at two points, ie to the former yard complex of buildings and, further north, a more recent gated field access constructed as part of the Swale Way construction works.

- 2.8 The Proposals Map of the Swale Borough Local Plan 2031 shows the site allocated for housing development and it is not subject to any other designation for its landscape, historic or wildlife qualities.

### 3 **PROPOSAL**

- 3.1 This is a hybrid application seeking outline planning permission for construction of about 110 dwellings; detailed approval for the means of vehicular access to Grovehurst Road and detailed approval for the removal of brickearth prior to the construction of the houses.
- 3.2 **Housing** – an Illustrative Masterplan demonstrates how about 110 dwellings could be accommodated on the site.
- 3.3 Applying the design principles set out in the Development Framework, the Design & Access Statement shows how the development would accommodate a variety of house types and sizes from 1 bedroom flats, 2 and 3 bedroom semis and terraces and some larger detached houses. Buildings would range up to 2.5 and perhaps 3 storeys where, for example, on a corner plot, the legibility and design of the scheme can thereby be enhanced.
- 3.4 As required by Policy DM8 of the Local Plan, 10% of the houses would be affordable, ie for a mixture of rental and shared equity purchase.
- 3.5 **Access** – a detailed drawing shows how vehicular access to the site can be obtained from Grovehurst Road, in the form of a priority junction. Later, subject to highway capacity requirements, it may be necessary to modify the junction to a roundabout shared with the main Policy MU1 allocation to the south west.
- 3.6 The other existing (agricultural) access to Grovehurst Road would be closed up and only a secondary shared pedestrian, cycle and emergency vehicle access would be created to Godwin Close.
- 3.7 The layout would also facilitate a strategic pedestrian/cycle link between the main new housing area to the south west across Grovehurst Road and the employment destination at Ridham/Kemsley. This route would cross Grovehurst Road, south of the proposed priority/roundabout junction, and cross to the north west corner of the GGF site to join Swale Way at the existing pedestrian refuge crossing, thus joining the

existing footpath which runs around the west side of the Nicholls Transport Depot and passes under the railway, emerging near the Morrisons Regional Distribution Centre.

- 3.8 **Brickearth** – a suite of drawings show how about 51,000m<sup>3</sup> of brickearth would be recovered from the site. Although the plans show a notional 3 phases of extraction, in practice, there would be a single continuous operation. The timing of extraction is dependent on weather conditions but normally the soil should be suitable to avoid damage during stripping by early May.
- 3.9 It has been established that a substantial part of the site (broadly the existing brownfield footprint) contains filled ground which, by mixing with it, has 'contaminated' the brickearth so that the mineral would not be recovered from that area. Also, brickearth would not be recovered from the land to be set aside for temporary receptor habitat and long term mitigation habitat for Great Crested Newts along the southern boundary of the site.
- 3.10 **Ecology** – Great Crested Newt are found broadly on the southern part of the site and a temporary receptor area – later to become permanent mitigation habitat – would need to be protected by exclusion fencing before any works (including brickearth extraction) could commence.
- 3.11 The exclusion fencing would stay in place until construction of the houses is complete. A minimum 10m wide habitat corridor would be created along the southern boundary and there would be no housing development and no brickearth extraction within that zone.
- 3.12 Top soil scraped from the site would be stored in a temporary bund inside the southern boundary (beyond the 10m habitat corridor) against the bungalows at Godwin Close/Danesmead. This would act as a temporary noise and dust barrier and in due course provide a source of topsoil for garden and amenity areas for the house builder. Again, the location of this temporary bund is shown on the brickearth extraction drawings.
- 3.13 Wienerberger, the only local brick maker, has agreed to take the brickearth in one summer campaign. Excavated by loading shovels directly into lorries, the mineral



would be taken directly to the company's Smeed Dean Brickworks about 3km away along Swale Way. There would be no stockpiling of brickearth on the GGF site; no fixed plant installed and no access via Godwin Close. The whole process is estimated to take 10 – 12 weeks.

