

Planning Report for 27 April 2021 Newington Parish Council Meeting

This month's applications

Application No: 20/501475/FULL: Land To The Rear Of Eden Meadow, Newington ME9 7JH

Proposal: Erection of 20 No. residential dwellings and associated car parking, hardstanding, landscaping and open spaces, infrastructure including SuDs and earthworks accessed from the existing junction serving Eden Meadow from the A2 High Street.

Amended Plan and Additional information received 23rd and 31st March 2021

September 2020

Notification by letter from Swale Borough Council dated 25 September 2020

Revised Proposal: Erection of 35 No. residential dwellings including affordable housing and associated car parking, hardstanding, landscaping and open spaces, infrastructure including SuDs and earthworks accessed from the existing junction serving Eden Meadow from the A2 High Street.

March 2020:

Original Proposal: Erection of 40 No. residential dwellings including affordable housing and associated car parking, hardstanding, landscaping and open spaces, infrastructure including SuDs and earthworks accessed from the existing junction serving Eden Meadow from the A2 High Street

Application received: Thursday 26 March 2020

Application validated: Monday 30 March 2020

Status: awaiting decision

(18 June 2019 Swale Design Review Panel meeting: Proposed residential development – Land at Ellen's Place, Newington. Followed by Community Consultation Mail-out

15 July 2019 – Design Review Panel confidential report

18 November 2019 conversation with Andy Wilford, Head of Planning, Esquire Developments

14 January 2020 NPC Planning Committee Meeting to hear draft proposals)

9 April 2020 Newington Parish Council Planning Committee meeting – unanimous decision to oppose the application

15 April 2020 response published on Midkent planning portal and NBC website

19 October 2020 response to revised application published on Midkent planning portal and NBC website

19 April 2021 NBC response to Amended plan published on Midkent planning portal and NBC website

Application: 21/501791/PIP Land At 164 Bull Lane, Newington ME9 7NB

Proposal: Permission in Principle for the erection of a detached two storey sustainable self-build or custom building dwelling with new access onto Bull Lane

Application received: Wednesday 31 March 2021

Application validated: Friday 9 April 2021

Status: awaiting decision

Application: 21/501840/FULL Glenmore, Callaways Lane, Newington ME9 7LX

Proposal: Single storey rear extension.

Application received: Tuesday 6 April 2021

Application validated: Thursday 8 April 2021

Status: awaiting decision

Application: 21/501797/FULL 31 Playstool Road, Newington ME9 7NE

Proposal: Erection of a part single storey, part two storey rear extension and extension to existing porch.

Application received: Wednesday 31 March 2021

Application validated: Wednesday 14 April 2021

Status: awaiting decision

Application: 21/501252/FULL 8 School Lane Newington, ME9 7LB

Proposal: Erection of a first floor front extension

Application received: Monday 8 March 2021

Application validated: Monday 8 April 2021

Status: awaiting decision

Not in NewingtonApplication: 21/501839/OUT Land Off Otterham Quay Lane Upchurch

Proposal: Outline application for up to 74no. dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. (All matters reserved except for means of access).

Application received: Tuesday 6 April 2021

Application validated: Friday 16 April 2021

Foxchurch, near Bobbing (information only)

Appin Land 'The team are now working to finalise the plans. Before submitting a planning application to Swale Borough Council, we want to hear your thoughts' consultation events Thursday 22 April, Friday 23 April

- 2,500 new homes, with a wide range of housing types to cater for Swale's various housing needs, including family homes, bungalows and policy compliant affordable housing
- A new pub and a local parade of shops: creating job opportunities and bringing improved choice for local people.
- A new three-form-entry primary school, health centre, village hall and cricket pitch
- Easy access to existing employment areas within Sittingbourne and Sheppey without causing further congestion of existing towns and villages.

NB 23 March 2021 email from Esquire Developments Land at Hill Farm, Bobbing

'I also wish to let you know that we will also be seeking an amendment to the existing planning application (as detailed in the letter), in order to be able to deliver the scheme for Demelza – which has unfortunately stalled since 2018.'

Application: 18/500258/FULL Land At Hill Farm, Bobbing Hill, Bobbing ME9 8NY

Proposal: The provision of a 3 unit accommodation building, car park and outdoor event space, the erection of 20 private residential dwellings, together with associated access, parking, highway works, drainage and landscaping.

Application Received: Monday 18 January 2018

Application Validated: Wednesday 7 February 2018

Status: Application permitted Wednesday 7 November 2018

From last month

Application: 21/501157/FULL Bardfield Barn, London Road, Newington ME9 7TW

Proposal: Section 73 - Application for variation of condition 10 (amended plans) pursuant to 20/504184/FULL for - Erection of a car port and home office (Class E) with associated hardstanding.

Application received: Wednesday 3 March 2021

Application validated: Monday 8 March 2021

Additional information Friday 12 March 2021.

Status: awaiting decision

Application: 21/500971/FULL The Vallance, Callaways Lane, Newington ME9 7LU

Proposal: Erection of a single storey rear extension to existing dwelling house with other associated external works.

Application received: Wednesday 3 March 2021

Application validated: Tuesday 23 February 2021

Additional information Wednesday 10 March 2021.

Status: awaiting decision

Previously discussed: for information

Application: 21/500284/FULL Snakesbury, Iwade Road, Newington ME9 7JY

Proposal: Conversion of garage to a workshop and home office, including replacement of roof and insertion of 3no. windows to side and 2no. rooflights. Partial demolition of existing stable building and erection of access stairs to garden.

Change of description 12 February 2021

Proposal: Conversion of garage to a workshop and home office, including addition of render to external walls, replacement of roof, door and windows and insertion of 3no. windows to side and 2no. rooflights. Partial demolition of existing stable building, replacement of front boundary fence and erection of access stairs to garden.

