

2.13 & 2.14 REFERENCE NUMBERS: SW/14/0257 and SW/14/0301			
APPLICATION PROPOSAL			
<i>Planning permission for:</i>			
A) Outline component: Residential development for 330 dwellings with all matters reserved other than the means of access and realignment of the Oare Road and Ham Road junction on land at Oare Mineral Works (North of Oare Road and west and south of Ham Road) Faversham, Kent.			
B) Detailed component: Change of use from storage and vacant uses of the former Gunpowder Works Listed buildings to provide 873 square metres of offices, workshop-studios, storage, and 714 square meters of community uses (with retention of the 2 existing dwellings) including minor internal alterations to form or and washroom facilities and the formation of associated parking areas, earth bund engineering works, country park, landscaping, demolition of plant & buildings, illustrative details of landscaped parking area; on land at Oare Mineral Works (north of Oare Road and west and south of Ham Road), Faversham, Kent.			
Please note this is an Environmental Impact Assessment Development. (In accordance with EIA Regulations 2011).			
<i>Listed building consent for:</i>			
The restoration and repair of all the listed former Gunpowder Works Buildings including minor internal alterations to form toilet and washroom facilities.			
ADDRESS Land At Oare Gravel Works, Ham Road, Faversham, Kent, ME13 7TS			
RECOMMENDATION: (a) GRANT planning permission subject to the resolution of the developer contribution and other Section 106 agreement issues as set out below, the subsequent signing of a suitably-worded Section 106 Agreement and the conditions set out below (with fine-tuning as required); and (b) GRANT listed building consent subject to conditions as set out below.			
SUMMARY OF REASONS FOR RECOMMENDATION			
The proposed mixed use development is considered to be acceptable, being broadly in accordance with Bearing Fruits 2031 and amounting to sustainable development as required, in this instance, by the NPPF.			
REASON FOR REFERRAL TO COMMITTEE: objections from third parties and the scale / significance of the development proposed.			
WARD Davington Priory	PARISH/TOWN COUNCIL Faversham	APPLICANT Aggregates Ltd AGENT Mr Mick Drury	Brett
DECISION DUE DATE	PUBLICITY EXPIRY DATE: 8 April 2015	OFFICER	SITE VISIT DATE: various from April 2014 onwards.
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/91/965	OUTLINE APPLICATION FOR THE ERECTION OF BUSINESS PARK (CLASS B1,	Withdrawn	N/A.

	B2 & B8 USES).		
SW/99/0081	Outline Application for development of 6 hectares for Industrial purposes (Class B1, B2 and B8).	Resolution to approve, but, not determined	N/A.
SW/74/95 and SW/84/0799.	Planning permissions granted by Kent County Council for mineral extraction / processing. I understand, however, that the site has exhausted its mineral resources.	Permissions granted.	29/8/74 and 11/11/85
	Development Brief (revised June 2000) in support of proposals for 24,000 square metres of floor area to be developed on six hectares of the site.	Agreed by the Council.	2000

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site area is 55.6 hectares (or 138 acres).
- 1.02 The site contains a quite complex mix of uses, landforms and habitats. The Habitat Survey appended, as Map 2, to the 'Access and Habitat Management Plan' shows these. The former landfill areas at the southern and northern ends of the site are now improved grassland. There are substantial areas of standing water, including two large lakes (flooded gravel pits extending to approximately 12 hectares; one of which is used by the Faversham Sea Scouts) on the eastern side of the site and smaller areas of standing water close to the centre of the site and at the south-western side of the site, where the site adjoins Windmill Lane and John Hall Close. The site also contains various areas of swamp and reedbed (approximately five hectares). In addition, the site contains various areas of scrub (dense and scattered) and two areas of broad-leaved woodland (2.5 hectares, including the scrub).
- 1.03 Although outside the application site, it is also worth noting the two tidal lagoons (measuring 6.2 hectares) that adjoin the site and Oare Creek. These are owned by the applicant and are subject to habitat management as part of this application.
- 1.03 A large area at the centre of the site is largely free of vegetation and is used for the processing and storage of imported aggregates; this part accommodates a number of buildings, including three modern structures close to its western edge and a larger group of historic buildings (all of which are Grade II listed) towards its north-eastern border. Elsewhere on the site, there are two further buildings, close to Ham Road, namely the Gate House [sometimes referred to as the cottage] and the Proof House, and these are also Grade II listed.
- 1.04 The group of historic buildings referred to above are associated with the former gunpowder industry and represent the surviving buildings of the Marsh Gunpowder Works and, according to the Heritage Statement, are dated

between 1789 and 1815. The Statement also states that production continued on the site until 1934. The seven buildings, which are shown on the 'Existing Site Plan – Old Gunpowder Works' and elsewhere consist of the 'Earth House' (Building 5), Building 10 (offices, store and house, the 'East Crystallising House' (Building 11), 'West Crystallising House' (Building 18), 'Refining House' (Building 19), 'Melting House' (Building 20) and 'Meals Room' (Building 8). Building 10 is part two-storey, but the remainder of the buildings are single storey; the submitted drawings given full details of the footprints, eaves and ridge heights, and photos - which are helpful in showing their recent condition - are included in the Heritage Statement.

- 1.05 The buildings are not intensively used; some are used for storage, including Building 11, which is partly used for the storage of boats by the Sea Scouts. All the listed buildings appear on the Swale Borough Heritage at Risk Register.
- 1.06 The southern part of the site and a pocket towards the northern tip of the site are in Flood Zone 1 (at a low risk of flooding), while much of the remainder of the site (including a section of the Oare Road frontage and the existing vehicular access to the commercial use on site) is in Zones 2 and 3.
- 1.07 The topography of the site is generally flat, with only slight variations in levels. At the southern end of the site, heights in the range five to eight metres AOD are typical, while the northern field is typically in range three to six metres AOD.
- 1.08 The profile of the site has been significantly altered by sand and gravel extraction and by land raising in two areas, at the southern end of the site and at the northern field. Various large temporary mounds of gravel and sand are also present on the site.
- 1.09 Vehicular access to the site is from two points, on Oare Road (just to south-east of its junction with the Western Link) and from Ham Road (just north of the Gate House). The site has lengthy road frontage with Ham Road (a cul-de-sac on its south-eastern and north-eastern boundaries) and, to a lesser extent, Oare Road (on its south-western edge).
- 1.10 There are no public rights of way running through the site, though a section of the Saxon Shore Way runs along Oare Creek just beyond the site's eastern boundary. There are public rights of way on land at Ham Marshes to the east of the site, connecting the Brents, Ham Farm and the Shipwrights Arms.

2.0 PROPOSAL

- 2.01 The planning application is in hybrid form, with an outline component and a fully detailed component; the disposition of these two areas is shown on the 'Application Areas Plan'.
- 2.02 The outline component - in respect of which approval is sought only for the access arrangements with the reserved matters, namely layout, scale, appearance and landscaping, to be agreed subsequently – would occupy the

southern part of the site and would be developed for housing. A proposed public car park close to the southern tip of the site also falls within the outline area.

- 2.03 Of the 55.6-hectare site, the area being developed for housing would amount to just under 11 hectares. Of this, the amended scheme envisages up to 330 dwellings being built at a density of “*just over 30 dwellings per hectare*” (“*just under 30.3 dwellings per hectare*”, according to paragraph 2.6 of the Planning Statement, Addendum May 2015). The scale of development would, according to the amended Design and Access Statement, be reduced by “*some 13%*” compared to the original proposal.
- 2.04 The public car park, referred to as ‘School Square’ on the Illustrative Site Layout and as shown in more detail on ‘Ham Road / Oare Road Improvements’, would accommodate 19 cars and be accessed from Oare Road, via a short section of Ham Road on its existing alignment. As noted above, the detail of this facility would be agreed at the reserved matters stage, and this would allow it to be located in a slightly different position (for example, to allow existing trees to be retained) or for the number of spaces to be increased.
- 2.05 The application has been amended and within the ‘outline’ part of the scheme, 4.34 hectares of land – located towards the southern end of the site - is to be retained in its current use, for the grazing of livestock, but described as “*development land*”. Under this application, the only development envisaged in this area would be the provision of the two footpath – cycle paths (one running parallel to Oare Road and a second connecting Ham Road to the area where housing is to be built), and the provision of a ‘linear park’. This area has been excluded from the housing development on account of contamination associated with its former use as a landfill site.
- 2.06 The submitted details suggest that the housing development would be a combination of two-, 2.5- and three-storey dwellings, with central areas at a density of up to 40 dwellings per hectare, while the peripheral areas would have a density of up to 30 dwellings per hectare. This indicative information is shown on the ‘Building Heights and Density Parameter Plan’.
- 2.07 The new housing would not generally be sited close to existing housing, though Members will note the existing houses just to the east of the southern end of Ham Road (Goldfinch Close) the new housing at Lakeside Avenue (off Oare Road, just to the south-west of the proposed housing and at Windmill Lane, adjoining the western boundary of the area where the new housing would be sited. In the case of the latter, it is worth noting that there is an area of wetland that is to be retained between the existing houses and location where the new dwellings would be sited. The submitted details are, as noted above, illustrative only, but nevertheless the submitted layout suggests a separation distance of a minimum of just under 70 metres. This is well in excess of the typical minimum separation distance between windows to habitable windows on dwellings of 21 metres that is generally sought in order to safeguard residential amenity.

- 2.08 The application envisages the provision of 30% of the dwellings as “affordable”, equating to 99 units. The tenure split would be 70:30 in favour of affordable rent, equating to 69 affordable rented units and 30 shared equity dwellings.
- 2.09 The outline application area includes a small part of the proposed habitat creation and management proposals, namely part of Area 8 (Western Corridor) and the majority of Area 10 (Southern Grassland). Members should note Map 3 in the ‘Access and Habitat Management Plan, May 2015’, which shows the position of these zones and the various other areas of habitat creation and management.
- 2.10 The detailed part of the planning application consists of the proposed vehicular access, the proposals for the Old Gunpowder Works listed buildings, and most of the habitat creation and management proposals (see paragraph 2.08 above for areas not part of the detailed application).
- 2.11 The access arrangements, which have been amended significantly since the initial submission, now consist of works to Ham Road and Oare Road. In particular, the first 430 metres of Ham Road, going north from the junction with Oare Road – as far as the existing, signal-controlled access into the site - would be re-designed. The road would be widened along much of this stretch and two sections would be re-aligned: a short stretch to form one of two accesses from Ham Road into the housing site and the second, at the southern end of Ham Road, to provide a new junction with Oare Road. For the latter, a new junction (a right-turn lane for traffic leaving Oare Road) would be created with a centre-line located 70 metres north of the existing Ham Road junction. A new section of Ham Road, with a width of six metres and a pavement of its northern side, would run for approximately 100 metres, before connecting with the existing Ham Road alignment. The first 110 metres of the existing Ham Road would no longer be a through-route to the rest of Ham Road for cars, but would be retained for access and for use by pedestrians and cyclists.
- 2.12 The listed building cluster would be accessed using the existing road access from Oare Road, just south of the junction with the Western Link. The emergency vehicular access to the housing would also be from this route.
- 2.13 A key component of these proposals is the creation of a new Country Park and a network of new / retained habitat areas alongside public access. As noted above, the application is accompanied by an ‘Access and Habitat Management Plan’. Map 4 in the document shows the proposed infrastructure – including fencing, paths, bird hides, bridges, benches, and waste bins – that would be provided in order to create the Country Park (featuring a two-kilometre walk starting from the listed building cluster) and at the same time manage access in a way that prevents areas of sensitive ecology being damaged by public access. The Country Park would be centred on the 11.9 hectare northern grassland, which is identified on Map 4.

2.14 The extensive proposals for habitat creation are set out on Map 3 in the 'Access and Habitat Management Plan, May 2015' and summarised in Table 3 from that document, which is include below.

Feature	Objectives of Management
<i>Habitats</i>	
Standing water – gravel pit lagoons	12 ha of steep-sided, reed-fringed open water on eastern side of site
Standing water – tidal lagoons	Non-intervention. Further restrict access by additional fencing.
Reedbeds	Manage reedbed by cutting to create successional diversity and maintain supply of water
Woodland and scrub	New planting to promote habitat connectivity
Grassland	Diversify structure and composition of grassland in northern field.
Pioneer vegetation and bare ground	Maintain areas of bare ground on rotation to encourage pioneer vegetation and associated invertebrates and plants, including Annual Beard-grass
<i>Protected and notable species</i>	
Assemblage of wintering birds associated with wetlands	Protect high tide roosting area used by Redshank, and roosting and foraging areas used by wintering wildfowl by restricting and controlling access to sheltered areas of open water
Assemblage of breeding birds associated with wetlands	Manage habitats (open water, reedbeds and scrub) for Kingfisher, Bearded Tit, Cetti's Warbler and protect nesting areas from disturbance by restricting and controlling access.
Populations of reptiles	Provide better quality and greater quantity of habitats for Slow Worm and Common Lizard by grassland management and hibernacula provision.
Populations of bats	Maintain and enhance bat roosts in former gunpowder mill buildings as

	an integral part of their restoration. Maintain foraging areas by management of a range of habitats across the wider site.
Population of Water Vole	Ensure ditches remain suitable for Water Voles.
Assemblage of invertebrates associated with wetland and bare ground habitats	Maintain the early successional habitats of importance to the key invertebrates, principally a range of bare ground conditions, and wetland habitats including reedbeds.

2.15 The seven listed buildings that make up the surviving components of the Marsh Gunpowder Works (see Paragraph 1.04 above) would be restored and converted to provide 873 square metres of ‘office, workshop-studio and storage’ uses and 714 square metres of community uses (with internal alterations to form toilet and washroom areas). The two existing dwellings would be retained. Parking areas – including provision for the Country Park - and the earth bund engineering works, which are detailed on the Lloyd-Bore drawing of this part of the site, are also proposed. The latter would extend to a typical height of three metres (as shown on the ‘Gunpowder Works Hub Illustrative Detail’ drawing) and feature a public path along the top, and two raised viewing areas.

2.16 The applicant envisages that the whole development would be built out in a number of phases; ‘Oare – Phasing v4’ describes the proposal, and this document is attached as Appendix 1 below. The arrangement is illustrated on the ‘Phased Development Plan’, which shows four phases of development; the delivery of the housing would be divided between these four phases, and the delivery of the highway changes (to Ham Road and its junction with Oare Road)(in Phase 1), the bunding to the listed building cluster (also in Phase 1) and the restoration of the listed buildings themselves (in Phases 2 [Building 8 only] and 3 would come forward as elements of the first three of these phases. I discuss the acceptability, or otherwise, of the suggested phasing arrangements in the ‘appraisal’ below – see Paragraph 9.45.