- 3.14 Following the removal of the brickearth the site would not be reclaimed for agriculture but, instead, would be re-graded to provide an appropriate platform for housebuilding.
- 3.15 Estimates suggest that, following brickearth extraction, the development site would be c600mm lower than existing ground level. This factor, together with the intervening 10m habitat corridor and the exclusion of 2.5 or 3 storey dwellings next to the southern boundary would appropriately protect the amenity and privacy of residents in the Godwin Close/Danesmead area.
- 3.16 In addition to accommodating about 110 dwellings, the Masterplan shows how the necessary parking and open space to support that level of housing can be accommodated on the site and at the same time conserve the setting of Grovehurst Farm, a listed building, and contribute to providing a good first impression of Sittingbourne on entering the town from the strategic road network (A249).
- 3.17 The application is accompanied by an Arboricultural Report about trees on and adjacent to the site. All are of low quality and value, many (particularly those adjacent to Great Grovehurst Farmhouse) being mature leylandi that are visually prominent yet alien to the landscape. Most will be replaced or supplemented with indigenous species more appropriate to the locality and more beneficial ecologically. Landscape planting details will be the subject of reserved matters approval.

## **4 DEVELOPMENT PLAN**

4.1 The Development Plan for the area is comprised of the Swale Borough Local Plan 2031 and the Kent Minerals & Waste Local Plan 2013-30; the former adopted in July 2017, the latter in July 2016.

4.2 **The Swale Borough Local Plan 2031** - Policy MU1 Land at North West Sittingbourne is the main policy relevant to the consideration and determination of this application which states as follows:-

### **Policy MU1**

#### **Land at north-west Sittingbourne**

**Planning permission will be granted for mixed uses at North West Sittingbourne, as shown on the Proposals Map and will comprise a minimum of 1500 dwellings, community facilities and structural landscaping and open space adjacent the A249. Development proposals will:-**

- 1 Be in accordance with a Masterplan/Development brief prepared by the landowners/developers involved in the delivery of the allocation in consultation with the Borough Council which reflects the requirements of this policy;**
- 2 Be in accordance with Policy CP4 and in particular, achieve an integrated landscape strategy to provide a minimum of 22 ha natural and semi-natural greenspace and other open space as a continuous buffer along the A249 that will form part of the important local countryside gap between Sittingbourne and Bobbing/Iwade in accordance with Policy DM25 and Policy New A17 for Iwade, as well as contributing toward an appropriate link between the two via Bramblefield Lane/Old Sheppey Way. This area will link to a network of green spaces and corridors throughout the allocation to achieve open space provision;**
- 3 Ensure that, through both on and off site measures, any significant adverse impacts on European sites through recreational pressure will be mitigated in accordance with Policies CP7 and DM28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;**
- 4 Provide on-site flood mitigation measures;**
- 5 Integrate heritage assets, having regard to their setting;**
- 6 Be accompanied by a Health Impact Assessment in accordance with Policy CP5;**
- 7 Be supported by a transport assessment and access strategy in the Master Plan/development brief to determine the need and timing for**

**improvements to the transport network and phasing of development and address the following:-**

- (a) The scale, nature and timing of interim improvements at Grovehurst Road/A249 junction and if necessary at the Bobbing/A249 junction;**
- (b) Identification of vehicular access points from Quinton Road and Grovehurst Road and mitigation of traffic impacts on the local road network and the existing neighbourhoods by defining an appropriate quantum of development relative to these access points;**
- (c) The timing of any necessary off site highway improvements relative to the phasing of development;**
- (d) Identification of improvements to the public transport network between the site and Sittingbourne;**
- (e) Encouragement of increased rail use from Kemsley Halt through enhancement of the facilities there and public pedestrian and cycle links;**
- (f) Secure safe and attractive pedestrian and cycle links within the development and to the adjacent network including links to Iwade over the A249;**
- (g) Have regard to the availability of land to the north of Swale Way already safeguarded for the remodeling of the A249/Grovehurst Road junction and should the mitigation design require it, within any other relevant allocation.**

