

LYNSTED with KINGSDOWN PARISH COUNCIL

Mid Kent Planning Support
Maidstone House
King Street
Maidstone
ME15 6JQ

15 February 2021



Dear Sirs

19/505036/OUT | Outline application for the erection of up to 86no. residential dwellings, including 50% affordable housing (Access being Sought), as amended by drawings received 28th May 2020 and further amended by drawings information and drawings received 18/11/2020 and 26/01/2021. | Land South Of London Road Teynham Kent ME9 9QJ

Lynsted with Kingsdown Parish Council strongly objects, once again, to the outline proposal for the development of 80+ houses on Best Most Valuable (BMV) agricultural land off Lynsted Lane and south of the A2. This proposal remains wholly and totally unacceptable for the reasons we set out in detail in our original letter of 11 November 2019 and again in our letter of objection of 29 June last year. For your convenience, we have included a copy of both those letters with this submission. This is the third time this application has been made by the developers.

The small amendments to access arrangements and the updated Air Quality Assessment are clearly meant to pacify some consultees that have previously objected, and provide the developers with an opportunity to present the application once again to Swale Borough Council in the guise of a developer committed to making a beneficial contribution to the community.

This is very clearly not the case and becomes very evident on even a brief review of the documentation. As we have stated previously and in our earlier objection in this consultation period, the developer chooses to try to portray the proposed site as semi-urban Teynham (a village) when it is very clearly not only a rural location, but in the parish of Lynsted with Kingsdown. It would be likely, if the development were to go ahead, that the dwellings would be marketed as 'country residences in a picturesque village'. The town-type environment the developer is portraying in the application, including the incorrect postcode to provide location, is in our opinion a clear and deliberate attempt to mislead and misrepresent, rather than a simple error.

We are of course, aware of the proposals to revise the Local Plan. However, this application must be considered against the existing published Local Plan, Bearing Fruits, as this is the Plan in force and will continue to be so for some time as the draft revised version follows due process. The Local Plan is clear and this application does not support the housing objectives and constraints set out in the Plan.

Our objections to this proposal are based upon the following points:

1. The development is fundamentally inappropriate and unsuited to the context and environment

– the proposal is contrary to the National Planning Policy Framework (NPPF) and the Swale Local Plan. The proposed site is greenfield and rural, and would have a disproportionate impact on the make up, size and geography of the village and parish. In particular, the adopted Supplementary Planning Guidance - the Lynsted with Kingsdown Parish Design Statement - makes clear the importance of historic patterns of development of one-building-deep identified as the 'Sensitive Edge' to the southern edge of Greenstreet.

2. The applicants are deliberately trying to misrepresent the village location in their reports and documents

– the context is variously described as rural, semi-rural or semi-urban depending on the report subject and the positive weight each classification gives to the developer's argument. The very obvious issues, such as using an incorrect postcode which places the site north of the A2 in Teynham instead of south of the A2 adjacent to Lynsted Lane, at best undermines the developer's credibility and is potentially a deliberate ploy to mislead or misrepresent.

3. The highway infrastructure is insufficient to support the development

– KCC set out their recommendation for refusal in their letter of 30 June 2020. Whilst they noted that the developer had clarified some issues and this new amended application addresses some further access issues, the KCC recommendation for refusal still stands. Lynsted Lane is unsuitable for access, the existing road network has insufficient capacity and there will be increased traffic and therefore risk of injury, on a highway lacking adequate pavements. There is also the impact on local and resident parking, both on street and the existing informal arrangements, despite the amended proposal offering 'designated neighbour parking', where the proposed pedestrian and 'emergency vehicle access' is proposed as the public footpath meets the A2.

4. The proposal builds on agricultural land

- land that is currently and has for many years been actively farmed. It was planted last year with Oil Seed Rape and cereal crops for harvest this year. The preservation of valuable farmland is a priority, both for combating global issues including food production and climate change, as well as local issues of countryside preservation. The NPPF and the Swale Local Plan are clear about the need to avoid development of agricultural land. Further, building in this way on this site would introduce a dangerous precedent that may make future building control more difficult and allow over-development. It must be stressed again that the current Local Plan recognises the importance of avoiding such development and, as noted earlier, development on agricultural land is contrary to the NPPF. We also draw your attention to the core policy of Natural England (a new Statutory Consultee) to prevent building on Best Most Valuable Land.

