

SUPPORT RESPONSE FOR MUX1

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Representor ID: 875290

LP Refs: LP 1853 & LP 2233

Modification Number: 192

POLICY MUX1 Land at South West Sittingbourne

FURTHER SUBMISSIONS

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1.0 SUMMARY OF REPRESENTORS' SUPPORT for MUX1:

- 1.1 Mulberry Estates support the principle of a sustainable urban extension at South West Sittingbourne in the location identified in Main Modification 192. We concur with the Council's evidence, insofar as it relates to this site, that MM192 would make a major contribution towards achieving a sound Plan, not least by providing houses where there is strong market demand in a manner that is consistent with the Council's spatial strategy along with all necessary infrastructure and well within the plan period. Thus the site will play a critical role in helping to plug the shortfall of deliverable sites that was identified in the Inspector's Interim Findings.
- 1.2 This representation demonstrates timely delivery prospects and responds to the Inspector's questions with reference to recent Environmental Impact Assessment ('EIA') work undertaken to support a planning application. That work corroborates the Council's own appraisals for the allocation, including its delivery programme for the development its associated infrastructure and demonstrates how MM192 would add considerably to the Plan's soundness.
- 1.3 MM192 will enable homes to be delivered in a sustainable location and consistent with the Council's settlement strategy. That said, we have submitted a parallel representation objecting to the proposed site allocation as currently drafted. That objection is a means of promoting amendments to the proposed MUX1 urban extension allocation that will result in a development that will be no less sustainable than the proposed allocation but which will achieve greater benefits to the wider community, not least in terms of movement on the local highway network but also in terms of new community facilities. We refer to that alternative proposal as 'MUX1a'.

2.0 RESPONSE TO THE INSPECTOR'S QUESTIONS

Is the MUX1 allocation: Justified by robust evidence, including landscape character assessment and sustainability appraisal as the best option for delivering the Borough's housing?

Landscape – The Council's Landscape Evidence

- 2.1 The Council has commissioned a full *Landscape Capacity Appraisal and Landscape and Visual Impact Assessment* (December 2016; SBC/PS/118) of the proposed MUX1 based on *The Guidelines for Landscape and Visual Impact Assessment – Third Edition ('GLVIA3')*, an industry-standard approach.

Landscape – The Respondent's Landscape Review

- 2.2 On behalf of the Respondents David Williams Landscape Consultancy ('DWLC') has undertaken a full landscape analysis, including a Landscape and Visual Impact Assessment ('LVIA') and a review of the Council's Landscape Assessment for MUX1.
- 2.3 DWLC generally agrees with the Council's assessment and considers both the temporary landscape impacts, which might arise during the construction phase together with an analysis of long-term landscape impacts at the completion stage. These studies demonstrate the ability of the site to accommodate the development with appropriate mitigation.

Sustainability Appraisal

- 2.4 The Council has commissioned a Sustainability Appraisal Addendum ('SAA') to support the proposed allocation. In that document the site is referred to as 'SW/703 South-west Sittingbourne'.
- 2.5 The site scores very well in terms of access to facilities and, indeed, the SAA recognises (e.g. see 9.14.2) that the proposed allocation requires a significant amount of infrastructure which will contribute to the sustainability not only of this urban extension, but also of the adjoining urban areas.

Air Quality

- 2.6 Like many sites, including other site allocations, the site scores poorly in terms of air quality but it is recognised (page 66) that air quality is generally an issue at Sittingbourne.
- 2.7 The Site does not fall within an Air Quality Management Area ('AQMA'), although two exist in Sittingbourne at East Street and St Paul's Street.
- 2.8 Dispersion modelling has been carried out to assess air quality at the site and consider its suitability for residential use. In addition the impact of traffic generated by the proposed development on local air quality has also been predicted.

- 2.9 The assessment has shown that all pollutant concentrations are predicted to be below the relevant objective limits across the site and it is therefore considered suitable for residential development. The impacts associated with additional traffic from the proposed development are also predicted to be negligible. As well as being acceptable in air quality terms, the development offers the opportunity to achieve air quality benefits across a wider area, since the associated highways improvements (on and off-site) will reduce congestion and thus provide betterment to air quality for a significant number of residents in the wider area.

