CONSULTATION ON APPLICATION TO VARY CONDITION 3 ON THE OUTLINE PLANNING PERMISSION AT EASTERN QUARRY TO ALLOW A CHANGE TO THE PARAMETER PLANS AND THE LAND USE DISPOSITION

1. **Summary**

1.1 This is a Key Decision as it is significant in terms of its effects on communities living or working in an area of the Borough comprising two or more wards.

1.2 This report is responding to the consultation by the Ebbsfleet Development Corporation on a planning application to vary condition 3 on the Eastern Quarry Outline Planning Permission in order to amend the disposition of land uses in the site to create a different layout to the development. The report addresses the key issues from the proposals that impact on the delivery of the objectives and policies of the adopted Local Plan.

2. **RECOMMENDATION**

2.1 That, for the following reasons, the Ebbsfleet Development Corporation be advised that the Council:

1. considers that the Section 73 application would result in a development substantially different from the one approved under outline planning permission 03/01134/OUT as amended by 12/01451/EQVAR and that a fresh planning application should be submitted to allow consideration of the impacts of the proposal in a comprehensive manner;
2. objects to the proposed changes and considers that they are contrary to the adopted Local Plan for the reasons set out in the report and requests that the Ebbsfleet Development Corporation refuses to grant the section 73 permission;
3. has significant concerns about the proposal to vary the current s106 and to require a new s106 to cover two different landownerships and two different mixed use developments.

2.2 That in order to ensure the requirements of the Local Plan are met, Officers engage with the Ebbsfleet Development Corporation with regard to changes to the strategies, the amendments to the Section 106 agreement, the conditions and the detail of the submission of the Habitats Regulation Assessment.

3. **Background**

3.1 The Borough Council granted outline planning permission in November 2007 for the development of Eastern Quarry for a mixed use development of up to 6250 dwellings and 231,000 sq m of mixed used floorspace including employment, education, community, hotel, theatre, supporting retail and leisure (ref DA/03/01134/OUT). Detailed design is a matter for later consideration. The permission was subject to a s106 agreement, a series of
strategies and conditions. Given the timescale for the delivery of
development, the strategies sought to set out how the development would
be delivered and provide more detail than could be set out in the s106. The
strategies are required to be implemented through the conditions and the
s106, and form a fundamental element of the acceptability of the proposal
which resulted in the planning permission being granted.

3.2 The parameters have been previously varied through a similar application in
2012 (at the end of the recession), which was a minor change to allow the
early delivery of housing on the eastern end of the site close to Southfleet
Road, replacing the proposed employment floorspace with residential
development and re-locating a local park closer to Southfleet Road. (ref:
DA/12/01451/EQVAR).

3.3 The outline planning application included parameter plans which set out the
limits of the proposals. The application was assessed against in the
Environment Impact Assessment Statement. A condition of the outline
permission tied the development to these parameter plans. In addition, a
Land Use Disposition Plan was prepared which showed the broad location of
the different land uses and this was also referred to in the condition requiring
compliance.

3.4 The eastern part of the site, known as Castle Hill is already under
construction delivering houses, a primary school and a local centre.

3.5 The application, which the Council is being asked to comment on, seeks to
vary the condition (under s73 of the Town and Country Planning Act 1990)
listing the approved parameter plans and substituting these with updated
plans to amend the layout of the development and land use disposition for
the remainder of the development between Castle Hill and St Clements Way
in the west.

3.6 Section 73 of the Town and Country Planning Act 1990 provides for
"applications for planning permission for the development of land without
complying with conditions subject to which a previous planning permission
was granted". The purpose of this is to allow variation of detailed conditions
and also minor amendments to a planning permission by substituting plans.
The granting of a s73 application results in the issue of a new planning
permission, but it does not supersede or replace the extant permission to
which the variation is sought. A previous deed of variation to the Eastern
Quarry S106 allows for s73 permissions to be subject to the original s106.
In deciding an application under s73 the local planning authority must only
consider the condition that is the subject of the application. The Government
advises in the National Planning Practice Guidance (NPPG) that: "New
issues may arise after planning permission has been granted, which require
modification of the approved proposals. Where these modifications are
fundamental or substantial, a new planning application.....will need to be
submitted." Where less substantial changes are proposed they advise that
an application can be made to amend the conditions attached to a planning
application including seeking to make a minor material amendment. The
variation of a condition listing approved plans to allow the substitute of plans is a minor material amendment. The Government confirms in the NPPG that there is no statutory definition of a ‘minor material amendment’ but it is likely to include “any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.”

3.7 In considering the current application therefore, the key test is whether the amendment results in a development which is substantially different from the one which has been approved and to this end this report compares the key issues arising from the current proposals with the approved details and the consideration of the Development Control Board in granting the outline planning permission in 2007.

4. Summary of the proposed variations to the outline planning permission

4.1 The proposed changes relate to the western two thirds of the Eastern Quarry site and the applicant advises that the amendment under s73 is to achieve an updated, developable and fit for purpose Outline Planning Permission.