2.17 The planning application is supported by the following documents:

- i) Design and Access Statement
- ii) Design and Access Statement, Addendum May 2015
- iii) Planning Statement
- iv) Planning Statement – Addendum May 2015
- v) Access and Habitat Management Plan, May 2015
- vi) Environmental Statement (ES), which includes sections addressing ‘landscape and visual impact’, ‘ecology’, ‘transport’, ‘air quality’, ‘noise’, ‘cultural heritage’ and ‘the water environment’

- vii) Addendum to Environmental Statement, March 2015
- viii) Arboricultural Survey
- ix) Arboricultural Report (Roadside Trees along Oare Road and Ham Road)
- x) Preliminary Services Appraisal
- xi) Flood Risk Assessment – Appendix A shows the Flood Zones on the site and Appendix K an indicative SUDS strategy for surface water drainage of the proposed development
- xii) Heritage Statement (received 11/6/2014)
- xiii) Archaeological Desk-top Report
- xiv) Transport Assessment (TA)
- xv) Transport Assessment, Addendum 2
- xvi) Oare Road Addendum Note (to the TA) – part of which is attached as Appendix 4 below.

2.18 A suite of drawings has also been submitted in support of the application.

2.19 As noted at Paragraph 2.14 above, planning permission is sought for works to the cluster of listed buildings on site. The works to the listed buildings also require listed building consent, and this is sought under reference SW/14/0301. A set of detailed drawings illustrate the works proposed and the works (which include minor alterations to form toilet and washroom facilities) are summarised on Pages 10 and 11 of the Heritage Statement (received 11/6/2014).

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	55.6 hectares (or 138 acres)	55.6 hectares	NA
No. of Storeys	N/A	2, 2.5 and 3	NA
Parking Spaces		RESERVED MATTER	NA
No. of Residential Units	2	330 (+2 retained)	+330
No. of Affordable Units	0	99	+99

4.0 PLANNING CONSTRAINTS

4.1 As explained above, there are a number of Grade II listed buildings on the site, and Members will be mindful of the statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990.

4.2 The site is neither in, nor affecting the setting of, a Conservation Area.

4.3 None of the trees on site are covered by a TPO.

- 4.4 The site is not located close to an Air Quality Management Area, though Members will note the proximity to the Ospringe AQMA, on the A2, Ospringe Street. This AQMA is located on one of the routes between the site and the strategic road network, which includes the M2 and A2 east of Brenley Corner.
- 4.5 The site is not located close to an AONB, though Members will note that land immediately to the north-east (Ham Marshes) and north-west (Oare Creek) is designated as a Special Landscape Area, which is addressed at Policy E9 of the adopted Local Plan.
- 4.6 As noted above, some of the site is located in Flood Zones 2 and 3.
- 4.7 As noted above, there are no Public Rights of Way on the site.
- 4.8 As set out at Paragraph 5.3 below, Policy MU4 (which is set out in full below) of *'Bearing Fruits 2031', Submission Draft – April 2015* allocates the site for housing-led regeneration, including up to 300 dwellings.
- 4.9 The site has archaeological potential. Members will note the comments of KCC Archaeology (see Paragraph 7.18 below).
- 4.10 As noted above, the site contains two former Landfill sites.
- 4.11 As set out in Sheet 1A accompanying the adopted Local Plan, the site adjoins to the north-west (Oare Creek) and north-east (Ham Marshes) land that is designated as Site of Special Scientific Interest / Special Protection Area and Ramsar site on account of the national / international significance of the flora and fauna to be found in these designated areas.

5.0 POLICY AND OTHER CONSIDERATIONS

5.1 National Planning Policy Framework (NPPF)(2012)

The NPPF has at its core the presumption in favour of sustainable development, and there are, it is suggested, three dimensions to this term: economic, social and environmental.

Paragraph 7 suggests the following roles for the planning system:

- *"An economic role – contributing to building a strong, responsive and competitive economy...*
- *A social role – supporting strong, vibrant and healthy communities...; and*
- *An environmental role – contributing to protecting and enhancing our natural, built and historic environment."*

Paragraph 9 states that "...pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life... "

The NPPF (see **Paragraph 12**) “...does not change the statutory status of the development plan as the starting point for decision making...development that accords with an up-to-date Local Plan should be approved, and...development that conflicts should be refused unless material considerations indicate otherwise.”

Paragraph 14 includes the following:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **decision-taking** this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”*

Paragraph 17 states that the “...conservation of heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations...” is a core planning principle “which should underpin decision taking”.

Paragraph 18 states that “the Government is committed to ensuring economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meet the twin challenges of global competition and of a low carbon future.”

Paragraphs 47 to 55 seek to significantly boost the supply of housing.

At **Paragraph 47** it states that “planning authorities should meet local housing needs and identify five year housing land supply with an additional 5% buffer”.

Paragraph 49 states “that housing application should be considered in the context of the presumption in favour of sustainable development” and that “Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.”

Paragraph 49 also confirms that the lack of a 5-year land supply triggers the presumption in favour of sustainable development as set out at Paragraph 14. It is necessary to determine what the relevant policies for the supply of housing are in order to identify which are out of date. What constitutes a policy for the supply of housing has been the subject of legal judgement, which can be interpreted as either policies that have specific and direct

impacts on housing supply or more indirect, but significant impacts on supply. Regardless of the approach taken, decision makers can and do take into account whether certain aspects of policies accord with the NPPF. Importantly, the decision maker must apply themselves properly to Paragraph 49.

Paragraphs 56 to 68 address 'requiring good design', and **Paragraph 56** asserts that *"Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."*

'Meeting the challenge of climate change, flooding and coastal change' is addressed at **Paragraphs 93 to 108**.

Paragraph 93 refers to the key role that planning plays in, among other things, *"...supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development."*

Paragraph 96, 2nd bullet states that in determining planning applications, local planning authorities should *"take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption"*.

Paragraph 100 stipulates that *"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary making it safe without increasing flood risk elsewhere."*

The conservation and enhancement of the natural environment is discussed at **Paragraphs 109 to 125**.

At **Paragraph 109** it states, among other things, that *"...the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."*

Paragraph 112 seeks to protect best and most versatile agricultural land, ie Grades 1,2 and 3a and new development should, where possible, be directed to *"poorer quality land in preference to that of a higher quality."* Members will note that the former landfill site at the southern end of the site is used for livestock grazing, but this land does not have high agricultural land value and, in any case, is not to be developed as part of this application.

Paragraphs 126 to 141 deal with 'conserving and enhancing the historic environment'. In particular,

Paragraph 129 requires local planning authorities to *"identify and assess the significance of any heritage asset that may be affected (including by development affecting the setting of a heritage asset) and to take this assessment into account when considering the impact of a proposal on a*

heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraphs 132 and 134 sets out that *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."*

Paragraph 142 recognises that the safeguarding of minerals is an important element of sustainable development.

The determination of applications is covered at **Paragraphs 196 to 198**, and **Paragraph 197** instructs local planning authorities to *"...apply the presumption in favour of sustainable development."*

The use of 'planning conditions and obligations' are addressed at **Paragraphs 203 to 206**. To a large extent, these paragraphs advocate the approach set out in Circular 05/ 2005: 'Planning Obligations' [which is now cancelled], the Community Infrastructure Levy (CIL) Regulations (2010), and in particular, Regulation 122 (2), and Circular 11/95 'The Use of Conditions in Planning Permissions'.

And Members will note that **Paragraph 204** states the following:

"Planning Obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms*
- Directly related to the development; and*
- Fairly and reasonably related in scale and kind to the development."*

However, **Paragraph 205** places an onus on taking account of changes in market conditions and being *"...sufficiently flexible to prevent planned development from stalling."*

Paragraph 216 deals with the weight to be given to relevant policies in emerging plans according to:

- "the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

5.2 National Planning Practice Guidance (NPPG).

5.2.1 Alongside the NPPF, the Government has issued – and periodically updates – guidance on how the NPPF should be applied and on other aspects of the planning system.

5.3 Development Plan: both the adopted Swale Borough Local Plan 2008 and the emerging Local Plan ‘Bearing Fruits 2031’, which was submitted for Examination on 20 April 2015, are to be afforded weight in the determination of these applications, though the latter is not part of the Development Plan.

Swale Borough Local Plan 2008 – The following policies of the SBLP (2008) have been ‘saved’ and are considered to be relevant here:

SP1 (sustainable development), SP2 (environment), SP3 (economy), SP4 (housing), FAV1 (The Faversham and Rest of Swale Planning Area), SH1 (settlement hierarchy), E1 (general development criteria), E6 (countryside – rural restraint), E9 (character and quality of landscape), E10 (trees and hedges), E11 (biodiversity in the Borough), E12 (designated biodiversity sites), E13 (coastal zone), E14 (listed buildings), E15 (conservation areas), E16 (archaeology), E19 (design), B2 (new employment space), B3 (town centre vitality and viability, including identification of Core and Secondary shopping areas – see Sheet 1B), H2 (new housing), H3 (providing affordable housing), H5 (housing allocations), U1 (servicing development), U3 (renewable energy), U4 (placing services underground), RC7 (rural lanes; which applies to Oare Road, but not to Ham Road), T1 (access to new development), T2 (improvements to highway network), T3 (vehicle parking), T4 (cycle parking), T5 (public transport), C2 (developer contributions), C3 (open space on new housing developments), and B14 (new employment, including land at Western Link and Oare Gravel Workings and others in Faversham area; six hectares are allocated for employment at the Oare Gravel Works with an estimated yield of 24,000 square metres of floor space).

The supporting paragraphs to Policy B14 that relate to Oare Gravel Workings, namely 4.14 and 4.15, warrant inclusion here and read as follows:

“Oare Gravel Workings

4.14 In 2000 the Council agreed a Development Brief for the future use of the Oare gravel workings site, once those workings cease. Some 6 hectares of the site was considered suitable for employment development, and a resolution to grant outline planning permission for this part of the site was made by the Council, also in 2000, subject to the completion of a Section 106 agreement. This agreement, however, was never completed. The site could accommodate some 24,000 square metres of new employment floorspace.

4.15 The site is retained in the Local Plan as part of an Area Action Plan for the gravel workings in Chapter 5, and the Council remains of the view that some employment uses are appropriate within the area. Policy AAP3 provides Policy guidance for the site. “

In addition, AAP3 (Land at Oare) relates specifically to the site, and reads as follows:

“An Area Action Plan is designated for land at Oare, as shown on the Proposals Map. Within the Area Action Plan land is allocated for a mixed-use development comprising business, recreation and tourism uses, together with the conservation, enhancement, and long term management of the site’s ecological resources.

Planning permission will be granted for proposals in accordance with a revised Development Brief to be submitted to, and approved by, the Borough Council, subject to:

the prior assessment of the site’s environmental constraints, including its landscape, archaeological and ecological interests, together with the wider transport impacts of development; and

in the case of proposals coming forward in advance of the cessation of gravel workings/processing on the site, there being no significant adverse harm to the economic, transport, heritage and wildlife objectives for the site.

Development proposals must avoid any significant adverse environmental impacts, and where possible enhance the biodiversity interest of neighbouring internationally designated sites for nature conservation.”

‘Bearing Fruits 2031’, Submission Draft – April 2015

As Members will no doubt be aware, work has been going-on for some-time now on a replacement Local Plan; the initial draft, known as ‘Bearing Fruits’, was subjected to a period of public consultation during Spring 2012. Since then, there have been important changes to the national planning arrangements, notably the publication of the National Planning Policy Framework (NPPF), which I have discussed above.

The current draft follows further consultation to now arrive at the version submitted for independent examination in April.

The document is now at a relatively advanced stage in the overall process that will culminate, following independent scrutiny by a Planning Inspector, in the adoption of a new Local Plan. As such, its policies can be afforded some weight (in accordance with NPPF Paragraph 216, which I quote above) in the assessment of a planning application such as this. Members will note that the extent of this weight derives not just from the stage that the emerging Local Plan has reached, but also to the level of objection to a particular policy and also to the degree of compliance with NPPF policy.

I consider that the following draft policies warrant specific mention:

Policy CP1 (strong and competitive economy), CP2 (sustainable transport), CP3 (high quality housing), CP4 (requiring good design), CP6 (community facilities), CP7 (conserving natural environment – green infrastructure), CP8

(historic environment); MU4 (Oare Gravel Workings); ST1 (delivering sustainable development), ST3 (Swale development strategy), ST7 (Faversham area and Kent Downs strategy), A 12 (land at Western Link, Faversham), MU 5 (land east of Love Lane, Faversham), CP3 (high-quality homes), CP7 (conserving environment / providing green infrastructure), DM8 (affordable housing), DM10 (gypsy and traveller sites, including on-site provision within housing developments), DM14 (general development criteria), DM19 (sustainable design and construction), DM31 (agricultural land, and which seeks to restrict development on BMV farmland), DM24 (valued landscapes), DM 28 (biodiversity and geological conservation), DM32 (development affecting a listed building) and DM33 (development affecting a conservation area).

Policy MU4 is particularly important, and reads as follows:

“Planning permission will be granted for mixed-uses, comprising 1,500 sq m of commercial floorspace, together with some 300 homes and proposals for the conservation, enhancement, and long term management of the site's ecological and heritage assets at Oare gravel workings, as shown on the [Proposals Map](#). Development proposals will:

1. *Achieve buildings and landscape design, which are bespoke and appropriate to the site's constraints and context and conforming to a technical development brief, the preparation of which will be a condition of any outline planning application;*
2. *Minimise adverse transport impacts (inc. those on air quality), whilst enhancing opportunities for walking and cycling;*
3. *In accordance with an integrated landscape strategy, minimise adverse landscape impacts, including those upon dark night time skies, landmark buildings and settlement separation, and retain existing vegetation where possible, screen existing visually detracting features and achieve a structural landscape scheme with substantial new landscaping;*
4. *Manage and minimise the risk of flooding having regard to the relevant Shoreline Management Plan;*
5. *Manage and enhance water features and quality as part of a water management plan that will include sustainable urban drainage measures;*
6. *Address any contamination to achieve a safe development;*
7. *Avoid, minimise and mitigate adverse impacts upon biodiversity and achieve a net gain in biodiversity by:*
 - a. *assessing biodiversity interests, including, if required, a Habitats Regulations Assessment which will demonstrate that development is not likely to have a significant effect on the Special Protection Area (SPA);*
 - b. *reducing recreational disturbance on the SPA, by ensuring appropriate opportunities for use of the site by residents and visitors (particularly for dog walking) and using such land to meet natural and semi-natural green space needs. If demonstrated as required, a financial*

contribution toward wider management of recreational pressures on the North Kent Marshes will be sought in accordance with Policy CP7;

- c. ensuring that habitats retained, enhanced and created are protected from later development, and remaining accessible to the public; insofar as compatible with the objectives of criterion 8a;*
 - d. the agreement and implementation of a management plan for the whole site to clarify the proposals for various habitats across the site and to provide a sustainable and financially secure basis for managing the site through the development process and in the long term; and*
 - e. achieving a positive impact on the biodiversity of the site itself, including protecting and enhancing on-site habitats to provide for (at least) current levels of use by key species, including its use by SPA birds, and managing the site to maintain and enhance the biodiversity associated with fields, scrub, woodland, water features and ditches.*
- 8. Identify and assess the significance of heritage assets and secure their conservation, restoration, enjoyment and management through appropriate re-use and siting of development;*
 - 9. Achieve a mix of housing in accordance with Policy CP3, including provision for affordable housing and Gypsies and Travellers in accordance with Policies DM8 and DM10;*
 - 10. Agree the proportion of new housing that will come forward before the restoration of heritage assets and the implementation of those matters within criterion 8;*
 - 11. Make provision for formal play facilities on site, unless not compatible within criterion 8, otherwise make an off-site contribution toward these and improvements to existing sports pitches;*
 - 12. Ensure waste water connections at points that are adequate in their capacity;*
 - 13. Secure continued facilities and access to the water for sea scouts;*
 - 14. The submission of a viability assessment so the Council is satisfied as to the long-term security of proposed management measures; and*
 - 15. Provide infrastructure needs arising from the development."*

Members will also note the supporting text and key diagram (Map 6.6.4). The area covered by Policy MU4 coincides largely with the application site, but the former is larger, extending to 67 hectares (approximately 11 hectares more than the application site).

