

Swale Borough Council Planning Committee, Thursday 20 July 2017
Agenda Deferred Item 3
Reference 16/501266/FULL Land North of 99 High Street Newington

Further comments from Newington Parish Council

(These were originally sent to all Planning Committee members on 20 June 2017 for the 22 June meeting at which the item was further deferred.)

(it is hoped that Members of the Planning Committee find this format helpful: Relevant extracts of the Officer Report are indented in blue font; our commentary is in this black font)

The Local Plan

9.05 ... Firstly, the site was assessed in the 2014-15 Strategic Housing Land Availability (SHLAA) in the context of a lower housing target. At that time, whilst landscape and traffic issues were considered capable of being addressed, the presence of the AQMA and the distance to a GP surgery meant that the site was not considered suitable.

the SHLAA was subject to a 2016 addendum which required the site (and others) to be re-assessed. This site was consistently rejected in any call for sites until June 2016. Nothing has changed in Newington to make a scheme such as this sustainable.

Although the Local Plan is not yet officially adopted (due to be reported to Full Council on 26th July 2017), the Inspector's report will have been received and made public and is binding on the Council. If the Local Plan is found to be Sound, the application site will be judged to have been fully compliant with the Council's overall vision, aims and objectives for the future of Swale Borough and in line with the Council's settlement strategy.

The Local Plan is not yet adopted. Surely this application is therefore premature.

9.08 Against the emerging Local Plan, the Council's published statement of housing land supply for 2015/16 shows the Council to have a five year supply of 5.4 years....

9.09 Paragraph 216 of the NPPF sets out that decision makers may give weight to emerging plans, depending on the stage of preparation of the plan (the more advanced, the greater the weight), the extent to which there are unresolved objections, and the degree of consistency of relevant policies to policies in the NPPF.

Surely this gives grounds for refusal.

Landscape and loss of BMV Land

3.25 St Mary's View appeal dismissed on landscape impact, this development would have a harmful impact on the landscape

3.29 The planning application dismissed at appeal at St Mary's View relates to an entirely different site possessing very different landscape characteristics. For example the land at St Marys View is heavily vegetated and the Inspector noted that the site has not been subject to agricultural intensification, and the remnants of the orchard are still apparent. By comparison the Persimmon site is an open, arable field which has been subject to agricultural intensification for many years.

The Planning Inspectorate refused an appeal at St Marys View. Surely the loss of BMV land is more serious than a site 'heavily vegetated' due to years of neglect. The 'Swale Borough Agricultural Land Quality' map (Scott Wilson) classifies the Persimmon site to be of grade I quality; it is known locally as the 'beanfield'. The loss of BMV land would be contrary to

NPPF para 112 guidance that development should take place on poorer land in preference to land of higher quality and the Council's own policy on protecting this land.

3.29 The Inspector believed that the loss of vegetation would be considerable and the proposal would significantly harm the rural character and setting of Newington.

This surely applies equally to the Persimmon application.

Conservation areas

3.32 Impact on the Conservation Area

3.33 The impact on the Conservation Area has been thoroughly assessed and I reiterate the conclusion set out in the original report:

In respect of the Newington Church Conservation Area which is to the north of the site on the other side of the railway line, the Heritage Statement notes:

"This wider setting has not been identified as making a major contribution to the setting of the assets as pertains to their significance and impacts are therefore likely to be negligible."

3.34 I therefore consider that the development would preserve the setting of the adjacent Conservation Area.

This is misleading as the report refers to a different Conservation Area. The site is bordered by the Newington High Street Conservation Area (not the Newington Church or Newington Manor Conservation Areas). We consider the impact to the High Street Conservation Area, which stretches down Church Lane (to be adjoined by the proposed cycle/footpath/driveway), and includes the Grade II listed 'Hollybank', to be significant. There would be an additional impact through loss of visual amenity to views from the Newington Church Conservation Area.

The A2 junction to the proposed estate

7.11 Kent Highways and Transportation ...

The proposed "ghost island" with a right turn filter lane would be appropriate for the new access and the resulting narrowing of the footway to 1.5m would be acceptable.

We would urge members to visit the site and to try to visualise three lines of traffic (including HGVs) and two narrow pavements on this stretch of the A2. We do not believe this can fit into the space available.

Pavement width reduction

3.02 Narrow pavement close to the new access dangerous to pedestrians

3.04 In respect of the narrow pavement the applicant states:

"The Transport Assessment submitted with the application (along with its various updates/addenda) has been accepted by Kent County Council as Highway Authority.

The footway is 1.5m which is marginally narrower than the usual standard of 1.8m, however the footway width has been agreed by the Highway Authority as part of the wider highway improvement works."

3.05 I therefore conclude that there are no highways matters that cause harm to highway safety or amenity and that there are no grounds for refusal in this respect.

'1.5m (narrower than the usual standard of 1.8m)'. This footpath runs along the A2 – pedestrians currently try to avoid the kerbside as it is overhung by commercial vehicle wing-mirrors.

