

1.2 REFERENCE NO - SW/14/0045		
APPLICATION PROPOSAL		
Outline application including access for a mixed use development comprising business park (up to 5,385sqm of commercial units, and a 2,000sqm office (innovation centre), a hotel (approx 70 bed), pub/restaurant (up to 400sqm), health centre (up to 300sqm), 196 residential dwellings, open space including sports pitches, amenity open space and parkland, roads, allotments and a traveller site.		
ADDRESS Land East of Love Lane, Faversham, Kent, ME13 8JB		
RECOMMENDATION		
SUBJECT TO		
<ol style="list-style-type: none"> the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure the signing of a section 106 agreement for developer contributions towards: primary and secondary schools; libraries, adult social care; community learning; youth services; waste and recycling bins; financial contributions towards the provision of improvements to bus stops around the site; provision of 30% affordable housing across the residential site; the submission of a construction code of conduct and construction traffic management plan; to provide a traffic plan and a monitoring fee of £5000 for the traffic plan; commitment to securing local employment and training opportunities and financial contributions towards the support of construction apprenticeships; commitment by the developer to provide a minimum of 4.5 hectares of public open space to be retained for public use (to include allotments, cricket pitch and informal parkland) to be retained in perpetuity and a management plan; contributions towards signage to train station via public footpath on the site; provision of additional lighting at either end of the railway footbridge; to deliver the infrastructure and provide serviced plots ready for the commercial development prior to the occupation of the fiftieth dwelling and also for the applicant to embark on a marketing campaign within three months of receiving detailed planning consent and a monitoring charge and as part of the Section 106 agreement, reference will be made to the signing of a section 278 agreement for improvements to off-site works including a pedestrian link, splitter island and improvements to highway junctions within the vicinity of the application site; and to make such minor amendments to the legal agreement as may be required. the Head of Planning BE DELEGATED POWERS TO GRANT outline planning permission subject to the imposition of conditions (1) to (35), additional conditions as required by KCC Archaeological Officer and the KCC Biodiversity Officer, and informatives set out in the officer's Report to Committee. 		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL		
To confirm delegated authority to Head of Planning Services and Head of Legal Services to enter into a S.106 agreement		
REASON FOR REFERRAL TO COMMITTEE		
Incorrect minute not providing delegated power to enter into S.106 agreement		
WARD Abbey	PARISH/TOWN Faversham Town	COUNCIL APPLICANT The Vinson Trust AGENT Mr M Woodhead
DECISION DUE DATE 7 August 2014	PUBLICITY EXPIRY DATE 3 March 2014	OFFICER SITE VISIT DATE Several including 10 June 2014
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining		

sites): No previous planning history

1.0 MAIN REPORT

1.1 The purpose of this report is to give delegated power to Head of Planning and Head of Legal Services to enter into a Section 106 agreement following the Planning Committee's resolution to grant permission for the development at its meeting on 20 November 2014.

2.0 PROPOSAL

2.1 Following the Committee's resolution to approve, the legal agreement required to secure the planning obligations pursuant to that approval is well advanced with the agreement now having been engrossed and awaiting completion. Unfortunately, it became apparent that the agreed minute for the Planning Committee meeting of the 20 November 2014 (a copy of which is appended to this report) was inaccurate and did not include reference for the delegation of powers to sign the agreement.

2.2 The details of the agreement are in line with the original report to the Planning Committee (a copy of which is appended to this report) and there have been no material changes in circumstances to require an alternative approach or decision be made.

3.0 RECOMMENDATION –SUBJECT TO

1. the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure the signing of a section 106 agreement for developer contributions towards: primary and secondary schools; libraries, adult social care; community learning; youth services; waste and recycling bins; financial contributions towards the provision of improvements to bus stops around the site; provision of 30% affordable housing across the residential site; the submission of a construction code of conduct and construction traffic management plan; to provide a traffic plan and a monitoring fee of £5000 for the traffic plan; commitment to securing local employment and training opportunities and financial contributions towards the support of construction apprenticeships; commitment by the developer to provide a minimum of 4.5 hectares of public open space to be retained for public use (to include allotments, cricket pitch and informal parkland) to be retained in perpetuity and a management plan; contributions towards signage to train station via public footpath on the site; provision of additional lighting at either end of the railway footbridge; to deliver the infrastructure and provide serviced plots ready for the commercial development prior to the occupation of the fiftieth dwelling and also for the applicant to embark on a marketing campaign within three months of receiving detailed planning consent and 5% monitoring charge and as part of the Section 106 agreement, reference will be made to the signing of a section 278 agreement for improvements to off-site works including a pedestrian link, splitter island and improvements to highway junctions within the vicinity of the application site
2. the Head of Planning BE DELEGATED POWERS TO GRANT outline planning permission subject to the imposition of conditions (1) to (35), additional conditions as required by KCC Archaeological Officer and the KCC Biodiversity Officer, and informatives set out in the officer's Report to Committee.

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2.3 SW/14/0045

APPLICATION PROPOSAL

Outline application including access for a mixed use development comprising business park (up to 5,385sqm of commercial units, and a 2,000sqm office (innovation centre), a hotel (approx 70 bed), pub/restaurant (up to 400sqm), health centre (up to 300sqm), 196 residential dwellings, open space including sports pitches, amenity open space and parkland, roads, allotments and a traveller site.

ADDRESS Land East Of Love Lane, Faversham, Kent, ME13 8JB

RECOMMENDATION GRANT SUBJECT TO CONDITIONS AND SUBJECT TO:

1. The signing of a section 106 agreement for developer contributions towards: primary and secondary schools; libraries, adult social care; community learning; youth services; waste and recycling bins; financial contributions towards the provision of improvements to bus stops around the site; provision of 30% affordable housing across the residential site; the submission of a construction code of conduct and construction traffic management plan; to provide a traffic plan and a monitoring fee of £5000 for the traffic plan; commitment to securing local employment and training opportunities and financial contributions towards the support of construction apprenticeships; commitment by the developer to provide a minimum of 4.5 hectares of public open space to be retained for public use (to include allotments, cricket pitch and informal parkland) to be retained in perpetuity and a management plan; contributions towards signage to train station via public footpath on the site; provision of additional lighting at either end of the railway footbridge; to deliver the infrastructure and provide serviced plots ready for the commercial development prior to the occupation of the fiftieth dwelling and also for the applicant to embark on a marketing campaign within three months of receiving detailed planning consent and 5% monitoring charge
2. As part of the Section 106 agreement, reference will be made to the the signing of a section 278 agreement for improvements to off-site works including a pedestrian link, splitter island and improvements to highway junctions within the vicinity of the application site.
3. Any comments from KCC Archaeological Officer and recommended conditions as a result of their comments.
4. Additional information requested by KCC Biodiversity Officer and any conditions or reports required as a result of that additional information.

SUMMARY OF REASONS FOR RECOMMENDATION

The application proposes development on a smaller site than that due to be allocated in the local plan and with less 'B' use class development and more housing. However, the development still largely meets the aims of the proposed allocation and would bring significant benefits. The housing would help the Council towards meeting a five year supply of sites and enable it to be in a more secure position for fighting appeals for less appropriate sites, especially at Faversham. The employment uses will also help to secure new jobs for the area and help the economy. Clauses will also be included in the Section 106 agreement to give a degree of confidence that the second phase should include 'B1' use classes.

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<p>Whilst the proposal would result in some harm, including to the countryside, to best and most versatile land, to residential amenity and to the setting of the conservation area, the need for the development, outweighs the limited harm that would be caused.</p>		
<p>REASON FOR REFERRAL TO COMMITTEE Significance of proposal/ more than three letters contrary to recommendation/wider public interest</p>		
<p>WARD Abbey</p>	<p>PARISH/TOWN COUNCIL Faversham</p>	<p>APPLICANT The Vinson Trust AGENT Mr M Woodhead</p>
<p>DECISION DUE DATE 7 August 2014</p>	<p>PUBLICITY EXPIRY DATE 3rd March 2014</p>	<p>OFFICER SITE VISIT DATE Several including 10th June 2014</p>
<p>RELEVANT PLANNING HISTORY: No previous planning history</p>		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 This development is proposed on a green field, high grade agricultural site abutting, but outside of the eastern edge built up area boundary of Faversham. The site is currently divided into several separate arable fields defined by hedgerow breaks. Some fields are in active agricultural use and others lay fallow.
- 1.2 There are no permanent buildings on the site, except for a small modern barn close to the boundary with Graveney Road. There are several agricultural workers caravans currently located on the site, the proposal explains that if the development were to be permitted these would be relocated to the adjacent site, Ewell Farm. The original farmhouse fronting Love Lane has been converted to a residential care home for the elderly in 2008 now known as Fynvola (SW/08/0411 & SW/08/1190). The farmhouse is surrounded by a yard area with several outbuildings in various low key industrial uses. It should be noted that both the yard and the former farmhouse are excluded from the application site.
- 1.3 The site is relatively flat, although it slopes gradually from south to north and up to the east. The site levels are at their highest at just over 30m above Ordnance Datum in the south eastern corner, being at their lowest at just over 10m above Ordnance Datum adjacent to the Graveney Road boundary. The land adjoining the Graveney Road boundary of the site is elevated above it by approximately two metres.
- 1.4 Surrounding the site are the railway line and farmland immediately to the south and east, a modern housing development to the west and disused industrial

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site to the north (on the opposite side of Graveney Road). To the rear (east) of the site is a further area of agricultural land, measuring approximately 10ha within the applicants ownership, which is proposed to be developed at a later date as a second phase, together with land located to the side of the current application site. In total the application site covers approximately 16.5 ha.

- 1.5 The site itself is located approximately 1.3 km from the centre of Faversham and within 0.8 km of the M2 motorway, with quick and easy access to both. Access to the site is currently gained from Love Lane and is used to serve the existing farm buildings on the site.
- 1.6 The site is well screened from Love Lane by mature hedgerows. The site is also relatively well screened from Graveney Road, although there are small areas where the screening is reduced, however, views are minimised from Graveney Road due to the elevated nature of the site from the road. Finally, the agricultural land to the east of the site elevates quite steeply above the application site forming a low ridge so views from here to the site are quite prominent. However, the nearest public viewpoint would be from Homestall Lane, which is some distance from the site.
- 1.7 A public footpath runs through the middle of the site from Love Lane to beyond the Thanet Way to the former Farming World site. This would be retained in situ as outlined in the current indicative plans. From here, views across the site would be very close and clear.

2.0 PROPOSAL

- 2.1 This application has come forward ahead of the Local Plan process in outline format. All matters are reserved for future consideration, except for access, which is a detail to be assessed as part of this application. Therefore all other reserved matters can only be considered in terms of the principle of the development at this stage, not the detailed matters. As details of the use or uses, the amount of development and access points are all that is required to be submitted for an outline application, the layout plan should be treated as indicative and may be subject to change at reserved matters stage should Members resolve to grant permission for this application. Officers currently have some concerns regarding the proposed layout of the development and the way the indicative layout follows artificial field boundaries rather than the contours of the land. However, this is an issue that can be dealt with at the reserved matters stage rather than outline.
- 2.2 The application proposes a mixed use development comprising of a business park (5385 sqm) of commercial units, an innovation centre office (2000 sqm), a 70 bed hotel, a pub/restaurant, health centre, 196 dwellings, open space to include a cricket pitch, amenity space and parkland, allotments and a two-pitch gypsy or traveller site.

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- 2.3 Currently the illustrative masterplan shows all of the proposed housing to the northern part of the site, stretching to the north, east and western boundaries of the site. Access to the housing would be from two points, one located approximately half way along the site frontage of Love lane, opposite the southern boundary of the cemetery and the other would be from Graveney Road. The proposed housing would be buffered from this access by an area of open space. Thirty percent of the housing would be 'affordable'. However, the scheme does not provide further detail regarding what this would entail at this stage.
- 2.4 The commercial elements of the scheme are shown separated by open space from the housing, located at the southern end of the site. The commercial units and offices would be set back from Love Lane by an area of open space and are shown to be designed around further areas of greenery. The proposed hotel and pub carvery would front onto Love Lane and would have a separate access point immediately adjacent to the pub. The proposed health centre would be separated from the offices by further planting. Two traveller pitches are proposed in the area in between the commercial units and the proposed cricket pitch.
- 2.5 The scheme also proposes allotments which are currently shown abutting the southern boundary of the site, enclosed by the commercial units. Finally, the cricket pitch is proposed in the centre of the site separating the commercial and housing areas. The open centre of the site is designed to allow retention of glimpses of the spire of the parish church from the footpath.
- 2.6 No details of parking, detailed landscaping or specific materials have been provided at this stage.
- 2.7 The details of this application were assessed by the Council's design panel in April of this year. The panel made some very useful suggestions. The summary stated *"the development is being planned on important green field site on the eastern edge of Faversham and it is incumbent on the promoters and the Council to achieve the highest possible quality, with streets and spaces the equal of any in the town. The design team has thought carefully about the locality but we have concerns about the viability of the mix of land uses and the way the various development partners will secure the scheme's aspirations. We would like to see the present outline application go beyond the present parameter plans to lock in the required quality. We also suggest that the parameter plans should make much more use of the natural topography to determine the character of the place rather than relying on the artificial and relatively recent field boundaries."* A copy of the Design panels comments in full are attached as Appendix A.
- 2.8 The application is supported by a number of reports including a planning statement, desk based contaminated land assessment, affordable housing

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viability report, transport statement, statement of community involvement, landscape and visual assessment, flood risk assessment, ecological appraisal, Phase I habitat survey and further survey work for bats, design and access statement and topographical survey. From these I draw the following key points:-

