

2.4 REFERENCE NO - 14/502729/OUT			
APPLICATION PROPOSAL			
Outline (all matters reserved except access) - Demolition of brick making and drying shed, 2 stores, existing site office and a cottage; Construction of up to 250 dwellings, new vehicular access and roundabout on Western Link, public open space and associated infrastructure.			
ADDRESS Ospringe Brickworks Sumpter Way Faversham Kent ME13 7NT			
RECOMMENDATION- Grant subject to conditions and subject to:			
<ol style="list-style-type: none"> 1. The signing of a section 106 agreement for developer contributions towards: primary and secondary schools; libraries, adult social care; community learning; youth services; waste and recycling bins; allocation of land for a future bus route; provision of 30% affordable housing across the residential site; provision of open space contribution for among other things the restoration of the adjacent disused allotments and off-site enhancement to the local play area; provision of a roundabout with the Western Link, contribution towards mitigation of the impacts on the Special Protection Area (exact project to be still be agreed with the Green Space Manager) and the 5% monitoring charge; 2. Clarification from the developer on the on-site contribution and the long term maintenance approach to the retained historic features on the site and additional comments from the Green Space Manager regarding this matter and any conditions required as a result; and 3. Additional comments from Network Rail in relation to the Level Crossing where the Public Right of Way ZF9 crosses the railway line and any conditions required as a result. 			
SUMMARY OF REASONS FOR RECOMMENDATION			
This site is allocated in 'Bearing Fruits 2031 (Submission version April 2015) under Policy A12 for up to 240 dwellings. The proposal is now for up to 250 dwellings, which would slightly exceed the proposed allocation for the site. Whilst the proposal would result in some harm (which I quantify below) the need for the development outweighs the limited harm that would be caused.			
REASON FOR REFERRAL TO COMMITTEE			
Ospringe Parish Council objection and the significance of the proposal.			
WARD Watling	PARISH/TOWN COUNCIL Faversham Town Council	APPLICANT W T Lamb Holdings Limited AGENT LMA Planning Limited	
DECISION DUE DATE 14/11/14	PUBLICITY EXPIRY DATE 14/11/14	OFFICER SITE VISIT DATE October 2014	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/12/0159	Application for a new outline planning permission to replace extant outline planning permission in order to extend the time limit for implementation to provide new buildings for additional B1, B2 and B8 employment use; creation of new access	Approved subject to conditions	30 th April 2012

	from Western Link and new roundabout		
<i>Summarise Reasons: In accordance with Local Plan policies.</i>			
SW/09/0120	Application for outline planning permission to provide new buildings for additional B1, B2 and B8 employment use; creation of new access from Western Link and new roundabout	Approved subject to conditions	31 st March 2009.
<i>Summarise Reasons: In accordance with Local Plan policies.</i>			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located on the western edge of Faversham, within the built-up area boundary of the town. The site is known as Cremer Whiting Brickworks and is situated immediately adjacent to Western Link (to the east) and is bound by existing residential development to the north and east with the railway to the south and the designated countryside to the west of the site. This countryside is designated as a Special Landscape Area (SLA- see Policy E9 of the adopted Local Plan 2008).
- 1.02 The site is gently sloping, with intermittent areas of steeply sided earth moulding and spoil heaps. Along the northern boundary, land falls away steeply down towards existing open space and housing (Whiting Crescent) beyond that area, with the site located on a slightly higher plateau than the surrounding areas. To the south, the site is lower than Western Link, due to the road bridge over the railway line, providing visual enclosure. The site features an earth bund along part of the western boundary of the site. The site area is 7.91 ha (or 19.5 acres).
- 1.03 Running through the site are three public rights of way (one running directly adjacent to Keramos and Hollybank in the middle of the site and one through the northern part of the site) and a third which is located and runs along the site's southern boundary. Keramos and Hollybank are accessed via a private driveway off Lewis Close.
- 1.04 Located adjacent to the south-eastern boundary is an area of disused allotments (a contribution is proposed towards the reinstatement of this allotment). A play area and kick about space is located adjacent to the site whilst Bysingwood Primary School sits adjacent to the northern end of the site.
- 1.05 A designated Roadside Nature Reserve (RNR) is located along side part of Western Link and supports a range of grassland habitat (please note drawing 'Roadside Nature Reserve Drawing 01 2nd June 2015). The verge is situated on both sides of the road and totals 1300 metres in length; the width varies from 4 to 15 metres.

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- 1.06 The site is located less than 1km from the Swale Special Protection Area (SPA) and Ramsar site. The application site is also located close to parts of The Swale Site of Special Scientific Interest (SSSI). Bysing Woods and Oare Gunpowder Works, a country park and a nature reserve are located also near the site.
- 1.07 Bus services 3 and 3A pass in close proximity to the site and offer regular services into the town centre, railway station and other surrounding areas. Please note that the Developer is making provision for a bus route to run through the site which is covered by the draft S106 submitted as part of the application. The site is easily accessible from both the A2 and M2.
- 1.08 The Design and Access statement states the following:

'The brickworks formerly consisted of two plants separated by the existing access on Western Link. The land to the north, known as Yellow Brickworks was formerly a yellow stock seasonal yard and the land to the south, known as Red Brickworks was a red stock kiln unit. The yellow brickworks closed in 1963 with the red brickworks site ceasing production in 2007. Since then the red brickworks site has been used for storage and the yellow brickworks cleared and left open. There are a number of existing buildings within the red brickworks. These include a small office, cottage, large sheds, a kiln building, wash mill and chimney. There are also a number of areas of hard standing and a spoil heap.'

2.0 PROPOSAL

- 2.01 Outline planning permission is sought for up to 250 dwellings with new vehicular access and roundabout at Western Link, public open space and associated infrastructure, including the demolition of the brick making and drying sheds, two stores, existing site office and a cottage. All matters are reserved (namely layout, landscaping, scale and appearance) for future consideration, except for access, which is a detail to be assessed as part of this application. Therefore consideration should focus on the principle of the development at this stage, not the detailed matters, except for access. The Master Plan provided is for illustrative purposes only, indicating how 250 residential units could be sited on the site with access points and open space and this may be subject to change at the reserved matters stage should Members resolve to grant permission for this application. Officers currently have some reservation about the proposed layout of the development in terms of the creation of on-site useable open space and the focus of the retained historic features of the site within the new the proposed site layout. However, these are issues to be dealt with at the reserved matters stage.
- 2.02 The proposal indicates an indicative landscaping approach to the site (drawing number CMP-02 REV B) to minimise adverse landscape and visual effects of this edge of settlement boundary development. The Design and Access statement highlights specific areas of landscaping as follows:
- Retention of existing trees and tree groups with landscape value;

- New tree, woodland and hedgerow planting throughout the site to principally comprise locally indigenous species;
- New native woodland buffer planting adjacent to the Western Link as an extension of the existing tree belt, to integrate the proposed development within the surrounding countryside and reduce its visual impact on local views;
- New trees, hedgerows and ornamental planting designed to provide a strong landscape framework and setting for the new development;
- New native woodland buffer planting to filter views toward the adjacent railway line;
- Creation of new footpath link along a former access track, involving clearance of overgrown weeds and scrub and planted to enhance amenity and wildlife value;
- Enhancement of public footpath routes through the site;
- Creation of a network of proposed hedgerows and ornamental planting to provide physical and visual separation between housing and public areas
- Creation of pattern of different grass types including amenity, wildflower and wet grassland; and
- Retention of existing brickwork features to add character and visual interest to open space

2.03 With regards to access, a new roundabout is proposed on the Western Link providing the sole vehicular access on to the site. Various pedestrian and cycle access points into the site are proposed whilst a new pedestrian crossing point is proposed across the Western Link to link up with an existing Public Right of Way ZF17.

2.04 The proposal would mostly consist of family housing with a 30% provision towards affordable housing- the tenure split remains to be agreed though the applicant is offering the following 60/40 tenure split in favour of affordable rent. Members will note the Housing Strategy and Enabling Officers comments at paragraph 7.20 below.

Affordable Rent – 45 units		
No.	Unit Type	Unit Size m²
8	1b2p flat	45.00
11	2b3p flat	57.00
8	2b4p house	67.00
11	3b5p house	82.00
7	4b6p house	94.90

Shared Ownership – 30 units		
No.	Unit Type	Unit Size m²
11	2b4p house	67.00
19	3b5p house	82.00

2.05 A mix of dwelling types would be provided to meet local market demands. The majority of the residential development being two storeys in height, although some three storey development would be proposed depending on the site topography at certain points within the site. A mix of flats, terraced, semi-detached and detached properties are proposed. 4.92 ha (12 acres) of residential land use are proposed with 2.26ha (5 acres) of open space which would breakdown into the following:

Open Space Breakdown	Hectares (ha)
Useable open space	1.19
Additional open space (mitigation landscaping, boundary landscaping)	0.83
Attenuation area (as shown on drawing CMP-02 REV B Concept Masterplan 02)	0.23
Play area (as shown on drawing CMP-02 REV B Concept Masterplan 02)	0.01
Total	2.26

2.06 In addition to the provision as outlined in the above table, the applicant intends to provide a financial contribution to off-site improvements to existing play areas in the surrounding area, as well as the reinstatement of the allotment to the south east of the site.