Under Policy A14, land on the eastern side of Ham Road - immediately to the north of Goldfinch Close and facing some of the housing proposed under the current application - is allocated for residential development; a yield of 35 dwellings on the 1.1 hectare site is envisaged. The supporting text to this policy includes the following guidance:

“Through an integrated landscape strategy consider the creation of a new attractive urban edge to Faversham, with substantial landscaping, achieve the sensitive integration within adjacent open landscapes in a fashion that minimises its impact.

Consider the rural amenities and appearance of Ham Road.

Site is located within close proximity to a former landfill site and further investigation of any methane gas transmission will be required.”

- 5.4 The ‘Kent Mineral and Waste Local Plan 2013 to 2030’ also constitutes part of the Development Plan. Examination hearings have recently taken place. Policies CSM 5 and DM 7 are designed to ensure *“the protection of mineral resources from unnecessary sterilisation”*.

Supplementary Planning Documents:

- 5.5 The Council has adopted an SPD ‘**Developer Contributions**’ (2009), which sets out the authority’s requirements in terms of financial contributions required in support of new development and the provision of affordable housing, and I make reference to this in the corresponding section of the ‘appraisal’ (see Paragraph 9.22 onwards).
- 5.6 The Council also has an adopted ‘**Swale Landscape Character and Biodiversity Appraisal**’ (2010) SPD. In accordance with Policy DM24 of the emerging Local Plan, this document is a *“...key part of determining planning applications.”* The application site falls within the Stone Arable Farmlands character area and Members will note that the one of the ‘key characteristics’ identified is the *“flooded pools and gravel workings at Oare and Ham Farm”*. The area is described as being in poor condition (on account, among other things, of *“significant urban fringe influences”* and *“extensive works off Ham Road”*) and of moderate sensitivity. Amongst the guidelines, it is suggested:

“Conserve the distinctive landscape character of the historic structures, pools and land formed at the Oare Gravel Workings...”

- 5.7 The Ham Marshes character area is located to the north-east and east of the application site, and is considered to be *“an unspoilt landscape in good condition”...“it is a highly sensitive landscape...The highly visible nature of this open area means that unnatural features would be incongruous and inappropriate.”* The guidelines suggest that the focus should be on long-term conservation.

5.8 As Members may be aware, the **‘Faversham Town Heritage, Landscape Setting and Characterisation Study’** has recently been published. It has been produced in support of the emerging Local Plan and is pertinent to this application. I note the following:

- Figure 2 identifies that the development to the west and the east of the southern part of the application site is ‘post 1900 settlement’ and that development along Priory Row is generally ‘pre 1900 settlement’, while the village of Oare, to the north-west, includes a core area that is predominantly ‘pre1800 settlement’.
- With reference to the landscape character areas in the ‘Swale Landscape Character and Biodiversity Appraisal’ (2010), is noted that character areas, including Ham Marshes and Stone Arable Farmlands make a *“high contribution to the significance of this “heritage asset” [that is Faversham]...The important and close historic and functional relationship between Faversham and Oare Creeks...and the town itself remains clearly legible within this landscape...”*
- The concluding paragraph notes: *“...it is important that change should be managed in a way that sustains and, where appropriate, enhances the significance of the heritage asset...”*

6.0 LOCAL REPRESENTATIONS

6.1 The application has been advertised in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, by press and site notices and the direct consultation of local residents / other third parties.

6.2 An initial round of consultation on the applications generated consultation responses that are summarised as follows:

6.2.1 TWENTY-FIVE letters of objection, which raised issues that are summarised as follows.

- Scale of development, in an area designated as a ‘buffer’ between settlements of Faversham and Oare and adjacent countryside, is inappropriate;
- Unacceptable extension of built-up area of Faversham;
- Junction of Ham Road and Oare Road will not cope with the additional traffic (500+ vehicles per day), even allowing for it being re-designed;
- Car parking on Oare Road and Priory Row already causes traffic flow issues, and these roads are not tenable for vehicular access to the site;
- Proposed car park opposite school will not be large enough to cope;
- Construction period (lasting several years) would jeopardise road safety (particularly on Oare Road), including for children using the adjacent school, and disturb residential amenity;
- Limited scope for highway upgrade to Oare Road;
- Impact of development traffic (road safety and traffic flow) made worse by relatively isolated location – town centre [1.1 kilometres to Guild Hall], supermarkets [Morrisons supermarket is circa 900 metres from southern

- end of site; Tesco 1.3 kilometres; or 1.2 kilometres to Sainsbury's] and the railway station [1.6 kilometres, approximately one mile] are over a mile away; adverse highway impacts would also affect M2 junctions and the A2
- Disturbance to 'peaceful village of Davington'
 - Unacceptable visual impacts and on the character of the area;
 - Is it appropriate to build houses on a former landfill site?
 - Proposed level of housing is greater ("it has doubled since initial proposals") than envisaged in Bearing Fruits 2031 (July/August 2013), making that consultation exercise a waste of time, and application should be refused due to conflict with emerging Local Plan;
 - Development likely to have significant harmful impacts for heritage / ecology and landscape quality, and would "destroy this rural area";
 - Concern about implications for capacity at local schools, GPs, dentists, hospitals, and other local services;
 - Significant harm to biodiversity (flora and fauna) at the site during construction period and subsequently
 - Information in respect of invertebrates – including surveying of site – is inadequate;
 - If planning permission is granted, measures (including choice of plant species and design of ponds etc) should be incorporated to minimise adverse impacts on invertebrates;
 - Sequential Assessment is required in respect of the potential implications of the proposed town centre uses [this has now been provided – BTF letter dated 8 October 2014];
 - Site is not sustainable or accessible, in contrast with other sites such as land at Perry Court (see SW/14/0015 and current application 15/504264) on the southern edge of Faversham;
 - Development would not make a significant contribution to the supply of employment floor-space at Faversham;
 - Location is a poor one for employment uses – lacks 'visibility' and road access is poor [unlike SW/14/0015]; the lack of development of employment uses on the site, despite the long-standing allocation in the Swale Borough Local Plan 2008 arguably backs this argument up;
 - Flood risk to adjacent properties, including Lakeside Avenue and Oare village – has this issue been adequately assessed? Land becomes saturated during winter months; development is also too close to a watercourse;
 - Capacity for foul drainage may be inadequate;
 - Historic appeal of Faversham and Oare would be reduced by these proposals, to the possible detriment of tourism;
 - General environmental and, in particular, air quality implications have been given "no consideration" and pollution levels at Ospringe Street already exceed Government targets;
 - Submitted technical notes in respect of transport issues and ecology identify deficiencies in transport modelling, the assessment of sustainability implications, and the work done in respect of implications for bats [need response from MD];
 - Scheme includes "numerous sweeteners to Swale Council" including proposed school car park and country park;
 - This proposal is not the answer to housing shortfall;

- General concern that Sea Scouts will be displaced from their current base at the site, and that despite references in the submission to them being relocated they may not be adequately catered for in the proposed development [see Design and Access Statement, section 3.4 and Statement of Community Involvement, sections 6.14 and 7.2]; Sea Scouts would need to be accommodated in a position that is not too close to dwellings, given the relatively noisy nature of their activities;
- Development is unpopular locally;
- Land east of Love Lane [see SW/14/0045, and which Members have now resolved to support] is a more suitable location for development of the type envisaged for this site, and has the support of residents;
- three-storey development would be “alien” – building height should be restricted to two-storey;
- Consultation with local people has been inadequate;
- This is a money-making scheme that would not benefit local people;
- Two new junctions on Oare Road would slow traffic down to “a sensible speed”;
- Properties and boats along Oare Creek would be vulnerable to anti-social behaviour - measures should be taken to address this, including parking restrictions and boundary fencing;
- If the scheme is not refused, it should at least be reduced in size;

6.2.2 TEN letters making observations, which are summarised as follows:

- Existing traffic problems on Ham Road and Oare Road due to their narrow nature and on-street parking will be exacerbated by construction of up to 375 further homes; what will be done to remedy this existing problem?
- Main access should be opposite end of Western Link, not as proposed – this would minimise additional flows of traffic through the town centre;
- Kent Bat Group generally welcome the proposed mitigation for the various types of bat found at the site and in the general vicinity;
- Mix of uses for the restored Marsh Gunpowder Works complex “*appears to be acceptable*”;
- Provision of a SANG (Suitable Alternative Natural Greenspace) would improve the natural environment and its biodiversity;
- Numbers of houses is likely to result in pressure on local schools and health facilities – suggest financial contributions through a S106 agreement to address this;
- Number of houses would appear to be excessive – could increase local population by “*about 1000 people*”
- Concern is expressed about how the access to the proposed car park (to serve Davington Primary School) would work.
- No objection to development, but does not wish to see new fencing built as part of proposals along PROW adjacent to Oare Creek moorings (no need for it and it would be out-of-keeping with rural character of the area)
- Faversham Sea Scouts are pleased to note that the application includes provision for their continued use of one of the lakes at the site and that a building [the Earth House] is set aside within the Heritage Cluster for their use; they wish to work with the applicants, however, in order to ensure that access to a building and to the water is not interrupted by the

development process and to ensure that conflicts with measures to promote biodiversity are minimised.

6.2.3 No letters in support were received.

6.3 Amendments to the application in March 2015 were subject to further public consultation, and the responses received are summarised as follows:

6.3.1 FOURTEEN letters of objection (including one on behalf of a group of neighbours), which are summarised as follows. The points raised are as summarised at Paragraph 6.2.1 above with additional points made as follows:

- if permission is granted, neighbours should be consulted on details submitted pursuant to conditions imposed, particularly in respect of materials, landscaping and fencing;
- proposed car park opposite Davington School will exacerbate existing problems for residents;
- concern that developer could make a subsequent planning application, once the initial scheme is complete, for the southern part of the site;
- the reduction in the number of dwellings is welcomed, but many of the issues of concern in respect of the original proposal remain valid;
- development should be limited to a maximum of 150 dwellings;

6.3.2 No letters in support were received.

6.4 In addition, the **Faversham Society** have commented on both the original proposals and the amended scheme. For the former, the provision of the SANG (in this case, the Country Park) and the restoration of the Marsh Works buildings were welcomed, while concern was expressed about the implications of the proposed 375 dwellings for “...*vehicular traffic, pressure on local schools and health facilities.*” It was also suggested that an adequate financial contribution (through the S106 agreement) was important.

In summary, their comments on the amended scheme question whether a single vehicular access for the housing development is appropriate and would favour the provision of a second vehicular “...*on Oare Road to one end of the fishing lake...*”

6.5 A letter from the local Member of Parliament, on behalf of a local resident “*and her neighbours*”, has also been received. The points it raises are summarised as follows:

- Proposed road access will be inadequate to cope with traffic generated by the development;
- Oare Road is narrow and already subject to congestion at peak times and to speeding traffic may not be able to cope with the additional traffic;
- The Transport Assessment may be based on traffic surveys carried out during the summer holidays, when traffic flows are low. This issue should be re-visited and further surveys carried out, if required;

- Could the vehicular access to the existing site from opposite the Western Link be used for the main vehicular access to the development, instead of the access proposed by the applicant?

7.0 CONSULTATIONS

- 7.01 **Kent County Council Ecology** have submitted a number of representations about the application, including in April 2015, in respect of the amended scheme: they raise no objection, and give a full response which covers both ecology within the site and the potential implications beyond the site, notably for the Swale SSSI, SPA and Ramsar site. In the light of their comments a number of conditions are included below, in respect of species (breeding birds, reptiles, invertebrates, bats) and with regard to the management and monitoring of ecology within the site, notably in respect of the proposed Country Park. They also sought clarification of the dedicated car parking arrangements for the Country Park. I have raised this matter with the applicant, and will update Members at the meeting.
- 7.011 They have also commented on the amended version of the 'Access and Habitat Management Plan (AHMP)(May 2015)'. This important document addresses the important issues of ecological provision within the site (which in part relates to mitigation for potential off-site impacts, notably on the adjacent SPA) and public access, to various areas of the site, including the proposed Country Park.
- 7.02 **Natural England** have commented both on the original proposal and upon the amended scheme. They have considered the potential for the development to impact upon the SPA and the SSSI and the proposed mitigation. They advise that the LPA should carry out a Habitats Regulations Assessment, as required by the relevant legislation. Provided that this is done and that the proposed mitigation is secured by planning conditions or through a suitably-worded Section 106 agreement, they raise no objection in respect of this issue. With regard to protected species, they refer to their standing advice and advise that this is an issue for the LPA to deal with.
- 7.03 **Kent WildlifeTrust** commented on the initial draft of the AHMP for the Council, and the amended draft of the document sought to address their comments. KWT also commented on the application in general, making points that are summarised as follows:
- Disputes the applicant's conclusion that the provision of the Country Park will mean that there will be no net increase in recreational pressure on the SPA, especially as the SPA is very near to the proposed development;
 - As such, it is critical that the developer contribution for strategic mitigation across the whole of north Kent and administered through the 'North Kent Environmental Planning Group' is paid [the applicant is agreeable to this, and the issue is addressed in the 'appraisal' section below]; and
 - The effectiveness of the Country Park should be monitored [Members will note that a condition that will cover this point is included below].