The Planning Statement

- 2.9 The planning statement outlines the applicants' position and highlights the merits of the development. In particular the following paragraphs state;
- 2.10 6.1.2 *"This outline application provides an indicative layout for the development, but all matters including siting, design, external lighting, external appearance and landscaping are reserved for future consideration. The application has been the subject of pre-application discussions with Swale Borough Council, Faversham Parish Council and Kent Highway Services.*
- 2.11 6.1.3 *"These changes provide for an increase in design quality that will support the sustainable reuse of the site, securing economic benefits in investment and services, social improvements through the provision of new accommodation and environmental gains from the creation of new landscaping and opportunities for improvements to biodiversity."*
- 2.12 6.2.6 *"The provision of dwellings here would supplement the supply of affordable and market housing at Faversham in conformity with the provision of a social role."*
- 2.13 6.2.7 *"The scheme will enhance the local natural and built environment through habitat creation, landscaping and securing the removal of pollution whilst providing for improvements in energy efficiency and the use of renewables. These measures provide for an environmental role."*
- 2.14 6.2.8 *"These factors confirm that the scheme is sustainable. Accordingly, in conformity with the NPPF the presumption in favour of sustainable development should apply."*
- 2.15 6.2.9 *"We conclude that the proposals are in overall conformity with the material saved policies of the statutory Development Plan to provide for economic development and that any policy conflict with the provision of housing and open space is outweighed by these considerations. The scheme is also in conformity with the relevant material considerations contained in the NPPF and is not in conflict with the emerging policy in the draft Local Plan."*

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2.14 The executive summary explains that the proposal for the site is considered to be at low risk due to the limited potential for on-site sources of contamination. It goes on to state *“However, a number of off-site sources of contamination have been identified which have been assessed as low to medium risk which as a precautionary measure require further work prior to development.”*

2.15 *It is recommended that a limited site investigation with chemical testing is undertaken prior to development of this site. The investigation works should focus on the farm buildings along with confirming that the rest of the site can be classed as low risk.”*

Transport statement

2.16 The summary of the document explains that;

2.17 *12.1.3 Vehicular access to the site will be gained from Graveney Road and Love Lane (for the residential use) and from Love Lane for the commercial use. The access junctions will comprise priority junctions.*

2.18 *12.1.4 A review of local and national policy has been completed. In general an emphasis is placed upon promoting sustainable travel opportunities to new development. The proposed site is considered to respond to policy for a number of reasons:*

- *It is served by existing bus services on Love Lane and the existing southbound stop will be enhanced by the proposed development.*
- *The proposed mix of uses will contribute towards the propensity for linked trips within the local area.*
- *The proposed development is located within walking or cycling distance of Faversham Town Centre.*
- *Cycle parking facilities will be provided within the site close to the entrance of the employment areas.*

2.19 *12.1.5 The site is located to the east of the existing residential extent of Faversham. Direct pedestrian access to the proposed residential area would be achieved from the vehicular access points and the site frontage along either Love Lane or Graveney Road. An existing public right of way passes through the site from east to west and this is accessed directly from Love Lane. This public right of way comprises a footpath which provides a link east to the A229 Thanet Way and west into Faversham Recreation Ground. The nearest cycle route to the site is National Cycle Route 1 which passes through Faversham to the north west of the site.*

2.20 *12.1.6 The nearest bus stops are located on Love Lane in the vicinity of the junction with Windermere. The northbound stop is a pole and a flag whilst the*

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southbound stop is a shelter located on an island. As part of the development proposals the Vinson Trust will provide a layby for the southbound bus stop. The site will benefit from bus connectivity to a number of neighbouring towns including Sittingbourne, Canterbury and Whitstable.

- 2.21 12.1.7 *The nearest rail station to the site is Faversham Rail Station which is located approximately 1.4km from the northern site access. Faversham Rail Station is located on the Chatham Main Line and provides services direct into London St Pancras and London Victoria on a half hourly basis. To the south east services are provided half hourly to Dover, via Canterbury and to Ramsgate, via Margate.*
- 2.22 12.1.8 *In order to provide an understanding of the existing traffic conditions, a series of traffic surveys were commissioned at locations agreed with local highways officers during the scoping exercise. The peak hours, for assessment, have been derived based upon total network throughput.*
- 2.23 12.1.9 *Crash data has been obtained for the most recent 3 year period from Kent County Council. The data has been obtained for local highway junctions to provide an understanding of any recent crashes at these junctions.*
- 2.24 12.1.10 *A review of the most recent Core Strategy consultations highlights that Swale is currently using the parking standards set out by Kent until the Swale Vehicle Parking SPD is adopted. The detailed masterplan for the site will comply with the residential and commercial parking standards.*
- 2.25 12.1.11 *Trip rates have been extracted from the TRICS database and have been applied to the quantum of development proposed to derive the potential traffic generation of the development. Correspondence with highway officers has established that the preferred method of distribution of development trips is to use 2001 Journey to Work Census data for Faversham and this has been adopted.*
- 2.26 12.1.12 *For the purposes of this assessment a future year of 2020 has been adopted for local roads. Growth factors have been derived using TEMPRO software which have been applied to the observed traffic flows to represent the predicted growth of traffic. Development traffic has been added to the base year flows to derive “with development” traffic flows.*
- 2.27 12.1.13 *Base year junction models have been derived for each junction assessed. These have then been modelled using the 2020 base flows and 2020 “with development” flows.*
- 2.28 12.1.14 *The A2 / Love Lane junction is predicted to exceed capacity during both the AM and PM peak periods with development traffic added. A mitigation scheme will be required here by highway officers to demonstrate at least nil*

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detriment. A proposed mitigation scheme comprises a signalised junction and this provides appropriate capacity for 2020 with development traffic flows. It also provides a crossing facility for pedestrians.

- 2.29 12.1.15 *The Love Lane / Graveney Road / Whitstable Road junction is predicted to operate within capacity for all scenarios.*
- 2.30 12.1.16 *The A2 Canterbury Road / A251 Ashford Road / Preston Grove is predicted to exceed capacity during all scenarios, even 2013 and the 2020 base case. The addition of development at Lady Dane Farm does not cause the junction to exceed capacity, although it does further deteriorate the performance of the junction. The proposed development is anticipated to generate less than one vehicle movement through this junction per minute at peak times. It is considered unlikely that this impact would be perceptible in practise. However, as the development is anticipated to contribute 1.69% / 1.65% of the traffic passing through this junction at 2020 and it could therefore be considered reasonable to request a contribution of this proportion towards a junction scheme.*
- 2.31 12.1.17 *The Whitstable Road / Head Hill Crossroads is predicted to operate within capacity during all scenarios.*
- 2.32 12.1.18 *The M2 Junction 6 is predicted to remain below the theoretical maximum threshold during the both the AM and PM peak periods. Based upon modelling results it is considered that the proposed development would have negligible impact at this junction.*
- 2.33 12.1.19 *The M2 Junction 7 modelling concludes that the proposed development will have a small impact at Junction 7 of the M2. It is assumed that a mitigation scheme will be required here by highway officers to demonstrate at least nil detriment. A potential mitigation scheme (or equivalent monetary contribution) has been assessed within a separate Transport Statement agreed with the Highways Agency.”*

Statement of Community Involvement

- 2.34 *“Consultation has included discussions with local councillors, local residents, businesses and interested organisations. In addition, discussions have been held with the planning and economic development teams at Swale Borough Council. The applicant has sought to engage with stakeholders.*
- 2.35 *Pre application consultation with the local community included two public exhibitions at the Alexander Centre, Faversham”*

Landscape and visual assessment

- 2.36 *“The development itself would not be unsightly or intrusive – houses and relatively low rise commercial developments are commonplace features of the*

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urban fringe, and though they would be built on a currently undeveloped area, they would not appear out of place on completion of the development, in the context of the existing urban area to the west, the industrial buildings to the north and the existing farm buildings and care home immediately adjacent to the north western part of the site. However, the site is in the countryside in planning terms and is presently undeveloped, so some in-principle adverse effects would result from its development, as would apply (to varying degrees) to the development of any greenfield site.

- 2.37 *The degree of landscape change brought about by the development would be medium, and overall landscape effects would be moderate adverse at their greatest. This would be in the winter soon after completion, when the various elements of the development would be at their most visible – effects in the summer would be at a lower level, as much of the existing screening vegetation is deciduous, and would be slight to moderate adverse only. It is also important to note that the area over which these effects would be experienced is limited, and does not extend significantly beyond the site boundary.*
- 2.38 *There would also be adverse visual effects for some of the properties along the western side of Love Lane, which would have views of the new buildings through the roadside shelter belt hedgerow, and for two properties close to the north eastern corner of the site. Other scattered properties to the east and south east would experience lower level visual effects. There would be adverse visual effects for users of the public footpath which crosses the site, though for some of its route this footpath would pass through the proposed open space. All of the effects identified would be expected to decline over time.*
- 2.39 *In policy terms, while there would be some inevitable, in-principle harm in respect of some landscape protection policies, as would be the case for any proposed development of a greenfield site, that harm would be minimised by the retention of existing landscape features, by the nature and design of the proposed development and by the extensive landscape proposals and provision of open space, and would be at a low level.”*

Flood risk assessment

- 2.40 *“The development site is located entirely within Flood Zone 1 and is therefore not considered to be at risk of flooding from main rivers of significantly sized watercourses.*
- 2.41 *The proposed development is not considered to be at a significant of unmanageable risk of flooding from other sources of flooding.*
- 2.42 *Surface water runoff will be managed via several attenuation features all sized to manage the 1 in 100 year storm plus 30% allowance for climate change.*

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2.43 *The surface water management scheme includes several stages of surface water treatment as well as areas of potential habitat creation.”*

Ecological appraisal, phase I habitat survey, and further survey work for bats

2.44 The executive summary advised the following:

2.45 *“No bats were found to be roosting within the trees on site and very low levels of foraging and commuting by bats were recorded. As such, the impact as a result of proposed development work is predicted to be low/ negligible.*

2.46 *Since bats were recording commuting and foraging within the site, precautionary mitigation is outlined below in order to reduce disturbance.*

- *Post-development security and amenity lighting is kept to a minimum wherever possible, in line with health and safety requirements.*
- *Where lighting is unavoidable, fixtures that emit low levels of UV light should be used. LED lighting is ideal and has the added benefit of using less power and being more directional than sodium lighting fixtures. If the use of LED lighting is not possible, then High Pressure Sodium lighting fixtures should be used.*
- *Fixtures should not allow upwards leakage of light, and should not illuminate the water-body, foliage of boundary trees, shrubs and hedgerows, to ensure dark commuting corridors and foraging areas for bats.*

2.47 Mitigation measures are also proposed to protect reptiles, badgers and nesting birds.

Affordable housing viability report

2.48 This indicates that at 30% affordable housing the scheme is viable, but at 35%, the profit margin will be below the accepted minimum of 20%, at 17.61%.

3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	16.5ha
Net Floor Area	9085sqm commercial
Parking Spaces	Unknown
No. of Residential Units	196 + 2 gypsy/ traveller pitches
No. of Affordable Units	30% (59 units)

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- 4.1 The site is not restricted in terms of any planning constraints, although it is located outside of the built up area boundary of Faversham, within the countryside.
- 4.2 There are no listed buildings on or immediately adjacent to the site. The nearest listed buildings include the Holly Lodge located on Love Lane (opposite the former Lady Dane Farmhouse), Macknade Manor & Macknade Farm Cottages on Canterbury Road and Ewell Farmhouse on Graveney Road.
- 4.3 Although the site is not within Faversham conservation area, part of the Love Lane frontage of the site almost abuts part of the conservation area which covers the Cemetery and Holly Lodge area of Love Lane.
- 4.4 The site is not in an area designated to be at risk of flooding.
- 4.5 A public right of way cuts through the site approximately mid-way along Love Lane.
- 4.6 The site is recognised as an area of potential archaeological value.

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.1 In this case, the emerging Local Plan position is key and very relevant to the determination of this application. This section will therefore deal with this first before moving on to the national policy position.
- 5.2 The adopted 2008 Local Plan remains the primary consideration for determining this application. This will be discussed in further detail later in this section.
- 5.3 However, the emerging Local Plan and the policies of the draft Local Plan Bearing Fruits (August 2013) must carry some weight as material considerations, especially as Members of the Local Development Framework Panel have resolved to allocate the site for a mixed use development in the submission version of the Local Plan.

Background to the site/ emerging allocations

- 5.4 The evidence for the emerging Local Plan indicated a need to provide 20,000 sq m of employment (industrial) floorspace at Faversham. The Council has assumed that housing would additionally be needed, both for enabling purposes and for meeting wider housing needs. The emerging Local Plan initiated a debate on the most appropriate location for this growth and identified initially three options that had emerged from the evidence:

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- Option A: Land at Perry Court Farm.
- Option B: Land between Ashford Road and Salters Lane.
- Option C: Land at Lady Dane Farm, Love Lane (the application site).

5.5 In respect of the 2012 consultation, the Council indicated a potential preference for Option C, but made clear that this would be kept under review, especially given other undeveloped employment sites at the town.

5.6 Considering these three options, the Council's Sustainability Appraisal summarised its conclusions as follows:

“The options for employment related development at Faversham could result in a variety of sustainability effects. All of the sites identified in each of the options are located in close proximity to the primary road network and Faversham town centre, and would help to boost the amount of employment in the Borough. However, Options A and B both have the potential to have a detrimental effect on local areas of heritage value and landscape setting. Option C has a positive impact on a number of the SA topics, although further investigation would be required to establish the impact that potential development would have on biodiversity and soil.”