2.07 The Master Plan drawing No CMP-02 REV B provided is for illustrative purposes only. Although indicative details in relation to the proposed design, layout, parking, street scene, and specific materials have been provided these are potentially subject to change at the reserved matters stage.

2.08 The submitted Design and Access statement makes the following comments:

'Key features:

- *Creation of a strong and legible landscape framework within which development areas are located*
- *Existing brickworks features to be retained in open space*
- *Buildings used to define key spaces and*
- *Good quality existing trees and hedgerows to be retained within open space and on the boundary to the site*
- *Pedestrian and cycle connections linking the site to the adjacent neighbourhoods*
- *Pedestrian and vehicular access to the allotments adjacent to the site*
- *On and off site play provision to serve the new and existing community*
- *Retention of the existing Public rights of way running across the site with improved setting and landscaping*

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- *A new round about on Western Link to access the site alongside two additional pedestrian refuges to ease movement along the public rights of way*

2.09 The application is supported by a number of reports including the following:

- Planning Statement
- Design and Access statement
- Statement of Community Involvement
- Transport Assessment and Framework Travel Plan
- Landscape and Visual Impact Assessment
- Phase 1 and 2 Ecological Appraisal
- Air Quality Assessment
- Noise Assessment
- Vibration Report
- Site Investigations Report
- Archaeological Assessment
- Utilities Report
- Drainage Strategy and Flood Risk Assessment
- Arboriculture Impact Assessment
- Gypsy and Traveller Off set funding paper
- Energy Statement
- Heritage Statement
- Building Conditions Survey
- Draft Section 106 Legal Agreement

2.10 From the above listed reports, I draw the following summarised key points:

2.11 The Planning Statement

- Delivery of up to 250 dwellings- both market and affordable housing
- Creation of public open space, landscaping and a new roundabout
- Proposal is generally compliant with the land use planning objectives sought by Policy A12 of the emerging Local Plan
- Extensive engagement has taken place with local residents and key stakeholders
- The need for additional housing within the Borough is an important material consideration in favour of permission

2.12 The Design and Access statement

- New vehicular access to Western Link via a roundabout
- Pedestrian and cycle links
- Provision of open useable space
- Retention of existing landscape features such as important trees and hedgerows
- Provision of on and off site play facilities to benefit existing and the new community

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- Provision of sustainable urban drainage systems within the public open space
- Creation of linear public open space corridors linking the existing residential neighbourhoods with Western Link

2.13 Landscape and Visual Impact Assessment

- Viewpoints are mostly located around the periphery of the site from local roads, public footpaths and adjacent housing areas
- Distant views are located to the north-east and east of Faversham
- There will be no significant or moderately significant temporary adverse landscape effects upon the landscape character of the site nor upon the surrounding landscape (some of which has a local landscape designation)
- There will be no landscape or visual effects upon the North Downs SLA, Kent Downs AONB or the Faversham conservation area

2.14 Arboriculture Impact Appraisal and Method Statement

- The majority of the trees lost as a result of this proposal are low category because of their poor condition or small size
- Three moderate quality trees will be lost but they are well within the site and their loss will have no significant impact on the present character of the site
- There is plenty of space for tree planting and a comprehensive landscaping scheme
- The size of the new trees and their future growth will significantly enhance the contribution of this site to local amenity and more than compensate for the loss of the existing trees

2.15 Flood Risk Assessment

- The site lies entirely within Flood Zone 1
- There are no predicated flood levels supplied by the Environment Agency for this site
- There are no known flooding incidents occurring at or near the site
- The use of SuDS would be required to be incorporated into the design of the proposal

2.16 Extended Phase 1 Habitat Survey

- Within the application site a limited range of habitat types were identified including semi-improved grassland, hedgerows, dense and scattered scrub and semi-mature broadleaved trees
- Outside of the application boundary, habitats include amenity grasslands, in the grounds of Bysing Wood Primary School, scrub, an orchard, gardens, buildings and scattered broadleaved trees
- A number of trees can support roosting bats

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- Suitable emergence and re-entry surveys to be undertaken on buildings and trees to be demolished/removed
- The presence of common reptiles in the onsite grassland habitats should be further investigated- the agent has already provided additional information in this regard

2.17 Heritage Statement on the Industrial Buildings

- The proposed retention of the chimney and wash-mill are to be welcomed
- The long term survival of the chimney might require some kind of maintenance strategy

2.18 Archaeological Desk Based Assessment and Watching Brief on Geo-Environmental Site Investigation

- It would appear likely that archaeological features or deposits will be disturbed by groundworks
- The site lies within an area of high archaeological potential with evidence for human occupation in the vicinity from the prehistoric period onwards
- Archaeological monitoring of any further preliminary groundworks is recommended

2.19 Air Quality Assessment

- Vehicle movements associated with the proposed development will generate exhaust emissions
- The proposed development is predicated to result in a 'small' increase in concentrations, at the lower end of this magnitude of impact at 1.8% within the Ospringe Air Quality Management Area (AQMA)
- It is considered the development would complement the Air Quality Policy by developing the site for residential use and reduce traffic at peak times compared to the extant permission
- The extant permission would generate higher levels of HGV's which the application site would not

2.20 Transport Assessment

- The site is well located within the local highway network with easy access onto the A2 and M2 (part of the Strategic Road Network)
- No safety issues have been identified in the surrounding area
- Sustainable travel to the town is promoted via the proposed pedestrian and cycle links
- The proposed development is forecast to generate 105 two-way trips in the morning peak hour and 112 two-way trips in the evening peak hour
- This is a significant reduction on the extant employment development for the site of 110 less two-way trips in the morning peak hours and 60 two-way trips in the evening peak hour

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- Junction capacity assessment for the proposed access junction and the A2 London Road/Western Link round about demonstrates that both junctions will operate within capacity during the morning and evening peak hours
- In order to offset the development generated traffic impact, the site will be accompanied by a Travel Plan which should reduce the vehicular flows on the highway network.

2.21 Following comments received from KCC Ecology requesting further information in relation to the concern regarding the proposed reptile mitigation, the agent provided additional information. The agent confirmed that the mitigation could be controlled/delivered by a suitably worded planning condition and that a programme of exclusion and/or translocation of any reptile present within the road-side verge to be lost would be detailed in the reptile mitigation strategy. He further confirmed that several reptile presence/absence surveys were conducted and whilst a specific reptile survey wasn't conducted at the site this is not normally required at the Outline application stage. The developer has identified receptor sites within their ownership- one parcel of land that is currently being considered is a parcel of land located west of Western Link within close proximity of the site. KCC Ecology have confirmed that they raise no objection to this approach and Members will note the relevant conditions below.

2.22 Details of this application were assessed by the Council's Design Panel on 18th March 2014. The Panel made some useful comments which are summarised as follows:

- Although the site has long been in industrial use it seems to lend itself well to residential use
- The character of the new area could be strengthened in two ways; firstly by reinforcing the connections and edges of the development and secondly by referencing the industrial history of the site in a more meaningful way
- Open space located right adjacent to Western Link is likely to have limited amenity value
- There is opportunity to release more open space by redistributing building density- the existing three storey dwellings on the adjacent site to the east sit comfortably in this context
- The history of the site should be incorporated into the design
- Character areas should be much more strongly defined

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	7.91	7.91 (or 19.5 acres)	0
No. of Storeys	Varied	2/3 storey	
No. of Residential Units	0	250	+ 250
No. of Affordable Units	0	75	+75

4.0 PLANNING CONSTRAINTS

- 4.01 The site lies adjacent to the Ospringe Air Quality Management Area, which is centred on Ospringe Street, the A2. A designated Roadside Nature Reserve is located along side part of Western Link. The site is located less than 1km from the Swale Special Protection Area (SPA) and Ramsar site. The application site is also located adjacent to parts of The Swale Site of Special Scientific Interest (SSSI) and the Special Landscape Area. Bysing Woods and Oare Gunpowder Works, a country park and a nature reserve, are also located near the site.
- 4.02 Running through the site are three public rights of way (one ZF17 running directly adjacent to Keramos and Hollybank in the middle of the site, one ZF6 through the northern part of the site) and a third (ZF9) which is located and runs along the site southern boundary.
- 4.03 Allocated for 240 dwellings in the emerging Local Plan Submission Version.
- 4.04 There is potential for archaeological importance on site and historic structures.

