

**REPORT SUMMARY**

<b>2.4 REFERENCE NO - 16/508602/OUT</b>		
<b>APPLICATION PROPOSAL</b> Outline application for erection of up to 250 dwellings with all matters reserved except for access		
<b>ADDRESS</b> Land At Preston Fields Salters Lane Faversham Kent ME13 8YD		
<b>RECOMMENDATION</b> Approval subject to a Section 106 agreement and conditions as set out below. See also paragraph 11.0 below.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The development of up to 250 houses will provide much needed houses on an allocated housing site (see Policy A16 of Bearing Fruits 2031). The development would be in accordance with the Local Plan in this respect. The application has been considered against all other relevant policies within the Local Plan and the NPPF, and I have not identified any harm arising from the development that cannot be adequately mitigated.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Town Council objection		
<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Preston Field Land Trustees <b>AGENT</b> HOW Planning
<b>DECISION DUE DATE</b> 11/04/17	<b>PUBLICITY EXPIRY DATE</b> 14/09/17	<b>OFFICER SITE VISIT DATE</b> 01/02/17
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>  A request for a Screening Opinion was made under the EIA Regulations for the residential development of the site. The Council concluded that the development did not require the submission of an Environmental Statement and was not EIA development. 16/505890/ENVSCR.  Members may recall the approval of a planning application – on 27 March 2017 - for a mixed use development of housing (310 dwellings) and commercial use, including B Class uses, a hotel and care home (15/504264/OUT) at Perry Court – land to the west of the application site at Preston Fields and on the opposite side of Ashford Road (A251).  The adjacent land – Orchard Cottage is the subject of the current planning application 17/502521/FULL		

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

1.01 The application site is located to the south of Faversham on the south side of the A2 and approximately 340m from the town centre boundary. It lies 200 metres to the east of the junction between the A251 and the A2 and 80 metres to the west of Rose Terrace, which in turn is located just west of the junction. The site is a total of 10.25 hectares (25.9 acres) and comprises of a large agricultural field. Part of the site lies

immediately to the east of the Faversham Town Conservation Area and 82 metres to the east of Orchard Cottages, a pair of early C19 semi-detached Grade II listed buildings. Preston-Next-Faversham Conservation Area lies 48 metres to the east of the site. A commercial business is run from the land at Orchard Cottage supplying traditional building materials and training events. Access to that site is from the A2 and lies 14 metres from the western boundary of the application site. Cherry Tree Cottages – Grade II listed buildings - lie 53 metres to the north-east of the application site and on the opposite (northern) side of the A2.

- 1.02 The majority of the western boundary of the application site abuts the rear gardens of properties fronting Ashford Road (A251). Faversham Laundry lies approximately 70 metres to the west of the site boundary. The majority of the eastern boundary abuts a KCC Highways depot and a Household Waste and Recycling Centre both of which are accessed off Salters Lane – a Rural Lane as designated under Policy DM26 of Bearing Fruits 2031: the Swale Borough Local Plan 2017 (SBLP). Part of the eastern boundary also adjoins what appears to be an inactive scrap metal yard and a small plot of land that is used as paddocks/open storage and Salters Lane. A short section of the eastern boundary also adjoins an Ambulance Station, which fronts onto the A2. The southern boundary of the application site adjoins agricultural fields that are within the same ownership as the application site. The wider surrounding area is characterised by open agricultural fields to the east, south and west. Suburban housing lies to the north of the site at a low-medium density. Beyond that, Faversham Town Centre is characterised by medium-high density housing and a mix of commercial uses. Abbey School – a Secondary Academy - lies 480 metres to the west of the application site.
- 1.03 The southern boundary of application site lies 252 metres to the north of the M2. The applicant has indicated with a blue line that they own the intervening land between the application site and the M2. There is an access track that crosses the 'blue land' from Salters Lane providing access to rear parking for a few of the properties fronting and close to Ashford Road. The land immediately to the south of the M2 is designated as an Area of High Landscape Value under Policy DM24 of the SBLP. Approximately 1.32km to the south of the site, and beyond the M2, lies the Kent Downs Area of Outstanding Natural Beauty (AONB). The site lies approximately one mile to the south of the Swale Special Protection Area (SPA), Special Area of Conservation and Ramsar site, which are designated on account of their ecological value.
- 1.04 The boundaries of the site largely consist of vegetation of varying heights, although some of the rear gardens of the Ashford Road properties have 1.8 to two-metre high close boarded fences. A two-metre high palisade fence runs along the majority of the eastern boundary of the site to secure the KCC Highways depot and the Household Waste and Recycling Centre. Where the site adjoins the A2, vegetation is sparse and the site is open to views from that road.
- 1.05 There is currently one vehicular access to the application site, from Ashford Road (A251) that is used by the farmer to access the fields. There is a bus stop on the A2 immediately to the north of the application site.
- 1.06 The land levels vary markedly across the site. The site gently rises from north to south with a more significant slope from west to east where the land falls by approximately five metres. Salters Lane sits above the level of the application site by approximately five metres. The Orchard Cottage site also sits higher than the application site by approximately three metres. At the front (north) of the site, the height above Ordnance Datum (AOD) is typically in the range 19 to 21 metres, while

where the site adjoins Salters Lane (in the south-eastern corner), the typical height AOD is 27 metres, but drops down to approximately 24 metres towards the centre of the site. Where the site adjoins Ashford Road (between Numbers 93 and 97), the height AOD is typically between 34 and 35 metres AOD.

1.07 The application site falls within a housing allocation that is included within the SBLP – Policy A16 which seeks to enable the provision of a minimum of 217 dwellings, and which is set out in full below.

1.08 A high-pressure gas pipeline crosses the site from east to west close to its southern boundary.

## 2.0 PROPOSAL

2.02 This is an outline planning application for the provision of up to 250 dwellings within the site. Members will note that all matters, other than access, are reserved for future consideration in the event that planning permission is granted.

2.03 The Design and Access Statement sets out that the dwellings would be a maximum of 2 storeys in height and a mix of 2, 3, 4 and 5 bedroom properties. Two vehicular accesses are detailed at this stage with one provided onto the A2 and the other onto the A251. The access onto the A2 would lie roughly opposite no. 2 Preston Park and would be approximately 50 metres to the west of the Ambulance Station. The applicant proposes a simple priority junction with visibility splays shown as 2.4m x 69m. The access onto the A251 would be between nos. 93 and 97 Ashford Road with visibility splays of 2.4m x 114m. It would make use of an existing farm access and would require a ghost junction arrangement allowing vehicles to wait in the centre of the carriageway when turning right into the site.

2.03 The Illustrative Masterplan shows pedestrian access into the site from the adjacent Orchard Cottage land and out of the site to the proposed open space to the south. The Illustrative Masterplan shows houses laid out in a linear form reflecting the shape of the site. Some houses are arranged in perimeter blocks and there is a central green corridor that links the open space to the south to the open space to the front of the site, adjacent to the A2. A footpath is shown along this green corridor. A childrens’ play area, attenuation pond and community orchard are shown to be provided towards the southern end of the site. The total area of open space is shown to be 3.15 hectares. A second attenuation pond would also be provided within the open space to the north of the site.

2.04 The indicative masterplan also shows a large area of land (3.52 hectares) to the south as being within the control of the applicant, but outside the application site boundary. This land is intended to function as natural, accessible open space and structural planting is indicated as being provided along the southern and eastern boundaries.

2.05 The indicative masterplan also shows planting along the east and west boundaries of the site and along the central green corridor.

## 3.0 SUMMARY INFORMATION

	<b>Proposed</b>
Site Area (ha)	10.25 ha (25.9

	acres)
Approximate Ridge Height (m)	8.5m (max)
No. of Storeys	2
No. of Residential Units	Up to 250
No. of Affordable Units	35% of total dwellings (88 of 250)
Open space on site	3.15 hectares
Open space off site	3.52 hectares
Density	35 dwellings per hectare

#### 4.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

Adjacent Conservation Area Faversham and Preston-next-Faversham

High Pressure Gas Pipe - Inner Zone

Landfill Waste Disposal Site PRESTON FORGE

Source Protection Zone 2 for groundwater

#### 5.0 POLICY AND OTHER CONSIDERATIONS

##### Development Plan

5.01 Swale Borough Local Plan 2017: Bearing Fruits 2031 - ST1 (sustainable development), ST2 (targets for homes and jobs), ST3 (settlement strategy), ST4 (meeting local plan development targets), ST7 (The Faversham Area 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 (conserving and enhancing the natural environment - providing green infrastructure), CP8 (conserving and enhancing the historic environment), A16 (Land at Preston Fields), DM6 (managing transport demand and impact), DM7 (vehicle parking), DM8 (affordable housing), DM14 (general development criteria), DM17 (open space, sports and recreation provision), DM19 (sustainable design and construction), DM21 (water, flooding and drainage), DM24 (conserving and enhancing valued landscapes), DM26 (Rural Lanes), DM28 (biodiversity and geological conservation), DM29 (woodland trees and hedges), DM31 (agricultural land), DM32 (development involving listed buildings), DM33 (development affecting a conservation area), DM34 (Archaeological sites), IMP1 (implementation and delivery plan).

Policy A16 - Land at Preston Fields, Faversham – which allocates the land for residential development – reads as follows:

*“Planning permission will be granted for a minimum of 217 dwellings, landscape and open space on land at Preston Fields, Faversham, as shown on the Proposals Map. Development proposals will:*

1. *Accord with Policy CP4, in particular, demonstrating an integrated Landscape Strategy and a Landscape and Ecological Management Plan that shall include:*
  - a. *a large area of accessible natural greenspace in the southern part of the site, including a substantial area of woodland, orchard and meadow planting to help absorb the development into the wider landscape;*
  - b. *a green corridor running through the centre of the development along the valley bottom;*
  - c. *retention of a corridor view to Faversham and Preston Parish Church towers;*
  - d. *a large green space adjoining Canterbury Road and the Conservation Area; and*
  - e. *woodland/tree belt buffer on the north eastern boundary.*
2. *Be of a high quality design, of mostly two storeys in height responding appropriately to the local character and distinctiveness of the Preston-next-Faversham Conservation Area;*
3. *Through both on and off site measures, ensure that any significant adverse impacts on European sites through recreational pressure shall be mitigated in accordance with Policies CP7 and DM28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;*
4. *Provide pedestrian and cycle links within the development and to the adjacent network;*
5. *Achieve a mix of housing in accordance with Policy CP3, including provision for affordable housing in accordance with Policy DM8;*
6. *Submit a detailed heritage assessment to consider the significance of the impact of development at the local level on the heritage setting of the town and other heritage assets in accordance with policies DM32 and DM33. An archaeological assessment should consider the importance of the site and, if necessary propose mitigation;*
7. *Submit a noise assessment and implement any mitigation arising;*
8. *Address air quality impacts arising in the Ospringe AQMA, including the implementation of innovative mitigation measures;*
9. *Be supported by a transport assessment, to determine the need and timing for any improvements to the transport network, the phasing of development, the options for accessing the site and any transport improvements arising which shall be subject to developer contributions/provision; and*
10. *Provide the infrastructure needs arising from the development, including those identified by the Local Plan Implementation and Delivery Schedule, particularly health and education provision.”*

Kent Minerals and Waste Local Plan (KMWLP) (2016): Policies CSM5 (minerals resources); DM7 (safeguarding); DM9 (prior extraction).

### National Planning Policy

- 5.02 The National Planning Policy Framework (NPPF): paragraphs 7 (three dimensions of sustainable development), 8, 11 (presumption in favour of sustainable development), 12, 14, 17 (core planning principles), 30, 32, 36 (sustainable transport), 42 (high quality communications infrastructure, including broadband), 47, 50, 55, (delivering a wide choice of high quality homes), 56, 57, 58, 61 (good design), 69, 70, 72, 73, 75

(healthy communities); 103 (flood risk), 109 (natural environment) 110, 112 (agricultural land), 115 (AONB) 118, 119 (biodiversity), 120, 121 (contaminated land), 123 (noise), 124 (air quality), 128, 129, 131, 132, 137 (heritage), 142, 144 (minerals) 162 (infrastructure), 186, 187 (decision taking), 196, 197 (determining applications); 203, 204, 206 (planning obligations).

- 5.03 National Planning Policy Guidance (NPPG): Air Quality; Noise; Minerals; Design; Conserving and enhancing the historic environment; Natural environment; Planning Obligations; Use of planning conditions; Travel plans, transport assessments and statements; Water supply, waste water and water quality; Land affected by contamination; Flood Risk and coastal change; Open Space, sports and recreational facilities, public rights of way and local green space.

