



Response to the Consultation Draft Development Brief for Stones Farm

Bapchild Parish Council

March 2010

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1. Introduction

Bapchild Parish Council are deeply disappointed that your clients have decided to proceed with this consultation apparently ignoring the comments made in our letter of 21st November 2009 where we expressed severe reservations regarding the timing of this consultation. We are also aware that Swale Borough Council wrote to you expressing similar concerns on 21st January 2010.

Unfortunately we have now been proven correct in our assumptions, which mean that aspects of this draft document are now factually incorrect. Therefore the value of the consultation will be severely limited at best. This situation was completely avoidable; however your clients chose to pursue this course of action anyway, leading to confusion and dissatisfaction amongst a large portion of residents.

The Parish Council is also concerned about your recent comments in the East Kent Gazette on 3rd March which read

“He also denied there was any disparity between the proposed route of the new road and the layout of the Stones Farm development, calling them two pieces of the jigsaw that fit together.”

We would regard this statement as being particularly unhelpful and unprofessional especially in light of not only the facts, but also the knowledge that you have requested meetings with KCC to discuss the changes that you will be required to make.

In summary the Parish Council would view the consultation as an exercise in initiating a debate on the development of Stones Farm, which raises some useful questions, but one that ultimately draws no firm conclusions and therefore would not in our opinion constitute a Development Brief or even a draft version of one.

2. The public consultation

Whilst we accept that it is always going to be difficult to balance the level of information provided in an exhibition with the ease of understanding and consuming it, the Parish Council were disappointed at just how basic the material on display was. We also observed that much of the debate during the exhibition focused exclusively on the Northern Relief Road rather than on Stones Farm itself. The decision to display and have consultants on hand to discuss the previous route options just weeks ahead of the KCC exhibition was in our opinion a mistake and has not helped to reduce the confusion surrounding this issue.

A key problem with the consultation is that the exhibition and comment sheet are focused around two options neither of which in light of the Northern Relief Road consultation is deliverable in their present form. Bapchild Parish Council considers that this approach was too limited and for

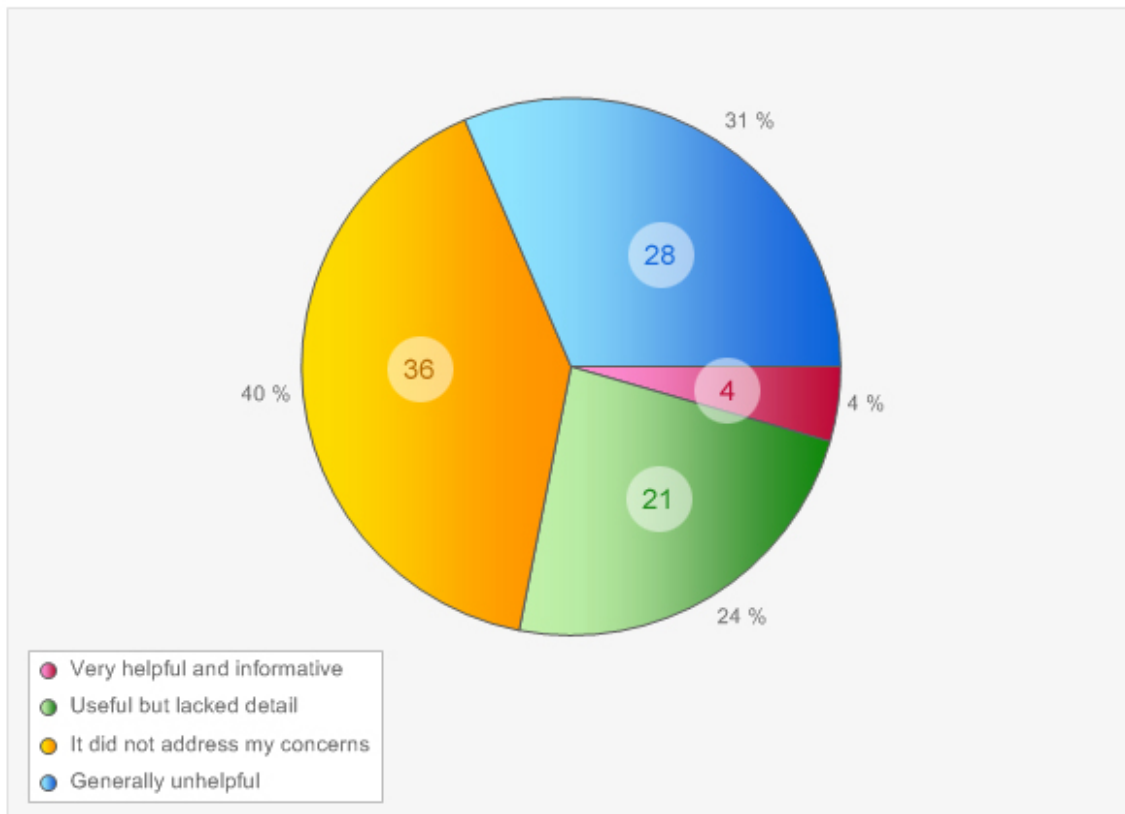
residents who only attended the exhibition was far too narrow did not present all the available options.