1.5m means a pedestrian could not pass a double-pushchair, nor could a wheelchair user & pedestrian; 1.5m is tight for two pedestrians. We hope that members of the Planning

Committee will agree that it is not acceptable to narrow an already dangerous pavement on such a busy road

3.02 ...the A2 already grid-locked;

3.03 The submitted Transport Assessment predicts that the proposed development would add only 8% to the number of vehicles on the local roads. Local junctions are considered to have adequate capacity and the design of the new ghost junction is considered to be adequate. Kent Highways and Transportation raise no concerns in this respect.

The Persimmon proposal would add (only!!!) 8% to the traffic on already busy roads.

NB KCC Planning Committee (notification 5 May 2017) granted permission for Wienerberger to extract brickearth at Paradise Farm, Hartlip, and to transport it through Newington Village *'Condition 21 'No more than 100 HGVs (50 in / 50 out) associated with the development hereby permitted shall enter or leave the site in any one day...'*

Our concerns about the safety of the proposed junction have already been expressed.

Drainage

We have also received a response from KCC SUDs who raise no objection to the proposal and recommend conditions to require a detailed surface water drainage scheme to be submitted

7.08 Southern Water note that they cannot accommodate the needs of the development without the provision of additional local infrastructure to reduce the risk of flooding

2.03 . The submerged drain would be opened up to form an open water ditch acting to manage surface water in a sustainable way as well as providing a landscape feature. This ditch would be crossed by four pedestrian paths which would link the built area of the site to the open space at the eastern end. A foul pumping station is proposed to be located within the north-eastern corner of the built-up area of the development.

We have raised the issue of drainage since the inception of this scheme; this area of the Village is known to flood at times of heavy rainfall. An open drain seems a medieval solution to the problem.

The flats

2.01 This is a full planning application for 124 dwellings comprising 114 houses and 10 flats (in two separate blocks).

At three storeys, these would be the tallest buildings and, I believe, the only flats in the Village. We note that the flats have no lifts and so would be unsuitable for young families, the elderly or disabled people. Surely it would make sense to have 1 bedroom accommodation with lift access to offer those who are subject to the 'spare room subsidy', freeing up larger properties in the area. The proposal for flats has only arisen since NHS England declined to take up the offer of a doctor's surgery on the site. We also note the proposal for 2.5 storey houses, which gives the danger of overlooking existing houses; Persimmon have similarly amended their proposals elsewhere in the Borough in order to maximise their profits at the expense of existing householders privacy.

This would be not be a sustainable development

1.01 The application site immediately lies to the northeast of the settlement of Newington, a village of some 1058 houses

2.01 This is a full planning application for 124 dwellings comprising 114 houses and 10 flats (in two separate blocks).

This would be an 11.7% increase in Newington; the LDP proposed a growth of 1.3%! We question whether this is sustainable

7.11 Kent Highways and Transportation ... comment that the new parking arrangement would meet the quantum suggested in current standards but would be lower than had previously been proposed. However, they note that the internal roads would not be adopted by them and so any parking issues would not be their responsibility.

So a flawed scheme designed to maximise profit whilst accepting predictable problems for the future

9.11 The site is within walking distance of a number of amenities within Newington, including a primary school,.... I acknowledge that the local primary school is oversubscribed. Unfortunately, this situation is not uncommon within Kent. KCC have asked for contributions towards a new primary school at the allocation known as North-west Sittingbourne (Quinton Road) to cater for an increase in population as a result of new housing developments and so it considered that, at a strategic level, the numbers of primary places available to residents of this part of the borough would be sufficient. I understand that, currently, some of the children who are allocated places at Newington Primary School live outside of the village. If this development is approved, it is likely that children who live in the village will be given preference, including those living on this new estate, with children living outside the village being given places elsewhere when applying for a primary school place.

Neither the School governors nor the Diocesan Board of Education are aware of any proposals to amend the admissions criteria for Newington School. Members will remember that it is KCC policy not to expand the School due to traffic issues in Church Lane. Therefore it is likely that children from the new development will be bussed to Quinton from age 4 years – or their parents will drive them there, thereby increasing traffic problems

9.12 The lack of a doctors' surgery within the village is disappointing but is not fundamental to the acceptance of this development in my view. The NHS have confirmed that they do not consider the provision of a new surgery within the application site to be necessary and there are doctors surgeries in Rainham and on The Meads, both a 5-10 minute drive from the application site.

...assuming the resident can drive and has a car, this will mean more traffic

9.26 The use of the existing farm access from the western boundary of the site to Church Lane as a pedestrian/cycle access and vehicular access being retained for 40, 42 and 44 Church Lane

Cars, cycles, pedestrians and children on their way to School (assuming they can get a place!) is surely not safe

9.27 I understand the concerns of local residents in respect of the pedestrian/cycle link coming out onto a busy road with a narrow footpath at this point. However, I have observed that cars tend to park along the opposite side of Church Lane and there is also a chicane at this point in the road. This will slow vehicles down as they approach these obstacles

One child has been killed at this point. Another was knocked down last year and thankfully survived

Air quality and Mitigation

1.07 It was also reported that we had received an objection from the Member of Parliament for Gillingham and Rainham who considered that the development would pose a significant threat to the air quality of the Rainham AQMA as well as the health of people living and working in that area. He was also disappointed that the recommendation is for the approval of the development, despite the significant effect on human health.