4.2 There appear two key drivers to the changes proposed to the planning permission. The first is the retention of land to the west by Land Securities and the desire to create a commercial mixed use area comprising retail, leisure and office floorspace. The other key change influencing the overall design is the retention of a chalk cliff in the centre of the site, following the completion of the quarrying. The retention of the cliff through the centre of the quarry leads to the division of the planned western and central villages and poor connections between centres and community facilities. However removal of the cliff costs more than its retention and therefore the issue to be balanced is whether the removal of this physical division (required by the previous planning permission) is critical in order to deliver an integrated development.

4.3 The key changes to the parameter plans and text are as follows:

- Movement and infrastructure parameters: The movement corridors have been changed to reflect a new road layout shown on the proposed site wide masterplan. A new potential public transport, walking and cycling access corridor is added to the north of the site to connect with Alkerden Lane.
- Green Zones parameter: Slight change to the alignment of the Green Zones
- Ecological and nature reserve areas parameters: some change to the areas provided for ecology
- Finished ground levels; varied to reflect the ground levels on site following completion of quarrying works. The approved parameter plan proposed an even fall across the site, to be created by land forming. The current proposal retains the north-south cliff south of Craylands gorge and also steeper levels immediately south of Alkerden Lane in this area.
CABINET
25 MAY 2017

- Major Urban park parameter: proposes to reduce the depth of the east-west major urban park approved but includes a new area running north-south.
- Linkages parameters: The revised plan shows the removal of linkages in the south-east, the applicant argues that this is due to the cliff barrier but in fact one of these is an existing PROW within the site.
- The Land Use Disposition Plan (LUDP): shows a significant change to the approved LUDP, primarily: the re-location of the market centre to the west of the site adjacent to the western boundary; the movement of high density housing away from the Fastrack route with clusters around the north-west corner and southern boundary on the former washmills site; the reduction in useable open space; reduction in the width of the east-west ecological corridor; reduction in the size of the lakes; change to the Major Urban Park area; and the identification of a Local Park in part of this area.
- A new phasing plan has also been submitted which indicates the phasing of the development but excludes the open space areas and provides no indication about infrastructure, roads, links and bus routes phasing.

4.4 The parameters plans are supported by a parameter’s schedule and disposition of development which has also been amended:

- This advises the market centre will be located adjacent to the western village instead of being located contiguously with the central village.
- The section relating to the washmills peninsula has been removed as it is no longer shown to be separated by the lake.
- The residential densities have been amended to provide upper and lower limits whereas previously they were lower thresholds allowing for a variety of densities (this is discussed further below to identify the risks of this approach).
- The “market centre” is to contain a total floorspace of 167,500sqm comprising of 108,000 sqm office, 11,000 sqm hotel, 23,000sqm retail, 25,000 sqm leisure, 500sqm community facilities and no residential floorspace.
- The central village will be made up primarily of community floorspace (300,000sqm comprising predominantly the education campus) and a maximum of 3020 residential units with a small amount of retail 4,000sqm.

4.5 Since the change is to the parameters on which the Environmental Impact Assessment (EIA) was based consideration has to be given as to whether a revised EIA is required and in this case, an addendum (update) to the previous EIA has been carried out and submitted with the application in order to meet the EIA regulations.

4.6 The applicant also advises that the s106 will need to be amended to reflect the changes and the multiple ownerships.
4.7 The applicant has also provided amended versions of some of the strategies which form part of the permission but advises that these are for illustrative purposes and so are not for consideration as part of the application the Council is being consulted upon. However, the strategies are fundamental to the permission and some of the changes within them give an indication of the details behind the application details.

5. Planning policy

5.1 The requirement in primary planning legislation is for the statutory development plan to be the starting point in determining applications and this applies at Ebbsfleet. This is confirmed in the National Planning Policy Framework, whereby the government support a ‘plan-led’ system. The proposal therefore needs to be considered against the adopted Local Plan.

5.2 The adopted Core Strategy seeks to focus development in three priority areas, one of which is the Ebbsfleet to Stone area which includes Eastern Quarry. The Core Strategy advises “The size of sites within the three priority areas enables the creation of high quality, mixed and sustainable developments. It allows development to take place in a planned way with infrastructure delivered as part of the scheme, resulting in communities supported by appropriate infrastructure and facilities.” Policy CS5 of the Core Strategy sets out the local plan policy to be applied specifically to the Ebbsfleet Valley Strategic Site, incorporating Eastern Quarry. The policy advises that Diagram 6, set out below, will be used to inform detailed proposals for the site.
5.3 Policy CS5 seeks to ensure mixed use development where leisure and retail uses are required to support the residential community. It sets out principles against which applications to change the existing planning permission will be considered. The following principles are particularly relevant to the current proposal:

c) Linked residential communities or ‘villages’, with a sufficient critical mass to support services, community infrastructure and the Fastrack service, (see point 4e) At Eastern Quarry and Northfleet West Sub-station, these will consist predominantly of family housing.
d) A walking and cycling network and a Fastrack route across the area encouraging a high proportion of trips by sustainable means.
e) Provision of community infrastructure, including schools, health facilities, sports and leisure facilities, community meeting places and shops provided at an appropriate stage of development to meet the needs of residents, located to meet the needs of residents and complementary to existing provision in adjoining communities.
f) A mixed use centre at the heart of each residential village, including community facilities and local shop(s), located to be easily accessible by sustainable forms of transport to residents and employees, with phased provision as the development progresses. One of these to provide a more comprehensive range of services and shops (see Diagram 6), with smaller, local facilities in the adjacent centres.