5.7 During and after the 2012 consultation, the owners of the site at Oare Gravel Works (a 'saved' 2008 Local Plan employment allocation) emerged with a clear intention to bring the site forward on a similar basis as the other option sites. This significant change meant the need for a further Local Plan consultation in August 2013. The Council indicated that it was mindful to accept the Oare (Option D) site as its preferred option, but given some uncertainties, indicated that the Option C site should remain as a 'reserve' site (Policy A8 of the draft Local Plan) and responded to the Sustainability Appraisal conclusions by closing the door on the option A and B sites. This decision was re-affirmed at the Local Development Framework Panel on 5 December 2013.

5.8 This position was reconsidered in a further Sustainability Appraisal with the introduction of Oare into the debate:

“The Council's preferred choice for allocating employment land at Faversham is Option D- Oare Gravel workings site with Option C allocated as a reserve site should Option D not come forward. This is partially in line with the interim appraisal findings which found that when compared to all the other options, Option C was the least constrained by sensitive environmental features. Option D would have positive effects with regards to avoiding the loss of high grade agricultural land and remediating contaminated land, although there are number of potentially negative effects on the environment which would need to be addressed through mitigation. As part of the redevelopment of Option D there would however be opportunities to enhance on-site biodiversity and heritage assets.”

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- 5.9 In December 2013 the Local Development Framework Panel considered the consultation results and the positions of the Oare and Lady Dane Farm sites. The panel made the decision to allocate both sites – a decision further refined at a further Local Development Framework Panel on 20 February 14. In the case of Lady Dane Farm the decision was to allocate the site for 200 dwellings and 20,000 sq m of employment, whilst at Oare, the decision was to allocate 300 dwellings and 1,500 sq m of employment.
- 5.10 These sites will need to be subject to a further Sustainability Appraisal iteration, but they have changed the context within which this planning application is being considered with the application site no longer proposing to function as a reserve site. This is a material consideration in favour of the application site.
- 5.11 The Council are currently working on a publication version of the Local Plan for submission to the Secretary of State. This version of the plan was presented to the Local Development Framework panel 28th October 2014 where Members agreed to go out to public consultation in late December 2014.

Draft Local Plan (December 2014) Policy MU58

- 5.12 The Draft Local Plan presented to Members 28th October included the following policy allocating the site for 200 dwellings, 20 000 sq m of 'B' class employment and associated development. The policy states:

Land at Lady Dane Farm, east of Love Lane, Faversham

Planning permission will be granted for a mixed-uses, comprising 20,000 sq m of 'B' use class employment, approximately 200 dwellings, open space and landscape enhancements, on land to the east of Love Lane, Faversham, as shown on the Proposals Map. Development proposals will:

1. Provide a built design and layout which responds to the context of the site and its landform to achieve an attractive new semi urban edge to Faversham that respects the surrounding agricultural landscape;
2. Use the rolling landscape to define the development envelope in a way that respects its topography and watershed and through an integrated landscape strategy:
 - a. provide substantial strategic parkland to meet open space needs (including that for natural and semi-natural greenspace) and provide for improvements to existing sports pitch and formal play facilities.
 - b. achieve a net gain in biodiversity and assess impacts on European designated sites, making any contributions to open space or wider management measures as required by Policy CP7.
 - c. minimise adverse visual impacts, with particular regard to the siting of development at the eastern boundary.

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- d. provide a landscape framework that reflects and reinforces the areas landscape character.
3. Improve connectivity for pedestrians, cyclists and public transport to the town centre and other locations;
4. Avoid commercial uses that would adversely affect the vitality and viability of Faversham town centre;
5. Bring forward industrial development in accordance with triggers for their phasing agreed with the Council. Other commercial development will be provided subject to their being no adverse impact upon the viability of the town and it not prejudicing the delivery of the industrial floorspace needs for the town identified by the Local Plan;
6. Bring forward such transport improvements as required by a transport assessment, including junctions with the A2, and, potentially, improvements/mitigation at the Brenley Corner A2/M2 junction;
7. Provide, in accordance with a trigger agreed with the Council, a new eastern access to the site providing a direct link to the A2;
8. Provide for 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;
9. Ensure waste water connections at points that are adequate in their capacity;
10. Ensure that heritage assets are assessed and protected, whilst minimising the visual impact of development on the wider setting of the town and its conservation area; and
11. Provide infrastructure needs arising from the development, including the provision of land for a primary school (if required) and other needs identified by the Local Plan infrastructure and delivery schedule.

Swale Borough Local Plan 2008 (Saved Policies)

5.13 All policies cited below are considered to accord with the NPPF for the purposes of determining this application and as such, these policies should still be afforded significant weight in the decision-making process.

5.14 Policies FAV 1 and SH1 are the primary saved policies of relevance to the determination of this application. Policy FAV1 is the strategic policy covering the whole of Faversham and its surrounding rural areas. It states:

Policy FAV1 - The Faversham and Rest of Swale Planning Area

5.15 Within the Faversham and Rest of Swale Planning Area, conservation of the historic and natural environment is the prime and overriding consideration. Within this context, the Borough Council will enhance the role of the market town to support its own local needs and those of its rural hinterland. This will be achieved by promoting development proposals that can retain and harness

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local skills to achieve a greater diversity in employment, housing and community life, in scale and character with Faversham and its surrounding countryside and communities. Within this planning area, the identified Area Action Plans and elsewhere, the following planning priorities will be pursued:

1. to set scales of development that reflect local needs and environmental character to achieve a better balance between the population and employment opportunities alongside a reduction in commuting to other areas;
2. to retain and improve existing employment land and buildings that would otherwise exacerbate the population and employment imbalance if lost to housing development;
3. to safeguard and enhance the diversity of Faversham's small-scale historic character and its maritime traditions, alongside that of its surrounding countryside, landscape and communities;
4. to enhance Faversham creek and creekside so that it functions as a place of special interest and activity with strong associations with the water;
5. to raise the standard of the environment through high quality design, and the protection, enhancement, and management of environmental resources, including the creation of a network of accessible open spaces (a green grid);
6. to support proposals that can meet as much of Faversham's development needs as possible from land and buildings within the existing urban area so as to minimise greenfield land development;
7. to provide for employment development, at a scale appropriate to the environment, on sites well related to the communication network, the existing urban framework and rural settlements;
8. to support and diversify the services and activities, including tourism, in Faversham town centre so as to enhance its economic health;
9. where appropriate, to promote rural sites and initiatives for employment and protect and improve rural services and facilities, to diversify the rural economy and support the role of the market town;
10. to effectively manage the risk of flooding; and
11. avoiding any significant adverse environmental impacts, and where possible, enhancing the biodiversity interest of internationally designated sites for nature conservation.

5.16 Policy SP1 (Sustainable Development) outlines the Council's approach to sustainable development stating:

Policy SP1 - Sustainable Development

In meeting the development needs of the Borough, proposals should accord with principles of sustainable development that increase local self-sufficiency, satisfy human needs, and provide a robust, adaptable and enhanced environment. Development proposals should:

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1. Avoid detrimental impact on the long term welfare of areas of environmental importance, minimise their impact generally upon the environment, including those factors contributing to global climate change, and seek out opportunities to enhance environmental quality;
2. promote the more efficient use of previously-developed land, the existing building stock, and other land within urban areas for urban and rural regeneration, including housing, mixed-uses and community needs;
3. ensure that proper and timely provision is made for physical, social and community infrastructure;
4. provide a range and mix of housing types, including affordable housing;
5. provide for sustainable economic growth to support efficient, competitive, diverse and innovative business, commercial and industrial sectors;
6. support existing and provide new or diversified local services;
7. promote ways to reduce energy and water use and increase use of renewable resources, including locally sourced and sustainable building materials;
8. be located so as to provide the opportunity to live, work and use local services and facilities in such a way that can reduce the need to travel, particularly by car;
9. be located to promote the provision of transport choices other than the car;
10. be of a high quality design that respects local distinctiveness and promotes healthy and safe environments; and
11. promote human health and well-being.

5.17 Also of relevance to the determination of this application are the following saved Local Plan policies;

- SP2 (Environment)
- SP3 (Economy)
- SP4 (Housing)
- SP7 (Transport and Utilities)
- E1 (General Development Criteria)
- E6 (Countryside)
- E8 (Agricultural Land)
- E19 (Good Quality Design)
- B2 (Providing for New Employment)
- H2 (Providing for New Housing)
- T1 (Providing Safe Access to the Highway Network)
- T2 (Essential Improvements to the Highway Network)
- C2 (Housing Developments and the Provision of Community Services and Facilities)
- C3 (Open Space within Residential Development)
- B14 (New Employment Sites)
- B19 (Land East of Faversham)
- MU2 (Land at Graveney Road, Faversham)
- AAP3 (Land at Oare, Faversham)

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5.18 Also of importance to the determination of this application is the guidance as set out in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

The National Planning Policy Framework (NPPF)

5.19 The NPPF sets out the Government's position on the planning system explaining that *"The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. 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 the Framework taken as a whole; or*
 - *Specific policies in this Framework indicate development should be restricted."*

5.20 It further outlines a set of core land use planning principles (para 17) which should underpin both plan-making and decision taking including to contribute to conserving and enhancing the natural environment and reducing pollution and encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high value.

5.21 At paragraph 18 it explains *"The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future."*

5.22 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."*

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

6.0 LOCAL REPRESENTATIONS

6.1 More than 100 letters of support and 100 letters of objection have been received in respect of the application. A petition against the application has also been submitted that has been signed by 233 people.

6.2 Summary of support

- Key further development opportunities opened up
- Scheme provides a good mix
- Low density
- Long term benefits
- Council needs to ensure residential development is not too dense
- Ensure it is in keeping with local vernacular and character of housing
- Only concern housing will come forward and not the light industrial
- Joint highway strategy with Macknade should be considered
- Given the need for housing and employment in the area, this is a good idea
- Community amenities including cricket pitch, health centre and pub increase my support
- Use of ponds and porous surfaces demonstrates concern for environment
- Although green field, location close to industrial park decreases impact
- Good sport facilities encourage community spirit and give young people purpose
- Positive for wider community
- Queen Elisabeth's Grammar school impressed by presentation of project and design
- They consider all of components of scheme have been considered and designed to integrate
- Vinson trust have been a key feature of town for many years, done a lot for Faversham and this shows they are committed
- We need quality, well designed housing
- We need quality employment space so businesses can expand
- Parkland is a great idea and provides much needed space
- Understand Faversham needs to deliver housing – in favour of it being done in best possible way to add value to town
- Local landowner and developer being involved has best chance of creating an asset
- Quality of business space will encourage quality start up businesses cementing the Faversham brand
- Traffic an issue but can be mitigated with developer
- Not in their interests to produce low quality site
- Faversham cricket club support application – will directly benefit its members by providing a new facility
- Current ground not considered ideal by England and Wales cricket board and club house facilities inadequate

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- Current lease is for 35 years and reviewed every 3 – new facility would be for 60 years with no reviews and peppercorn rent
- Hotel will help tourism industry
- Medical centre fantastic addition
- Decent housing, new employment space and accessible open space needed in town
- Proposed location of cricket club makes sense- Will allow cricket club to become more integrated
- Support the new facilities including allotments
- Proposals here are preferred option to the writer – are beneficial for large proportion of town
- Create a legacy for Faversham
- Housing opportunities including affordable
- Location close to Brenley corner is the right one
- Will support economy
- Will provide great choice
- New houses and employment will bring new people to spend money in High Street – make area vibrant
- Clubhouse can be used for community events and be a revenue stream
- Wider social benefits must not be overlooked
- Great example of how landowners and developers can bring community benefits to an area
- Cricket club building very sustainable
- Opportunity to grow our club has generated a lot of positivity
- We will reduce our overheads having an energy efficient building, club can become self sufficient
- Seen other clubs benefit from having new pitch and pavilion
- Positive legacy for Faversham
- Encourage tourism
- Driver for economic prosperity
- Sooner this happens the better
- Will enable young local people to stay in the town
- Business park will create jobs and the hotel and health centre
- Allotments will help families reduce food bills
- Need for housing in Faversham
- Location good – gives access to A2/M2 without going through historic town center
- Sensible suggestion not south of A2 or on flood plain
- Will benefit from safer junction
- Right mix/ ticks all the boxes
- Long and short term benefits
- Of benefit following recent demise of youth centre
- Loss of views across fields

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- St Mary of Charity Primary School explain that their school has been oversubscribed for past three years
- Unlikely would be available places – only a one form entry school
- Families in Love Lane that do not already have children at the school have not got places
- Governors of school write to explain there are many more applications than places for entry at school
- Whilst not a reason to object to the application, they hope there is a process whereby KCC education department is kept informed of house building developments
- Visibility poor from bridge to Whitstable Road
- Traffic problems must be addressed to avoid gridlock

6.4 A petition has been submitted stating “we the undersigned object to the proposed development east of love lane”. No reasons are given. The petition is signed by approximately 238 people.