7.04 The **Greenspaces Manager** raises no objection, but makes the following points:

- Set-up costs for Country Park seem broadly reasonable;
- Would like to see relationship developed with the Oare Gunpowder Works Country Park;
- Happy with natural and semi-natural greenspaces provision, notably within proposed Country Park;
- Concerned about proximity of proposed children play space to dwellings [but suggested layout is illustrative only and detail can be controlled at reserved matters stage;
- Would like to see allotment provision;
- *“Of greatest concern is the lack of any formal sports provision”*
- With regard to the management of the Country Park and the other open space within the development, is concerned about the principle of this being undertaken by a management company, rather than by the Council, particularly if this were to undermine public access.

I have raised these points with the applicant, and they are discussed in the ‘appraisal’ section below.

7.05 The **Economy and Community Services Manager** raises no objection. However, it is requested that a clause be included in the Section 106 agreement in respect of the use of local labour during construction phase. I discuss this in the ‘appraisal’ below. They also welcome the proposed commercial floor-space in the converted listed buildings.

7.06 **Kent Highways Services** raise no objection to the application and an extract from their comments reads as follows:

“I refer to the amended plans and additional information received since the previous consultation response provided ...on 30 October 2014 in respect of the above planning application, and would comment as follows:

The amended details of the development have reduced the scale of the scheme down from 375 residential units to 330. As already stated in our previous response, the impact of the additional traffic on the local highway network has been accepted, and the Transport Assessment had demonstrated that the relevant junctions within the study area should operate within capacity. I would reiterate the suggestion previously made that the operation of the A251/A2 junction has been modelled on the assumption that roundabout proposals would have been implemented, and that scheme was itself assessed on the basis of the additional traffic generated by emerging strategic development sites in Faversham. Funding for the roundabout has not been fully secured, so it is therefore considered appropriate for this development to contribute a reasonable proportion of finance towards its provision.

The changes have also removed the earlier proposed junction directly onto Oare Road, so that all residential traffic will access the development via Ham Road. This change in access arrangement is not considered to alter the traffic distribution associated with the site for how vehicles would route to their eventual destinations, as the location and distance between the original two access points is not fundamentally different to affect the gravity model that is used to predict the route that vehicles are likely to take. Therefore, the flows north and south of the site are likely to remain the same as was originally anticipated, the impact of which on the local highway network had been considered acceptable. While it would mean that all the development's residential traffic would now use Ham Road, instead of being shared with another access, it is appreciated that the current Ham Road junction onto Oare Road/Priory Row would be relocated further north to a new junction designed to relevant standards, and away from the restrictive nature of the current arrangement. The traffic will not pass the existing residential section of Ham Road, which will become a cul-de-sac accessed off the new road alignment, and provide access to a new off-street car parking facility.

It will not be the intention of Kent County Council to take ownership or responsibility of the proposed car park, and I expect this will either be taken on by the Borough Council who manage on-street and much of the off-street public parking in Swale. The provision of this car park could present the opportunity to revisit the current parking restrictions in the immediate area, so that vehicle movement through Oare Road and Priory Row could be assisted.

I am satisfied that the existing access to the site, opposite the junction with Western Link, can be utilised for emergency access to the residential sector, and provide the sole access to the Cultural and Heritage Hub, given the level of use that is likely to be subjected to. I would confirm, however, following suggestions made by other representations that it should provide the main access to the whole development, that this would require substantial upgrading to cater for 2-way traffic with pedestrian routes, and I doubt that an acceptable junction layout onto Oare Road could be reasonably achieved to accommodate the complex arrangement of so many junctions in close proximity to one another.

- 7.07 **Highways England** have considered the potential implications of the development for the Strategic Road Network, particularly for Junction 7 of the M2 motorway. In the light of the amended drawing (13 008 104) showing proposed minor changes to the junction and the amended traffic flow modelling for the junction, they are "content that the impact expected from the development proposals will be appropriately mitigated." Accordingly, no objection is raised.
- 7.08 The **Climate Change Officer** has commented both on the original scheme and on the amendment to reduce housing numbers and to change the access arrangements. She also acknowledges that the Code for Sustainable Homes

has now been withdrawn by the Government, and suggests that a condition be imposed to require that a package of sustainable design and construction measures be submitted in respect of the proposed development.

7.09 **Southern Water Services** raise no objection. The condition and informative they have requested are included below. Among other things, they note that “...*there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development...additional off-site sewers, or improvements to existing sewers...*”

7.10 The **Lower Medway Internal Drainage Board** raise no objection subject to a condition in respect of the SUDS scheme and they recommend liaison with EA in respect of ‘flood plain’ and ‘pollution prevention / control measures’.

7.11 The **Environmental Protection Team Leader** has considered the implications of the amended proposals, and the new comments are focused on the implications for land contamination issues. His conclusions are as follows:

- *“The revised Environmental Statement does not change my original comments regarding Air Quality and Noise for this site.*
- *I also do not have any objections to the revised Environmental Statement regarding land contamination, or the Phase III intrusive investigation, but because the work has not yet been completed there undoubtedly will still be land contamination issues to be faced on this site.”*

7.11.1 With regard to Air Quality and Noise he advises that:

“Removing a number of units is not a problem from an EH perspective as it should lead to less pollution from the extra residents/vehicles and therefore less of an air quality concern, though section 8 (Air Quality) in the revised environmental statement concludes that there will be ‘no change’ from the previous proposal. It remains to be seen whether an extra/alterd access to the site has any effect on air quality.

I did not have a noise objection in the original proposal; that will remain my position in the revised version.”

7.12 The **Environment Agency** raise no objection to the amended scheme, subject to a number of conditions and informatives. The conditions, which relate to (i) surface water drainage, (ii) flood defence bund details, (iii) contamination remediation strategy, (iv) contamination verification strategy, (v) contamination not anticipated, (vi) infiltration of surface water, (vii) piling / foundation design, and informatives in respect of (i) drainage, (ii) storage of fuel, oil and chemicals, (iii) waste on site and (iv) decommissioning of underground storage tanks are all included below.

7.13 The **Faversham Town Council** comments on the original proposal are summarised as follows: no objection, subject to conditions as follows:

- Ham Road to stay on current alignment;
- Only one access from Oare Road and one access from Ham Road;
- There must be 30% affordable housing;
- There must be “a wide spread of house types and sizes”; and
- “Suitable measures to mitigate the effects of increased traffic in Ospringe.”

Comments:

Any harm is mitigated by public benefits which must be retained in the fully developed scheme. These benefits are:

- Management of brownfield land to create “a landscaped and recreational buffer”;
- Long-term sustainable future for the Gunpowder Works; and
- A substantial contribution to the provision of affordable housing.

7.13.1 The **Town Council** subsequently raised no objection to the amended scheme, subject to ‘conditions’ and ‘comments’, which read as follows:

“No objection subject to the following:

Condition:

- 1) *Access onto Oare and Ham Road*

Comment:

- 1) *A traffic remediation plan for the site and its impact on the whole of Faversham is required*
- 2) *The impact on school places, medical services etc must be taken account of in the detailed planning application.”*

7.14 **Kent Police** raise no objection, and have commented specifically on the ‘residential areas’, the ‘country and linear park areas’ and the listed building cluster. They make the following summarised points:

- Secured by Design should be considered;
- Would like to work with the applicant in the preparation of the reserved matters layout;
- A range of measures are suggested to minimise opportunities for criminality /
- anti-social behaviour in the Country Park and other green areas within the site; and
- suggests that a planning condition be imposed to require the applicant to engage with Kent Police before submitting the reserved matters application(s).

7.15 **Housing Services** raise no objection to the principle of the development, and welcome the fact that 30% of the dwellings will be affordable and that the tenure split will be 70-30 in favour of affordable rent. Assurances are though sought from the agent in respect of the provision of a ‘comparable and

reasonable' mix of affordable dwelling sizes (compared to the private units) and in terms of the split of affordable dwellings between the phases of housing development.

- 7.16 **Kent County Council (Development Contributions Team)** seek contributions in respect of primary (towards the first phase of expansion of Bysingwood Primary School) and secondary school places (towards the expansion of the Abbey School). The amounts requested per applicable house are £2360.96 or £779,116.80 in total and £550 per applicable house or £181,500 in total respectively. They are happy for these payments to be phased.

They also seek contributions in respect of community learning (£43.35 per dwelling or £14,305.50 in total), youth services (55.55 per dwelling or £18,331.50 in total, based on 330 qualifying dwellings), libraries and archives (£230.09 dwelling or £75,929.70 in total, based on 330 qualifying dwellings), families and social care (adult social services)(£262.94 per dwelling or £86,770.20 in total).

The grand total requested, based on 330 qualifying dwellings, would be £1,155,953.70.

They also advocate the provision of superfast fibre optic broadband, and I have suggested an informative to cover this below.

- 7.17 **Kent County Council (Enterprise and Environment)** have formally commented with specific regard to the protection of mineral resources. They note that part of the site is allocated for development in the adopted Local Plan, under AAP3 which I quote above, and state that:

“Given that the ‘Kent Mineral and Waste Local Plan 2013 to 2030’ emerging policy specifically excludes adopted allocations (Policy DM 7, sub-section 7) the application does not have to be accompanied by a geological assessment to test the acceptability of potentially sterilising non-mineral development.”

- 7.18 **Kent County Council Archaeology** his comments are confined to the archaeological implications of the proposed development. He notes the submitted documents, including Chapter 13 of the ES, which deals with Cultural Heritage. However, for both the pre-Gunpowder Works Period (including later prehistoric and Roman periods) and the period of the Gunpowder Works he feels that provision needs to be made for archaeological field evaluation and potentially preservation in situ of any important remains. The recommended condition is included below, together with a further condition relating to the appropriate recording of the built heritage.

- 7.19 **Kent County Council, SUDS Team** have provided a response which includes the following:

“This application was submitted prior to the introduction of the LLFA’s [Local Lead Flood Authority] responsibility as statutory consultee. Accordingly, Kent County Council have no comment to make on the management of surface water at this location; however, we refer you to the advice within the Environment Agency’s letters... [see Paragraph 7.12 above] and would recommend that your Authority request further information on the nature and sizing of the proposed SUDS scheme, along with information on the manner in which the drainage provisions will be managed and maintained into the future.”

- 7.20 **Historic England** (formerly **English Heritage**) have been closely involved with the development and have consistently raised no objection to them. They defer to the Council’s Conservation Officer to resolve issue relating to the details of the proposed restoration and conversion of the listed buildings on site.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 I discuss these at Paragraphs 2.17, 2.18 and 2.19 above.

9.0 APPRAISAL

9.01 Principle of Development, including justification for proposed office provision

- 9.02 Further to the section above dealing with the adopted Local Plan (namely paragraph 5.3), Members will note that the site is not allocated for housing development in that Plan. It will therefore be necessary to consider whether the conflict with the adopted Local Plan is out-weighed by other considerations, sufficient to justify the grant of planning permission. Members will also have noted above that the emerging Local Plan, Bearing Fruits 2031, includes a draft allocation for this site (Policy MU4), which envisages among other things the provision of *some ‘...300 homes...’*. Although the Plan has not yet been adopted, as it has been submitted to the Secretary of State so that a Public Inquiry may be held, it can – in accordance with the NPPF (see Paragraph 216 above, which deals with the weight to be given to relevant policies in emerging plans) – be afforded significant weight.

- 9.03 I am also mindful that the Council does not have a five-year housing land supply. The current figure is 3.17 years. In these circumstances, and as set out above, Paragraph 49 of the NPPF triggers a presumption in favour of sustainable development in accordance with Paragraph 14 of the NPPF. For the avoidance of doubt, the pertinent parts of Paragraph 14 read as follows:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **decision-taking** this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”*

- 9.04 As far as whether the site can be considered to be sustainable or not is concerned, I am mindful that the emerging Local Plan has been subjected to a sustainability appraisal and that this process has been applied specifically to this site, albeit not for the amount of development, and the mix, now envisaged. Nevertheless, it is certainly not the case that there is any overwhelming evidence to suggest that the development should not be considered sustainable.
- 9.05 As Bearing Fruits 2031 is not yet part of the Development Plan, the first bullet point above is not satisfied.
- 9.06 The following paragraphs grapple with the various material considerations that the proposed development gives rise to in order to reach a view on the balance between any adverse impacts and the potential economic, social and environmental benefits that may result from the proposed development. I will then reach a view on whether the proposed development accords with Paragraph 14 of the NPPF as part of the Conclusion.

Number of units and scope for further development

- 9.07 I am mindful that Bearing Fruits 2031 envisages “some 300 dwellings”. The application proposes 30 more dwellings. However, the supporting documents justify the 330 dwellings proposed, and I consider that this slightly larger amount of development can be satisfactorily accommodated on the site.
- 9.08 I have also considered the possibility of a subsequent housing application(s) being submitted for the area excluded from the proposed housing development under the amended scheme (see Paragraph 2.05 above). Members will note that, as mentioned above, the application has been amended to omit 4.3 hectares of land from the area to be developed for housing. This land, as also noted above, was formerly a landfill site and is omitted because the land contamination is such that remediating the area sufficiently to allow housing development would have added significantly to development costs.
- 9.09 I do not consider that this amendment makes a fundamental difference to the acceptability or otherwise of the proposal before Members. However, it does affect the total number of dwellings that might ultimately be built on the Oare Gravel Works site. The initial proposal envisaged “*up to 375 dwellings*” on the whole site, while the amended scheme proposes “*up to 330 dwellings*” but

with development excluded from the 4.3 hectares to which I refer above. As such, while if the this application were approved there would be a reduction of 45 dwellings in terms of the number of dwellings to be developed, there would remain the possibility of a subsequent application being submitted in the future for further housing development on the 4.3 hectares. If a moderate density of, say, 30 dwellings per hectare is assumed and the contamination issue can be satisfactorily addressed, this land could yield in the region of 130 dwellings. Combined with the 330 currently proposed, this would give a combined total of up to 460 dwellings for the Oare Gravel Works.

- 9.10 This hypothetical scenario clearly has significant planning implications, including (but not limited to) highway safety and convenience, residential amenity, the character and appearance of the area, air quality and other environmental impacts. However, Members will appreciate that the separate planning application that such a development would require would need to fully address these issues and would need to be comprehensively scrutinised by the Council and external consultees. With this mind, I conclude that the possibility of such a proposal coming forward in the future should not have a material bearing on Members' assessment of the acceptability or otherwise of the current planning application.