Countryside Gap / Agricultural Land

- 2.10 In the SAA the site also scores poorly in terms of 'countryside gap' and 'agricultural land'. This is not a unique situation amongst site allocations, nor does it suggest that the proposed allocation is any less sustainable than other potential development locations. For example two sites at Iwade also score red on both of those criteria and, generally, the proposed site allocations score between two and five reds.
- 2.11 With regard to the countryside gap the SAA does recognise that whilst development would significantly lessen the gap between Borden and Sittingbourne, a considerable gap would remain, and that this is a large site where there is good potential for landscaping. This consideration should not represent an impediment to allocation, therefore.
- 2.12 With reference to the sites to the south, south-east and south-west of Sittingbourne, the SAA notes that it is very difficult to confidently differentiate between the sites and that all three sites would, to one degree or another, involve the loss of some BMV land.
- 2.13 The landscape buffer strip to be gifted to Borden PC (or other authority), will ensure that the countryside gap is maintained by controlling any potential future development to the south of the site from a landowner viewpoint.

Is the MUX1 allocation: Deliverable within the Plan period?

Deliverability

- 2.14 With reference to footnote 11 of the NPPF, the site is available now and is a suitable location for development now. There are no ownership impediments to the delivery of the site or any other impediments such as village green applications and the development shown in MUX1 is viable. Since appearing at the 2015 EIP Hearings, Mulberry Estates has formed a partnership with Quinn Estates, an experienced developer with a demonstrable local track record. As well as having a strong and demonstrable record in delivering new homes, Quinn Estates has delivered more commercial space and mixed-use development than any other developer in the last decade in Swale Borough.
- 2.15 The delivery programme remains as submitted to the Council in August 2016. Pre-Application meetings have been held with the Borough Council, Kent Highways and Highways England officers throughout the last year to establish the full range of assessments required for an outline planning application. An EIA Scoping Report has provided for the impact assessments required for an application and these analyses are now complete.

- 2.16 An outline planning application is to be submitted at the beginning of 2017 and we envisage securing an implementable planning permission by the summer 2018 (following approval of the first phase of reserved matters) and delivery of the first house before the end of that year. 25 homes would be delivered during the 2018/19 monitoring period and 60 homes pa thereafter to complete the whole development by 2027/28.

Is the MUX1 allocation: Supported by robust infrastructure planning? Have all the infrastructure implications been identified and addressed in appropriate detail?

Infrastructure to be provided

- 2.17 The proposed development will deliver a variety of infrastructure and services to enable the proposed development to function well and to maximise the sustainability of the local community. The site promoters agree to the following being included in the site allocation:
- new roads to serve the development as well as a 'spine road' between Borden Lane and Wises Lane (as illustrated at **Appendix MD-SWS MUX1-1**);
 - public transport to serve the development;
 - pedestrian and cycle links to the adjacent network;
 - a two-form entry primary school that is designed to facilitate expansion to a three-form entry school in future, if needed (discussed further below);
 - a sports clubhouse that can be shared for other activities by the local community;
 - a neighbourhood retail shop;
 - a medical centre;
 - allotments; and
 - open space to serve new and existing residents.
- 2.18 The above are discussed in greater detail below.
- 2.19 The development will also deliver all necessary utilities (water, gas, electricity, telephony, sewerage and drainage (including SuDS)).
- 2.20 Any other infrastructure needs that arise can be dealt with by CIL / Section 106 agreement including adult education, social care and libraries. As is conventionally the case, we envisage that staged payments would be made prior to occupation of an agreed number of dwellings.

- 2.21 If CIL is applicable, the Respondents reserve the right to request that the delivery of infrastructure that serves more than the MUX1 site be treated as a 'payment in kind'.