Option 1 has effectively now been dismissed and Option 2 would need to be redrafted in order to work in the context of the proposals from KCC. Therefore we question whether in fact the consultation was worthwhile exercise at this point.

Whilst the main consultation documentation covered much of what was required in order to begin to prepare a proper draft development brief, there are elements which have not been addressed, a view echoed by Swale Borough Council who has already stated that they will be required to undertake their own consultation in due course.

We have received a number of complaints with regard to either the lack of information displayed and the conduct of your consultants, one of whom it is suggested attempted to pass themselves off as a member of the local authorities planning department, although obviously we can not corroborate this.

What was your impression of the Stones Farm Consultation?



During the consultation period following the public exhibition we asked residents for their views on the consultation. This was conducted via the village website and during a residents meeting which approximately 120 people attended. There 89 responses of which 71% found that the consultation did not address their concerns or was generally unhelpful.

Therefore Bapchild Parish Council would have to conclude that together with the above poll and statements made directly to members of the Parish Council that the exhibition element of the consultation was not successful in providing sufficiently detail information to enable residents to make informed and useful commentary.

During our meeting it became apparent that most people had not read the draft development brief document and had relied entirely on the exhibition for their information.

We can only console ourselves with the fact that Swale Borough Council have committed to undertaking a further consultation on the development brief and that they may, in light of this information, provide a more detailed and comprehensive consultation.

3. The Northern Relief Road consultation

It would appear that regardless of the fact that discussions have taken place between yourselves and Kent Council Highways Department regarding the relationship between Stones Farm and the alignment of the Northern Relief Road. You have chosen, and to paraphrase commentary from both KCC and Swale Borough Council “to have completely ignored the information provided”.

This has resulted in widespread confusion and makes a complete mockery of key aspects of the consultation documentation.

4. Definition of the precise boundary between the development and open space

Local Plan Policy C5 states that “Consideration of the precise boundary with the proposed housing development, together with details on the future public access to, and arrangements for the management of, the open space, will be considered as part of the development brief proposed.”

The Parish Council considers that the documentation prepared for consultation wholly fails to meet objectives of the above policy due to the emergence of the proposed Northern Relief Road.

Although the detailed documentation refers to a number of options for the alignment of the boundary, it then sees fits to narrow the consultation to a selection of two schemes which have the same boundary alignment. However in light of the consultation by KCC on the proposed route of the Northern Relief Road we now know that neither of the above two schemes accurately reflect these proposals and therefore do not present us with a precise boundary.

Until we can ascertain the exact land area required by the Northern Relief Road in terms of the physical road construction, associated earthworks, water catchment ponds and not forgetting the proposals put forward to relocate the cricket pitch, we can not determine the full impact on the developable area of the site, nor the most appropriate alignment of the open space and boundary between the two.