5. The current right of way is maintained, but the whole nature of the public footpath is altered

– whilst the right of way is maintained, the landscape and environment of the public footpath, the old coffin path between Green Street (the A2) and Lynsted Church would be entirely lost in this new proposal. The footpath is popular with dog walkers and those seeking country walks for physical and mental health, as well as used as an efficient and pleasant route to and from Teynham's amenities. The proposal removes most of that and the parish loses an important community amenity, one that has been underscored in these last months to provide open space and exercise safely during the pandemic.

6. Issues around air pollution have not been properly recognised or addressed – as noted in our original objection and again last year, whilst the Air Quality Assessment meets the minimum criteria required and has been updated for this amended application, the proposal does not take proper account of the potential impact on air pollution. The A2 in Teynham is part of AQMA 5, which the developers address to some extent, but they continue to take no account of the comprehensive and up to date local air quality data recorded and published by local residents with expertise in this field. A ‘citizen science’ survey on Greenstreet (2019 to date) gives continuous measurements of four harmful pollutants identified by Government. That data measure bands of Very High and High pollution exceedances that diffusion tubes fail to capture. Typical **pre-Covid data** can be found here: http://aqma5.co.uk/Pollution_Diary_Year_1.html

Air pollution is a matter of major concern and continuing research demonstrates its adverse impact. The application pays lip service to this important issue.

Lynsted with Kingsdown Parish Council will continue to communicate our objections to our Borough Councillors, to local residents and to key stakeholders. We will be monitoring this application closely and intend to present our objections when the application is considered by the Planning Committee. We would be grateful, therefore, if you will keep us informed and up to date with the application’s progress and how and when the application is to be considered by Councillors.

Yours faithfully

JULIEN SPEED
Chairman
Lynsted with Kingsdown Parish Council

LYNSTED with KINGSDOWN PARISH COUNCIL



Mid Kent Planning Dept

19/505036/OUT
Land South of London Road. Lynsted. ME9 9QJ

29th June 2020

Dear Sir

Lynsted with Kingsdown Parish Council have reviewed the amended drawings submitted for the proposed development south of the A2 London Road in our parish. The material change is the reduction of smaller, arguably more affordable properties and the addition of a larger, luxury property, plus some small changes to the relevant properties' access and associated works.

This proposal remains wholly and totally unacceptable for the reasons we set out in detail in our previous letter of objection. For your convenience, we have included a copy of that letter with this submission. We also suspect that the small amendments and the consequent impact on the process of consultation is a deliberate ploy by the developers to reduce the number of objections that are considered by the Planning Committee and its Members.

To summarise, we object to this development on the following grounds:

- Failure to meet the overarching objectives of the National Planning Policy Framework
- Deliberate attempts to misrepresent the location as semi-urban, rather than rural
- Contrary to Swale Local Plan: Bearing Fruits
- Multiple issues and inconsistencies incompatible with both local and national planning policies
- Clear inaccuracies and misreporting in the transport assessment
- Potential precedence for further development
- Deliberate and sophisticated attempt to mislead to achieve approval

Please advise of the date that this planning application will be considered by the Planning Committee as LKPC will be submitting a further objection to the Committee in person.

Yours faithfully

Marion Mulley
Lynsted with Kingsdown PC Clerk

LYNSTED with KINGSDOWN PARISH COUNCIL

Mid Kent Planning Support
Maidstone House
King Street
Maidstone. Kent
ME15 6JQ



11th November 2019

Planning application 19/505036/OUT

Lynsted with Kingsdown Parish Council (LKPC) object to the proposed planning application in relation to the proposal for 86 houses off Lynsted Lane. This proposal is inappropriate and unsuitable.

This letter of objection considers both the representations of local residents and parishioners and our examination of the application submission.