Phasing of Development & High-level Programme

- 2.22 MUX1 could be phased as follows, as illustrated on the phasing plan at **Appendix MD-SWS7**:
- **Phase 1a** – Western Area – link to Wises Lane (North), 203 dwellings, primary school, local centre, community facilities, Rugby Club facilities and sports pitches To commence in 2018/19;
 - **Phase 1b** – Eastern Area – junction at Borden Lane, 80 dwellings. To commence in 2018/2019; and
 - **Phase 2** – Central Area – connecting spine road, 282 dwellings, sports pitches. To commence in 2023/2024.

Transport

Off-site Highways Works

- 2.23 The proposed development would be supported by a series of off-site highway interventions to mitigate the impact of development and potentially provide overall betterment. The proposal to link Borden Lane to Wises Lane (North) through the site is the most apparent form of mitigation. The link will provide a supplementary parallel route to the A2; existing traffic travelling to and from the southern areas of the town will have the option to utilise this route avoiding the congestion junctions between the A2 and Adelaide Drive and Borden Lane and altering the pattern of movement at the Homewood Avenue junction to improve performance.
- 2.24 To support this reassignment, appropriate access junctions will be formed with Borden Lane and Wises Lane and further enhancement can be provided at the junction between A2 and Wises Lane, most likely in the form of signalisation.
- 2.25 Beyond this, it is anticipated that the development could support delivery of mitigation at Key Street in the form of the signalisation and further enhance the benefits of this mitigation by linking the operation with proposed Wises Lane signalisation.

Traffic Management Measures

- 2.26 To ensure that traffic is effectively encouraged to utilise the preferred routes, further traffic management measures are anticipated. These include traffic calming on Borden Lane, in particular in to the south of the proposed access roundabout. Wises Lane from the north will be diverted in to the development site and would re-join from the link road, with priority in both cases afforded to traffic on the link road rather than using Wises Lane; making use of Wises Lane less beneficial.

Education (Phase 1a)

- 2.27** The site promoters intend to provide land and buildings for a 2-form entry Primary School within the site. The proposed development of about 675 homes generates a need for a 1-form entry school. However, in consultation and with the full support of the Barrow Trust, The Diocese of Canterbury (Education and Property) and Kent County Council, it is proposed to construct a 2-form entry school to also accommodate the pupils from Borden Church of England Primary School. This is no longer considered fit for purpose since half of the playground area is currently unsafe due to the disintegration of the chalk cliff and also because the fabric of the building is poor and offers cramped and inefficient facilities. The school is poorly located on an isolated and narrow lane on a tight bend with parking and road safety concerns. Moreover, it would not be possible or desirable to expand or rebuild the existing school. Correspondence from The Barrow Trust is attached: **APPENDIX MD-SWS MUX1-2** and also from the Canterbury Diocese: **APPENDIX MD-SWS MUX1-3**
- 2.28** The land and service infrastructure for the new school would follow KCC's model to 'future proof' it by allowing for cost-effective expansion to 3-Form Entry, if required in the future.

Social (and Sports) Provision

- Sittingbourne Rugby Union Football Club (SRUFC) currently occupies premises at Gore Court beside the Wisers Lane/London Road (A2) junction. It is one of the largest Clubs in Kent, with a long track record of supporting local sporting, community and social groups, clubs, schools and the general public. The site promoters intend to provide the Club with a very long lease (125yrs) to give it long-term security and the means to expand its range of activities. This will include a clubhouse, which will be available for social and community activities for new and existing residents within the area. A letter outlining the Club's history, current and future role within Sittingbourne is attached: **APPENDIX MD-SWS MUX1-4**.
- 2.29** As a developer-funded education facility, it is also intended that facilities at the new Primary School will be available for wider use outside normal school hours.

Healthcare Facilities – Phase (1a)

- 2.30** The respondents are working closely with a specialist primary care centre developer (General Practice Investment Corporation Ltd), in order to provide a Medical Centre within the development.
- 2.31** GPI has delivered over 120 new facilities nationwide. Its model requires the developer to assume the risk and costs associated with procuring a new medical facility and obtaining the NHS funding required to deliver it. It then undertakes construction and long-term ownership with the practice occupying the premises under a simple occupation lease in line with NHS guidance.
- 2.32** Healthcare facilities will be delivered as part of the overall development, comprising a local medical / healthcare centre to be available to new and existing residents on the Phase 1a land. Thus it is anticipated that these will be delivered within the first three years of the scheme.