Until such time as the proposals for the Northern Relief Road are agreed by all parties it seems unlikely that the precise boundary could ever be concluded. The Inspector of the Local Plan makes just such an observation in his Report where he states

“I consider that the Council needs to give serious consideration to the best route of this final section of the SNRR before committing itself to a detailed design for this housing area.”

5. Access to, the management of and handover of the Public Open Space

The only consideration to access that I can find is a small circular area on the landscaping drawing which indicates a visitor car park. However it is far from clear as to how vehicles would access such a car park. It is also in conflict with the proposals for the Northern Relief Road which may require this land to be set aside for the Cricket Club and therefore not be located with the public open space.

No particular consideration is given for the majority of existing residents and those that would occupy the new dwellings that would access this facility on foot. As the Open Space now has the potential to be allotted into distinct areas with busy traffic crisscrossing in between, serious consideration needs to be given to such access.

Consideration also needs to be given to the requirement for a car park in association with the open space which would be of no benefit to residents.

There is no discussion what-so-ever on the management and legal arrangements and timing of handover of the open space to the Parish Council.

6. Significant Landscape Buffer

In our opinion the second option put forward for consideration does not satisfy the fundamental requirement of positioning a significant landscape buffer between the development and open space. A tree lined boulevard for approximately half the length of the development does not constitute a significant landscape buffer.

We do not consider that the variation on Option 2 as displayed by KCC during the Northern Relief Road consultation would suffice either for exactly the same reasons.

The Parish Council would expect the landscape buffer to run the full length of the site in a similar way to that described in Option 1. Although as the road alignment into Stones Farm from the A2 now differs, the whole concept needs to be re-evaluated.

The Parish Council believes that it will be necessary to incorporate specific conditions into the development brief in terms of the width, height and location of the Landscape Buffer. The suggested 15m width running along the full length of the site from the Railway line down to the A2 sounds reasonable. However we also need to ensure that the buffer is functional in its intended purpose from the point at which it is created. Therefore whilst we understand that some aspects of the planting would need time to mature, a degree of sufficiently mature plants would need to be provided at its inception in order for the buffer to be effective.

The Parish Council would not accept a medium to long term planting scheme where we are effectively left with no effect buffer in the early years of the development. We also have concerns regarding the height of the buffer in terms of being able to effectively shield the development. For this reason we suggest that no three storey development be positioned within the immediate vicinity of the buffer.

7. General Landscaping Issues

The Parish Council would like full consideration given the treatment of the remaining three sides of the development and how and even if it will be possible to mitigate the Northern Relief Road construction, particularly where it crosses the railway.

We have asked residents bordering the site to consider their own individual positions with regards to both landscaping and the type of development or open space that may end up being positioned behind their properties. Due to the lack of time and the fact that the majority of residents had not fully considered these matters prior to our residents meeting of the 28th February, we have not been able to collate any views on this, but hopefully these will be forthcoming.

The Parish Council would obviously expect the boundaries of the development to be sufficiently landscaped but would like some ideas of exactly what this might entail encompassed in the development brief.

With regard to the possibility of locating open space or play areas on the edges of the development, the Parish Council would advise that there are anti social behavior issues that

accompany open space which is obscured from general view and play areas. Therefore it is unlikely that we would support these are potential locations for such facilities.

The Northern Relief Road poses some considerable constraints on the layout and landscaping of the site. Whilst we understand that some aspects of the landscaping will only be required to be in place once the road is constructed and therefore not the responsibility of the developers of Stones Farm. We must however be forward thinking in our stance on reducing the burden of future residents whom will accommodate this site to find that not only do they have to endure a decade of construction for the site, but then additional years for the development of the road.

With this in mind we ask that full consideration is given to how duplication of landscaping and unnecessary destruction of new planting can be avoided where possible. We also need specific details on how the rail crossing will be dealt with.

8. Land Use & Density

Although the Parish Council has provided residents with some suggestions regarding the types of issues they might wish to consider, we have not had sufficient time to acquire any feedback at this time.