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.1 In this case, the emerging Local Plan position is key and very relevant to the determination of this application. This section will therefore deal with this first before moving on to the national policy position.
- 5.2 The adopted 2008 Local Plan remains the primary consideration for determining this application. This will be discussed in further detail later in this section.
- 5.3 However, the emerging Local Plan and the policies of the draft Local Plan Bearing Fruits 2031 The Swale Borough Local Plan Part 1 Submission version (submitted to the Planning Inspectorate in April 2015) must be given substantial weight as material considerations considering how advanced the Local Plan is now, especially as Members of the Local Development Framework Panel have resolved to allocate the site for residential development in the submission version of the Local Plan.

Draft Local Plan (December 2014) Policy A12

5.4 The Draft Local Plan presented to Members on 28th October 2014 included the following policy allocating the site for 240 dwellings. The policy states:

“Planning permission will be granted for 240 dwellings on land at the Western Link, Faversham, as shown on the Proposals Map. Development proposals will:

1. Provide a design and layout which responds to the prominent position of the site on the western approach to Faversham. Development will be led by an integrated landscape strategy that will provide landscaping and habitat creation to achieve a substantial landscaped western boundary to the site to additionally minimise visual impacts;
2. Improve the quality of the environment and housing choice to strengthen the housing market area of the adjacent deprived neighbourhood;
3. Produce a mix of housing in accordance with Policy CP3, including provision for affordable housing and Gypsies and Travellers in accordance with Policies DM8 and DM10;
4. Undertake a transport assessment and implement any highway and other transportation improvements arising from the proposed development;
5. Achieve pedestrian and cycle links to existing residential areas;
6. Assess impacts upon and ensure that air quality objectives are not compromised;
7. Assess and respond to any undesignated heritage assets on and adjoining the site in accordance with Policy CP8;
8. Achieve a net gain for biodiversity overall by:
 - a. preparation of an ecological assessment to determine the site's interests (inc. the adjacent roadside nature reserve) and to bring forward proposals for mitigation if adverse impacts cannot be avoided, having considered the retention of existing vegetation/habitats as far as possible;
 - b. using appropriate landscaping and open space to encourage biodiversity and to offset any recreational impacts that may arise;
 - c. making an assessment of potential impacts upon the Bysing Wood local wildlife site and providing such measures for their mitigation; and
 - d. determining the need for a Habitats Regulations Assessment and address any matters arising, including potential financial contributions toward wider management measures.
9. Provide infrastructure needs arising from the development.”

Swale Borough Local Plan 2008 (Saved Policies)

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

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

'Within the Faversham and Rest of Swale Planning Area, conservation of the historic and natural environment is the prime and overriding consideration. Within this context, the Borough Council will enhance the role of the market town to support its own local needs and those of its rural hinterland. This will be achieved by promoting development proposals that can retain and harness local skills to achieve a greater diversity in employment, housing and community life, in scale and character with Faversham and its surrounding countryside and communities. Within this planning area, the identified Area Action Plans and elsewhere, the following planning priorities will be pursued:

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

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

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

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

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

- SP2 (Environment)
- SP3 (Economy)
- SP4 (Housing)
- SP7 (Transport and Utilities)
- E1 (General Development Criteria)
- E6 (Countryside)
- E9 (Protecting the Quality and Character of the Boroughs Landscape)
- E10 (Trees and Hedges)
- E11 (Protecting and enhancing the Borough's Biodiversity and Geological Interest)
- E12 (Sites designated for their importance to biodiversity or geological conservation)
- E19 (Good Quality Design)
- B2 (Providing for New Employment)

H2 (Providing for New Housing)
 T1 (Providing Safe Access to the Highway Network)
 T2 (Essential Improvements to the Highway Network)
 C2 (Housing Developments and the Provision of Community Services and Facilities)
 C3 (Open Space within Residential Development)
 B14 (New Employment Sites)
 B15 (Land at Western Link, Faversham) which states that:

‘The Borough Council will grant planning permission for the development of 8.3 ha of land east of the Western Link, Faversham, as shown on the Proposals Map, for employment use (primarily Use Class B1) provided that:

- 1. access to the whole site is from a single point on the Western Link Road;*
- 2. the provision, at the developer's expense to the satisfaction of the Highway Authority, of other highway and transportation measures, arising from the development of the site, including those that may be identified by a Transport Impact Assessment on the A2; and*
- 3. a high quality landscaping scheme, that will include buffering between existing and proposed uses, is provided along the boundaries of the site.’*

B19 (Land East of Faversham)
 MU2 (Land at Graveney Road, Faversham)
 AAP3 (Land at Oare, Faversham)

National Planning Policy

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

The National Planning Policy Framework (NPPF)

5.10 The NPPF sets out the Governments position on the planning system explaining that *“The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision taking this means:*

- Approving development proposals that accord with the development plan without delay; and*
- Where the development plan is absent, silent or relevant policies are out of date granting permission unless:*
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*

- *Specific policies in this Framework indicate development should be restricted.*

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

5.12 At Paragraph 47 it states that *“planning authorities should meet local housing needs and identify five year housing land supply with an additional 5% buffer”*. Paragraph 49 states *“that housing application should be considered in the context of the presumption in favour of sustainable development”* and that *“Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.”*

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

6.0 LOCAL REPRESENTATIONS

6.1 One letter of general comments has been received making the following summarised comments:

- The attributes of Faversham (beautiful scenery, a town full of character) have gradually been eroded
- Numerous housing developments have sprung up
- Traffic has increased
- Soon Faversham will become similar to a London suburb
- Housing has increased but recreational areas and public facilities have not- there will be a shortage of places in schools and at doctors surgeries
- The development would affect privacy, tranquillity of the area and views
- At present Sumpter Way is a quiet no-through road used by dog walkers and local residents
- Proposed housing would be high density, create noise and pollution
- The visual appearance of the area will be dramatically changed for the worse
- The density of the houses should be reduced and green spaces increased
- Screening is needed between Sumpter Way and the new houses

6.2 Six letters of objections have been received making the following summarised comments

- Lack of infrastructure to support additional housing development in Faversham
- The proposal does not enhance the local community in any way and would just add to the pressure on local services
- The A2 will not cope with the traffic
- There is a range of bird life on the land- where will they relocate to?

- Loss of the wildflowers will reduce the bee population
- Development should be presented in the context of the wider plan for Faversham and not just as a small development
- The application site is ‘greenfield’ land not ‘brownfield’ land
- The application site and the surrounding area is rich in natural habitats for a diverse number of species
- Slow worms and other reptiles are very common on the site, fox dens are also located on the site
- The site may have archaeological significance- this needs to be explored further
- Construction traffic would affect the local residents
- Pollution from extra traffic
- Concerned that Hazebrouck Road would become a thoroughfare rather than the existing quiet cul-de-sac

7.0 CONSULTATIONS

7.01 Faversham Town Council support the application subject to the submission of an Environmental impact Assessment (an ES was not required in this instance, though Members will note the comprehensive set of supporting documents submitted with the application) and satisfactory mitigation of any adverse impacts and to satisfactory proposals for mitigation of increased atmospheric pollution in Ospringe Street.

7.02 Ospringe Parish Council objects to the application on the following grounds:

- The development would exacerbate the current traffic problems on the A2 considerably
- It would add to the worsening pollution creep from the A2 traffic, the A2/London Road being recognised by Swale BC as having unacceptable levels of pollution
- A housing development in this location would considerably aggravate the extent of current traffic congestion, which is evidenced at many times of the day but especially during morning rush hour
- Additionally there is insufficient school capacity, in particular primary school capacity, in the area to cope with children of families who would move to the new development

7.03 Southern Water has confirmed that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Suggested condition on details of drainage proposed.

- 7.04 The Lower Medway Drainage Board raises no objection to the development and is pleased that the applicant proposes to dispose of surface water runoff by open systems, rather than closed, underground systems which are more difficult to maintain. Provided the proposed infiltration basins are appropriately designed to accommodate the 1 in 100 year rainfall event (+30% to allow for the predicted effects of Climate Change) and exceedance arrangements are adequately considered/detailed, the Board's interests should remain unaffected. Please note that land and property to the east of the site (between Hazebrouck Road and The Knole) have suffered from high ground water levels and localised flooding over the last winter. This situation must not be worsened by any development in this area. It is therefore requested that drainage arrangements be made subject to a condition requiring details and agreed in close consultation with the LPA, Environment Agency and KCC.
- 7.05 Kent County Council Public Rights of Way and Access raise no objection subject to the development not commencing until the footpath diversion (running along the northern boundary of the site) has been confirmed and a new route provided and a condition requiring this. Members should note that the layout details would be assessed under the Reserved Matters application and that the submitted layout plan is only indicative at this stage. I have sought additional comments in relation to the possible diversion of the public footpath crossing the level crossing and KCC Public Rights of Way and Access *'in principle, support Network Rails aim to reduce the risk to the public using the footpath. Any physical improvements to the crossing to be funded from the development would be a matter for discussion with Network Rail. My understanding is that as the pedestrian crossing is not directly affected by the development proposals so any application to divert or extinguish the footpath would have to be made using the Highways Act 1980. If Network Rail wish to pursue this option they should contact KCC Public Rights of Way Service directly. It would be a separate process to the planning application and there is no guarantee of an application being successful.'*
- 7.06 Kent Highways Services raise no objection subject to the provision of the roundabout and the safeguarding of the future provision of land to create a future bus route through the site.
- 7.07 The Environment Agency raises no objection to the proposal subject to conditions on surface water drainage details, no infiltration of surface water drainage, remediation strategy, verification report and piling.
- 7.08 The Crime Prevention Design Advisor (Kent Police) raises no objection to proposal subject to the suggested informative.

