

PLANNING COMMITTEE – 6 DECEMBER 2018**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

DEF ITEM 1 REFERENCE NO - 16/508709/FULL			
APPLICATION PROPOSAL Erection of 10no. dwellings with associated parking and landscaping as amended by drawings and information received on 13 th September 2018.			
ADDRESS Former Oil Depot, Abbey Wharf, Standard Quay, Faversham, Kent ME13 7BS			
RECOMMENDATION Grant subject to conditions and to the issue of SAMMS payments being resolved.			
SUMMARY OF REASONS FOR RECOMMENDATION Proposal is in accordance with national and local planning policy.			
REASON FOR REFERRAL TO COMMITTEE Deferred from Planning Committee on 24 th May 2018			
WARD Abbey	PARISH/TOWN Faversham Town	COUNCIL	APPLICANT NOVA Kent Limited AGENT Angus Brown Architects
DECISION DUE DATE 10/05/17	PUBLICITY EXPIRY DATE 21/03/18	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/505907	Works to reinstate dilapidated quay wall	APP	Oct 2017

INTRODUCTION

- 1.01 This matter was debated at the 24 May 2018 Planning Committee meeting at which an objector and the applicant's agent spoke. The original committee report is attached as an appendix and the recorded minutes of the debate are as follows;

"The Major Projects Officer drew Members' attention to the tabled update. He reported that two further representations had been received, both objecting to the application. The points raised were generally the same as noted in the report. The Major Projects Officer referred to condition (14) in the report and requested delegated authority to amend the wording so that the condition went as far as it reasonably could to facilitate the walkway, and its future incorporation into a Creekside public right of way.

The Development Planner (KCC Highways and Transportation) explained that the scheme had been established in principle in the Faversham Neighbourhood Plan and that vehicle movements would not be significant.

The Conservation Officer referred to his comments in the report and explained that in terms of the impact of the scheme, especially the four-storey element, that the site was derelict at the moment, there were similar scale developments nearby, and he considered the design would uplift the area. He did have some concern with the landscaping at the base of the buildings, along with the detailing of the balconies but advised that there were conditions related to this to ensure suitable details were achieved.

The Chairman moved the officer recommendation to approve the application and this was seconded by the Vice-Chairman.

Members raised points which included: concerned with the four-storey element of the development; the cantilever aspect of the walkway was a concern, and whether the walkway would match other nearby walkways; the design needed to link up the walkways in the area; concerned to delegate to officers in relation to the walkway; this development did not meet the requirements for the Faversham Neighbourhood Plan or for development in the Conservation Area; happy with the principle of housing, but needed to defer the application as there were many issues to resolve; the footpath did not go anywhere as there was no public right of way at the end of it, and the only other access was a 1.5metre wide footpath, which was not wide enough; landscaping needed to be looked at again; the Faversham Neighbourhood Plan stated that three storeys was appropriate at this location, this was four-storey; this was over-development; the balconies needed to be looked at again; there was no affordable housing on the development; the design needed to be improved; needed 2/3 bedroom properties; and the block nature of the development needed to be broken up.

Councillor Mike Henderson moved a motion to defer the application to refer it back to officers to resolve the issues that had been raised and bring it back to the Planning Committee to debate something more acceptable. This was seconded by Councillor Andy Booth.

Members raised further comments which included: there were a lot of 'grey' areas on this application; and needed to follow the process of what was in the Faversham Neighbourhood Plan.

A Ward Member welcomed development on the site, but raised concern with the height and, in particular, the four storey nature of the scheme.

The Major Projects Officer outlined the issues that Members had set out which included: storey heights; house sizes; to include a variety of sections of heights and sizes, and to clarify details of the walkway, the balconies and soft landscaping.

Members agreed that officers meet with the Ward Members, the opposite side to the creek Ward Member, and the Chairman of the Neighbourhood Plan (this is a mistake and should read as Chairman of the Planning Committee).

Resolved: That application 16/508709/FULL be deferred to allow officers to meet with Ward Members and the Chairman of the Neighbourhood Plan (this is a mistake and should read as Chairman of the Planning Committee) to look again at the storey heights; house sizes; and to include a variety of sections of heights and sizes, and to clarify the details of the walkway, soft landscaping and the balcony design."

- 1.02 This report addresses the issues raised by Members at the 24th May meeting and sets out the argument for approval of the application concisely, and with revised details and additional background information for Members' benefit.

Officers met with the applicant and their agent to discuss Members concerns and following that meeting amended drawings and additional information were supplied by the applicants. Additionally as per the terms of the resolution, Officers arranged to meet Members to discuss the amended drawings and additional information supplied. A meeting was arranged and a ward member attended and was shown the submission.

- 1.03 The amendments have been summarised by the applicants in their Supplementary Planning Statement:

1. *“ Further details have been provided of the proposed balcony railings.*
2. *Further details are provided of the proposed hard and soft landscaping strategy and principles - further details will be required by conditions imposed on a planning permission.*
3. *The Creek Edge will be solid and support the Creekside Walkway.*
 - *The walkway will not be cantilevered:*
 - *The Creek edge to the northern part of the site will be as per the works granted planning permission in 2017; under reference 16/505907/FULL*
 - *The Creek edge to the southern part of the site will be timber faced as shown on the GES drawings;*
 - *The revised drawings show the level of the Creekside Walkway in comparison to the adjoining Provender Walk and the Coach Depot site.*
 - *The Creekside Walkway will be at the same level as levels at Provender Walk enabling level access between Provender Walk and the Abbey Wharf site, if connection can be achieved.*
There is a slight change in levels between the Abbey Wharf site and the Coach Depot site. The Creekside Walkway to be provided as part of the Abbey Wharf redevelopment will be slightly ramped to accommodate this change in levels.
 - *The redevelopment proposals accord with Policy OD2 of the Faversham Creek Neighbourhood Plan by providing a walkway along the frontage with access through the site and with access to sites either side.*
4. *Six moorings are proposed along the Creek Edge in accordance with Policy OD3 of FCNP. It is not a requirement of FCNP that these are to be 'public' moorings.*
5. *The redevelopment scheme is considered by Kent Highways to be acceptable in terms of traffic generation , access route and car parking provisions.*
6. *We have reviewed the mass, materials and elevational treatment of the development.*
 - *A major change is the redesign of the roof line running across the two blocks of townhouses which reduces the overall bulk and mass of the buildings, leaving the gable ended roofs as the prominent feature.*
 - *All but two of the houses will have a maximum ridge height only 0.5m above the adjoining existing development at Provender Walk.*
 - *We have changed the alignment and design of the Creek Front Elevations by*

projecting the central 2 No. houses in each block forward to break up the mass of the buildings fronting the Creek.

- *More variety is proposed in the materials with brickwork proposed for 6 No. of the new townhouses with the central pair in each block being faced with white painted weatherboarding.*

7. *There is no policy limitation on form, mass or storey height in the Oil Depot site specific policies of the FCNP*

- *The reference to “three storeys in height” is only a “suggestion” within the plan.*
- *Paragraph 3.30 of the plan places detailed debate over design into the planning application process – the Neighbourhood Plan sets out points of principle and policy without being too prescriptive.*
- *Paragraph 5.41 of FCNP acknowledges that residential developments may need to be 3/4 storeys for flood risk reasons.*

We would submit that the design consideration is not the number of “storeys” but the bulk, mass and thus height of the buildings proposed and in relation to neighbouring properties.

This application scheme proposes three storey buildings with the upper rooms clearly in the roof space. The buildings as proposed are of a similar height to other developments at Faversham Creek.

We would therefore maintain our view that the proposed development is appropriate in terms of height and mass to the site context and existing development and that the development is in accordance with National and Local Planning Policies, including the Faversham Creek Neighbourhood Plan.

We consider that the matters raised by the Planning Committee and recorded in the Committee Minutes have been addressed in the revised and additional plans and this Supplementary Statement.”