- 8 Achieve for a mix of housing in accordance with Policy CP3, including provision for affordable housing in accordance with Policy DM8;**
- 9 Achieve suitable means of sustainable energy production and carbon reduction measures compliant with Policy DM20;**
- 10 Secure new primary and secondary schools on site, with dual public/school use facilities (including a land reservation for its provision) to include land for artificial playing pitches; and**
- 11 Provide appropriate community facilities and other infrastructure within the site to meet the needs of future residents, including those within the Local Plan Implementation and Delivery Schedule, in particular those arising from primary health care, libraries and community learning and skills services.**

4.4 Clearly not all of the criteria contained in this policy apply equally to the 3 identified component parts of the overall allocation. However, the GGF site will contribute proportionately to the provision of various communal facilities required of the overall allocation.

4.5 The various policy criteria cross-refer to other policies of the Plan, the most notable being as follows:-

- Policy CP4** - **requiring good design**
- Policy CP5** - **health and wellbeing**
- Policy CP7** - **conserving & enhancing the natural environment –  
providing for green infrastructure**
- Policy DM6** - **managing transport demand & impact**
- Policy DM7** - **vehicle parking**
- Policy DM8** - **affordable housing**
- Policy DM14** - **general development criteria**
- Policy DM17** - **open space, sports & recreation provision**
- Policy DM19** - **sustainable design & construction**
- Policy DM28** - **biodiversity & geological conservation**
- Policy DM32** - **development involving listed buildings.**

4.6 **The Kent Minerals & Waste Local Plan - Policy CSW5 : Land – Won Mineral Safeguarding** identifies brickearth as a mineral to be safeguarded and the relevant map including the GGF site indicates the presence of brickearth.

4.7 **Policy DM7** sets out a series of criteria identifying the circumstances in which safeguarding would not apply and **Policy DM9** the criteria to be applied when minerals are extracted in advance of surface development as follows:-

**Policy DM9**

**Prior Extraction of Minerals in Advance of Surface Development**

**Planning permission for, or incorporating, mineral extraction in advance of development will be granted where the resources would otherwise be permanently sterilized provided that:-**

- 1 the mineral extraction operations are only for a temporary period; and**
- 2 the proposal will not cause unacceptable adverse impacts to the environment or communities.**

**Where planning permission is granted for the prior extraction of minerals, conditions will be imposed to ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented.**

## 5 CASE FOR DEVELOPMENT

5.1 Having reviewed the circumstances of this case; the provisions of the Development Plan and the responses of residents to consultation on the draft Development Framework, the main issues in this case can be identified as follows:-

- 1 Principle of development.
- 2 Brickearth extraction.
- 3 Impact on local amenity.
- 4 Impact on ecological assets.
- 5 Impact on heritage assets.
- 6 Highway safeguarding.
- 7 Developer contributions.

5.2 **Issue 1 – Principle of development** – in the Swale Borough Local Plan 2008 the GGF site was identified as part of an “Important Local Countryside Gap” between Sittingbourne and Iwade. Since then, planning permission has been granted for the Nicholls Transport Depot north of Swale Way and, more particularly, the proposals of the Swale Borough Local Plan 2031 have seen the gap “rolled back” and the GGF site allocated for housing as part of the Policy MU1 allocation.

5.3 This allocation of the site for housing is therefore the starting point for consideration of the principle of development.

5.4 The supporting Masterplan and Design & Access Statement and other documents submitted in support of the application demonstrate how up to 110 dwellings, together with commensurate open space, parking, GCN mitigation habitat areas, surface water attenuation etc can be accommodated in a satisfactory form of layout.

5.5 The other relevant issues identified (2 – 7 below) address the key criteria relevant to the GGF site in Policy MU1. In that the proposals satisfy those criteria, with no unacceptable residual impacts, then the proposals accord with the provisions of Policy MU1.