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- 7.09 Kent Wildlife Trust originally objected to the application due to the impacts on the Roadside Nature Reserve and the lack of assessment of these impacts. Following additional information provided by the agent additional comments have been received from KWT (letter dated 18th December 2014) who confirm that no objection is raised subject to conditions requiring a survey and assessment of the impacts upon the Roadside Nature Reserve; impacts upon invertebrates associated with open mosaic habitats that follows Natural England guidelines; a Mitigation Strategy to set out the mitigation required to address impacts upon reptiles, the RNR, and invertebrates associated with the open mosaic habitat (to include monitoring and long-term management). Members will note the relevant conditions below.
- 7.10 Stage Coach raises no objection to the development subject to the future provision of space for a turning circle and the future introduction of a bus gate provided through the narrow strip of land between Lower Road and Hazebrouck Road.
- 7.11 Kent County Archaeology raises no objection to the proposal subject to conditions requiring the submission of an archaeological evaluation and mitigation details and the recording of any demolition or conversion works. The retention of the pug wash and chimney stack are welcomed as important reminders of the history of the site and the important brick making industry in this area of Swale. With the retention of the structures it is important that sufficient provision is made for their future long term maintenance within the residential scheme. KCC Archaeology recommends that provision is also made for on-site interpretation of the structures and their role in the former brickworks which will help to strengthen the historic sense of place of the new development on the site. I am awaiting comments from the Open Space Officer in relation to the long term management of the retained historic features and will update Members at the meeting.
- 7.12 Kent County Ecology originally raised concerns in relation to ecology impacts. Following the submission of additional information KCC Ecology support the application subject to the conditions below.
- 7.13 Natural England makes the following summarised comments:
- The proposed site is located in close proximity to a European designated site and therefore has the potential to affect its interest features
 - The site is close to The Swale Special Protection Area (SPA) and is also listed as the Swale Ramsar Site and also notified at a national level as The Swale Site of Special Scientific Interest
 - The Local Authority should have regard for any potential impacts may have
 - The application does not include a Habitats Regulation Assessment
 - The Local Authority should determine whether the proposal is likely to have any significant effects on any European site

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- The Local Authority should secure contributions towards the cost of implementing the Strategic Access Management and Monitoring (SAMM)
- The development may provide opportunities to incorporate features into the design which are beneficial to wildlife

7.14 The Kent County Council Development Manager (Development Investment Team) has requested the following contributions:

Primary School contribution: £590.24 per applicable flat & £2360.96 per applicable house ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA, and sheltered accommodation) towards an extension at the existing local Primary School **(total for 250 houses = £590,240)**

Secondary School contribution: £137.50 per applicable flat & £550 per applicable house towards a future extension to a local Secondary School **(total for 250 houses = £137,500)**

Libraries: £230.09 per household **(total for 250 houses = £57,522.50)**

Adult Education: £43.35 per household **(total for 250 houses = £10,837.50)**

Youth: £55.55 per household **(total for 250 houses = £13,887.50)**

Social Services: £262.90 per household, plus 3 wheelchair accessible units as part of the affordable housing delivery **(total for 250 houses = £65,725)**

Total for 250 houses (estimated): £875,712.50

7.15 Swale Footpaths Group confirms that there is one right of way just outside the site to the south, a second crosses it east-west and a third just cuts across the site's northern end.

7.16 The Environmental Protection Team Leader raises no objection to the principle of development subject to conditions requiring a survey to establish traffic noise levels and contamination survey. Furthermore, with regards to the air quality issues there is sufficient evidence within it to be confident that air quality will not reach levels of concern within the site, therefore not adversely affect the existing Ospringe AQMA.

7.17 The Council's Tree Consultant does not object to the proposal and makes the following comments:

'From a tree perspective, the application comes with a detailed tree report by Barrell tree consultant's ref 12204-AIA2-PB dated 30th May 2014. In principle, I would agree with its content and the grading of the trees present on the site and provided the development adheres to the recommendations I have no objections.'

The Council's Tree Consultant suggests two conditions in relation to the retention of trees and erection of tree protection measures, as outlined in the submitted Tree Report.

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7.18 Green Space Manager originally comments and raised no objection to the proposal subject to clarification on the usable public open space within the development and further comments that most of the proposed open space *'either provides buffer to Western Link, open attenuation or the setting of the preserved structures.'* He further states that:

'There are significant access opportunities to existing open spaces, small amount of woodland and play area, close to the development site. Access to the existing allotment site has also been included which is a positive improvement. The draft S106 Agreement identifies off-site contributions, transfer of open space and commuted sums to maintain in the future. However there needs to be clarification of who/how the preserved structures are to be dealt with as the Council would, I expect, be reluctant to take these on as assets.'

A contribution of **£861.80 per dwelling** (totalling £215,450 for 250 dwellings) is sought towards the enhancement to the off-site play area and the restoration of the adjacent allotments. I have received additional comments from the Green Space Manager which I am discussing with him and the developer and will update Members at the meeting in relation to the long-term management of the historic structures.

7.19 The Climate Change Officer raises no objection to the proposal subject to a sustainable measures condition.

7.20 The Housing Strategy and Enabling Officer makes the following comments:

- From an affordable housing perspective we would seek **30% affordable homes**, which should be a **reasonable and proportionate mix to the rest of the development**.
- Based on delivery of 250 dwellings, 30% of the total provision would provide **75 affordable units being delivered on site**.
- **70% of the units must be for affordable rent (social rent): 53 dwellings**
- **30% of the units must be for intermediate housing: 22 dwellings**
- **Clustering** - The affordable housing units should be evenly **distributed across the site in clusters of between 6 and 15 dwellings**.
- Housing would seek affordable wheelchair adapted homes on this site, the number of which would be agreed with the Registered Provider.
- When a schedule of accommodation is provided further detail regarding the affordable housing requirements will be provided, including phasing requirements.

7.21 Network Rail have made the following comments:

'After reviewing the information provided in relation to the above planning application, Network Rail have a number of concerns relating to the proposed development and are of the opinion that this development will import additional risk to the operational railway. These concerns are outlined below.

- 1. The level crossing currently scores a risk level of C5 (which is generally considered high risk) due to insufficient sighting of approaching trains. There is a severe track curvature which is currently mitigated by whistle boards. However, whistle boards are no longer recognised as a sufficient form of risk mitigation and so if, as a consequence of the development, the use of the level crossing increases other mitigation apparatus will need to be installed.*
- 2. There is currently no provision in the draft s.106 Agreement for any works to improve the level crossing (e.g new gates, new level crossing deck, straightening of crossing deck, visual and audible warning systems). It is likely that given the proposed number of dwellings the level crossing will require works. The developer should fund any and all such measures as any increased usage of the level crossing will be as a direct consequence of the development and outside of Network Rail's control. If no works are deemed to be immediately necessary it is suggested that monies should still be set aside for any 'future-proofing' required at the level crossing or for any issues that may arise following occupation of the new dwellings.*
- 3. It would be preferable for the level crossing to be removed and either replaced with a footbridge (to be funded by the developer) or the footpath be diverted/extinguished as part of the development itself. The area around the level crossing is proposed to be an attenuation pond with open shrub land and thus may encourage anti-social behaviour and children/teenagers hanging around the level crossing. This increases the risk of an incident at the level crossing as well as trespass on the railway and would be unacceptable to Network Rail.*
- 4. The level crossing is currently a footpath only; therefore bicycle use is prohibited. The 'concept masterplan' labels the location of the level crossing a 'pedestrian/cycle access point'. Whilst wicket gates are currently situated at the level crossing cycle use should not be promoted at the level crossing. Such promotion would encourage users to cycle over the level crossing rather than push bicycles; this imports a huge risk onto the railway and one that would be unacceptable to Network Rail.*
- 5. Given the proposed layout of the site it is not felt that there would be any benefit in retaining the current footpath route as it does not lead to any sites of special interest; it currently leads from a housing estate to a very busy A2 London Road. By retaining the footpath and the level crossing users will not only be at risk when using the level crossing, but will then*

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have to walk alongside a busy road. There would be no loss of amenity value to users and would also allow the development site to be securely fenced off from the railway.

