

2.10 REFERENCE NO - 16/506644/REM			
APPLICATION PROPOSAL			
Reserved Matters application following outline approval decided on appeal SW/13/1567 (Outline application for erection of 63 dwellings, open space, pedestrian and vehicular access, car parking, landscaping and associated works.) - Approval being sought for Access, Appearance, Landscaping, Layout and Scale and in relation to conditions 1, 7, 9 and 12 of the outline approval.			
ADDRESS Land Opposite Greenways Brogdale Road Faversham Kent ME13 8YA			
RECOMMENDATION Grant, subject to conditions and the following:			
<ol style="list-style-type: none"> 1. Signing of the Deed of Variation 2. Receipt of revised drawings addressing the overlooking of the residential garden areas of plots 40 and 45 3. Receipt of revised site levels and proposed finished floor levels plan 4. Outstanding comments from Faversham Town Council, Kent County Council Ecology team and the Green Spaces Manager. 			
SUMMARY OF REASONS FOR RECOMMENDATION			
This reserved matters application relates to the access, appearance, landscaping, layout and scale which are acceptable and in accordance with the terms of the outline planning permission. The details are in accordance with the development plan.			
REASON FOR REFERRAL TO COMMITTEE			
Faversham Town Council objection.			
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Matthew Homes Ltd. AGENT BHD Ltd	
DECISION DUE DATE 12/12/16	PUBLICITY EXPIRY DATE 24/11/16	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/503281	Submission of details pursuant to condition 8 Development Brief of approved SW/13/1567	Approved	7 th February 2017
SW/13/1567	Outline planning application for 63 dwelling with all matters reserved.	REFUSED	25 th March 2014
Appeal reference APP/V2255/A/14/2 224509	Outline planning application for 63 dwelling with all matters reserved.	Appeal allowed	13 th May 2015

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is located just outside the built-up area boundary of Faversham, as defined in the Swale Borough Local Plan 2008, within the designated countryside. The site area is 3.5 hectares, a flat squared shaped open field.
- 1.02 Located adjacent to the northern boundary is a residential area with an access road, Brogdale Place, which also leads to a commercial nursery business which lies along the western boundary. The southern boundary faces out towards the open countryside and the eastern boundary faces onto Brogdale Road. Abbey School is located to the north-east of the site and further to the south is Brogdale Farm.
- 1.03 The site lies within the designated Faversham and Ospringe Fruit Belt as defined by Swale Landscape Character and Biodiversity Appraisal (2011) SPD.
- 1.04 Planning permission for the 63 houses was refused under SW/13/1567 and was then subsequently allowed at appeal in May 2015 and the decision notice is appended.
- 1.05 The immediate surrounding residential area, running along the northern boundary of the site features detached, semi-detached and terraced properties. Located facing onto Brogdale Road are a number of 2 storey Victorian houses with Brogdale Place featuring detached 2 storey properties, built within the last 20 years.
- 1.06 The boundary landscaping currently consists of post and rail fencing along the northern and southern boundaries with large mature conifers forming a boundary screen, with notable gaps along the eastern boundary to Brogdale Road. A mature beech hedgerow runs along the western boundary, adjacent to the commercial nursery. The topography of the site is level with a drop along the eastern boundary to Brogdale Road to the pavement alongside the road.

2.0 PROPOSAL

- 2.01 Outline planning permission, with all matters reserved, was approved under appeal reference APP/V2255/A/14/2224509 in May 2015, this decision notice is appended and Members will note the 21 conditions that this permission is subject to. This application seeks permission for the matters that were reserved under the outline permission. The details submitted under this application area: **access, appearance, landscaping, layout and scale**. In addition details have been provided in accordance with conditions 1 (access, appearance, landscaping, layout and scale), 7 (parking), 9 (existing and proposed floor slabs and heights) and 12 (hard and soft landscaping) Please note that condition 8, which required the submission and approval of a Development Brief, has been complied with under reference 16/503281.
- 2.02 The total number of units proposed is 63 and these are a mix of 2, 3, 4, and 5 bedroom houses. The proposal would provide 30% affordable housing, 19 units consisting of a mix of shared ownership and social rented.
- 2.03 The open space would be provided against the eastern boundary of the site and features two areas of open space, consisting of two areas split into 0.6173 hectares and 0.3829 hectares of open public space and amounting to approximately one hectare in total. The submitted landscaping strategy confirms that the Corsican Pine trees running along the boundary to Brogdale Road would be removed and

replaced by native trees with additional hedge planting. The open space areas would also feature two large focal trees and a number of Kent native fruit trees and some low key landscaping. Two balancing ponds would be sited within the open space to encourage a wildflower meadows and biodiversity- please note that the siting of the ponds is still being considered and one option is to have one drainage pond instead of the two proposed. I have received the full details for the hard and soft landscaping and will report back to Members at the meeting.

- 2.04 The proposal has a main access into the site off Brogdale Road with a separate emergency access off Brogdale Place which would also provide an access to Units 23-26. I am awaiting the final details of the emergency access following consultation with Kent County Council Highways and Transportation. The proposal also includes a pedestrian only entry and exit route from the site to the corner of Brogdale Place with Brogdale Road.
- 2.05 In terms of the road network the proposal aims to achieve a more rural approach by using raised platforms to slow traffic and create a more rural feel by providing multi-use surfaces.
- 2.06 The proposal provides a varied use of locally found materials, in line with the details agreed under condition 8 (Development Brief) to reflect the local character. The mix of housing provides a varied mix of house types featuring a traditional design approach. The prominent plots facing onto the public areas or seen from the wider views have interesting architectural features to add interest and create a focal point.
- 2.07 This application has been amended following extensive discussion with the applicant. The design, layout, boundary treatments, public areas and road network have been improved to address our concerns and I am awaiting further drawings to address some plot overlooking. I will update Members at the meeting.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	3.5 hectares	3.5 hectares	0
No. of Storeys	0	2-2.5	+2-2.5
No. of Residential Units	0	63	+63
No. of Affordable Units	0	19	+19

4.0 PLANNING CONSTRAINTS

- 4.01 The lies within the designated Faversham and Ospringe Fruit Belt as defined by Swale Landscape Character and Biodiversity Appraisal (2011) Supplementary Planning Document.

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 The National Planning Policy Framework (NPPF): paras 7 (three dimensions of sustainable development), 8, 11 (presumption in favour of sustainable development), 12, 14, 17 (core planning principles), 35 (sustainable transport), 47 (delivering a wide choice of high quality homes), 49, 50, 56 (good design), 69 (healthy communities), 70, 73, 75, 109 (conserving and enhancing the natural environment); 112 (agricultural land); 118, 119, 120, 121, 123, 125, 129 (heritage

assets), 131, 162 (infrastructure), 186 (decision taking), 187, 196 (determining applications); 197, 204 (planning obligations) & 216 (weight to emerging policies).

- 5.02 National Planning Policy Guidance (NPPG): Design; Natural environment; Housing and Economic Development needs assessment; Noise; Planning Obligations; Use of planning conditions; water supply, waste water and water quality land affected by contamination; light pollution; natural environment; neighbourhood planning; rural housing.

Development Plan:

- 5.03 The Swale Borough Local Plan Adopted 2008, saved policies SP1 (sustainable development), SP2 (environment), SP3 (economy), SP4 (housing), SP6 (transport and utilities), SP7 (community services and facilities), FAV1 (the Faversham and the rest of Swale planning area), SH1 (settlement hierarchy), E1 (general development criteria), E6 (countryside), E9 (landscape), E10 (trees and hedges), E11 (biodiversity and geological interests), E12 (designated biodiversity and geological conservation sites), H2 (new housing), H3 (affordable housing), T1 (safe access), T4 (cyclists and pedestrians) & C3 (open space on new housing developments).