5.4 Policy CS5 requires that applications for, or changes to, area masterplans or reserved matters will need to demonstrate that proposals will not undermine the principles to be achieved across the site as a whole, as set out in the outline consent to which they relate. It also seeks to reduce the need to travel, minimise car use and make the most effective use of the transport network. It therefore encourages mixed use development and close interrelationship between complementary land uses: homes, jobs, shops and leisure, recreational and community facilities.

6. Key Issues for consideration

6.1 The outline planning permission for Eastern Quarry was formed in a way that allowed for on-going change to the detailed provision. However, it sought to set down obligations and requirements with regard to the “non-negotiables”, which focused on meeting key principles, without which the development was not considered acceptable. The current proposal in officer’s opinion seeks to unravel some of these non-negotiables and undermine the planning permission and objectives of the development. These same principles are encapsulated in Local Plan policy, both with specific reference to the Eastern Quarry development, as well as through general Borough-wide policies. They are fundamental to sustainable development in Dartford and are weighty matters to be considered in any proposed amendments to the application.
6.2 In addition to the substantive issues, there are procedural/legal issues with regard to how an application for amendments to an existing application can be considered. A key test is whether the amendment results in a development which is substantially different from the one which has been approved. The relevant consideration in the report to the Development Control Board on 5 July 2007 on which the resolution to grant planning permission was based is included below together with an assessment of the differences.

6.3 The development parameters, which are sought to be changed, guide the assessment of the proposal in the Environmental Impact Statement but also provide the parameters for future detailed design submissions. The LUDP is one way that the development can be built out to accord with these parameters, it is included as an approved plan within the planning permission as the location and layout of the land uses were fundamental to the granting of the planning permission. On a smaller outline planning permission the parameters might be the only detail that is approved. But due to the scale and significance of the proposal at Eastern Quarry the outline planning permission granted also included detail on the expected layout of the development, provided through the LUDP and the strategies, in order to ensure the creation of communities built around a cluster of facilities in order to discourage external car trips and also deter car trips into the development. The following extracts from the 5th July 2007 Development Control Board report explain this.

Extract from DCB 5-07-07 report

“7.4 In considering the development of Eastern Quarry, as a whole, the local planning authority and consultees on the applications have considered the need to create a single sustainable community on the site, which is not planned arbitrarily along ownership lines. A central focus is therefore required for the development which provides community and commercial facilities. This will enable an area of critical mass to be formed, which will create activity and discourage people from travelling outside of the development. This area will take the form of a market centre with retail, commercial and community facilities, as well as an education campus. In order to provide convenient facilities across the remainder of the development, a "hub and spoke" approach is considered appropriate so that a central facility is supplemented by spoke facilities situated in the planned neighbourhoods. With regard to open space, these will have a hierarchy and the larger areas will seek to provide for the whole development.”

“7.7 In order to achieve sustainable planning of the site, the first consideration is to ensure that the necessary facilities are provided in appropriate locations across the site in order to serve the whole development.”
Land Use Disposition Plan approved:

Land Use Disposition Plan proposed:

Purple denotes the market centre and local centres
6.4 Market centre

“Extract from DCB 5-07-07 report
Retail
10.96 A Retail and Leisure Impact Assessment has been submitted as part of the planning application. The level of retail floorspace proposed is now considered to be an acceptable level in order to allow for the creation of a market centre of critical mass which will promote a sense of place and a sustainable community but at the same time is not of such a level that it will become a key attractor and draw in people outside of the development, to the detriment of adjoining town centres.

10.97 The market centre, as proposed, is also likely to serve as a draw for the development of the Northfleet West Sub Station site and therefore the needs of this development have been taken into account in considering whether the level of floorspace proposed in the market centre is appropriate.”

6.5 This consideration in the report to Development Control Board was based upon the location of the Market Centre in the centre of the site with the fundamental and ‘non-negotiable’ principle being that the market centre retail space was intended to meet the needs of the new local community of residents and workers. Due to the location of the market centre in the centre of the site reached by a tortuous (as opposed to direct) road network it was considered that external trips by car would be deterred. The Site Wide Design Strategy approved as part of the outline planning permission requires the market centre in the central area of the development. “The location of the urban education campus immediately to the north will reinforce the role of the centre and help generate activity”