Our Residents and Parishioners

The Parish Council have actively sought input from and the views of parishioners to inform this response. Parishioners have been invited to the PC meeting where this application was discussed and a flyer was delivered to all households in the parish encouraging parishioners to express their views through the Swale Planning Portal. There has also been considerable comment and discussion on local community Facebook pages. The overwhelming feedback from parishioners is to object to this proposal citing transport, air quality, lack of sustainability, impact on strained local amenities and services and the development of agricultural land and countryside.

Many parishioners have formally submitted their objections as part of the consultation process and additional expressions of concern and objection are evident on the community Facebook pages. It is of note that the developer is keen to point out the response to their Facebook survey where they asked if people would be interested in affordable housing in Teynham. The PC has struggled to identify local residents that responded to this survey and point out that such a loaded and non-specific question is bound to elicit a positive response. As such, it can hardly be considered a relevant or credible survey and does not reflect the local response to this application.

Our examination of the application

It is very clear that the developers have taken note of the objections and concerns raised by both public bodies and members of the public to their application in 2016 and have endeavoured to mitigate these concerns and present different arguments for approving this application. In 2016 LKPC noted significant and numerous inconsistencies in the planning application supporting documents. The developers have presented a comprehensive set of supporting assessments and reports, which, at face value appear to present a cogent argument for this application. However,

closer reading and taking account of national and borough planning policies and requirements shows selective application of data, categorisation and information to present a potentially misleading application.

- The developer makes a number of references to the National Planning Policy Framework (NPPF) in favour of the application. However, this application fails to meet the fundamental and overarching economic, social and environmental objectives of the Framework. The developer claims that this application represents a sustainable development and then bases the arguments for approval upon this. The development is not sustainable, as it offers no real economic or social benefit (other than to the developer and investors) and would have significant impact on the local environment. This lack of sustainability negates the developer's subsequent arguments for approval.
- The developer repeatedly refers to the development as part of Teynham. The proposed development site is within Lynsted with Kingsdown Parish. With its 14th Century broach spired church and village duck pond, Lynsted comprises around 500 houses. This proposed development would increase the number of dwellings in our Parish by nearly 20% - an unacceptable urbanisation of an old English village. The developer also repeatedly refers to Teynham as suburban or edge of town, clearly wishing to imply that this is less of a rural village and more of an urban add-on. This choice of location type means that the assessments and analyses do not reflect the village and rural location and appear to underplay the impact of the proposals. Bearing Fruits differentiates locations by means of a 6-tier system. Teynham is categorised as Tier 4, Rural Local Service Area; Lynsted as Tier 5, Village with Built Up Area Boundary. Neither are suburban nor edge of town.
- The proposal is contrary to the Swale Local Plan, Bearing Fruits. The developer argues that the short-term shortfall in achieving the targets for new housing is sufficient to make this a viable and preferable application. The developer also argues that despite the initial proposal failing to make the first three tiers of potential housing development proposals that were selected for the Local Plan, it should be considered as a good reserve that can now be included. This fails to reflect the ongoing and long term progress that Bearing Fruits is and will deliver and the current and future committed sites. The selection criteria SBC used for selecting sites for the Local Plan were robust and carefully considered. This site failed to make that selection.
- The development proposal is contrary to national and local planning policies and the application itself raises a number of issues and inconsistencies:
 - The proposed development is on high grade agricultural land and is outside the Built Up Area Boundary. The developer's Design and Access Statement describes Teynham's development since 1940 with a clear implication that there has been significant development in recent years. This is not the case and further, the brickwork extraction also referenced finished more than 5 years ago. The statement repeatedly refers to the use of a 'suburban layout approach which represents the wider context of the site', which is totally inconsistent with the rural location and misrepresents the impact of the proposed development on the parish, as well as neighbouring properties.
 - The Lynsted with Kingsdown Parish Design Statement, adopted as Planning Guidance by SBC in 2002, identified two sensitive edges that should be protected

against development. One of these sensitive edges runs to the rear of existing housing on the south side of the A2 London Road in our Parish. The Design Statement further stipulates that new-build backland development away from existing highways should be avoided throughout the Parish, as being inconsistent with the traditional layout of residential and farming development. The settlements in Lynsted Parish are for the most part along the two major routes and 'one building deep'. Any new development should continue this tradition of having the countryside on the doorstep. The buildings and settlement patterns of the Parish within its landscape setting have given the Parish its own sense of place. New development should be in keeping with this. Estate style development should be avoided. This planning application is therefore in total contravention of the agreed Parish Design Statement.