- 5.04 The emerging Swale Borough Local Plan “Bearing Fruits” – ST1 (sustainable development), ST2 (targets for homes and jobs), ST3 (settlement strategy), ST4 (meeting local plan development targets), ST7 (Faversham and Kent Downs strategy), CP2 sustainable transport), CP3 (high quality homes), CP4 (good design), CP5 (health and wellbeing), CP6 (community facilities and services to meet local needs), CP7 (natural environment), CP8 (conserving and enhancing the historic environment), DM6 (managing transport demand and impact), DM7 (vehicle parking), DM8 (affordable housing), DM14 (general development criteria), DM17 (open space, sports and recreation provision), DM21 (water, flooding and drainage), DM24 (valued landscapes), DM28 (biodiversity and geological conservation), DM29 (woodlands, trees and hedges), DM31 (agricultural land) & IMP1 (implementation and delivery plan).

Supplementary Planning Documents

Swale Landscape Character and Biodiversity appraisal (2011)

Developer Contributions (2009)

6.0 LOCAL REPRESENTATIONS

- 6.01 Two letters of objection have been received making the following summarised comments:

- Concerns about the impact on the struggling local road network
- Concerned about the loss of agricultural land and thriving wildlife
- Loss of sunlight and impact on privacy on the adjacent existing properties
- The development will result in the current peace, quiet and tranquility being taken away
- Overlooking concerns- existing properties to new properties
- Excessive noise and environmental pollution in the form of extra traffic
- The access to the development would create highway safety concerns due to being closely located to the access to Perry Court Oast (Please note that the revised drawings show the access re-site further to the north of Brogdale Road)

- Concerned that infill planting along the southern boundary would reduce light into the adjacent Perry Court Oast
- The leylandii should be removed
- The siting of the 5 bedroom houses in the south east corner will have a detrimental impact on the surrounding area and the open space should be redesigned to prevent this

6.02 Three letters of general comments have been received making the following summarised comments:

- Concern raised about access issues along Brogdale Road during the construction of the development
- Pedestrian crossing should be provided along the A2
- Junction between Brogdale Place and the A2 should be improved due to the increase in traffic
- Parking during the construction phase should be strictly regulated and have no detrimental impact on the surrounding residential amenity, access to the Nursery should remain free
- Noise should be limited during the construction phase
- Outlook for future residents needs to be considered- not just brick walls but good quality landscaping should be provided
- Adequate road network needs to be provided to deal with the additional traffic
- Concerned the house types are incorrectly listed
- Emergency access is not correctly designed
- A footpath should be provided from the south east corner from Brogdale Road to link with the paths/access in front of plot 57 to allow a better wider path than that currently provided which is narrow, close and set higher than the road

6.03 Following the re-consultation on the amended drawings, I have received an additional 5 letters of objection from local residents making the following summarised comments:

- The building of property G25 will remove any view from the front of our property and also remove any privacy both in our garden and our front bedroom. The emergency access road will create a greater footfall and disruption in the direct vicinity of both 1 Nursery Cottage and 2 Nursery Cottage and also all of the residents of Brogdale Place. I continue to feel this development has been designed without any regard or consideration to the existing residents in this area.
- I do not understand why public spaces have been created alongside the Brogdale Road when these could be situated to give a more pleasing outlook to the residents of 1 & 2 Nursery Cottages and other residential dwellings in that area. To look out onto a brick wall shows little empathy or regard for existing property owners
- Continue concerns in relation to the emergency access details
- The houses facing Brogdale Place will have a detrimental impact on the existing residents and will block light into amenity areas
- The outlook for 1 and 1 Nursery Cottages should be improved- it is unfair that the new houses get to look out on to the ponds and trees
- The property immediately adjacent to No 12 Brogdale Road, Plot A1 is less than 15 metres away, brick to brick from the corner of our property and as such will present a towering wall in front of all our windows resulting in loss of sunlight
- Lounge, kitchen, study and 4 bedrooms of No12 face towards the side elevation of Plot A1

- Plot A1 should be re-sited to address the impact on No 12 Brogdale Road
- The junction of Brogdale Place with Brogdale Road is a blind junction, there is not enough viewing angle for an exit from a large development- though only an emergency access is proposed this will eventually slip to be used as a full access
- The layout of the properties needs to change to allow emergency vehicles to access from the proposed main access
- Brogdale Road used to be a track which has now risen some 18” to accommodate draining- unacceptable increase in traffic

7.0 CONSULTATIONS

7.01 Faversham Town Council has objected to the application (as originally submitted) and makes the following comments:

- (1) The Landscape Design Statement claims boundaries will be made up of native hedgerow and fruits trees. We do not consider it appropriate to keep the existing Cuprocyparis Leylandii, which adversely affects the reasonable enjoyment of nearby properties. Its replacement of something more suitable would also improve site lines
- (2) The two access points should be swapped, the current Emergency Access becoming the Minor Access, as more traffic is likely to turn north towards Faversham
- (3) The three 5 bedroom properties to the south east corner should be swapped with the open space, preserving the rural nature of the site
- (4) Condition 16 has not been accounted for as a scheme to provide off road parking during construction has not been produced. It is vital that this is undertaken
- (5) The two cul-de-sacs at the rear of the site should be joined and a wider space provided in the south west corner that abuts the nursery in order to future proof the site

I am awaiting comments from Faversham Town Council in relation to the amended drawings which address a number of the concerns raised above, most notably the proposal now includes the removal of the Leylandii and replacement with native species; the properties in the south-east corner have been re-sited elsewhere within the site and road layout changes. I will update Members at the committee meeting regarding any further comments received from Faversham Town Council.

7.02 Ospringe Parish Council has made the following comments:

'This is a prominent site which extends the existing residential area into countryside and it is therefore crucial that there is a high quality screening and landscaping. The proposed positioning of the houses on the south east corner of the plot appear out of place as they are to the south of a wide open space and directly in the sight line when looking south from Brogdale Road. We would prefer to see these properties relocated to the west onto the proposed POS with the POS taking their place. We are also concerned to ensure that the access road to the development affords safe egress to and from Brogdale Road, and with adequate sight lines onto this busy road. Also it should be ensured that the access positioning does not conflict with the existing track on the eastern side of Brogdale Road.'

Following the consultation on the revised drawings Ospringe Parish Council make the following comments:

'We are pleased to note that housing has been moved to the west of the site leaving an open swathe adjacent to the Brogdale Road. However, we are concerned that a vehicular access is shown onto Brogdale Place which if allowed, will involve traffic entering the Brogdale Road at a difficult corner with poor visibility.'

- 7.03 UK Power Networks has no objection to the proposal.
- 7.04 Kent Police has no objection to the proposal.
- 7.05 Kent County Council Lead Local Flood Authority have no comment to make on the details submitted in pursuance of the conditions and reserved matters.
- 7.06 SGN raises no objection to the proposal.
- 7.07 Natural England raise no objection subject to mitigation for additional recreational impact on the designated sites and to ensure that adequate means are in place to secure the mitigation before occupation. Natural England has no further comments to make on the revisions.
- 7.08 Southern Water has no new comments to make on the application and refer to their original response dated 15th January 2014 which made the following comments:

'There is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.'

- 7.09 The Environment Agency has no comment to make on this application.
- 7.10 The Environmental Health Manager raises no objection to the proposal.
- 7.11 Kent Police raises no objection to the proposal.
- 7.12 KCC Highways and Transportation have made the following comments on the original submission:

'It is appreciated that the application is made to consider the reserved matters that were not included within the earlier Outline application, SW/13/1567, which was subsequently approved through the Planning Appeal process. That outline application had all matters reserved, including Access, although it was supported at the time by the inclusion of a Transport Assessment to consider the highway impacts of the proposed development. As all matters were reserved, it was merely the principle of residential on the site that was accepted, and Transport Assessment was used to demonstrate that the level of traffic that would be generated could be accommodated on the highway network.'