Open Space – All Phases

- 2.33 Development of the site will include a significant amount of open space that will be made available as each of the main phases progresses. This is illustrated on the drawing at **Appendix MD-SWS MUX1-5**.
- 2.34 On the southern edge of the site to the west of Wises Lane there will be significant landscape buffer with structural tree planting. To the south and associated with this will be a significant area of publicly accessible open space extending to approximately 12 hectares. This will include making available, land to either side of the access from Borden Lane, also providing a buffer to Auckland Drive.
- 2.35 Throughout the site will be a network of connected spaces ‘Greenways’ that will create gaps between parcels of residential development. Such space is intended to provide opportunities for informal play, dog walking and general amenity and could include play-space provision as well as seating and so on.

Is the MUX1 allocation: Supported by evidence at this stage to have reasonable certainty that the amount of development will be deliverable within the plan period?

- 2.36 Yes. As outlined above a planning application for the MUX1a site is to be submitted in early 2017 together with a timetable of delivery. Evidence of local market demand has been obtained from house builders and agents currently marketing homes in and around Sittingbourne. The delivery of 60 homes per year is the minimum expected, assuming affordable housing *pro rata* at 12%. This is above the 10% policy requirement set out in DM8 of the Plan (para. 6.6.47) for urban extensions at Sittingbourne and for this site in particular. This is further detailed in Examination document 2015/CD-13a. This delivery figure could double with more than one house-builder delivering homes from the allocation.

Is the MUX1 allocation: Supported by clear and deliverable measures to address transport implications of the proposed development?

- 2.37 Based on the scope agreed with the respective highway authorities, we have undertaken appropriate traffic surveys and have produced a Transport Impact Analysis (TIA) in association with the draft planning application for MUX1a. The cumulative effects (taking account of other committed development sites) have also been considered.
- 2.38 With advice from the Borough Council, Highways England and Kent County Council and together with other developers/promoters of sites that could affect the A249, we are engaged in a study of potential transport impacts on the A249 corridor and its junctions. The scope and methodology for this work has been agreed and is included within the Council’s Examination submissions. A **Statement of Common (Transportation) Ground** will be submitted shortly.

- 2.39 This work is being undertaken so that the identified necessary highway and network capacity measures can be ‘apportioned’ to each of the allocated sites thus ensuring the deliverability of the Plan’s existing and Main Modification proposals. The supporting evidence is anticipated to be available during the forthcoming EiP sessions.
- 2.40 As noted in the previous sections, this strategic connectivity between Borden Lane and Chestnut Street, with retained secondary connection to Wises Lane, will provide wider benefits to the local network. Key areas of benefit will be the junctions between Adelaide Drive, Borden Lane and A2, as well as Homewood Avenue. The option to reassign on to the new strategic link will reduce congestion in these areas and will also aid to reduce the appeal of ‘rat-running’ through the villages to the south of Sittingbourne. In part, this rat-running is encouraged by the delays in joining/leaving and progressing along the A2.
- 2.41 The proposed infrastructure allows the full benefits of the improvements to the Stockbury Roundabout, which removes the other key motivation to rat-running, and together will minimise future occurrences of this activity. In the absence of the strategic link provided by MUX1a, aspects of local congestion will remain, retaining some of the motivations for drivers to rat-running, albeit at levels not severe relative to existing levels.
- 2.42 As noted previously; the alternative proposals afford an additional benefit in the form of potential interim mitigation of the strategic network prior to both further improvements to the Key Street roundabout or Stockbury. Through careful phasing, even early phases of development, MUX1a affords the scope to deliver mitigation through carefully managed reassignment of traffic across the network, making most effective use of the network in the interim period.

For the MUX1 allocation: Have flood risk, heritage, wildlife and biodiversity aspects of the site been taken into consideration?