2.0 MATTERS RAISED BY MEMBERS

- 2.01 Following concerns raised regarding the four-storey design of the development and the requirements within the Neighbourhood Plan, Members will note the amendments made to the scheme. The most noticeable being the re-design of the roofline which results in the main roof ridge line reduced from 15.798m AOD to 13.150m - a reduction of 2.5m this also reduces the bulk substantially and leaves the gabled ends as the prominent feature, in line with the character of the nearby Provender Walk.
- 2.02 Additionally, there has been a reduction in the maximum ridge height of the buildings this being the height of the apex of the gabled roofs in front of the Creek, from 15.798m AOD to 15.471m AOD - (all units except Plots 7 and 8)
- 2.03 It remains the case that the proposed new blocks relate well to the existing surrounding development, and it is proposed that they would make use of appropriate facing and roofing materials, in line with other Design Quality policies in the FCNP and I consider them to be an acceptable design solution in the context of this site.

- 2.04 I note the points made by the applicant's agent in response to concerns by some Planning Committee Members about the number of storeys contained within the relevant units, and particularly from a conservation & design perspective, the argument to support this form of development given the specific flood zone context is stronger than it was with the previous version of the scheme. I consider that the overall height and bulk is the more important design consideration, of which both have been reduced, than the number of storeys to be provided, although the latter will clearly influence the scope of the former and set some key parameters.
- 2.05 Within Policy DQ1 of the adopted Faversham Creek Neighbourhood Plan, there is no actual maximum height for buildings specified and as such does leave some room for a flexible approach in relation to this policy. The FCNP furthermore provides some scope, given the flood issues here by stating that:
- "ground floor residential use is prohibited" and that "to be viable, residential developments may need to be three [or] four-storeys..."*
- 2.06 I consider that given the reduction in height and the re-design of the roof the buildings will appear as three storey buildings with a room in the roof and their comparable height with the buildings nearby will therefore make the scheme an acceptable proposal.
- 2.07 Whilst Members' view was a preference for 2/3 bedroom properties that is not what is being proposed here and given the context of the site and the surrounding buildings the design and size of the proposed houses is appropriate for the reasons given above. An increased density were the number of units within this site to be increased however would produce new consequences to consider, particularly in relation to additional vehicle parking and movements.
- 2.08 Whilst Members noted there was no affordable housing offered on this site I can confirm that the requirement to provide affordable housing does only apply on schemes in excess of 10 dwellings and thus this site does not meet the legal or Local Plan criteria to provide any.
- 2.09 Members asked for clarification of the details of the walkway, in particular the cantilever aspect of the walkway which was a concern, and whether the walkway would match other nearby walkways and to see how this site would link up the walkways in the area. As such drawing no 2491/PL/28 Rev A and the GES drawing of the vertical shore side walls along with the previously approved details of application 16/505907/FULL clearly show the construction of the walkways and further clarification has been provided to confirm that it will not be cantilevered.
- 2.10 In addition drawing 2491/PL/20 Rev F shows the relevant amended site layout details, whilst the accompanying Supplementary Planning Statement clearly states the walkway within this application site will be prepared to be enabled to link to the adjoining former Coach depot site to the east. Also it would be possible for it to be linked to the site to the west should the Coastal Path be approved through Provender Walk.
- 2.11 Whilst it does currently appear, as Members suggest, that the walkway along the Creek within the site does not go anywhere, this is the interim position given the situation on the adjoining sites but its provision is in line with the FCNP. The public footpath ZF39 however remains to the south of the site which will provide a route through the site which is acceptable.

- 2.12 Further details and clarification regarding the proposed soft and hard landscaping at the rear, Creekside garden areas has been provided in drawing 2491/PL/20 Rev F landscaping and these details are now acceptable. To retain them as such a planning condition has been included that removes the permitted development rights for these garden areas given the open fronted nature to ensure the design and appearance is not compromised.
- 2.13 Finally, I welcome the proposal to replace the feature tree on the quayside walk area with a more appropriate maritime-based focal point, and the efforts of the planning agent to clarify the position with regard to the matter of quayside treatment and moorings.
- 2.14 The balcony design is now acceptable, subject to them having a traditional metal paint finish, although it is a little disappointing that the applicant was not seemingly willing to offer a bespoke design for these, as previously suggested.

3.0 BACKGROUND PAPERS AND PLANS

Application papers for application 16/508709/FULL
Application papers for application 16/505907/FULL

4.0 APPRAISAL

- 4.01 National Policy states that sustainable development should be approved when it is in accordance with the development plan, unless there are adverse impacts that outweigh any benefits, or are restricted by the NPPF. As set out in the Faversham Creek Neighbourhood Plan this site is designated for residential development and adopted into Swale Borough Councils Local Plan, Bearing Fruits 2031. Significant weight should therefore be given to the acceptability of the proposal in policy terms. The proposed development would be in line with the aims of the housing policies and would help the Council towards meeting a five year supply of housing.
- 4.02 I consider that the amendments made to the application will result in no significant impact to the visual and residential amenities of neighbouring properties, nor to the surrounding developments as a result of this scheme.
- 4.03 I further consider that the two blocks will relate well to the existing built environment and enhance the character and appearance of the Faversham Conservation Area at the location in question.
- 4.04 I am aware of Members concerns and I do consider that the amendments made to scheme, most notably the reduction in the height and bulk of the roof but also in the revised landscaping arrangement and detail and the clarification of the walkway design and detail has addressed these concerns.
- 4.05 *Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.*
- 4.06 This Appropriate Assessment (AA) has been undertaken without information provided by the applicant.
- 4.07 The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

- 4.08 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.
- 4.09 The proposal therefore has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.
- 4.10 In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites.
- 4.11 The recent (April 2018) judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, *"it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."* The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.
- 4.12 However, the proposed development is of a small scale and, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to the conditions set out within the report.
- 4.13 Notwithstanding the above, NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG), and that such strategic mitigation must be in place before the dwellings are occupied.
- 4.14 Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.
- 4.15 Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.
- 4.16 In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured by either s106 agreement or unilateral undertaking on all qualifying developments) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

- 4.17 It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others (<https://birdwise.org.uk/>).
- 4.18 I acknowledge that the mitigation will not be in place prior to occupation of the dwelling proposed but in the longer term the mitigation will be secured at an appropriate level, and in perpetuity.
- 4.19 Since this application will result in a net increase in residential accommodation impacts to the SPA and Ramsar sites which may result from increased recreational disturbance. Due to the scale of the development there is no scope to provide on site mitigation and therefore off site mitigation is required by means of developer contributions at the rate of £239.61 per dwelling. The precise means of securing the payment has not yet been set, and my Officers remain in discussion with the Head of Legal Services regarding the matter. I will update Members at the Meeting.
- 4.20 In conclusion, I consider that the scheme as amended is acceptable and I therefore recommend that planning permission be granted subject to the appropriate conditions below.

5.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

- (2) The development hereby approved shall be carried out in accordance with the following approved drawings: 2491/PL/20 Rev F, 2491/PL/21 Rev F, 2491/PL/22 Rev E, 2491/PL/23 Rev E, 2491/PL/24 Rev F, 2491/PL/25 Rev C, 2491/PL/26 Rev E, 2491/PL/27 Rev G, 2491/PL/28 Rev A, 2491/PL/29, 2491/PL/30 Rev A, 2491/PL/31, 2491/PL/MP1, 2491/PL/MP02

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

- (3) No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

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

- (4) No development beyond the construction of foundations shall take place until details of the proposed means of foul and surface water drainage have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In order to prevent pollution of water supplies

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

Reason: To prevent pollution of controlled waters

- (6) No development beyond the construction of foundations shall take place until samples of all facing and roofing materials including the specific rainwater goods to be used – including the hopper design to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity, and the character and appearance of the Conservation Area.

- (7) No development beyond the construction of foundations shall take place until a sample board of all hard-surfacing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity, and the character and appearance of the Conservation Area.

- (8) No development beyond the construction of foundations shall take place until, notwithstanding the notation shown on the approved proposed site block plan and proposed site and ground floor plan (2491/PL/20 Rev F, 2491/PL/21 Rev F), 1:5 part elevational detail of each of the different boundary treatments to be used, including for the variable height brick wall design to serve as the boundary treatment along party boundaries between properties within the garden areas to be submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity, and the character and appearance of the Conservation Area.

- (9) No development beyond the construction of foundations shall take place until details of the colour finishes for all external joinery (including weatherboarding) to be submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details and houses to remain in the approved colours thereafter unless otherwise expressly permitted by the Local Planning Authority.