However the Parish Council would observe that although there are perhaps some merits in the placement of three storey dwellings on the lower part of the site, placement right at the front of the development adjacent to the Open Space would probably be less than satisfactory because it is unlikely that the significant landscape buffer could be effective in its intended purpose.

There may also be less resistance to accommodating some three storey dwellings on the railway side of the development, especially in light of the height of the proposed railway crossing.

The Parish Council would also observe that neither Option 2 nor the variation displayed during the Northern Relief Road consultation with the housing fronting directly on to the road would be acceptable.

We should also like due consideration given to any design guidance that may be drafted into the development brief and would welcome some discussion on this matter.

9. Facilities

Once again whilst the Parish Council has given residents a lot to consider in terms of the provision of community facilities for the site during our residents meeting, we did not have time to collate enough views to provide a full response here.

Although little regard has been given to the provision of retail outlets on the basis that it might cause harm to existing premises in Peel Drive, we are minded to consider the longer term impact of the Northern Relief Road on the existing businesses along the A2.

We feel that there is a strong likelihood that one or more of these businesses would not continue and in particular the only remaining business to offer the services of a village shop, the petrol station. Perhaps with due regard for the Peel Drive Stores a location could be found that would cause the least impact, and given the addition potential for new custom it is in our opinion unlikely that any significant damage would be done.

Residents have expressed concern of the possible loss of footpaths crossing the development and we have assured them that this would not be the case, although obviously some diversions may be necessary. The Parish Council would not accept the loss of any public footpaths or rights of way. These are currently very popular and well used.

Outdoor sporting facilities can to some extent be accommodated by nearby Community College, but the Parish Council has faced repeated requests from younger residents for a suitable location for ball games. For various reasons there is no current location within the village that ultimately satisfies this. Open spaces and or play areas, where ball games are often banned, are rarely suitable so we would like an area where something like this might be feasible. Perhaps a fenced in facility or something more open plan which might be situated on the main open space.

The Northern Relief Road consultation has provided the notion of placing the Cricket Pitch behind the public house. Whilst supported by KCC officers and various councilors such as the present leader Andrew Bowles, no thought was given to commutate this to the Cricket Club. The Parish Council fully accepts that this is not a matter that you have raised; however now it has been we need to deal with it.

Following discussions that we have had with the Cricket Club, this is very unlikely to be acceptable due to the enormous investment required for a new pitch and therefore the desire to protect this. Location within any public open space has therefore been ruled out; however KCC may perhaps consider purchasing land for this elsewhere within the Stones Farm boundary. If this were the case we would consider this part and parcel of the development and can not form part of the open space, because it would not be open to the public.

Residents have expressed an interest in Medical facilities but the Parish Council would need to understand the feasibility of such a facility before we could comment further.

The Parish Council are aware of the requirements of Policy C3 to provide at least 10% of the net site area as public open space and requirement within this area to provide equipped children's play areas and casual kick about areas appropriate for the development. This has notionally being set at 1.13ha but would obviously depend on the final net area which is as yet unknown.

The Parish Council would not accept that such provision on its own would devolve the developers from any further responsibility for community facilities.

10. Services infrastructure

We note the commentary on surface water disposal with the possibility of run off to Tonge Stream and would suggest that due consideration be given to the possibility of contamination that may result from this. We also note the Environment Agency's concern with regard to preservation of the natural state of the stream and surrounding wet woodland.

The consultation on the Northern Relief Road has highlighted that KCC have undertaken a considerable amount of work in relation to water run-off rates for the road construction which has led to the provision of several catchment ponds some in very close proximity to the spring and stream. We would like to ensure that in considering this development brief that the full implications with the combination of both the road and the housing development be considered. We would anticipate that further work needs to take place taking into account the road proposals.

We note that Southern Water has confirmed that there is insufficient capacity in the existing sewage network to serve the proposed development. This is something of an understatement given that the capacity of the existing network is insufficient to deal with any heavy rainfall leading to regular flooding of the A2 and repeated issues with the pumping station that led to untreated sewerage spilling out into gardens along the north side of the A2.