Flood Risk & Contamination

Flood Risk

- 2.43 A Flood Risk Assessment has been undertaken for the area covered by MUX1 in preparation for the planning application. The land is remote from coastal (tidal) flood areas. Whilst there are areas at risk of fluvial flooding nearby (to the east of Borden Lane and to the west of School Lane), they do not affect the development potential of the site. The SBC Strategic Flood Risk Assessment is based on the most recent modelling of the flood plain in the local area. This confirms that the whole of MUX1a site lies within Flood Zone.
- 2.44 The development will incorporate SuDS to mitigate surface water run-off and appropriate on-site infiltration testing has been conducted to demonstrate that the ground conditions are appropriate to support sustainable, infiltration-based surface water discharge. Kent County Council supports these concepts and the overall principles in their role as the Lead Local Flood Authority .

Contamination

- 2.45 The site has remained largely undeveloped with earliest historical mapping showing the area as open fields with public footpaths and a residential dwelling close to the central northern boundary. By the turn of the nineteenth century, an orchard was established in the southern and south-eastern areas of site. Locally, two small chalk pits were located adjacent to the eastern boundary and south south-eastern boundary of the site (off site). The south eastern pit was later filled with inert, commercial, household and liquid sludge waste. Historical industrial land uses have also been identified within 250m of site, comprising a transport depot and sawmill.
- 2.46 The respondent's specialist consultant Ecologia has undertaken an extensive Geo-Environmental Assessment for the site. This does not identify any significant contamination.

Heritage

- 2.47 The June 2016 *Sustainability Appraisal Addendum* identifies the following heritage considerations:
- the proposed access road linking the site to Borden Lane would pass adjacent to a listed building (Cryalls Farmhouse) which is currently passed by a footpath to Borden;
 - access to the site from the south leads to the potential for traffic impacts to three nearby CAs and rural lanes; and
 - archaeological sensitivities in this area.

Built Heritage

- 2.48 A preliminary desktop assessment of the potential heritage impacts been undertaken – see **Appendix MD-SWs MUX1-6**. Whilst a range of designated and non-designated assets was identified, none would be lost by development of this site – most are some distance from the areas where housing would be built.
- 2.49 The asset with the greatest potential to be affected is the Grade II-listed Cryalls Farmhouse, which sits between Cryalls Lane and Russell Court, with more modern housing close by. Despite its name, it no longer functions as a farmhouse – it appears to be a private dwelling. The building's relationship with the wider landscape has, to some extent already been eroded by development dating from the second half of the twentieth century nearby. Whilst a physical relationship still exists with undeveloped space to the south, the historical and functional relationship no longer exists. The setting of the building is heavily influenced by relatively dense tree coverage both within and without the curtilage of the building, such that there is very limited visibility of the building. Consequently, whilst there will be some change to the heritage asset's setting as a result of development of the MUX1 site, it will be limited and not of an extent that should give rise to a need to reconsider the extent of the proposed allocation or the indicative location of development on the MUX1 site.

- 2.50 There may also be some secondary effects on heritage assets – in particular on the character of conservation areas – as a result of increased traffic. Consideration of this change must take the existing situation as the baseline and that is a situation where there are already steady flows of traffic through those assets. Additional traffic – both temporary (as a result of construction) and permanent (from users / occupiers of the development) – will not change the character of those heritage assets to a significant extent.