Visual and Landscape Impact

- 9.11 This application proposes a substantial amount of development on a site that adjoins areas that are locally designated on account of their landscape quality and visual amenity. See Paragraphs 5.6 and 5.7 above, which deal with the adopted 'Swale Landscape Character and Biodiversity Appraisal' (2010). I am also mindful that the application is supported by a Landscape and Visual Impact Assessment that appraises the potential impacts from various public vantage points in the vicinity of the site.
- 9.12 The proposed changes to Ham Road that form part of the application will necessitate the removal of a number of trees on the south-eastern edge of the site, and these are detailed (including their condition) in the supporting arboricultural documents. Members will note that that the trees along the affected stretch of Ham Road are in Category C2, being of "*low quality and value*" and mainly of landscape (rather than arboricultural or cultural) value. As such although their removal, together with some on Oare Road at the junction with the re-aligned Ham Road, is regrettable it is not of such concern as to warrant re-configuration of the proposed highway arrangements.
- 9.13 Members will note that the original proposal for a second vehicular access on to Oare Road, close to the junction Lakeside Avenue, has now been omitted. As such, the existing vegetation on the site frontage with Oare Road will be retained for the most part, reducing the visual impact on the new development and allowing some of the existing semi-rural character of this area to be retained.
- 9.14 Having said this, strategic landscaping – particularly on the frontage with the re-designed Ham Road - will play a critical role in mitigating the visual and

landscape impacts of the proposed development (particularly the proposed housing), both in its immediate vicinity and from public vantage points in the wider landscape, particularly to the north-west and west, where the Ham Marshes is a flat, open landscape across which parts of the application site can be seen. To this end, Members will note the various landscape conditions below and the one requiring the submission of a Development Brief. Members will also note that condition (46) will require a 'lighting plan' for the site; a lighting strategy is required in order to minimise the visual impact on the wider landscape.

- 9.15 The careful design and siting of the proposed dwellings – details of which are to be submitted pursuant to the suggested condition (1) below - will also play an important part in ensuring that the development is ultimately a sympathetic addition to the local environment and one that provides marked visual and landscape benefits when compared to the existing incongruous commercial use that occupies much of the site today.
- 9.16 In summary, I can see no justification for resisting the proposed development on account of potential landscape or visual impacts.

Residential Amenity

- 9.17 Mindful that the Environmental Protection Team Leader raises no objection to the application (see Paragraph 7.11 above) and that the conditions he has suggested are included below, there is no reason why this development should give rise to unacceptable impacts in this regard, either for residents of the new dwellings or for the existing communities living in the vicinity of the application site.
- 9.18 It is also worth noting that as housing element of the application is in outline form, the reserved matters application(s) - to be submitted pursuant to condition (1) below – will allow the Council to control details of the layout, scale, appearance and landscaping of the development in order to ensure that an acceptable level of residential amenity is achieved, both for residents of the proposed dwellings and for people living in existing dwellings in the vicinity of the site (for example, on the eastern side of Ham Road or at Windmill Lane).

Highways

- 9.19 The proposed development has implications both for the Strategic Road Network (motorways and trunk roads) and for the local road network. The former are the responsibility of Highways England, and Members will have noted above that they raise no objection (see Paragraph 7.07) to the application subject to minor changes to the configuration of Junction 7 (Brenley Corner) of the M2. These improvements will be secured by a clause of the proposed Section 106 Agreement that will need to be entered into, in order for planning permission to be granted.

- 9.20 With regard to the local road network, Members will have noted the comments of Kent Highways Services at Paragraph 7.06 above, and the highway-related comments from local residents and other interested parties. In reaching the view that the proposed vehicular access arrangements - for the proposed housing development and the restored listed building cluster and Country Park – are acceptable they had regard to the original Transport Assessment and to the addendums to it; it is important to note that not only are KHS content that a single new access point on to Oare Road (from the re-aligned Ham Road, and rather than the two accesses initially proposed) is acceptable in terms of highway safety and convenience, but they are also of the view that the applicant is correct in asserting that there are substantial barriers preventing the existing vehicular access to the site from Oare Road (close to the junction with the Western Link) from being converted for use as the main vehicular access to the proposed housing. As noted above, an extract from the 'Oare Road Addendum Note' that addressed this issue is attached to this report, as Appendix 4.
- 9.21 In the light of the above, and subject to the imposition of highway-related conditions as set out below and the developer contributions referred to in the 'Developer / Section 106 Issues' section below, I conclude that the development would not have unacceptable implications for highway safety or convenience.

Ecology (within the site)

- 9.22 I am mindful of the comments received from technical consultees (Natural England, KCC Ecology and Kent Wildlife Trust) and from interested third parties who have commented on ecological issues. I am also very aware of the substantial range of habitats within the site. I am mindful that KCC Ecology fully address the issues of potential impacts on protected species within the site and the question of needing enhance biodiversity throughout the site and that they raise no objection. I have included a number of conditions below with the specific aim of safeguarding protected species within the site. Conditions are also included with the aim of improving biodiversity.

Ecology (beyond the site)

- 9.23 As explained above (at Paragraph 4.11), the application site is very sensitively located from the point of view of biodiversity; the site adjoins land that is designated as SSSI / SPA and Ramsar site on account of the national / international significance of the flora and fauna to be found in these designated areas. The potential for adverse impacts on the adjacent SSSI / SPA and Ramsar site is therefore a very important material consideration. The key part of the development in this regard is the central area where permission is sought for the development of 330 dwellings. The application also includes, as Members will have noted above, the provision of a Country Park alongside the delivery of the housing in order to provide an area for informal recreation (for example, dog walking, jogging, walking) for the residents of the new housing (though its use will not be limited to them) so

that they have a good quality, readily accessible recreational alternative to walking along routes through the SPA, and in so doing potentially adding to existing adverse impacts on the special ecological features of the designated area.

- 9.24 In addition to providing the Country Park and a network of paths to link the housing, the listed building cluster and adjacent public highways to one and other, the applicant is committed to paying the tariff (which I discuss further below) that the Council now levies to be spent on off-site mitigation of potential impacts on the SPA.
- 9.25 Members will have noted the comments of Natural England, KCC Ecology and Kent Wildlife Trust (at Paragraphs 7.01 to 7.03 above, and none of whom raise objection). Mindful of this and the mitigation I have described, and on the basis of the appended Habitats Regulations Assessment (see Appendix 2), I do not consider that adverse impacts on off-site ecology sufficient to justify refusal will result from the proposed development.

Developer Contributions / Section 106 Issues

- 9.26 The SPD on developer contribution, to which I refer at paragraph 5.5 above, is the starting point for considering this issue. The planning obligations will also need to satisfy the tests set out in the CIL Regulations, and which are replicated at Paragraph 204 of the NPPF. I have set these out in Paragraph 5.1 above. Members will also note the payments requested by '**Kent County Council (Development Contributions Team)**' and as set out at Paragraph 7.16 above.
- 9.27 In addition, Members will note the submitted draft Heads of Terms (version 5), which is attached as Appendix 3 below.
- 9.28 With regard to the Country Park (and public access / habitat management for the wider site), the Section 106 agreement will need to include wording to (1) achieve the early delivery of the Country Park (including 'access infrastructure' as described in the Access and Habitat Management Plan (AHMP)(August 2015) and (2) ensure that both public access and appropriate habitat management are properly safeguarded in perpetuity. In addition, a condition is included below to require a review of the AHMP before development is commenced.
- 9.29 With regard to the Sea Scouts, they currently use one of the lakes at the site for boating and store some of their boats in one of the listed buildings (namely the 'East Crystallising House', Building 11). Members will have noted above that there has been correspondence from the Sea Scouts, who would very much like to continue using the site. The applicant has indicated a willingness to accommodate both aspects of the Sea Scouts' usage of the site in the development proposals, and the 'Refining House' building within the listed building cluster would be used for the storage of their boats. I consider that the Section 106 agreement will need to include wording to control the delivery of the Refining House building for use by the Sea Scouts and to ensure that

the re-development has minimum impact on their use a lake at the site for boating.

- 9.30 With regard to open space other than the Country Park and the provision of play equipment, although these areas will be privately maintained, the Section 106 Agreement will still need to include wording to ensure the appropriate provision for off-site formal sports provision [in the form of a payment in lieu of on-site provision], and for locally equipped areas for play (LEAPs) and unequipped areas for play (LAPs). The Section 106 Agreement will also need to control the timing of this provision / payment(s).
- 9.31 With regard to the restoration of the Gate House and the Proof House (both of which are, as noted above, Grade II listed buildings), the applicant is committed to their restoration, and I consider that this should be linked to the delivery of the proposed housing. A trigger for this to take place, together with specifications for the restoration, should be included in the Section 106 Agreement.
- 9.32 With regard to the provision of mitigation off-site for the potential impact on the Swale SPA (as mentioned at Paragraph 9.20 above), the applicant is agreeable to making the standard payment of £223.58 per dwelling (amounting to a total of £73,781.40). The Section 106 Agreement will need to require this and include a trigger (s) for the payment(s) to be made.
- 9.33 A financial contribution is also required in respect of the provision of wheelie bins (consisting of two per house and currently costing £39.47 per bin; the Section 106 Agreement will also need to make provision for possibility of flats being provided as part of the housing mix and the relevant corresponding payment, based on eight flats sharing two Eurobins).
- 9.34 A monitoring charge of 5% of the sum of all the financial contributions will also be payable, and will need to be included in the Section 106 Agreement.
- 9.35 Further to the comments of the Economy and Community Services Manager (at Paragraph 7.05 above), I have asked the applicant to agree to the use of best endeavours to achieve (i) 50% labour from Kent, (ii) within the 50% a target of 5% trainees through an accredited apprenticeship scheme and (iii) 20 from within Swale; (iv) contractors and sub-contractors to achieve 30% of business from Kent and (v) within that 10% from Swale, and (vi) quarterly monitoring reports to the Council in respect of job creation. However, has indicated an unwillingness to include these requirements in the Section 106 Agreement. Nevertheless, and unless Members resolve otherwise, I consider that these requirements are reasonable and consider that they should be included in the Section 106 Agreement.
- 9.36 As noted above, Highways England raise no objection but minor off-site highway works to Junction 7 (Brenley Corner) of M2 will need to be undertaken in order to mitigate potential minor impacts on traffic flow on the strategic road network, and the Section 106 Agreement will need to tie the delivery of these works to the housing development.

- 9.37 With regard to the local highway network, Members will have noted that Kent Highways Services raise no objection (see Paragraph 7.06 above) and the corresponding discussion at Paragraph 9.15 to 9.17 of the 'appraisal', the Section 106 agreement will not only need to secure the delivery of the changes to Ham Road and Oare Road (via a Section 278 agreement), but will also need to secure a suitable contribution to the proposed highway improvements to the junction of the A2 and A251 (Ashford Road), because the proposed 330 dwellings will result in additional traffic movements through that junction. I have raised this matter with the applicant, and will update Members as to his response at the meeting.
- 9.38 The Section 106 Agreement will also need to include arrangements for the on-going management and maintenance of the proposed car park opposite Davington Primary School, and a trigger linked to housing completions for the car park to be provided.
- 9.39 Policy DM10 (gypsy and traveller sites) of the emerging Local Plan Bearing Fruits 2031 requires, among other things, that for developments of 150 dwellings or more "...unless a commuted sum has been agreed with the Council, 1% of the total number of dwellings proposed shall be serviced and made available to Gypsies and Travellers as pitches...". Policy CP3(6) of Bearing Fruits 2031 also deals with this issue.
- 9.40 However, in allowing the appeal against the refusal of planning permission on land adjacent to Brogdale Road, Faversham (reference APP/V2255/A/14/2224509) the Inspector noted that there are unresolved objections to the relevant part of Bearing Fruits 2031 and that the proposed approach to gypsy site provision (i.e. within housing developments) is not advocated in the NPPF or elsewhere in Government planning guidance. He concluded that 'very little weight' can be given to the emerging policy and ultimately that the housing development need not include gypsy site provision. In light of this decision, I do not consider that gypsy and traveller pitch provision should be required as part of this development.
- 9.41 With regard to Affordable Housing, and further to paragraph 7.15 above, the applicant has agreed to provide the percentage and tenure split as required by the adopted Local Plan, but clarification is sought in respect of the mix of affordable dwelling sizes and the split between phases. I also seek authority to require the provision of four wheelchair-accessible affordable homes as requested by KCC. I will update Members at the meeting.
- 9.42 Further to the comments of the Kent County Council, SUDS Team (see Paragraph 7.19 above), I consider that the Section 106 Agreement should include provision for the long-term management and maintenance of SUDS system (details of which are to be controlled by a planning condition included below).
- 9.43 In respect of the cessation of the mineral processing and storage use currently taking place on site, Members will note that the appended draft

HOTs addresses this at Point 12. It will also be noted that the site's operators, Brett Aggregates Limited, have identified an alternative, off-site location for the mineral processing activities that currently take place at the site. I consider that the Section 106 Agreement should include a clause to ensure that the Council has sufficient control of this matter.

- 9.44 Finally, I seek delegated authority to negotiate a Section 106 Agreement based on the above and to agree suitable triggers for the payments referred to above to be made and for the delivery / implementation of the other items described in this section.

Phasing

- 9.45 Further to Paragraph 2.16 above, and the applicant's proposed phasing scheme (attached as Appendix 1), I consider that triggers in the proposed Section 106 agreement should be used to secure the necessary payments and the other items as described above. With regard to the division of the construction of the housing into phases, Members will note the 'Construction and Environmental Method Statement' condition below and that it includes a requirement for phasing to be agreed.

Foul and Surface Water Drainage

- 9.46 Members will have noted above that Southern Water Services, the Environment Agency and Kent County Council, SUDS Team all have no objection to this planning application. Members will also note the 'foul and surface water drainage' condition set out below and that the Section 106 Agreement will include a clause in respect of the long-term management of the SUDS system. I consider that the development will not give rise to unacceptable foul or surface water drainage implications.

Sustainable design and construction

- 9.47 Members will have noted the comments of the Climate Change Officer, as set out at paragraph 7.08 above. As noted above, the Code for Sustainable Homes has been cancelled. In the light of this, the applicant has commented as follows:

“Code for Sustainable Homes: Our original proposals were to meet Code level 4. As you note, Code for Sustainable Homes as a measure no longer apply following the Government's withdrawal of the policy on the 27th March 2015. However, the essence of the code will be fulfilled and other measures to reduce water consumption and carbon emissions and the implementation of sustainable design will still be incorporated. Code for Sustainable Homes is being replaced by alterations to the building regulations and critically the proposed development will fully comply with the latest requirements of the Approved Documents Part G, H and L ensuring water efficiency, suitable drainage and waste disposal, and conservation of fuel and power are still achieved.”