Perhaps the development could see the provision of a major upgrade to the pumping station to satisfy both the proposed development and the existing problems that residents have had to endure for years.

The Parish Council would also wish to explore the potential for the water run off from the combined developments leading to localised flooding, particularly in respect of the Open Space and Tonge Stream.

11. Highways issues

Peel Drive

The feedback provided from residents on the Murtson side of the proposed development does not favor a link into Peel Drive. In fact it is our recollection that such an idea was essentially dismissed during the Local Plan inquiry.

We understand that your scheme is not dependent on such a link being present and therefore recommend that this option is eliminated and stated as so in the development brief.

Whether footway or cycle access is provided is open for debate, the Parish Council has no particular concerns either way.

Speeding Issues

It has been noted that since the completion of the Swanstree Avenue extension and the installation of the new traffic light junction, the speed of traffic from Sittingbourne towards Bapchild along Canterbury Road / Fox Hill has increased. It is thought that this is due to drivers vying for position on leaving the traffic lights. We are therefore concerned about the proximity of yet another traffic light junction at the bottom of Fox Hill and the safety issues that might result from this.

Residents along Fox Hill are particularly concerned about the access arrangements to their properties once the new junction into Stones Farm is delivered and also exactly how this would work during the construction period.

Access junction into Stones Farm

We note that the alignment of this junction is different to that as shown by KCC in their consultation, and this presumably has implications with your own proposals and as such we feel that it would be more appropriate to wait until all parties have agreed on a solution before offering our comments.

However we would ask that serious consideration is given to those residents living along Fox Hill, especially those opposite the junction in relation to their access arrangements and the subsequent access back on to the A2.

Traffic Mitigation

The inspector stated in his report

“Of particular consideration will be the need to address the impact on the A2 of traffic arising from the site, particularly through the village of Bapchild, with appropriate traffic management measures identified”

Bapchild Parish Council are concerned that consideration for traffic mitigation only extends to the junction with the A2 and not through the village. In fact it is stated that this may not be required, which is a little premature given that no transport assessment has yet taken place.

Traffic Assessment

We see no evidence that any traffic assessment has yet taken place which was recommended by the Inspector of the Local Plan who stated in his report

“it is clear that before any planning permission is granted for the site a full transport assessment will be required ... In my opinion this issue could and should be covered by the Development Brief/SPD referred to in new Policy H10.”

He goes on to say

“I am satisfied that the full transport assessments which will be required by this process will provide the necessary evidence to more clearly establish the development limit of the site, up to the maximum of about 600 dwellings set out in the new policy.”

Kent County Council, as highway authority, supported the potential for this site to provide the full 450 shortfall identified (subsequently revised downwards), subject to an agreed package of highway mitigation during the local plan inquiry. They also stated that highway aspects will require a more detailed assessment in the form of a full transport Assessment (TA).

Bapchild Parish Council would therefore consider that such an undertaking was absolutely necessary to establish whether or not the developable maximum of 600 dwellings could be achieved. Waiting until such time as we are considering a planning application is in our opinion far too late in the process.

12. Noise & Vibration

We note that for vibration reasons you suggest that dwellings should not be constructed within 10m of the railway. We seek reassurance that the same would not also be true with dwellings within close proximity to the Northern Relief Road or the road connection to the A2.

Residents have expressed concerns over potential noise issues, particularly with regard to the Northern Relief Road of which a large section is located within Stones Farm. We understand that KCC are looking at their data on this following issues noted by a resident. Obviously if their data turns out to be inaccurate it will have implications for the Stones Farm development and we would expect that a further noise assessment is undertaken once the final data is available.

13. Visual

Lighting

Residents are concerned about the potential for light pollution arising from the combined residential development and road construction. This is a difficult site in terms of topography with a 15m fall in height between boundary with Landsdown School and Tonge Stream and Millpond.