Archaeology

- 2.51 Historic maps and documents were reviewed to trace the historic formation and use of the land that forms the Site, showing that most was used for arable cultivation as far back as 18th century. Orchards were present in the north-east and south east of the Site and a field between Wises Oast Business Centre and Borden Nature Reserve. Aggregate extraction for clay and chalk has taken place in two areas in the south east corner between Cryalls Lane and Borden Lane to the south of Cryalls Farm.
- 2.52 A baseline of Heritage Assets within a study area of 1km radius from the boundary of the Site was generated from the records in the Kent County HER, supplemented by other documentary sources. Statutory designated Heritage Assets, represented by Conservation Areas, Listed Buildings and sites with Protected Military Remains are present within the Study Area, but none are located within the Site. No Scheduled Monuments or Historic Parks and Gardens are present.
- 2.53 Analysis of the Non-designated Heritage Assets data in the landscape established that the main potential for additional Heritage Assets within the limits of the site, is represented by buried archaeological deposits. The data indicates low potential for Palaeolithic, Mesolithic to Bronze Age and Anglo Saxon archaeology, medium potential for Roman and Medieval features and high potential for Late Iron Age / early Roman and Post Medieval archaeology associated with Micketts Farm.
- 2.54 Historic soil erosion and intensive cultivation, particularly orchard planting and renewal, are estimated to have had a general medium to high adverse effect on the archaeological potential of the Site. Aggregate extraction removing geological deposits had a total adverse effect on the archaeological resource in two areas. Recent reversion of areas to scrub and animal burrowing in places is likely to have had a low to medium adverse effect on the archaeological potential.
- 2.55 The adverse effects of the proposed development on any archaeological Heritage Assets will be confined to the construction phase. Excavations for foundations, service trenches, access routes, landscaping and the general movement of plant over exposed surfaces represent the highest potential for disturbance or loss of archaeological deposits. Long term attrition of the Site through gardening, tree planting and localised improvements to residential properties can have a medium adverse effect on any surviving archaeological remains on the Site.
- 2.56 To mitigate the potential adverse effects of the proposed development, further field evaluation by geophysical survey and trial trenching, taking the specific potential adverse effects of the proposed residential development into account, could confirm the archaeological potential of the Site and assess the truncation of deposits from historic land

use. Further mitigation measures may be necessary to protect or record any archaeological deposits, replacing them with records, analysis and interpretation of equal or greater value than the data lost to the adverse effects of the proposed development.

Wildlife and Biodiversity

- 2.57** The site has been subject to a suite of survey work to assess its ecological value, including presence/absence and distribution of protected species. These include Phase 1 habitat survey, bat inspection and activity surveys, Badger survey, Great Crested Newt survey of nearby ponds, and breeding bird survey. The site is dominated by arable land of limited ecological value, although small areas of scrub, hedgerows and woodland are of relatively increased ecological value. The site provides some limited opportunities for roosting and foraging bats, foraging Badger, and breeding birds. The site is not subject to any ecological designations, although the Medway Estuary & Marshes Special Protection Area ('SPA') is located approximately 3.8km from the site. Adverse effects on the SPA arising from increased recreational pressure will be avoided through a combination of accessible on-site green space, and financial contributions towards strategic-level mitigation.
- 2.58** The findings of the ecological surveys and analysis of potential impacts have been used to inform the emerging Masterplan, such that habitats of elevated ecological value are largely retained under the proposals, to avoid harm to biodiversity as far as possible. When harm is unavoidable, the Masterplan allows for sufficient mitigation and compensation to be provided, in addition to providing considerable scope for ecological enhancement.
- 2.59** These benefits will include the creation and restoration of priority habitats in accordance with **Policy CP28** and **Policy CP29** of the emerging Local Plan, and specific enhancements to benefit protected species. In addition, a network of green linkages and corridors can be provided across the site to deliver enhanced green infrastructure, in accordance with **Policy CP7** of the emerging Local Plan. Accordingly, the proposals are capable of full compliance with the ecological aspects of the NPPF, the adopted and emerging Local Plans, and relevant legislative requirements.

3.0 ALTERATIONS TO MUX1 SOUGHT BY THE REPRESENTORS

- 3.1** Whilst the Representor's clear preference is for the MUX1 urban extension allocation to be extended as per our separate objection; in respect of the current extent, the Representors seek at least changes to accommodate sports pitches and a clubhouse, allotments and a slightly larger site for a new primary school.
- 3.2** For the avoidance of doubt, any sports pitches would be of natural grass and permanent floodlighting is not envisaged.
- 3.3** The amended development diagram to reflect the requested changes is attached as **Appendix MD-SWS MUX1-1**.