Furthermore, the applicant should also be made aware of comments made by the Network Rail Asset Protection Team in view of protection of Network Rail Assets.”

7.22 Highways England raise no objection to the development.

8.0 BACKGROUND PAPERS AND PLANS

8.1 The submitted application plans, reports and documents from the applicants.

9 APPRAISAL

9.01 I consider that the key material considerations in assessing this application area as follows:

- The housing land supply position and the principle of the proposed development and the draft/emerging Local Plan allocation
- Residential amenity implications
- Highway network impact
- Impact on the surrounding landscape quality and visual amenity
- Heritage assets and future long term retention and archaeology
- Biodiversity and Ecology implications
- Surface water drainage/Flood risk
- Developer contributions

The Housing land supply position and the principle of the proposed development/the draft/emerging Local Plan allocation

9.02 In respect of the adopted Local Plan, like the emerging plan, it recognises in Faversham the need to set scales of development that reflect local needs and environmental character to achieve a better balance between the population and employment opportunities. The adopted Local Plan sought to achieve this whilst safeguarding and enhancing the diversity of Faversham's small-scale historic character and its maritime traditions, alongside that of its surrounding countryside, landscape and communities. The introduction of the NPPF in March 2012 changed the way in which planning decisions could be made, particularly in respect of housing developments.

9.03 The NPPF (at paragraph 49) makes clear that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Whilst the NPPF allowed a years grace before these requirements fully came into force, this period has now expired. As such, the Council's current lack of a five year supply of housing sites (currently 3.17 years supply) is a significant material consideration in favour of this development (and other housing proposals).

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Notwithstanding that, the fact that the Council are currently in the process of, and at quite an advanced stage of completing a new Local Plan, shows a direction of travel of the Council that has been through several stages of public consultation. The Council has now submitted the emerging Local Plan to be considered by the Inspector for adoption and this site is allocated in this emerging Local Plan for dwellings.

- 9.04 It is important to note that the site is allocated for residential development in the emerging Local Plan and as such it cannot be considered to be premature in coming forward at this stage. The site is located in the build-up area and the site has not come forward for employment/residential use during the Local Plan 2008.
- 9.05 In conclusion, whilst the contribution to housing land supply is a material consideration in this case, it is not the only consideration. However, that in combination with the future allocation of the site is a strong material consideration in this case and it should be acknowledged that granting planning permission would make a strong contribution towards housing land supply and put the Council in a much stronger position to successfully defend appeals for housing sites in unsuitable locations.
- 9.06 Members will also note that this is a brownfield site that is being proposed for allocation which has previously been allocated in the adopted Local Plan 2008 for employment use. The change in allocation for residential development is simply a reflection of the fact that there were insufficient suitable and available previously developed sites identified by the Strategic Housing Land Availability Assessment to meet the total housing need for the Borough and as a result of the site failing to come forward as an employment site since the adoption of the 2008 Local Plan.

Residential Amenity

- 9.07 In terms of residential amenity, again the impact can only be looked at in general terms as the specific design and layout will be determined at the reserved matters stage. This is a matter that has already been considered in general terms when the site was assessed for allocation in the emerging Local Plan. The proposed development, being an edge of settlement development, would clearly have a significant impact on the character of the surrounding area and alter the outlook for people using Western Link either as pedestrians or vehicle users. Though part of the site is currently used for the storage of bricks, the majority of the site is overgrown and disused so the proposal would therefore introduce an urban character to this site and to the surrounding views. This will inevitably have an impact on the amenity of the nearest properties. However, the Borough has to provide additional housing, and the impact of this development has been considered by Members and Officers alike to be not so significant as to warrant allocating an alternative site over this one. It will be important at reserved matters stage to ensure the development is designed in a manner than minimises this impact as much as

possible. In my opinion the residents most likely to be affected by the proposal are the residents of Bensted Grove, Hollybank, Keramos, Lower Road and Whiting Crescent. It is imperative that at the detailed stage of planning, their amenity is given serious consideration.

- 9.08 It is important to consider the contribution the development would make to the local area such as the affordable housing provision, contribution towards local open space and notably towards the reinstatement of the allotments located in close proximity to the site.
- 9.09 Finally, Members will note the conditions suggested below including the requirement for a Development Brief (see condition 7) which will need to be used to minimise the adverse impacts on neighbours.
- 9.10 With regards to air quality the Environmental Protection Team Leader has confirmed that sufficient evidence has been submitted to be confident that air quality will not reach levels of concerns within the site and therefore not adversely affecting the existing Ospringe AQMA. Furthermore, it should be noted that the site has previously been allocated in the adopted Local Plan 2008 for commercial use which would also have led to additional vehicular movements and I am therefore of the opinion that the development now proposed (residential use), is unlikely to have a significant impact on the AQMA.

Highways implications

- 9.11 In my opinion, which is shared by Kent Highways Services the proposal would not have a significant impact on the local and wider highway network. It is important to take into consideration that full commercial use of the site could be implemented at any stage which would create a significant increase in traffic. Furthermore, the site was allocated for commercial use in the current adopted Local Plan 2008 which would have significant more impacts on the highway network and traffic movements comparable in scale at peak times with that of the proposed full residential scheme which is now before us. The essential off-site highway works (roundabout) will be secured through the signing of the S106 agreement which also includes the safeguarding of land for the potential future bus route through the site (roundabout is shown on the submitted indicative site plan- drawing number CMP-02 Rev B) . The highway improvements include the pedestrian crossing points on Western Link, the roundabout to provide access from the Western Link and the improved bus turning facility in Lower Road- all of which form an improvement to the current situation. The proposal also creates a much needed pedestrian and cycle route within the site to link into the adjacent housing developments.
- 9.12 The proposed vehicular access is a consideration under this application and I can confirm that no objections to the siting of the access have been raised by Kent Highway Services. The introduction of the roundabout would ensure that there is a speed reduction feature along this part of the Western Link and therefore the highway safety impact is unlikely to be significant and could indeed be a positive one.

Impact on the surrounding landscape quality and visual amenity

- 9.13 At this stage, the visual impact of the proposal can only be considered in very broad terms due to the uncertainty of all matters of design, height of buildings, materials, location etc. However, this site will result in a new gateway to the town and as such it is key that the design of the entire scheme is of a high quality with local traditional materials and carefully designed to ensure visually it is appropriate to its surroundings. These messages have been strongly conveyed to the applicants and their agent, as have the messages from the Design Panel in respect of the layout. The indicative layout submitted with the application is likely to be subject to some changes with creation of perhaps more integrated useable areas of landscaping and the retention/mitigation of the heritage assets located on the site.
- 9.14 I am firmly of the opinion that successful landscaping along the north-western boundary with the Western Link is vitally important to ensure that a high quality gateway to the town is achieved. The site already has some prominent landscaping in-situ and we would fully expect the landscaping details submitted at the detailed application stage to strengthen this landscaping.
- 9.15 I am of the view that this development can fit in well with the surrounding area and create a high quality residential scheme that has a minimal impact on the surrounding residential developments or on the adjacent open countryside. It will be important to consider the style and heights of the dwellings/flats on the edges of the development site to ensure that the site does not result in an overly prominent development. As noted above, conditions imposed here will allow the final details to be fully controlled to ensure a high quality design is achieved.

Heritage assets and future long term retention and archaeology

- 9.15 The site does have some structures of archaeological importance such as the pug wash (a machine used to mix water with clay) and historic chimney stack, both of which are proposed to be retained. KCC Archaeology do not raise any objection to the proposal but do seek the submission of an archaeological evaluation and mitigation details and the recording of any demolition or conversion works. The retention of the pug wash and chimney stack are welcomed as important reminders of the history of the site and the important brick making industry in this area of Swale. With the retention of the structures it is important that sufficient provision is made for their future long term maintenance within the residential scheme. KCC Archaeology recommends that provision is also made for on-site interpretation of the structures and their role in the former brickworks which will help to strengthen the historic sense of place of the new development on the site. I am awaiting comments from the Green Space Manager and Applicant in relation to the long term management of the retained historic features and will update Members at the meeting.