Reason: In the interest of visual amenity, and the character and appearance of the Conservation Area.

- (10) No development beyond the construction of foundations shall take place until the 1:10 elevation detail and 1:1 or 1:2 part vertical and part plan section of each window and door type to be used in the scheme to be submitted to and agreed in writing by the Local Authority. Furthermore, all windows to be used to use hidden trickle vent design.

Reason: In the interest of visual amenity, and the character and appearance of the Conservation Area.

- (11) No development beyond the construction of foundations shall take place until, notwithstanding the details shown on the approved elevational drawings, 1:10 elevational detail and 1:1 or 1:2 section of the following construction elements to be submitted to and approved in writing by the Local Planning Authority, and works shall then be implemented in accordance with the approved details:

- a. Eaves detail
- b. Verge detail
- c. Balcony detail (to show handrail, railing design and supporting base)
- d. Painted timber roof feature

Reason: In the interest of visual amenity, and the character and appearance of the Conservation Area.

- (12) No development beyond the construction of foundations shall take place until full details of soft landscape works and boundary treatment 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, and a detailed planting scheme for raised planter and an implementation programme.

Reasons: In the interests of the visual amenities of the area and the character and appearance of the Conservation Area.

- (13) No development beyond the construction of foundations shall take place until full details including the locations of the Creekside furniture, lampposts and moorings have been submitted to and approved in writing by the Local Planning Authority, and the works shall be implemented in accordance with the approved details and shall not be altered in perpetuity.

Reason: In the interests of the amenities of the locality, and the character and appearance of the Conservation Area.

Construction

- (14) 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 comply with the NPPF.

- (15) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (16) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

- (17) All external windows and doors to scheme to be constructed of sustainably sourced hardwood and retained/maintained as such thereafter.

Reason: In the interests of the visual amenities of the area

- (18) All rainwater goods to be used as part of the development hereby permitted shall be of cast iron.

Reason: In order to preserve the character and appearance of the Conservation Area.

Post Construction

- (19) Upon completion, no further development, whether permitted by Classes A, B, C, D, E, or F of Part 1 or Class A and C of Part 2 or Class A of Part 14 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out without the prior permission in writing of the Local Planning Authority.

Reason: In the interests of the amenities of the Conservation Area

- (20) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved

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

Reason: To prevent pollution of controlled waters and comply with the NPPF.

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

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

- (22) The car ports hereby approved shall be kept available for the parking of vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land or in such a position as to preclude vehicular access thereto.

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

- (23) The areas shown on the submitted plans 2491/PL/20 Rev F, and 2491/PL/21 Rev F, as visitor/shared parking parking/driveway and private access drive shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwellings hereby permitted.

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

- (24) The areas shown on the submitted plans 2491/PL/20 Rev F, and 2491/PL/21 Rev F, as vertical cycle store shall kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude access thereto; such land and access thereto shall be provided prior to the occupation of the dwellings hereby permitted.

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

- (25) The areas shown on the submitted plans 2491/PL/20 Rev F, and 2491/PL/21 Rev F, as vehicle loading/unloading and turning facilities and through routes shall kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land

so shown or in such a position as to preclude access thereto; such land and access thereto shall be provided prior to the occupation of the dwellings hereby permitted.

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

- (26) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

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 changes required to the application and these were agreed.

The applicant/agent was provided formal pre-application advice.

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

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



APPENDIX 1**REPORT SUMMARY**

REFERENCE NO - 16/508709/FULL			
APPLICATION PROPOSAL Erection of 10 no. dwellings with associated parking and landscaping as amended by drawings received on 7 th August 2017 and 12 th December and 13 th December 2017			
ADDRESS Former Oil Depot Abbey Wharf Standard Quay Faversham Kent ME13 7BS			
RECOMMENDATION Grant subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION Proposal is in accordance with national and local planning policy			
REASON FOR REFERRAL TO COMMITTEE Local third party objections (see Paragraphs 5.01 to 5.03)			
WARD Abbey	PARISH/TOWN Faversham Town	COUNCIL	APPLICANT NOVA Kent Limited AGENT Angus Brown Architects
DECISION DUE DATE 10/05/17	PUBLICITY EXPIRY DATE 08/09/17	OFFICER SITE VISIT DATE numerous	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/505907	Works to reinstate dilapidated quay wall	APP	Oct 2017

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.01 The site – which measures 0.21 hectares - is located adjacent to Faversham Creek in the centre of the town and was formerly the site of an oil depot, and it is currently vacant.
- 1.02 To the west of the site are relatively modern 3 storey “Creekside” style residential properties on Belvedere Road whilst to the south are also residential properties some modern and some more historic. To the north-east, is the site of a former coach depot and is currently used as a hand car wash facility.
- 1.03 Vehicular access to the site is via Abbey Road whilst vehicular access is currently not available from Belvedere Road to the west.
- 1.04 Public Footpath No. ZF39 runs along the south-eastern edge of Belvedere Road, and provides a connection to Abbey Road. The application site lies within Faversham Conservation Area. The site is designated within Flood Zone 3A(i) where ground floor residential use is normally prohibited on flood risk grounds.

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- 1.05 The site is located within Faversham Conservation Area, where particular regard is to be had to preserving and enhancing the special character of the area.

2.0 PROPOSAL

- 2.01 The application is for the demolition of the existing gantry, office and building on the site and the construction of 10, 3.5-storey dwellings, arranged in a terraced block of 4 dwellings (which would have a floor area of 21.6 metres in length by 11.6 metres in depth) and a terraced block of 6 dwellings (which would have a floor area of 32.6 metres in length by 11.6 metres in depth). Each block has an eaves height of 8m and the main ridge height is 12m. The projecting gabled bay on the Creekside (north) elevation of Block 2, however, does project above the ridge by an additional metre.
- 2.02 Each property is arranged over four floors including the use of the roof space for bedrooms; bedrooms and bathrooms would also be located on the second floor. The main living areas are to be provided on the first floor, with a balcony to the rear overlooking Faversham Creek. The ground floor provides the entrance to the house, a car port and bin store, and a rear garden room/store, cloakroom and utility room.
- 2.03 The ground floor is to be clad in facing brickwork and the remainder of the blocks to be clad in horizontal feather edged boarding, all fenestration and door sets are to be provided in timber. The roof is to be slate with terracotta half-round ridge tiles and all rainwater goods to be cast iron, the balconies are to be made of metalwork.
- 2.04 Private amenity space is provided to the rear of the properties adjacent to Faversham Creek in the form of a courtyard garden with access onto the Creekside walkway.
- 2.05 A Creekside walkway is to be provided along the front of the site with public access and seating provided and post and rail fencing immediately adjacent to the Creek. The walkway is able to be provided following planning permission being granted in October 2017 under reference 16/505907/FUL for: *Works to reinstate dilapidated quay and form Creekside Footway, as amended by drawing 387/11.15.1 Rev D received on 18th July 2017 and drawing 387/11.15.2 Rev A received on 27th July 2017.* Which assured the structural stability of the quay wall to enable to walkway to be provided. It is intended that the walkway would form part of the England Coastal Path in due course.
- 2.06 Vehicular access to the properties will be provided via a resurfaced, new private access drive providing access from Belvedere Road with additional off street parking provided to the front of each dwelling next to private green space. Trade and refuse lorries and emergency vehicles and will be able to access the site from Abbey Street/Standard Square via electronically operated bollards placed at the Abbey Road end.
- 2.07 The density of development is 46 dwellings per hectare.
- 2.08 There has been on-going dialogue with officers and as such a number of design amendments have been submitted throughout the process.

3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance
Conservation Area Faversham

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Environment Agency Flood Zone 2
 Environment Agency Flood Zone 3 139698
 Environment Agency Flood Zone 3A (i) 135664

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF): paras 7 (three dimensions of sustainable development), 8, 11 (presumption in favour of sustainable development), 12, 14, 17 (core planning principles), 19 (economy), 32 (sustainable transport), 34, 47 (delivering a wide choice of high quality homes), 49, 50, 56, 58 (good design), 69, 75 (healthy communities), 100, 103 (flooding) 118, 119, 120, 121, 123, 125, 129, 131, 132, 133 (heritage assets), 159 (housing), 162 (infrastructure), 185 (neighbourhood plans), 186 (decision taking), 187, 196 (determining applications); 197, (determining applications).