5.6 To conclude on Issue 1 therefore, Policy MU1 of the recently adopted Swale Borough Local Plan allocates the site for housing subject to a number of criteria with which the

proposals comply. Consequently the principle of development now proposed is fully endorsed.

5.7 **Issue 2 – Brickearth extraction** – a sequence of work for the removal of brickearth, starting at the southern end and working north is set out in paras 3.8 to 3.14 above, in Section 2.9 of the Design & Access Statement and is illustrated on the application drawings reference G20/2v2; G20/3v3; G20/4v3.

5.8 It is to be emphasized that the start of the extraction process will be the putting in place of exclusion fencing to create a receptor area for Great Crested Newts along the southern boundary of the site together with a 10m wide habitat corridor to mitigate the overall impact on Great Crested Newt. Brickearth would not be extracted from this receptor/mitigation area and there would be no access via Godwin Close for brickearth extraction.

5.9 Policy CSW5 of the Kent Minerals & Waste Local Plan safeguards brickearth from sterilization by inappropriate development; Policy DM7 sets criteria for exceptions to that policy and Policy DM9 the environmental criteria to be applied when prior extraction is to take place. However, Wienerberger – the only brick manufacturer in the area with its Smeed Dean brickworks located just 3km along Swale Way - has confirmed the viability of the deposit (other than the “contaminated” material beneath the buildings and hardstandings) and has agreed to take the material in a single season’s campaign.

5.10 Wienerberger’s preferred approach would be to use two excavators to recover an estimated 51,000m<sup>3</sup> of brickearth. The close proximity of the brickworks is a key factor with no on-site stockpiling and with material loaded directly into road-going HGV’s. The preferred short duration of works would satisfy criterion 1 of Minerals Policy DM9.

5.11 The duration of the extraction process is very much dependent on any limitation on traffic movements that may be imposed by the Council. However, previous experience of civil engineering works in the area – namely the importation of fill material to construct the embankments for Swale Way either side up the railway – suggest a strong local preference for the shortest possible extraction period.

- 5.12 As well as the physical mitigation works, ie noise and dust bund to the southern boundary, a Site Environmental Management Plan would be put in place in order, for example, to minimize dust and the potential for track-out and the further mitigation of such affects by good site management and practices (see Issue 3).
- 5.13 It is anticipated that the hours of working, ie during which brickearth would be dug, will be agreed with the Local Planning Authority and will likely be the subject of planning condition (again see Issue 3).
- 5.14 By minimizing adverse impacts on the environment and neighbouring residents, the proposals would comply with criterion 2 of Minerals Policy DM9.
- 5.15 To conclude on Issue 2 therefore, in that brickearth will be recovered from the site prior to the construction of dwellings, in a timely fashion without unacceptable impact locally, the provisions of Policy CSW5 and DM9 of the Kent Minerals & Waste Local Plan would be fully satisfied.
- 5.16 **Issue 3 – Impact on local amenity** – the application is accompanied by an Air Quality Assessment and by a Noise & Vibration Study. Both documents address the impact on amenity arising from the brickearth extraction process; from the housebuilding process and from traffic on Grovehurst Road and Swale Way, the latter taking account of future increases in traffic.
- 5.17 The likely sensitive receptors are relatively few (but no less important) and include residents at Godwin Close and Danesmead, Great Grovehurst Farmhouse and Featherbed House. On-site the impact on Great Crested Newts is also taken into account.
- 5.18 The Air Quality Assessment indicates the likelihood of a “slight adverse” but not “significant” effect from brickearth extraction; without mitigation a medium or low risk with regard to dust soiling and low risk to human health. With an appropriate Dust Management Plan or Construction Environmental Management Plan these impacts would be reduced to “not significant”.