#### Supplementary Planning Documents

- 5.04 Developer Contributions (2009)

- 5.05 Swale Landscape Character and Biodiversity Appraisal SPD (2011). The application site is identified as lying within the Faversham and Ospringe Fruit belt. The landscape is generally in a good condition with moderate sensitivity to change. The guidelines recommend that this landscape should be conserved and positive characteristics reinforced.

## **6.0 LOCAL REPRESENTATIONS**

- 6.01 Thirty-five representations have been received from local residents. A summary of their comments is as follows:

#### Highways:

- Concerns about the location of the access onto the A2 and its proximity to other accesses nearby – potential for accidents;
- The development will add to congestion on local roads (which is considered to be significant, particularly on the A251 and the A2);
- The conclusions of the submitted Transport Assessment are doubted. It does not take account of all of the planned development in the area – including land adjacent Western Link Road and land north Graveney Road, both of which have planning permission;
- Minimal pedestrian crossings along the A2, which is therefore difficult to cross;
- The access onto the A251 is too close to an existing private road and the road is too narrow at that point to allow safe turning into and out of the site;
- Cycling will become even more dangerous on local roads due to an increase in traffic;
- There is no pedestrian crossing on the A251 and no footpath along one side;
- Pedestrian bridges or underpasses should be provided by the developer for pedestrians crossing the A2 and A251;
- A rat-run will be created through the development to cut out traffic on the A2/A251;
- There is no pedestrian access to Abbey School from the site;
- Concerned that if the junction improvements secured through the Perry Court scheme don't come forward, the Preston Fields development will not have adequately mitigated against the highway impact;
- The Brenley Corner roundabout [Junction 7 of the M2] is already overcapacity;

- Highways England had concerns about the submitted highway information [their comments are summarised at paragraph 7.09 below];
- The grass verge opposite the Ashford Road properties is not highway land but is privately owned;
- Information provided about incidents of road traffic accidents on the M2;
- There should be no loss of the bus stop outside Preston Fields as part of the proposal;
- The relocated bus stop would be within the visibility splays for an existing access;
- The proposed pedestrian crossing point outside the Ambulance Station would be dangerous;
- Relocated highway signs should not encroach on private land and should not result in trees/hedges being cut back.

#### Environmental:

- The development will add to air pollution. The submitted air quality assessment over-estimates improvements in air quality;
- Prime/best and most versatile agricultural land [namely Grades 1,2 and 3a] would be built on;
- Extra light pollution;
- Impact on/loss of nature/wildlife;
- Questions over the robustness of the archaeological report.

#### Infrastructure:

- There is too much development planned in Faversham and not enough infrastructure and amenities to cope;
- Need for extra school places and medical facilities;
- Disturbance to residential amenity during construction;
- There is no overall plan for development in Faversham [Members will note that the site is one of a number allocated in the Swale Borough Local Plan 2017];
- There should be a balance between the provision of housing across the Borough as a whole [Members will appreciate that the Swale Borough Local Plan 2017 seeks to achieve this].

#### General:

- This site is a better location for development than Perry Court [see outline planning permission 15/504264/OUT] as it will have less visual impact;
- Concern about the loss of high-quality greenfield sites close to the AONB;
- Being south of the A2 and disconnected from Faversham Town Centre, new residents will be more likely to travel to the town by car as opposed to crossing the busy A2;
- The development is at odds with the Town Action Plan 2020 [which is not referred to in the adopted Local Plan, Bearing Fruits 2031], which seeks to enable the town to reconcile its important historic heritage and character with a more controlled rate of growth;
- Loss of privacy to Ashford Road properties;
- This development and the Perry Court development will change the character of the area from rural to urban;
- Residents from the development will walk to the town via Preston Park, adding to existing anti-social behaviour;
- Development on the south side of the A2 is not sustainable;

- Concern that the application was ‘premature’ [the application was submitted prior to the adoption of the Local Plan, though Members will appreciate that the Plan has now been adopted];
- There is no need for this development;
- Villages should be expanded instead of Faversham town.

6.02 The South East Ambulance Service has no objection to the proposal.

6.03 The Mayor has submitted some comments on the proposal and asks that consideration is given to safeguarding a route for a potential future road running east-west across the southern end of the site as a way of relieving pressure along the A2. Alternatively, a road could be provided to the rear of the Ashford Road houses. The pedestrian and cycle routes through the site are commended. She suggests that the houses close to the town could be higher density and she encouraged a good mix of house types including disabled and bungalows. Roofs should face south and there should be electric car charging points provided within the development. Allotments instead of a community orchard is suggested. Suggestions of part of the site being used for a park and ride and light industrial development are given and self-build or community trust land was suggested.

## 7.0 CONSULTATIONS

7.01 Faversham Town Council object to the application on the grounds that further information is needed on traffic, noise and air quality impacts. They also state that there is an unknown impact from other developments around the town in terms of traffic and that the scheme is of a poor design in terms of the siting of the community orchard and play area.

I have re-consulted the Town Council on the Technical Note, January 2018, but at the time of writing this report had not received any response from them.

7.02 The Rural Planning Consultant notes that the application site is allocated for housing within the adopted Local Plan and that, having considered [as part of the process leading to the adoption of the Local Plan] land of a lesser quality, the loss of best and most versatile agricultural land was considered necessary in terms of the planned growth of the Borough.

7.03 The Health and Safety Executive do not advise against the development on safety grounds in terms of the presence of a high pressure gas pipeline. They provide guidance on housing development within the inner, middle and outer zones of the pipeline noting that there should be no more than two dwellings within the inner zone and no more than 30 dwellings or 40 dwellings per hectare in the middle and outer zones. They recommend consulting the pipeline operator – Southern Gas Networks. Members will note condition (23) below, which is designed to ensure that these stipulations are satisfied.

7.04 Southern Gas Networks do not advise against the development but note that there is a critical valve for the high pressure gas pipeline and the developer needs to design around the fenced off area. They also note that all works will need to be hand-dug within 3 metres of the pipeline and that there should be no properties within the building proximity distance (9m either side) of the pipeline and easement (8 metres in width – 4m either side). Vehicle crossings should be at 90 degrees to the pipeline. Members will note condition (11) below, which requires the submission and approval



- of a Code of Construction Practice, which will include a section to address these points.
- 7.05 Kent Police note that there has been no communication with them by the applicant to discuss the reduction and prevention of crime. They recommend a condition to require further details of how the development will incorporate measures to minimise the risk of crime.
- 7.06 KCC Ecology note the need for a payment (of £281 per dwelling) to be made towards mitigation measures against recreational disturbance within the Special Protection Area. They are satisfied with the surveys undertaken in respect of bats, reptiles and great crested newts. The surveys identify that there is limited potential for protected species to be found on site but recommend a precautionary approach. They recommend a condition to secure this precautionary approach. They note the presence of Japanese Knotweed and suggest a condition to ensure that this is safely removed from the site. They also recommend a condition to secure ecological enhancements within the development.
- 7.07 The Head of Housing seeks to secure 35% (88) affordable housing across the development. The mix of affordable properties should be proportionate to the open market homes and evenly distributed across the site. There should be a 90:10 split in favour of affordable rented housing – 79 affordable rent and 9 shared ownership. They seek a small number (namely four units) of “adapted” affordable housing.
- 7.08 Natural England do not object to the application but note the requirement for contributions towards the Swale SPA and Ramsar site. They note that the site is close to the AONB and advise the Local Planning Authority (LPA) to consider local and national policy guidance on this potential impact. They also advise the LPA to consult with the relevant AONB Partnership or Conservation Board.
- 7.09 The Environmental Protection Team Leader notes that the site lies close to (1.2 kilometres east of) the Ospringe Air Quality Management Area (AQMA). He notes that an Air Quality Assessment has been submitted with the application and that this identifies that only one site receptor, at 21 Ospringe Street, would exceed the annual NO<sub>2</sub> (nitrogen dioxide) mean value of 40 µg/m<sup>3</sup>. The report states that this location is already exceeding this value and will continue to do so without this development even taking place. It considers that at this, and at all the other receptor points, the impact of this development is ‘not significant’ using the IAQM and EPUK guidance. The Air Quality Assessment had originally suggested that no mitigation measures were required. However, following discussions, further information was submitted to set out a Damage Cost Calculation of £225,513 and various mitigation measures. The Environmental Protection Team Leader accepts the Damage Cost and mitigation measures proposed.
- 7.10 In terms of noise, the application is accompanied by a noise report. The Head of Environmental Protection notes that the main noise sources identified are from road traffic noise from the A2 and M2 as well as the KCC Depot and waste recycling centre and Faversham Laundry. The noise report identifies that mitigation measures in the form of improved glazing would be necessary for properties within the site, a two-metre-high noise barrier along the eastern boundary with the KCC depot and A2 and a 57m buffer zone for the A2 and M2. A four-metre high bund close to the boundary with the M2 was suggested but later removed following discussion with the applicant. The supplemental noise report concludes that the four-metre-high bund is not necessary. He notes that some external areas of the development would exceed 55 db (decibels) but that in accordance with Government

Guidance, this can be accepted where necessary. The phase 1 contaminated land assessment concludes that an intrusive investigation is necessary and the Environmental Protection Team recommends a suitably worded condition to secure this.

- 7.11 The Lower Medway Internal Drainage Board confirm that the site is outside of their district. Should off-site discharge be proposed, it is essential that runoff rates are not increased beyond that of the Greenfield site.
- 7.12 Highways England originally objected to the scheme on the grounds that inadequate and possibly inaccurate information had been submitted in respect of the impact of the scheme on the strategic highway network. They were particularly concerned about the impact on junctions 6 (southern junction, with the A251) and 7 of the M2 (with the A2 and A299). They noted that traffic counts took place at the end of the school year when traffic was not typical and questioned the assumption made on traffic distribution. They were also concerned about the impact of the access onto the A251 in respect of potential queuing along the A251 onto the M2 junction 6 turn-off. Consequently they requested that a full right-hand turn lane into the application site was provided. They requested a Non-Motorised Audit and Road Safety Assessment be submitted. They also asked for an assessment of junction 6 (south) of the M2 and identified that junction 7 of the M2 is already at capacity and is very sensitive to additional traffic. Further evidence was required to consider the impact on this junction noting that any assessment should consider the end of the Local Plan period. Following the receipt of further information on the highway impact, to address their concerns, Highways England comment that they are now content that the technical assessment of the impacts on the strategic road network is fit for purpose and reasonable. They recommend securing a contribution through a Section 106 agreement for improvements to the A2/A251 junction (of £87,000). In respect to M2 Junction 7, they have examined the contributions provided from the nearby Perry Court and Love Lane consented schemes to calculate what they consider to be an appropriate contribution to the scheme. They request a sum of £53,200.
- 7.13 The Environment Agency (EA) originally objected to the application on the grounds that insufficient foul drainage information had been provided to demonstrate that the site, being located within Source Protection Zone 2 for groundwater (very sensitive), would not be harmful to groundwaters. They requested confirmation that the foul drainage would be connected to the public foul sewer and also that the local sewage undertaker confirmed that there was capacity to accept foul sewage from this development. They have reviewed the Additional Drainage Works document produced by Royal Haskoning, which is dated May 2017.

The document provides a clear indication that the foul drainage solution for this site will be to connect to the public foul sewer. The document recommends that 'a planning condition is attached to the planning permission to ensure that the S98 sewer requisition is undertaken at the detailed design stage of the project'. They agree with this recommendation, and reiterate their previous comments that we would object to any alternative methods of foul disposal given the size of this development.

- 7.14 Southern Water confirm that they cannot accommodate the needs of the development without the provision of additional local infrastructure. They suggest a condition to secure this. They note that surface water drainage cannot rely on public surface water sewers as there are none in the area. They note that the application

details make reference to SUDs and that long term maintenance of these should be secured.