“Bearing Fruits 2031” Swale Borough Local Plan 2017– ST1 (sustainable development), ST2 (targets for homes and jobs), ST3 (settlement strategy), ST4 (meeting local plan development targets), ST7 (Faversham and Kent Downs strategy), CP2 sustainable transport), CP3 (high quality homes), CP4 (good design), CP5 (health and wellbeing), CP8 (conserving and enhancing the historic environment), DM2 (main town centre uses), DM6 (managing transport demand and impact), DM7 (vehicle parking), DM14 (general development criteria), DM21 (water, flooding and drainage), DM28 (biodiversity and geological conservation), DM33 (Conservation Areas) IMP1 (implementation and delivery plan).

Supplementary Planning Documents: Conservation Areas

Faversham Creek Neighbourhood Plan (NP) provides **16 Objectives by which** to assess development proposals in the Neighbourhood Plan area.

For this site particular regard is to be paid to the following:

Objective 2 – manage the threat of flood by safeguarding functional flood plain and ensuring that such measures necessary to protect the area are undertaken.

Objective 10 – enable development potential to be realised by addressing capacity issues on the local sewerage and surface water network.

Objective 11 – provide a range of housing types and tenures as part of mixed use environments, to support delivery of area wide objectives and to re-develop sites no longer suitable for other purposes.

Objective 13 – create living and working environments that respond to the Creek’s rich and outstanding maritime heritage, the demands for high performing standards of sustainable development, while supporting existing businesses and their aspirations.

Objective 14 – maintain and enhance the surrounding townscape setting of the Creek, its roofscape and higher ground, allotments, waterways, landmark buildings and urban marsh land areas.

Objective 15 – open up pedestrian/cycle/visual connections to adjacent marshland landscapes by creating a Creek edge route.

Policies within the Plan cover, the Historic Environment and Heritage Assets, Design Quality, Community, Leisure and Recreation, amongst other things.

The application site is identified as Site 6 - Former Oil Depot - with the Former Coach Depot adjoining to the north, identified as Site 75B.18 Paragraph 4.16 comments:

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"Sites further north (Sites 6 and 7) should form an appropriate transition between the more recent developments along Belvedere Road and the looser historical cluster at Standard Quay."

The Neighbourhood Plan advises, under the heading of SITE 06 FORMER OIL DEPOT:

Suggested Redevelopments, Designs and Land Uses:

- suitable development forms include the residential development of up to 3 storeys in height, set back from the waterfront arranged in terraces to form a small courtyard.*
- New development should be constructed in traditional materials including some weatherboarding and stock brickwork with tile roofs.*
- landscaping and car parking on the site must be of good quality to improve the built environment of the area.*
- a public walkway linking the site to the Coach Depot and to Provender Walk is required as part of a continuous Creekside Path.*
- Moorings to the frontage should be provided to add visual interest and add to the number available for residents and visitors."*

It continues: *" the policies for this site set a general design and planning principles to which the development must respond in order to be successful. However the Neighbourhood Plan places responsibility firmly upon any applicant to demonstrate the appropriateness and suitability of their proposed designs and uses through the formal planning application process. This demonstration must be made with regard to the range of policies in this neighbourhood plan, not just the site specific ones."*

The **former Oil Depot Site/Abbey Wharf Specific Policies** are as follows:

- OD1** – Use classes; the site should be developed for residential purposes (Class C3).
- OD2** – a walkway shall be provided along the frontage, with access through the site and to sites with regard to the Faversham Creek Streetscape Strategy. For access onto Provender Walk, this would require negotiation with the management company.
- OD3** – moorings shall be provided to the Creek frontage and inlet suitable for a variety of vessels of different sizes.

5.0 LOCAL REPRESENTATIONS

5.01 Responses from local residents a summary of their responses is as follows:

- Nice design and will enhance the area but 4 height levels is too high and would restrict views
- Happier if the height was limited to a 3 level height for these dwellings.
- All the developments on the creek including Faversham Reach are 2 and 3 storeys high
- The planned four storey properties would overshadow nearby properties
- Proposal shows two large blocks of four storeys, which are too high and too close to the waterfront.
- The proposal shows a uniform height which compares poorly to the Belvedere waterfront properties further up the Creek opposite Crab Island - it is much more interesting to have different levels

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- Generally the proposed building conforms with the emerging Neighbourhood Plan, but to fulfil all the objectives of the plan the proposed promenade or footpath needs to be clarified and complete details included in the application
- The proposals appear to be an over-development of the site
- The number of dwellings on the site appears to be too high.
- What consideration has been given to make the site safe before building commences considering its former use as an oil depot
- The application does not include areas for children to play
- The frontages are all similar and out of keeping with the more attractive Provender Wharf properties adjoining them.
- At least two designs on the frontages would break-up the ugly block effect of these 10 dwellings
- Added to the existing adjacent block on Belvedere, it ignores the Creek which it treats as a street, and combined with the development on the opposite bank, it extends the mediocre 'could be anywhere' architecture and therefore perpetuates the decline of the Creek as a maritime leisure asset for the town
- Object to the proposed road access from Belvedere Road which is a narrow carriageway, which serves as access to local housing but is not a thoroughfare, and which currently provides parking at the end adjacent to the site (ie a dead end).
- The application shows a Creekside promenade but the means of access to it, and its status, are not clear.
- Dangerous access from Abbey Road
- There are more suitable sites for housing in Faversham
- The proposed access drive, car ports/parking driveway shown would almost certainly cause noise disturbance with the coming and going of multiple vehicle movements at potentially all hours.
- Parking provision is inadequate
- Addition of the traffic generated by 20 vehicles would further add to the already high levels of traffic congestion in Abbey Street, the only vehicular access route to the site [As set out above, the vehicular access to the development would be via Belvedere Road, and not Abbey Street]
- Belvedere Road has already reached its full capacity regarding parking and we know that Abbey Street is the same
- Concern that the driveways will form part of a through road linking Belvedere Road through to Abbey Street [Members will note that this would not be the case.]
- The deposited plan does not show a connection of the promenade back to Belvedere Road, ZF 39, and it would therefore be a cul-de-sac which is not a satisfactory situation concerning opening up our footpath to public access at Provender Walk
- Should be considered as Life Time homes; with regard to Part M of the Building Regulations, I can see no disabled access or alternative access
- No consideration appears to have been given to provision either of any variety of dwelling size or of accommodation type, such as affordable housing, which could also provide variety in the massing and appearance of the development overall, as well as a perhaps more sympathetic relationship to neighbouring boundaries.
- The former Oil Depot site therefore offers the opportunity to develop some much-needed maritime-related facilities, along with residential development at an appropriate scale.

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- I would object to being overlooked by residents in the proposed development
- We therefore have some concerns about this proposal to build more houses on a site which is known to be prone to flooding
- I think that the overall scheme is very attractive, and the project would fit in very well with the surrounding area

5.02 Following revised details being submitted in August 2017 and a re-consultation process local residents commented as follows:

- 10 houses are too many for the site and 4 storey is far too high for the scale of existing buildings behind the development and adjoining the creek.
- A mix of 2 and 3 storey would be more in keeping, totalling no more than 6 dwellings.
- The original buildings on Standard Quay will be dwarfed by this development
- Although the development is now shown as no higher than the immediately adjacent properties, the updated Section drawing still describes the development as being over 12m (40ft+) high, but no comparison is made to the height of or impact on other any adjoining properties, for example at Standard Square and Lammis Gate, nor of the former bus depot site to the North East,
- No consideration appears yet to have been made of the relationship and impact of such high buildings on these adjacent developments, on the Creek frontage and across the Creek.
- The development appears therefore still to be presented largely in isolation, with little consideration of its context.
- The new design will result in a dominating “mass of housing” close to the Creek, totally out of keeping with its surroundings, and that would seriously compromise this area of Faversham Creek. The proposal fails to take account of the form of the existing buildings along Provender Walk, which are 2-storey and 3-storey houses, or of the lower, historical structures on Standard Quay.
- The plans appear to deliver a cramped site and the roof line is monotonous compared to the more varied development next door at Belvedere.
- 3-storey houses along Provender Walk, with their pointed roofs, mean that there is visible sky between the roofs. This achieves a sense of space the roof-scape of the proposed 4-storey buildings will not add such a dimension
- Not sufficient parking on the site likely to lead to on street parking.
- My property will look out on to the development and I will be affected by the increase in traffic and parking
- Does not explain why the proposed access is to be from Belvedere Road
- No detail is given about how trade, refuse lorries and emergency vehicles will leave the proposed development although access appears to be from Abbey Street.
- My concern still remains that a circuit will be created, if only for the residents, with the opening up of Belvedere Road and the likelihood that the bollards will go wrong and it will become an alternative route to avoid congestion
- We consider that the current plans are not in accordance with the agreed policies of the Faversham Creek Neighbourhood Plan [Members will note that the key requirements of the NP are summarised above]
- Ask that the bin store is of sufficient size to take 2 full size wheelie bins much of Faversham is blighted by the presence of the various coloured wheelie bins at the front of houses