Summary of objections

- Seems to be a shortfall linking new development to local amenities
- Majority of traffic to town centre will flow along Whitstable Road which is already rather restrictive and had a number of safety incidents over recent years
- No increase in infrastructure to support this
- Why hundreds of thousands of new homes on prime farming land?
- Ghastly out of proportion with Faversham
- Destroying orchards/ agricultural land for this development would be catastrophe
- Schools operating at capacity and none within walking distance
- Should not build on green field sites
- Already having to import more food/ have an expanding population
- Unethical and immoral and will lead to an unsustainable future
- Road network reaching saturation
- Cyclists feel insecure and not possible or practical to keep widening roads
- We have enough new homes round here
- Devalue my house
- Surrounding fields and wildlife will be affected
- Application is a shock, little information has been shared with the public
- Already struggle with traffic
- Parking situation will get worse
- No more pubs needed in Faversham
- Leave something to wildlife
- Development surplus to requirements
- No justification for more industrial units – Nova site been derelict for some time

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- Object to traveller sites as would not be under control of Council which could cause problems
- Idea is almost universally unwelcome
- Poorly designed, thoughtless, unnecessary, unwanted extension to town
- Would give carte blanche to continue building up to M2 creating Faversham south
- Love Faversham's unique appearance as a thus far unaffected market town
- Make money at expense of local residents
- Brown belt sites more suitable
- Where are all of the so called jobs coming from, what happens to the farm workers?
- How are traffic lights going to help? Will just cause more problems for A2
- Is already plans for a hotel at golf club, don't need another
- We have health centres and minor injuries under threat, do not need another
- Emphasis has been put on a cricket club that already has a home
- A traveller site of 2 pitches not really worth it all the hassle it might bring
- No thought for local residents
- Topography of land is higher than surrounding fields
- Is and always has been very productive agricultural land – needed for food production
- Is already drainage problems in adjoining fields, this will make it worse
- Environmentally the town needs breathing space
- Its just appeasement to Westminster to cover your backs
- Buses will be even later
- Will affect local amenities
- Will affect views – will be blot on landscape
- Not been a public consultation on what the residents would like from such a site
- Large commuter population will be affected by worsening traffic
- Will impact on tourism
- Not in keeping with historic character
- Highway safety will be endangered
- Love Lane will need a pedestrian crossing
- Objected to all housing development since Preston Park as never any provision to improve traffic flow
- Road recently waterlogged
- Will cause pollution
- Already facilities in Whitstable Road – don't need business park
- Many pubs closed recently, don't need another
- Construction disruption, noise and smell unpleasant
- Road cleansing and litter not adequately dealt with by SBC
- Concerned about increased flooding
- Loss of habitat
- Traveller site not compatible with this development
- No facilities in Faversham for young people
- Is not allocated in 2008 plan, outside built up area boundary

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- Desire for sustainable development does not justify building on quality farmland
- Should regenerate town
- Is contrary to local plan/ premature
- Will set a precedent for development eastwards
- Whitstable Road development has already affected our quality of life
- Roads and surrounding areas need better drainage
- You never seem to listen to what the town actually needs – this is definitely not it
- The money for this could be used to help and improve the town
- Proposed road access inadequate
- Scheme is about making money for a farmer
- Cannot think of a worse place to build
- Destroy field boundaries
- Will speed limit be reduced
- Nova shows this is surplus to requirements
- Hotel will affect towns B&B's
- Rural location better suited to gypsies
- Supposed to be garden of England
- No guarantee jobs will be provided – if they are won't be new jobs but imported from elsewhere so workforce will not be local
- No demand for extra beds (hotel)
- Need firm guarantee from developers that cricket facilities will be built regardless of any cricket funding, which may not be forthcoming
- 3 floors out of keeping – will affect views
- Not enough space for cars
- What guarantees affordable housing will stay affordable
- Concerned about future maintenance of public areas
- Impact on/ can't cope water, gas, electricity, sewerage systems and high speed internet
- Will cause parking issues/ reduce car parking on road
- Quality of life will deteriorate
- Air quality will deteriorate
- Layout and density inappropriate
- Negative economic impact on existing businesses
- Number of supporters do not live in vicinity
- Only cricket club to benefit – no one else
- Litter in Whitstable Road never dealt with
- Hotel is worthless in that area
- Previous attempts at business park on western side of town a failure
- Why cheapen such a lovely town
- Overdevelopment
- Other viable options to the west
- Would lose character

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- Do not need development of this size
- Were not aware of meeting taking place – PLEASE NOTE NOT A COUNCIL MEETING
- Council behaving in an extremely insidious manner - not notified of application, description misleading /changed deliberately
- No need for extra restaurant in area
- Will serve Council with a blight notice
- Almost creating its own town but without facilities
- Main supermarkets already congested
- Pub too near houses
- Already had years of disruption in Whitstable Road
- Maize been grown here recently – very hard to grow
- Object to outline application as it will have profound effect on Faversham
- Will set precedent for eastwards expansion of Faversham
- Will turn into another typical town without soul or charm
- Moved here for the semi -rural location
- Hotel will become a truck stopover
- Existing sports facilities need investing in not new ones
- Site entrance dangerous
- Do we need a hotel – several in area
- Should look at other sites before this one
- No demand for houses from local people
- Will be exclusive estate – no affordable housing
- Do we need to house all the travellers in Swale?
- Faversham is going to lose its hospital facilities
- Will not stop building until it reaches Boughton
- Developer is current sponsor of Macknade cricket club hence support
- Do not need to lose more countryside
- Traveller site will bring security issues
- Do not need residential home
- Will set precedent to build over Favershams green land
- Saddens me people are more interested in a cricket pitch than realising the effect
- Inadequate consultation – are Council in breach here?
- Railway road bridge cannot cope with more traffic
- Would impact on local businesses
- Must be someone very influential working in SBC to propose gypsy site
- Viability questionable – why succeed here where others failed
- Residents not consulted on allocation of land
- Increased pedestrians in area
- Benefit of living here is proximity to countryside
- Gypsy and traveller provision pre-empts issues and options paper
- Development is probably illegal
- As majority of supporters live outside Faversham move the development to where they live

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- A new cricket pitch is not a good enough reason for this development
- Don't believe will get health centre – plans will change once approved

A lengthy and detailed letter of objection has been received from Barton Willmore, agents for a proposed development of land at the Abbey School. This argues, in summary that;

- Were not notified of application
- Significant concerns regarding access, sustainability and visibility of the site
- Concerned regarding the scope of documents submitted

7.0 SUMMARY OF VIEWS OF CONSULTEES

Faversham Town Council recommend that the application be refused for the following reasons;

- The proposed development would result in the loss of Grade 1 agricultural land
- A development of this scale would be contrary to the emerging local plan for Faversham, which states that the overriding policy for the town should be heritage-led organic growth
- The proposed development would result in significant traffic problems on the local road network at the junction of Love Lane with the A2 and on the Love Lane bridge, and on the national road network at Brenley corner.
- Alternative small brownfield sites are available to meet the housing needs of the town
- Because of the elevation of the town, the proposed development would have an adverse effect on the setting of the town

Campaign to Protect Rural England (CPRE)

- Request application is refused
- Saved policies of the Swale Borough Local Plan 2008 remain the primary consideration under Section 38(6) of the 2004 Act
- Do not accept emerging Local Plan allocated this site for the proposal or that environmental policies should be put aside because of emerging plan, which should only be given limited weight
- Precise uses and quantities of development involved (for the proposed allocation) are not yet known, nor have these been subject to public consultation
- Do not agree with some of the claims made by the applicant regarding accordance with the Local Plan, or the problems with its employment sites coming forward in a deep recession. New (greenfield) sites of higher environmental quality should not be used instead
- Draw our attention to NPPG and guidance on prematurity
- Contrary to policies E6, SP1, SP4 and FAV1 of Swale Borough Local Plan 2008

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- Approval of this application will undermine the plan-making process by pre-determining decisions about development at Faversham
- Edge of town location makes it an unsustainable site in terms of its relationship to services.
- Greenfield site contrary to local plan and NPPF, will not promote efficient use of previously developed land
- Loss of grade I agricultural land in use
- Faversham is a town with clearly defined edges and a clear distinction between built development and the surrounding countryside – it has not suffered from urban sprawl
- Faversham strategy over past 20 years has been to restrain development at Faversham and focus on Thames Gateway, and the emerging plan continues this strategy
- Will change the intrinsic character of Faversham and breach a long standing boundary
- Will be highly visible in the landscape from a range of vantage points as concluded by previous local plan inspector
- Will have profound effect on countryside and landscape setting of Faversham
- Housing is proposed in order to promote employment benefits and to supplement the supply of affordable and market housing in Faversham with the provision of a social role – not because of a failure of a 5 year housing supply
- Employment development is premature. Other sites should be considered first
- No need for the 196 dwellings proposed in this application – needs quoted in 2008 have already been exceeded
- No justification for secondary employment proposals eg hotel, traveller site, sports facilities etc
- Vast majority of trips will be by car
- Junction 7 of the M2 already operates beyond capacity and this development will further increase problems
- Local highway network implications

KCC Development Contributions team consider the development would have an impact on its delivery of community services and have requested contributions as follows:

	Per 'applicable' flat	Per 'applicable' house
Primary education <i>(expansion cost of local schools)</i>	£524.75	£2099
Secondary education	£257.00	£1028

'Applicable': 1-bed units of less than 56sqm GIA and sheltered accommodation will be excluded from calculations.

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	Per dwelling
Community learning	£43.35
Youth service	£55.55
Libraries	£230.09
Adult social care	£262.94 & delivery of 2 wheelchair accessible units as part of the affordable housing

Natural England raise no objection to the proposal and recommend their standing advice on protected species and consider securing measures to enhance the biodiversity of the site and look at opportunities to enhance the character and local distinctiveness.

English Heritage make observations but do not wish to comments in detail. They do not consider the proposal would have a substantial effect on the setting of the Faversham conservation area.

Graveney with Goodnestone Parish Council have written to say that they do not wish to make any comments.

The Council's Climate Change officer comments that code level 3 and BREEAM good for commercial buildings which are proposed are disappointing.

Boughton Under Blean Parish Council raise the following comments;

- Development would not address considerable infrastructure impacts, particularly increased traffic levels
- Strong likelihood some new families will seek to enrol children at Boughton primary school
- Concern about the pressure this will put on school and traffic through village
- If development of health centre does not go ahead will impact on existing health centres, one of which is scheduled for closure

Lower Medway Internal Drainage Board make the following comments;

- Site lies just outside the drainage boards district but it drains to Thorn creek which is managed and maintained by the board
- Surface water management plans appear in order and they are pleased that open SUDS is proposed. This will need maintaining
- However, 1 in 30 annual probability of greenfield run off rate increasing downstream flood risk
- The Board therefore objects to the application
- If permission were to be granted they request that drainage details made subject to a planning condition limiting run off rates from the site

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KCC Public rights of way and access service comment that;

- A public footpath runs through the site and that the application recognises this.
- Would object if it was being used as vehicular access to Innovation centre and traveller site
- Would prefer footpath to be retained in a green corridor
- Contribution should be sought for to provide signage to train station via footpath to the west of Love Lane

The Head of Housing comments that;

- Want onsite provision of affordable housing at the full 35% in the emerging Local Plan which should be proportionate to the rest of the development (69 affordable units)
- 70% should be for affordable rent (social rent) 48 dwellings and 30% of this contribution for intermediate housing 21 dwellings

Hernhill Parish Council comment that;

- Existing road infrastructure not suitable for building contractor vehicles
- Proposed accesses detrimental to existing highways
- The former Nova furniture site could be used as a business park reducing need for one on this site
- Land is designated countryside and Grade 1 agricultural land which would be better utilised if not built on
- Concern regarding impact on local water systems/ infrastructure

Southern Water raise the following comments;

- Currently inadequate capacity in local network to provide foul sewage disposal for the development which means there could be an increased risk of flooding
- Additional off-site sewers, or improvements to existing sewers, are required to service the development
- There are no public surface water sewers in area to serve development – alternative means of draining surface water will be required
- Recommend a planning condition regarding means of foul and surface water drainage

Kent Highway Services have the following comments;

Their original comments were;

1. The trip generation calculations are now acceptable.
2. The trip distribution is also acceptable.
3. A contribution to the junction improvement scheme at A2/ A251 would be acceptable and can be agreed as part of the negotiations into the S106 agreement. Although they prefer not to receive contributions and would prefer that the developer undertakes the off site works under a S278 agreement. However, in this case, the contribution would acknowledge that it is likely that several developments will contribute to additional congestion at this junction.

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4. Agree that the modelling of the site access junctions demonstrates that they are comfortably within capacity.
5. They prefer not to receive contributions to off-site works and would prefer the developer to identify the improvements needed and undertake to provide them. This could include enhancements to walking, cycling or bus routes, or means to encourage more uptake of the bus. The application should include sufficient detail of these improvements to allow them to gauge whether they will make the development acceptable.
6. The splitter island at the junction of Love Lane and Whitstable Road has been designed to be accessible for pedestrians, but the route from the site to Whitstable Road is still not an attractive route which will encourage walking, and the design panel notes quoted at the end of the Technical Note state that this could be improved to integrate the development with the town.
9. The highlighted cycle link in the Technical Note is circuitous and they do not consider that cyclists would choose to use it in preference to the more direct Whitstable Road.
10. The detail of the routes to the two closest schools are welcomed and accepted.
11. They would be pleased to accept a Travel Plan as a planning condition.

More recently they confirm that these issues have been addressed and they seek conditions and a Section 106 agreement for junction improvements, a travel plan and a monitoring fee.