6.6 The current proposal places all the retail, office and leisure floorspace together at the western end of the site, away from the development it would serve (which includes the Ebbsfleet Green site (former Northfleet West Sub Station) as well as the Eastern Quarry site. The commercial mixed use area would be readily visible from St Clements Way and would be at the bottom of a direct road access from the Hedge Place Road (Bluewater access) roundabout on St Clements Way. This is an ideal location for a retail based development seeking to attract expenditure from a wider area than just the development itself. Officers consider the location would make the uses much more visible outside of the site and will result in more external customers. The lack of co-location with the education campus, or even the primary school and residential development also removes the ability of the “market centre”/commercial mixed use area to allow for linked trips. The harm of this change particularly in combination with Bluewater, is that it would act as an additional draw, pulling in greater retail spend from a wide area resulting in potential detrimental impact on town centres and increased traffic to this already congested area. Secondly this wider draw will result in ‘higher level’ retail provision, rather than day to day goods and services required by local population to meet their daily and weekly needs.
6.7 As well as the provision of community facilities, services and opportunities for small business, the intended role of the market centre is retail and leisure to meet local needs, which is set out within the current adopted Local Plan policy (Policy CS12 and related Table 3). The intention was that its co-location with the school provides critical mass encouraging residents to stay within Eastern Quarry for services rather than needing to travel outside the development by car. It is considered that it will be more difficult for a stand-alone commercial mixed use area to address local needs. It is not possible to control the exact nature of shopping and leisure provision through the planning use classes. The outline permission, therefore, sought to achieve the objectives of a sustainable and less car dependent community through the central location of the market centre, its accessibility by different forms of transport and its co-location with other service and community provision. The proposed layout undermines these objectives.

6.8 The proposed market centre is a significant distance from much of the community it is intended to serve, that is Castle Hill and Ebbsfleet Green. This is in conflict with Policy CS5 (4e) which seeks that provision is located to meet the needs of residents. In addition, the phasing plan indicates that it would be bought forward as the final phase so it would not be able to meet a demand for the development currently under way for several years, by which time residents will have established shopping patterns and are likely to need to use a car to visit other commercial areas. This is in conflict with Policy CS5 (4e) which seeks that the provision is made at an appropriate stage of development to meet the needs of residents.

6.9 Paragraph 3.55 of the planning statement submitted with the application describes the market centre as providing for “these larger style uses”. It is not clear what these larger uses are. The current permission seeks to limit the size of the retail units and requires an assessment of leisure facilities. But once the market centre has been separated from the residential development, it will be very easy for the developer to justify change to the floorspace, from office to retail for instance due to lack of need.

6.10 The lack of residential development within the commercial mixed use area also prevents the creation of an integrated development or the creation of a vibrant development and instead is likely to create a sterile retail, leisure and employment park. This is contrary to principles of the outline planning permission and the Core Strategy.

6.11 The applicant argues that diagram 6 of Policy CS5 is for indicative purposes only. This is not a correct interpretation of the policy. The policy specifically states that Diagram 6 will be used to inform detailed proposals for the site. Diagram 6 shows the provision of a Main Centre within the central part of Eastern Quarry, and should include shops, secondary school and a range of other services. Local centres to the east and west are intended to provide “spokes” to this “hub”.

6.12 The retail impact assessment submitted with the outline planning application is now out of date. But the applicants argue that the proposals are in
accordance with an up-to-date development plan and therefore there is no requirement for a retail impact assessment. Officers consider that the proposed change only conforms with the Policy CS5 if the proposed commercial mixed use centre meets local needs only. There is no evidence within the submission that this remains the case or that this could be effectively controlled. The disposition of the development suggests a wider catchment area; it is not central to the development it serves; there is no integration with the development it serves in terms of uses; the location is adjacent to Bluewater allowing for linked trips with this regional shopping centre; the location has limited connections to adjacent residential development as it is bounded by cliffs; the phasing of the area does not meet the needs of the development as it comes forward. Officers consider therefore that the proposal could have a significant impact on the surrounding centres and a fresh retail impact assessment should be submitted for this proposed change to the development.

6.13 Officers do not consider that the changes to the location, uses and form of the ‘market centre’ meet the planning purposes of the outline planning permission and are a fundamental change requiring a fresh planning application. In addition, the proposals for the market centre and land use disposition of the development in their current form are considered to be contrary to adopted Local Plan policy. The proposals for the main centre to be located in the western village is in direct conflict with the Ebbsfleet Development Framework, 2017 which identifies Alkerden Village as the only ‘larger local centre’ within Eastern Quarry, comprising a large group of shops and a range of non-retail services, co-located with the education campus (pp 72-73).

6.14 Residential densities and public transport orientated development

Extract from DCB 5-07-07 report

“A concentration of the highest densities in locations best served by public transport:

10.8 The parameters submitted with the planning application confirm that development within 400m of a primary transport stop will have the highest density. The detailed layout for this will be achieved through the Area Master Plans and reserved matters submissions.”

6.15 The approved density parameters are:

- Within 400m of a primary public transport stop at least 60 dwellings per ha
- In excess of 400m from a public transport stop at least 30 dwellings per hectare
- Within the eastern gateway area (Castle Hill) at least 40 dwellings per hectare.