- 7.15 KCC Flood and Water Management initially stated that insufficient information had been provided in respect of water flow routes from off site – in particular, the existing culvert under the M2. If this water flow is not managed correctly, there is potential for on-site flooding to occur and for flood risk to increase elsewhere. They also note that as all surface water will need to infiltrate to the ground, an investigation as to whether this is feasible should be undertaken. They highlight the adjacent landfill site and the need to factor this into drainage designs. They also request details of volumes of attenuation storage and soakaways. In response to additional drainage information, they accept the assumptions and recommendations provided to carry out the detailed design work. They accept the location of the attenuation pond as long as there is sufficient capacity. They recommend conditions to establish the details of discharge zones and locations, given the sensitivities of the groundwater in the area and conditions to secure details of the drainage scheme for the site, including a maintenance and management plan.
- 7.16 The NHS have requested contributions towards primary care infrastructure for either Newton Place Surgery or Faversham Medical Practice. The total contribution is calculated as £225,000.
- 7.17 KCC Development Contributions Team request contributions towards primary and secondary education, community learning, libraries, youth services and adult social care. The total contribution sought, based on the provision of 250 dwellings was initially £2,242,201.69. They also ask for 2 wheelchair adaptable homes delivered as part of the on-site affordable housing and recommend an informative to encourage the provision of high speed fibre optic Broadband. However, the applicant challenged the contribution sought for primary school places (namely £6,000 per applicable house and £1500 per applicable flat, or a maximum of £1,500,000 if 250 applicable dwellings were to be built) and the County Council conceded that a contribution for primary school places was not required, stating among other things:

*“...previous assessments based upon earlier birth and migration information in Faversham had indicated a deficit for Primary places in Faversham when adding in previous developments within the Town. Updated Education information and forecasts for Faversham, now going beyond the 2021 horizon previously, using latest data from the Health Authority (including pre school children born up to 31 August 2016) identify going forward rolls in 2022 will be slightly lower than previous 2021 rolls, hence a small surplus arising by 2021-2022 of now 89 places.*

*As this development is forecast to generate 70 Primary places, there will therefore now be sufficient places to accommodate this development in Primary schools locally.”*

In the light of the increased contribution for secondary education (amounting to £1,028,750 assuming 250 houses) and given that a primary school contribution is no longer being sought, the total amount requested is £1,770,951.60.

- 7.18 The Kent Downs AONB Unit note that the development has the potential to impact on the setting of the AONB but also notes that careful planting and control of storey height would provide adequate mitigation for potential impacts. They are concerned that woodland planting along the southern boundary is not shown to be provided on the plans and that the southern parcel of land is outside of the application site making it more difficult to control mitigation measures.

- 7.19 KCC Archaeology note that the submitted Desk Based Assessment underplays the potential for archaeological finds within the site. Fieldwork in the area around Faversham that the road has been an attractive location for settlement and burial activity from Roman and Saxon times. The prehistoric potential of the area is also pretty much evident from the fieldwork and other discoveries that have taken place on the lands around this corridor. Recent evaluation on the proposed development at Perry Court has revealed an extensive Romano-British landscape with some elements of prehistoric focus. Fieldwork in the fields to the east of Salters Lane have revealed Iron Age remains including kilns, while the HER records Palaeolithic hand axes having been found close by to the site but south of the motorway. The archaeology of the site can be addressed through a condition on the planning consent that secures evaluation in the form of geophysical survey and subsequent mitigation through excavation and/or preservation of significant archaeology that may warrant such an approach.
- 7.20 Kent County Council (KCC) Highways and Transportation acknowledge that the application site does form one of the allocated sites within the emerging Swale Borough Local Plan, and is therefore being promoted by the Local Planning Authority with support from Kent County Council, as appropriate for delivering a proportion of the Borough's housing needs over the Local Plan period. As with any highway works affecting the public highway, it is expected that the proposed designs should be accompanied by a Stage 1 Road Safety Audit at the submission of a planning application. Additionally, the Highway Authority would also require a list of any departures from standards associated with the design of these junctions, in order that they may fully consider the acceptability of any of these prior to detailed design. The adequacy and accuracy of the drawings, proposed junctions and visibility splays was questioned. KCC Highways and Transportation also question the traffic count data in respect of the time of year being atypical of normal traffic conditions and they stress that this development cannot rely on the Perry Court highway improvement to come forward. They suggest that the developer should engage with local bus operators to explore what enhancements could be made to the bus services in the area to encourage the use of public transport. This could include measures such as increased frequency, route changes, bus stop improvements and additional bus stop provision. In addition, the subsidised bus travel for new residents could be promoted, as has been agreed with the nearby Perry Court development. Opportunities should be investigated for connecting the development more suitably to the local area, and keeping cyclists off-carriageway for the maximum distance possible. A more pedestrian appropriate form of crossing for the A2 is required. It will also be expected that the footway proposed along the A2 should extend further to link up with the existing provision at the junction of the A251 and beyond to Abbey School. This development should also consider linkage opportunities to the committed development at Perry Court, so that it can take advantage of routes being provided within that development that connect to the wider network.

Having reviewed the submitted Safety Audit for the two accesses, they are content with the reports. However, they seek a 3.5m wide right turn lane and 3.4m wide through lanes for the A251 access. They are also content with the additional information in respect of traffic flows and they are satisfied that the internal road layout of the proposed development can be "tortuous" enough, combined with the proposed improvements to the A251/A2 junction, to avoid any noticeable volume of rat-running between the two proposed accesses. They are therefore satisfied that the traffic distribution through these two junctions is appropriate. The applicant has now acknowledged the impact of their development on the A251/A2 junction, and the responsibility they have to contribute towards the proposed improvement scheme

planned for this junction to support the Local Plan growth. Using the proportional impact levy used on other developments identified to provide funding for the improvements, the figure of £87,900 will be the amount required from this proposed development site. They are satisfied with the approach to public transport initiatives and also accept the location of the pedestrian crossing and footpath arrangements along the A2. The visibility splays shown for both accesses are accepted. Specialist kerbing or waiting restrictions should be provided along the A2 frontage of the site to prevent parking along this stretch of road. This can be achieved via a Section 278 agreement.

In response to the latest set out drawings/information, KCC Highways and Transportation accept the road widening to enable the ghost right-turn junction on the A251, they accept that there is no requirement for a new bus stop to be provided on the A251, they recommend that the existing bus stop on the A2 retains its position (which will act as a traffic calming measure) but ask that a bus shelter and paving is provided, they re-assert their desire for a footpath along the southern side of the A2 from the site access to Abbey School, they discourage the tactile paving close to the Ambulance Station and ask for further clarification on the sustainable transport contribution and discounted/free bus travel for residents of the development. They suggest a number of conditions in respect of highway matters, which are included below.

KCC Highways and Transportation have provided further comments in response to the Technical Note (January 2018). In summary, no objection is raised provided that an amended plan is received showing the footway leading from the site access to the bus stop to be widened to two metres. The memo also sets out the requirements of KCC in respect of the required pavement along the southern side of the A2 between the site access and the vehicular entrance to Abbey School. The applicant has agreed to provide this, and the mechanisms for its delivery are dealt with elsewhere in this report.

- 7.21 The KCC Planning Applications Team submit a holding objection in respect of the Minerals Assessment which they wish to seek legal advice on.
- 7.22 The Greenspaces Manager notes that the proposal generally provides an adequate amount of open/green space facilities. The linear greenspace and indicative location of play facilities provides appropriate natural surveillance over both. While the play area can provide traditional play, given the wider landscape there is also an opportunity to include more imaginative natural play elements. It is envisaged that the facility will be provided as a minimum to a LEAP (Local Equipped Area of Play) standard. The latest draft of the new Open Spaces Strategy encourages developers to find an alternative (transfer open space to a management company) for future maintenance of open space rather than the Council taking ownership and responsivity.
- 7.23 He seeks contributions towards off-site facilities for allotments and formal sports. Allotment contribution for Faversham Town Council toward bringing St. Nicholas Road Allotment site back into use, and Formal Sports Contribution toward enhancing capacity and facilities within the town. Allotment - £40.00 per dwelling, Formal Sport - £593.00 per dwelling.
- 7.24 The Economy and Community Services Manager raises no objection. As set out below, the Section 106 Agreement will need to include clauses in respect of the use of local labour, apprenticeship provision and the use of local suppliers.

## 8.0 BACKGROUND PAPERS AND PLANS

Site location plan; Illustrative Masterplan; Framework Plan; Transport Assessment; Surface Water Assessment; Planning Statement; Statement of Community Involvement; Economic Impact Assessment; Draft Section 106 Agreement; Residential Travel Plan; Noise Assessment; Landscape and Visual Appraisal; Land Quality Assessment; Design and Access Statement; Arboricultural Report; Heritage Assessment; Flood Risk Assessment; Air Quality Assessment; Air Quality Mitigation; Noise Report Addendum; Additional Drainage Works; Transport Assessment reports/correspondence to address comments from HE and KCC Highways and Transportation; Non-Motorised Audit Report; Road Safety Audit Report; Technical Note – Summary of Post Consultation Submission (transport / highway issues); and Minerals Assessment.

## 9.0 APPRAISAL

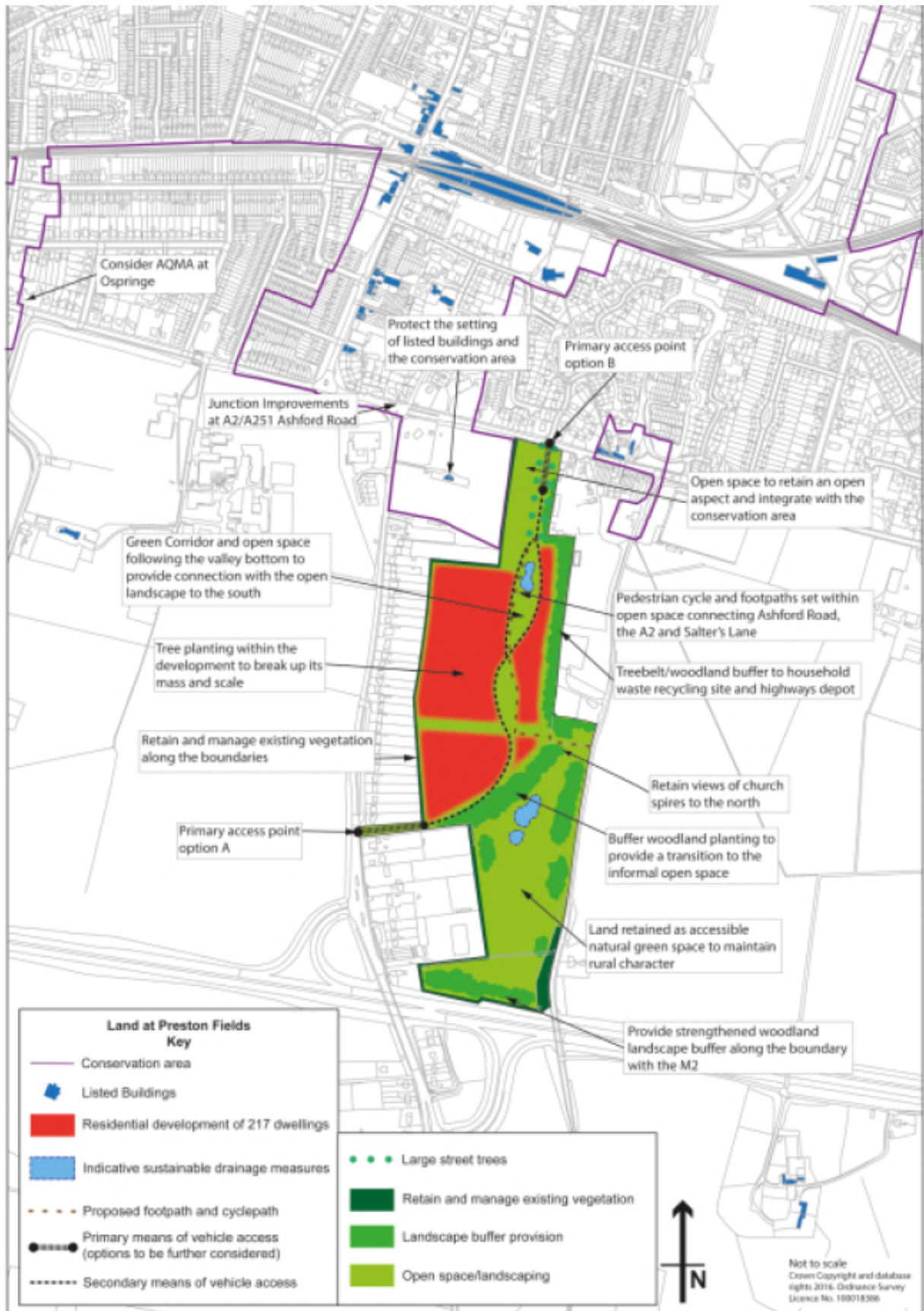
### Principle of Development

- 9.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.02 The application site lies within land that has been allocated for housing under Policy A16 (which is set out in full in section 4 above) of the adopted Local Plan - Bearing Fruits 2031: Swale Borough Local Plan 2017. The principle of housing development on this land has therefore been clearly established.
- 9.03 Members should consider the emerging Local Plan as a material planning consideration. The Local Plan Inspector's Report for the current adopted Local Plan, dated 20 June 2017, said as follows:
- "In the light of the consultation responses and discussions and taking account of evidence regarding highway infrastructure that emerged during the resumed hearings, it has become clear that in order to be capable of adoption the Plan should be subject to an early review. I have therefore amended the Council's proposed modification to Policy ST2 (MM42) to include a commitment to an early review."*
- 9.04 Policy ST2 now commits the Council to undertaking a review of the Local Plan, which is to be programmed for adoption by April 2022. The work necessary to inform and underpin this early review of the Local Plan has already commenced with the Local Planning Authority initiating a 'Call for Sites' on 4 August 2017 as well as work on transport modelling. The Preston Fields site will not be affected by this review other than in an overarching sense that work is underway in addressing the housing and infrastructure needs of the Borough as a whole.
- 9.05 In accordance with the above legislation, I cannot identify any material planning considerations that would indicate that this application should not be approved in line with the Development Plan. The following discussion will deal with the relevant planning considerations in turn, identifying any potential harm and suggesting appropriate mitigation measures where necessary.