- 5.19 For operational impacts for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> predicted concentrations would be less than the UK annual mean objectives and are considered negligible and therefore not significant. The impact on the nearest Air Quality Management Area (St Paul's Street) would be negligible.
- 5.20 The Noise & Vibration Report has assessed likely impacts from brickearth removal and from house building. With the exception of a slight exceedance next to Godwin Close during the initial stripping of toil soil, prior to construction of the earth bund, noise levels are predicted to be within the recommended noise criteria. A Brickearth Extraction Method Statement and Site Management Plan will help manage and control impacts. Similar Statements and Plans would appropriately control noise and vibration during the building of houses.
- 5.21 The Assessment concludes that vibration from brickearth extraction and from house building is unlikely to cause significant adverse impacts to existing residents but mitigation measures to control noise will also control impacts from vibration.
- 5.22 As indicated in para 5.10 above, Wienerberger propose to recover brickearth in a single campaign over a 10 – 12 week period. Consultation with local residents at the time of construction of Swale Way itself revealed a strong preference for a short, sharp impact rather than a prolonged process when a significant quantity of embankment material was imported.
- 5.23 Brickearth would be loaded directly onto road going lorries and taken via Grovehurst Road and Swale Way to the Smeed Dean Brickworks just 3km away. Consequently, transportation of the material would have no direct impact on any local residential neighbourhood.
- 5.24 There would be no vehicular access for brickearth extraction (or for housebuilding) from Godwin Close and the housebuilder would be a member of the Considerate Contractors Scheme.
- 5.25 As far as the on-site proposals are concerned, the application is supported by a Design & Access Statement and Masterplan layout. An earlier Masterplan was the subject of review by Design South East leading to amendments to the layout. The Design Panel



comments and responses thereto are set out at paragraphs 3.2.9 – 3.2.11 of the Design & Access Statement.

5.26 In summary, these amendments involve the relocation of the children's' play area towards the centre of the development and the incorporation of additional design measures to mitigate the impact of peripheral (transport) noise sources. The initial Assessment indicated a medium to high risk from noise impact and that consideration must be given to good acoustic design measures. Such measures to be incorporated in a detailed scheme would include:-

- Employment of a landscape buffer zone on the northern part of the site to maximise the distance of residential properties from Swale Way;
- Using the built form of the development to provide acoustic screening to the site and garden areas;
- Use of an acoustic fence along the rear gardens of the properties closest to the railway line.

5.27 The Assessment concludes that noise from road traffic would not cause significant disturbance to future residents and so the proposals accord with the policy aims of the NPPF.

5.28 To conclude on Issue 3, subject to appropriate Site Environmental Management Plans (for brickearth and, separately, for housebuilding) and subject to appropriate mitigation measures to minimize effects, the impact on local amenity is not considered to be significant and thereby Policies CP4, CP5 and DM14 of the Local Plan as well as Policy DM9 of the Minerals Plan would be satisfied.

5.29 **Issue 4 – Impact on ecological assets** – the GGF site has been the subject of extensive ecological surveys over the last 10 years on behalf of G H Dean by Lloyd Bore, Thomson Ecology and Ecosulis.

5.30 In 2016 the survey of Great Crested Newts (GCN) by Ecosulis, which now accompanies the application, was undertaken to update and confirm that there had been no material change in circumstances on the site since previous surveys; to provide data for a Licence application to Natural England in due course and to confirm the need for 1.3 ha of mitigation habitat for GCN first calculated by Thomson Ecology. [An

additional Update Ecological Site Walkover which also accompanies the application was undertaken in 2018.]