We have already commenced discussions with KCC regarding elements of their proposals including the railway crossing, roundabout and access back on to the A2. We understand that they would only light the road from the roundabout back to the A2.

We question however the effectiveness of the landscape buffering in terms of limiting light omissions given the substantial height differences and what other measure might be possible to limit this.

Aesthetics

Residents have expressed concerns over the views from all sides of the development and whilst the significant landscape buffer is intended to lessen the impact from Bapchild and Tonge, we hope that some landscaping will be undertaken on the remaining three sides of the development.

14. Ecology

Residents expressed concerns that the ecology of the site had not been fully investigated and that more work is required here.

15. Education

The Parish Council has discussed the site within Alan Barham the head teacher at the Community College who did not at the time have any concerns that he wished to relay to us.

In terms of Primary School education however a number of residents have expressed concerns with regard to Bapchild and Tonge Cof E Primary School and their ability to cater with some or any of the children from this site. However the Parish Council has not had the time to speak with the school ourselves.

We understand that a site of this nature is probably sufficient to generate the requirement of an entire new primary school; however there is no suitable location for such within close proximity of the site.

We suspect that local authority will be considering expanding Lansdowne Primary School, however consideration must be given to as to how the intake between these two schools is managed and what if any specific entrance requirements or guidance may need to be adopted.

16. Delivery of site and phasing

We would like to explore the phasing of the various components of the site prior to the preparation of any Section 106 agreements or other legal documents.

Retail outlets

We would need to consider the phasing of this development in relation to the Northern Relief Road to ascertain an acceptable phasing. However we feel that if we are to reach an agreement on the provision of amenities via a Section 106 agreement or by any other means that there should not be an opt out clause, especially given the track record on previous developments with the delivery of such facilities via these types of agreement.

Traffic management

Only until the full traffic assessment has been conducted will we know if traffic management through Bapchild is necessary or even desired, but should this be the case then we feel that it would be required far sooner than by 550th dwelling.

Open space

The general layout i.e. the groundwork's for the open space will be required to be coordinated with the delivery of the access road and the Parish Council would anticipate this to be in place by the occupation of the 50th dwelling.

If a car park for the open space is found to be required then we not accept the proposal of by the 300th dwelling it must be included at the same time as above and before the legal handover of the open space and subsequent adoption by Swale Borough Council.

Landscaping

Landscaping strategy / biodiversity enhancements by the 400th dwelling is not acceptable. This should be implemented much sooner in order that sufficient time is given for it to mature before the development is progressed this far. We would have expected this very early on in the development phasing. This is especially true of the main landscape buffer separating the development and open space which is not even mentioned in terms of phasing. The Parish Council would have thought that by the occupation of the 50th dwelling would have been more realistic.

Play equipment / development open space

With regards to the play equipment which has been listed as being pro-rata with development, we would like a detailed definition of the exact delivery, so there is no confusion.

17. Legal

Although perhaps not a key aspect of the development brief the Parish Council wish to consider the timing of, number of and parties involved in any legal agreements such as a Section 106 agreement that will be drawn up for this development.

Obviously in this case the main focus of such an agreement will be for the provision of contributions to the Northern Relief Road, but the delivery of other facilities is no less important.

We find it disappointing that there is no mention of the timescale for the Parish Council to take legal ownership of the Open Space nor the adoption of such by Swale Borough Council from a maintenance perspective. This one must assume would be addressed at the same time as the other agreements are drawn up. We are concerned that the developer of the Panteney orchard site entered into agreements with the council for the provision of certain landscaped areas that still today remains unenforced by the council.

We are fully aware that Section 106 agreements have a high rate of failure and would wish to consider how we might mitigate the potential for this to occur, and whether or not an alternative legally binding contract might be better suited.

The Parish Council would not be willing to take ownership of the Open Space until all grounds works, landscaping and provision of car parking areas etc have been completed to a satisfactory standard and that a maintenance agreement is in place with Swale Borough Council. However we take a view that this should all be complete in line with the development of the spine road that will form the spur off the Northern Relief Road connecting to the A2.