### Visual/Landscape Impact

- 9.06 At a National Level, the site lies within the North Kent Plain (National Character Assessment) and is within the 'Eastern Fruit Belt' as identified by the Kent Landscape Character Assessment (2004). On a local level, the site is identified as being within the Faversham and Osgringe Fruit Belt by the Swale Landscape Character and Biodiversity Appraisal (2011). Key characteristics of this landscape type that are relevant to the application site are:
- *Gently undulating landscape that steadily climbs southwards;*
  - *Mixed geology of head brickearth, Thanet beds drift, clay-with-flints and chalk;*
  - *Small to medium-scale orchards and large open arable fields;*
  - *mature fragmented hedgerows supplemented with post and wire fencing;*
  - *Motorways, A and B roads, narrow winding lanes.*
- 9.07 The guidelines for the Faversham and Ospringe Fruit Belt encourage the conservation and reinforcement of the landscape and built form and go on to recommend particular types of trees and shrubs as well as finishing materials for buildings.
- 9.08 The application site does not hold a landscape designation but the supporting text to Policy A16 (housing allocation) notes that the site makes a positive contribution to the heritage setting of the town and its rural setting and views. The supporting text also notes that it has a moderate sensitivity to change and that development should be confined to the central area of the site with open space retained to the north and south. The Development Concepts plan contained within the supporting text to policy A16 (see below) shows a large area to the south being retained as accessible natural green space with a woodland buffer to the southern boundary, to the centre of the site and along the eastern boundary. A green corridor is also shown along the centre of the site and an area of open space provided to the north of the site to retain an open aspect from the A2 and to integrate with the Conservation Area.







9.09 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by “*Protecting and enhancing valued landscapes, geological conservation interests and soils*”. Policy DM24 of the adopted Local Plan states that ‘*The value, character and tranquillity of the Borough’s landscapes will be protected, enhanced and, where appropriate, managed.*’ For non-designated landscapes (Preston Fields) Policy DM24 states that they will be protected and enhanced and planning permission will be granted subject to ‘*the minimisation and mitigation of adverse landscape impacts...*’. The Policy refers to the Swale Urban Extension Landscape Capacity Study (2010) which considers the landscape impact of extensions to Faversham and other urban areas in the Borough. The Landscape Capacity Study found that the valley side west of Salters Lane (incorporating the site) was particularly well contained and that the expansion of residential development and some small scale commercial development could potentially be accommodated in areas which are well contained, both physically and visually. The recommendation with regard to the valley side between the A251 and Salters Lane is noted as a potential development location. The study recommends the following:

- *Respect the setting of Listed Buildings and Conservation Areas in any new development proposals;*
- *Conserve the rural approach to Faversham, and the compact nature of the urban extent;*
- *Conserve existing vegetation east of housing along the A251 and reinforce to form a stronger vegetation belt;*
- *Increase planting around the household waste recycling centre to help screen/soften it in views from the west;*
- *Create hedgerow along Salters Lane to help contain any further development;*
- *Conserve and strengthen existing vegetation belts along the railway line to the north and along the A2 and M2; and*
- *Utilise existing shelter belts to help provide a landscape framework for, and screening of, any further development.*

The submitted Landscape and Visual Appraisal refers to this study and draws on its findings.

9.10 The submitted Landscape and Visual Appraisal considers the landscape character of the application site and its surrounding context. It also considers its sensitivity to change and the likely impact of the proposal on the quality and character of the landscape from key ‘receptors’ – i.e. view points. Careful consideration is given to the adjacent Conservation Areas – Faverhsam and Preston-Next-Faversham. It goes on to make recommendations about the position of the buildings and key landscape features in order that the impact on the landscape is minimised and any harm is mitigated. In summary, the appraisal concludes that the landscape and scenic quality of the site is ‘ordinary’ and that the value of the landscape for the application site is considered low and of local importance. It concludes that the site has a medium susceptibility to change being a ‘settlement fringe landscape’ and being contained by existing built form to the east and west boundaries. Views of the site (from public areas) are mostly afforded from the east along Salters Lane and the south at overbridges at the M2 with glimpsed views from footpaths (ZF21 and ZF25) to the east and views of the site from the Ashford Road properties are limited by the length of the rear gardens of these properties and existing and proposed soft landscaping.

- 9.11 The submitted Illustrative Masterplan and Framework Plan has been guided by the conclusions of the Landscape and Visual Appraisal. Buildings are shown to be contained within the middle of the site with open space to the south and north and structural/buffer planting to the southern and eastern boundaries. Dwellings would be set away from the eastern boundary of the site where it abuts Salters Lane (a Rural Lane – Policy DM26) with a ‘light’ screen of trees here, helping to maintain the open aspect of the road at this point. Lower density housing is suggested in the Landscape and Visual Appraisal at the southern end of the site but this would be for the reserved matters application to deal with. The ‘structural planting’ would be in the form of native species and a mix of shrub, hedgerow and tree planting. The submitted Landscape and Visual Appraisal concludes that:

*‘A successful detailed design response would complement the adjoining townscape to the west and north to implement a residential development appropriate to the urban fringe location. The proposals will also create a transition edge to the settlement, screened by established buffer planting and informal open space across the south eastern reaches of the development.’*

Overall, the LVA concludes:

*‘...a suitably scaled and designed residential development would cause localised landscape and visual effects, but can deliver a number of landscape and visual benefits.’*

- 9.12 The proposal in respect of the areas of planting and position of buildings is largely consistent with the Development Concepts plan (see above) contained within the adopted Local Plan for this allocation. The main difference is the indication on the proposed plans that dwellings would be located adjacent to the Conservation Area to the east. The impact of the development, and specifically the location of dwellings along this boundary, upon the Conservation Area and listed buildings, will be discussed below.
- 9.13 The land to the south of the site is outside of the red line/application site. The application details confirm that this is intended to be accessible open green space and structural planting is shown along the eastern boundary. Exact details of how this land will be landscaped and managed have not been provided under this application. However, the land is within the applicant’s control and so I am confident that we will be able to secure these details via a Section 106 agreement or condition. We can ensure that appropriate planting is provided to the southern boundary of this land, adjacent to the M2 in accordance with the Development Concept plan (above) and we can ensure that details of how the land will be managed are provided. Subject to securing this long-term management and planting to the southern land, I am satisfied that from a landscape impact point of view, the development would cause no significant harm and that appropriate mitigation measures in the form of structural planting can be achieved at this site. Any impact on the AONB would be limited given the significant distance between the application site and the AONB to the south, the intervening M2 and the proposed structural planting which will screen the development from a number of vantage points.

### **Agricultural Land**

- 9.14 The application is not accompanied by an Agricultural Land Classification Report but I am aware that the land is identified as grade 1 and 3a by the post 1988 Agricultural Land Classification data. It is therefore classed as ‘best and most versatile’ for the purposes of planning policy. Although Members will note Policy DM 31 of the

adopted Local Plan, which relates to agricultural land, and Paragraph 112 of the NPPF, in this case I consider that the overriding argument in respect of the loss of best and most versatile agricultural land is that the need for housing outweighs the need for agricultural land and the fact that this site is included as a housing allocation in the adopted Local Plan.

### Heritage Impact

- 9.15 The Planning (Listed Building and Conservation Areas) Act 1990 at section 66(1) states:

*“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ....shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.*

- 9.16 In respect of Conservation Areas, Section 72 gives local authorities a general duty to pay special attention ‘to the desirability of preserving or enhancing the character or appearance of that area’ in exercising their planning functions. The Act does not make specific provision with regard to the setting of a Conservation Area, this is addressed within the adopted Local Plan Policy DM33 and under section 12 of the NPPF.

- 9.17 The key heritage assets in respect of this site and upon which the development might have an impact are as follows:

- Non-designated heritage assets – potential archaeological finds (Roman, Saxon, Prehistoric);
- Designated heritage assets – Faversham Conservation Area, Preston-Next-Faversham Conservation Area,
- Designated heritage assets - Listed buildings: - Orchard Cottages, Gazebo, Former Cherry Tree Public House, Cherry Tree Cottages, Outhouse attached to the right of No. 3 Cherry Tree Cottages, The Windmill Public House and Thatched Cottages.

- 9.18 The significance of each heritage asset must be considered as part of the planning process. Significance is defined in the NPPF as the value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.

- 9.19 Policy DM34 of the adopted Local Plan states that there is preference to preserve important archaeological sites in-situ and to protect their setting. Development that does not achieve acceptable mitigation of adverse archaeological effects will not be permitted. KCC Archaeology note that the submitted Desk Based Assessment underplays the potential for archaeological finds within the site. However, they are content that the archaeology of the site can be addressed through a condition on the planning consent that secures evaluation in the form of geophysical survey and subsequent mitigation through excavation and/or preservation of significant archaeology that may warrant such an approach. I have recommended such a condition. I therefore consider that the development would comply with Policy DM34 in securing appropriate mitigation for archaeological findings at this site.

- 9.20 Policy DM32 of the adopted Local Plan states that development affecting the setting of a listed building will be permitted provided that the building's special architectural or historic interest and its setting are preserved. Most of the listed buildings close to the site and noted above are located on the opposite (northern) side of the A2 to the application site. The submitted Heritage Assessment argues that *'views to and from the majority of these buildings in the direction of the development are blocked by modern development'*. The impact on the setting of these listed buildings will be minimal in my view. The closest listed building to the site is Orchard Cottage. This is an early 19th century two storey building with weatherboarding and slates to the roof. The building is surrounded by gardens which comprise the majority of its setting with the application site also falling within the wider setting. The submitted Heritage Statement notes:

*'Some additional tree planting may be required along the north-western perimeter of the site to block views to and from the Listed Building [Orchard Cottage]. This would ensure that its setting and significance is not impacted upon by the development proposals.'*

I am in agreement with this statement and conclude that the development would preserve the setting of the listed building and/or would have no direct impact on the setting of the listed buildings further away and on the other side of the A2.

- 9.21 In terms of Conservation Areas, the closest to the application site is the Faversham Conservation Area. The relevant Conservation Area Appraisal states:

*"The London Road itself has for some long time been seen to mark the southern edge of Faversham where the town ends and the countryside begins. In practice, this sharp divide is no longer as well defined as it once was, but on the southern side of London Road close to the junction with Ashford Road two early C19 brick and weather-boarded cottages are still to be found set deep within a patch of old orchard at the end of an unmade track, so that their peg-tiled roofs are viewed across the tops of old fruit trees. Just here, therefore, is a fragment of 'rural Kent' positioned right alongside the southern edge of the town. Despite the rather lacklustre appearance of the orchard (a collection of rather randomly spaced trees of varying sizes, varieties and vigour) the traditional Kentish character of the houses, the orchard setting, and the position on the very edge of Faversham town are in combination such that this remains a rather special place."* (paragraph 11.2)

- 9.22 The submitted Heritage Assessment notes that:

*"Sensitive landscaping and design would be required, along with a set-back of development in this area, in order to ensure that the setting and significance of the Conservation Area is not impacted upon by development of the site."*

- 9.23 This proposed landscape arrangement is also supported by the submitted Landscape and Visual Appraisal. Members will have noted in the discussion on landscape impact above that the Illustrative Masterplan shows buildings further forward within the site and closer to the A2 than the 'Development Concepts' plan (see above) indicates. It is not clear from the submitted Heritage Assessment as to the extent of the setback suggested. However, assuming that the setback was to completely avoid dwellings abutting the adjoining Faversham Conservation Area (as shown on the Development Concepts plan), further consideration must be given to the impact of dwellings along this boundary.