Application received: Tuesday 19 January 2021

Application validated: Monday 8 February 2021

Status: Application permitted Wednesday 31 March 2021

Application: 20/505059/FULL: Willow Trees, 111 High Street, Newington ME9 7JJ

Proposal: Demolition of existing chalet bungalow and erection of 20 dwellings (4 x two bedrooms and 14 x three-bedrooms and 2 x four-bedrooms) with associated access, parking, amenity and landscaping.

Application received: Tuesday 27 October 2020

Application validated: Friday 8 January 2021

Revised application on planning portal 14 April 2021

Status: awaiting decision

Application: 20/505442/LDCEX 67 High Street, Newington ME9 7JJ

Proposal: Lawful Development Certificate to establish the existing use of the MOT service centre/garage.

Application received: Monday 16 November 2020

Application validated: Wednesday 18 November 2020

Status: awaiting decision

Appeal to the Planning Inspectorate

18/500767/FULL Newington Working Mens Club, High Street, ME9 7JL

Proposal: Variation of Condition 2 and removal of Condition 11 of application 17/504342/FULL (Retrospective demolition of former Working Mens Club and erection of 9no. dwellings and 1no. maisonette together with carports for garaging of cars (Revised scheme). (Vary Condition 2 to include reference to 'Titan-Sonair' ventilation system to bedrooms and dining room fronting the high street.)

Application received Wednesday 7 February 2018

Application validated: Wednesday 14 March 2018

Decision: application refused Tuesday 12 June 2018

Appeal lodged with Planning Inspectorate: 24 January 2019

Appeal decision 5 July 2019 – appeal allowed (but....*'I conclude that Condition 11 should not be removed, but should be varied to simply require that all windows on the front façade of the block fronting onto the High Street shall be non-openable only. I do not agree that Condition 2 should be varied and this element of the appeal fails'*)

Update from Enforcement Officer February, March, May 2020

26 June 2020 update from planning enforcement

19 October 2020 further verbal update

Application: 19/502206/FULL 61 Playstool Road, Newington ME9 7NL

Proposal: Retrospective application for the erection of a first floor rear extension, loft extension and lean to roof at front and side of dwelling (resubmission of 18/502531/FULL).

Application received: Tuesday 30 April 2019

Application validated: Tuesday 25 June 2019

Status: Application refused Wednesday 14 August 2019

Application: 18/502531/FULL 61 Playstool Road, Newington ME9 7NL

Proposal: Erection of a first floor rear extension and loft extension with front dormer (Retrospective works to 16/503414/FULL).

Application received: Thursday 10 May 2018

Application validated: Tuesday 3 July 2018

Status: Application refused Wednesday 6 February 2019

23 July notification of revised details

Application: 18/502775/FULL 61 Playstool Road, Newington ME9 7NL

Proposal: Erection of a large shed at the end of rear garden (Retrospective)

Application received: Wednesday 23 May 2018

Application validated: Tuesday 12 June 2018

(NB Previous application withdrawn 15 May 2018)

Status: Application permitted 27 July 2018

Appeal notification 17 December 2019 PINS reference: APP/V2255/D/19/3240474

Start date 16 December 2019 – Written representations procedure

10 February 2020 –Appeal decision – appeal dismissed

21 May 2020 update from planning enforcement

Further verbal update October 2020

SBC Planning Committee 4 March 2021 Enforcement notice for demolition of the extension (within 12 months)

Not in Newington

Application: 20/503637/FULL .Medway Autos, Christine And Muriel, London Road Upchurch ME9 7PD

Proposal: Change of use of auto showroom and workshop (Sui generis) to a banqueting hall, with food processing and distribution (Class D2 and B2), including the creation of a mezzanine floor and alterations to fenestration. Change of use of 2no. residential bungalows (C3) to guest accommodation (C1) associated with the banqueting hall, including the erection of a single storey rear extension and loft conversion, including 2no. rear dormers and installation of 4no. rooflights to front. Erection of a wedding gazebo to rear of bungalows

Application Received: Monday 10 August 2020

Application validated: Wednesday 25 August 2020

Status: Application permitted Wednesday 7 April 2021

Application: MC/20/2358 Rainham Bootfairs, South Bush Lane, Rainham ME8 8PS

Proposal: Change of use from agricultural land to a mixed use of agriculture and leisure activities including 6 days of bootfairs and 331 days for outdoor/drive in cinema, open air theatres/circus, weddings, motoring shows/events over and above the number of days allowed as permitted development under Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Application Received: Friday 25 September 2020

Application validated: Wednesday 14 October 2020

Status: Withdrawn by applicant Friday 4 December 2020

Application: 20/502218/OUT Home Farm, Breach Lane, Lower Halstow ME9 7DB

Proposal: Outline Application with all matters reserved for the proposed development of six houses and three bungalows.

Application received: Tuesday 26 May 2020

Application validated: Thursday 28 May 2020

Status: Awaiting decision

Application: 17/505711/HYBRID Land at Wises Lane Borden Kent ME10 1GD

Hybrid planning application with outline planning permission (all matters reserved except for access) sought for up to 595 dwellings including affordable housing; a two-form entry primary school with associated outdoor space and vehicle parking; local facilities comprising a Class A1 retail store of up to 480 sq m GIA and up to 560sqm GIA of "flexible use" floorspace that can be used for one or more of the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions); a rugby clubhouse / community building of up to 375 sq m GIA, three standard RFU sports pitches and associated vehicle parking; a link road between Borden Lane and Chestnut Street / A249; allotments; and formal and informal open space incorporating SuDS, new planting / landscaping and ecological enhancement works. Full planning permission is sought for the erection of 80 dwellings including affordable housing, open space, associated access / roads, vehicle parking, associated services, infrastructure, landscaping and associated SuDS.

For clarity - the total number of dwellings proposed across the site is up to 675 -

Public Planning Inquiry: November-December 2019

13 February 2020 notification that Inspector's report sent to Secretary of State for consideration
Decision to be issued on or before 18 May 2020

Letter 18 May 2020 'regrettably, the Secretary of State will not be in a position to publish a decision by this date.'