- The proposed 'enhancement' to the public right of way to provide pedestrian and cycle access to the A2 would fundamentally change the nature of this footpath, which is well used by dog walkers and hikers as it crosses open farmland and countryside. This is not an enhancement. In addition, the proposed access has been highlighted by KCC in their response to the proposal as potentially impractical as it is not intuitive for pedestrian use. KCC also note the potential for conflict between cyclists and the traffic on the A2, as well as the practical issue of some of the relevant land in 3rd party ownership making the proposal potentially unviable. The developer also proposes emergency access here via retractable bollards, but in contradiction, clearly states in the application that the road layout for the development is deliberately designed to ensure emergency access to the whole site. The proposed access for pedestrians and cyclists to the A2 via the footpath is not viable and therefore the motivation of the developer in suggesting this must be open to question. Further KCC also note that pedestrian access will still need to be provided to Lynsted Lane because of the school and village, which the developer has failed to do via the main vehicle access. The developer proposes the use of the public right of way south of the site. LKPC provided an all-weather surface to this southern part of the footpath some years ago to enable school foot traffic to avoid walking on Lynsted Lane. It is our experience that the footpath does not and will not offer an attractive alternative.
- The developer's transport assessment and other documents describe Lynsted Lane as 'lightly trafficked'. This certainly does not reflect the experience of local residents and road users and KCC comment that the road is well used to access the A20 and has some congestion issues. The modelling undertaken appears to be compliant with initial requirements but does not seem to stand up to close scrutiny: TRICS calculations have not been compared with any real data and uses selective parameters, including comparable location data that includes one location in the south east and all of which are classified as Edge of Town, despite acknowledging traffic growth calculations that the A2 is a Rural Principal Road and Lynsted Lane a Rural Minor Road. The south east exemplar used for the TRICS calculations is Byfleet in Surrey, which bears little or no resemblance to our parish.
- The modelling for the A2 / Lynsted Lane junction using PICARDY shows that the junction will exceed capacity with the proposed development. However, the

developer states that this model is unreliable in estimating queuing and delays and so disregards the data, although accepts the current minimal delay data which does not take into account the actual logistics of the junction, which include constraint from parked vehicles and an adjacent pub car park on Lynsted Lane, as well as issues with parking impeding flow on the A2. Again, the modelling calculations show no comparison with real measurements, despite a traffic count being undertaken which could easily have been expanded to capture this data too.

- The Air Quality Assessment clearly meets the minimum threshold required for such an assessment. Unlike the application in 2016, it does recognise the existence of AQMA5 on the A2 in Teynham. However, the assessment only considers levels of Nitrogen Dioxide and fails entirely to take account of any other pollutant, including particulates and entirely fails to reference or take account of the locally collected and publicly available data which contrary to the developer's assessment clearly shows frequent exceedance of safe levels of pollutants. Whilst the PC recognise that the developer may have met the threshold for assessment required for application, the PC does not agree with the developer's conclusion that this development has no material considerations for air quality.

In addition to the comments above, the Parish Council are extremely concerned about the potential precedence approval of this application may set. This development is proposed on a Greenfield site of high-quality agricultural land outside the built-up boundary in a rural location. Approving this application would set a precedence for further development applications in and around the location and parish. The proposal also includes unlikely areas of apparent greenspace adjacent to the vehicle access and with no pedestrian access. It is the Parish Council's view that this is a device to provide an opportunity for further later development on the site.

The developer has produced a sophisticated and subtle application that flouts planning policy and yet appears not to do so. It is very clear to the Parish Council that this application is deliberately produced to avoid the challenges presented in 2016 and to obtain approval despite the proposals being entirely unsuitable and supported by potentially misleading information.

Yours faithfully

Marion Mulley
Lynsted with Kingsdown Parish Council Clerk