The Highways Agency raise the following comments;

- After issuing a series of Holding Directions due to concern over the impact of traffic on the M2 Junction 7 , they now direct that conditions be attached to any planning permission requiring minor improvements to the junction and a travel plan

Kent police comment that;

- Would welcome discussions with applicant to discuss the details when appropriate should the development proceed
- In particular like to have input on areas detailed in proposal eg residential areas, open spaces, hotel, allotments, small traveller's site, commercial areas etc and pedestrian and vehicle permeability of the whole site

KCC Biodiversity Officer comment that;

- Submitted information detailed increased housing is likely to have low/negligible impact on SPA
- Additional information requested on the methodology used to assess the impact on SPA
- On site recreation provision as mitigation is proposed but additional information regarding this required prior to determination
- Additional information required detailing whether mitigation is appropriate and if so provide details to ensure reptiles are not killed or injured as a result of the works
- Recommend vegetation is removed outside of bird breeding season
- Recommend bat and lighting in the UK guidance is adhered to
- Advise ecological enhancements as outlined in application incorporated into development

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Environment Agency comment that

- Recommend conditions and informatives regarding surface water drainage and contamination

9.0 APPRAISAL

9.1 I consider that the key material considerations in assessing this application are as follows:

- The housing land supply position
- Employment land position
- The principle of the proposed development and the draft/ emerging local plan allocation
- Residential amenity implications
- Highway implications
- Implications for landscape quality and visual amenity
- Heritage assets
- Archaeology
- Biodiversity/ Ecological implications
- Surface water drainage/ Flood Risk
- Developer Contributions

Housing land supply and delivery**The objectively assessed need for housing (OAN)**

9.2 The Council's own work by consultants Nathaniel Lichfield and Partners (Strategic Housing Market Assessment Update and Development Needs Assessment 2013) is relevant to considering the housing need of the Borough and is the most up to date evidence the Council has in this respect. This assessed the Council's OAN and indicated a range of need (604 dwellings per annum (dpa) – 887 dpa) higher than that promoted by the emerging Local Plan (540 dpa). The Council has decided that it will not meet the OAN on the grounds of deliverability, viability and infrastructure capacity. The arguments surrounding this are dealt with in the emerging Local Plan and topic papers. An Inspector will attach weight to this OAN work, especially given that the adopted Local Plan is out of date in this respect.

The 5-year supply of housing land

9.3 The current position in respect of the 5-year supply of housing in the Borough and the contribution made by the application site should be considered. KCC's Housing Information Audit (HIA) 2012/13 indicates a shortfall of 221 dwellings (a 4.59-year supply excluding the 5% buffer required by the NPPF where

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Council's do not have a 5 year supply). In the event of an appeal, the 2013/14 HIA would likely be relied upon to demonstrate the current land supply position, which would be calculated on the basis of the adopted Local Plan target of 607 dwellings per annum.

- 9.4 The housing shortfall issue is an important consideration in the determination of this case, but should not be regarded as so significant to override all other planning considerations for a number of reasons:
- The Faversham and rest of Swale planning area has its own housing target in recognition of its different planning strategy from the rest of the Borough, and
 - The Borough shortfall in the 5-year supply arises entirely from the slowdown in delivery of sites within the Thames Gateway growth area. In contrast, there is a much stronger performance for Faversham (as of 2012/13) over and above the targets set for it.
- 9.5 Also material to any decision is an acknowledgement that Faversham is a location of stronger market demand than the rest of Swale and therefore will be able to deliver housing (including affordable) in accordance with the NPPF. This is a good argument for approval of this scheme as it would show that the Council is alive to the economic realities of the situation and is active in promoting housing supply.
- 9.6 In conclusion, whilst the contribution to housing land supply should not be an overriding reason to grant planning permission, as an allocated site in the emerging Local Plan intended to contribute toward future housing provision, it should be acknowledged that granting planning permission will make a strong contribution toward housing land supply, in a location known to be popular and likely to be delivered.

Employment land and delivery

- 9.7 The application is supported by the advice as set out in the NPPF in terms of the contribution it would make to sustainable employment growth. As mentioned above, the application falls short of the employment floorspace required or envisaged by the draft Local Plan allocation. The draft allocation envisaged 20,000sqm of employment land (Use class B development). The current proposal only includes approximately 9,085sqm of mixed employment space. However, this employment space is not solely 'B' use class uses, but includes a hotel, restaurant, health centre etc all of which will provide and generate employment, albeit, not the industrial sources originally intended. Whilst ideally these employment uses would all be 'B' class, they nevertheless contribute towards total employment generation and the economy and will reduce out-commuting and is therefore of benefit. In addition, the site does not cover the whole allocation and the remaining area will be coming forward as a

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second phase of development. The applicants have assured the Council that the remaining employment need will be addressed within the second phase and because of the under-provision of 'B' class uses within this phase, it would be sensible for the Council to request that the second phase solely contains these uses provided there are no viability issues.

Principle of Development & Draft Allocation

- 9.8 In this case the principle of the development and whether this should be supported ahead of the Local Plan is a prime material consideration. This position must be carefully assessed against the saved policies of the Local Plan 2008 which has slightly conflicting interests in terms of more general policy provision such as protecting the character of the countryside and retaining high class agricultural land against the general need to provide a housing supply and employment land.
- 9.9 In respect of the adopted Local Plan, like the emerging plan, it recognises in Faversham the need to set scales of development that reflect local needs and environmental character to achieve a better balance between the population and employment opportunities. The adopted Local Plan sought to achieve this whilst safeguarding and enhancing the diversity of Faversham's small-scale historic character and its maritime traditions, alongside that of its surrounding countryside, landscape and communities. This proposal does not seem to comply with the more general policy principles set out in the adopted Local Plan of protecting the character of the countryside for its own sake and protecting high quality agricultural land and retaining it for agricultural purposes. Whilst this proposal is clearly at odds with some of the established policies of the adopted Local Plan, the Council cannot simply determine this application on the basis of those policies as the introduction of the NPPF in March 2012 changed the way in which planning decisions could be made, particularly in respect of housing developments.
- 9.10 The NPPF (at paragraph 49) makes clear 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. Whilst the NPPF allowed a years grace before these requirements fully came into force, this period has now expired. As such, the Council's current lack of a five year supply of housing sites is a significant material consideration in favour of this development (and other housing proposals). Notwithstanding that, the fact that the Council are currently in the process of, and at quite an advanced stage of completing a new Local Plan, shows a direction of travel of the Council that has been through several stages of public consultation. This direction shows quite clearly that the Council is very shortly intending to allocate this site for a mixed use development of the type indicated in the submitted application. It could be argued that the planning application

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coming forward ahead of the formal Local Plan allocation is premature and could have adverse impacts upon the effective and timely planning of strategic developments for Faversham. However, this argument is unlikely to be supported bearing in mind the fact that the NPPF requires us to determine all applications in respect of the presumption in favour of sustainable development. The NPPG recognises that prematurity may provide a reason for refusal where a proposal is of such significance that it would prejudice an emerging local plan that has reached an advanced stage. I do not consider this could be argued here bearing in mind it is the Council's intention to allocate the site for the development proposed.

- 9.11 The NPPF also deals with the issue of loss of the best and most versatile land. At Para. 112 it states:

“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

- 9.12 The application site is best and most versatile in quality and its loss is significant in agricultural terms. The only available opportunity to use land of lower quality at Faversham is at Oare Gravel Works. This site is already to be exploited for development, but to provide a site that will be attractive for employment development means that the release of some best and most versatile land is inevitable. It is believed that the draft Local Plan has complied with the NPPF in this respect, provided that land over and above meeting the identified need is not allocated, which I do not believe to be the case here.

- 9.13 It must, however, also be noted that the application site is considerably smaller than the allocated area in Policy A8 and the area that the Council is intending to allocate.

There are a number of issues associated with this:

- a. The application site falls short of bringing forward circa 20,000 sq m of 'B' class employment as required by the emerging Local Plan proposing approximately 8000 sq m. The approximately 5 ha set aside for employment in the illustrative masterplan should, however, be capable of providing most or all of this provision in the future, so in that respect should not undermine the overall aims for the site.
- b. The exclusion of part of the site at this stage is, the applicants say, because this will come forward as a second phase of development. This may potentially bring forward a scale of development in excess of that originally envisaged by the Local Plan. I have recommended a trigger point which

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needs to be established within a S106 agreement that commits the applicant to deliver the infrastructure and provide serviced plots ready for the commercial development prior to the occupation of the fiftieth dwelling and also for the applicant to embark on a marketing campaign within three months of receiving detailed planning consent.

- c. It limits the ability to secure open space, landscaping, biodiversity and visual mitigation in a holistic manner as envisaged by the draft Local Plan.

9.14 Whilst this application, like all planning applications, should be considered on its own merits, comparisons with other sites proposed at the periphery of the town are inevitable.

9.15 Promoters of land at Perry Court Farm argue the merits of their site over and above the application site. However, of these alleged advantages, notwithstanding that Lady Dane Farm is the Council's preferred site; the following should be taken into account should such a debate arise:

- d. The employment locational advantages of the Perry Court Farm site are similar to Lady Dane Farm. Whilst Perry Court Farm arguably has more direct motorway access, it is not a significant advantage, whilst the scheme promoters at Lady Dane Farm include an employment developer with a proven track record in the town. However, it must be acknowledged that currently the application site is bringing forward significantly less industrial employment land than Perry Court Farm (although this is proposed as part of a second phase);
- e. The sustainability of locations around Faversham is broadly similar – Faversham is a generally sustainable town in terms of proximity to services and facilities.
- f. The environmental disadvantages of the Perry Court Farm site are greater than the other allocated sites – development between M2/A2 would be completely contrary to the town's historic growth, landscape, amenity, rural approaches etc. One of the NPPFs Core Planning Principles (para. 17) is that planning should: *“Contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework.”* The allocation of the Lady Dane Farm site achieves this balance.

9.16 In conclusion, whilst the contribution to housing land supply is a material consideration in this case, it is not the only consideration. However, that in combination with the future allocation of the site is a strong material consideration in this case and it should be acknowledged that granting planning permission would make a strong contribution towards housing land supply and

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put the Council in a much stronger position to successfully defend appeals for housing sites in unsuitable locations.

9.17 Members will also note that this is a green field site that is being proposed for allocation. This is simply a reflection of the fact that there were insufficient suitable and available previously developed sites identified by the Strategic Housing Land Availability Assessment to meet the total housing need for the Borough.

Residential Amenity

9.18 In terms of residential amenity, again the impact can only be looked at in general terms. This is a matter that has already been considered in general terms when the site was assessed for allocation.

9.19 The development would have a significant impact upon the character of the street scene in Love Lane altering the outlook for pedestrians using the street and those living in Love Lane and will affect the character of the street by introducing urban development into what is currently an undeveloped natural area. This will inevitably have an impact on the amenity of the nearest properties. However, the Borough has to provide additional housing, and the impact of this development has been considered by Members and Officers alike to be not so significant as to warrant allocating an alternative site over this one. It will be important at reserved matters stage to ensure the development is designed in a manner than minimises this impact as much as possible. The residents that would be most affected by the proposals are the residents of Fynvola and 1 & 2 White Cottages along Graveney Road. It is imperative that at the detailed stage of planning, their amenity is given serious consideration.

9.20 However, it is also important to note that the development would also bring services and amenities that would also be of benefit to existing residents of the area. The development proposes large areas of open space, a community cricket pitch, allotments and services such as a pub/ restaurant and health centre.

Highways/ traffic issues

9.21 Access to the site is an issue that is to be considered at this outline stage. Kent Highways Services have not raised any concerns regarding the proposed new accesses from Love Lane and Graveney Road to the site and consider these to be suitable and safe means to serve the proposed development. There are two accesses proposed to serve the housing part of the development – one towards the eastern end of the Graveney Road boundary, almost opposite the entrance to the disused industrial units on Graveney Road and the other in Love Lane located in between the proposed pub/ restaurant and Fynvola. It is disappointing that this application does not propose a fourth vehicular access

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from the A2 to the site to minimise the traffic having to enter Love Lane. However, we are advised by the applicants that this is not currently an option for reasons that are confidential, but that this is something that they would consider at a later date should this become an option.

- 9.22 With regards to other highway matters, Kent Highway Services have been involved in regular discussions with the applicants, their agents and highway consultant to ensure that data showing the likely impacts of the scheme, and combined impacts from other sites in the Local Plan on the highway networks are accurate. Kent Highways are now content that the submitted data is acceptable and agree that with the proposed mitigation measures, the impact of the development on local highway networks would be acceptable. The most significant impact they raise would be concerning the A2/ Love Lane junction which would be predicted to exceed capacity as a result of this development. As such, a mitigation scheme is proposed that comprises of a signalised junction which will provide appropriate capacity for up to the year 2020. It also provides a crossing facility for pedestrians. The assessment recognises there will be very minor impact on other junctions, and for works that will be necessary as an indirect result of this scheme, contributions are proposed to help fund a junction scheme, and Kent Highways are content with this approach. The only outstanding concern of Kent Highway Services remains the location of the site and its relationship with the road network mean that it is difficult to provide convenient off road routes cycle routes from the site to the amenities within the town. Whilst this remains a concern, it was not significant enough to raise an objection from Kent Highway Services.

The Highways Agency now raise no objection, but are requiring improvement works to be carried out at Brenley Corner roundabout and a travel plan which are recommended as part of this report.

Landscaping

- 9.23 The breaching of the town's well defined eastern boundary with this draft Local Plan allocation has not been lightly undertaken by the Council and were the circumstances different (i.e. no overriding need to release sites), concerns about visual impact would be paramount. For example, in 2008, the previous LP Inspector (para. 137.13) commented of the application site.

"It is also of relevance to note, however, that the omission site does not integrate well into the existing compact form of the town. The proposal would breach the existing eastern boundary to the built-up area (Love Lane), and as there is no substantial physical feature at the site's southern (the Inspector is assumed to have meant the eastern boundary) boundary, it would invite further applications for development which, in my opinion, would give rise to further visual harm."

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9.25 These impacts should be acknowledged, but they have not been judged by the draft Local Plan as overriding meeting future development needs.