- 5.31 The site has peripheral margin hedgerows and some scrub but the central cultivated arable land is of little ecological value. The GCN survey confirmed a medium meta population of GCN in the ponds within 500m of the site and the need for 1.3 ha of mitigation habitat (no change since the Thomson survey in 2014) based on the amount of suitable habitat within 250m of the pond and the amount to be lost to development.
- 5.32 A Licence from Natural England would be required for the creation of a temporary receptor area along the southern boundary which, in due course, together with new and replacement habitat to the east, north and west boundaries, will become permanent long term mitigation habitat in excess of the 1.3 ha required.
- 5.33 Temporary exclusion fencing would be required to create the receptor area prior to the commencement of brickearth extraction and newts translocated from the central part of the site into the receptor area. The exclusion fencing would be retained until the housing development is complete though it will not be possible to make a Licence application until planning permission has first been obtained.
- 5.34 Various surveys for bat have been carried out at the GGF site, mainly related to their potential occupation of the redundant buildings, now demolished. Nevertheless these reports are submitted for completeness.
- 5.35 Notwithstanding the limited potential of the site for wintering birds, a Wintering Bird Survey report is submitted in support of the application. The report finds that the site is not used by birds associated with the protected areas and therefore with no loss of relevant habitat the development of the site is unlikely to have an effect on wintering birds or the protected areas.
- 5.36 Nevertheless, the development will contribute to the SAMMS in order to mitigate recreational impacts on birds within the protected areas.
- 5.37 To conclude on Issue 4, with no adverse impact on bat or wintering birds, on the above basis the mitigation included in the scheme will maintain the favourable

conservation status of the local GCN population and would provide an enhancement in terrestrial habitat on-site, thus satisfying the various criteria of Policy CP7 and DM14 and DM28 of the Local Plan.

5.38 **Issue 5 – Impact on Heritage Assets** – the application is supported by a report following archaeological field evaluation (undertaken during August 2017) and by a Heritage Assessment.

5.39 Aside from the archaeology, the other heritage assets locally are identified as Great Grovehurst Farm, a Grade II listed building and Featherbed House, located between Grovehurst Road and the A249 which, although of limited architectural merit is not listed. It should be noted that Great Grovehurst Farmhouse is separated from the development site to its rear and north sides by a brick wall varying in height between 2.5m – 2.8m. Also, Featherbed House is separated from the site by Grovehurst Road and intervening land; is recessed in the topography and enclosed as a result of land raising and screen planting.

5.40 A field evaluation (trial trenching) was carried out in August 2017. This evaluation found archaeological remains comprised of boundary ditches and a few isolated pits concentrated in the south east part of the site. Many of these features were undated but some Neolithic/Bronze Age to Early Iron Age pottery was found.

5.41 The low level activity, predominantly of the Prehistoric period, is mainly focused in the south eastern part of the site but the features have undergone truncation as a result of ploughing and some ditches survive only to very shallow depths.

5.42 The evaluation suggests that the location of the ditch system in the far east of the site and the lack of remains, particularly domestic artifacts to the west, may suggest that any focused activity for the Late Bronze/Early Iron Age may lie outside the site to the east. Discussions with the County Archaeologist suggest that further investigation may be required.

5.43 The Heritage Assessment focuses on the impact of the proposals on the setting of Great Grovehurst Farm and Featherbed House. Clearly residential development of the type sought is a complimentary and appropriate land use next to the heritage assets.