Biodiversity and Ecology implications

- 9.16 As noted above, the site is located less than 6km from the Swale SPA and as such it is likely that the future occupiers of the site will be using the SPA for recreational purposes in some instances. It is therefore likely that there will be some limited impact on the SPA which will need to be addressed through appropriate mitigation measures. I have been in long discussions with the agent and relevant stakeholders including seeking legal advice with regards to the best solution and appropriate action against the likely impact. The agent has confirmed, at the outset of the application, that they are willing to provide the requested contribution towards the SPA mitigation (£223.58 per dwelling) and as such it has been agreed that funds will go towards a local project and possibly some suitable signage/information boards which will help to mitigate the possible future impacts from the additional recreation use of the SPA. The Council's legal team are currently finalising the wording within the S106 to address this matter and I will update Members at the meeting.
- 9.17 I have also considered the potential for the scheme to impact upon the Swale Special Protection Area (SPA), which relate to the ecological value of the Swale waterway and adjoining land. I have sought the advice on this matter from Natural England KCC Ecology who confirm that in the absence of the contribution towards the SPA mitigation measures an Appropriate Assessment would be required. Natural England have confirmed that if integral avoidance measures such as providing the financial contribution is agreed by the applicant then it is unlikely that a proposal is likely to have significant effect upon the SPA. In this instance the developer has confirmed that they would pay the contribution (£223.58 per dwelling) and as such I conclude that an Appropriate Assessment is not required as mitigation measures can be put in place as required. In addition the site is not located in close proximity to the SPA (though within 6km) and other areas for recreational use such as the Bysing Woods and Oare Gunpowder Works, a country park and a nature reserve are located also near the site. It should also be noted that the site makes a significant on-site contribution to open space so it is very likely that the future occupants of the residential properties will make use of this useable open space whilst also using the nature reserve and country park located in closer proximity to the site than the SPA.
- 9.18 The site also lies adjacent to a Roadside Nature Reserve (RNR SW01), for a distance of approximately 100 metres (total length of RNR is 1300 metres) of which will be impacted upon by the development. Again the applicant has provided mitigation proposals and re-location of any protected species found which KCC Ecology do not object to, to be secured by condition. The applicant is seeking to provide an extension to the RNR, at the southern end of the RNR as well as mitigation towards the south of the site along the boundary to Western Link. The application has been submitted with a detailed Mitigation Strategy and the agent has provided additional details in relation to the proposed receptor sites, translocation of reptiles from within the donor sites to the receptor sites and monitoring of the receptor sites post transfer of the animals as requested by KCC Ecology. These details are considered acceptable.

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9.19 On balance whilst there will be some limited impact on biodiversity and ecology I am firmly of the view that these can be successfully addressed by the mitigation measures proposed as well as the contribution towards the SPA.

Surface water drainage/Flood risk

9.20 The site is not located within an area known to be at risk of flooding, being located in Flood Zone 1. However, the Environment Agency and The Lower Medway Drainage Board have drawn attention to the possibility of surface water flooding and have recommended conditions to deal with this issue. The Lower Medway Drainage Board has raised objection to the application on the basis that they welcome the use of Suds. I am content that this issue can be dealt with via an appropriate condition as set out below.

Developer contributions

9.21 The site would provide 30% affordable housing as in accordance with the adopted Local Plan. The applicant is proposing a tenure split of 60% affordable rented tenure with 40% for intermediate housing (shared equity). The agent has provided substantial evidence, including recent market trend figures and a support letter from a local housing association substantiating this tenure split. I am discussing this evidence with the Council's Housing Officer and will report verbally at the meeting as to its acceptability.

9.22 As discussed above the developer is making further contributions towards the mitigation of the impacts on the Swale SPA (namely £223.58 per dwelling, totalling £55,895), the highway improvements consisting of improvement of bus turning facilities, future provision for bus route through the site, KCC contributions (see 7.14 above), as outlined above and retention of the historic elements of the site. The exact method for the long-term management of the historic structures is yet to be agreed and I am awaiting comments from the Council's Green Space Manager and the agent and will update Members at the meeting.

9.23 Wheelie bin contribution is also sought, totalling £9,875 for 250 houses as well as the 5% monitoring charge, which would amount to £57,846.63. **The total contribution is £1,214,779.13.**

Other Matters

9.24 Members will note that there is no provision towards on-site gypsy/traveller sites. Taking into consideration the recent appeal decision under APP/V2255/A/14/2224500 (his full decision letter is appendix to my report) for the residential site at Brogdale Place, I note the Inspectors conclusions which were as follows:

"I accept that in accordance with paragraph 216 of the Framework, account can be taken of emerging policies. However the SBLP has not yet been submitted for examination and there are unresolved objections to that part of SBLP Policy

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CP3 relating to the provision of gypsy and traveller sites. Furthermore the particular approach to site provision inherent in the policy is not one that is set out in the Framework or in the Planning Policy for Traveller Sites. Consequently I believe that very little weight can be attached to SBLP Policy CP3. As a result I find no policy justification for the Council's approach of seeking the provision of a gypsy and traveller pitch on the site."

I am therefore of the opinion that it is not appropriate to pursue the provision towards gypsy/traveller pitches in this case.

- 9.25 The indicative layout plan does show a pedestrian link to the footpath which currently crosses the level crossing. Network Rail has raised some concerns regarding the likely increased use of the level crossing as a result of this development. Whilst from a sustainability and functional perspective a direct pedestrian link to the level crossing would normally be sought, given the Network Rail concerns, it is considered that this issue can be resolved during the approval of reserved matters with further negotiation between Network Rail, the developer and the Borough Council.
- 9.26 The agent has also confirmed that any built structures, as submitted at the detailed application stage will be over 3m from Network Rail Land and that the off-setting of the soakaway from Network Rail's land is provided. This will need to be explored further at the detailed design stage. Network Rail have also raised concerns in relation to surface water drainage and Members should note that this is addressed by the use of a condition which addresses this concern. This can be used to ensure that the site is well drained in an acceptable manner.

10.0 CONCLUSION

- 10.01 To conclude, the development would broadly meet the aims of the allocation at Policy A12 in Bearing Fruits 2031 and would bring significant benefits. The housing would help the Council towards meeting a five year supply of sites and enable it to be in a more secure position for fighting appeals for less appropriate sites, especially at Faversham. Whilst the proposal would result in some limited harm, including to residential amenity, to the surrounding wider landscape and traffic flow, the need for the development, in my view, significantly outweighs the limited harm that would be caused.
- 10.02 I therefore recommend that planning permission be granted subject to the signing of the S106 agreement, clarification from the developer on the on-site contribution and the long term maintenance approach to the retained historic features on the site and additional comments from Network Rail and the agent in relation to the level crossing maintenance.

RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS to include

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

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

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

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

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

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

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

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

5. The details submitted pursuant to condition (1) shall show not less than 2.260 hectares shall be reserved as public open space. No permanent development whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

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

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

Reason: In the interests of public amenity and safety.

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

- (a) Details of the road layout for the site
- (b) Connectivity for pedestrians and cyclists between the site and the town centre
- (c) An overall landscape strategy (including a strategic planting scheme and incorporating the retention of existing planting where possible) for the application site and adjoining land in the applicants ownership with special regard to the eastern boundary
- (d) An overall sustainable surface water drainage strategy for the application site (based on a network of open ditches and ponds)
- (e) A strategy for the architectural treatment of the buildings on the site, including elevational treatment, roof design and the palette of colours
- (f) A strategy to enhance opportunities for biodiversity across all parts of the application site
- (g) A strategy for storey heights; and
- (h) Retention of 'brick chimney' and 'clay wash mill' as shown on submitted strategic landscape masterplan.

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

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

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

9. The details submitted pursuant to condition (1) shall show a buffer strip of no less than 10 metres in width retained (for strategic planting) where the site adjoins Western Link.

Reason: In the interests of visual amenity and landscape quality.

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

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

11. Prior to the commencement of the development hereby approved, full details of the method of disposal of foul and surface waters as part of a detailed drainage strategy shall be submitted to and approved by the Local Planning Authority. This drainage strategy should be based on SUDS principle and shall be designed to ensure that runoff rates are no greater than existing conditions. A drainage Infrastructure Maintenance Plan should be incorporated into the strategy which should set out the information and procedures the owners/operators of the development will adhere to and an assessment of the hydrological and hydro geological context of the development. The approved details shall be implemented before the first use of the development hereby permitted.

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

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

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

13. No development shall take place (including any demolition, ground works, site clearance) until a method statement for ecological mitigation, including (but not necessarily limited to) reptiles, invertebrates, bats, nesting birds and the Roadside Nature Reserve, has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives, informed by detailed botanical (NVC), invertebrate, reptile and other update ecological surveys (as appropriate), carried out in accordance with good practice guidelines;
- c) Extent and location of proposed works (including identification of an appropriate reptile receptor site and RNR mitigation) shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In the interests of promoting wildlife and biodiversity in urban areas.

14. No development shall take place (including any demolition, ground works, site clearance) until an Ecological Design and Management Strategy (EDMS) for the reptile receptor site and Roadside Nature Reserve mitigation area has been submitted to and approved in writing by the Local Planning Authority. The content of the EDMS shall include the following.