There were other MP objections and inaccuracies in the report to the Planning Committee

6.04 Gordon Henderson MP for Sittingbourne and Sheppey strongly supports the residents of Newington and others in opposing the application because the site is not included within the Swale Borough Local Plan 2008 nor the emerging Local Plan (Members should note that this site is included as a housing allocation in the emerging Local Plan).

This is not true; the letter makes no mention of the Local Plan. Gordon Henderson actually wrote:

'I write to object to the above planning application...The reason for my objection is I do not believe it is sustainable to allow any more development along the A2 corridor until something is done to improve the roads infrastructure to the strategic roads network and, specifically in this case, the air quality in the Newington High Street AQMA'

The Parish Council fully supports the view of our MP

Reference is made in the Report to legislation and the November 2016 Pond Farm Planning Inquiry

2.03 Members may be aware of the publication of a Government consultation entitled: 'Tackling Nitrogen Dioxide in our Towns and Cities'. Responses to the consultation are due to be submitted by 15th June 2017.

The Environmental Health Officer at Swale Council has considered the Air Quality reports prepared for the Persimmon application and acknowledges the mitigation measures, including the contributions towards monitoring that have been offered, and considers that they are practical and reasonable for the size of development. He accepts that the effectiveness of these measures is unknown

3.15 1. For both Pond Farm schemes, impacts on 3 receptors (with development assuming that there is no improvement in air quality) would be "substantial adverse". The highest impact for no. 99 High St would be "moderate adverse".

The smaller Pond Farm proposal was for 140 dwellings. This application (124) when added to the former workingmen's club (10 dwellings) and land adjacent to Ellens Place (9 dwellings) exceeds the 140 proposal which the Planning Inspector found unacceptable at the Pond Farm Inquiry.

3.15 6. The TA confirms that 40% of traffic would turn right out of the site i.e. through the centre of Newington and on to Rainham) with the majority (60%) turning left towards Sittingbourne and avoiding the AQMA in Rainham and the majority of the AQMA in Newington.

We question this assumption. Newington residents heading to Medway or towards London usually travel west through Rainham, joining the M2 via Mierscourt Road or the Lower Road and Medway Tunnel. This saves 9 miles each journey and avoids the congestion at Key Street and Stockbury roundabout.

9.44 As part of the process of deciding how best to utilise the 'damage cost' (£132,951),...and I am content that the mitigation measures put before us will be the most effective in seeking to reduce the air quality impact of the development.

A 'damage cost' does nothing to improve air quality. Instead it causes further harm to the residents of Newington – especially Children as their height means they breathe at the greatest level of pollutants.

3.19 Members may recall that there was a resolution to approve a development at this site under 16/506166 for ten dwellings. Persimmon's air quality consultant, Lustre, has commented that it is unlikely that future development of the Working Mens Club will increase the canyon effect.... The creation of any "canyon" effect should be more of a concern to the design and layout of any redevelopment of the Working Men's Club and will have no significant impact on the Persimmon development.

Members may recall that the former workingmen's club development is two storey and fronts directly to the pavement. This is what causes a 'canyon effect'! The significant effect is to the health of the residents of Newington.

4.04 In terms of air quality, I have found that the effect on human health would be significant but that this would be confined to the Rainham AQMA and I find that mitigation measures proposed will go some way towards lessening this effect. ... However, it is fair to say that there are uncertainties as to the extent that the mitigation would reduce the significance of the impact

This would be dishonestly passing on the problem to a neighbouring authority without it having the authority to prevent the development; there is also an honest statement doubting whether mitigation would have any effect on public health.

9.43 ...mitigation measures include:

- Electric car charging points at every property,
- Travel Plan & Welcome Pack to encourage ...public transport, cycling and walking. ...details of grants for purchasing electric vehicles ...
- Cycle sheds for each property and cycle voucher for each new resident;
- Potential for funding of an improved cycle shelter at Newington Railway Station (£5,000);

We are not persuaded that these measures will do anything to improve the air quality in Newington Village.

(We believe that Richard Knox-Johnston of CPRE Kent will have further comments to make including additional information from Professor Stephen Peckham)

The proposal would do nothing to improve the economy of Newington.

The proposal would be cause environmental harm through loss of BMV and the increase to pollution in a village with known AQM problems.

Socially, the sudden growth of 12% with an infrastructure that is already struggling to cope and no available places in our School is the third factor to make us believe the proposal to be unsustainable.

Stephen Harvey
Chair of Planning Committee, Newington Parish Council
20 June 2017