- 9.24 As noted above, this part of Faversham Conservation Area is characterised by the orchard setting of the traditional listed Kentish cottages. Of key importance therefore is the preservation of this character. The Illustrative Masterplan shows buildings being set back from the A2 by approximately 70 metres and approximately half-way along the boundary with the Conservation Area. Whilst the details of the development will be considered at the reserved matters stage, given the indication of the extent of housing on the Illustrative Masterplan, it is prudent to consider how the development might be designed to ensure that the setting of the Conservation Area is preserved. As the submitted Heritage Assessment suggests, landscaping and design will be of key importance as well as building height and for that matter the relative ground levels between the sites. It is of note that the part of the application site adjacent to the Conservation Area currently sits at a lower level than the Conservation Area by approximately 1.5m, possibly more. I have recommended a condition to ensure that there is a maximum building height of 8.5m – the height of an average 2 storey dwelling. This is not only for the purposes of limiting the impact on the Conservation Area but also the impact on the landscape. Ground levels would also be controlled by condition with further details sought at the detailed stage. I would also suggest that any dwellings adjacent to the Conservation Area are of low density and of a design that reflect the Kentish rural cottage character of Orchard Cottages but this can be considered in more detail at the reserved matters stage. The critical issue at the outline stage is the need for a robust soft landscaping screen and limiting the height of the properties in my view. In addition to these measures, a key consideration in this case is the potential future development of the Orchard Cottage site. Members may be aware of a current planning application 17/502521/FULL for the retention of the listed cottages and erection of 9 new dwellings which would be sensitively arranged and designed to preserve the setting of the listed building and the character and appearance of the Conservation Area. Whilst this application is undecided, Officers have given a clear indication that the principle of new housing within the Conservation Area would be acceptable. To prevent housing within the Preston Fields application site, adjacent to the boundary of the Conservation Area, would seem to be unreasonable and unnecessary given the potential development on the adjacent site and the measures that can be put in place (as noted above) to limit the impact. I am therefore of the view that the proposed development would preserve the character and appearance of the Faversham Conservation Area.
- 9.25 Preston Next Faversham is the next closest Conservation Area - 48 metres to the west of the site where it adjoins the A2. This was a small hamlet on the Canterbury Road that used to be separated from Faversham. However, it has been absorbed into the built form and urban fabric of Faversham as the town has extended along the A2 corridor. The conservation area appraisal summarises that:
- “The cluster of buildings on the northern side of Canterbury Road, together with Mill House and Cottage on the south side of the road, is therefore the important historic record of earlier times in Preston Next Faversham when it was a small, free standing settlement. The surviving vernacular architecture continues to be of sufficient strength to constitute a place of both special historic interest and local distinctiveness.”* (paragraph 12)
- 9.26 Given the proposed set-back, by 70 metres, of the buildings from the A2 as shown on the Illustrative Masterplan and the presence of intervening buildings of varying age and architecture, I consider that the impact of the proposed development on the setting of this Conservation Area would be very limited. I therefore consider that the

development would preserve the setting of the Preston-Next-Faversham Conservation Area.

### **Residential Amenity**

- 9.27 The proposed development would have a limited impact on local residents in terms of potential for overlooking, overshadowing or overbearing. The properties most likely to be affected by the development in this respect are located along Ashford Road and back onto the western boundary of the site. These properties have on average 50m long rear gardens and a large number of them have 6ft high fence panels along the boundary with the application site. The details of the housing layout are not known at this outline stage but I am content that the proposed development would be very unlikely to have any notable harm on the residential amenities of the existing properties.
- 9.28 Disturbance during construction will no doubt be an inconvenience to some local residents. However, such disturbance is a necessary result of the need to build more houses and it must be acknowledged that it will only be for a temporary period. I have recommended a condition to limit the impact of construction activities at the site and consider that this will be adequate. In terms of anti-social behaviour from local residents walking to the town centre, there is no reason to believe that residents of the Preston Fields development would display anti-social behaviour and I do not consider this to be a planning concern.
- 9.29 As noted above, the details of the housing layout are not known at this stage but I am content that the number of dwellings proposed within the site area available would not result in an overcrowded scheme, noting the density of approximately 35 dwellings per hectare. The reserved matters application will consider issues of overlooking between new properties, adequacy of garden size and dwelling size. Open space is shown to be provided within the development for the benefit of its future residents as well as existing residents of the wider area. The supporting text to policy AX16 requires an area of open space of 3.2 hectares. The proposal would provide 3.15ha of open space plus an area of 3.52 ha to the south to be kept as accessible open space. I have recommended a condition to secure the on-site open space and a clause within the Section 106 to secure the off-site open space. At this outline stage, I cannot identify any barriers to achieving a good quality living environment for its future residents.
- 9.30 The application site lies adjacent to some noisy sites/uses – Faversham Laundry, KCC Highways Depot, Faversham Recycling Centre, the A2, A251 and M2. In response to this, the applicant has submitted a Noise Assessment. This sets out details of a Noise Survey that was undertaken to establish the baseline conditions within the around the site. A scrap metal yard is noted to the south of the recycling facility but due to inactivity, this did not generate a noise disturbance. Details of the operational activities of the Faversham Laundry, KCC Depot and the Waste Recycling Facility were all noted:
- Faversham Laundry – operates between 0800-2230 weekdays and 0800-1630 at weekends. Noise generated from mainly HGVs but some from the operations within the building itself;
  - KCC Depot – no time restrictions operation but it was clear that the majority of the operations take place during the day with only 2-3 HGV movements at night. Noise generated from HGV movements;

- Waste Recycling Facility – operate 0800-1630 Monday – Saturday and 0900-1600 on Bank Holidays and Sundays. Noise generated from machines, compressors, scrap metal handling, loading and unloading skips etc.
- 9.31 The calculated noise levels from the surrounding noise generating uses ranged from 50.5 dB – 72.9 dB during the day and between 48 dB – 69.2 dB during the night with the noisiest areas being on southern boundary of the ‘blue edged land’ and the eastern boundary adjacent to the recycling centre. The World Health Organisation (WHO) recommended maximum external noise level is 55dB and maximum internal noise level is 35 dB for bedrooms and living rooms. It is therefore clear that the properties that are to be sited close to the boundaries of the site will need to have appropriate noise mitigation. The Noise Assessment suggests that glazing will need to be of a type (‘silence double glazing or similar) that will reduce internal noise levels by up to 39.2 dB. The Assessment also suggest that appropriate ventilation systems are considered from the properties close to the boundaries as this will enable windows to remain closed (giving optimum noise mitigation) whilst providing adequate ventilation to rooms. The Noise Assessment notes:
- “The detailed design of the proposed properties will affect both the required sound reduction performance and the appropriate selection of glazing units. The aspects of the detailed design that are important are the room dimensions, room finishes, window dimensions and the sound reduction performance of non-glazing elements. Further detailed consideration of the glazing components will be required by the eventual developer of the site once the detailed design is confirmed.”*
- 9.32 I have therefore recommended a suitably worded condition (see condition (31) below) to ensure that a further noise assessment is carried out based on the housing layout and building design to be considered under the reserved matters application. The reserved matters application will need to carefully consider which of the properties requires special double glazing and ventilation systems to ensure that the internal noise environment is acceptable.
- 9.33 In terms of further mitigation, the Noise Assessment recommends that the dwellings should be a minimum of 57m from the A2 and M2. In this case, the Illustrative Masterplan shows that the houses would be at least 70 metres from the A2 to the north. It should be noted that the highest noise readings were from the southern boundary of the ‘blue edged land’, adjacent to the M2. No housing is proposed in this area. In fact, the houses would be a minimum of 235 metres from the M2 and would therefore be consistent with the recommendations of the Noise Assessment. The original Noise Assessment considered the need for a 4m high bund along the M2 boundary. However, an addendum to the Noise Assessment has been submitted which considers the noise impact of the M2 at 235 metres to the north and where the nearest housing is proposed. This demonstrates that the noise levels reduce significantly to a maximum of 56.7 dB, only just above the recommended 55 dB, even without the 4m high bund. The bund is therefore no longer proposed.
- 9.34 For external noise, the Noise Assessment acknowledges that the noise levels might exceed 55 dB in some rear gardens and recommends that two-metre-high boundary fences are provided along the boundaries as well as setting the gardens away from noise sources. Again, this detail will need to be finalised at the reserved matters stage. The Assessment notes that the WHO guidelines acknowledged that 55dB will be exceeded in cases where development is in urban areas or close to strategic transport networks and that a compromise between elevated noise levels and other factors such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. The

potential exceedance of the 55dB for rear gardens is accepted by the Environmental Protection Team Leader and I am of the view that the development of this site, to meet the housing needs of the Borough in a sustainable way, will mean that the exceedance of 55dB is an acceptable compromise in this case. Moreover, the submitted Noise Assessment is based on an assessment of the whole area of the site allocation. I am positive that the reserved matters detail will show housing set back from the A2, and planting (the Ecological Assessment refers to 5m wide planting along this boundary) and solid boundary treatment to the western and eastern boundaries therefore resulting in an acceptable external living environment.

- 9.35 Overall, I consider that the development will have no undue impact on the residential amenities of existing properties that lie close to the site and that the development would provide an acceptable living environment for its future residents.

### Highways

- 9.36 The application is accompanied by a Transport Assessment (TA) which examines the existing conditions of the local highway network, committed developments, road safety record and accessibility. It then considers the traffic generation from the proposed development, assesses the off-site highway impact and details site access arrangements. Finally it discusses opportunities for residents of the new development to travel by sustainable modes.

- 9.37 It is fair to say that as originally submitted, the TA was not accepted by either Highways England or KCC Highways and Transportation in terms of the data presented, its assumptions and its suggested off-site highways mitigation measures and site access details. After extensive negotiations and the submission of additional and amended information (Members will have noted the Technical Note, dated January 2018), including safety audits, Highways England and KCC Highways and Transportation have accepted that there would be no harm to the highway network that cannot be adequately mitigated. This is subject to a number of conditions and contributions towards highway improvements.

- 9.38 In terms of the impact of the development on the local highway network, the main consultees have accepted (as noted above) that the development would not generate traffic that would be at a level that cannot be absorbed, subject to some off-site highway improvements. In terms of sustainable travel, the development has the potential to provide safe cycle routes within the site (to be secured at the detailed stage) and on and off-site pedestrian footpaths are proposed to be provided/improved with links to Abbey School, the town centre and the Perry Court development as well as a potential footpath connection to the Orchard Cottage site which would link with the new development there, should planning permission be granted. The bus stop on the A2 would also be retained and improved. I provide a summary of the main off-site highway works/contributions below:

- Pedestrian crossing to the A2 – tactile paving and central pedestrian refuge provided close to the junction with the A251;
- Pedestrian footpath on the southern side of the A2 from the site access to the junction with the A251 and beyond to the entrance to the Abbey School;
- Improvements to the existing bus stop on the A2, close to the new site access with a reconstructed footway provided from the access to the bus stop;
- Discounted/free bus travel for future residents (consisting of a 7-Day Swale Megarider Ticket for six months at a cost of £364 per dwelling)



- £87,000 towards an improvement scheme of the A251/A2 junction to be delivered by KCC
  - M2 junction 7 improvement - £53,200.
- 9.39 In terms of the site accesses, the developer is proposing a ghost right-turn junction (with some road widening) to access the site from the A251 and a standard priority junction to access the site from the A2. The visibility splays and safety of these accesses has been accepted by KCC Highways and Transportation. With regard to the A251 access, the applicant has confirmed that the northern visibility splay crosses land that Kent County Council have confirmed makes up part of the public highway, and at no point conflicts with third party land to the east.
- 9.40 I therefore consider that, subject to appropriate mitigation as noted above and the suggested conditions dealing with highway matters, the development would have no harmful impact on the local or strategic highway network and would support sustainable modes of transport.

### **Ecology/Biodiversity**

- 9.41 Natural England do not object to the application noting that there would be no significant impact on the SPA subject to contribution towards the Thames, Medway and Swale Estuaries Strategic Management and Monitoring (SAMM) Strategy. Article 4(4) of the Birds Directive (2009/147/EC) requires *Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.* For proposals likely to have a significant effect on a European site, the Conservation of Habitats and Species Regulations (2010) require the Council to make an appropriate assessment of the implications for the site. An Appropriate assessment is appended.
- 9.42 The application is accompanied by an Ecological Assessment, which considers the existing site conditions and the nature conservation value, details the results of site surveys for amphibians, reptiles, badgers, and bats, identifies potential impacts on ecological features and suggests mitigation measures to minimise the negative impacts. It also suggests enhancement measures that could be put in place at the site.
- 9.43 The results of the surveys are as follows:
- No evidence of badgers was found at the site.
  - There were no trees or buildings found within the application site that have the potential to support roosting bats but parts of the site were suitable for foraging and commuting and the bat survey recorded two species on site.
  - There are no habitats within the proposed development site which are considered suitable for Schedule 1 bird species and the proposed development site is not expected to be 'functionally linked' to the Swale SPA/Ramsar site.
  - There was no evidence of dormice or Great Crested Newts.
  - No reptiles were recorded during the reptile presence / absence surveys and therefore it is anticipated that there are no reptiles present within the survey area and the proposed area of works.
  - Young Japanese knotweed plants were noted within the southern area of the proposed development site. The affected area is approximately 10 square metres. Mitigation measures to treat this species will be required if any further works are

planned in this area, particularly as it is offence to plant or cause Japanese knotweed to spread in the wild under the Wildlife & Countryside Act 1981.