Discussions with the Transport Consultant at that time confirmed that highway improvements to the Brogdale Road junction with the A2 could be undertaken, together with the provision of a signalised pedestrian crossing on the A2, just west of

Brogdale Road. These works were shown on RGP drawing 2014/2166/001 Revision D, and I would expect these to be delivered.

The Transport Assessment also provided details of the possible access into the site, and the location has been carried over onto this Reserved Matters application. It would be appropriate for this application to include the detailed design of the access, to show the footway provision and how the proposed junction would tie into the existing highway alignment, and should not be pre-determined by the approval of the Appeal where access was a reserved matter. Looking at the proposed location of the vehicular access, I would consider that it is too close to the access serving The Oast, Perry Court Cottages and Oastings etc, and should be staggered instead to provide separation between the two access points. I would suggest that a minimum 20m stagger distance between centrelines would be appropriate in this instance.

With regard to the remainder of the development proposals, I would offer the following comments:

- 1. The proposed access carriageway width should be maintained at a minimum 5.5m width over a distance of 20m from the junction onto Brogdale Road;*
- 2. The main internal roads should be designed to Minor Access Road parameters in accordance with The Kent Design Guide, with a design speed of 20mph. This will require speed restraint features designed into the road at 60m intervals;*
- 3. Where provided, footways should be 1.8m wide;*
- 4. The footway around the car layby opposite plot 61 should be maintained at the full 1.8m width;*
- 5. Car parking provision should accord to the current parking document adopted in Kent IGN3. This location, being on the entrance into the countryside and with no parking controls, would suggest that the parking demand likely to be generated by the development is going to fall into the category of Suburban Edge. Here, minimum standards would apply, where more than the minimum number should be considered. Given that a significant number of the proposed dwellings are large 4 and 5 bedroom houses, these are likely to attract high car ownership. It should be noted that IGN3 does not count garages towards the parking provision, and spaces should be independently accessible, rather than in tandem arrangements. This is because the evidence base of IGN3 concluded that garages are often not used for parking, and tandem spaces are inconvenient as they require vehicles to be swapped around, so the second vehicle will often be parked on-street instead, inappropriately or taking up valuable unallocated visitor parking. In general, there is a lot of tandem parking provided, and car ports attached to buildings that are likely to be easily converted into garages;*
- 6. Notwithstanding the above, it is difficult to assess where the parking for each house is allocated, as no parking schedule has been provided. I would ask that a labelled plan is provided to assist;*
- 7. Parking should be conveniently located in respect to each dwelling, so that it is used in preference to more convenient on-street or inappropriate parking on verges and footways. In particular, plots 26 and 30 may encourage parking on the lane outside the front doors. To some extent, this may also apply to plot 29 where their door leads directly to the lane;*
- 8. Parking spaces should be a minimum of 2.5m by 5m, and widened by 200mm on each side that is positioned against a wall or fence. In addition, spaces in front of garages should be lengthened to 5.5m so that the garage door can be opened without the vehicle overhanging the highway;*
- 9. The parking space directly outside plot 12 could be difficult to manoeuvre in or out of due to being off-alignment with the lane carriageway;*

10. *There is no vehicle turning facility along the lane alongside plots 47 to 49. Vehicles should not be expected to reverse more than 25m;*
11. *The emergency access will double as a footway/cycleway connection, so it must be ensured that visibility splays are provided at its junction with Brogdale Place, and a dropped kerb provided on the opposite side of Brogdale Place itself to provide flush passage. I think it would also be appropriate for the footway on Brogdale Road to be extended the short distance into Brogdale Place to link up with the emergency access;*
12. *The extents of the adoptable areas should be identified, to ensure that these will meet the appropriate design standards, and private areas are obvious and are provided with adequate turning facilities;*
13. *Where refuse freighters are not expected to enter certain areas, refuse collection points will need to be provided, with carry distances in accordance with the distances described in the Kent Design Guide; and*
14. *Secure cycle storage should be shown for each dwelling. Generally, garages will count as adequate provision for those houses that include these; otherwise a shed/store in the rear gardens will suffice.'*

Following the consultation on the revised drawings KCC Highways and Transportation have raised no objection to the proposal subject to conditions requiring bicycle storage; pedestrian visibility splays and details of the safeguarding of the emergency access to prevent unauthorised use by other vehicles.

- 7.13 The Strategic Housing and Health Manager raises no objection to the proposal.
- 7.14 The Green Spaces Manager has raised no objection to the proposal and makes the following comments:

'Generally the size of the open space is adequate and provision has been made for an off-site play contribution and a commuted sum for future maintenance. Currently there is not sufficient detail of the landscaping to make too much comment concerning the final scheme. I believe we would be looking for a reasonably simple scheme given the semi-rural location, but I am particularly interested in boundary treatment/security and profiles of the ponds (wet/dry) and their accessibility.'
- 7.15 Kent County Ecology Team- I am awaiting the comments and will update Members at the meeting.
- 7.16 I am awaiting comments on the revised drawings from Faversham Town Council, Ospringe Parish Council and the Green Space Officer. I will update Members at the meeting.

8.0 BACKGROUND PAPERS AND PLANS

Proposed plans and elevations; existing plans and elevations; landscape strategy and plans, landscape plans.

9.0 APPRAISAL

Principle of Development

- 9.01 The principle of the development of this site for 63 dwellings has been established under the outline planning permission which was allowed at appeal. This report therefore concentrates on the design implications of the proposal. Members should note that in assessing this development, regards is had to Building for Life 12

(produced by Cabe at the Design Council, Design for Homes and the House Builders Federation) which is a tool for assessing the urban design qualities of the development. It has a traffic light system that highlights areas which offer good design, need to be improved or, would normally lead to a development being refused. I will touch on the results of this assessment in the body of this report. Members should note that this Council has not adopted the Building for Life 12 document and so should only be used for guidance purposes. The key issues in this case are: design, residential amenity and highway safety and amenity.

- 9.02 The site is currently a level field, enclosed by a rail and post fence set within the context of the Brogdale Place residential area, the nursery to the west and the wider countryside. Views from the site are from the public footpath to the south of the site, from Brogdale Place and also from Brogdale Road into the site.
- 9.03 The Building for Life 12 assessment (as mentioned above) focuses on 12 key areas of urban design: connections; facilities and services; public transport; local housing need; character; working with the site and its context; well defined streets and spaces; easy to find your way around; streets for all; car parking; public and private space and; external storage and amenity space. I have assessed various elements of the scheme against the guidance contained within the Building for Life 12 document and will discuss each of these in detail in the subsequent paragraphs.
- 9.04 The site is located at the edge of the built-up area boundary of Faversham with good links to Faversham in the form of formal pavements; it is a shame that this development does not provide for a pedestrian crossing at the A2/Brogdale Road junction (this cannot now be sought under this application). Faversham as a town is well served in terms of public transport with a mainline train station and good road network links to the A2 and the M2. The proposal provides good access points into and out of the site in the form of a footpath and a main access into the site. These have been well designed to encourage sustainable modes of transportation. Kent Highways raise no objection to the revised scheme and have confirmed that the amendments address their original concerns.
- 9.05 In terms of the housing need, the proposed housing mix has taken the advice from the Council's Housing team into full consideration providing 19 affordable housing units.
- 9.06 The proposal meets the aims of Building for Life in respect of the connection providing pedestrian links through the site and out the site. Officers have had a number of discussions in relation to the layout of the scheme and significant changes have been made to improve the layout in terms of connectivity. The proposal includes a direct pedestrian link from the north-east corner to the pavement on Brogdale Road which is very much welcomed. The connectivity to the open space located in the eastern areas of the site is well placed and will encourage use of these areas; the exact boundary treatment will need to be carefully assessed. I have received additional landscaping details as in accordance with condition 12 of the outline permission, I am currently assessing the proposed landscaping and have consulted the Tree Consultant for comment. I will update Members at the meeting.
- 9.07 Another one of the main considerations of this proposal is the design in terms of character. Officers have worked hard with the agent to achieve a development that reflects the local vernacular design styles found at Brogdale Place and the wider area whilst also creating a unique sense of place within the site that sits well within the wider context. The scheme has been significantly amended to create an 'outward' facing development that responds positively to the wider area and respect

the rural character of the area. The design of the individual units is of good quality and the materials proposed reflect some of the local character; higher quality materials are proposed on the prominently sited plots. I have asked for some revisions to the elevations of the units to ensure that there is a high quality finish. I hope that these revisions will be forthcoming.