The proposed density parameters simply define low, medium and high density:

- Low density: below 30 dwellings per hectare
- Medium density: between 30-60 dwellings per hectare
• High density: above 60 dwellings per hectare

There is now no minimum threshold in the low density areas and the medium density areas could be developed at a lower density than sought by the Core Strategy. Very low density development undermines the objectives of the Core Strategy to achieve modal shift particularly in the large planned developments and this could undermine the transport objectives of the Core Strategy. The reduction in densities proposed has also led to more of the site being covered by development to the detriment of open space in the submitted LUDP which undermines the Core Strategy objectives with regard to open space.

6.16 The proposed parameter changes set out that residential development along the Fastrack corridor and in close proximity of a primary public transport stop should provide high density development. Officers would contend that “close proximity” is not defined clearly enough to form a parameter. The need to provide high density development to support public transport should be based on walk times to stops. The Fastrack corridor itself does not provide access to the stop or service and is, therefore, not a useful indicator. It is also concerning that there is no requirement for high density to be clustered around community facilities and services. It is not clear how this complies with the EDC vision that 90% of Garden City residents will live within five minutes of a Fastrack stop.

6.17 The high density developments shown on the proposed LUDP (salmon colour on the plan) do not relate to the local centres/market centres or mixed use areas or Fastrack stops. Two of the highest density development areas are furthest from Fastrack and adjacent to vehicular entrances to Eastern Quarry. This is contrary to the principles of the outline planning permission as a public transport orientated development and the objectives of the Core Strategy. It is also fundamentally poor urban design and in conflict with the stated Garden City principles which seek increased residential densities around public transport stops (Ebbsfleet Development Framework, 2017, pp56-57).

6.18 The current proposal for density and land use disposition is therefore a fundamental change to the outline planning permission requiring a fresh planning application but also contrary to the adopted Local Plan and the EDC’s adopted Framework.

6.19 Open space

“Extract from DCB 5-07-07 report
Open Space/Informal Recreation
10.75 Policy MDS 5 and the Planning Brief require 33% of the application site to be allocated for open space uses, including public open space, water features, and landscaping. It is confirmed in the parameters submitted with the planning application that at the end state of the development a minimum of 33% of the site shall be open space. However the parameters submitted with the application do not confirm that the open
space will be for public use and therefore clarification on this has been sought through the section 106 agreement and the Strategies. The broad disposition of open space proposed by the application includes: north-south links through the site providing green areas bordering each village; ecological and natural reserve areas, including Craylands Gorge; a northern park and east-west Green Grid link providing a wildlife movement corridor, informal recreation, and an attractive corridor for pedestrian and cycle movement linking to areas outside of the site; the retention of the existing open areas along the cliff tops, both to the north, south and east. In addition, the open space provision incorporates the lake (which is required to balance the water levels in the quarry) and an urban park is to be provided adjacent to the lake in order to provide for informal and formal recreation.

10.76 The application proposes two main areas for informal recreation - the major urban park in the north of the site and a larger park to the south adjacent to the lake, as well as Green Grid links across the site.

10.78 Following concerns expressed by Swanscombe and Greenhithe Town Council, the applicant reviewed the form of the open space to the north of the site. This has resulted in a significantly larger Major Urban Park (“the Northern Park”) in the north-west part of the site, an area of approximately 46 acres, and has also increased the separation between the northern spine road and the existing Manor Road and Durrant Way dwellings. As a part of the discussions on the proposals the applicants have also carried out extensive work to demonstrate what form the open space might take and this has been incorporated into the Landscape and Open Space Strategy. This shows the northern park providing a mix of ecological areas, informal open space, possible reuse of Western Cross Farm for community use, a north-south green wedge linking the northern park to a park in the south incorporating the lake and therefore allowing for water-based recreational activities. In addition, local and neighbourhood parks will provide more direct access to open space for each of the villages proposed. The Northern park will therefore provide a high quality urban park which meets the needs of the development and is also accessible for the existing community.”

6.20 The applicant argues that the proposal will not result in a loss of open space and that 33% open space required by the approved parameters will still be delivered on the site. One of the key considerations in considering the original outline planning permission was to ensure that this open space provision was useable. The plans submitted with the current amendment are somewhat misleading at face value as much of the “green” shown is cliff or steep topography and therefore not useable for recreation purposes. Policy CS14 requires the provision of multi-functional high quality varied open space and requires new development to contribute to the Green Grid network. The policy also requires significant biodiversity improvements at the Ebbsfleet Valley development sites.