- 5.44 As for Great Grovehurst Farmhouse, its setting is mainly to the front (west side) of the building whereas the development site lies to the rear where the impact is in part mitigated by physical factors such as the intervening presence of the existing 2.5 – 2.8m high brick wall around the garden of Great Grovehurst Farmhouse; the proposed 10m wide Great Crested Newt habitat corridor (in which there would be no brickearth extraction) and the likelihood that the development site itself would be lowered by about 600mm as a result of brickearth extraction.
- 5.45 The Design & Access Statement seeks further to preserve the setting of the listed building by setting new development even further away from the farmhouse and controlling development height by excluding 3 storey development nearby, notwithstanding the likely reduction in ground level by circa 600mm.
- 5.46 The Heritage Assessment finds that the impact of the proposals on the setting of Great Grovehurst Farmhouse would be negligible, that its setting would be retained and that the impact on Featherbed House would be neutral.
- 5.47 To conclude on Issue 5 therefore, the archaeological potential of the site has been appropriately investigated and will also be appropriately recorded (watching brief) as brickearth is extracted whereas the various physical and design factors employed will mitigate the impact of development on the setting of the heritage assets of Great Grovehurst Farmhouse and Featherbed House to a negligible level thus satisfying the requirements of Policy DM32 of the Local Plan.
- 5.48 **Issue 6 – Highway Safeguarding** – paragraph 6.6.30 and criterion 10e of Policy MU1 of the Local Plan refer to the need for improvements to the Grovehurst Junction and to the possible need to reserve land to the north and/or south of Swale Way to facilitate those works.
- 5.49 The Masterplan for the GGF site shows land in the NW corner (next to the existing A249 – Grovehurst Road junction) set aside for surface water attenuation/landscaping/ open space and additional GCN habitat. This area lies beneath the existing overhead electricity transmission line and the area identified takes account of the sag and sway characteristics of the cables. Consequently, this area will not be built on and, (subject to alternative arrangements for surface water disposal,) because the land is not

essentially required for landscaping or for GCN mitigation it could, if necessary, be used for highway improvement works.

5.50 More particularly, a substantial area of land to the north of Swale Way (extending from the A249 junction in the west to the railway in the east) is already safeguarded via a S106 Agreement to facilitate any improvement works required to the A249 junction. The Interim Improvement Scheme for the junction submitted with this and the other NW Sittingbourne applications uses part of that safeguarded land.

5.51 To conclude on Issue 6 therefore, adequate land is already safeguarded for major remodeling of the A249/Grovehurst Junction on the north side of Swale Way, a small part of which would be used for the submitted Interim Improvement Scheme. Land located beneath the overhead electricity line to the south of Swale Way in the NW corner of the GGF site would not be developed and could, if necessary, be used for highway improvements. Consequently, the reservation of land to cater for improvements to the Grovehurst Junction are appropriately catered for.

5.52 **Issue 7 – Developer contributions** – The GGF site is small, self contained and well defined by transport infrastructure on three sides and a long established residential area on the remainder. Although set apart, it has nevertheless been allocated along with other, much more extensive land, within the mixed use allocation MU1 for North West Sittingbourne.

5.53 A draft Heads of Terms for a Section 106 Agreement accompanies this application. Those terms are not considered likely to apply to the brickearth extraction process and any contribution to the Interim Improvement Scheme for the A249 Grovehurst Junction is, instead, likely to be secured via S278 of the Highway Act.

5.54 Where there are demonstrable deficiencies in specific infrastructure facilities provided by the Borough or County Council then G H Dean & Co will consider the payment of contributions to make good those deficiencies to enable the grant of planning permission.

- 5.55 Where such facilities are to be provided elsewhere within the Policy MU1 allocation, G H Dean & Co will expect such contribution to be hypothecated to the provision of those new or improved facilities in or near the allocation.
- 5.56 Future maintenance of open space and play areas is known to be a key issue for Members. At GGF open space and playspace located within the housing development and the GCN habitat areas around the periphery of the site will initially be provided by the developer. Thereafter, the S106 Agreement will provide the developer with the option either of making its own arrangements for the future upkeep and maintenance of those facilities or for their transfer or adoption by the Borough Council together with a commuted sum for future maintenance.
- 5.57 To conclude on Issue 7, the submitted draft Heads of Terms demonstrate how, subject to maintaining scheme viability, proportionate contributions could be made by the GGF site to make good key deficiencies in local service infrastructure (together with provision for future maintenance) in order that the development can proceed.