9.26 In this context, the draft Local Plan was informed by the Council's Urban Extension Landscape Capacity Study (June 2010), which indicated that this landscape had a moderate capacity to accommodate growth. It noted that:

“Minor expansion of residential development could potentially be accommodated east of Love Lane, where the land is visually contained by a north south ridge which rises to the east. Extensive development extending beyond, or visible from, land east of this ridge would be inappropriate because it would impose on the rural character of the landscape to the east.”

9.27 Whilst this application is greater than a minor expansion, if planned well, it seems likely that development could be avoided in views from the east of the ridge referred to.

9.28 However, the exclusion of much of the land around the eastern boundary from the application site prevents landscaping measures from being put in place that would provide a comprehensive framework for the whole development. Therefore any landscaping scheme would need to address the landscaping in two stages.

Heritage matters

9.29 Part of the site adjoins the Faversham conservation area. The conservation area covers the cemetery opposite the site and covers the rest of the north-west side of Love Lane, including the bridge over the railway line. When considering development proposals within conservation areas, the Council has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

9.30 Paragraph 132 of the NPPF reiterates this point stating that great weight should be given to conservation of heritage assets. It does, however, differentiate between both the importance of the heritage asset and the level of harm. The harm to the character of the conservation area in this case is considered to be less than substantial and the NPPF advises that where this is the case, this should be weighed up against the public benefits and whether these outweigh the harm. In this case, the Council already considered the potential harm to the setting of the conservation area in deciding to allocate this site for development, and the harm was considered to be insubstantial and not so significant to protect this site from development. There is a significant wider public need to developing this site, as there is a pressing need for further employment and housing in the Borough.

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- 9.31 The illustrative masterplan appears to indicate an attempt to maintain views of the distinctive range of trees in Love Lane Cemetery and long distance views of St. Mary's Church spire. However, Officers are of the view that there are more pressing drivers for the layout of the site, and that development of this site would not impact on the setting of the listed church.

Archaeology

- 9.32 The site is located within an area of potential archaeological value and a desk based archaeological assessment has been carried out which indicated there was a moderate to high likelihood of archaeological potential. The report also recommended further archaeological evaluation be carried out to inform is mitigation would be necessary. We are, however, still awaiting formal comments from the County Archaeological Officer which will no doubt recommend conditions be attached to any permission.

Biodiversity/ Ecology

- 9.33 With respect to biodiversity, the KCC Ecological adviser accepts that there is likely to be either a low or negligible impact on the SPA. However, to be certain she has requested additional information regarding how these conclusions were reached in the submitted report and to determine whether mitigation is required. This information has not yet been received and ideally this will be considered prior to the application being determined. The report is therefore subject to this information and any conditions required as a result.

Affordable Housing

- 9.34 The applicants have offered to provide 30% affordable housing across the site. This is in accordance with the level expected within the current local plan, although slightly below that envisaged for the Faversham area in the emerging local plan. However, this considered against the other benefits of the scheme is not a significant concern and will still result in a significant boost to affordable housing in Faversham.

Flood Risk

- 9.35 The site is not located within an area known to be at risk of flooding. However, the Environment Agency has drawn attention to the possibility of surface water flooding and has recommended conditions to deal with this issue. In addition, the Lower Medway Drainage Board have raised objection to the application on the basis that the surface water run-off rate would increase downstream flood risk. They have, however, suggested a condition if permission were to be granted requiring a SUDS scheme which will limit runoff rates to no greater than greenfield conditions. I am content that this issue can be dealt with via an appropriate condition.

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- 9.36 At this stage, the visual impact of the proposal can only be considered in very broad terms due to the uncertainty of all matters of design, height of buildings, materials, location etc. However, this site will result in a new gateway to the town and as such it is key that the design of the entire scheme is of a high quality with local traditional materials and carefully designed to ensure visually it is appropriate to its surroundings. These messages have been strongly conveyed to the applicants and their agent, as have the messages from the Design Panel in respect of the layout. The Design Panel commented on the indicative layout and felt that it should more carefully follow the contours of the land rather than the existing hedge boundaries, partly to contain the visual impact of the development, particularly from the east. However, the panel also advised that the Love Lane frontage feature facilities to ensure a relationship develops between the development on Graveney Road and the new development.
- 9.37 These matters are clearly documented in both the advice from the Design Panel and in the draft Local Plan of August 2013. If this scheme were to develop to the reserved matters stage, it would need to either address these concerns or make a case for why they are not significant or no longer relevant.
- 9.38 With regards to code for sustainable homes levels, the majority of the proposed housing would meet code level 3, with 20% being proposed to meet code level 4. Whilst ideally, all of the housing would be designed to meet a higher code level standard, the Council does not have a policy to support that position. I welcome the inclusion of some code level 4 housing.
- 9.39 The proposed non-residential buildings would meet BREEAM “good” for commercial buildings. Again, this is disappointing, but given the other considerations referred to above is considered acceptable on balance.

Benefits of the scheme

- 9.40 There have been significant numbers of support letters and objection letters concerning the issue of the cricket pitch. Those who have written in support have tended to be members of the existing cricket club who feel that their current facilities are inadequate and that the development would bring a great opportunity for the cricket club. However, objectors to the scheme are very concerned that the cricket pitch is being used as a ‘carrot’ to entice people and the Council to support the scheme. Whilst there is no denying that a modern sports facility will be a benefit, this should by no means have a significant impact upon the overall determination of the scheme which is considered necessary as explained above.

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- 9.41 The scheme also offers two gypsy pitches in line with the emerging Local Plan requirements of policy DM10. These are to be very much welcomed and if the scheme were to come forward ahead of the Local Plan they would help to demonstrate that it is possible to incorporate a small gypsy site on a mixed use or housing site and still make the development viable.
- 9.42 The development site as a whole offers 14.5 ha of open space, which is significantly above that normally required for a scheme of this size. This not only will be of value to those who will eventually live and work on the site, but also to existing residents in the area. This space includes allotments, the cricket pitch and parkland. A management plan would need to be agreed in order to ensure the long term ongoing management of the open space, and I have recommended this be submitted as part of the S106 agreement.
- 9.43 The scheme also includes proposals for a health centre, although the NHS advises that this is not currently required. Despite this, the applicant retains this aspiration and has been discussing options with existing GP surgeries and also with private GP's and other health providers such as chiropractors and dentists to try and address any such need in the area. In these circumstances, and to ensure that the building does not remain empty should their aspirations not be met, I have recommended that this be treated as a mixed use building that can either be used as a health centre, offices or a mix of both.
- 9.44 The application is being recommended subject to the signing of a section 106 agreement for developer contributions towards:
- Schools; libraries, adult social care; community learning; youth services
 - waste and recycling bins
 - contributions towards the provision of improvements to bus stops around the site
 - provision of 30% affordable housing across the residential site
 - the submission of a construction code of conduct and construction traffic management plan
 - provision of a traffic plan and a monitoring fee of £5000 for the traffic plan
 - commitment to securing local employment and training opportunities and financial contributions towards the support of construction apprenticeships
 - commitment by the developer to provide a minimum of 4.5 hectares of public open space to be retained for public use (to include allotments, cricket pitch and informal parkland) to be retained in perpetuity and a management plan
 - contributions towards signage to the train station via public footpath on the site
 - provision of additional lighting at either end of the railway footbridge
 - commitment to deliver the infrastructure and provide serviced plots ready for the commercial development prior to the occupation of the fiftieth dwelling and also for the applicant to embark on a marketing campaign within three months of receiving detailed planning consent.

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9.45 As part of the Section 106 agreement, reference will need to be made to the signing of a section 278 agreement for improvements to off-site works including a pedestrian link, splitter island and improvements to highway junctions within the vicinity of the application site.

10.0 CONCLUSION

10.1 To conclude, whilst the application proposes development on a smaller site than that due to be allocated in the local plan and with less 'B' use class development and more housing, the development still largely meets the aims of the allocation and would bring significant benefits. The housing would help the Council towards meeting a five year supply of sites and enable us to be in a more secure position for fighting appeals for less appropriate sites, especially at Faversham. The employment uses will also help to secure new jobs for the area and help the economy. Clauses will also be included in the Section 106 agreement to give a degree of confidence that the second phase should include 'B1' use classes.

10.2 Whilst the proposal would result in some harm, including to residential amenity and to the setting of the conservation area, the need for the development, in my view, outweighs the limited harm that would be caused.

11.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS**Time limit**

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

Grounds: 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.

Grounds: 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.

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

4. The development hereby approved shall be carried out in accordance with the following approved drawings in so far as it relates to access:

19144A_100C, 25659-002-007A, 25659-002-008A, 25659-009A and 19144A/100 Rev B

Grounds: For the avoidance of doubt and in the interests of proper planning.

Pre-commencement

5. The details submitted pursuant to condition (1) shall show not less than 4.5 hectares of the site reserved for allotments, parklands and a cricket pitch, of which 1.65 hectares shall be reserved as public open space. No permanent development whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Grounds: In accordance with the terms of the application and to ensure that these areas are made available in the interests of the residential amenities of the area.

6. The details submitted pursuant to condition (1) above shall provide full details of how the residential part of the development will meet the principles of 'Secure by Design'. The development shall be implemented in accordance with the approved details.

Grounds: In the interests of public amenity and safety.

7. The details submitted pursuant to condition (1) above shall show adequate land to the satisfaction of the Local Planning Authority, 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 not shall be carried out on such land or in a position as to preclude vehicular access thereto; such land.

Grounds: 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.

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8. 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) Connectivity for pedestrians and cyclists between the site and the town centre
 - (c) An overall landscape strategy (incorporating the retention of existing landscaping where possible) for the application site and adjoining land in the applicants ownership with special regard to the eastern boundary
 - (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 enhance opportunities for biodiversity across all parts of the application site
 - (g) A strategy for storey heights

Grounds: In the interests of promoting a consistent quality of development, sustainable development and of visual and landscape amenity.

9. 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.

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

10. Prior to the commencement of the development hereby permitted, a detailed travel plan shall be submitted to and agreed in writing by the Local Planning Authority in conjunction with the Highways Agency. The travel plan shall include targets to reduce the number of car journeys and promote the use of public transport and other sustainable transport measures. It will also include a review date and a commitment to further measures should the targets not be met.

Grounds: To ensure that the number of trips generated from the site are limited to prevent the number of trips passing through M2 junction 7 from exceeding the available capacity.

11. Prior to the commencement of the development hereby approved, full details of the method of disposal of foul and surface waters as part of a detailed drainage strategy shall be submitted to and approved by the Local Planning Authority. This drainage strategy should be based on SUDS principle and shall be designed to ensure that runoff rates are no greater than existing conditions. A

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drainage Infrastructure Maintenance Plan should be incorporated into the strategy which should set out the information and procedures the owners/operators of the development will adhere to. The approved details shall be implemented before the first use of the development hereby permitted.

Grounds: In order to prevent pollution of water supplies and in order to prevent localised flooding.

12. Prior to the commencement of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.
 - a. 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 and; potentially unacceptable risks arising from contamination at the site.
 - b. A site investigation scheme based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c. The results of the site investigation and detailed risk assessment referred to in (b) 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.
 - d. 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 (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangement for contingency action.

Grounds: To ensure any contaminated land is adequately dealt with and to protect ground water.

Pre occupation or pre 50th or 100th dwelling being occupied

13. No part of the development hereby permitted shall be occupied until the highway improvements outlined in drawing figure 6.1 (as provided by the Highways Agency) have been completed or an alternative agreed in writing with the Local Planning Authority in conjunction with the Highways Agency

Grounds: To ensure that the strategic road network continues to operate in a safe and efficient manner.

14. No part of the development hereby approved shall be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy (as per condition 13 above) and the effectiveness of the remediation has been submitted to and approved, in writing, by the local

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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.

Grounds: To ensure any contaminated land is adequately dealt with and to protect ground water.

15. The approved residential accesses to the site as detailed on drawings 25659-002-007 A and 25659-002-008 A shall be completed prior to the occupation of the first dwelling and the approved commercial access as detailed on drawing 25659-002-009 A shall be completed prior to the occupation of the fiftieth dwelling.

Grounds: In the interests of highway safety and convenience

16. Prior to the commencement of the development hereby approved, details of covered secure cycle parking facilities and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided in accordance with the agreed programme of implementation and shall be retained or replaced with the same, in perpetuity.

Grounds: To ensure that there is sufficient cycle parking at the site in the interests of sustainable development.

17. 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, driveway gradients and street furniture, as appropriate, shall be constructed and laid out in accordance with details to be submitted at the reserved matters stage 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. The works as approved shall be completed prior to the occupation of the first dwelling which is served by each section of highway and not more than fifty dwellings shall be occupied until the commercial access road has been completed up to and including the first roundabout.

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

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18. No more than 100 dwellings shall be occupied until the junction improvement works to the A2/Love Lane junction have been completed and are open to traffic and pedestrian crossings provided. These works shall include provision of traffic signals, provision of a zebra pedestrian crossing Love Lane immediately to the south of the junction with Graveney Road and a zebra pedestrian crossing on Whitstable Road between the junctions of Abbey Fields and Century Road. Details of these works shall first be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Grounds: In the interests of highway safety and convenience.

Non pre-commencement

19. The health centre hereby approved shall be used solely as a health centre D1 use or for a mixed use of D1 and B1 office use or solely for a B1 office use.

Grounds: In order to allow a flexible use to maximise potential for the site.

20. No infiltration of surface water drainage into the ground at the site is permitted other than with the express 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 approved details.

Grounds: To protect groundwater.

21. 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.

Grounds: To ensure any contaminated land is adequately dealt with and to protect ground water.