- 9.08 Working with the site and its context: the site has no features that can be incorporated into the development and I therefore consider that the development responds accordingly to its wider context. The scheme successfully provides views from the site from Brogdale Place, Brogdale Road and the wider countryside and the public footpath.
- 9.09 With regards to creating well defined streets and spaces the design and layout has significantly evolved following discussions with officers. Buildings create interesting focal points within the site and address the road and pedestrian routes thereby creating well defined streets. The public open spaces are faced by a number of the units facing towards the eastern boundary creating an outward facing development whilst creating safe areas for public use. The landscaping is used to create areas of interest within the site, with strategic placements of focal trees. I have asked the agent to incorporate local species into the landscape management plan. Following discussions a number of the side elevations that face a road or footpath now feature side windows ensuring that no blank elevations are present. This is very notable on areas that are located in a prominent setting such as Plots 1, 24 and 25 which now successfully address Brogdale Place.
- 9.10 Another element to consider is the ease in which people can find their way around the site. The development features a hierarchy of roads with the main access road appearing more formal but as you approach into the site the roads become more informal. The development tries to achieve a central green corridor running through the site; I am awaiting the final landscaping plans which should feature significant greenery along this central route. The prominent plots have been designed to provide 'landmark' features to create an easement of movements through landmark recognition within the site.
- 9.11 Streets for all- the agent has addressed concerns that the original surface treatments were considered too formal for this rural site and as such the scheme has been amended using a change in surface materials to the roads. This will also slow down traffic and make the roads more pedestrian friendly creating a shared surface with low kerbstones in certain areas. The final details will be submitted and agreed under condition 11 of the outline approval.
- 9.12 Public and private space: There is a clear distinction between public and private space in my view. The security of the use of the open spaces has been promoted through their overlooking by residential properties. The parking courts to the flats would also be well overlooked. The public open space will mostly feature an informal landscaping approach whilst contributions will be made towards off-site play areas in the surrounding areas.
- 9.13 External storage and amenity space: The bin storage and rear garden areas for the properties are well located and of a good size.
- 9.14 In my opinion, following revisions and the receipt of further revised drawings the proposal responds well to the guidance contained within Building for Life 12.

Landscaping

- 9.15 Under this reserved matters application condition 12 deals with the proposed landscaping. In my view the landscaping proposed forms a key part of this proposal and a number of trees are included within the street and between parking spaces. The maintenance programme is yet to be provided and I have recommended a condition to ensure that this is submitted prior to commencement. I am also awaiting the full details of the proposed boundary treatments- I have confirmed with the agent that the use of large expanses of close boarded timber fencing will not be welcomed. This in parts has been address in the prominent locations and boundaries that face onto public areas. I have raised this issue with the applicant and I have asked that the further boundary treatment details are provided at a later date. I have recommended condition 3 to address this. The applicant seeks to create a native landscape buffer along the eastern boundary with Brogdale Road which includes the removal of the unsightly and non-native leylandii trees. A small informal landscape buffer is proposed along the southern boundary. I am very much of the opinion that it is not necessary to screen the development from the wider but rather create a development that sits well within the wider context through careful landscape and good design.

Design

- 9.16 With regards to the architecture of houses, I consider that a good stranded of design has been achieved. Officers have asked for some interest to be added to some of the side elevations and some minor elevational revisions. Subject to this being resolved, I consider that the architecture of the houses is acceptable. The finishing materials are required to be provided under a separate application for the discharge of condition (5) of the outline planning permission; however the application has been submitted with a materials schedule of which the majority of the materials are acceptable.

Residential Amenity

- 9.17 The houses would have back-to-back distances in most situations, that would ensure that there would be no significant overlooking of garden spaces. There are some instances where the rear of the property would face the rear gardens of other properties with only a 11m separation distance resulting in all private amenity space being directly overlooked. This is the subject of an on-going negotiation with the agent and the applicant; I hope to be able to provide an amended layout plan to Members at the meeting showing that this concern has been addressed. I am of the view that this concern can be easily addressed by changing some of the garage locations, tree planting of an appropriate species and introducing in some cases a small conservatory to provide some private amenity space that is not directly overlooked. The internal and external spaces provided for the future residents of this scheme would be sufficient to ensure that a good quality living environment is achieved.
- 9.18 I have fully considered the impact on the residential amenity of some of the existing residents, most notably residents of properties located directly adjacent to the northern boundary of the site. Though I sympathise with the impact of the development on the outlook from their properties I am not of the opinion that there would be a direct impact on the residential amenity of those residents through overlooking. Residents have raised concerns about Plots 1, 24 and 25 but I am of the view that they have been designed in such a manner that any first floor windows

do not cause loss of privacy. In addition condition 5 requires the submission of a detailed schedule of first floor obscured glazing to avoid any overlooking.

Highways

- 9.19 Though KCC Highways and Transportation did originally raise concerns about the development following the revisions I can confirm that Kent Highway raise no objection to the proposal subject to a number of conditions in relation to protection of parking areas; cycle parking details; access completion; pedestrian visibility splays; completion of footpaths and pavements and details to be agreed of the emergency access.
- 9.20 I will therefore focus on matters such as parking provision, the layout of the roads within the site and connections to public footpaths. The parking provision is now in accordance with the recommended numbers for this type of location and is provided in locations convenient to the future occupiers so that on-street parking is unlikely to be more convenient than the allocated spaces. Furthermore, whilst there are some elements of tandem parking included in the development I note that these are in addition to the required amount of independently accessible spaces for each dwelling, with the exception of plots 58, 59 and 32. However, it is not considered that on-street parking directly outside of those dwellings will cause difficulty for other road users. On balance, I am of the view that the parking provision is sufficient for this development in this location. There would also be a number of visitor parking spaces provided. The application drawings demonstrate that access and turning for refuse and other service/emergency vehicles has been catered for.