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints;
- c) Detailed design(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used, e.g. native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Aims and objectives of management
- h) Appropriate management actions for achieving aims and objectives;
- i) Prescriptions for management actions, including preparation of a work schedule;
- j) Details of the body or organisation responsible for implementation of the plan;
- k) Ongoing monitoring and remedial measures.

The EDMS shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the EDMS are not being met) how

contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of promoting wildlife and biodiversity in urban areas.

- 15.No development shall take place until details have been submitted to, and approved in writing by the Local Planning Authority, which set out what measures will be taken to ensure that the development incorporates sustainable construction techniques such as rainwater harvesting, water conservation, energy efficiency and, where appropriate, the use of local building materials; and provisions for the production of renewable energy such as wind power, or solar thermal or solar photo voltaic installations. Upon approval, the details shall be incorporated into the development as approved.

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

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

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

- 17.The commencement of the development shall not take place until a survey has been carried out to establish traffic noise levels affecting the site. The survey shall be carried out in accordance with a written protocol, details of which shall be submitted to and approved by the Local Planning Authority before the survey is carried out.

A report giving:

- (a) the results of the survey,
- (b) the predictions of noise levels,
- (c) details of the design measures that will be used to mitigate against traffic noise, and
- (d) details of the building specifications of the dwellings which will be used to achieve a maximum internal noise level within any of the dwellings of 35dB(A) (Fast) with windows closed,

Shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

The approved measures shall be implemented in full prior to the first occupation of any of the buildings hereby permitted.

Reason: the interests of residential amenity.

18. Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure any contaminated land is adequately dealt with.

19. No occupation 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 protect groundwater and comply with the NPPF

20. 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.

Reason: To protect groundwater which is a controlled water and comply with the NPPF.

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

Reason: To protect groundwater and comply NPPF.

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

Reason: To protect groundwater and comply with the NPPF.

23. Prior to each phase of development approved by this planning permission no development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect groundwater and comply with the NPPF

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

Reason: In the interests of residential amenity.

25. No work shall commence on the development site until off-site highway works identified on the approved drawings, have been carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority. These works shall include the roundabout and pedestrian refuges shown on Plan 7, and enlargement of the bus turning area in Lower Road, adjacent to Kiln Court.

Reason: In the interests of amenity and road safety.

26. As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. The agreed details shall then be retained throughout the demolition of development.

Reason: In the interests of amenity and road safety.

27. Prior to the works commencing on site details of parking for site personnel / operatives / visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Reason: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents.

28. During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority, to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

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

29. The details submitted in pursuance of reserved matters shall show adequate land, reserved for parking or garaging in accordance with the Approved County Parking Standards and, upon approval of the details this area shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before any building is occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

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

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

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

Reason: In the interests of highway safety

32. The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

33. Before the first occupation of a dwelling the following works between that dwelling and the adopted highway shall be completed as follows:

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

Reason: In the interests of highway safety

34. 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.

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

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

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

Reason: In the interests of biodiversity.

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

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

Reason: In the interests of residential amenity.

38. All hard and soft landscape works shall be carried out in accordance with the approved details, (which shall be native species and of a type that will encourage wildlife and biodiversity, where possible). 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.

39. 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.

40. Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site without the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

41. In this condition "*retained tree*" means an existing tree, which is to be retained in accordance with the approved plans and particulars.

Paragraphs i) and ii) below shall have effect until the expiration of 5 years from the date of completion of the development for its permitted use. No retained tree shall be damaged, cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the Arboricultural Impact Assessment and Method Statement Report (Ref; 12204-AIA2-PB, dated 30th May 2014), without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof.

ii) If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.

iii) The installation of tree protection barriers, the methods of working and the means installing equipment, fencing, foundations, and hard surfacing shall be undertaken in accordance with the Arboricultural Impact Assessment and Method Statement Report (Ref; 12204-AIA2-PB, dated 30th May 2014)

Reason: To protect and enhance the appearance and character of the site and locality

42. The approved barriers and/or ground protection as detailed in the Arboricultural Impact Assessment and Method Statement Report (Ref; 12204-AIA2-PB, dated 30th May 2014), shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority;

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

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

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

Case Officer: Tracy Day

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.



The Planning Inspectorate

Appeal Decision

Hearing held on 27 January 2015

Site visit made on 28 January 2015

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

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

Decision date: 13 May 2015

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

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

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

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

Preliminary Matters

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

5. The main issues in this case are:

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

Reasons

Description

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

Development plan policies

9. There are a number of saved development plan policies in the adopted *Swale Local Plan 2008 [2006-2016] (SLP)* that are considered to be relevant to the determination of this appeal. The amount of weight to be attached to each of these policies is dealt with under the various issues, having regard to the government's *National Planning Policy Framework (the Framework)* and *Planning Policy Guidance (the Guidance)*.
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10. *SLP Policy SP1: Sustainable Development* is a general policy that seeks to ensure that new development accords with the principles of sustainable development. Amongst other things the policy indicates that development proposals should: avoid harming areas of environmental importance; secure the efficient use of previously-developed land; and reduce the need to travel.
11. *SLP Policy SP4: Housing* is designed to ensure that sufficient land is provided to satisfy housing need in accordance with the *SLP's* spatial strategy. *SLP Policies SH1: Settlement Hierarchy* and *H5: Housing Allocations* seeks to direct the majority of the Borough's housing growth (5,428 dwellings) to the Thames Gateway Planning Area (Sittingbourne and Isle of Sheppey) with limited development to meet local needs in Faversham and the Rest of the Swale Planning Area (377 dwellings). *SLP Policy H2: Housing* specifies that permission for new residential development will be granted for sites that are allocated or within defined built-up areas. Outside of the defined built-up areas and allocated sites new residential development will only be granted for certain limited exceptions.
12. *SLP Policy E6: Countryside* is designed to protect the quality, character and amenity value of the countryside and ensure that development outside the defined built-up boundaries is restricted to that which needs to be there. *SLP Policy E9; Protecting the Quality and Character of the Borough's Landscape* confirms the importance of protecting the quality, character and amenity value of the wider landscape of the Borough.
13. *SLP Policy FAV1: The Faversham and Rest of Swale Planning Area* specifies that the conservation of the historic and natural environment is the prime and overriding consideration. One of the priorities identified in the policy is support for meeting Faversham's development needs within the urban area so as to minimise greenfield land development.

Emerging local plan policies

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

Issue 1: Supply of housing

15. On the basis of the housing requirement contained in the adopted *SLP* the Council accepts that within the Borough there is 3.17 years of housing land supply and a shortfall of 1,437 dwellings. These figures include provision for a 5% buffer and take account of the shortfall of dwelling completions in past years in accordance with the Sedgfield method. In my judgement, having regard to the material submitted, this is a reasonable assessment of the current position as regards housing land supply within the Borough.
 16. In my view, therefore, there is a significant shortfall of deliverable housing sites in the Borough. Although I am aware of the distribution of housing development inherent in the *SLP* and the Council's recent endeavours to identify and release additional housing sites in Faversham this does not change
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my finding that in the Borough there is a shortage of deliverable housing sites. As the Council cannot demonstrate a 5-year supply of deliverable housing sites paragraph 49 of the *Framework* makes it clear that relevant policies for the supply of housing should not be considered up to date.

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

Issue 2: Rural character and appearance

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

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- development south of the A2 including housing and a large secondary school and associated playing fields.
23. Notwithstanding this an important element of adopted *Policy SLP Policy E6: Countryside* is the protection of the quality, character and amenity value of the countryside. Similarly one of the elements of *SLP Policy SP1: Sustainable Development* is the avoidance of harm to areas of environmental importance. As these elements accord with national guidance these parts of the policies need to be accorded significant weight. *SLP Policy E9; Protecting the Quality and Character of the Borough's Landscape* also accords with national guidance and should be attributed significant weight.
24. Although the appeal site is not within a landscape designated for its quality or within the setting of the Ospring Conservation Area it forms part of the attractive open countryside to the south of Faversham and is clearly valued by local people. Consequently in its present state the site positively contributes to the rural character of Brogdale Road and the rural approach to Faversham. The proposal, therefore, would detract from the rural character and appearance of the local area.
25. There are a number of factors, however, that have a bearing on the degree of harm that would result. The appeal site is relatively small compared to the considerable amount of agricultural land extending southwards towards the M2 and is bounded by residential development to the north, glasshouses and poly-tunnels to the west, and school playing fields and several houses to the east. It is also at a slightly lower level than the agricultural land further to the south. As a result it is much more self-contained than other sites in the area. In my judgement these particular characteristics of the site and the surroundings would lessen the development's impact on the wider landscape. Furthermore the submitted illustrative layout makes provision for sizeable areas of open space and planting along the Brogdale Road frontage and southern boundary. In time this would help soften the appearance of the development and provide an appropriate area of transition between the developed part of Faversham and the countryside. Taking account of these factors it is my view that the proposed scheme would have a moderate adverse impact on the rural character of Brogdale Road and the rural approach to Faversham.
26. I conclude, therefore, on the second main issue that the proposal would have a moderate adverse impact on the rural character of Brogdale Road and the rural approach to Faversham. This brings the proposal into conflict with elements of *Policies SLP Policy E6: Countryside* and *SP1: Sustainable Development*, and with *SLP Policy E9; Protecting the Quality and Character of the Borough's Landscape*.