6.21 It is not evident from the submission how much “useable” open space will be provided as part of the proposal. However, the outline permission requires a major urban park plus local parks whereas the current proposal indicates a
local park within the area shown on the parameters plan as Major Urban Park and much of the area of this park covers the cliff area north of the site, where access is limited due to topography and ecology. The proposed major urban park also runs along the retained north-south spine, again along the edge of a cliff. No consideration has been made of how much an offset from the back of the cliff edge will be required to ensure public safety. As Members will be aware these cliffs have unpredictable stability. Officers consider that from experience the open space here will be reduced in width in order to meet health and safety requirements providing little useable amenity for informal kickabouts, kite flying etc. In addition the approved Landscape and Open Space Strategy requires 9 hectares of the Major Urban Park to be useable open space but there has been no indication of how this can be achieved on the revised LUDP. The planning permission also requires the delivery of formal recreation facilities across the site to serve the needs of the residents including play areas, tennis and netball courts, MUGAs and four playing pitches. The proposed LUDP and the illustrative Site Wide Master Plan do not show how or where these will be provided on the site. It is also not clear from the phasing plan when the open spaces and formal recreation will come forward.

6.22 The disposition of the open space and recreation facilities shown on the proposed LUDP and within the illustrative revised strategies does not provide access to the community on a planned or consistent basis. The local parks are no longer spread throughout the development as approved which was designed to provide close access for each “village”, but instead are either on a single north-south access or are located at the far eastern edge of the site, easily accessible by only a small part of the Castle Hill community. This change was allowed to bring forward development quickly but it should be compensated by the location of other Local Parks within the development being provided in closer proximity to the housing they serve. Only 3 local parks are shown on the new LUDP, which meets the s106 obligation but is less than those shown on the approved LUDP, which indicated 4 Local Parks. One of the Local Parks is also now adjacent to the Major Urban Park within the area shown on the parameters plan for the major urban park. Neighbourhood greens which are intended to provide open space in the heart of the built development are now proposed to be located adjacent to other open space on the edge of the built development and so serve no function in breaking up built form. One Local Park is divided by main roads so its value will be diminished. The current proposed amendment to the LUDP also shows the loss of greenfield land at Alkerden Farm which has historic, ecological value from trees and hedges and its loss does not appear to have been considered fully.

6.23 The revised proposal does not show the Public Right of Way DS20 which is within the site boundary and could therefore be improved through the permission at its connection north of the A2. The proposed LUDP and the illustrative Landscape and Open Space Strategy also no longer show the connecting “way” to DS20 (north-south through the site) which was required to meet local concerns about re-providing the original route of DS20 following diversion due to quarrying. Officers consider that this is an
appropriate requirement for the restoration of the quarried site through development and this “way” is required by the s106 and the approved Landscape and Open Space Strategy.

6.24 Parameter Plan 5b shows an ecological corridor but the proposed LUDP builds over this leaving a very narrow corridor. This proposed corridor has housing on both sides and therefore has a greater potential for human interference and predation by pets, which Officers consider will undermine its ecological function. It is likely to be a narrow unkempt area of landscape which will provide security issues and in officers opinion does not achieve the minimisation of opportunities for crime through design. Other ecological corridors are crossed by an increased number of roads and Officers consider that the proposed revised layout will not meet the requirements of Policy CS14 to protect and improve biodiversity on the site. It is also concerning to note that the addendum to the Environment Statement advises some of the retained landscape areas are returning to scrub which reduces their landscape value, even though these areas are required to be managed under the approved planning permission to retain habitat. The erosion of the quality of the identified ecological corridors will make it difficult to enhance biodiversity across the site. This will be contrary to EDC Objective 10 which is to “Celebrate Ebbsfleet’s cliffs, lakes, waterways industrial heritage and archaeological assets to create a unique environment which enhances ecological and biodiversity value and creates a stimulating environment which supports positive mental health”.

6.25 The plans set out below shows the limited public access to open space in the new layout compared with the existing consent. This would be contrary to the considerations taken into account in the existing consent and Local Plan policy (CS1, point 3 – new areas will be strongly integrated with existing communities providing many benefits, including green spaces), as well as being contrary to EDC objective 09 to “Exploit the best of Ebbsfleet’s blue and green natural assets to open up landscape and public realm which will encourage active lifestyles and help to establish Ebbsfleet as a premier destination for recreation and leisure in Kent.”
Landscape and Open Strategy approved 2007 illustrating accessibility for Landscape and Open Space

Landscape and Open Strategy proposed 2017 illustrating accessibility for Landscape and Open Space
6.26 The revised parameters still require 33% open space across the site but this is considered insufficient to meet the Core Strategy requirements for the specific functions that need to be catered for and usability of the space. This was achieved through the existing planning permission through very specific requirements for parks, play spaces and formal recreation. The current proposals provide for reduced and less specific requirements for open space without apparent consideration of how the open space will be integrated with and used by the new and existing communities. It would appear that the open space requirements have been amended to fit around the built development, rather than through an integrated consideration of the two, with the open space designed and located to meet the needs of the area.

6.27 The proposed amendment to the Landscape and Open Space Strategy submitted for illustrative purposes raises concerns for Officers because it is part of the S106. As such, open space and landscaping has to be completed in accordance with its specifications and requirements. Since changes to the document can have a large bearing on the quality of development and affect its ability to meet Local Plan policy, it is not sufficient to submit it ‘for illustrative purposes’ only. Rather, it requires full and formal consideration to assess whether it is fit for purpose.