Other issues

- 9.21 Four clusters of affordable housing would be provided- plots 37-40, 51-53, 57-60 and 45-5, this would equate to 30% of the total number of houses across the site and the mix of housing would be 30% shared ownership and 70% social rented in accordance with the requirements of the Section 106 agreement and our adopted SPD – developer contributions. The mix of house types would be limited to 2, 3 and 4 bedroom houses. Members will note that there would be no 4 or 5 bedroom affordable housing. The Head of Housing has been in discussions with the agent and the tenure mix/type and size of affordable housing is acceptable.
- 9.22 The open space provides a total public useable area, split into two areas of 0.6173 hectares and 0.3829 hectares and would provide sufficient amenity value to the future residents. The majority of the open space would be level with two feature drainage ponds and a small informal footpath running along the boundary of the open space area. Not only does the open space provide amenity value it also provides a view into the wider countryside views which is something that the Planning Inspector was keen to see incorporated into the final design.
- 9.23 I have fully considered all comments received from local neighbours and I am of the view that the revisions go some way to addressing the concerns raised. I fully acknowledge that there will be some impact on the residents of neighbouring properties but through careful design and achieving a high quality layout, I consider that the scheme responds well to the context of the wider area. The leylandii trees on the southern boundary are now to be removed and replaced with a local tree species. The three 5 bedroom properties previously located on the south east corner of the site have been re-sited elsewhere within the site layout and this is area is now public open space. Condition 16 which requires the provision of off road parking during the construction phase is not dealt with under this reserved matters

application- a compliance with conditions application will need to be submitted prior to commencement of development. The revisions provide a more permeable road and pedestrian network which addresses some of the concerns raised by the Town Council. I am awaiting comments on the revised drawings and will update Members at the meeting. The revisions also address the concerns raised by Ospringe Parish Council. Following the re-consultation Ospringe Parish Council have raised concern regarding the new vehicular access entering from Brogdale Place resulting in vehicles entering Brogdale Place at a difficult corner with poor visibility. The new access proposed is an emergency access and will also only serve Units 23, 24, 25 and 26. The exact details of the emergency access will need to be submitted to and approved by the Local Planning Authority as in accordance with the requirements of condition 8 below. This access will not serve the entire development and its future occupants and I am therefore of the opinion that this increase in use would not lead to any additional highway safety concerns. I have also consulted KCC Highways and Transportation who have raised no objections to the proposal and the revised access details.

- 9.24 I have added a number of conditions in relation to the finish of the road network, boundary treatments, removal of permitted development rights, details of obscured glazing, maintenance programme for landscaping, visibility splays and emergency access details.

10.0 CONCLUSION

- 10.01 Having considered the relevant planning policies, comments from local residents and consultees, but subject to additional comments, I consider that the design of the development is largely acceptable with the need for some amendments as set out in the report. Some overlooking would be introduced but overall subject to some revisions as outlined above, I consider that the scheme would achieve good standards of privacy for rear gardens. Parking provision, turning and access for service vehicles would be acceptable in my view. The mix of affordable housing is to be considered acceptable by the Head of Housing. The development provides opportunities for the enhancement biodiversity and provides sufficient open space.
- 10.02 I therefore recommend that planning permission is granted subject to the signing of the Deed of Variation; receipt of revised drawing addressing the overlooking of the residential garden areas of plots 40 and 45; receipt of revised site levels and proposed finished floor levels plan and outstanding comments from Faversham Town Council, Kent County Ecology Team and the Green Spaces Manager.

- 11.0 RECOMMENDATION – GRANT** Subject to the outstanding comments from Faversham Town Council; Kent County Council Ecology Team; Green Spaces Manager; signing of the Deed of Variation; receipt of revised drawings addressing the overlooking of the residential garden areas of plots 40 and 45; receipt of existing site levels and proposed finished floor levels; an additional condition setting out the final list of approved drawings and the following conditions:

CONDITIONS to include

1. No development beyond the construction of foundations shall take place until a five year maintenance programme for the landscaping within the open spaces and other public spaces has been submitted to the Local Planning Authority for approval in writing and the development shall then be implemented in accordance with the approved details and subsequently maintained in accordance with it.

Reasons: In the interests of visual amenities.

2. Notwithstanding the details that have been submitted under this application, no development beyond the construction of foundations shall take place until full details of the boundary treatments within and around the site boundary have been submitted to the Local Planning Authority for approval in writing and shall be implemented in accordance with the approved details.

Reasons: In the interests of visual and residential amenity.

3. No dwelling shall be occupied until space has been laid out for cycles to be securely sheltered and stored for that dwelling within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

4. No development beyond the construction of foundations shall take place until a detailed schedule identifying all first floor obscured glazing, which shall not be less than the equivalent of Pilkington Glass Privacy Level 3 and these windows shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level has been submitted to and approved in writing by the Local Planning Authority and shall subsequently be maintained as such.

Reasons: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

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

Reasons: In the interests of highway safety.

6. Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the access footway level shall be provided at each private vehicular access prior to it being brought into use and shall be subsequently maintained.

Reasons: In the interests of highway safety.

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

Reasons: In the interests of highway safety.

8. Prior to the works commencing on site details of the safeguarding of the emergency access to prevent unauthorised use by other motor vehicles shall be submitted to

and approved in writing by the Local Planning Authority. The emergency access shall be constructed in accordance with the approved details prior to the vehicle access from Brogdale Place being brought into use.

Reasons: In the interests of highway safety and to protect the amenities of local residents.

9. Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site.

Reasons: In the interests of residential amenity.

10. Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reasons: In the interests of the amenities of the area.

11. Notwithstanding the information provided, a section (s) through the ponds (s) hereby approved and including information about proposed planting to the margins and the ponds themselves shall be submitted and approved by the Local Planning Authority before the 1st dwelling is occupied. The agreed details shall be implemented in full before the 5th dwelling is occupied.

Reasons: In the interest of sustainable drainage, improving biodiversity and visual amenity.

INFORMATIVES

The applicant is advised to consider the content of Kent Highway Services letter dated 7th June 2017.

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.

APPENDIX 1



Appeal Decision

Hearing held on 27 January 2015

Site visit made on 28 January 2015

by **C J Anstey BA (Hons) DipTP DipLA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 May 2015

Appeal Ref: APP/V2255/A/14/2224509

Brogdale Road/Brogdale Place, Faversham, Kent, ME13 8SX.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Shepherd Neame Ltd. against the decision of Swale Borough Council.
 - The application Ref SW/13/1567, dated 23 December 2013, was refused by notice dated 25 March 2014.
 - The development proposed is the erection of 63 dwellings, open space, pedestrian and vehicular access, car parking, landscaping and associated works.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 63 dwellings, open space, pedestrian and vehicular access, car parking, landscaping and associated works at Brogdale Road/Brogdale Place, Faversham, Kent, ME13 8SX., in accordance with the terms of the application Ref SW/13/1567, dated 23 December 2013, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. At the Hearing an amended red-line site plan (drawing no. D-SLP- Rev A) was submitted on behalf of the appellant to replace that considered by the Council as part of the planning application (drawing no. D-SLP). The amended plan excludes a narrow sliver of land along the southern boundary of the site to reflect the appellant's land ownership. I have considered the appeal on the basis of this amended site plan given that it constitutes a non-material amendment and no interests would be prejudiced by this small reduction in the size of the site.
3. The planning application was also accompanied by a 1:500 scale illustrative layout plan. This layout plan shows the disposition of the dwellings on the site, the road layout and the location of the open space. As part of the appeal documentation a revised illustrative plan was submitted (drawing no. DACA-DWG) to reflect the revised site boundary. I have taken account of this plan in my consideration of the appeal.
4. A finalised Section 106 agreement, signed by the appellant, the Borough Council and the County Council, was submitted by the County Council after the close of the Hearing. I have taken this into account in my decision.

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Main Issues

5. The main issues in this case are:
- whether relevant policies for the supply of housing in the Borough are up-to-date, having regard to the 5-year supply of housing land;
 - the effect on the rural character of Brogdale Road and the rural approach to Faversham, having regard to the historical development and form of the town;
 - whether there would be a significant loss of the best and most versatile agricultural land;
 - whether the scheme should include provision for gypsy and traveller accommodation; and
 - whether the appeal scheme represents sustainable development, to which the *National Planning Policy Framework's 'presumption in favour'* applies.