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- These houses are far too high and dominating for those of us who live in Lammas Gate
- Unless there is to be a one-way system combining Belvedere Road with Abbey Street, it is impossible to over estimate the problems that would be caused by all of the additional traffic that this application would generate. Residents have a continuous struggle getting to and from their properties as it is and there should be a full traffic evaluation before any more development is allowed at the quayside.
- That this amendment is sought at this time ie right before Christmas makes me wonder if the applicants were hoping that it would slip through unnoticed.
- The application does not conform to the Faversham Creek Neighbourhood Plan.
- It would be over-development of a small site.
- It would also be over-dominant, especially as the proposal has changed from three-storey dwellings (in the Heritage Statement) to four-storey (in the plans).
- The Heritage Statement states the dwellings would be "appropriate for family life". However, all the rooms are small and there is minimal outside space. The "mini gardens" of the Heritage Statement show as "Courtyard Gardens" on the plans and most are barely large enough for more than a table and chairs.
- There are only three car parking spaces per dwelling, and they are in tandem which would bring manoeuvrability issues. There would be further parking pressure on neighbouring roads.
- The development would further aggravate the existing traffic problems in Abbey Street and Belvedere Road.
- Abbey Street, which is narrow street prone to frequent gridlock.
- The volume of traffic is already a danger to pedestrians. Yet more traffic would increase the potential danger to local residents and to the pupils of Queen Elizabeth's School, some of whom cycle to school.
- A major traffic evaluation of the area should be sought before any more developments are approved.
- The Statement also states "There is a real need for new housing in Faversham". However, the actual need is for affordable housing for local people, not for luxury housing strung along the edge of the Creek.
- The site is in an area of flood risk.
- It would put more pressure on local services and resources, many of which lack capacity.
- The access to Standard Quay is narrow with poor sight lines and without a pedestrian walkway.
- Full public access must be maintained along the Creek

5.04 The Faversham Society (Mar 17) comment that :

- i). The principle of housing on this site and the number of houses is in accordance with the Neighbourhood Plan. The Design and Access Statement refers to the Standard Quay site rather than the Former Oil Depot site, Abbey Wharf.
- ii). The proposal does not show how the site is to be accessed. The access should be from Standard Quay. The Belvedere Road end should be closed off.
- iii). We note that KCC Highways have objected to tandem parking and would require seven additional parking spaces. There is also no indication on the drawing of any access for Service Vehicles. We note that Kent Police also comment that the Design and Access Statement makes no reference to crime and point out that the security to Plot #10 is not adequate and that there should be a side gate.

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iv). The inclusion of a Creekside Promenade is welcome and this is also part of the requirement of the Neighbourhood Plan. However, it is not indicated how the footpath would connect with the existing path at Provender Walk.

v). At the adjoining Coach Depot the Promenade stops at a dead-end. The existing footpath outside the Coach Depot meets the site boundary on a junction where a bridge or walkway should connect these two sites.

vi). The provision of four-storey buildings on this site is inappropriate and out-of-scale with its surroundings, and the Faversham Society would prefer not to see terraces.

Following the submission of amended drawings in August 2017 they additionally commented that any public footpath or walkway beside the creek be a registered public right of way and not merely permissive.

5.05 Swale Footpaths Group: (Feb 17) commented that the fenced track linking the north end of Belvedere Road to Abbey Road appears on the Definitive Map as ZF 39. It is shown within the red line on "map" as marking the perimeter of the application site, though the applicant did answer "No" to the question whether any diversions or extinguishments were to be sought.

5.06 Faversham Footpaths Group: (Feb 17) commented that the application shows a Creekside promenade but the means of access to it and its status are not clear. In conformity with the draft Faversham Creek Neighbourhood Plan, it is essential that this promenade should be a public right of way and that suitable public access to it should be provided.

The Group believes that the best solution would be to provide access from both Standard Quay and Provender Walk. The Group urges that the planning authority should encourage the applicant to continue the promenade/path through to Standard Quay, not least because any development of the neighbouring former coach depot site would also require a Creekside public footpath. There is already a path of sorts along this route and very little work would be required to provide a continuous public footpath.

In the case of Provender Walk, it is expected that Natural England will propose shortly that the England Coast Path on this side of the Creek should run along the Creekside from the Posillipo Italian restaurant to the end of Provender Walk before turning away to Belvedere Road and along public footpath ZF39 to Abbey Road. The Group considers that, if a path is provided along the Creekside at the former oil and coach depot sites, it should form part of the England Coast Path, either at the outset or subsequently by an Order to vary the route. It therefore urges the parties concerned to ensure that access is also provided from Provender Walk.

The Group considers that it is important to ensure that any proposed development of this site should have a ground level that enables the path to be easily linked up at both ends without having to construct ramps.

Finally, the Group would request that footpath ZF39, which seems to be included in the footprint of the application, should be at least 1.5 metres wide and suitably surfaced.

Following amended drawings being received in August 2017 they commented that the Group is concerned that the revised proposals are in danger of creating a cul-de-sac instead of a continuous Creekside path. We remain convinced that the best solution would be for the applicant to continue the Creekside path through to

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Standard Quay. That would then provide the opportunity for Natural England to make a variation order to move the route of the England Coast Path onto that route and to remove the wall blocking access between the Oil Depot site and Provender Walk. It is of course essential that the paths concerned should be designated as public rights of way and added to the Definitive Map.

6.0 CONSULTATIONS**6.01 Faversham Town Council (Feb 17)**

The Town Council raised concern in the initial response over the height of four storey buildings and felt that 2 or 3 storeys are adequate in the area to avoid a “trenching affect” of the Creek. They requested further clarification regarding the promenade and whether it provides a footpath which would be fully accessible to the public from Standard Quay to Provender Walk. The Draft Neighbourhood Plan mentions a courtyard for the site, but this is not clear on the plan. Confirmation on the width of ZF39 is also requested. The Town Council considered it to be vital that a continuous PROW is maintained along the Creekside. Once clarification on these points are received, the Town Council will comment again.

(August 17) Following the submission of revised drawings, the Town Council recommended no objection with additional comments. To ensure the height alignment of the properties is no higher than those in Provender Walk Moorings should be maintained together with the structure of the quayside. To ensure a Creekside walk with full access from Standard Quay to Provender Walk is provided as part of the coastal path route

Alternatively, moving the current access path from the west to the east side would be more beneficial

6.02 Environment Agency: (Mar 17) raised objection to the proposed development as they considered there was insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. Additionally they objected as no assessment of the risks to nature conservation have been provided.

In May 17 they commented that they maintained their objection to the proposed development on Biodiversity grounds. However, having reviewed the submitted Phase 1 Contamination Risk Assessment, we can remove our objection on Groundwater and Contaminated Land grounds. We understand that foul drainage will discharge to mains, and surface water drainage will discharge to an existing watercourse. We have no objection to these proposals in principle, but must be re-consulted if there is a change to the proposed strategy

In Nov 2017 following the submission from Ground and Environmental Services Limited (20 October 2017 ref: 11792) which deals with risks to human health for any contamination in the small number of samples taken on the foreshore. They removed their objection.

6.03 Natural England: (Feb 17) The new dwellings are within the zone of influence (6km) of the Thames Estuary and Marshes, Medway Estuary and Marshes, and The Swale Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites). It is the Council's responsibility to ensure that the proposals fully adhere to the agreed approach within the Thames, Medway and

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Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. Subject to the above, Natural England is happy to advise that the proposals may be screened out as not having a likelihood of significant effects on the designated sites.