- 9.48 I consider that the conditions included below that deal with sustainable design and construction will enable suitable measures to be incorporated in the development.

Heritage Assets

- 9.49 As noted above, the application includes proposals to restore the Marsh Gunpowder Works listed buildings and proposes appropriate uses for them. Securing appropriate new uses for this important and largely redundant historic complex is fundamental to securing their future conservation. The proposals for re-use and conservation are to be welcomed and should allow all the buildings to be removed from the Heritage at Risk Register. The applicant is also committed to the restoration of both the Proof House and the Gate House (which are located close to Ham Road). Subject to the conditions set out below and appropriate wording in the Section 106 agreement to control the timing of the restoration works, it is considered that the proposals are acceptable in this regard and, in particular, that the new development (notably the housing) will not impact unacceptably on these heritage assets subject to the detailed layout being substantially revised in the area of the Gate House in order to respond more positively to its setting. Indeed their restoration would be a significant benefit from both a heritage and a community point of view. Development which secures the future of so many designated heritage assets makes a valuable contribution to the sustainability of the development as a whole

Other Matters

- 9.50 With regard to the proposed provision of office space (up to 873 square metres of space is proposed) within the restored cluster of listed buildings, Members will note that the applicant has addressed the issue of potential adverse impact on Faversham town centre as a location for office development as a result of this new provision; a dedicated response has been provided to this issue, which among other things identified a limited number of premises in the town centre which are considered to amount to available office accommodation. Two of the three locations are considered to be significantly constrained, and the third extends to just over 300 square metres. The document goes on to conclude that “...*the small amount of office space proposed at Oare Lakes is unlikely to prejudice the office market in Faversham. Indeed the provision of more modern office space is likely to enhance the local economy and the town’s position as a business location.*”
- 9.51 I agree with this conclusion and consider that the application is acceptable in this regard.

10.0 CONCLUSION

- 10.01 As set out at Paragraphs 9.01 to 9.06 above, given that the development proposed is not in accordance with the adopted Local Plan, the acceptability of the principle of the proposed scheme hinges (in the absence of a five-year housing land supply) on whether the application is considered to constitute

sustainable development. In reaching a conclusion on this, weight must also be given to the fact that the site is allocated for a mixed use development – including “*some 300 dwellings*” in the emerging Local Plan, namely Bearing Fruits 2031.

10.02 As set out above (from Paragraph 9.07 onwards), I have considered the various material considerations. Having done so, I have reached the conclusion the scheme has the potential (subject to careful control of the details using planning conditions and the Section 106 agreement) to deliver significant economic, social and environmental benefits and that while there may be some moderate adverse impacts that these would be significant outweighed by the benefits.

10.03 I therefore conclude that the development proposed amounts to sustainable development and that it would be in accordance with the NPPF and broadly with Bearing Fruits 2031; as such, planning permission and listed building consent should be granted.

11.0 RECOMMENDATION

11.01 GRANT planning permission (ref SW/14/0257) subject to the resolution of the developer contribution and other Section 106 agreement issues as set out above (from Paragraph 9.22 onwards), the subsequent signing of a suitably-worded Section 106 Agreement and the conditions set out below (with fine-tuning as required).

11.02 GRANT listed building consent (ref SW/14/0301) subject to conditions as set out under the listed building consent sub-heading below.

CONDITIONS FOR OUTLINE COMPONENTS: OF PLANNING PERMISSION REF: SW/14/0257

(1) Details relating to the layout, scale and appearance of the proposed building(s), the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reasons: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Reasons: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(3) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reasons: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Pre Commencement Conditions

- (4) The details submitted pursuant to condition (1) above shall show the residential development restricted to the residential areas as identified indicatively on the 'Illustrative Site Layout' (705-10C).

Reasons: In order to secure a satisfactory form of development having regard to the nature of the site.

- (5) For each phase of the housing development hereby approved, no development shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures will be taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development of the phase of development in question as approved, and retained as such in perpetuity.

Reasons: In the interest of promoting energy efficiency and sustainable development.

- (6) No development shall take place until details of a scheme for the long-term monitoring of breeding birds using the site has been submitted to, and approved in writing by, the Local Planning Authority.

Reasons: In the interests of monitoring breeding bird populations within the site.

- (7) None of the dwellings hereby approved shall be first occupied until the proposed foot-cycle paths (and accompanying soft landscaping and lighting) – namely the connections between 'School Square' / Ham Road and the southern part of the housing area and between the Ham Road / Oare Road junction and Oare Road close to the junction with Lakeside Avenue - shown indicatively on drawing 'Illustrative Site Layout' (705-10C) have been provided and are available for use. The specification (including the lighting, surfacing and soft landscaping) shall first have been agreed in writing by the Local Planning Authority.

Reasons: In the interests of sustainable development.

- (8) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in

accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

- (9) Before the first occupation of a dwelling / premises the following works between that dwelling / premises and the adopted highway shall be completed as follows:
- (A) Footways and/or footpaths shall be completed, with the exception of the wearing course;
 - (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
 - (1) highway drainage, including off-site works,
 - (2) junction visibility splays,
 - (3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

- (10) No dwelling hereby approved shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority, and it shall be thereafter be implemented in accordance with the approved details. There shall be an annual review of the Travel Plan (for a period of 5 years from the date of approval of the plan) to monitor progress in meeting the targets for reducing car journeys.

Reason: To ensure the development accords with the measures set out in the travel plan, and in the interests of sustainable development and promoting public transport, walking and cycle visits.

- (11) None of the dwellings hereby approved shall be first occupied until details of measures to ensure that the emergency vehicular access to the approved housing is used only in the event of an emergency have been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall then be implemented in accordance with a programme that shall also have been agreed in writing by the Local Planning Authority. Following implementation, the approved measures shall then be retained in perpetuity.

Reason: In the interests of highway safety and convenience.

Post Commencement / General Conditions

- (12) The details submitted pursuant to condition (1) above (in respect of the housing development) shall show adequate land, reserved for the parking or garaging of cars (in accordance with the currently adopted Kent County Council Vehicle Parking Standards) which land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not shall be carried out on such land (other than the erection of a private garage or garages) or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users and detrimental to amenity

CONDITIONS FOR DETAILED COMPONENTS OF PLANNING PERMISSION REF : SW/14/0257:

- (13) The areas shown on the plan 705A-10A as parking space shall be used for or be available for such use at all times when the premises are in use and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not, shall be carried out on that area of land or in such a position as to preclude vehicular access to this reserved area; such land and access thereto shall be provided prior to the commencement of the use hereby permitted. Details of the surface treatment shall be submitted to and approved in writing by the Local Planning Authority before any of the buildings are first occupied, and the agreed treatment shall be fully implemented in full within four weeks of the first occupation of any of the buildings.

Reason: The development without the provision of the parking space would be detrimental to amenity and likely to lead to inconvenience and danger to road users by virtue of vehicles parked on the public highway amenity

Pre Commencement Conditions

- (14) No development shall take place in respect of the Marsh Gunpowder Works listed buildings, until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved, and implemented in full for each of the buildings before the building in question is first used.

Reasons: In the interest of promoting energy efficiency and sustainable development.

- (15) No development shall take place on the detailed elements of the site until full details of both hard and soft landscape (including indigenous species chosen to enhance biodiversity) works for that site have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species, plant sizes and numbers where appropriate, size of tree pits, measures to prevent tree vandalism, means of enclosure, hard surfacing materials, and an implementation programme.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

Post Commencement / General Conditions

- (16) Full details of the bunding (include plans and cross section of the bund, and details of any gates or openings, including plans for the operation and maintenance of these), the raised walkways and viewing areas for the heritage cluster shall be submitted to and approved in writing before any of the heritage buildings or the first dwelling hereby approved are first occupied, and the agreed measures shall have been provided in full before any of the restored listed buildings are first occupied of details having been agreed.

Reason: In the interests of visual amenity and public access.

- (17) A sample panel of the proposed re-pointing for heritage cluster buildings shall be prepared for inspection and approved in writing by the Local Planning Authority. Any repointing or new brickwork shall then be implemented in accordance with the approved sample details.

Reason: In the interest of the special architectural or historic interest of the listed buildings.

- (18) In respect of the culture and heritage hub buildings, detailed drawings at a suggested scale of 1:1 and 1:10 of all new external and internal joinery work (including new window linings as appropriate) and fittings together with sections through glazing bars, frames and mouldings shall be submitted to and approved by the Local Planning Authority before any development takes place. The development shall be carried out in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed buildings.

- (19) Notwithstanding the details shown on drawing 705A-30A, details of external lighting for the culture and heritage hub shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reason: In the interests of safeguarding the setting of these listed buildings.

- (20) In respect of the East Crystallising House, prior to the removal of the existing timber louvres, a detailed measured survey drawing shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with that drawing.

Reason: In the interest of the special architectural or historic interest of that listed building.

- (21) No development shall take place, until details of facing materials and external finishes and colours in respect of the heritage hub buildings have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed buildings

- (22) In respect of the 'office, store, house' building, no development shall commence until details of the new staircase shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (23) In respect of the 'Melting House', details of the metal grille windows shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The development shall then be implemented in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (24) In respect of the 'West Crystallising House', drawings showing 1:5 scale existing and proposed eaves details and the extent and specification for any proposed wall frame and roof repairs shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The development shall then be implemented in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (25) In respect of the 'Earth House', a detailed specification and schedule of works for the re-building of the north-east elevation and for structural repairs to the roof (which shall accord the repair principles in Section 6.0 of the Heritage Statement) shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The development shall then be implemented in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (26) In respect of the 'Earth House' and the 'Refining House', a sample panel of brick-work for the north-east elevation of the 'Earth House' and the north-west elevation of the 'Refining House' shall be provided and approved in writing by the Local Planning Authority before development is commenced. The development shall then be implemented in accordance with the approved panel.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (27) Notwithstanding the information provided, the development of the Country Park shall not commence until details have been submitted to and approved in writing by the Local Planning Authority setting out a scheme of measures to minimise opportunities for anti-social behaviour and criminality to be carried out in the Country Park. The agreed measures shall then be installed before the Country Park is first opened to the public, and retained in perpetuity.

Reason: In the interests of minimising opportunities for crime and anti-social behaviour.

CONDITIONS FOR THE ENTIRE APPLICATION SITE OF PLANNING PERMISSION REF: SW/14/0257:

- (28) The development hereby approved shall be carried out in accordance with the following approved drawings:
- (i) Access plan(s): 705-12A, 13-008-15A, -16; and -17.
 - (ii) 705A-10A, -11 B, -12 A, -13 A, -14 A, -15 A, -16 A, -17 A, -18 A, -19 A, -20 A, -21 A, -22 A, -23 A, -24, and -30A; and
 - (iii) Maps 3,4,5 and 6 appended to the Access and Habitat Management Plan (August 2015)

Reasons: In the interests of proper planning and for the avoidance of doubt.

Pre Commencement Conditions

- (29) No development shall take place until a detailed reptile mitigation strategy has been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be implemented in accordance with the agreed arrangements.

Reasons: In the interests of protecting the existing reptile populations within the site.

- (30) No development shall take place until a detailed invertebrate mitigation strategy has been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be implemented in accordance with the agreed arrangements.

Reasons: In the interests of protecting the existing invertebrate populations within the site.

- (31) No development shall take place until a detailed bat mitigation strategy has been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be implemented in accordance with the agreed arrangements.

Reasons: In the interests of protecting the existing bat populations within the site.

- (32) No development shall take place until a strategy for updating ecological surveys, where development is not implemented within two years of date of surveys.

Reasons: In the interests of protecting and encouraging biodiversity.

- (33) No development shall take place until a detailed mitigation strategy for all species has been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be implemented in accordance with the agreed arrangements.

Reasons: In the interests of protecting and encouraging biodiversity.

- (34) No development of the scheme hereby approved shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. This shall include details relating to:

- (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;
- (ii) The loading and unloading and storage of plant and materials on site;
- (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (iv) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development site during the construction phase;
- (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
- (vi) Measures to control mud deposition off-site from vehicles leaving the site;

- (vii) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
- (viii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site;
- (ix) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking;
- (x) Lighting strategy for the construction phase, designed to minimise light spillage from the application site; and
- (xi) Phasing of the development.

Reasons: To ensure the development does not prejudice conditions of residential amenity, highway safety and convenience, and local ecology, through adverse levels of noise and disturbance during construction.

- (35) No work shall commence on the development site until the off-site highway works indicated on drawings 13-008-16, 13-008-17 and 705-10A have been carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

- (36) No development shall take place until a strategic landscaping scheme (to complement the other landscaping conditions imposed and to include, but not be limited to, the Ham Road and Oare Road frontages and the School Square area) for the development (including indigenous species chosen to enhance biodiversity) has been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species, plant sizes and numbers where appropriate, size of tree pits, measures to prevent tree vandalism, means of enclosure, hard surfacing materials, and an implementation programme.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (37) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:
- (i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and
 - (ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- (38) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

Post Commencement / General Conditions

- (39) The access details shown on the approved plans shall be completed prior to the occupation of any buildings hereby approved, and the access shall thereafter be maintained.

Reason: In the interests of highway safety.

- (40) Vegetation clearance in connection with the development hereby approved shall not take place during the bird breeding season, namely the months of March to August, unless otherwise agreed to in writing by the Local Planning Authority.

Reasons: To avoid bird wildlife disturbance during the bird breeding season of March to August.

- (41) Construction of the development hereby approved shall not commence until details of the proposed means of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water, Natural England and the Environment Agency. With regard to surface water drainage, the agreed details shall consist of a scheme using SUDS principles (and based upon a coherent SUDS Strategy for the entire site) and shall consist of a scheme that will limit runoff rates to those from the existing site and ensures that pollutants are contained within the areas to be developed, unless it has been demonstrated to the satisfaction of the Local Planning Authority that such a scheme cannot be delivered for the development hereby approved. The development shall then be implemented in accordance with the approved details.

Reasons: In the interests of achieving an acceptable scheme of foul and surface water drainage and in the interests of minimising flood risk and ground water contamination.

- (42) No development shall take place until an updated Access and Habitat Management Plan (AHMP) (to cover access, ecological and species monitoring), to include all green spaces – including the Country Park hereby approved - as proposed under the amended scheme, has been submitted to

and approved in writing by the Local Planning Authority. The update AHMP shall include a strategy for incorporating future results of the site breeding bird monitoring, invertebrate monitoring, reptile mitigation, bat monitoring into the AHMP. The requirements of AHMP shall then be complied with in perpetuity.

Reasons: In the interests of balancing ecological protection with the delivery of recreational access, and minimising adverse impacts on the Special Protection Area.