Application: 18/505060/ADJ (Alternative reference: 18/504836/EIOUT)
Binbury Park, Detling Hill, Detling, Maidstone, Kent

Proposal: Adjoining Authority Consultation from Maidstone Borough Council for Outline application (with all matters reserved apart from access) for the erection of up to 1,750 dwellings including affordable housing, 46,000 sq.m of commercial space, a hotel, a local centre, a new primary school, a park and ride facility, strategic highways improvements including new Kent Showground access/egress, accesses/roads including a new bridleway bridge, parking, associated open space, landscaping, services, and Sustainable Drainage Systems. In addition the proposals include a publicly-accessible country park including the Binbury Motte and Bailey Castle Scheduled Ancient Monument.

Application received: Friday 28 September 2018

Application validated: Friday 28 September 2018

Status: (SBC Response – No objections – 18 December 2018) awaiting decision

Stephen Harvey
 Chair of Newington Parish Council Planning Committee
 22 April 2021

Appendix: Responses sent following 30 March Newington Parish Council Meeting

Application: 21/501157/FULL Bardfield Barn, London Road, Newington ME9 7TW

Proposal: Section 73 - Application for variation of condition 10 (amended plans) pursuant to 20/504184/FULL for - Erection of a car port and home office (Class E) with associated hardstanding.

Comment sent:

Councillors have considered the application and had no further comments to make save that neighbours' concerns be taken into account.

Application: 21/500971/FULL The Vallance, Callaways Lane, Newington ME9 7LU

Proposal: Erection of a single storey rear extension to existing dwelling house with other associated external works.

Comment sent:

Councillors have considered the application and had no comment to make save that neighbours' concerns be taken into account.

Stephen Harvey
 Chair of Newington Parish Council Planning Committee
 22 April 2021

Response sent following 13 April Newington Parish Council Planning Committee Meeting

Application No: 20/501475/FULL: Land To The Rear Of Eden Meadow, Newington ME9 7JH

Proposal: Erection of 20No. residential dwellings and associated car parking, hardstanding, landscaping and open spaces, infrastructure including SuDs and earthworks accessed from the existing junction serving Eden Meadow from the A2 High Street.

Amended Plan and Additional information received 23rd and 31st March 2021

This document supplements the previous responses from Newington Parish Council; it does not supersede them.

Newington Parish Council maintains its objection to this second revision of the original application.

The application is now for 20 homes (previously 35 and originally 40 homes) but we still believe the proposed development would have an overbearing and detrimental effect on our village. The fear that this is merely stage 1 of a larger development remains: In the public meeting in January 2020 Esquire developments declared that they either owned or had options on neighbouring land together with additional access to the A2 for a larger development; the plans published in September labelled land beyond the perimeter as '*potential access to neighbouring land*' - described as 'a mistake' by Esquire Developments at the Newington Parish Council Planning Committee meeting on 13 October 2020

For this reason all objections to the March 2020, and objections to the October 2020 revision, remain, but would wish to note the following:

The original application, 16/505861/OUT, for this site (9 dwellings) was rejected by the Planning Committee on the advice of officers. We would still agree with all the objections in the report to the 2 February 2017 Swale Borough Council Planning Committee meeting.

The original application was only allowed following appeal to the planning inspectorate.

Planning Inspectorate appeal decisions for nearby sites; all refused on grounds of being outside the defined built-up area and the effect on the countryside setting.

1 6 Ellens Place – Planning Inspectorate decision December 2020

Since the original application and the first revision a recent appeal for a single chalet bungalow and two detached garages at the adjacent 6 Ellens Place was dismissed by the planning inspectorate on 6 December 2020 (Planning Ref:19/503203/FULL Appeal Ref: APP/V2255/W/20/3250073)

2. There are 2 main issues in this case; i) the effect of the development, outside of the defined built-up area, on the character, appearance, and intrinsic amenity value of the countryside; and ii) the effect on the special architectural or historic interest of the Grade II listed 5 and 6 Ellens Place and the character or appearance of the countryside setting.

3. The site is located on the southern side of High Street (otherwise known in this locality as Boyces Hill), situated approximately 150m from the built-up area boundary of the village of Newington. Between the edge of the built-up area and the appeal site, the character is mainly that of the countryside. ...Immediately between this bungalow and the appeal site is a new development of some 9, mainly detached houses, formed around a cul-de-sac that runs at right angles to the main road.

5. The new development referred to above, now named Eden Meadow, is a somewhat stark intrusion into the landscape, that was allowed on appeal.

7. Policy ST3 of the Swale Borough Local Plan 2017 (the Local Plan) sets out the settlement hierarchy within the Borough. It is the fifth element of this policy that is pertinent in this case:

“5. At locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities”.

These policies were adopted in 2017, before that latest version of the National Planning Policies Framework (the Framework) was published by the government, but the 2019 version continues to support local plan policies that protect the countryside. Framework chapter 15 sets out policies for conserving and enhancing the natural environment. Within this, paragraph 170, part b) is apposite in relation to this case: *“170.*

Planning policies and decisions should contribute to and enhance the natural and local environment by:
b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;”

16. ... the combined listed building that is now numbered 5 and 6 Ellens Place... originated in C16, Since the setting of 5/6 Ellens Place is to an extent compromised to the east, the open character of its setting to the west is all the more important. This importance is emphasised by the very recent development of Eden Meadow, the conception of which, and the original justification, seemingly paid no attention to the listed building and its setting.

17. As a result, I regard the relatively open nature of the appeal site... as being an important part of the listed building's setting.... and the public space in which the listed building is seen, and the countryside that is currently very apparent in this important gap. I therefore judge that the appeal proposal would amount to less than substantial harm to the significance of the heritage asset that is the listed building and its setting.