- 9.44 In terms of mitigation measures, any site clearance to be carried out within the nesting season will need to be preceded by surveys to check for the presence of nests. Impacts on bats as a result of the works are likely to be restricted to disturbance / displacement of commuting and foraging bats as a result of general site presence, noise, and lighting. Lighting should be carefully controlled therefore. An Invasive Species Management Plan (ISMP) will need to be agreed with the Environment Agency prior to the commencement of any on-site works in respect of the Japanese knotweed. In addition to these specifically targeted mitigation measures, the Ecological Assessment refers to ‘embedded mitigation’ which is in the form of the green infrastructure within the development. The Ecological Assessment notes:

*“The concept masterplan for the proposed development will be designed in such that the most valuable ecological resources will be retained within the interconnected network of green infrastructure that also retains the existing corridors for wildlife movement within the proposed development site and beyond.*

*Part of the proposed development includes the development and implementation of landscape mitigation measures which include planting of native tree and shrub species along the eastern site boundary, creating green infrastructure areas to the north and south of the site as well as green corridor running through the middle of the Site. The area south of the access track is to remain green.”*

- 9.45 KCC Ecology accept the findings of the Ecological Assessment and recommend conditions to secure appropriate mitigation and ecological enhancements within the site. Subject to these conditions, I consider that the development would cause no harm to ecology/biodiversity.
- 9.46 An Arboricultural Report has been submitted in support of the application. This identifies 112 trees within, or partly within, the application site and the ‘blue edged land’ to the south. The trees are located mainly on the site boundaries and a large proportion of which are within third party land. One tree was considered to be high quality (category 1) – Beech, four were in very poor condition and the remaining trees were either low or moderate quality. The high quality Beech tree is located outside the application site and within the rear garden of one of the Ashford Road properties. Generally, we would seek to retain as many of the trees as possible. Where they fall outside of the application site, measures should be taken to ensure that they are protected from harm during construction. I have recommended a suitably worded condition to ensure that protection is provided and that any trees within the site that are of good quality are retained.

### **Minerals**

- 9.47 The application site lies within a Minerals Safeguarding Area for Brickearth designated through Policy CSM5 of the Kent Minerals and Waste Local Plan (KMWLP) (2016). The applicant has submitted a Minerals Assessment in accordance with the requirements of the supporting text to Policy AX16 (the allocation), which states that the quality and quantity of the mineral and the practicalities of prior extraction should be investigated via a Minerals Assessment in line with the safeguarding mineral and prior extraction policies contained within the Kent Minerals and Waste Local Plan.

- 9.48 The applicant has approached Weinberger who are the main manufacturer of bricks in Kent. They carried out a site visit and a number of sample tests. They confirmed that the site has previously been subject to extraction but that:

*“Initial indications show brick earth to be between 0.6 meters to 1.5 meters from the limited tests we carried out this indicates that there is a significant amount of brick earth on site, as such if the site was to be developed we would have an interest in the brick earth were it to become available, just to give you an early guide if we take the site area and an average of the depth of the brick earth based on the limited investigation it appears there is around 170,000 tonnes on site which could run our site at Sittingbourne for around 4.5 years”.*

- 9.49 However, the applicant’s planning agent argues that because of the costs involved in the extraction and the practicalities of removing the brickearth, the site should not be the subject of prior extraction as it would not be viable to do so. Difficulties of prior extraction are suggested in terms of the need to import soil following extraction (and the significant cost of that), the environmental impact on local residents in terms of noise and dust and harm to the local highway network. In addition, they argue that it would result in the delay of the delivery of the houses on site.

- 9.50 In considering the need for prior extraction of brickearth at this site, the applicant and the Council have sought to clarify the application of Policy DM 7 of the Kent Minerals and Waste Local Plan. This policy is worded as follows:

*Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding, where it is demonstrated that either:*

- 1. the mineral is not of economic value or does not exist; or*
- 2. that extraction of the mineral would not be viable or practicable; or*
- 3. the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or*
- 4. the incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or*
- 5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or*
- 6. it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions; or*
- 7. it constitutes development on a site allocated in the adopted development plan.*

- 9.51 KCC have indicated that criterion 7 (indicated in bold) does not apply to allocations within the adopted Swale Borough Local Plan 2017 because the policies were being formulated at the same time as the Kent Minerals and Waste Local Plan and therefore did fully consider the implications of the safeguarding policies. Swale Planning Officers have obtained a legal opinion from Counsel on this stance by KCC, as have the applicant’s planning agent. Both legal opinions make it clear that Policy DM7 of the Kent Minerals and Waste Local Plan must be read and applied at face value and that there is no legal justification for applying the policy in any other way.

- 9.52 KCC have, as set out above, submitted a holding objection to this application on the grounds that they do not agree with this approach and are seeking their own legal

opinion on the matter. KCC's holding objection is a material planning consideration but it does not, and should not in my view, hold up or complicate the issuing of a decision on this application. If the Policy DM7 is applied at face value (as instructed by our legal advice), because the application site is a housing allocation within the adopted Local Plan, it is an exception from the minerals safeguarding requirement and prior extraction is not required. However, our legal advice rightly points out that we must also consider any material planning considerations. In this case, as I set out above, the supporting text to Policy AX16 requires that the quality and quantity of the mineral and the practicalities of prior extraction should be investigated. The applicant's planning agent has done this (to a certain extent).

- 9.53 In light of the fact that the development would be compliant with relevant policies within both the Kent Minerals and Waste Local Plan and the Swale Borough Local Plan, and given the difficulties highlighted in the prior extraction of brickearth from the site and the implications in respect of the delay in the delivery of much needed housing, I am of the view that prior extraction is not required in this case.

### **Environmental Impacts**

- 9.54 The applicant has submitted a Phase 1 Risk Assessment for contaminated land which identifies the sensitivity of the site, being under laid by a Principle Aquifer and within a Groundwater Protection Zone. The report identifies that there is potential for contaminated land at this site and it recommends intrusive investigations to facilitate the collection of soil samples. The Environmental Protection Team Leader and the EA accept the findings of the report and recommended conditions to secure the further investigations as noted and appropriate remediation measures. The EA required extra assurance that the foul drainage would be connected to a foul sewer and that there is capacity for this to happen. The EA were satisfied that the additional drainage information submitted, plus the conditions suggested below, would address their initial concerns.
- 9.55 In terms of drainage, the applicant was asked to submit additional detail in the form of a report demonstrating that both foul and surface waters could be adequately managed within the site. This is not only to address groundwater protection issues and sewage infrastructure capacity but also surface water flooding. The report identifies a culvert that runs beneath the M2 and drains into the site and this additional surface water is taken into account in the suggested drainage solution for the site. The principles of Sustainable Urban Drainage (SUDs) are to be followed. These include: consideration of the groundwater protection zone with 'treatment' of surface water recommended; no use of soakaways for dwellings close to the eastern boundary adjacent to the close landfill site so as to limit the risk of leaching contaminants; attenuation ponds are proposed for the northern and southern ends of the site. In respect of foul drainage, the report confirms:

*"The site foul water drainage connection will be connected to the Southern Water sewer network by a new connection obtained through a S98 [of the Water Industry Act 1991] sewer requisition. At detailed design stage an application will be made to Southern Water for a S98 sewer requisition which will identify a point of connection to the existing sewer network, and any requirements for additional infrastructure or upgrading of the existing Southern Water sewer network. It is recommended that a planning condition is attached to the planning permission to ensure that the S98 sewer requisition is undertaken at the detailed design stage of the project."*

- 9.56 I have suggested a suitably-worded informative, because it is considered that a condition to ensure that this S98 application is not justified.
- 9.57 With regards to air quality, the site is 1.2km to the east of the Ospringe Air Quality Management Area (AQMA) and a proportion of the traffic travelling to and from the development is likely to pass through it. Any additional traffic generated by the proposed development has the potential to add to air pollution within the AQMA and so this impact must be carefully assessed. The test to be applied is whether the development would result in a significant effect on human health as a consequence of increased air pollution. The key contributors to air pollution are nitrogen dioxide (NO<sub>2</sub>) and fine particulates (PM<sub>10</sub>). The standards and Objectives have been prescribed through the Air Quality (England) Regulations (2000), and the Air Quality (England) (Amendment) Regulations 2002. In respect of NO<sub>2</sub> and PM<sub>10</sub>s the Objective is 40µg.m<sup>-3</sup> as an annual mean. If this figure is exceeded, the Objective is not met and this indicates that there could be harm to human health. The applicant has submitted an Air Quality Assessment to consider the impact of the proposed development on air quality within the AQMA and it then goes on to consider the significance of the effect on human health.
- 9.58 The Air Quality Assessment sets out that annual mean NO<sub>2</sub> concentrations were predicted to exceed the relevant air quality Objective at one receptor (21 Ospringe Street) out of twenty-seven. The Assessment shows that the Objective is exceeded at this location (within the AQMA and a street canyon, where elevated pollutant concentrations are anticipated) regardless of whether the development goes ahead or not. Annual mean NO<sub>2</sub> concentrations were below the annual mean air quality Objective at all other receptor locations. Concentrations of PM<sub>10</sub> were predicted to be below the respective annual mean Objectives at all receptor locations. The Assessment also considers the impact on future residents of the development in terms of air pollution but concludes that the site is suitable for residential development use with regard to air quality.
- 9.59 The Assessment concludes that development traffic impacts upon local air quality are not significant based upon:
- A negligible impact on all modelled pollutant concentrations was predicted at all receptor locations with the exception of one (21 Ospringe Street) in the Opening Year (2021) scenario. The moderate adverse impact predicted at that 'receptor' in the (2021) Opening Year Scenario equates to only a 0.20µg.m<sup>-3</sup> increase in NO<sub>2</sub> concentration when rounded to two decimal places. There are exceedances of the air quality objective, both 'without' and 'with' the development in place;
  - The development traffic was not predicted to cause a breach of any of the air quality Objectives at any of the identified sensitive receptor location; and
  - The impact predictions are considered to be conservative, with the assessment taking no account of future improvements to baseline air quality.
- 9.60 The Environmental Protection Team Leader accepts the findings of the report and its conclusions but required the developer to give further consideration to air quality mitigation measures. The developer has agreed to a damage cost of £225,513. This money must be allocated to air quality mitigation measures which would include: use of public transport incentives to promote and encourage the use of public transport facilities, which could include discounted bus ticket prices or free taster tickets for residents of the site; setting up of a walking to school club to promote safe walking journeys to the local schools; and organisation of sustainable transport events, once the development is 75% occupied, to promote the sustainable transport

options available to residents. Given the conclusions of the Air Quality Assessment in respect of there not being a significant impact on air pollution/effect on human health, I consider that these mitigation measures are acceptable. I therefore conclude that there would be no additional significant harm to human health as a consequence of increases in air pollution as a result of the proposed development.

- 9.61 The applicant has confirmed that although the information submitted in respect of traffic flow and highway safety has been updated in response to matters raised by Highways England and KCC Highways and Transportation, the anticipated changes in vehicles movements as a result of the development have not changed from those in the original Transport Assessment. The applicant's air quality consultant has also commented:

*"The Air Quality Assessment traffic flow data has recently been updated following a previous email sent from Emma Eisinger (previous Case Officer on the scheme) in December 2017. This email requested for the traffic flows to be updated to reflect previous comments raised by Highways England and Kent County Council. These comments are outlined below:*

- *Highways England raised comments in relation to the distribution of development traffic at the M2 Junction 7.*
- *Kent County Council raised comments in relation to methodology used to distribute the development traffic.*

*The comments raised by Highways England resulted in the distribution model being updated at the M2 Junction 7 to assign more traffic through the junction and towards Canterbury and Dover. This did not however change the distribution of development traffic along the A2 and A251, as it simply distributed traffic that was already assigned eastbound along the M2 through this junction. This methodology was agreed with Highways England and therefore had no effect on the Air Quality Assessment study area.*

*The comments raised by Kent County Council regarding the distribution methodology were satisfied following completion of a third Technical Note, dated May 2017, by providing further evidence/detail as to why the current distribution model should be valid. This was agreed with Kent County Council and therefore no changes to the distribution model were made.*

*In lieu of the above, the only change to the Air Quality Assessment traffic flows was that they were updated to reflect a future year of 2031, in keeping with the end of Local Plan period. These updated traffic flows were issued to you on 11 December 2017, to be forwarded on to Royal HaskoningDHV for assessment.*

*Further to issuing these updated traffic flows, you subsequently received an email from Alasdair Baxter, of Royal HaskoningDHV, confirming that the original traffic data based on the opening year only, concluded that no further assessment was necessary, and given that the development traffic flows haven't changed, there should be no requirement to update the Air Quality Assessment.*

*Overall, the results of the previous Air Quality Assessments should continue to be valid and no amendments to the assessment should be required."*

- 9.62 In the light of this, I conclude that the previously calculated damage cost calculation remains appropriate.