6.28 The Landscape and Open Space Strategy has also removed the triggers for provision of open spaces. Officers consider that these are critical to ensure recreation and open spaces come forward with the development build out. The submitted phasing plan does not include open space and there is no guarantee that one phase will be built before the other starts, that open space will be provided before completion of a phase and that the facilities and formal provision will be accessible to the occupied houses. In officers’ opinion triggers should still be set as to when the open spaces and formal play and recreation is to be provided which are linked to development delivery. The lack of appropriate triggers is contrary to Policy CS5 (4e) of the Core Strategy which requires that community infrastructure including sports and leisure facilities is provided at an appropriate stage of development to meet the needs of residents.

6.29 The proposals are contrary to the EDC’s commitment for development to benefit existing residents and communities; to negotiate an improvement in local impact and opportunities if existing planning permissions are re-opened and to develop parks and public spaces with the local community (Ebbsfleet Implementation Framework, 2017, p16). The current proposals appear to be in direct conflict with this undertaking, particularly given the strength of local feeling when the permission was first considered seeking the provision of a large ‘Northern Park’ to provide a facility which would also be accessible to the existing community and help integrate both communities.

6.30 The current proposal for open space provision, disposition and phasing is therefore a fundamental change to the outline planning permission requiring a fresh planning application but also contrary to the adopted Local Plan.
6.31 Traffic

“Extract from DCB 5-07-07 report
10.10 The planning application proposes a comprehensive and innovative approach to transport planning which deals not simply with the road network and how any impact can be mitigated but instead seeks to change travel habits by taking a comprehensive approach to creating a sustainable development where the need to use the car is reduced. The planning application therefore proposes:

- the creation of a new community with a land use pattern (e.g. comprehensive provision of community and leisure facilities, employment and services, all co-located and easily accessible from the residential areas) which seeks to minimise the need for car trips within the site boundaries and reduce the necessity for trips to be made to external facilities.
- A network of public transport services based around a Fastrack spine which will provide an efficient alternative to the car.
- An internal road network which will discourage through traffic and the use of the car for short trips
- A system of checks and controls on the amount of vehicular traffic which crosses the boundary to the site. A number plate recognition monitoring system will record traffic levels and where necessary measures to reduce traffic will be applied in order to bring traffic levels down.”

6.32 The transport assessment submitted with the current application has not been updated to take account of the changes to the land use disposition but is simply an update of the reference case. The applicants argue the amount of floorspace is the same. Officers would argue that the disposition of development and the way it is co-located can have an impact on car generation and people’s decision to own or use a car. The disposition of development is one of the fundamental principles behind the adopted Local Plan in order to achieve modal shift (Core Strategy Policy CS15). As discussed previously, the creation of a segregated commercial mixed use development at the western end of the Quarry is likely to attract a greater level of vehicle trips than a mixed use market centre in the middle of the development. Since the original Transport Assessment was based on the parameter that the market centre was located in the middle of the development, officers consider that the revised location and land use should be reassessed.

6.33 In addition, the Kent Thameside model made high assumptions of internal trips for EQ and the Ebbsfleet Green site based on the integrated development and the co-location of facilities central to the development reducing the need for residents to leave the site to access these. However, the location of the “market centre” further way, particularly from NWSS and Castle Hill is likely to deter internal trips as residents find it easier to drive out of the site. In the proposed location, the nature of provision is more likely to be geared towards ‘higher level retail’ rather than meeting daily and weekly needs of local residents, which again will require residents and workers to go further to meet these needs. In addition, the proposal to provide the
commercial facilities as the last phase will mean that these are not available for residents which will also lead to external trips and patterns establishing, such that the assumptions in the Kent Thameside model for internal trips and modal shift may be over-optimistic. More external trips will mean more traffic on surrounding roads that has not been accounted for or assessed in the network and strategic road junction improvements coming forward. There has been no consideration of this in the Transport Assessment addendum.

6.34 In addition the proposed LUDP indicates that much of the high density development will not be within a 5 minute walk time of a Fastrack stop which is contrary to the Site Wide Design Strategy, the objectives of the Transport Strategy approved as part of the outline planning permission and the Ebbsfleet Implementation Framework. Officers are concerned that the current proposed LUDP will result in higher levels of car ownership and use such that the modal shift expected to be achieved by the development will not be met. The proposed LUDP is therefore considered contrary to the policies of the Local Plan and could undermine the objectives of the delivery of the Core Strategy across the Borough. The proposal is considered to be a significant change to the outline planning permission which should require a fresh application.

6.35 An indicative revised Site Wide Master Plan has been submitted with the current application to amend the parameters and this indicates changes to the road network which are not in accordance with the approved Strategies under the outline planning permission. A road is no longer shown accessing onto Southfleet Road on the southern edge of the site. As a result, this then focuses all cars onto Northern route, contrary to the approved Transport Strategy and principles of development and has the potential to provide a very convenient rat-run through the Quarry.