This had previously been rejected by the SBC Planning Committee.

Decision Notice 18 November 2019

The Council hereby REFUSES Planning Permission for the above for the following Reason(s): (1) The proposed development would result in the unnecessary development outside of the defined built up area boundary, in a manner harmful to the character, appearance, and intrinsic amenity value of the countryside. The proposal is therefore contrary to policies ST1, ST3, DM9, and DM14 of the adopted Swale Borough Local Plan 2017; and to the advice of paragraphs 11, 79, and 170 of the National Planning Policy Framework.

(2) The proposed development would have an unacceptable impact on the setting of 6 Ellens Place, a Grade II Listed Building, in a manner harmful to the special architectural or historic interest of the listed building and the character or appearance of the countryside setting. The development would therefore be contrary to the advice of paragraphs 184, 193, 196, and 200 of the National Planning Policy Framework; policies CP4, CP8, DM14 and DM32 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017"; and the Council's adopted Supplementary Planning Guidance "Listed Buildings - A Guide for Owners and Occupiers"

2 148 High Street – Planning Inspectorate decision August 2020

An appeal for 3 homes on another adjacent site (100 metres closer to the Village centre, also south side of the A2) at 148 High Street, Newington had been dismissed by the Planning Inspectorate in January 2018. A further application (conversion of former agricultural barn and associated lightweight structure to a dwelling house with furniture restoration workshop and home office, associated storage, car parking and access driveway) was refused on 24 January 2020. The subsequent appeal was dismissed by the planning inspectorate on 14 August 2020. (Appeal Decision APP/V2255/W/20/3245359)

6. Bearing Fruits 2031: The Swale Borough Local Plan 2017 (the Local Plan) has defined its built-up area boundary and Policy ST3 of the Local Plan seeks to provide new homes in accordance with the settlement hierarchy for the Borough. Part 5 of Policy ST3 states “*At locations in the countryside, outside the built-up areas boundaries as shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities*”.

7. Given that the site’s location would be outside the built-up area boundary of Newington, the appeal site would not be an appropriate location for residential development.

8. ..The land immediately to the south is open countryside. To the west the land behind the rear gardens of properties fronting onto High Street is open and undeveloped.

9. There is a clear change in character between the existing urban related development fronting High Street and the open land to its south. ...

10. It would result in a diminution of the rural character and appearance of the area and negatively impact upon the tranquillity and beauty of the countryside.

12. For the above reasons, I conclude that the proposed development would not be an appropriate location for a new dwelling with workshop having regard to the spatial strategy of the development plan. Furthermore, the proposed development would have a harmful effect upon the character and appearance of the countryside. The proposal would, therefore, conflict with Policies ST1, ST3, DM9 and DM14 of the Local Plan. These policies seek, amongst other matters, development to support the aims of sustainable development, adhere to the Council’s settlement strategy and to conserve and enhance the countryside.

18. ...the proposal would harm the rural character and appearance of the countryside.

3 Land to the rear of 132 High Street – Planning Inspectorate decision January 2021

An application for one 4 bedroom detached dwelling with a carport/garage behind 132 High Street – 300m west of Eden Meadow (application Ref 19/500029/FULL) submitted in December 2018 and refused in November 2019. The subsequent appeal to the planning inspectorate (APP/V2255/W/20/3247555) was dismissed in January 2021

9. Bearing Fruits 2031: The Swale Borough Local Plan 2017 (the Local Plan) has defined its built-up area boundary and Policy ST3 of the Local Plan seeks to provide new homes in accordance with the settlement hierarchy for the Borough. Part 5 of Policy ST3 states “*At locations in the countryside, outside the built-up area boundaries as shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities*”.

10. Although the proposed carport/garage would fall within the built-up area boundary, the remainder of the site, and where the dwelling is proposed, would be outside the built-up area boundary of Newington. As such, the appeal site would not be an appropriate location for residential development.

11. The appeal site is situated behind existing development fronting onto High Street (A2). The land to the south of the appeal site.. is generally open and largely undeveloped.

13. The erection of a dwelling would create a site of domestic appearance. The development would have a significantly urbanising effect upon the site and would substantially change its character. This would result in a diminution of the rural character and appearance of the area.

14. I have been directed to a residential development known as Eden Meadow and the New Farm car sales/workshop site where those developments project further south than that of the appeal site. However, I have not been provided the full details of those developments and when they were granted planning permission. It may be that they predated the revised 2019 National Planning Policy Framework (the Framework) and the 2017 Local Plan. If so, those developments would have related to a different development plan context where different considerations may have applied.

15. ...the proposed development would have a harmful effect upon the character and appearance of the countryside. The proposal would, therefore, conflict with Policies ST1, ST3, DM9 and DM14 of the Local Plan. These policies seek, amongst other matters, to resist development in the countryside and to conserve and enhance the countryside.

17. The Council cannot demonstrate a five-year supply of deliverable housing sites but the shortfall of 0.4 years is limited. Consequently, because of the provisions of footnote 7, paragraph 11d)ii of the Framework should be applied.

18. Paragraph 213 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The intrinsic character and beauty of the countryside is recognised by the Framework. Development in rural areas is not precluded but the Framework indicates that great weight should be given to the benefits of using suitable sites within settlements for homes and therefore supports the general thrust of the Local Plan in terms of the location of housing. The appeal site lies adjacent to the built-up area boundary close to services, facilities and public transport and is not constrained by land designations, design, highway, or neighbour living conditions concerns. However, it is nevertheless outside the built-up area and where such development would be harmful to the character, appearance, and wider amenity value of the countryside.