- 9.63 As noted above (at Paragraph 6.01), a third party has expressed the view that additional light pollution will result from the development. While some additional light pollution is to be expected, given that 250 dwellings are to be built on land previously used for agriculture. Noting the relatively contained location, and the proximity to existing, light-generating land uses, and that the Environmental Protection Team Leader raises no objection to the application, I consider that unacceptable impacts in this regard will not result.

### Infrastructure

- 9.64 The development would introduce up to 250 new households to Faversham. Such an increase in population will undoubtedly have an impact on existing local services and facilities, including education, social services, health care and open space/sports facilities. Having consulted various stakeholders, the applicant has been asked to make various contributions towards local infrastructure. The following obligations and contributions are required for this application. The applicant has - except where specified - agreed to a Section 106 agreement to include the following:

- SAMM (SPA mitigation) - £281 per dwelling;
- Secondary education – further to paragraph 7.17 above, KCC have recently submitted an increased request of £4115 per house and £1029 per flat (the original request being £2359.80 per applicable house and £589.95 per applicable flat) and amounting to £1,028,750 assuming a development of 250 houses;
- Libraries - £230.09 per dwelling;
- Community learning - £60.43 per dwelling;
- Youth services - £55.55 per dwelling;
- Social care - £262.94 per dwelling;
- Bins - £92 per dwelling;
- NHS – £225,000 total
- Off-site highway contribution (M2 junction 7) - £53,200
- Off-site highway contribution (A2/A251 junction) - £87,900
- Discounted residents tickets for bus travel (this will consist of the ‘7-Day Swale Megarider’ ticket for six months to be provided for each dwelling, at a cost of £364 per dwelling);
- Off-site allotment - £40.00 per dwelling
- Off-site formal Sport - £593.00 per dwelling (see comments from Greenspaces Manager attached);
- 3 wheelchair adaptable homes as part of the affordable housing requirement;
- Residential Travel Plan;
- 35% affordable housing with a 90:10 split between affordable rent and shared ownership, with proportionate mix spread across the site; four units of wheelchair adapted accommodation are also sought; the applicant has agreed to the 35% affordable, but discussions in respect of the other points are on-going;
- Section 278 Agreement to require off-site highway works in respect of a pedestrian crossing at the A2, the delivery of a new footpath on the southern side of the A2 to connect the application site to the A251, and a bus shelter and paved waiting area to existing bus stop on A2 (east of the site), and localised carriageway widening to the A251 as shown on drawing F16038/O2 Revision F;
- Provision and landscaping of, and on-going maintenance/management, of land to the south (edged in blue) as accessible, natural open space.
- Local Labour and Apprentiships provisions are required, and the Economy and Community Services Manager advises that “...he anticipates training outcomes, largely within the context of apprenticeship opportunities provided”. He also expects that the use of local labour and suppliers will be optimised; and

- A monitoring and administration fee.
- 9.65 With regard to Primary education - £6,000 per applicable house and £1500 per applicable flat was initially requested. However, as set out at paragraph 7.17 above, the applicant has successfully challenged the justification for this contribution so it will no longer be imposed.
- 9.66 With regard to air quality mitigation measures (see paragraph 9.57 above, which sets out the potential mitigation measures) – as explained above, the sum of £225,513 has been calculated through a damage cost calculation process; Members will note that mitigation to this value (in the form of a set of measures) will need to be secured via a suitably-worded planning condition, rather than a payment of this sum of money being included in the Section 106 agreement.
- 9.67 With regard to the pavement link between the A251 and Abbey School – the applicant has agreed to provide this pavement (for a total length of approximately 500 metres), which would extend up to the existing vehicular access to the school from the access to the development site (see condition (36) below). However, it is possible that the pavement may need to be provided by KCC Highways, rather than by the applicant, and in this eventuality a payment would need to be made by the applicant to cover the cost incurred by KCC. I therefore seek authority to include an appropriate payment in the Section 106 agreement, if appropriate.
- 9.68 Members will note that there is a contribution towards off-site sports facilities as opposed to the provision of on-site sports facilities (as encouraged in the supporting text to Policy AX16). The Greenspaces Manager accepts this arrangement and has identified that the money can be allocated to improvements to existing sports facilities in the town.

### **Other issues**

- 9.69 Policy DM26 of the adopted Local Plan refers to Rural Lanes and seeks to prevent development that would physically, or as a result of traffic levels, significantly harm the character of the rural lane. Development should have particular regard to their landscape, amenity and biodiversity, amongst other issues. Salters Lane is to the east of the application site and is classed as a Rural Lane. The proposed development would not have an access onto Salters Lane, thereby limiting the physical impact on its character. The Landscape and Visual Appraisal considers the character of Salters Lane and suggests that the planting of trees along the boundary of the application site where it abuts the lane should remain limited to ensure that the open aspect is retained. The appropriateness of this approach can be assessed in more detail as part of the reserved matters application. The houses are not shown to be located directly adjacent to Salters Lane. Indeed, the Illustrative Masterplan shows them as being 60m away from Salters Lane, again preserving the open aspect of Salters Lane at this point. From the detail provided at this stage, there is no indication for the need to remove existing vegetation along the boundary with Salters Lane and as such, I do not consider that there would be a negative impact on biodiversity. In terms of traffic levels, given the fact that the two proposed accesses are onto the A2 and A251, most traffic generated by the development would directly affect these roads. Whilst there may be some limited increase in traffic travelling along Salters Lane as a consequence of this development, it is unlikely to be at a level that would detract from its rural character. I therefore consider that the development would have no undue impact on the rural lane.



- 9.70 The application is accompanied by an Economic Impact Assessment. This sets out the economic benefits of the development including the creation of construction jobs, household expenditure and, an increased pool of labour for local businesses. In response, the Economy and Community Services Manager states: “*Broadly speaking the document appears to have used standard data sets, although some of the assertions made are not fully justified within the document.*” The report also mentions the New Homes Bonus but I do not consider this to be a material planning consideration in this case.
- 9.71 Members will have noted, at paragraph 1.08 above, that a High Pressure Gas Pipe crosses the site close to the southern site boundary. The consultation responses from the Health and Safety Executive and Southern Gas Networks, at paragraphs 7.03 and 7.04 above, will also be noted. Condition (23) below will ensure that no dwellings are located within nine metres either side of the pipeline, and that the number of dwellings in the ‘middle’ and ‘outer’ zones are limited in number in accordance with the advice from the relevant consultees.

## 10.0 CONCLUSION

- 10.01 This application is for housing development on land that is allocated for housing within the adopted Local Plan. The principle of this development has therefore already been established. The loss of Best and Most Versatile agricultural land is regrettable but necessary given the housing needs of the Borough. This approach is supported by adopted Local Plan Policy DM31. The only detail to be considered at this outline stage is access. Both Highways England and KCC Highways and Transportation have carefully considered the traffic impact and the details of the access. Despite having to seek additional information and amended plans, the highways issues have been resolved and as set out above, I have concluded that the impact on highway safety and amenity would not be harmful and/or any harm can be adequately mitigated.
- 10.02 The impact on the landscape character and appearance has been carefully considered. The site is contained to the north, east and west to a large extent by existing buildings and sits at a lower level than the A2, Salters Lane and the A251. These existing features greatly reduce the impact on the landscape in my view. Subject to the planting of appropriate tree and hedge screening, I consider that this development would result in no significant harm to the landscape character and appearance of the area. The impact on the AONB has been assessed as being neutral and there would be no harmful impact on the adjacent rural lane (namely Salters Lane), in my view.
- 10.03 The application site lies adjacent to Faversham Conservation Area and is close to the Preston-Next-Faversham Conservation Area. The site also lies within the setting of Orchard Cottage, a grade II listed building. The impact on the setting of these heritage assets has been carefully assessed and I have concluded that the development would preserve these settings. The set back of the housing from the A2 and careful planting along the western boundary responds to the heritage assets positively. The reserved matters application will be able to consider this in more detail with careful attention paid to the scale, height, density and architectural design of the dwellings. In terms of potential archaeological finds, the KCC Archaeological Officer considers that there is more potential for archaeological finds at the site than the submitted Heritage Assessment asserts. However, he is confident that a suitably-worded condition (see condition (13) below) will be sufficient to safeguards this non-designated heritage asset.

- 10.04 I have considered the impact of the development on existing local residents and have not identified any harm or harm that cannot be mitigated by way of restricting hours of construction etc. The impact of noise from existing noise sources i.e. roads, KCC Depot etc. has been considered and I have given the findings of the noise survey and submitted Noise Assessment due weight. Various noise mitigation measures have been suggested within the Assessment and these have been agreed with the Environmental Protection Team Leader. The development as shown on the Illustrative Masterplan does not present an overly dense scheme and I am confident that the reserved matters application will be able to accommodate up to 250 dwellings without resulting in poor relationships between dwellings or inadequate amenity/open space. Moreover, I have suggested a condition (see condition (5) below) to secure the required amount of public open space within the site.
- 10.05 The application is accompanied by, among other documents, an Ecological Assessment and an Arboricultural Assessment, which demonstrates that the impact on ecology and biodiversity would be acceptable, subject to various mitigation measures. The developer has agreed to the payment of the SAMMs contribution (of £281 per dwelling) to go towards SPA mitigation measures. I therefore consider that the impact on the SPA in terms of recreational disturbance would be acceptable.
- 10.06 The applicant has submitted a Minerals Assessment which concludes that it would not be viable to extract brickearth from the site prior to the commencement of the housing development. I agree with this conclusion noting that the development would comply with the Kent Minerals and Waste Local Plan in respect of being exempt from the minerals safeguarding policy owing to its allocation within the adopted Local Plan.
- 10.07 In terms of contaminated land and drainage/flood risk, I am satisfied that the details submitted demonstrate that the land can be developed without presenting an unacceptable risk to groundwaters, human health and surface water flooding. In terms of air quality, I am satisfied that the development would not have a significant impact on existing levels of air pollution within the AQMA and surrounds and would not therefore have a significant effect on human health. Air quality mitigation measures have been proposed by the application and, as set out above, the Environmental Protection Team Leader agrees to the suggested damage cost calculation (see paragraphs 9.54 to 9.59 above).
- 10.08 In terms of infrastructure, the development would make contributions towards secondary education, social services, health and other key local facilities. These are necessary to ensure that the new residents introduced to the area as a consequence of living at the new development would not overburden the existing facilities and/or that the existing facilities have adequate capacity. The developer has committed to providing 35% affordable housing on the site and this would comply with policy DM8 of the adopted Local Plan.
- 10.09 The developer has set out the economic benefits of the development and these are acknowledged.
- 10.10 Having considered the relevant planning policies, comments from consultees and local residents, I am firmly of the view that the proposed development would be acceptable subject to the conditions listed below and a Section 106 agreement to cover matter as set out above (at paragraph 9.61).
- 11.0 RECOMMENDATION – GRANT** Subject to a Section 106 agreement (with the exact wording to be agreed by the Head of Legal Services) and the conditions as set out

below. Authority is also sought to make amendments to conditions and the detail of the Section 106 agreement as may reasonably be required.

CONDITIONS to include

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

Reason: 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.

Reason: 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 five years from the date of the grant of outline planning permission; or 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.

Reason: 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:  
Drawing Number F16038/02 Revision D, F16038/01 F, and 7391-L-04 Revision E (illustrative masterplan) and –L-02 Revision A.

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

5. The details submitted pursuant to condition (1) above shall include an area of at least 3.15 hectares which shall be reserved for public open space. Play spaces shall be provided within this open space and shall be surfaced and equipped with play equipment, in accordance with a schedule agreed by the Local Planning Authority before development is commenced (with the exception of ground preparation works) and shall be provided before the occupation of the 125<sup>th</sup> dwelling or in accordance with a programme that shall have been agreed in writing by the Local Planning Authority before the occupation of the 125<sup>th</sup> dwelling; no permanent development whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: To ensure that the quality and quantity of open space meets the needs of the future residents of the site and existing residents in the surrounding area.