6.36 Although the amended Transport Strategy submitted with the application is for information only and does not form a document under consideration, there are some changes within the Strategy that could further undermine the planning permission and achievement of the Core Strategy objectives:

- The proposed Transport Strategy indicates that general traffic will be allowed onto Alkerden Lane. The Council previously objected to this and it was removed from the Ebbsfleet Implementation Framework following the Council's submission.
- The commitment to provide a crossing of Alkerden Road linking the open space in the quarry to Craylands Gorge is shown to be removed from the Transport Strategy.
- The requirements for the access to Mounts Road are reduced with less traffic calming and no requirement for improved access to St Clements Way.
- There is no longer a requirement to have Public Transport serving the washmills, which officers consider would be important to serve the high density development that is now proposed there, in order to prevent this becoming completely car orientated.
7. **S106**

7.1 A note summarising the approach to the preparation of the s106 has been submitted with the current application. This reinforces officers’ concerns about the proposed changes to the planning permission via this application to vary condition 3. The applicant suggests that the s106 obligations be separated between the residential part of the site and the landowner of the commercial mixed use area. Planning decisions are made irrespective of land ownership and the original planning permission and s106 was formed to ensure delivery of the site even with multiple ownerships or developers. This was one of the key purposes of the strategies and conditions on the outline development to require various monitoring and co-ordinating processes to ensure a strategic approach to multi-ownership. Officers do not agree with the applicant’s suggestion that multi-ownership requires a new s106. The objective of the development of Eastern Quarry is to provide a mixed use development where the retail, leisure and community uses serve the needs of the residents and workers in the development and come forward in an integrated way. If the s106 obligations on the commercial mixed use area are to be separated from the delivery of houses and community uses, this appears to support officers’ concerns that this mixed use commercial area is not intended to support local needs and the housing development. It would be difficult to ensure such uses are delivered as the development comes forward as a separate s106 and the landowner could not be tied to triggers and delivery through another s106 and landowner. The current Eastern Quarry Outline planning permission is a single permission to provide a new integrated community, the proposed changes to the s106 would undermine the integrated development and would be contrary to the objectives of the adopted Local Plan policy.

7.2 The s106 note also suggests that the triggers on the planning permission (and, by association, the strategies) would be amended. No details of this are provided and officers would have concerns that this could undermine the delivery of infrastructure to serve the development and the Infrastructure Delivery Plan which underpins the Local Plan. However, without further details it is difficult to comment further.

8. **Other issues**

8.1 A Habitat Regulations Assessment (HRA) has been submitted with the application to meet emerging Policy DP25 of the Development Policies Plan requiring large residential developments located within 10km of the North Kent European Protected Sites to undertake an HRA to demonstrate appropriate mitigation against any impacts on the protected sites. Officers have some concerns about the methodology of the HRA submitted and would seek further work on this by the applicants.

8.2 A revision to the approved Community Participation Strategy has been submitted for information with the application. This considerably reduces the requirements on the developer to build the community by involving them in the on-going development and now simply reflects normal planning
requirements. Officers consider that this is regrettable and, if agreed by the EDC, an obligation on the developers for on-going proactive engagement with the community to help build the new community will be lost. This approach appears to be in conflict with the EDC’s commitment to ‘ensuring that growth is locally led’ (Ebbsfleet Implementation Framework, p16)

9. Concerns raised by Cabinet re the Ebbsfleet Implementation Framework

9.1 The planning statement supporting the current application lists the Ebbsfleet Implementation Framework as a material consideration. When considering this document at Cabinet on 26 January 2017 Members resolved to endorse the document but with primacy given to the Dartford Local Plan and Supplementary Planning Documents where there is a conflict between the documents. It is appropriate that consideration of this application should be assessed against Dartford’s Local Plan. However, it is notable that this application also appears to be in conflict with the EDC’s Implementation Framework, the purpose of which is to shape and support the EDC’s delivery work.

10. Conclusion

10.1 The proposals to vary the parameters for the outline planning permission and the land use disposition plan are considered to undermine the principles set by the outline planning permission to deliver an integrated development of high quality which provides for the needs of the new community and reduces car use. The proposals are therefore contrary to the adopted Local Plan policy and could undermine the delivery of the adopted Core Strategy.

10.2 Officers consider that the retention of the north-south cliff results in considerable socio-economic costs to the development, as it leads to: division of communities; fragmented community and commercial facilities removing the ability of these centres to create a strong sense of place; need for increased car use; Fastrack being located further from the communities it serves; increases the level of unusable open space with the development; and fails to provide direct pedestrian and cycle routes across much of the development. Officers consider that the cost of the removal of the cliff is necessary in order to achieve a successful integrated community at Eastern Quarry which meets the objectives of the Core Strategy.

10.3 It is considered that the proposed changes should not be dealt with as a minor amendment to the current permission under s73 of the Town and Country Planning Act 1990 but are both fundamental and substantial changes and in accordance with government advice a new planning application should be submitted.

11. Relationship to the Corporate Plan

11.1 To ensure that regeneration in Dartford is sustainable and of benefit to all our communities.
12. Financial, legal, staffing and other administrative implications and risk assessments

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13. Details of Exempt Information Category
Not applicable

14. Appendices
None

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