- (43) Prior to first dwelling hereby approved being occupied, a 10-year wintering bird monitoring strategy must be submitted to and approved in writing by the Local Planning Authority, and the strategy must provide details of the measures which will be implemented if the surveys identify a decline in bird population numbers. The monitoring must be carried out as detailed within the monitoring strategy and the results submitted to the Local Planning Authority.

Reason: In the interests of minimising any potential adverse impacts on wintering birds using the site and the adjoining Special Protection Area.

- (44) The details submitted in pursuance of condition (1) above shall be in accordance with a Development Brief that shall first have been agreed in writing by the Local Planning Authority and which shall include the following:

- (a) Details of the road layout for the site;
- (b) A comprehensive network of segregated pedestrian and cycle routes;
- (c) An overall landscape strategy for the application site;
- (d) An overall sustainable surface water drainage strategy for the application site (based on a network of open ditches and ponds);
- (e) A strategy for the architectural treatment of the buildings on the site, including elevational treatment, roof design and the palette of colours;
- (f) A strategy to maximise opportunities for biodiversity across all parts of the application site, including within the residential parcels;
- (g) A lighting plan for the site, to include details of the lighting columns, the type and luminance of the lighting units with glare shields and details of lux levels, both inside and outside the site;
- (h) A strategy for dwelling storey heights; and
- (i) A strategy for ensuring the sympathetic development of part of the site close to Ham Road and, in particular, safeguarding the setting of the Proof House and the Gate House.

Reasons: In the interests of promoting a consistent quality of development, sustainable development, ecological protection and enhancement, and of visual and landscape amenity.

- (45) The details submitted pursuant to condition (1) above shall include cross-sectional drawings through the site, of the existing and proposed site levels. The development shall then be completed strictly in accordance with the approved levels.

Reasons: In order to secure a satisfactory form of development having regard to the nature of the site.

- (46) Prior to each phase of development approved by this planning permission no development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. Sufficient information has been provided to satisfy part 1 of the above condition.

Reasons: To ensure any possible land contamination related to historic site activities is addressed in line with current planning guidance on sustainable development. To protect controlled waters and comply with the NPPF: Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

- (47) No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as

identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: To protect controlled waters and comply with the NPPF.

- (48) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: To protect controlled waters and comply with the NPPF.

- (49) No infiltration of surface water drainage into the ground at the site is permitted other than with the express prior written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To protect controlled water and comply with the NPPF.

- (50) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written prior consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect controlled water and comply with the NPPF.

- (51) No development that may affect a tree or trees at the site shall take place until a tree protection plan and arboricultural method statement in accordance with the recommendations of BS 5837:2012 have been submitted to and approved in writing by the local planning authority. The method statement shall detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and shall take account of site access, demolition and construction activities, foundations, service runs and level changes. It shall also detail any tree works necessary to implement the approved scheme.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

- (52) All hard and soft landscape works shall be carried out in accordance with the approved details. Unless specified elsewhere, the works shall be carried out prior to the occupation of any part of the phase of the development to which they relate or in accordance with the programme agreed in writing with the Local Planning Authority.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (53) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (54) The Country Park hereby approved shall not be first used until a scheme of road signage (to direct potential visitors to it) has been submitted to and approved in writing by the Local Planning Authority. The agreed signage shall then be installed within 28 days of the Country Park opening to the public, and the signs shall then be retained in perpetuity.

Reason: In the interests of ensuring that the existence and location of the Country Park are well known locally.

- (55) As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals that shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of amenity and road safety.

- (56) During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority and in accordance with details that shall first have been agreed in writing with them, to accommodate operatives' and construction vehicles parking, loading, off-loading or turning on the site.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

INFORMATIVES

- (1) The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Limited at Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH, or 'southernwater.co.uk'
- (2) Environment Agency informatives: these have been provided in respect of foul and surface water drainage, fuel, oil and chemical storage, waste on site, and decommissioning underground storage tanks, and the details are set out in the Environment Agency letter dated 13 April 2015.
- (3) Kent Highways Services informative: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all

necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Council's approach to this application

The Council recognises the advice in paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) and seeks to work with applicants in a positive and proactive manner by offering a pre-application advice service; having a duty planner service; and seeking to find solutions to any obstacles to approval of applications having due regard to the responses to consultation, where it can reasonably be expected that amendments to an application will result in an approval without resulting in a significant change to the nature of the application and the application can then be amended and determined in accordance with statutory timescales.

In this case the applicant was provided with the opportunity to submit amendments to the scheme to address concerns about a number of issues, including contamination and vehicular access. The applicant subsequently provided amendments/additional information that satisfied our concerns and those of technical consultees.

CONDITIONS FOR THE LISTED BUILDING CONSENT REF : SW/14/0301

- (1) The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.

Reasons: In pursuance of Section 18 of the Listed Building Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

- (3) Notwithstanding the details shown on drawing 705A-30A, details of external lighting for the culture and heritage hub shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reason: In the interests of safeguarding the setting of these listed buildings.

- (4) A sample panel of the proposed re-pointing for heritage cluster buildings shall be prepared for inspection and approved in writing by the Local Planning Authority. Any repointing or new brickwork shall then be implemented in accordance with the approved sample details.

Reason: In the interest of the special architectural or historic interest of the listed buildings.

- (5) In respect of the culture and heritage hub buildings, detailed drawings at a suggested scale of 1:1 and 1:10 of all new external and internal joinery work (including new window linings as appropriate) and fittings together with sections through glazing bars, frames and mouldings shall be submitted to and approved by the Local Planning Authority before any development takes place. The development shall be carried out in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed buildings.

- (6) In respect of the East Crystallising House, prior to the removal of the existing timber louvres, a detailed measured survey drawing shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with that drawing.

Reason: In the interest of the special architectural or historic interest of that listed building.

- (7) No development shall take place, until details of facing materials and external finishes and colours in respect of the heritage hub buildings have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed buildings.

- (8) In respect of the 'office, store, house' building, no development shall commence until details of the new staircase shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (9) In respect of the 'Melting House', details of the metal grille windows shall be submitted to and approved in writing by the Local Planning Authority before

development is commenced. The development shall then be implemented in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (10) In respect of the 'West Crystallising House', drawings showing 1:5 scale existing and proposed eaves details and the extent and specification for any proposed wall frame and roof repairs shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The development shall then be implemented in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (11) In respect of the 'Earth House', a detailed specification and schedule of works for the re-building of the north-east elevation and for structural repairs to the roof (which shall accord the repair principles in Section 6.0 of the Heritage Statement) shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The development shall then be implemented in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (12) In respect of the 'Earth House' and the 'Refining House', a sample panel of brick-work for the north-east elevation of the 'Earth House' and the north-west elevation of the 'Refining House' shall be provided and approved in writing by the Local Planning Authority before development is commenced. The development shall then be implemented in accordance with the approved panel.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Appendices

Appendix 1 – Phasing plan: 'Oare – Phasing v4'

Appendix 2 – Habitats Regulations Assessment

Appendix 3 – Draft Heads of Terms (version 5)

Appendix 4 – Extract from the ‘Oare Road Addendum Note’

Appendix 5 – Design Panel letter, dated 6 January 2014

APPENDIX 1

APPENDIX 1

Oare - Phasing v4 – 18th May 2015**Works for each phase**

- Ground condition remediation for each phase;
- Foul & Surface drainage all in place for each phase
- Access for phase, plus construction access,
- Site and show-home compounds, wheel washing, etc.

Phase 1- c 85 units**Before 1st occupation:**

- Dog and people-proof fencing for all protected habitat areas
- Listed Buildings not in continuing use made safe, secure and where necessary structurally supported.
- Fencing off the later development areas and any working plant and machinery

During 1st Phase:

- Providing local POS and play equipment relevant to phase 1.
- Install the flood defense bund around the Listed Building Complex to provide them early protection and to provide the associated raised footpath routes to the park in replacement for temporary routes used to that point.
- Contributions to KCC education on a pro rata basis
- Providing a proportion of Affordable Housing
- Completing the Management Plan Structure 'Set-Up'

2nd Phase - before completion: - c 86-190 units

- Provide phase related POS and play equipment.
- Provision of car park by School
- Contributions to KCC education on a pro rata basis
- Restoration of the "Meal Room" building (to ensure facilities for the Faversham Sea Scouts are available if they are required.) This work to be done unless the Faversham Sea Scouts are no longer in occupation, in which case the building would fall within the works set out in phase 3.
- Habitat Creation Work - as set out in para 5 of the submitted Access & Habitat Management Plan

3rd Phase - before completion: - c191-265 units

- Contributions to KCC education on a pro rata basis
- Provide phase related POS and play equipment.
- Substantial work on the listed buildings from 245 occupations onwards with completion of the "Structurally Restored" phase (see below) before 310 house occupations (ie 20 before site completion to ensure compliance), and the Occupation Phase being completed as occupiers for each building are secured.

Structurally Restored Phase

APPENDIX 1

Undertake the Schedule of Works, submitted as part of the application entitled "Anticipated Schedule of Works for Restoration of the external fabric of the Listed Buildings" dated 27th October 2014 to the listed buildings (based on the approved drawings), to ensure that the buildings are watertight and structurally stable to ensure their long term retention until such time as occupants are secured for each building.

Occupation Phase

When occupants are found for the buildings additional works are to be undertaken to enable the listed buildings to be fully occupied, these are the remaining works not covered by the Schedule of Works set out on the approved drawings, subject to permitted alterations.

Parking/turning/servicing and landscaping to each building to be provided prior to the building to which it relates being occupied.

4th Phase - before completion: - c266-330 units

- Contributions to KCC education on a pro rata basis
- Provide phase related POS and play equipment.

Completion of all outstanding open space provision and ecological mitigation before 320 occupations.

APPENDIX 2

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Appendix 2: HABITATS REGULATIONS ASSESSMENT

Context

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires *Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.*

For proposals likely to have a significant effect on a European site, the Conservation of Habitats and Species Regulations (2010) requires the Council to make an appropriate assessment of the implications for the site. Para. 119 of the NPPF states that *"The presumption in favour of sustainable development ... does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."*

Given the scales of housing development proposed around the North Kent SPAs, the North Kent Environmental Planning Group (NKEPG) commissioned a number of reports to assess the current and future levels of recreational activity on the North Kent Marshes SPAs and Ramsar sites. NKEPG comprises Canterbury, Dartford, Gravesham, Medway and Swale local authorities, together with Natural England and other stakeholders. The following evidence has been compiled:

- Bird Disturbance Study, North Kent 2010/11 (Footprint Ecology).
- What do we know about the birds and habitats of the North Kent Marshes? (Natural England Commissioned Report 2011).
- North Kent Visitor Survey Results (Footprint Ecology 2011).
- Estuary Users Survey (Medway Swale Estuary Partnerships, 2011).
- North Kent Comparative Recreation Study (Footprint Ecology 2012).
- Recent Wetland Bird Surveys results produced by the British Trust for Ornithology.
- Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy (Footprint Ecology 2014).

In July 2012, an overarching report summarised the evidence to enable the findings to be used in the assessment of development. The report concluded (in summary):

- There have been marked declines in the numbers of birds using the three SPAs.
- Disturbance is a potential cause of the declines. The bird disturbance study provided evidence that the busiest locations support particularly low numbers of birds.
- Within the Medway, the areas that have seen the most marked declines are the area north of Gillingham, including the area around Riverside Country Park. This is one of the busiest areas in terms of recreational pressure.
- Access levels are linked to local housing, with much of the access involving frequent use by local residents.
- Bird disturbance study - dog walking accounted for 55% of all major flight observations, with a further 15% attributed to walkers without dogs along the shore.
- All activities (i.e. the volume of people) are potentially likely to contribute to additional pressure on the SPA sites. Dog walking, and in particular dog walking with dogs off leads, is currently the main cause of disturbance.
- Development within 6km of the SPAs is particularly likely to lead to increase in recreational use.

Natural England's advice to the affected local authorities is that it is likely that a significant effect

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will occur on the SPAs/Ramsar sites from recreational pressure arising from new housing proposals in the North Kent coastal area.

The agreed response between Natural England and the local authorities is to put in place strategic mitigation to avoid this effect – a 'strategic solution.' This provides strategic mitigation for the effects of recreational disturbance arising from development pressure on international sites and will normally enable residential development to proceed on basis of mitigation provided avoiding a likely significant effect.

This strategic approach is set out in the Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy (Footprint Ecology 2014). It will normally require the creation of on-site mitigation, such as the creation of open space suitable for dog walking and, secondly, via payment of a dwelling tariff for off-site impacts. The money collected from the tariff would be used by the North Kent Councils and its partners for mitigation projects such as wardening, education, diversionary projects and habitat creation. The policy context for such actions is provided by policies CP7 and DM28 of the ELP.

Associated information

The applicant's supporting ecological documents (including the Access and Habitat Management Plan, dated August 2015, and the 'The Swale Special Protection Area (SPA) and Ramsar Site: Impact Avoidance and Mitigation Strategy' (February 2014) contain information to assist the HRA. These documents have been considered, and it is clear that careful consideration has been given to the potential implications of the development for the SPA, and the information is considered – having had regard to the expert input from Kent County Council Ecology, Kent Wildlife Trust and Natural England - to be sufficient to allow the HRA to be undertaken. It is noted that the applicant is fully committed to a per-dwelling payment for off-site mitigation (amounting to £223.58 per dwelling) as recommended by The Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy (Footprint Ecology 2014). This would need to be required, together with appropriate triggers, by the Section 106 Agreement to accompany the planning permission.

As detailed in their letter of the 19 May 2014, Natural England has confirmed that a suite of strategic measures similar to those set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy will provide appropriate mitigation. However, they consider it is up to the local authorities to ensure that appropriate measures are in place to allow the strategic mitigation to be delivered. This would include consideration of the appropriate tariff.

The Assessment of development on land at Oare Mineral Works, Faversham

The application site is located close to three access points onto the Swale SPA to the north of Faversham, in the vicinity of Oare village and the Saxon Shore Way long-distance public right of way. A mixture of footpaths and local roads make the SPA readily assessable on foot at these locations. In any event, recreational impacts are equally likely to occur as a result of visitors arriving by car.

This assessment has taken into account the significant proposal for on-site mitigation, namely the proposed Country Park. Whilst the coastal SPA is considered likely to be an on-going draw for residents seeking recreational activity, it is considered that Country Park – which will include infrastructure to make it user-friendly for informal recreation – will be very attractive to residents of the new development (and people already living in the wider area) and as such the open space provision within the proposed development will very largely discourage off-site recreation taking place in the SPA.