The 5 year supply

We understand that Swale currently has a 4.6 year supply (ie an annual shortfall of 310 homes) and would submit that this is close enough for the harm from this proposed development to outweigh the need. The shortfall was acknowledged by the Inspector in his December 2020 response to the proposed 6 Ellens Place development:

5. The new development referred to above, now named Eden Meadow, is a somewhat stark intrusion into the landscape, that was allowed on appeal. I have been supplied with a copy of the appeal decision notice; it is clear that the appeal was determined under earlier circumstances, in particular when the council was unable to demonstrate a 5-year supply of housing land to a significant extent, so that the Inspector decided that the development would contribute significantly in economic and social dimensions that outweighed the conflict with the development plan. I would add, though, that the Inspector stated that *"it would introduce a substantial and largely self-contained enclave of development which, in landscape terms, would have little resonance with the more conventional and established arrangements along High Street"*.

11. I should also mention that the council currently cannot demonstrate a 5-year housing land supply and the engagement of footnote 7 to Framework paragraph 11 should therefore be considered. However, the council has now been able to identify 4.6 years supply (as compared with the supply of 3.17 years quoted in the Inspector's decision that led to the Eden Meadow development), a shortfall of just 0.4 years.

20. I conclude that the proposed development would be contrary to Policy ST3 of the Swale Borough Local Plan 2017 in that, being outside the defined built-up area, it would harm the character, appearance, and intrinsic amenity value of the countryside. In addition, the proposal would cause less than substantial harm to a heritage asset, in the form of the Grade II listed building now numbered 5 and 6 Ellens Place, by the adverse effect on its special architectural or historic interest and the character or appearance of its countryside setting. These 2 issues amount to strong policy objections to the appeal proposal that are not outweighed by any material consideration. I will therefore dismiss the appeal.

Even if a contrary view was taken and a deficit of 0.4 years was seen as significant the proposed development would be unlikely to assist in making up the deficit in the foreseeable future.

In a recent application, currently awaiting decision, almost opposite this proposed development:
 Application: 20/505059/FULL: Willow Trees, 111 High Street, Newington ME9 7JJ;
 Proposal: Demolition of existing chalet bungalow and erection of 20 dwellings (4 x two bedrooms and 14 x three-bedrooms and 2 x four-bedrooms) with associated access, parking, amenity and landscaping.

Highways England have commented:

Email on the MidKent Planning Portal:

Bown, Kevin Sent: 19 January 2021 13:30 To: Planning Comments ...FAO Case Officer Corinna Griffiths:
 Highways England response ...

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly the A249 and M2 Junction

We have reviewed the Transport Statement and are generally content with the trip generation / attraction and distribution analysis that indicates 4 AM peak and 2 PM peak hour trips will distribute towards the A249 Key Street roundabout. As a result we note the following

1. Although around 59% have been noted to travel East towards the A249, the impact at the M2 Junction 5 has not been considered. Highways England note that the number of dwellings proposed for this development and the related peak hour trips is relatively small; assuming that 100% of traffic proceeded to the M2 Junction 5 this would be approximately 6 trips across both peak periods.

However it is the cumulative impact of housing allocations agreed in Swales adopted Local Plan that is of concern. At this time there is no spare capacity at the M2 Junction 5 with committed development already considered and agreed. **Accordingly, any additional development would be likely to have detrimental impacts on the safe operation of the M2 Junction 5. It is therefore necessary, via the imposition of a condition, to ensure that there are no occupancies in this development prior to the completion of the junction improvements at M2 J5. It is also necessary, via the imposition of a Construction Management Plan condition to manage the development period to avoid unacceptable impacts on M2J5 and A249 Key Street junctions.**

Swale Borough Council and NPPF Policies relevant to this proposal

- It is not part of the existing Swale Borough Council Plan (June 2016), examined in public and found to be sound in Summer 2017. It is therefore a premature application
- It was rejected in the review of the 'call for sites' for the Strategic Housing Land Availability Assessment in October 2020 (SHL Site Ref. 18/076)
- The Swale Local Plan Panel on 29 October 2020 followed the officer recommendation that *'no sites in Newington should be progressed for inclusion as allocations in the Local Plan Review'*.
- It is not included in the latest consultation exercise on the local plan

Therefore this application is contrary to Swale's policies and procedures.

This application for a potential 'windfall' development ignores the principles that underpin the local plan by increasing air pollution, exacerbating traffic problems and reducing 'bmv greenfield' land.

The proposed development was rejected in the appeal for sites

Originally rejected at Local Development Framework Panel – May 2016 and again in October 2020. This site was described as:

- a pleasant area of pasture with attractive views southward to higher ground.
- could give rise to moderate to significantly adverse visual impacts
- has fairly poor physical connectivity and accessibility to the village

- would read more as a consolidation of A2 ribbon development and the filling of a pleasant gap rather than as a logical extension to the village.
- It is not recommended as a priority for allocation at Newington

And in October 2020 the recommendation by the Local Plan Panel that '*no sites in Newington should be progressed for inclusion as allocations in the Local Plan Review*' was subsequently ratified by Cabinet and Full Council

The Local Plan, Policy ST 3 identified Newington as a Tier 4 Rural Local Service Centre with noted limitations to expansion, so the village was allocated a growth rate of 1.3%. The 2017 edition of the Local Plan reiterated the restrictions on growth with the single exception of "Land North of the High Street".

Total already built in Newington 2014 to now is 180 properties

- For the target six years to date that is **297.5%**
- Or for the full 17 year quota that is already **105.3%**

Please see details of the calculations for the points above in our April 2020 response

Land Off Jubilee Fields, Upchurch – Planning Inspectorate decision December 2020

Another recent appeal decision is relevant: 11 December 2020 ref: APP/V2255/W/20/3246265 19/501773/OUT Land Off Jubilee Fields, Upchurch ME9 7AQ

For 41 houses in the adjacent village of Upchurch, 3 miles from the proposed site in Eden Meadow. The original application had been refused in October 2019 and the Inspector now refused the appeal.