- 6.04 UK Power Networks:** (Feb 17) Please be advised that my Company has no objections to the proposed works
- 6.05 SGN:** (Feb 17) commented that on the mains record a low/medium/intermediate pressure gas main is near the site and as such there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. They advise where required confirm the position using hand dug trial holes and that damage to their pipes can be extremely dangerous for both employees and the general public. The cost to repair their pipelines following direct or consequential damage will be charged to the applicant's organisation.
- 6.06 Lower Medway IDB:** (Mar 17) confirm that this site is outside of the IDB's district and the proposal is unlikely to affect IDB interests.
- 6.07 Southern Water:** (Mar 17) Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. They also suggested an informative should be attached to any permission.

They considered that the Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. It is the responsibility of the developer to make suitable provision for the disposal of surface water.

Southern Water requested planning conditions to ensure that appropriate means of surface water disposal are proposed for each development and they requested that details of foul and surface water sewerage disposal should be submitted to the Local Planning Authority, in consultation with Southern Water.

They concluded that due to changes in legislation regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

- 6.08 Kent Police:** (Feb 17) and following revised details in Aug 17 they commented that the applicant/agent consider using the Secured By Design (SBD) Police Crime Prevention Initiative (PCPI) for this proposed development. In its present layout, there is no reason that the site could not achieve SBD Silver accreditation provided all items installed comply to SBD specifications as detailed in the SBD Homes 2016 guide.

They recommended that:

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1. A side gate be installed to the side of plot 10 (as far forward to the building line as possible) in order to protect the side passage, if not already the case.
2. Another side gate be installed between plots 4 and 5, as far forward to the building line of plot 5 as possible, in order to prevent unauthorised access along the passageway between these two plots.
3. Door sets and windows should be PAS24:2012 certified as an added layer of security, particularly those at ground floor level, along with any vulnerable balcony doorsets and windows or easily accessible doors and windows. Or those easily accessible from the rear, given the public promenade area, which may offer opportunities for crime and attack from the rear, unless appropriate boundary treatments are incorporated into the design.
4. public benches installed at various points along the public promenade to the rear of the properties on the promenade. It is very important that the benches should not provide easy climbing aids into the rear gardens.
5. The rear garden gates onto the promenade should also be of sufficient height and construction so as to deter/prevent opportunities for crime and these gates should be fitted with appropriate locks.
6. The car ports should be carefully designed as they may attract further opportunities for crime, they should be well lit and painted in a light colour. The fitting of garage doors would provide an additional layer of security.

6.09 KCC Highways and Transportation (Feb 17): Parking for the site should be considered based on Kent residential parking standards (IGN3) for an edge of centre location and 18 independently accessible parking spaces are recommended.

As the proposals include tandem parking (in front of car ports) additional spaces need to be provided at a rate of 0.7 visitor parking spaces per dwelling they also required details regarding servicing for the site, eg to demonstrate that a refuse collection vehicle can safely enter and exit the site in a forward gear without reversing onto the public highway and whether or not the access road is proposed for adoption.

Following the submission of further details the revised drawings demonstrate that 16 independently accessible parking spaces are proposed in addition to the 10 car ports and based on the sites sustainable location this is deemed sufficient and is in accordance with Kent parking standards.

Also required were conditions to address the provision and permanent retention of the vehicle and cycle parking spaces and of the vehicle loading/unloading and turning facilities, the submission of a construction management plan, and confirmed that the footpath at the southern edge of the site is proposed for public use and although they do not have objections to its use as a public footpath, the highway authority would not wish to adopt this.

6.10 KCC SUDS Team: (FEB 17) commented that neither the accompanying Flood Risk Assessment nor its associated Supplementary Statement go into a great deal of detail on the proposed means of surface water management from this development

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site. The application form states that the runoff will be directed to the adjacent watercourse, and the FRA states that existing connections will be used (subject to the approval of the Environment Agency and Southern Water). In light of the above, they recommended that a condition is attached to require the submission of a detailed surface water drainage design to be submitted and approved prior to the commencement of construction.

- 6.11 KCC PROW Officer:** (Mar 17): Acknowledged public footpath ZF39 passes through the south east side of the site with a recorded width of 1.5 metres.

The public frontage onto the creek suggests that creek side public access is intended and is welcomed and it may be opportune to seek a connection through to Standard Quay. We would advise a minimum width of 2.0 metres for any Creekside access. He confirmed that should the England Coast Path continue along the side of Faversham Creek then KCC would accept the path as a public right of way so long as the route can be connected to existing highways

With regard to public footpath ZF39 he advised that no furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority. Furthermore, there must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.

- 6.12 The Environmental Protection Team Leader** raises no objection.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01** Application papers for application 16/508709/FULL

8.0 APPRAISAL

Principle of Development

- 8.01** The NPPF promotes sustainable development and defines this as achieving economic, social and environmental objectives in a balanced way. The presumption in favour of sustainable development that underpins the NPPF includes approving development that is in accordance with the development plan unless there are adverse impacts that outweigh any benefits, or are precluded by the NPPF.
- 8.02** Under Policy OD1, this site was included within the Faversham Creek Neighbourhood Plan. In turn, the NP was adopted into Swale Borough Council Local Plan Bearing Fruits 2031 in July 2017 which stated that the site shall be developed for residential purposes. As such, an assessment has already taken place to determine this is an acceptable site for such a use. However, a determination as to whether this specific proposal is acceptable still needs to be undertaken.

Visual Impact

- 8.03** The layout, design and detailing of the proposal is not only important with regard to the character of the immediate area but particularly as the site is located within Faversham Conservation Area, where particular regard is to be had to preserving and enhancing the special character of the area.

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- 8.04 In responding to the question about the number of storeys that the two blocks within the scheme would have in relation to the Design Quality Policies set out in the adopted Faversham Creek Neighbourhood Plan, I would suggest that whilst the proposal does show a technical breach of one element of Policy DQ1, the fact that no actual maximum height for buildings is specified does leave some space for flexibility of approach in relation to this policy. In this case, the overall form of the two blocks is considered to be appropriate.
- 8.05 The proposed new blocks would relate well to the other existing surrounding development, and it is proposed that they would make use of the suggested (appropriate) facing and roofing materials, in line with other Design Quality policies. It is only the number of storeys that presents a conflict. However, in view of the fact that the design for these blocks incorporates a relatively (but not inappropriately) shallow roof pitch and yet manages to achieve an extra level of accommodation in the roof space, such that the overall height of the buildings would be the same as the existing nearby three-storey houses (with their more steeply pitched roof design) at Provender Walk (off Belvedere Road), I consider the case has been made to make use of the proposed 3.5 storey design at this particular site as an exception to the rule.
- 8.06 Clearly any future proposed variations of the storey height requirement set out in DQ1 will have to be considered on individual merit, and there may well be sites where we will necessarily need to seek schemes of 2.5 storeys and less.
- 8.07 The application is supported by a Heritage Statement, which has been fully considered by officers and no objection is made to the amended scheme in relation to the preservation or enhancement of the special character and appearance of the Faversham Conservation Area, subject to the imposition of conditions.
- 8.08 I note that a number of the objectors have raised concern about the impact of the development, in particular the size of the blocks and the resulting impact on the special character and appearance of the Conservation Area. I am of the view that due to the design proposed and considering the proposal in the context of the surrounding area it would not have a significant detrimental impact on the Conservation Area. In fact, I consider that the two blocks will relate well to the existing built environment and enhance the character and appearance of the Faversham Conservation Area at the location in question.
- 8.09 Furthermore, the proposal is in line with other Design Quality Policies of the Neighbourhood Plan including the public access to the waterfront, the town centre and the surrounding areas, the appropriate context of the development to the Creek and the wider Faversham area and as such renders the scheme acceptable.
- 8.10 Whilst a number of elements of the design have been amended during the application process, I do remain focused on the replacement of the glass-fronted balcony design for a metal rail fronted design, this modest but nevertheless important change to the design of the building is welcome, although it is disappointing that a bespoke rail design is not being proposed. However, the detailing of the metal rail and associated handrail to the balcony are subject to the submission of detailed planning condition, which would then allow scope for a higher design standard to be secured.