Reasons

Description

6. The appeal site, which is about 3.4ha in area, is a rectangular, fairly flat, grassed field. It is situated in an urban fringe location on the southern edge of Faversham and to the south of London Road (A2). The site is bounded to the south and north by post and wire fencing and to the west by a 2m high deciduous hedgerow. Along the eastern boundary are a number of mature *leylandii* conifer trees.
7. To the north, between the site and London Road, there is a small housing estate, Brogdale Place, and other dwellings. Brogdale Road marks the site's eastern boundary and joins London Road to the north. On the east side of Brogdale Road there are a few scattered houses, school playing fields and beyond that the Abbey Secondary School. Immediately to the west is a commercial nursery, where there is a dense coverage of green houses and poly-tunnels. To the south there is gently rising open farmland extending to the M2 motorway which lies some 600m to the south.
8. The illustrative layout shows 63 dwellings, including 2, 3 and 4/5 bedroom houses. Of these 30% would be affordable housing. The developable area would measure about 2.3ha with some 1.1ha of open space located next to Brogdale Road and the southern boundary. The main vehicular access would be from Brogdale Road, towards the southern boundary of the site, with a pedestrian access in the north-east corner.

Development plan policies

9. There are a number of saved development plan policies in the adopted *Swale Local Plan 2008 [2006-2016] (SLP)* that are considered to be relevant to the determination of this appeal. The amount of weight to be attached to each of these policies is dealt with under the various issues, having regard to the government's *National Planning Policy Framework (the Framework)* and *Planning Policy Guidance (the Guidance)*.

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10. *SLP Policy SP1: Sustainable Development* is a general policy that seeks to ensure that new development accords with the principles of sustainable development. Amongst other things the policy indicates that development proposals should: avoid harming areas of environmental importance; secure the efficient use of previously-developed land; and reduce the need to travel.
11. *SLP Policy SP4: Housing* is designed to ensure that sufficient land is provided to satisfy housing need in accordance with the *SLP's* spatial strategy. *SLP Policies SH1: Settlement Hierarchy* and *H5: Housing Allocations* seeks to direct the majority of the Borough's housing growth (5,428 dwellings) to the Thames Gateway Planning Area (Sittingbourne and Isle of Sheppey) with limited development to meet local needs in Faversham and the Rest of the Swale Planning Area (377 dwellings). *SLP Policy H2: Housing* specifies that permission for new residential development will be granted for sites that are allocated or within defined built-up areas. Outside of the defined built-up areas and allocated sites new residential development will only be granted for certain limited exceptions.
12. *SLP Policy E6: Countryside* is designed to protect the quality, character and amenity value of the countryside and ensure that development outside the defined built-up boundaries is restricted to that which needs to be there. *SLP Policy E9; Protecting the Quality and Character of the Borough's Landscape* confirms the importance of protecting the quality, character and amenity value of the wider landscape of the Borough.
13. *SLP Policy FAV1: The Faversham and Rest of Swale Planning Area* specifies that the conservation of the historic and natural environment is the prime and overriding consideration. One of the priorities identified in the policy is support for meeting Faversham's development needs within the urban area so as to minimise greenfield land development.

Emerging local plan policies

14. *Bearing Fruits 2031: The Swale Borough Local Plan Part 1 [Publication Version December 2014] (SBLP)* is the emerging local plan. It was made available for consultation during December 2014 and January 2015 and the Council intend to submit the plan to the Planning Inspectorate for independent examination in the coming months. I have been referred by the Council to several policies in this plan and these are set out below under the relevant issue as is the weight to be attributed to them.

Issue 1: Supply of housing

15. On the basis of the housing requirement contained in the adopted *SLP* the Council accepts that within the Borough there is 3.17 years of housing land supply and a shortfall of 1,437 dwellings. These figures include provision for a 5% buffer and take account of the shortfall of dwelling completions in past years in accordance with the Sedgfield method. In my judgement, having regard to the material submitted, this is a reasonable assessment of the current position as regards housing land supply within the Borough.
16. In my view, therefore, there is a significant shortfall of deliverable housing sites in the Borough. Although I am aware of the distribution of housing development inherent in the *SLP* and the Council's recent endeavours to identify and release additional housing sites in Faversham this does not change

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my finding that in the Borough there is a shortage of deliverable housing sites. As the Council cannot demonstrate a 5-year supply of deliverable housing sites paragraph 49 of the *Framework* makes it clear that relevant policies for the supply of housing should not be considered up to date.

17. It is evident that certain of the adopted development plan policies are solely concerned with the supply of housing. These include *SLP Policy SP4: Housing*, *SLP Policy SH1: Settlement Hierarchy*, *SLP Policy H5: Housing Allocations* and *SLP Policy H2: Housing*. Although these policies remain part of the development plan they attract very little weight in view of the marked shortfall of housing land in the Borough.
18. Other adopted development plan policies contain elements that relate to the supply of housing. *SLP Policy SP1: Sustainable Development* endeavours to steer development to previously developed land within urban areas. *SLP Policy FAV1: The Faversham and Rest of Swale Planning Area* develops this approach by stating that Faversham's development needs will be met within the urban area so as to minimise green field development. *SLP Policy E6: Countryside*, amongst other things, seeks to restrict development outside built-up areas. Again although these policies remain part of the development plan those elements of the policies that relate to the supply of housing attract very little weight in view of the marked shortfall of housing land in the Borough.
19. Emerging *SBLP Policies ST3: The Swale settlement strategy* and *ST7: The Faversham area and Kent Downs strategy* indicate that Faversham will be a secondary urban focus for growth at a scale compatible with its historic and natural assets. Clearly these are housing supply policies. As the *SBLP* has not yet been submitted for examination and there are outstanding objections relating to the supply of housing very little weight can be attributed to these policies.
20. Applying *paragraph 215 of the Framework* it is considered that the local policies and elements of certain policies referred to above are inconsistent with the housing supply policies contained in *paragraph 47 of the Framework*.
21. I conclude, therefore, on the first main issue that since the Council cannot demonstrate a 5-year supply of deliverable housing sites, all relevant policies and parts of relevant policies for the supply of housing have to be regarded as out of date. In turn this means that in determining this appeal very little weight can be attributed to housing supply policies related to the distribution of development across the Borough, the release of previously developed sites in preference to the use of green field sites, and resisting housing outside built-up areas.

Issue 2: Rural character and appearance

22. Historically Faversham has mainly developed to the north of the A2. As a result the Council argues that development to the south of the A2 should not be allowed as it fails to respect the historical development and form of the town. From the material submitted and the discussion at the Hearing I am unclear as to why the historical development of Faversham and its current form is seen as being so significant that it merits protection. In reaching this view I am mindful that the historic core of Faversham lies some distance to the north of the A2 whilst a considerable amount of the land to the north of the A2 is occupied by housing estates of more recent origin. Furthermore there is already existing

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development south of the A2 including housing and a large secondary school and associated playing fields.

23. Notwithstanding this an important element of adopted *Policy SLP Policy E6: Countryside* is the protection of the quality, character and amenity value of the countryside. Similarly one of the elements of *SLP Policy SP1: Sustainable Development* is the avoidance of harm to areas of environmental importance. As these elements accord with national guidance these parts of the policies need to be accorded significant weight. *SLP Policy E9; Protecting the Quality and Character of the Borough's Landscape* also accords with national guidance and should be attributed significant weight.
24. Although the appeal site is not within a landscape designated for its quality or within the setting of the Ospring Conservation Area it forms part of the attractive open countryside to the south of Faversham and is clearly valued by local people. Consequently in its present state the site positively contributes to the rural character of Brogdale Road and the rural approach to Faversham. The proposal, therefore, would detract from the rural character and appearance of the local area.
25. There are a number of factors, however, that have a bearing on the degree of harm that would result. The appeal site is relatively small compared to the considerable amount of agricultural land extending southwards towards the M2 and is bounded by residential development to the north, glasshouses and poly-tunnels to the west, and school playing fields and several houses to the east. It is also at a slightly lower level than the agricultural land further to the south. As a result it is much more self-contained than other sites in the area. In my judgement these particular characteristics of the site and the surroundings would lessen the development's impact on the wider landscape. Furthermore the submitted illustrative layout makes provision for sizeable areas of open space and planting along the Brogdale Road frontage and southern boundary. In time this would help soften the appearance of the development and provide an appropriate area of transition between the developed part of Faversham and the countryside. Taking account of these factors it is my view that the proposed scheme would have a moderate adverse impact on the rural character of Brogdale Road and the rural approach to Faversham.
26. I conclude, therefore, on the second main issue that the proposal would have a moderate adverse impact on the rural character of Brogdale Road and the rural approach to Faversham. This brings the proposal into conflict with elements of *Policies SLP Policy E6: Countryside* and *SP1: Sustainable Development*, and with *SLP Policy E9; Protecting the Quality and Character of the Borough's Landscape*.