Issue 3: Agricultural land quality

27. The Council contend that the development of the site would lead to the unnecessary loss of the best and most versatile agricultural land and increase the pressure to develop other such land in the area. In support of this the Council refer to emerging *SBLP Policy DM31: Agricultural Land* which indicates that apart from in a limited number of specified instances development will not generally be permitted on the best and most versatile agricultural land (specifically Grades 1, 2 and 3a).
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28. I accept that in accordance with *paragraph 216 of the Framework*, account can be taken of emerging policies. However the *SBLP* has not yet been submitted for examination. Furthermore the wording of *SBLP Policy DM31* is different from that set out in *paragraph 112 of the Framework* which advocates the use of poorer quality land in preference to that of a higher quality where significant development of agricultural land is demonstrated to be necessary. The *Framework* does not rule out the development of the best and most versatile land as a matter of principle. In the light of this I consider very little weight can be attached to *SBLP Policy DM31*.
29. In my view the proposal does not involve a significant loss of the best and most versatile agricultural land. At 3.4 ha in area the field is very small in comparison to the amount of agricultural land around Faversham, most of which is of similar quality. I also note that the Council has recently identified other good quality agricultural land around Faversham for development. As it is not related to any other land-holding in the area its loss would not prejudice the continued operation of any farming business. Whilst acknowledging the Council's concerns about the release of other high quality land in the area south of the A2 each proposal needs to be determined on its particular merits, including its overall scale and relationship with existing development.
30. I conclude, therefore, on the third main issue that the proposal would not involve a significant loss of the best and most versatile agricultural land.

Issue 4: Gypsy and Traveller site accommodation

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

Issue 5: Sustainable development

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

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

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

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

Other matters

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

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Overall planning balance

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

Conditions

44. I have considered the planning conditions put forward and discussed at the Hearing in the light of the advice in *the Guidance*. I have applied the standard outline conditions (*Conditions 1, 2 & 3*). To ensure that the development proceeds in accordance with what has been approved the plans are specified (*Condition 4*). The submission of samples of materials for approval is required to make sure that those used are in keeping with local character (*Condition 5*). In the interests of public amenity and safety the development needs to be laid out in accordance with the principles of 'Secure by Design' (*Condition 6*). Parking space, and the retention of such areas, is necessary to minimise on-street parking and associated disturbance to residents (*Condition 7*).
45. Given the sensitive location of the site on the edge of Faversham and the need to ensure a high quality development a Development Brief for the site needs to be produced to guide the scheme (*Condition 8*). Most of the material required for the production of this Brief is contained in the application and hearing documents. In order to control the height of the new dwellings, thereby minimising the impact on the surrounding area, details of existing and proposed levels are required (*Condition 9*).
46. The provision of appropriate sewerage and drainage works to serve the site are necessary (*Condition 10*). The roads and associated elements need to be laid out in a satisfactory and timely manner (*Condition 11*). Landscaping details are required to ensure that the site is suitably landscaped and in keeping with local character (*Conditions 12 & 13*). In the event that any contamination is found on the site a remediation scheme strategy will be required (*Condition 14*). The
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dwellings need to meet appropriate levels of sustainable construction (*Condition 15*).

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

Section 106 Agreement

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

Overall Conclusion

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

Christopher Anstey

Inspector

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APPEARANCES

FOR THE APPELLANT:

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

FOR THE LOCAL PLANNING AUTHORITY:

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

INTERESTED PERSONS:

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

DOCUMENTS

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

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PLANS

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

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SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters referred to in Condition 1 above shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the approved plans [i.e. drawing no. D-SLP-Rev A at 1:1250 scale, illustrative layout plan - drawing no. DACA-DWG - at 1:500 scale, and J C White - Topographical survey plans].
- 5) No development shall commence until samples of the materials to be used on the external elevations of the dwellings hereby permitted, have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall not be constructed other than in accordance with these approved materials.
- 6) Prior to the commencement of development full details of how the development will meet the principles of 'Secure by Design; shall be submitted to the local planning authority for approval in writing and shall be implemented in accordance with the approved details.
- 7) The details pursuant to condition (1) above shall show adequate land to the satisfaction of the local planning authority reserved for the parking or garaging of cars (in accordance with the currently adopted Kent County Council Vehicle Parking Standards). The land so identified shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development Order 1995) or not, shall be carried out on such land (other than the erection of a private garage or garages) or in a position as to preclude vehicle access thereto.
- 8) The details submitted in pursuance of condition (1) shall be in accordance with a Development Brief that shall first have been agreed by the local planning authority and which shall include the following:
 - (a) details of the road layout for the site;
 - (b) connectivity for pedestrians between the site and the town centre;
 - (c) an overall landscape strategy for the site;
 - (d) an overall sustainable surface water drainage strategy for the site (based on a network of open ditches and ponds);
 - (e) a strategy for the architectural treatment of the buildings on the site, including elevational treatment, roof design and palette of colours;
 - (f) a strategy to maximise opportunities for biodiversity across all parts of the application site;

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- 9) The details submitted in in pursuance of condition (1) shall show details of existing and proposed ground levels across the site and the levels of the proposed floor slabs and heights of the proposed dwellings and shall be submitted to and approved in writing by the local planning authority. Development shall be carried out as approved.
- 10) Prior to the commencement of development hereby approved full details of the method of disposal of foul and surface waters as part of a drainage strategy shall be submitted and approved in writing by the local planning authority. This drainage strategy shall be based on SuDS principles and shall be designed to ensure that run-off rates are no greater than existing conditions. A drainage infrastructure Maintenance Plan should be incorporated into the strategy which should set out the information and procedures the owners/operators of the development will adhere to. The approved details shall be implemented before the first use of the development hereby permitted.
- 11) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway and driveway gradients, and street furniture, as appropriate, shall be constructed and laid out in accordance with details to be submitted at the reserved matters stage and approved in writing by the local planning authority before their construction begins. For this purpose plans and sections indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the local planning authority. The works as approved shall be completed prior to the occupation of the fiftieth dwelling.
- 12) All hard and soft landscape works approved pursuant to condition (1) above shall be carried out in accordance with the approved details. These details shall include existing trees, shrubs and other features, planting schedules, noting species (which should be native species where possible and of a type that will enhance or encourage local biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing, materials and an implementation programme. The works shall be carried out prior to the occupation of the fiftieth dwelling or in accordance with a programme first agreed in writing with the local planning authority.
- 13) Upon completion of the approved landscaping scheme, any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees and shrubs of such size and species as may be agreed with the local planning authority, and within whatever planting season is agreed.
- 14) If during development contamination not previously identified is found to be present at the site then no further development (unless agreed in writing by the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how the unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 15) The dwellings shall meet at least the Level 3 Rating of the Code for Sustainable Homes or any other specification approved by the local

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planning authority. No development shall take place until details have been submitted to and approved in writing by the local planning authority, which set out what measures will be taken to ensure that the development incorporates sustainable construction techniques such as rainwater harvesting, water conservation, energy efficiency, and where appropriate, the use of local building materials, and provisions for the production of renewable energy such as wind power, or solar, thermal or solar voltaic installations. Upon approval the details shall be incorporated into the development as approved.

- 16) During construction of the development adequate space shall be provided on site, in a position previously agreed with the local planning authority, to enable all employees and contractors and construction vehicles to park, load and off-load, and turn within the site.
- 17) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 0730-1900 hours and Saturdays 0730-1300 hours, unless in association with an emergency or with the prior written approval of the local planning authority.
- 18) No impact pile driving in connection with the construction of the development hereby approved shall take place on site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times: Monday to Friday 0900-1700 hours, unless in association with an emergency or with the prior written approval of the local planning authority.
- 19) No burning of waste or refuse shall take place on the site during construction works other than may be agreed in writing by the local planning authority.
- 20) No development shall take place until measures, including wheel washing facilities, to prevent the deposit of mud and other debris on the public highway have been agreed in writing by the local planning authority. The agreed measures shall be implemented and retained on site during the construction period unless any variation has been agreed by the local planning authority.
- 21) No development shall take place until a programme for the suppression of dust during the construction period has been agreed in writing by the local planning authority. The agreed programme shall be implemented during the construction period unless any variation has been agreed by the local planning authority.