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- 8.11 The garden and parking areas to the front and rear of the housing units are important parts of the design as they will be highly visible from the footway running along the edge of the Creek and from Belvedere Road.

Residential Amenity

- 8.12 This is a matter that has already been considered in general terms when the site was evaluated and then included within the Faversham Neighbourhood Plan as a site suitable for residential development. However, it is clear that there will be some impact on the residents of Belvedere Road and Abbey Street in terms of traffic movements. However, I note KCC Highways and Transportation consider this will fall within acceptable limits.
- 8.13 In general terms, any potential harmful impact on residential amenities would be most felt by the properties to the south and south-east of the site in Lammas Gate and Standard Square, many of whom have written raising concerns about the development given the loss of their view across the Creek. However, the distance from the proposed new dwellings to the rear of these properties is in excess of 25m – and the 21-metre standard typically applied -which is on a par with the distances the existing dwellings, of a similar height in Belvedere Road, are from the Lammas Gate/Belvedere Close properties and I consider there would not be any overlooking to a detrimental degree. It should also be noted that some views of the Creek would be provided between the two blocks and I remain of the opinion that this arrangement is appropriate given the character of the area.
- 8.14 With regards to the residential amenity of future occupiers of the development I am content that given the provision within the site and the design and layout of the private amenity areas facing onto the Creek that this is sufficient space in this town centre location.

Highways

- 8.15 KCC Highways and Transportation have raised no objection to the proposal and they have suggested a number of conditions in relation to the provision and permanent retention of the vehicle and cycle parking spaces and of the vehicle loading/unloading and turning facilities, and the submission of a construction management plan all of which I consider appropriate.
- 8.16 I note many locals residents have objected to the scheme on the basis of the increase in traffic on Belvedere and/or Abbey Street. However, KCC Highways and Transportation have commented that the addition of 10 new dwellings is unlikely to lead to a noticeable increase in vehicle movements in the area. A TRIC's analysis has been carried out which identifies a potential trip generation of 4 additional movements in the AM peak (08:00-09:00) and 5 additional movements in the PM peak (17:00-18:00) hour based on the provision of 10 new dwellings.
- 8.17 They also raise no objection to the access to the site being from Belvedere Road, and they note that the section of Abbey Road leading to the site does not appear to be public highway, and is not shown within the applicant's red line boundary. This means that the only connection to the public highway is via Belvedere Road which, - based on the submitted plans - the site can be easily accessed from.

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- 8.18 The application provides dedicated car parking for each residential unit through a car port and parking space. In addition, six off-road parking spaces are provided for visitor/shared parking to which KCC Highways & Transportation consider this an appropriate level of car parking in this location.

Landscaping

- 8.19 Given the Creekside location the landscaping, both hard and soft needs to be appropriate to the specific site conditions. As such, careful consideration needs to be given to both the areas to the rear of the site, adjacent to the Creek ,plus the areas of private garden amenity spaces for each property and also the access/parking areas to the front of the dwellings.
- 8.20 I do have an outstanding concern regarding the landscaping of the scheme which has not been fully addressed. However, I have included a planning condition requiring the submission of a landscaping scheme, which would show some necessary changes to the layout as currently proposed.
In this respect, it is essentially the area of the site between the new buildings and the creek that is the cause of concern, with the combination of different boundary treatments and planting areas resulting in an overly complicated layout that would be likely to result in future maintenance problems, and is likely to result in a decline in the overall appearance of the scheme. I am, however, confident this can be overcome under the requirements of the attached conditions.

Other Matters

- 8.21 The application proposals provide for a new section of Creekside Walkway across the full width of the application site and thus will provide public access to this part of the Creek, which is not currently available. The provision of public access to the Creek frontage of the Oil Depot Site is in line with the aims of the Faversham Creek Streetscape Strategy by providing part of the 'missing link' for pedestrian access to the Creek on this southern side of the Creek.
- 8.22 However, I am aware that the proposed England Coastal Path championed by Natural England shows the trail to follow the existing Public Footpath route from Standard Quay via Standard Square and Belvedere Road and then runs towards the Creek (to the south of the application site) and passes along the Creekside at the Provender Walk development. However, para 2.1.25 of "England Coastal Path: Whitstable to Iwade" does acknowledge that *"the implementation of the (draft) Faversham Neighbourhood Plan may, through planning agreements, provide further opportunities for access along the Creekside. In such circumstances the alignment of the England Coastal Path would be reviewed and any resulting proposals to change the alignment of the trail would require the submission of a variation report to the Secretary of State"* Additionally should the England Coast Path continue along the side of Faversham Creek then KCC would accept the path as a public right of way
- 8.23 As such, I consider it to be important that whilst acknowledging the applicant's commitment to the provision of a walkway along the Creekside that a condition is attached to the permission to requires its provision and retention and that it be suitably linked to the adjoining sites.

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- 8.24 Members will note that in line with Policy OD3 of the FCNP, and as requirement of condition (15) below moorings are to be provided to the Creek frontage.
- 8.25 With respect to surface water drainage, I can confirm that neither the KCC SUDS Team or the Environment Agency raise objection to this application, subject to imposition of suitable planning conditions. Similarly, with regard to foul drainage, please note the comments of Southern Water Services, who also raise no objection. Appropriate conditions are included below, and the development is considered to be acceptable from a drainage point of view.
- 8.26 A tree is proposed at the bend in the Creekside footpath, at the front of the site. Whilst there is arguably a case to place a focal feature at this location, I am less convinced that a tree is the appropriate form for such a focal point, and I would suggest that consideration be given to placing a maritime related object such as a capstan, buoy or anchor at this location. If a suitable disused version of one of these items (or similar) could not be sourced, then an artists interpretation of one such item, or even perhaps a sculptured image of a local character associated with the creek might provide an appropriate focal point at this location. The provision of what would in effect be a public art installation related to the development scheme.
- 8.27 With regard to the mitigation of potential impacts on the Special Protection Areas, and further to Paragraph 6.03 above, a payment of £281 per dwelling is required in order to ensure that potential recreational impacts on the 'Thames Estuary and Marshes', 'Medway Estuary and Marshes', and 'The Swale' Special Protection Areas (SPAs). Members will note condition (16) below.

9.0 CONCLUSION

- 9.01 National Policy states that sustainable development should be approved when it is in accordance with the development plan, unless there are adverse impacts that outweigh any benefits, or are restricted by the NPPF.
- 9.02 As set out in the Faversham Creek Neighbourhood Plan the site is designated for residential development and adopted into Swale Borough Council's Local Plan, Bearing Fruits 2031. Significant weight should therefore be given to the acceptability of the proposal in policy terms. The proposed development would be in line with the aims of the housing policies and would help the Council towards meeting a five-year supply of sites. No significant impact would be caused to visual and residential amenities of neighbouring properties, and the surrounding developments as a result of the proposed development. I further consider that the two blocks will relate well to the existing built environment and enhance the character and appearance of the Faversham Conservation Area at the location in question.
- 9.03 I am aware there has been local opposition to the proposal. However, following consideration of National and local policy along with the amendments to the scheme and input from statutory consultees, I consider the scheme to be acceptable
- 9.04 To conclude, I consider that the scheme as it now stands still retains some outstanding design concerns but that these concerns can be dealt with by means of one or more of the planning conditions. I therefore recommended that planning permission be granted subject to the conditions as set out below.

APPENDIX 1**10.0 RECOMMENDATION**

10.01 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

- (2) The development hereby approved shall be carried out in accordance with the following approved drawings: 2491/PL/20 rev C, 2491/PL/21 Rev D, 2491/PL/22, 2491/PL/23 Rev A, 2491/PL/24 Rev B, 2491/PL/25 Rev C, 2491/PL/26 Rev B, 2491/PL/27 Rev B, 2491/PL/MP1, 2491/PL/MP02

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

Pre Commencement Conditions

- (3) No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

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

- (4) No development beyond the construction of foundations shall take place until details of the proposed means of foul and surface water drainage have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In order to prevent pollution of water supplies

- (5) No development beyond the construction of foundations shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent pollution of controlled waters

- (6) No development beyond the construction of foundations shall take place until samples of all facing and roofing materials including the specific rainwater goods to be used – including the hopper design to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity, and the character and appearance of the Conservation Area.