Conclusions

A precautionary approach has been taken, and consideration has been given to the substantial and well-thought-out on-site mitigation that is proposed, together with the applicant's commitment to pay the actual proposed tariff contained in the Thames, Medway and Swale

APPENDIX 2

Planning Committee Report

Estuaries – Strategic Access Management and Monitoring Strategy (Footprint Ecology 2014). This leads to the conclusion that the proposals would not give rise to likely significant effects on the SPA. On this basis the proposals can be screened out for purposes of the HRA, and as such a full Appropriate Assessment is not required.

APPENDIX 3**PLANNING OBLIGATIONS OARE LAKES – CONFIDENTIAL – v5****S106 of the T&CP Acts: Heads of Terms**

1. **Affordable Housing:** at 30% providing 99 affordable homes or apartments. 70:30 split in favour of affordable rented to provide 69 affordable rent dwellings and 30 shared ownership dwellings.

Phasing and delivery in line with supporting note on phasing.

The affordable dwellings will provide a good mix of dwelling types but it is recognised that the mix will not match the private units due to the large number of larger unit types on the development driven by the nature of the site.

Clustering to be applied and distributed across the site in groups of between 6 and 15 dwellings.

The number of affordable units provided within each phase will be between 29% and 31% affordable, ensuring that the total provision of affordable is 30% across the site. The 70:30 split in favour of affordable rented will also be applied where possible within each parcel.

2. **Off-site highway works:** S278 works including works to Oare Road, Ham Road and J5 M2.
3. **Play-space, Open Space and Sports facilities:** Delivery in line with supporting note on phasing, but all on site (or within applicant's control). To be managed by a Resident's Management Company

Provision of play equipment as required will be made within each phase before 75% of occupations are completed within that phase.

4. **Country Park Set-up and Management Scheme:** To be delivered according to supporting phasing programme and managed by Management Company.

The funding of capital works necessary to set up the country park to the standard envisaged in this Management Plan will be borne by Brett Aggregates Ltd or the housing developer in accordance with the phasing. (The costs are identified as being in the region of £193,000 inclusive of VAT). 20% of this funding to be made available before the first occupation, the balance before 50% of phase 2 is occupied. The site should be managed in accordance with the management plan, the funding of the management plan is a commercial rather than S106 matter.

The management of the country park is expected to cost in the region of £27,000 per annum inclusive of VAT.

Additional capital replacement works will be required on a rolling basis (averaging around £12,000 per annum inclusive of VAT)

APPENDIX 3

An Oare Lakes Country Park Management Company will be set up to manage the Country Park (which could be part of the residential management company who will manage the other open spaces on site) in accordance with the submitted management plan. The Country Park Management Company will be VAT registered.

The Country Park Management Company will have access to a capitalised sinking fund that will be provided with a pump-priming payment equivalent to the annual maintenance costs for the first 10 years by the developers through the S106 agreement (c£270,000 plus indexation (index TBC) from issue of consent to payment to fund). Contributions pro rata on a per unit occupied basis.

Each new residential unit at Oare Lakes will be subject to a charge on the property to pay an annual service charge to be set at a level determined by the Country Park Management Company to ensure that the required annual Country Park maintenance costs and capital replacement costs (and any administration costs) are met from the completed residential development. The Management Company shall ensure the proper collection of this service charge.

Any shortfall due to non-payment of the annual service charge will be recovered at the time of the sale of the relevant residential unit (if not recovered earlier).

If the Management Company should fail to manage and maintain the Country Park in accordance with the approved Management Plan the residents will be given the power to appoint a new Company to benefit from the income stream and undertake the management duties.

5. **Primary Education:** £1981.58 per house and £495.40 per applicable flat ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA, and sheltered accommodation)
6. **Secondary Education:** £432.46 per house & £108.11 per applicable flat.
7. **Adult Education:** Financial contributions as required and fully justified by the Local Education Authority on a per plot basis £43.35 per household
8. **Libraries:** £230.09 per household
9. **Youth:** £55.55 per household
10. **Social Services:** £262.90 per household , plus 4 wheelchair accessible units as part of the affordable housing delivery

Note: We understand that following the introduction of the CIL Regulations 1st April 2015, where contributions for an infrastructure pot is required in the absence of a CIL charging schedule, where 5 or more contributions have already been received, the LPA are not permitted to accept further contributions. We believe this applies to items 5,6,7,8,9,10 and 16 of these heads of terms.

APPENDIX 3

11. **Listed Buildings Restoration:** Phasing and delivery detail in line with supporting note on phasing.

The proposed phasing secures the buildings safety for the future early in the implementation of the planning consent with protection from flood, weather proofing and structural support. The bulk of the most costly work is undertaken later in the scheme when funds have been raised via development and defers some of the less critical internal works to the point when an occupier has been secured for each building, allowing expenditure to be targeted with the specific occupation in mind.

12. **Withdrawal of Brett Operations**

Details and timing of the withdrawal Brett operations to be agreed. Brett will vacate much of the site soon after implementation, but some small areas of operation will need longer to be removed and so a “no houses within x distance of these uses until they are removed” approach will be required.

13. **Wheelie Bins**

Each of the dwellings and the commercial / community uses of the restored listed buildings, in accordance with the Council’s adopted SPD on Developer Contributions will require wheelie bins.

14. **Monitoring Charge**

A 5% *monitoring charge* is to be levied by Swale against the total financial developer contribution. 50% of the charge is to be paid upon occupation of the 50th unit and 50% on the 165th unit.

15. **Gypsy and Traveller Pitches**

Removed, please see revised planning statement

16. **North Kent Environmental Planning Group**

A payment of £230 per dwelling shall be made to be used by the North Kent Environmental Planning Group to provide supplementary mitigation for recreational impact of the development on the adjacent SPA.

APPENDIX 4

APPENDIX 4 : EXTRACT FROM
'OARE ROAD APPENDUM NOTE'

Oare Mineral Works, Faversham

13-008

New Oare Road Access Strategy

August 2014

2.0 USE OF EXISTING ACCESS

- 2.1 The site in its current form, as a quarry, is currently accessed to the north of the site and the access forms a junction with Oare Road / The Street and Western Link. During the original design the use of this access as a main site access for residential development was explored and this is revisited below in the current context.
- 2.2 The access currently serves the mineral works and is a narrow un-adopted road that in its current form would not be fit for use as a residential site access. In light of this, significant works would have to be undertaken to upgrade the carriageway to be to an adoptable standard. To achieve this, the road would have to be doubled in width, with footways and lighting installed. It is not clear that this arrangement could be achieved within the existing constraints and it is unlikely that KCC would adopt the road without such works being conducted.
- 2.3 A further constraint is the complex junction with Oare Road / The Street / Western Link. This junction would also require improvement works as detailed within the previously submitted Transport Assessment. *"Due to land constraints a roundabout of suitable capacity was not viable and therefore the only option would be a signalised scheme. Such an approach was not considered to be appropriate in local context and discussions with KHS as highway authority confirmed that this would not be a preferred outcome."* It is understood the KHS viewpoint remains the same on this issue.
- 2.4 Sections of the access road are located within flood zones 2 and 3, limited options in this area. To address this, significant compensating works would have to be undertaken to take the area out of the flood zone with potential impact on the ecologically sensitive areas of Oyster bed ponds.
- 2.5 Lastly, a residential scheme with an access orientated to the north would be inconsistent with the primary pedestrian and cycle desire line towards the south and the town centre. It is reasonable to conclude that with a vehicular access to the north, the propensity for mode shift to walk and cycle could be reduced. People have a tendency to view the vehicular route as the primary option and would, at least in the first instance when considering mode shift, envisage this route for walking or cycling, even where others may be available. Where this route is substantially away from the desire, it is likely to dissuade mode shift as car driver perceive long walking or cycle routes which are preferably undertaken on foot. Essentially an access further to the north provides a perception of remoteness and distance to all routes to, for instance the town, reducing potential mode shift.
- 2.6 In conclusion it is considered that the access in its current form is not fit for the purpose of serving a residential development and that the works required bringing this up to standard could be both undesirable and/or undeliverable, therefore further investigation has been made to other alternatives that respond to the consultation responses.

3.0 TRAFFIC ASSIGNMENT

- 3.1 It has been suggested that changing the location of the secondary access, from Oare Road to the existing access opposite the western link (discussed above), would affect the assignment of traffic from the proposed development. It is understood that comments received highlighted a perceived reduction in demand to south, past the primary school would result if the access were located further north.

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South East Regional **Design Panel**

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6th January 2014

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Dear Mr Drury

OARE LAKES, FAVERSHAM

Thank you for inviting the Swale Design Panel to review the above project. Panel members visited the site before their meeting at Swale House, Sittingbourne on 5 December. We were grateful to you for showing us round the site and we should also like to thank Simon Beck of BDB for his presentation. It was helpful to hear the planning policy context from Jim Wilson of Swale Borough Council.

SUMMARY

Oare Lakes is a remarkable place with a fascinating history. Its future planning calls for a coherent and sensitive approach, starting with the landscape and the infrastructure. The design team have made a good start with a thorough analysis of the qualities of the area including the ecology.

We believe the project is on the right track, but the main challenge is to ensure that the new development will be fully part of Faversham and the adjacent communities, rather than be an appendage to them. This could be achieved by making the connections as strong as possible, and perhaps by relaxing the rather rigid separation between the residential and employment areas. We think the old gunpowder buildings could be given a more important role in the scheme, helping to shape the identity of the new place. Their future should be secured without delay.

The quality of the public realm and its management will be key to the long-term success of the development and should be addressed early on. We also consider the phasing of the project to be a critical issue and ensuring that the first parcels of development are built to an exemplary standard, to provide a benchmark for the wider scheme.

Our comments are as follows:

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BACKGROUND

Oare Quarry is situated on tidal marshland between Faversham and the sea. The site is of considerable historic significance, being a monastic holding in the medieval period that subsequently became an important place of gunpowder manufacture. The surviving buildings of the once extensive gunpowder works are listed grade II and the site is also of archaeological interest. The listed buildings are vacant or in low-level storage use and in need of immediate attention.

The land at Oare has been used as a sand and gravel operation since the 1920s. The quarry is now exhausted, but material is imported into the site for processing. The profile of the landscape has changed considerably, with former excavations now serving as lakes and with artificial banks and mounds.

The site is allocated for housing and employment development in the emerging Swale local plan. The current minerals consent at Oare remains valid until 2042.

CONNECTIONS AND CIRCULATION

The entrances into the site seem to be rather restricted for such a large area, which may work against its successful integration with its surroundings. Whilst we understand the imperative of managing flood risk, we would hope that a more permeable layout with better connections from the west could be achieved.

The new development will bring considerable change to the character and geometry of the present lanes. A traffic impact study and management plan will be needed to ensure that these changes are achieved successfully.

LANDSCAPE AND PUBLIC REALM

A panorama of the open marshland landscape can be surveyed from a mound in the middle of the site; Faversham Church tower stands out as landmark. The site has been recognised for its ecological importance, not least for overwintering waders and other wildfowl. We support the principle of using the wildlife elements of the site as a buffer between the development and the safeguarded RAMSAR and Special Protection AREA. A formal SANG (Suitable Alternative Natural Greenspace) is not being sought by English Nature but will be built into the scheme.

Despite reclamation work the longstanding and extensive minerals operations have left much of the site heavily despoiled with landfill, quarry deposits and salt. These impose a substantial cost on the development of the area.

The site is quite exposed and windy and planting and landscape could ameliorate its effects. However, we do not think the barrier approach should be relied on as way of managing the microclimate; finer-grained solutions for the positioning of buildings could do more to provide shelter and reduce turbulence. Recent guidance on energy saving

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though landscape design could also be relevant in working up the project, including the orientation of buildings.

Protection against tidal flooding will be essential on this low-lying coastal site. The bund that is proposed to wrap around the site needs to be very carefully considered, but we agree with the team that it could be an interesting feature in its own right.

MIX OF USES

It is encouraging to see both housing and employment allocated for this site, but delivering the latter may be a challenge in this location. Rather than defined parcels we believe a mix of uses would do more for the vitality of the area and offer more varied architecture, perhaps incorporating live-work buildings along the green spine that connects to the town. The residential density seems low, so perhaps slightly more intensive development could strengthen the bond with the town as well as securing the viability of the social housing.

The landfill area is at the town end of the site and has in part driven the allocation of employment uses in this area. Whilst we understand the economic rationale behind this decision, we fear that the area could end up as little more than sheds or pavilions surrounded by tarmac, providing a very poor approach to the residential areas behind. An imaginative approach to landscape design would help, but the fundamental move should be to create a much more mixed development.

We believe the development could capitalise on the history of the gunpowder works, making it the heart of the development and a visitor attraction for Faversham. On our site visit we did not inspect the listed buildings closely, but it seems likely that their long-term future will depend on more than the light touch repair that is currently envisaged. Any prospective users will need spaces that are not only structurally sound but also reasonably energy efficient, well lit and ventilated and with modern services. Given the interest of the building group, we wonder whether it could serve as the hub of the community rather than a collection of low-key business uses. We would expect any planning consent to be tied in to the prompt repair and conversion of the listed buildings.

A softer, more indented edge to the development might help to assimilate it with its surroundings, rather than appearing to be an appendage. We see scope for exploiting long views from and across the site including those from the surrounding bund.

DELIVERY, PHASING

Phasing will clearly be a key concern and we understand that the site will be built out from east to west. Each phase needs to be reasonably self-supporting but it is also important that the first buildings and spaces are of the highest quality, to set a benchmark for the project as a whole.

The local planning authority will require a management agreement for public realm including unadopted highways. We understand that the scheme promoters are discussing management arrangements with third parties. A community land trust is an

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interesting model but we suggest that it will be important to draw businesses as well as residents into the agreement.

I hope you find these comments helpful and please keep us in touch with further progress. Do contact me if anything in this letter is unclear.

Yours sincerely



ROBERT OFFORD
Panel Manager

cc James Brett BDB
Simon Beck BDB
Julian Bore, Lloydbore Landscape & Ecology
Jim Wilson, Swale Borough Council
Peter Bell, Swale Borough Council

Panel members present: Allan Atlee (Chair), James McCosh, Luke Engleback, David Prichard

Geoff Noble (notes)

This review was commissioned by BDB on behalf of Brett Aggregates Ltd with the knowledge of Swale Borough Council.

CONFIDENTIALITY

Since the scheme was not the subject of a planning application when it came to the Panel, this letter is offered in confidence to the addressee and those listed as being sent copies. There is no objection to the letter being shared within respective practices/organisations. SERDP reserves the right to make the guidance known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). Unless previously agreed to remain confidential, this letter will be publicly available if the scheme becomes the subject of a planning application and to any public inquiry concerning the scheme. SERDP also reserves the right to make guidance available to another design review panel should the scheme go before them. If you do not require this letter to be kept confidential, please let us know.

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