Planning Balance

16. The Council accepts that it is unable to demonstrate a five-year supply of deliverable housing sites (5YHLS). Paragraph 11 d) ii) of the Framework, often referred to as the tilted balance, is therefore engaged. It is apparent from an appeal decision² earlier this year that the 5YHLS is no more than 4.6 years and may be closer to 4 years. The shortfall is therefore of concern but cannot be said to be acute. The Council has embarked on a local plan review and is actively addressing this shortfall with the publication of its Housing Delivery Test Action Plan.

17. The construction of 41 dwellings would make a valuable contribution to the supply of housing in Swale. The social benefits associated with the provision of new homes is supported by the Framework, which seeks to boost supply. As 40% of them would be secured as affordable, this would be compliant with local policy and would be an added benefit of the scheme.

18. However, the Framework advises that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. Considering the social aspects of the scheme, there is no specific evidence to suggest that the need for affordable homes in Upchurch is particularly pressing. In the short term, the school would face difficulties accommodating the extra 11 children. Whether the additional residents in the village would give rise to improved bus services or an expansion of hours at the GP surgery appears to be based on conjecture rather than firm evidence. The social benefits therefore attract only moderate weight in the scheme's favour.

19. It is reasonable to assume that future residents would support local shops and other services, thereby supporting the local economy, as would creation of jobs during the construction period. However, these economic benefits would be small and mostly short term. They therefore carry limited weight. Contributions to local infrastructure and services are needed to make the development acceptable in planning terms and are therefore neutral in the balance.

20. The appeal site is said to be available and the housing could be delivered quickly. These are factors in the scheme's favour. However, the Framework only gives great weight to these factors when considering the use of suitable sites within existing settlements. The site's availability therefore carries little weight.

22. ...In addition, by using a site that is currently open and undeveloped, there would be harm to the intrinsic character of the countryside, albeit that this would be limited. The proposal is therefore at odds with the Framework's environmental objectives. Considered collectively these environmental harms attract significant weight in the balance.

23. Drawing these matters together, I find that the scheme is contrary to the objectives of the Framework as a whole. As the shortfall in the 5YHLS is not acute, the cumulative adverse impacts of the proposal would significantly and demonstrably outweigh the scheme's modest social and limited economic benefits. Consequently, the presumption in favour of sustainable development does not apply.

Conclusion

24. I have found that the proposal conflicts with the development plan as a whole. The other considerations in this case, namely the shortfall in 5YHLS and the provisions of the Framework, are of insufficient weight to outweigh that conflict. For this reason, the appeal is dismissed.

We believe that these reasons for the Inspector's decision apply equally to the Eden Meadow application and, therefore, that the same conclusion should be reached.

This application is outside the built-up area and would create ribbon development (see policies E6 RC3).

The proposal does not meet the definition of sustainable development in rural areas

The land is not a 'brownfield' site. Instead it is 'Best and most versatile' agricultural land that has been left idle possibly in the hope of future permission for building.

The effects on the countryside and the visual amenity for residents of Newington

This proposal would lead to serious loss of visual amenity (footpaths ZR65 and ZR67/1). NB the Pond Farm Inquiry (subsequently upheld by the High Court and Court of Appeal): where the Inspector decision was that the proposals would have caused substantial harm to the landscape character and form of Newington.

Swale Borough Council's October 2019 Landscape Sensitivity Assessment

'Cranbrook Wood is priority habitat deciduous woodland'... acts as an important rural gap between Sittingbourne and Newington.'

There is also a further detrimental effect on the grade II listed building Ellen's Place (see planning inspectorate decision, December 2020 above)

The Swale Conservation Officer's 'Heritage Addendum' dated 17 September 2020 states:

The site is located immediately to the south of the grade II listed building known as Ellen's Place....The original outline application for 9 dwellings (allowed on appeal) and the subsequent reserved matters application failed to take adequate account, and as a result, the setting of this listed building has been harmed...through the suburbanisation of its setting. The proposed additional housing area would (as the proposal stands at present) exacerbate this impact through the process of cumulative change

I continue to have concerns about various design aspects of the proposal, including the siting and design of the proposed houses and flats and their juxtaposition with the road layout, my primary concern at this juncture remains the principle of allowing an extra 40 houses at this location, particularly when it is clear that there is an ambition to ultimately develop significantly beyond this. I believe my initial view and concern in this respect is effectively backed up by the conclusions set out in the David Huskisson landscape review report which inter-alia references the '*...tightness of the development in relation to its open countryside boundaries where either vegetation is proposed to be retained or augmented or new planting provided. There is simply not enough space to deliver an appropriately robust landscape structure on the present layout*'.

The applicant's heritage consultant makes reference to this document (Historic England Good Practice in Planning Advice Note 3 on The Setting of Heritage Assets 2nd. Ed, Dec. 2017) but his assessment is in my view compromised in its degree of authority because of the failure to carefully and methodically work through the five steps (1-4 of which are for the applicant to action) provided in the guidance to allow for an objective conclusion to be reached. Furthermore, he has failed to completely take into account the section of the guidance which requires cumulative change to setting to be taken into account and factored into the assessment on the degree of (in this case) harm that would arise.

The proposed development would impact on views across the open countryside from public footpath ZR65 looking northwards towards the A2. If the proposed development is approved as shown, it is very clear that this view of the listed building from this footpath will be lost and replaced with a strong sense of creeping urbanisation into the countryside separating Newington from Keycol. The concerns raised in this respect are not dissimilar to those raised by the planning officer in the report to planning committee on the 2016 outline application.

I therefore strongly object to this application on principle for the reasons outlined above,

These comments relate to the October 2020 first revision, for 35 homes. Newington Parish Council did not have sight of the comments of the Heritage Officer to the original 40 home scheme.