- (7) No development beyond the construction of foundations shall take place until a sample board of all hard-surfacing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity, and the character and appearance of the Conservation Area.

- (8) No development beyond the construction of foundations shall take place until, notwithstanding the notation shown on the approved proposed site block plan and proposed site and ground floor plan (2491/PL/20 Rev C, 2491/PL/21 Rev D), 1:5 part elevational detail of each of the different boundary treatments to be used, to be submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity, and the character and appearance of the Conservation Area.

- (9) No development beyond the construction of foundations shall take place until details of the colour finishes for all external joinery (including weatherboarding) to be submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details and houses to remain in the approved colours thereafter unless otherwise expressly permitted by the Local Planning Authority.

Reason: In the interest of visual amenity, and the character and appearance of the Conservation Area.

- (10) No development beyond the construction of foundations shall take place until the 1:10 elevation detail and 1:1 or 1:2 part vertical and part plan section of each window and door type to be used in the scheme to be submitted to and agreed in writing by the Local Authority. Furthermore, all windows to be used to use hidden trickle vent design.

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Reason: In the interest of visual amenity, and the character and appearance of the Conservation Area.

- (11) No development beyond the construction of foundations shall take place until, Notwithstanding the details shown on the approved elevational drawings, 1:10 elevational detail and 1:1 or 1:2 section of the following construction elements to be submitted to and approved in writing by the Local Planning Authority, and works shall then be implemented in accordance with the approved details:
- a. Eaves detail
 - b. Verge detail
 - c. Balcony detail (to show handrail, railing design and supporting base)
 - d. Painted timber roof feature

Reason: In the interest of visual amenity, and the character and appearance of the Conservation Area.

- (12) No development beyond the construction of foundations shall take place until full details of soft landscape works and boundary treatment 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, and a detailed planting scheme for raised planter and an implementation programme.

Reasons: In the interests of the visual amenities of the area and the character and appearance of the Conservation Area.

- (13) Notwithstanding the notation shown on the approved proposed site block plan and proposed site and ground floor plan (2491/PL/20 Rev C, 2491/PL/21 Rev D), a 1:5 part elevational detail of each of the different boundary treatments to be used, to be submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reasons: In the interests of the visual amenities of the area and the character and appearance of the Conservation Area.

- (14) No development beyond the construction of foundations shall take place until full details of how the Creekside walkway, including site levels, will link as a flat walkway to the adjoining sites have been submitted to and approved in writing by the Local Planning Authority, and the works shall be implemented in accordance with the approved details and shall not be altered nor access to the walkway restricted in perpetuity.

Reason: In the interests of the amenities of the locality

- (15) No development beyond the construction of foundations shall take place until full details including the locations of the Creekside furniture, lampposts and moorings have been submitted to and approved in writing by the Local Planning Authority, and the works shall be implemented in accordance with the approved details and shall not be altered in perpetuity.

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Reason: In the interests of the amenities of the locality, and the character and appearance of the Conservation Area.

- (16) No development shall take place until details of an obligation to contribute to mitigation measures (consisting of a payment of £281 per dwelling) to offset the potential impact of the recreational needs arising from the approved development on the integrity of the Thames Estuary and Marshes, Medway Estuary and Marshes, and The Swale Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites) has been submitted to and approved, in writing, by the Local Planning Authority. The obligation shall have been completed before the development is commenced.

Reason: In order to offset the impact of the development on SPAs and Ramsar sites and in order to provide sufficient refuse bins for the dwellings.

Construction

- (17) 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 comply with the NPPF.

- (18) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (19) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

- (20) All external windows and doors to scheme to be constructed of sustainably sourced hardwood and retained/maintained as such thereafter.

Reason: In the interests of the visual amenities of the area

- (21) All rainwater goods to be used as part of the development hereby permitted shall be of cast iron.

Reason: In order to preserve the character and appearance of the Conservation Area.

APPENDIX 1**Post Construction**

- (22) Upon completion, no further development, whether permitted by Classes A, B, C, D, E, or F of Part 1 or Class A, C or of Part 2 or Class A of Part 14 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out without the prior permission in writing of the Local Planning Authority.

Reason: In the interests of the amenities of the Conservation Area

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

Reason: To prevent pollution of controlled waters and comply with the NPPF.

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

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

- (25) The car ports hereby approved shall be kept available for the parking of vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land or in such a position as to preclude vehicular access thereto.

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

- (26) The areas shown on the submitted plans 2491/PL/20 Rev C, and 2491/PL/21 Rev D, as visitor/shared parking parking/driveway and private access drive shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwellings hereby permitted.

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

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- (27) The areas shown on the submitted plans 2491/PL/20 Rev C, and 2491/PL/21 Rev D, as vertical cycle store shall kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude access thereto; such land and access thereto shall be provided prior to the occupation of the dwellings hereby permitted.

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

- (28) The areas shown on the submitted plans 2491/PL/20 Rev C, and 2491/PL/21 Rev D, as vehicle loading/unloading and turning facilities and through routes shall kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude access thereto; such land and access thereto shall be provided prior to the occupation of the dwellings hereby permitted.

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

INFORMATIVES

Please note that artificial slate nor fake composite weatherboarding will not be accepted

The Local Planning Authority expects to see an appropriately variable height brick wall design to serve as the boundary treatment along party boundaries between properties within the garden areas.

The Local Planning Authority would expect to see a bespoke design that might perhaps incorporate a creek-inspired logo, e.g. the simple outline shape of a Thames barge on the balcony railings

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Waste to be taken off site 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

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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.

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.

Any planning consent given confers no consent or right to disturb or divert any Public Right of Way at any time without the express permission of the Highway Authority.

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 changes required to the application and these were agreed.

The applicant/agent was provided formal pre-application advice.

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

Habitat Regulations

This HRA has been undertaken without information provided by the applicant.

The application site is located within 6km of the Swale Special Protection Area (SPA) and Ramsar site both of which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitat Regulations).

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.

The proposal therefore has potential to affect said site's features of interest.

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 61 and 62 of

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the Habitat Regulations require a Habitat Regulations Assessment. NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites and can therefore be screened out from any requirement for further assessment. It goes on to state that when recording the HRA the Council should refer to the following information to justify its conclusions regarding the likelihood of significant effects; financial contributions should be made to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG); the strategic mitigation will need to be in place before the dwellings are occupied.

In terms of screening for the likelihood of significant effects from the proposal on the SPA features of interest, the following considerations apply:

- Due to the scale of development there is no scope to provide on site mitigation such as an on site dog walking area or signage to prevent the primary causes of bird disturbance which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.
- The Council has taken the stance that financial contributions will not be sought on developments of this scale because of the practicalities of securing payment. In particular, the legal agreement would cost substantially more to prepare than the contribution itself. This is an illogical approach to adopt; would overburden small scale developers; and would be a poor use of Council resources. This would normally mean that the development should not be allowed to proceed, however, NE have acknowledged that the North Kent Councils have yet to put in place the full measures necessary to achieve mitigation across the area and that questions relating to the cumulated impacts on schemes of 10 or less will need to be addressed in on-going discussions. This will lead to these matters being addressed at a later date to be agreed between NE and the Councils concerned.
- Developer contributions towards strategic mitigation of impacts on the features of interest of the SPA- I understand there are informal thresholds being set by other North Kent Councils of 10 dwellings or more above which developer contributions would be sought. Swale Council is of the opinion that Natural England's suggested approach of seeking developer contributions on single dwellings upwards will not be taken forward and therefore a threshold of 10 or more dwellings has been introduced. In order that the individual and cumulative impacts of this scheme will be mitigated a condition is included above to ensure that the appropriate mitigation payment, namely £281 per dwelling, is secured.

Whilst the individual implications of this proposal on the features of interest of the SPA will be extremely minimal in my opinion, cumulative impacts of multiple smaller residential approvals will be dealt with appropriately by the method outlined above.

For these reasons, I conclude that the proposal can be screened out of the need to progress to an Appropriate Assessment. I acknowledge that the mitigation will not be in place prior to occupation of the dwellings proposed but in the longer term the mitigation will be secured at an appropriate level, and in perpetuity.

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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.