Issue 3: Agricultural land quality

27. The Council contend that the development of the site would lead to the unnecessary loss of the best and most versatile agricultural land and increase the pressure to develop other such land in the area. In support of this the Council refer to emerging *SBLP Policy DM31: Agricultural Land* which indicates that apart from in a limited number of specified instances development will not generally be permitted on the best and most versatile agricultural land (specifically Grades 1, 2 and 3a).

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28. I accept that in accordance with *paragraph 216 of the Framework*, account can be taken of emerging policies. However the *SBLP* has not yet been submitted for examination. Furthermore the wording of *SBLP Policy DM31* is different from that set out in *paragraph 112 of the Framework* which advocates the use of poorer quality land in preference to that of a higher quality where significant development of agricultural land is demonstrated to be necessary. The *Framework* does not rule out the development of the best and most versatile land as a matter of principle. In the light of this I consider very little weight can be attached to *SBLP Policy DM31*.
29. In my view the proposal does not involve a significant loss of the best and most versatile agricultural land. At 3.4 ha in area the field is very small in comparison to the amount of agricultural land around Faversham, most of which is of similar quality. I also note that the Council has recently identified other good quality agricultural land around Faversham for development. As it is not related to any other land-holding in the area its loss would not prejudice the continued operation of any farming business. Whilst acknowledging the Council's concerns about the release of other high quality land in the area south of the A2 each proposal needs to be determined on its particular merits, including its overall scale and relationship with existing development.
30. I conclude, therefore, on the third main issue that the proposal would not involve a significant loss of the best and most versatile agricultural land.

Issue 4: Gypsy and Traveller site accommodation

31. Emerging *SBLP Policy CP3: Delivering a wide choice of high quality homes*, in particular Criterion 6, indicates that for housing developments of 50 dwellings or more provision should be made for on-site gypsy and traveller pitches. The supporting text states that pitch provision should be at the rate of 1% of the total number of dwellings. The Council considers that in accordance with this policy a single gypsy and traveller pitch should be provided on the appeal site. I note that there is no support for this approach in the *SLP*.
32. I accept that in accordance with *paragraph 216 of the Framework*, account can be taken of emerging policies. However the *SBLP* has not yet been submitted for examination and there are unresolved objections to that part of *SBLP Policy CP3* relating to the provision of gypsy and traveller sites. Furthermore the particular approach to site provision inherent in the policy is not one that is set out in *the Framework* or in the *Planning Policy for Traveller Sites*. Consequently I believe that very little weight can be attached to *SBLP Policy CP3*. As a result I find no policy justification for the Council's approach of seeking the provision of a gypsy and traveller pitch on the site.
33. It is evident from the material submitted and the discussion at the Hearing that there is a need for additional gypsy and traveller site provision in the Borough. However it is less clear how this need is currently distributed and where it should be met. As a result it has not been established that Faversham is an appropriate location for additional gypsy site provision or whether there are more suitable areas available. Furthermore at a more detailed level gypsy sites usually include several pitches so that families can live together in small family groups. Consequently there is uncertainty as to whether a single pitch would address the need or prove attractive to would-be occupiers. In the light of this I do not believe that it has been established that there is sufficient evidence to support the provision of a single gypsy and traveller pitch on the appeal site.

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34. I conclude, therefore, on the fourth main issue that the development need not include provision for gypsy and traveller accommodation.

Issue 5: Sustainable development

35. *Paragraph 14 of the Framework* makes it clear that there is a presumption in favour of sustainable development, which has three dimensions: economic, social and environmental. In my judgement the proposal would fulfil the economic role of sustainable development and would contribute to building a strong, responsive and competitive economy, by helping to ensure that sufficient land is available to support growth. In terms of the social dimension the scheme would contribute to boosting housing supply by providing a range of sizes and types of housing for the community, including a number of affordable housing units. The site is available and in the absence of any significant constraints could be developed in the near future.

36. As regards environmental considerations the site is reasonably well located in terms of accessibility to the various services and facilities available in the town, including schools. Although the historic medieval core of Faversham town centre is located some distance away it is not so far as to rule out access by walking or cycling. For longer trips alternatives to the private car are readily available with regular train services from Faversham station to London St Pancras and Victoria, Canterbury and Dover. There is also a regular bus service operating along the nearby A2 to Sittingbourne. The proposed 1ha of land to be given over to public open space will increase the opportunity for recreational activities, whilst the proposed pedestrian crossing will make it safer and easier to cross London Road.

37. It is clear from my consideration of the second main issue that in terms of the environment the proposal would have a moderate adverse impact on the rural character of Brogdale Road and the rural approach to Faversham. However it is my view that the positive attributes of the development, in terms of the economic, social and environmental gains outweigh the negative visual impact, and that when taken as a whole the scheme would constitute sustainable development. Consequently the *Framework's* presumption in favour of sustainable development applies.

38. I conclude, therefore, on the fifth main issue that the proposed scheme constitutes sustainable development and therefore the *Framework's* 'presumption in favour' applies.

Other matters

39. Local people have raised a number of other concerns including the impact on highway safety, traffic congestion, residential amenity, biodiversity, drainage, and the capacity of local services and facilities. However, having considered all the material before me, including the views of statutory authorities and the various reports submitted, none of these matters individually or cumulatively would be likely to cause overriding harm, and they are not, therefore grounds for dismissing the appeal. In particular I note that the Highway Authority has acknowledged that there would be no unacceptable impacts to the safe and free flow of traffic on London Road and Brogdale Road.

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Overall planning balance

40. I have concluded that the proposal does not involve a significant loss of the best and most versatile agricultural land, and that the proposed development need not include provision for gypsy and traveller accommodation. These considerations, therefore, are neutral and do not weigh against the scheme.
41. I have found that the proposed scheme constitutes sustainable development and therefore the *Framework's* 'presumption in favour' applies. In determining this I have found that there are a number of economic, social and environmental benefits associated with the scheme. These factors weigh heavily in favour of allowing the appeal.
42. I have found that since the Council cannot demonstrate a 5-year supply of deliverable housing sites, all relevant policies and relevant parts of policies for the supply of housing have to be regarded as out of date and accorded very limited weight. *Paragraph 14* of the *Framework* makes it clear that planning permission should be granted, where relevant policies in the development plan are out-of-date, 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.
43. My conclusion on the second main issue is that the proposal would have a moderate adverse impact on the rural character of Brogdale Road and the rural approach to Faversham, and is therefore contrary to development plan policy. In my judgement, however, this adverse impact would not significantly and demonstrably outweigh the identified benefits of the proposed development.