The applicant clearly acknowledges potential harm to visual amenity: The 19 February Built Heritage Note – from rps Group:

in accordance with paragraph 189 of the NPPF. The submission Built Heritage Statement confirmed that a single heritage asset: Ellen's Place, a Grade II listed building, would be affected by the proposed development

6. ...The proposed development will still constitute a change to part of the wider rural setting of the listed building, which will affect its historic interest, but the design and mitigation measures employed will ensure that any potential impacts have been minimised and that the development will result in a very low level of less than substantial harm.

Please refer to the three planning inspector decisions in the first section of this response.

The visual harm to views from footpath ZR65 remain; this footpath runs from Callaways Lane, in the Newington Manor Conservation Area, to Cranbrook Woods and Monkey Island and connects to other footpaths in and around the Village.

The applicant's Landscape and Visual Impact Assessment helpfully quotes from: Swale Landscape Sensitivity Assessment, 2019

2.35 The stated guidelines for Area NN2 south-east of Newington are:

- Maintain and enhance the well-integrated edges of the settlement so that development is not generally visible from the surrounding rural landscape.
- Maintain Newington as a distinct settlement and avoid the visual impression of a continuous suburban character linking Sittingbourne, Keycol and Newington; and

This application clearly disregards these guidelines.

NB please see the photographs submitted as part of our April 2020 response

Landscape and Ecology

Newington Parish Council has some questions regarding the revised Landscape and Biodiversity Plan, and the Ecological Impact Assessment:

It was good to read that there had been a follow-up to the Preliminary Ecological Appraisal from the site survey undertaken on 20th February.

In addition to our October 2020 comments that:

- The reptile assessment was fairly limited in duration so might not have picked up the site being used by non-resident amphibians and reptiles later in the year. The Great Crested Newt assessment seems reasonable in a landscape context.
- 7.32 A potentially dubious statement given the apparent lack of investigation, including of established oak and cherry which may house invertebrates living in standing dead wood, rot holes, etc.
- 7.33 When was this plant diversity assessed? Would significant species have been evident? Everything else seems to have been done in the Spring.
- Will bird and bat boxes be carefully sited to prevent overheating and encourage use?
- Where does responsibility for future management of meadow/wet grassland lie?
- Is there any requirement/mechanism for buyers to maintain movement gaps on fencing, and bird or bat boxes? What education of buyers as to their importance will be provided?

From the March 2021 amendments:

There is concern that, without wooden bollards throughout, the outer verges will be destroyed through use as additional parking.

3.26 – Possibly an unfounded statement which sounds untested.
Wildflower grassland may need spring cut if growth is lush.

5.41 - awareness of hedgehogs/reptile/amphibians and prevention of harm should be incorporated into management.

Amenity grass cutting is very frequent and low – and we question whether this is this healthy and/or necessary?

We suggest that any spraying should be kept away from the pond to reduce herbicide run-off from impermeable surfaces/amenity land.

We question the designation of Liriodendron and suggest this should be replaced with Native/European species.

We believe more log piles are needed in the outer planting zone, but particularly near the pond

We recommend replacing the ornamental planting on corners with more meadow areas

There is still no S106 information on a contribution to supporting wider biodiversity in Newington or creating/supporting new wildlife corridors to keep the landscape connected. This would be necessary to ensure some legacy to what seem good intentions in the Biodiversity Plan.

Air Quality in Newington

There was some confusion as to the number of homes being considered in the Lustre Consulting Air Quality Report dated July 2020.

This concluded:

6.11 The total damage cost is £17,754 over five years from 2019. This is an estimate of the costs to society due to the impact of increases in emissions associated with the proposed development. As defined by the IAQM/EPUK guidance¹⁶ the damage cost relates to the value of mitigation that should be applied, preferably on-site.

The March 2021 'total damage cost' has been reduced to £11,545 over 5 years from 2019. Again the calculation is followed by a litany of trite suggestions such as 'welcome pack' and 'car club'. None of these will benefit the health of residents, especially children, in the village centre. There are no positive or concrete suggestions as to the improvement of air quality locally.

The March 2021 Air Quality Assessment from Lustre Consulting is puzzling:

Our understanding is that there are 10 diffusion tubes in Newington; from the Lustre report:

4.24 The following monitoring sites have been removed from the model verification process for the reasons provided: • SW45, SW37, SW38, SW36, SW78 – designated kerbside sites. LAQM guidance states that kerbside sites are generally not recommended for the adjustment of road traffic modelling results as the inclusion of these sites may lead to an over-adjustment of modelling at roadside sites. The exception is where kerbside sites are relevant for exposure, for example properties fronting directly onto the road. In that case, kerbside sites may be used in the model verification process.

- SW113 – located under a tree canopy. LAQM guidance recommends that diffusion tubes should be mounted greater than 10m from bushes or trees overhanging or surrounding the tube location.
- SW130 & SW131 – low data capture rate for 2019.
- DT15 – removed due to proximity to bus stop

the report says 5 are 'removed from the model verification'. These are

SW 24	64 High Street
SW 37	32 High Street
SW 38	15A High Street
SW 36	49 High Street
SW 78	55-57 High Street

In addition to this:

SW 130	31-33 Keycol Hill
SW 131	31-33 Keycol Hill (is this the same location as SW 130?)

And

DT 15	The White Horse in Rainham
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ie data from 5 of the 10 tubes in Newington is disregarded, yet the report is supposed to give a valid analysis.

MidKent Environmental Services has recently invested in a new monitoring station, capable of measuring PM_{2.5} particles as well as NO₂, within the village. This surely shows that concerns

about pollution in Newington remain. The Lustre '*assessment has not considered the impact on emissions of PM_{2.5}*'

The 20 April 2020 Environmental Protection Report informed the intention for the ...

declaration of an AQMA in the Keycol Hill area in response to exceedances shown in 2019.

Therefore, I would recommend that a revised AQA is necessary to include 2019 data and the additional tubes to be included in the model. This is due to the significant air quality sensitivity that exists currently in the area and the need to address the worst case scenario.