6. Prior to the commencement of development (with the exception of demolition), details in the form of cross-sectional drawings through the site showing proposed site levels and finished floor levels shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details. The buildings hereby approved, the details of which are to be

agreed under condition (1) shall not exceed a height of 8.5m above the agreed finished floor levels.

Reason: In the interests of visual amenities and preserving the character and appearance of the landscape.

7. The details submitted pursuant to condition (1) above shall include details of a pedestrian and cycle path to connect the housing development hereby approved to the land immediately to the west (known as land adjacent Orchard Cottage) in broadly the position shown on the Illustrative Masterplan (drawing number 7391-L-04 revision E) and, in particular, to a path to be provided through that site (to connect ultimately to the Ashford Road). None of the dwellings hereby approved shall be first occupied until details have been agreed to pursuant to this condition, which shall include a programme for the implementation of the path and arrangements for it to be kept available for public use in perpetuity. Thereafter the path shall be open to members of the public as pedestrians only at all times. In the event that it is necessary to close the path to pedestrians to enable works necessary for the resurfacing of the path, no such works shall be undertaken unless notice has first been served on the Local Planning Authority at least 10 days before the proposed closure detailing what works are required to be undertaken and stating the duration of those works.

Reason: In the interests of maximising connectivity between the site and adjacent development sites and in the interests of encouraging sustainable, non-car modes of travel.

8. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority:
- 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
    - 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 the 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 arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons To prevent pollution of controlled waters and risks to human health.

9. Prior to the occupation of any dwelling hereby approved, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to

demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons To prevent pollution of controlled waters and risks to human health.

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

Reasons To prevent pollution of controlled waters and risks to human health.

11. Piling or any other foundation designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

Reasons: Piling can result in risks to groundwater quality.

12. Prior to the commencement of the development, a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- Hours of working and timing of deliveries
- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Routing of construction and delivery vehicles to / from site
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- Provision of wheel washing facilities
- Temporary traffic management / signage
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works

- Details of how the construction will proceed in accordance with the conditions sets out in the consultee response by Southern Gas Networks email dated 25<sup>th</sup> January 2017
- The arrangements for public consultation and liaison during the construction works.

Reason: In the interests of residential amenity, highway safety and amenity.

13. The details submitted pursuant to condition (1) above shall show adequate land reserved for the parking or garaging of cars and such 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 2015 (or any order revoking or re-enacting that Order) or not shall be carried out on such land or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

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

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

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

15. The proposed estate road, 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, car parking and street furniture, as appropriate, shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins and in accordance with a schedule of house completion and an implementation programme for the agreed works, also to be submitted to the Local Planning Authority for approval in writing.

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

16. The details submitted pursuant to condition (1) above shall include details of covered secure cycle parking facilities for each dwelling. The approved cycle parking shall thereafter be provided prior to the occupation of dwellings hereby approved, and retained in perpetuity.

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

17. The details submitted pursuant to condition (1) above shall include details of both hard and soft landscape works have been submitted to and approved in writing by

the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, the retention and reinforcement of vegetation along the western boundary, the provision of structural planting to provide screening for the dwellings within the site, to the southern and eastern boundaries, the provision of a community orchard within the open space, and a footpath connection between the application site and the adjacent land known as Orchard Cottage, and an implementation programme.

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

18. All hard and soft landscape works shall be carried out in accordance with the approved details. The structural planting works to the southern boundary shall be carried out within six months of the commencement of development, the structural planting works to the eastern boundary shall be carried out prior to the occupation of any part of the development and all other hard and soft landscaping works shall be carried out in accordance with the programme agreed in writing with the Local Planning Authority.

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

19. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting, or ten years for the structural planting along the southern and eastern boundaries, shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

20. The details submitted pursuant to condition (1) above shall include details in the form of samples of external finishing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

21. The details submitted pursuant to condition (1) above shall include details which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

Reason: In the interest of promoting energy efficiency and sustainable development, and in pursuance.

22. The details submitted pursuant to condition (1) above shall include measures to minimise the risk of crime via measures, according to the principles and physical

security requirements of Crime Prevention through Environmental Design (CPTED). The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason for the condition: In the interest of Security, Crime Prevention and Community Safety.

23. The details of the layout submitted under condition (1) above shall ensure that there are no dwellings located within nine meters either side of the high pressure gas pipeline that runs through the site. Any dwellings within the middle and outer zones of the high pressure gas pipeline, as identified on the Health and Safety Executive map (12<sup>th</sup> January 2017) shall not exceed more than 30 in number and/or more than 40 dwellings per hectare.

Reason: In the interests of health and safety and the protection of important gas infrastructure.

24. No development shall take place (including any ground works, site clearance) until a method statement for mitigating protected species impacts has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the following:
- a) Purpose and objectives for the proposed works;
  - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives, informed by updated ecological surveys where necessary;
  - c) Extent and location of proposed works shown on appropriate scale maps and plans;
  - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to oversee works;

The works shall be carried out strictly in accordance with the approved details.

Reason: To protect biodiversity.

25. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: For the removal of invasive species in line with schedule 9 of the Wildlife and Countryside Act 1981 (as amended) and the Environment Protection Act 1990.

26. No development shall take place (with the exception of site clearance, excavation and other ground preparation works) until an Ecological Design Strategy (EDS) addressing ecological enhancement of the site has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works.
  - b) Review of site potential and constraints.
  - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
  - d) Extent and location/area of proposed works on appropriate scale maps and plans.
  - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
  - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.



- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long term maintenance.
- i) Details for monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To enhance biodiversity

27. The vehicular accesses to the site as shown on the approved drawings (namely F16038/02 Revision D and F16038/01 F) shall be constructed and completed prior to the commencement of the development hereby permitted.

Reason: To ensure that a satisfactory means of access is provided for the site.

28. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed via infiltration measures located within the curtilage of the site. The detailed drainage scheme shall take into account all flows that may be received from areas outside of the application boundary and provide appropriate mitigation measures to safeguard the development against flooding from these off-site sources.

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources.

29. No dwelling hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) a timetable for its implementation, and
  - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources.

30. Development shall not begin until a hydrogeological risk assessment is submitted to and approved in writing by Local Planning Authority that demonstrates there is no resultant unacceptable risk to controlled waters and/or ground stability as a result of infiltration of surface water from the development. The details shall only then be implemented in accordance with the approved details.

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources.

31. Prior to commencement of development hereby approved (with the exception of site clearance and groundworks) a detailed Noise Assessment based on the layout of the dwellings to be submitted at the reserved matters stage and the Noise Assessment submitted at the outline stage (December 2016 ref: I&BPB5540R002F02), shall be submitted to the Local Planning Authority for approval in writing. The detailed Noise Assessment shall specify noise mitigation measures that shall be put in place to ensure that the predicted noise impacts as set out in the Noise Assessment (December 2016) are not exceeded. The development shall then be implemented in strict accordance with the requirements of the detailed Noise Assessment.

Reason: To safeguard the residential amenities of the future occupants of the dwellings hereby approved.

32. Prior to first occupation of each of the dwellings hereby approved, the following works between a dwelling and the adopted highway shall have been completed:
- (a) Footways and/or footpaths, with the exception of the wearing course;
  - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interests of highway safety and amenity.

33. The visibility splays for the accesses hereby approved as shown on the submitted plans (namely drawing number F16038/02 Revision D and drawing number F16038/01 F) shall be provided prior to the first use access and shall thereafter be maintained with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.

Reason: In the interests of highway safety and amenity.

34. The landscaping details to be submitted in accordance with condition (1) above shall include:
- (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site to be retained and indicating the crown spread of each tree.
  - (b) details of the size, species, diameter, approximate height and an assessment of the general state of health and stability of each retained tree.
  - (c) details of any proposed arboricultural works to any retained tree, which shall be carried out in accordance with British Standard 3998 (tree work).
  - (d) details of any alterations in ground levels and of the position of any excavation or other engineering works within the crown spread of any retained tree.
  - (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development

In this condition “retained tree” means any existing tree which is to be retained in accordance with the drawing referred to in (a) above.

Reason: In the interests of protecting existing trees which are worthy of retention in the interests of the amenities of the area, ecology and biodiversity.

35. Prior to the commencement of the development hereby approved (other than demolition, ground remediation and site levelling works), a detailed strategy for achieving the required damage cost calculation of £225,513 over a five year period to offset development-generated transport emissions on local air quality as set out in the Air Quality Assessment (Royal HaskoningDHV, December 2016, ref. PB5540/I&B/R001D01) and Air Quality Emission Damage Cost Calculation and Suggested Mitigation for Preston Fields, Faversham (Royal HaskoningDHV, 21 February 2017, ref. PB5540/I&B/N001/F01) shall be submitted to and agreed with the Local Planning Authority. The approved infrastructure shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of mitigation potential adverse impact on air quality in the Ospringe Air Quality Management Area.

36. Prior to commencement of development a scheme detailing the location and implementation of a footway link to the south of the A2 between the A251 Ashford Road and the Abbey School shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the approved details

Reason: in the interests of highway safety and of encouraging sustainable, non-car modes of travel.

37. The details submitted to pursuant to condition (1) above shall include measures to prevent the discharge of surface water on to the public highway. The agreed measures shall then be retained in perpetuity.

Reason: in the interests of highway safety.

## INFORMATIVES

1. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) in order to progress the required infrastructure.
2. Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk)
3. The following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:
  - Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water

- should drain directly to the system entering after any pollution prevention methods.
- No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
  - There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.
  - A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
  - Where infiltration SuDS are proposed for anything other than clean roof drainage in a Source Protection Zone 1, a hydrogeological risk assessment should be undertaken, to ensure that the system does not pose an unacceptable risk to the source of supply.
4. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:  Duty of Care Regulations 1991  Hazardous Waste (England and Wales) Regulations 2005  Environmental Permitting (England and Wales) Regulations 2010  The Waste (England and Wales) Regulations 2011 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.
5. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
6. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
7. The development shall be carried out in accordance with the information provided by SGN in their consultation response of 25 January 2017, including the requirement that any works within three metres of the high pressure gas pipeline should be hand-

dug. Notwithstanding the submitted information, the precise position of the pipeline should be established on-site before further works are carried out.

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 applicant/agent was advised of minor changes required to the application and these were agreed.

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

Case Officer: Jim Wilson

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: HABITATS REGULATIONS ASSESSMENT**

### **Context**

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

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

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

- Bird Disturbance Study, North Kent 2010/11 (Footprint Ecology).
- What do we know about the birds and habitats of the North Kent Marshes? (Natural England

Commissioned Report 2011).

- North Kent Visitor Survey Results (Footprint Ecology 2011).
- Estuary Users Survey (Medway Swale Estuary Partnerships, 2011).
- North Kent Comparative Recreation Study (Footprint Ecology 2012).
- Recent Wetland Bird Surveys results produced by the British Trust for Ornithology.
- Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy (Footprint Ecology 2014).

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

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

Natural England's advice to the affected local authorities is that it is likely that a significant effect will occur on the SPAs/Ramsar sites from recreational pressure arising from new housing proposals in the North Kent coastal area.

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

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

### **Associated information**

The applicant's ecological assessment dated December 2016 contains information to assist this HRA. Importantly, it clarifies that the applicant is willing to commit to contributions towards the strategic mitigation noted above.

Natural England's email to SBC dated 17<sup>th</sup> January 2017 has also been considered; in particular that they have raised no objections subject to contributions towards strategic mitigation.

**The Assessment of Preston Fields, London Road, Faversham**

The application site is located 1.6km to the south of the Swale SPA. Therefore, there is a medium possibility that future residents of the site will access footpaths and land within these European designated areas.

Measures are to be taken to reduce the impact on the SPA and these would be built into the development in respect of the provision of public open space.

This assessment has taken into account the availability of other public footpaths close to the site and to a lesser extent, the open space proposed within the site. Whilst these would no doubt supplement many day-to-day recreational activities, there would be some leakage to the SPA. However, the commitment of the applicant to contribute £281 per dwelling to address SPA recreational disturbance towards through strategic mitigation in line with recommendations of the Thames Medway and Swale Estuaries SAMM as detailed above, will off-set some of the impacts. This mitigation will include strategies for the management of disturbance within public authorised parts of the SPA as well as to prevent public access to privately owned parts of the SPA.

**Conclusions**

Taking the above into account, the proposals would not give rise to significant effects on the SPA. At this stage it can therefore be concluded that the proposals can be screened out for purposes of Appropriate Assessment.