Conditions

44. I have considered the planning conditions put forward and discussed at the Hearing in the light of the advice in *the Guidance*. I have applied the standard outline conditions (*Conditions 1, 2 & 3*). To ensure that the development proceeds in accordance with what has been approved the plans are specified (*Condition 4*). The submission of samples of materials for approval is required to make sure that those used are in keeping with local character (*Condition 5*). In the interests of public amenity and safety the development needs to be laid out in accordance with the principles of 'Secure by Design' (*Condition 6*). Parking space, and the retention of such areas, is necessary to minimise on-street parking and associated disturbance to residents (*Condition 7*).
45. Given the sensitive location of the site on the edge of Faversham and the need to ensure a high quality development a Development Brief for the site needs to be produced to guide the scheme (*Condition 8*). Most of the material required for the production of this Brief is contained in the application and hearing documents. In order to control the height of the new dwellings, thereby minimising the impact on the surrounding area, details of existing and proposed levels are required (*Condition 9*).
46. The provision of appropriate sewerage and drainage works to serve the site are necessary (*Condition 10*). The roads and associated elements need to be laid out in a satisfactory and timely manner (*Condition 11*). Landscaping details are required to ensure that the site is suitably landscaped and in keeping with local character (*Conditions 12 & 13*). In the event that any contamination is found on the site a remediation scheme strategy will be required (*Condition 14*). The

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dwellings need to meet appropriate levels of sustainable construction
(*Condition 15*).

47. During the construction period various matters, including the parking of vehicles and plant, hours of operation, burning of waste, condition of roadways and dust emissions, need to be controlled to protect highway safety or residential amenity (*Conditions 16-21*).
48. As no exceptional reasons have been put forward the removal of permitted development rights is not justified. As provision for cycle parking would be within domestic curtilages there is no need to require the provision of covered secure cycle parking facilities.

Section 106 Agreement

49. The finalised section 106 agreement, which will make provision for affordable housing, public open space and social and community infrastructure, is compliant with *paragraph 204 of the Framework and Regulation 122 of the CIL Regulations 2010*.

Overall Conclusion

50. My overall conclusion, therefore, is that there are compelling grounds for allowing the appeal subject to appropriate planning conditions. None of the other matters raised outweigh the considerations that have led to my decision.

Christopher Anstey

Inspector

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APPEARANCES

FOR THE APPELLANT:

Michael Bedford	Barrister (acting as legal representative)
Simon Milliken	Principal, Milliken & Company , Chartered Surveyors & Town Planners
Jonathan Billingsley	Director, The Landscape Partnership
Chris Blamey	Director, RGP (Transport Planning)
Michael Bax	Senior Partner (Rural), BFT Partnership

FOR THE LOCAL PLANNING AUTHORITY:

Tracey Day	Development Management
Shelly Rouse	Planning Policy
Libby McCutcheon	Senior Planning Solicitor
Richard Lloyd-Hughes	Rural Planning Ltd.
Alan Best	Planning Policy
Claire Dethier	Development Management

INTERESTED PERSONS:

Bryan Lloyd	Council for the Protection of Rural England
Janet Turner	Faversham Society
Joan Tovey	Local resident
David Bass	Local resident (also representing other local residents)
Priscilla Walker	Local resident

DOCUMENTS

1. Swale Local Plan Policy H4 Providing Accommodation for Gypsies and Travelling Show-persons handed in for the appellant
2. Statement on behalf of Mr D Bass and Mrs P Walker and 46 other local residents
3. Section 106 Agreement
4. Council's statement on housing land supply (27/1/2015)
5. Extract from SHLAA handed in for the appellant
6. Mr Lloyd's statement
7. LDF Panel report (23/2/2012)
8. Statement of Common Ground
9. Council's Committee Report relating to mixed use development on land east of Love Lane, Faversham
10. Mr Bedford's closing statement on behalf of the appellant
11. Statement of Common Ground relating to housing land supply
12. Bearing Fruits 2013 The Swale Borough Local Plan Part 1 Publication Version (December 2014)
13. Finalised Section 106 Agreement

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PLANS

- A. 1:1250 scale red-line site plan submitted with outline application (drawing no. D-SLP)
- B. 1:1250 scale amended red-line site plan submitted during hearing (drawing no. D-SLP- RevA)
- C. 1:500 scale illustrative layout plan submitted with application
- D. J C White – Topographical survey plans submitted with application
- E. Boundary of Faversham Conversation Area handed in for the appellant.
- F. Illustrative Masterplan for mixed use development on land east of Love Lane, Faversham
- G. Revised Figure 01A from Appendix 1 of Mr Billingsley's hearing statement
- H. Revised 1:500 illustrative layout plan (drawing no. DACA-DWG)

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SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters referred to in Condition 1 above shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the approved plans [i.e. drawing no. D-SLP-Rev A at 1:1250 scale, illustrative layout plan - drawing no. DACA-DWG - at 1:500 scale, and J C White - Topographical survey plans].
- 5) No development shall commence until samples of the materials to be used on the external elevations of the dwellings hereby permitted, have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall not be constructed other than in accordance with these approved materials.
- 6) Prior to the commencement of development full details of how the development will meet the principles of 'Secure by Design; shall be submitted to the local planning authority for approval in writing and shall be implemented in accordance with the approved details.
- 7) The details 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). The land so identified 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 (other than the erection of a private garage or garages) or in a position as to preclude vehicle access thereto.
- 8) The details submitted in pursuance of condition (1) shall be in accordance with a Development Brief that shall first have been agreed by the local planning authority and which shall include the following:
 - (a) details of the road layout for the site;
 - (b) connectivity for pedestrians between the site and the town centre;
 - (c) an overall landscape strategy for the site;
 - (d) an overall sustainable surface water drainage strategy for the 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 palette of colours;
 - (f) a strategy to maximise opportunities for biodiversity across all parts of the application site;

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- 9) The details submitted in pursuance of condition (1) shall show details of existing and proposed ground levels across the site and the levels of the proposed floor slabs and heights of the proposed dwellings and shall be submitted to and approved in writing by the local planning authority. Development shall be carried out as approved.
- 10) Prior to the commencement of development hereby approved full details of the method of disposal of foul and surface waters as part of a drainage strategy shall be submitted and approved in writing by the local planning authority. This drainage strategy shall be based on SuDS principles and shall be designed to ensure that run-off rates are no greater than existing conditions. A 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.
- 11) 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 and 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 in writing by the local planning authority 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 fiftieth dwelling.
- 12) All hard and soft landscape works approved pursuant to condition (1) above shall be carried out in accordance with the approved details. These details shall include existing trees, shrubs and other features, planting schedules, noting species (which should be native species where possible and of a type that will enhance or encourage local biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing, materials and an implementation programme. The works shall be carried out prior to the occupation of the fiftieth dwelling or in accordance with a programme first agreed in writing with the local planning authority.
- 13) Upon completion of the approved landscaping scheme, any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees and shrubs of such size and species as may be agreed with the local planning authority, and within whatever planting season is agreed.
- 14) If during development contamination not previously identified is found to be present at the site then no further development (unless agreed in writing by the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how the unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 15) The dwellings shall meet at least the Level 3 Rating of the Code for Sustainable Homes or any other specification approved by the local

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planning authority. 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 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 voltaic installations. Upon approval the details shall be incorporated into the development as approved.

- 16) During construction of the development adequate space shall be provided on site, in a position previously agreed with the local planning authority, to enable all employees and contractors and construction vehicles to park, load and off-load, and turn within the site.
- 17) 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: Monday to Friday 0730-1900 hours and Saturdays 0730-1300 hours, unless in association with an emergency or with the prior written approval of the local planning authority.
- 18) No impact pile driving in connection with the construction of the development hereby approved shall take place on 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 prior written approval of the local planning authority.
- 19) No burning of waste or refuse shall take place on the site during construction works other than may be agreed in writing by the local planning authority.
- 20) No development shall take place until measures, including wheel washing facilities, to prevent the deposit of mud and other debris on the public highway have been agreed in writing by the local planning authority. The agreed measures shall be implemented and retained on site during the construction period unless any variation has been agreed by the local planning authority.
- 21) No development shall take place until a programme for the suppression of dust during the construction period has been agreed in writing by the local planning authority. The agreed programme shall be implemented during the construction period unless any variation has been agreed by the local planning authority.