22. A minimum of 30% of the dwellings hereby approved shall achieve at least a Level 4 rating under The Code for Sustainable Homes or any other specification approved by the Local Planning Authority, with the remaining 70% achieving at least a Level 3 and no development shall take place until details have been submitted to, and approved in writing by the Local Planning Authority, which set out what measures will be taken to ensure that the development incorporates sustainable construction techniques such as

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rainwater harvesting, water conservation, energy efficiency and, where appropriate, the use of local building materials; and provisions for the production of renewable energy such as wind power, or solar thermal or solar photo voltaic installations. Upon approval, the details shall be incorporated into the development as approved.

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

23. The non-residential buildings hereby approved shall be constructed to BREEAM 'Good' Standard or an equivalent standard and prior to the use of the building the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved.

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

24. The gypsy and traveller pitches shall not be occupied by any persons other than gypsies and travellers as defined in Annexe 1 of Planning Policy for Traveller sites. On these pitches there shall be no commercial use other than agriculture. In this regard no open storage of plant, products or waste may take place on the land, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

Grounds: In order to ensure sufficient supply of pitches for gypsies and travellers and to protect neighbouring residential amenity.

25. There shall be no more than two traveller pitches on the application site and no more than three caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended) shall be stationed on each pitch at any time, of which no more than two shall be static mobile homes.

Grounds: In order to protect neighbouring residential amenity.

26. During construction of the development adequate space shall be provided on site, in a position previously agreed by the Local Planning Authority to enable all employees and contractors and construction vehicles to park, load and off load and turn within the site.

Grounds: In the interests of highway safety and convenience.

27. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:-

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Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Grounds: In the interests of residential amenity.

28. No burning of waste or refuse shall take place on site during construction works other than may be agreed in writing by the Local Planning Authority.

Grounds: In the interests of residential amenity.

29. Adequate precautions shall be taken during the period of demolition and construction to prevent the deposit of mud and/or other debris on the public highway.

Grounds: In the interests of highway safety and convenience.

30. No development shall take place until wheel washing facilities have been provided on site and these shall be retained for the duration of the construction period.

Grounds: In the interests of highway safety.

31. No external lighting shall be constructed at the site other than on private domestic residences or in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be designed in a manner that minimises impact on neighbouring residential amenity and bats.

Grounds: In order to prevent potential harm to neighbouring residential amenity and the local bat population.

32. No clearance of the site shall take place in the months March to August inclusive, this being the breeding season for birds.

Grounds: In the interests of biodiversity.

33. No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:-

Monday to Friday 0900-1700 hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Grounds: In the interests of residential amenity.

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34. No development shall take place until a programme for the suppression of dust during the construction of the development has been submitted to and approved by the Local Planning Authority. The measures shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority

Grounds: In the interests of residential amenity.

The Council’s approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by: Offering pre-application advice. Where possible, suggesting solutions to secure a successful outcome. As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Informative:

Informatives have been suggested by Southern Water and the Environment Agency, Kent Highways Services and the Highways Agency. The applicant/ developer is advised to adhere to these.

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.

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APPENDIX 1 – 2.3

South East Regional **Design Panel**

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23 April 2014

Dear Mr Woodhead

LOVE LANE FAVERSHAM Planning application reference SW/14/0045

Thank you for asking the Regional Panel Swale to review your proposals for development on the east side of Love Lane, Faversham. Panel members visited the site before their meeting at Swale House on 8 April. We were grateful to Andrew Clague and Mayler Colloton of Clague for their presentation.

SUMMARY

The development is being planned on important green field site on the eastern edge of Faversham and it is incumbent on the promoters and the Council to achieve the highest possible quality, with streets and spaces the equal of any in the town. The design team has thought carefully about the locality but we have concerns about the viability of the mix of land uses and the way the various development partners will secure the scheme's aspirations. We would like to see the present outline application go beyond the present parameter plans to lock in the required quality. We also suggest that the parameter plans should make much more use of the natural topography more to determine the character of the place rather than relying on the artificial and relatively recent field boundaries.

Our comments are as follows:

CONTEXT

The site is farmland and any development on this site would form a new rural edge to the town. Proposals are for an outline planning application with all matters reserved other than access. The proposal anticipates some 196 new dwellings, 400 jobs and 11 acres of green space. The farm buildings and care home on Love Lane will remain, with development around their edges. Planning permission for development to the north of Graveney Road has recently been approved.

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PRINCIPLES

The outline application includes a parameter plan indicating the broad form and distribution of the land uses. The site is laid out to form two development areas separated by a tranche of open space, with residential to the north and commercial to the south. The landowner, the Vinson Trust, will maintain its long-term interest in the site and is committed to achieving a high quality of architecture and design.

The viability of the commercial and industrial development is imperative to the success of the scheme and should be rigorously tested, particularly in the light of the history of the Nova site, if the ambitions are to be met.

CONNECTIONS

Love Lane currently forms part of the eastern edge of Faversham, half a mile from the historic town centre and the railway station. However the pedestrian and cycle links are currently poor, including those to the local schools. There is an opportunity for a calmed space at the northern corner of the site at the railway bridge, to encourage journeys on foot or by cycle, and the illustrative masterplan anticipates making a strong diagonal route to this corner. We support any moves that can be made to strengthen the ease and attractiveness of paths to the town centre. For the commercial development, traffic management and servicing may have to be examined more closely. We are pleased to see allotments in the scheme but they seem rather remote from the houses.

There is scope for strengthening the relationship across Graveney Road with its northern neighbour; calming the traffic and focussing facilities on its frontage would help.

CHARACTER

We support the idea of preserving the spire of St Mary's Church as a marker on the skyline, but there are stronger drivers for the layout. The rolling landscape is the chief feature of the site and we suggest that defining the development envelope and its internal configuration in a manner that is better related to the topography and the watershed. This will better serve the development, both practically and visually.

The contours could be more strongly expressed in the masterplan, defining the shape and form of the various development components. This would be preferable to relying on the relatively modern field boundaries, which have no bearing on the lie of the land it may be more important than preserving the diagonal "strategic green gap" from the cemetery. The SUDS and the open space strategy, including the cricket ground could usefully part of this contours-based approach.

The different characters of Love Lane and Graveney Road could also be drawn out more in the masterplan. We are concerned about the potentially adverse impact of the hotel, pub and innovation centre with their car parking, accesses and servicing on the dwellings on the west side of Love Lane. If the community facilities are to be achieved, we think that some of them including the pub and the hotel could usefully face onto the open spaces or ponds and have some association with them. The proposed 'parkland'

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identity might need to be tested further to see if it is an appropriate model for this part of Faversham.

DELIVERY

We see an opportunity for high quality contemporary housing and we welcome the Vinson Trust's determination to secure this with their development partners; ways need to be found to lock in this quality at the outset, rather than falling back on generic house types and loosely traditional veneers. The separation between the different parcels of land, if not seamless, should certainly not appear artificial. We also believe that the team should be realistic about the community facilities that are likely to be delivered in the early phases of development. If there is likely to be high proportion of commuters, crèche facilities might be an attractor.

We hope you find these comments helpful. Please keep us in touch with further progress and do contact me if anything in this letter is unclear.

Yours sincerely



ROBERT OFFORD
Panel Manager

- cc Andrew Clague, Clague
Mayler Colloton, Clague
Chris Hawkins, DHA Planning
Rebecca Taylor, Bellway Homes
Geoff Blake, Bellway Homes
Martin Hart, Pentland Homes
Duncan Scott, Vinson Trust
Angus Scott, Vinson Trust
Huw Evans, Quinn Estates
Andy Jeffers, Swale BC
Graham Thomas, Swale BC
Jim Wilson, Swale BC
John Woodward, Swale BC

Panel members present: Allan Atlee (chair), Cody Gaynor, John Pegg, David Prichard, Richard Portchmouth

Geoff Noble, DSE (report)

This review was commissioned by Bellway Homes with the knowledge and agreement of Swale Borough Council.

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PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 20 November 2014 from 7.00 - 9.35 pm.

PRESENT: Councillors Bamcott (Chairman), Sylvia Bennett, Andy Booth, Mick Constable, Adrian Crowther, Mark Ellen, June Garrad, Sue Gent, Mike Henderson, Lesley Ingham, Peter Marchington, Bryan Mulhem (Vice-Chairman), Ben Stokes, Ghlin Whelan, Mike Whiting (Substitute) (In place of Prescott), Ted Wilcox (Substitute) (In place of Derek Conway) and Tony Winckless.

OFFICERS PRESENT: Philippa Davies, Claire Dethier, Emma Eisinger, James Freeman, Libby McCutcheon, Alun Millard and Steve Wilcock.

ALSO IN ATTENDANCE: Councillor Roger Truelove.

APOLOGIES: Councillors Derek Conway and Prescott.

354 MINUTES

The Minutes of the Meeting held on 30 October 2014 (Minute Nos. 318 – 322) were taken as read, approved and signed by the Chairman as a correct record.

355 DECLARATIONS OF INTEREST

Councillor Ted Wilcox declared an interest in items 2.1 (Hand Car Wash, Standard Quay, Faversham) and 2.3 (Land east of Love Lane, Faversham) as he had already spoken and voted on these matters at Faversham Town Council.

356 PLANNING WORKING GROUP

The Minutes of the Meeting held on 10 November 2014 (Minute Nos. 334 – 335) were taken as read, approved and signed by the Chairman as a correct record.

SW/14/0516 (2.7) – Land adj. Cedar Lodge, Whybornes Chase, Minster, Sheerness

The Senior Planner advised that two further letters of objection had been received which raised issues already noted in the report. She also advised that the Agent had submitted two additional drawings which showed a block plan and street elevation of the proposed semi-detached houses, together with the detached house, which had already been approved.

In response to a question raised at the Planning Working Group Meeting, the Senior Planner advised that the breakdown of properties along Whybornes Chase between Queenborough Drive and Wards Hill, were 10 detached houses; eight detached bungalows; five detached chalet bungalows; and two semi-detached houses. The Senior Planner further advised that condition (4) in the report needed to be amended to include indigenous species in the landscaping scheme.

The Chairman moved the officer recommendation for approval and this was seconded.

A Ward Member explained that he had no objection to the detached house that had been approved, but raised concern with the overall scale of the two proposed semi-detached houses. He stated that generally houses along Whybornes Chase had a reasonable gap

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between them and these were too close to adjoining properties; there were detached houses in the vicinity and the road narrowed at this point. The Ward Member suggested the proposal was too large in scale for the plot; was not in-keeping with the street scene; it was completely out of character and design; and a bungalow/chalet bungalow would be more appropriate.

On being put to the vote the motion for approval was lost.

Councillor Andy Booth moved a motion for refusal on the grounds of the proposal being too large in scale; overintensification; and not in-keeping with the street scene. This was seconded by Councillor Adrian Crowther.

Members made the following comments: do not agree with refusal, proposal was only two storeys and did not overlook; no overshadowing; there was space between proposal and neighbouring properties; no grounds to refuse; the street had a mix of dwelling types; the proposal was overintensive; and it would have an adverse affect on residential amenity.

The Head of Planning advised that the proposal would not affect residential amenity.

On being put to the vote, the motion for refusal was agreed.

Resolved: That application SW/14/0516 be refused on the grounds of it being too large in scale; being too close to the boundaries of the plot; and not in-keeping with the street scene.

357 DEFERRED ITEM**SW/14/0399 – Old Sittingbourne Mill and Wharf (Morrisons)**

The Senior Planner reported that the Applicant had submitted a phasing plan which showed the phasing for the construction of the housing development. She explained that the linear park could not be implemented as one operation as there needed to be access to that area for drainage work throughout the construction phases. A base for the linear park could be started, but would not be able to be completed until the housing was completed. The Senior Planner drew Members' attention to the tabled paper which set out the recommendations, with Option A in each case being the officer recommendation.

Mr Bellinger, the Applicant, spoke in support of the application.

The Chairman moved the recommendations in turn and these were seconded. Members were invited to comment on each recommendation.

9.01- that the phasing should be altered in line with the applicant's request:

- Phase A – residential units
- Phase B – Mill site public realm
- Phase C – Leisure building and Waterside Park
- Phase D - Museum and Heritage Building

A Ward Member acknowledged the reasons for the linear park's delay in completion, but considered that most of the linear park could be put in place before the last house was constructed and that work on the linear park should start before the final house was completed. He considered that as it had been stated that available funding for the museum and heritage building was highly unlikely, that this was a 'non-starter' and he considered

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the leisure building should be an assured part of the process, not 'quite possible' as noted in the report.

Members stressed the need to complete the development as soon as possible.

On being put to the vote the recommendation was agreed.

9.02 - that the Council accepts a phased payment of the education contributions; 50% prior to occupation of 25% of the dwellings and the remaining 50% prior to occupation of 75% of the dwellings.

In response to a question, the Senior Planner confirmed that the recommendation was within the Planning Committee's remit.

On being put to the vote the recommendation was agreed.

9.03 – Either:

Option A: that there should be a review of the Viability Appraisal prior to the occupation of the final dwelling to be occupied on site and any additional profit should be used to fund a commuted payment for additional affordable housing to be provided off-site.

OR

Option B: that there should be a review of the Viability Appraisal prior to the occupation of the final dwelling to be occupied on site and any additional profit should be used to fund all or part of the Heritage Initiatives Contribution (up to a maximum of £215,000.00).

A Ward Member spoke in support of Option B; he was in favour of any additional profit being used on-site rather than fund housing off-site.

Members made the following comments: additional affordable housing was needed; the rate of affordable housing on the development was appalling; and affordable housing was more important than heritage initiatives.