## 6 CONCLUSION

- 6.1 The GGF site is the smallest of those comprising the Policy MU1 allocation. Extending to just 4.8 ha it is largely separate from the surrounding area with transport infrastructure on three sides and the Godwin Close/Danesmead Estate to the south. Some 22% of the site is comprised of previously developed land.
- 6.2 The application proposes up to 110 dwellings with the main vehicular access taken from Grovehurst Road with only pedestrian/cycle/emergency access via Godwin Close.
- 6.3 Mineral Policies require the removal of brickearth from the site prior to housebuilding and the application includes details of the brickearth extraction.
- 6.4 Great Crested Newts (GCN) occupy part of the site and the application includes measures for their short, medium and long term protection.
- 6.5 Allocated for housing in Policy MU1, the various specialist studies and various reports submitted with the application demonstrate how the development can be accommodated to provide a satisfactory living environment for new residents without unacceptable impacts locally. Consequently, there is no objection to the principle of development.
- 6.6 Brickearth extraction would take place over a 10 – 12 week period, accessed from Grovehurst Road (not Godwin Close). Brickearth would be taken directly to the brickworks via Swale Way and so there would be no affect on neighbouring residents. The Noise and Air Quality Assessments submitted with the application demonstrate that there would be no unacceptable impacts from this process and so the proposals accord with Minerals Policy DM9.
- 6.7 Sharps Redmore assess the site as medium to high risk for noise. However, by introducing a landscaped buffer zone on the northern part of the site; by maximising the separation between the noise source and receptor; using the layout of the scheme to screen the site and garden areas and the orientation of buildings to reduce noise exposure of noise sensitive rooms then, noise issues can be satisfactorily accommodated and an appropriate and successful scheme designed.

- 6.8 The Assessment concludes that the proposed temporary earth bund would provide sufficient mitigation of the noise impact of brickearth extraction and house building on houses in Godwin Close/Danesmead so there is unlikely to be an unacceptable impact on those properties.
- 6.9 Further, the Air Quality Assessment that has assessed impacts during brickearth extraction, housing construction and thereafter, finds that predicted levels of dust and particulate etc would not be significant and the impact of development traffic on the nearest Air Quality Management Area (St Paul's Street) would be negligible. Consequently, in terms of impact on amenity, Policies CP4, CP5 and DM14 of the Local Plan and DM9 of the Minerals Plan would be satisfied.
- 6.10 GCN's associated with the pond in the garden of the adjacent Great Grovehurst Farmhouse use part of the site. Under a Natural England Licence a temporary receptor area would be created on-site to protect the newts prior to brickearth removal and would remain in place until house building is complete. Additional peripheral habitat would be greater than, and would compensate for, that lost to the development resulting in a net gain in GCN habitat. Existing peripheral leylandi, incongruous in the landscape, would be replaced by indigenous species supporting more ecologically diverse habitats.
- 6.11 The HRA Screening Assessment covering the whole of the NW Sittingbourne allocation concludes that with appropriate mitigation and SAMMS contributions there would be no significant impact on the protected areas so that a formal HRA is not required. Consequently, the GGF proposals fully satisfy Policies CP7, DM14 and DM28 of the Local Plan.
- 6.12 The archaeological potential of the site has been appropriately investigated and will be appropriately recorded as brickearth is extracted whereas the various physical and design factors employed will mitigate the impact of development on the setting of the heritage assets of Great Grovehurst Farmhouse and Featherbed House to a negligible level thus satisfying the requirements of Policy DM32 of the Local Plan.
- 6.13 As for highway safeguarding, land to the north of Swale Way is already safeguarded for major improvements to the A249 Grovehurst Road junction and will facilitate the



Interim Improvement Scheme which accompanies this application. Undeveloped land within the site next to the junction could, if necessary, also be available for improvements and a proportionate financial contribution would be provided by the GGF site towards the cost of the Interim works. Subject to viability considerations, appropriate and necessary developer contributions would be made to enable the development to proceed.

6.14 Overall therefore the Environmental Impact Assessment demonstrates a beneficial impact of the proposals that are unlikely to cause significant environmental affects to the protected areas and this is endorsed by the HRA's Screening Assessment. The prior extraction of brickearth satisfies mineral policy and as all relevant criteria of Policy MU1 are also satisfied by the proposals, planning permission can now be granted.