Receptors that show moderate or substantial are R4; R5; R7; R14; R15. All receptors which show the highest impact on air quality are within the Newington AQMA.

There are therefore also concerns about air pollution to the east and west of this proposed development, currently in open countryside, with AQMA 300 yards and 2 miles west and a new AQMA 1 mile to the east.

On 7 May 2020 Medway Council objected to the application

The air quality assessment submitted fails to demonstrate that the proposal would not have an unacceptable impact upon the Rainham Air Quality Management Area contrary to Policy BNE24 of the Medway Local Plan 2003 and the provisions of Paragraph 181 of the National Planning Policy Framework 2019.

This was modified in a December 2020 response. There is no Medway Council response to the latest assessment available on the planning portal at time of writing this parish council response.

It should be noted that Newington High Street was closed for six weeks in summer 2019 due to emergency gas works; it was closed again for 6 weeks from April 2020 for scheduled gas upgrading work. Since March 2020 traffic has been light due to Covid restrictions. This renders data over these periods as unreliable.

The proposal would be detrimental to the health of residents of Newington. The submitted reports do not adequately address the cumulative effect on air quality of 124 homes nearing completion at Watling Place, the existing 9 Homes in Eden Meadow, and now the proposed 20 additional homes. One of the two reasons why the Pond Farm appeal was refused after the Planning Inquiry in November 2016

See Pond Farm Inquiry - Appeal decision date 9 January 2016 Appeal Ref:

APP/V2255/W/15/3067553 and APP/V2255/W/16/3148140 (subsequently upheld by the High Court and Court of Appeal):

'even after taking into account the proposed mitigation measures, the appeal proposals would have an adverse effect in air quality, particularly in the Newington and Rainham AQMAs (proposals conflict with NPPF paragraphs 120 and 124)'

The Court of Appeal decision [EWHC 2768 (Admin)] 12 September 2019 (between Gladman Developments and Secretary of State for Communities and Local Government, Swale Borough Council & CPRE Kent

71. It was not unreasonable to think that the section 106 obligations represented the basis on which he was being invited to conclude that the financial contributions and proposed mitigation measures were adequate and would be effective. His conclusions show very clearly that he was unconvinced by both parts of the mitigation strategy – the financial contributions and the mitigation measures themselves.

77.... As Dr Bowes submitted, an essential purpose of the air quality action plans was to improve air quality in the Air Quality Management Areas, which, as the air quality action plan for

Newington made quite clear, might require planning permission to be refused where effective mitigation could not be secured. Proposed development such as this, judged likely to worsen air quality in a material way because the proposed mitigation had not been shown to be effective, was inevitably inconsistent with the air quality action plans.

The Lustre report does not demonstrate how its proposed contribution would mitigate against the likely harm to human health through increased pollution.

Other remaining concerns

The proposal would be likely to create problems of access with a new, dangerous junction with the A2 almost opposite the new junction for 123 Persimmon homes at Watling Place

The access / egress at the A2 into Eden Meadow is meets only the minimum standards at 5.5m narrowing to 4.8m. However as the road narrows to 4.8m, current parking patterns means there is already a restricted width for vehicles to pass.. The quoted '*Kent Design Guide: Designing for Movement*' states

'carriageway width not necessarily constant but there should be sufficient space for two cars to pass each other at least every 40m'.

The Parish Council believes that the existing access / egress cannot support both the current site with its day to day activities and the proposed development. We are sceptical of the operation of the proposed '*internal one-way system*'

In addition to existing parking problems at Eden Meadow we still believe that there is insufficient parking (60 spaces, with 6 additional visitor spaces) for the proposed properties. There are similar concerns about the predicted traffic movements should the application be approved.

Our original objections stand regarding the transport assessment. In this we give details of the actual train and bus services in Newington. eg the March 2021 Transport Statement: 4.6.3 '*half-hourly train services to London*' Even before Covid restrictions the service was hourly, with more frequent trains only during weekday rush-hours

In the original objections we questioned the measurements used for children to reach Newington School and the fact that these young children would have to walk along the busy, polluted A2 and cross long before the pedestrian crossing in order to reach a pavement for the remainder of their journey. It is ironic to report that the *'traffic calming island to allow for pedestrian crossing movements to take place'* has recently been demolished by a motor vehicle.

According to the transport assessment, the Institution of Highways and Transportation guidance 'Providing for Journeys on Foot' suggests the acceptable walking distances to schools is 1000m. This means that the school, at 1100m is outside the 'desirable' and 'acceptable' walking distance, especially when considering that Newington Primary School takes children from age 4-11 years.

This has become an academic point as the School is now full for most year groups and closed to these new admissions. Therefore children would need to enrol in Rainham or Sittingbourne for Primary as well as Secondary education. Inevitably this would result in increased traffic movements and increased air pollution.

The March 2021 Transport Statement quotes from the Swale Parking Policy

4.5.3 Footnote 1 in Appendix A 'A lower provision should be considered for areas with good accessibility by sustainable modes'

This proposed housing estate outside the established built-up area of the village cannot be described as 'sustainable development' as defined by the Swale Parking Policy or the NPPF. It may be a short walk to the village in measured distance but is a difficult and dangerous one in practice. Our school is full and the GP surgery is not accepting new patients. We believe residents would drive to schools, doctors, shops and the better rail services from Rainham and Sittingbourne; that they would ignore the bus service which is very limited in terms of route and regularity; therefore increasing pollution further. The proposal does nothing to improve the *economy* of Newington, there are no obvious *social* benefits and clear *environmental* harm

Newington Parish Council requests that, in the event of the planning officer recommending approval, our original (15 April 2020) response, the addendum sent on 19 October and this latest response be forwarded to all members of planning committee as well as the customary summary in the officer report.

This document supplements the previous responses from Newington Parish Council; it does not supersede them.

Stephen Harvey
Chair of Newington Parish Council Planning Committee
22 April 2021