Councillor Mike Henderson moved an addendum to Option A: that '....additional affordable housing to be provided within the Sittingbourne area'. This was seconded by Councillor Bamcott. A Member considered lack of affordable housing was a Borough-wide issue. On being put to the vote the addendum was lost.

On being put to the vote the recommendation (Option A) was agreed.

9.04 - either

Option A: that Members accept the 3.3% affordable housing proposed and maintain the contribution to education in full.

OR

Option B: that Members require 10% affordable housing with acknowledgement that this will result in the reduction of the education contribution.

In response to a question, the Senior Planner confirmed that Option B was within the Planning Committee's remit.

Members made the following comments: a difficult choice to make, with a balance between affordable housing and education contributions; and Option A was slightly preferable.

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In response to a question, the Senior Planner advised that for the developer to provide one affordable house, this would cost around £50,000 and that this would be drawn from the education contribution, resulting in a significant reduction therefore. The Senior Planner did not consider this to be preferable.

The Head of Planning explained that Option B would result in a loss of educational contributions, with a shortfall that would have an impact on Kent County Council.

On being put to the vote the recommendation (Option A) was agreed.

9.05 - either

Option A: that Members agree that the percentage of social rented accommodation within the agreed affordable housing provision shall be 70%.

OR

Option B: that Members agree that no social rented accommodation shall be required as part of the agreed affordable housing provision (i.e. only shared equity affordable housing provided) and the overall proportion of affordable housing shall be increased to 10%.

On being put to the vote the recommendation (Option A) was agreed.

9.06 - the acceptance of all other elements of the offer set out on pages 18 & 19 of the report and delegation to Head of Planning to finalise the wording of the modified Section 106 agreement.

On being put to the vote the recommendation was agreed.

Resolved: *That the recommendations noted below be agreed for application SW/14/0399.*

(1) That the phasing should be altered in line with the applicant's request:

Phase A – residential units

Phase B – Mill site public realm

Phase C – Leisure building and Waterside Park

Phase D - Museum and Heritage Building.

(2) That the Council accepts a phased payment of the education contributions; 50% prior to occupation of 25% of the dwellings and the remaining 50% prior to occupation of 75% of the dwellings.

(3) Option A: that there should be a review of the Viability Appraisal prior to the occupation of the final dwelling to be occupied on site and any additional profit should be used to fund a commuted payment for additional affordable housing to be provided off-site.

(4) Option A: that Members accept the 3.3% affordable housing proposed and maintain the contribution to education in full.

(5) Option A: that Members agree that the percentage of social rented accommodation within the agreed affordable housing provision shall be 70%.

(6) The acceptance of all other elements of the offer set out on pages 18 & 19 of the report and delegation to Head of Planning to finalise the wording of the modified Section 106 agreement.

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358 REPORT OF THE HEAD OF PLANNING

PART 2 - Applications for which PERMISSION is recommended

2.1 14/501373/FULL
APPLICATION PROPOSAL Change of use for open yard, of former Transport Depot, to hand car wash plus construction of canopy to washing area.
ADDRESS Hand Car Wash Standard Quay Faversham Kent ME13 7BS
APPLICANT Mr Vehbi Parallangaj
AGENT Design And Build Services

The Senior Planner reported that three additional comments had been received which raised similar issues already set out in the report. Additional comments, not noted in the report were: how was it known that the noise can be contained?; the Environmental Team were taking the Applicant's word on issues relating to the proposal; and the structure was contrary to regulations for a conservation area.

Ms Taylor, on behalf of the Agent, spoke in support of the application.

The Chairman moved the officer recommendation for approval which was seconded.

A Ward Member explained that he had some reservations with the application. He considered that vehicles going in and out of the premises, even if the car wash area was enclosed, would still generate noise. He considered there were environmental issues.

In response, the Environmental Health Officer stated that the proposed canopy would contain noise from the jet spray and also contain any over-spray. He explained that vehicle egress was a separate matter.

The Ward Member considered the noise of vehicles arriving and leaving the premises would be detrimental to local residents and that the proposed use as a whole was a disturbance within the conservation area.

The Senior Planner advised that vehicle egress noise disturbance could not be taken as being unacceptable, as the existing use of the site was semi-industrial.

A Member from an adjoining ward spoke against the application. He raised the following points: it was not known how much noise reduction could be achieved; waiting vehicles would have their engines running; noise from car spray and vacuum cleaner; this was not a suitable location for this type of activity; was adjacent to important listed buildings and in a conservation area; the previous use did not have continual activity; increase in traffic flow; and this would not preserve or enhance the area.

Members made the following comments: it was regretful that there were no acoustic values within the report; concern with noise levels from spray and vacuuming; condition (8) stating doors in the wash building were to be closed prior to vehicle cleaning was impossible to enforce; and concerned with water pollution.

Councillor Tony Winckless moved a motion for a site meeting, this was not seconded.

On being put to the vote the motion for approval was lost.

Councillor Mike Henderson moved a motion for refusal on the grounds that there was no guarantee that the noise issues would be addressed and the building did not preserve,

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enhance or protect the conservation area or the curtilage of the listed buildings. This was seconded by Councillor Bryan Mulhern and upon being put to the vote the motion was agreed.

Resolved: *That application 14/501373 be refused on the grounds that there was no guarantee that the noise issues would be addressed and the building did not preserve, enhance or protect the conservation area or the curtilage of the listed buildings.*

2.2 14/500561/OUT
APPLICATION PROPOSAL Outline Planning permission (all matters except access reserved) - Residential redevelopment with provision of associated vehicular and pedestrian access, open space, drainage and services.
ADDRESS Former HBC Engineering Site Power Station Road Halfway Minster-on-sea Kent ME12 3AB
APPLICANT TBH (Sheerness) Ltd AGENT

The Senior Planner reported that an amended drawing had been received from the Applicant which showed a footpath extending to the western boundary of the site frontage, which would connect to the existing footpath on the other side of the road. The amendment addressed the issue of the highway not being wide enough for a footpath on the northern side of the road. Kent County Council (KCC) Highways raised no objection to the amended footpath proposal, subject to usual conditions. The Senior Planner advised that condition (24) in the report would need to be amended to reflect the altered design.

The Senior Planner reported that the additional six dwellings to the 136 originally proposed had received no objection from KCC Highways as they expected around three additional vehicle movements, and as such this would have little impact on traffic figures. She further advised that the submitted transport assessment was based on 160 dwellings and the traffic impact was still considered to be less than the lawful employment use of the site. The Senior Planner confirmed that the site was within the Minster Parish Council boundary; the report had stated that it was not.

The Senior Planner drew Members' attention to the viability assessment on pages 49 and 50 of the report. She explained that the development could not support the full Section 106 agreement, and the scheme was only viable if the affordable housing figures were reduced, and that option (b) was the preferred option, with KCC requesting at least two of the four affordable units to be wheelchair accessible.

The Senior Planner advised that the development would provide £284,000 in total, £2,000 per dwelling, and Swale Borough Council would retain the full amount required for wheeled bins, open space management and monitoring fee. She explained that the profit level was 15% which was a low profit value. As the contribution received by KCC was significantly lower, they had requested some discretion as to how they spent their share.

The Senior Planner outlined the work undertaken on Great Crested Newts which was in draft form, with further survey work due to take place in Spring 2015. Condition (14) needed to be amended as there were no water voles on site, but a condition was needed for precautionary measures to protect water voles before and during work on the site. Delegation was sought to amend condition (14) as appropriate, and add additional conditions as recommended by KCC ecology. An additional condition was also required to ensure mitigation measures were put in place in line with the submitted habitat survey.

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The Chairman moved the officer recommendation for approval which was seconded.

Members made the following comments: concerned with the increase in traffic movement problems and flooding; disappointed with the level of affordable housing proposed, which was contrary to the 30% that SBC had agreed to provide on developments; balance between keeping land that was once industrial as land available for job provision, or using it for housing which was also needed; impact on nearby junction; demonstrable harm to residents; there were other developments planned which would compound the traffic problems; and the infrastructure needed to be improved.

In response to a question, the Senior Planner referred to the proposals map and advised that the land was not allocated for employment or housing. She further advised that on the emerging Local Plan, 87 houses were allocated on the southern part of the site.

Councillor Mike Henderson moved a motion for a site visit. This was seconded by Councillor Tony Winckless.

In response, the Senior Planner advised that the mitigation measures set out in the submitted flood risk assessment for the site were accepted by the Environment Agency and that appropriate sustainable urban drainage was proposed for the site. The KCC Highways Officer advised that the application site had been assessed and traffic movements had been projected as being less than the previous commercial use and the typical extant B2 use of the site.

On being put to the vote the motion for a site visit was lost.

A Member doubted that that the nearby mini-roundabout and the road structure had the capacity to cope with the development.

Councillor Bryan Mulhern moved a motion to defer the application in order to seek further information on traffic movements and flooding issues. This was seconded by Councillor Tony Winckless.

The Head of Planning explained that traffic issues would be managed during the process of the development and reminded Members of KCC Highways comments and the need for housing in the Borough.

On being put to the vote the motion to defer was lost.

Councillor Mike Henderson moved a motion for an amendment that approval of reserved matters be reduced from five years to four years. The Head of Planning stated that this was a standard time condition. The motion was not seconded.

The substantive motion to approve was put to the vote and the motion was lost.

At this point the Head of Planning used his delegated powers to 'call-in' the application.

Resolved: That as the Planning Committee was minded to make a decision that would be contrary to officer recommendation and contrary to planning policy and/or guidance, determination of the application would be deferred to the next meeting of the Committee on 11 December 2014 when the Head of Planning would advise Members of the prospects of such a decision if challenged on appeal and if it becomes the subject for costs.

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20 November 2014

2.3 SW/14/0045
APPLICATION PROPOSAL Outline application including access for a mixed use development comprising business park (up to 5,385sqm of commercial units, and a 2,000sqm office (innovation centre), a hotel (approx 70 bed), pub/restaurant (up to 400sqm), health centre (up to 300sqm), 196 residential dwellings, open space including sports pitches, amenity open space and parkland, roads, allotments and a traveller site.
ADDRESS Land East Of Love Lane, Faversham, Kent, ME13 8JB
APPLICANT The Vinson Trust
AGENT Mr M Woodhead

The Senior Planner reported that Natural England (NE) had revised their comments on the application. They considered that the impacts on the Swale Site of Special Scientific Interest, the Special Protection Area and the Ramsar site needed to be considered further in respect of bird disturbance. They recommended a Section 106 agreement for access management and a monitoring mitigation strategy if there were to be significant effects. The Senior Planner sought delegation to do this if it was considered necessary following the receipt of information on mitigation measures proposed by the Applicant on any effects of the proposal on these areas.

The Senior Planner advised that two additional letters had been received which raised similar issues to those noted in the report. Additional comments included: distance from schools, would increase traffic further; the NHS said no GP surgeries were required; need new schools; outline application, therefore saying 'yes' to everything; bats and nesting birds were on the site; and brown fields sites in Faversham should be identified.

The Senior Planner advised that she was waiting for comments from KCC Archaeology, and ecology matters from the Applicant and sought delegation to approve and add any necessary conditions, subject to this further information.

Mrs Jenny Gurney, a supporter, spoke in support of the application.

Marilyn Smith, an objector, spoke against the application.

Duncan Scott, the Applicant, spoke in support of the application.

The Chairman moved the officer recommendation for approval which was seconded.

A Ward Member spoke in favour of the application and acknowledged that it was part of the emerging Local Plan.

Members made the following comments: this was a good vision of mixed use; have to look at least worst option for Faversham, other options were significantly worse, with Faversham stretching too far south; this development should not go any further east, not to Brenley Corner; it provided housing, including affordable housing; there was a good road network to the site; it would improve the economy of Faversham; impact on existing nearby roads and junctions which may need improvements and traffic controls; and acknowledge impact on local residents.

Resolved: *That application SW/14/0045 be delegated to officers to approve subject to conditions (1) to (35) in the report, and the receipt of further comments from KCC Archaeology and ecology matters from the Applicant and further information and discussions regarding bird disturbance.*

APPENDIX 2

Planning Committee

20 November 2014

2.4 14/500338/FULL
APPLICATION PROPOSAL Single storey side and rear extension, first floor rear extension and first floor flank window.
ADDRESS 165 Minster Road Minster-on-sea Kent ME12 3LH
APPLICANT Mrs Tracey Gobbi
AGENT Mr Dave Chamberlain

The Senior Planner reported that KCC Highways had stated that the increase in bedrooms by six, to 26 in total, would normally equate to one additional parking space. As the application was to enable single occupancy of the bedrooms, no additional residents would be at the site, so there was no need to increase the parking provision.

The Senior Planner advised that the distance from the flank elevation of the rear conservatory to the neighbouring property was 3.8 metres, not 6.4 metres as noted in the report.

A Ward Member spoke against the application. She considered there had been major overdevelopment of the site, with overshadowing; it was too close to other properties; loss of garden amenity and was overdevelopment of a residential area.

Councillor June Garrad moved a motion for a site meeting. This was seconded by Councillor Lesley Ingham. On being put to the vote the motion was agreed.

Resolved: That application 14/500338 be deferred to allow the Planning Working Group to meet on site.

PART 5 - Decisions by County Council and Secretary of State, reported for information

- **Item 5.1** - Site at Warren Farm, (Sheppey Animal Rescue), Warden Road, Eastchurch, Sheppey, ME12 4HD
Appeal dismissed.
- **Item 5.2** - 28 Brier Road, Sittingbourne, ME10 1YJ
Appeal allowed.
- **Item 5.3** - Land at Littles Farm, Faversham, ME13 8XZ
Appeal dismissed.

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee.