

<b>2.6 REFERENCE NO - 15/505190/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of 14 No 'Passivhaus' houses comprising 6 x 3 bed semi detached, 3 x 3 bed detached, 3 x 4 bed detached and 2 x 5 bed detached units.		
<b>ADDRESS</b> Former Silver Sands Nurseries And Garden Centre Staple Street Hernhill Kent ME13 9HZ		
<b>RECOMMENDATION – APPROVE, subject to completion of s.106 agreement and amended plans &amp; further consideration of the acoustic treatment of the site</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION –</b> Suitable use of derelict brownfield site for 'passivhaus' low energy properties		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council Objection		
<b>WARD</b> Boughton & Courtenay	<b>PARISH/TOWN COUNCIL</b> Hernhill	<b>APPLICANT</b> Mr Paul Cohen <b>AGENT</b> Evison & Company
<b>DECISION DUE DATE</b> 07/08/15	<b>PUBLICITY EXPIRY DATE</b> 25/09/15	<b>OFFICER SITE VISIT DATE</b> Three separate site visits
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		
<ul style="list-style-type: none"> <li>• SW/74/0515 - Landscaped show garden. Approved 11.11.74.</li> <li>• SW/80/1301 - Erection of a greenhouse. Approved 15.12.80</li> <li>• SW/81/0959 - Erection of new garden shop. Approved 27.10.81.</li> <li>• SW/88/0604 - Three brick walls with bases either side to support lean to greenhouses or conservatories. Approved 28.6.86</li> <li>• SW/88/0771 - Use of land for parking and hire of caravans and outline application for erection of single storey building. Withdrawn 20.12.88</li> <li>• SW/89/0548 - Change of use to sale of touring caravans and erection of building for show room office and workshop landscaping and customer parking area. Refused 26.5.89</li> <li>• SW/90/0649 &amp; 91/0083 - Use for display and sale of touring caravans including demolition of water tower and buildings, erection of workshop building, re-siting of garden centre sales building, formation of new access and full landscaping of site. Refused 11.5.90. 91/0083 allowed on appeal 3.5.91.</li> <li>• SW/96/0075 - Renewal of planning permission SW/91/83 for change of use from garden centre to display and sales area for touring caravans and erection of new offices, workshop and showroom. Granted 22.3.96.</li> <li>• SW/97/0834 - Outline application for demolition of existing unit and re-siting new detached 6 bedroom house with double garage and covered swimming pool. Granted. 26.3.98.</li> <li>• SW/02/0555 - Outline application for demolition of redundant garden centre, erection of 28 dwellings, estate road and ancillary site works. Refused 4.7.2002</li> <li>• SW/03/0999 – Outline permission for demolition of redundant garden centre erection of a 50 bedroom hotel with in-house leisure facilities, access road, car parking and ancillary works. Granted 25.5.2004.</li> </ul>		

## **1.0 DESCRIPTION OF SITE**

- 1.01 The site is the location of a former garden centre and nurseries known as 'Silver Sands'. It is located to the eastern side of the A299 Thanet Way, a dual carriageway highway. The site has an existing access road leading from the slip road connected to the A299, which runs parallel to the Thanet Way for approximately 200 metres. There are two existing dwellings on the southwestern side of the site, approximately 200 metres away. Further to the southwest, approximately 230 metres from the site is Dunster House, an establishment selling garden buildings.
- 1.02 The site is at present vacant, and badly overgrown with vegetation, with some surviving foundations of the former buildings on the site. It appears to have been the dumping ground for fly tippers over the years.
- 1.03 As noted above, the site is accessed by an existing made-up access road of approximately 200 metres in length. Whilst not wide, it is wide enough to allow two cars to pass comfortably, and runs parallel with the Thanet Way, separated by mature vegetation.
- 1.04 The topography of the site is fairly level, but does slope slightly downwards towards the northeastern end to the site.
- 1.05 At present, the site boasts a number of trees at its edge, with some in the centre, many of which are conifers. None of these trees appear to be of any visual merit to this mainly open site.
- 1.06 The site is within six kilometres of the Special Protection Area (SPA) along the Swale, designated on account of its ecological value.

## **2.0 PROPOSAL**

- 2.01 The proposal is to clear the site and erect fourteen 'Passivhaus' houses. Passivhaus dwellings are generally designed to provide a high level of occupant comfort while using very little energy for heating and cooling. I understand that they are built with meticulous attention to detail and rigorous design and construction, according to principles developed by the Passivhaus Institute in Germany, and can be certified through an exacting quality assurance process. This is achieved by providing very high levels of insulation, high performance windows with insulated frames, and airtight building fabric, and should produce a 75% reduction in space heating requirements, compared to standard practice for UK new build. The Passivhaus standard therefore gives a robust method to help the industry achieve the 80% carbon reductions that are set as a legislative target for the UK Government. Solar panels are included within the proposal, to provide heating for hot water to the properties.
- 2.02 The proposal is for six 3 bedroom semi-detached houses, three 3 bedroom detached properties, three 4 bedroom detached properties and two 5 bedroom detached properties.

2.03 The properties would be arranged informally around the entrance roadway and a central community woodland area. They would be of a contemporary modern design, well-spaced, and each would have a garage and parking area (which would conform with the Kent Design Guide: Interim Guidance Note 3) and would have commensurate private amenity areas. A number of facing materials, from cladding to shingles, would be used to face the proposed properties. Ridge heights for the properties would generally be around the eight to nine metres mark, with garden areas ranging from to 80 square metres to 350 square metres

2.04 The application is supported by a landscape strategy, an arboricultural impact assessment, and ecological scoping report, a badger and reptile survey, an energy efficient strategy, a landscape and visual impact appraisal, a noise assessment, a transport statement, a viability report, a drainage strategy, and a full planning statement. To very briefly summarise their contents;

- Landscaping is proposed an all boundaries, in addition to landscaping for each plot and for a centrally placed communal woodland
- A summary of the topography of the land, which is fairly flat but dips down towards the northeastern end of the site
- A general report on ecological issues, which identifies the presence of small reptiles and badgers on site
- Reports summarising measures to re-accommodate reptiles and badgers found on site
- A noise report stating that noise levels would be acceptable if a six metre high fence, with smaller four and three metre high fences on the ends, were erected towards the boundary with the Thanet Way
- An assessment of vehicle movements on and off the site, suggesting that these would be less than for the former garden centre or for the approved but now planning permission for a hotel
- A report specifying proposed drainage methods for the site
- Other schemes for the use of the site have failed; the site is a brownfield site which needs a use; Passivhaus proposal and designs render the proposal acceptable in this location

2.05 Due to the immediate location of the Thanet Way, a six metre high acoustic fence is proposed to run along the boundary of the site with the Thanet Way. The property nearest to the site boundary would be 27 metres from the Thanet Way

### 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	1.45	1.45	None
No. of Storeys	N/A	2	+2
Parking Spaces	None	37	+37
No. of Residential Units	None	14	+14
No. of Affordable Units	None	None	None

#### 4.0 PLANNING CONSTRAINTS

High Pressure Gas Pipe - Inner Zone

Section 106 Agreement

#### 5.0 POLICY AND OTHER CONSIDERATIONS

##### 5.01 National Planning Policy Framework (NPPF)

Paragraph 7 states that sustainable development should have:

- **an economic role** – *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- **a social role** – *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- **an environmental role** – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

Paragraph 14 states the presumption in favour of sustainable development

Paragraph 17 states that development should incorporate the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value

Paragraphs 47 & 50 deal with the need to deliver a wide choice of high quality homes

Paragraph 49 states that ‘ *Housing applications should be considered in the context of the presumption in favour of sustainable development. 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.*’

Paragraph 55 promotes sustainable housing within the countryside, if that housing is of exceptional quality and of innovative design

##### 5.02 Swale Borough Local Plan 2008

Policy B1 supports the retention of existing employment land and businesses. Proposals involving a change of use are required to show by reference to this policy that a mixed use approach to the site involving a viable level of replacement or alternative employment provision is not appropriate. Policy B1(c) states that the use of existing employment land may be changed if it is tested by market testing to ascertain that there is insufficient demand to justify its retention for employment use.

Policy E6 sets a policy of rural restraint designed to protect the countryside for its own sake and discourages residential development in the countryside, although *'those developments necessary for maintaining and enhancing the landscape*

*character, biodiversity, community, social and economic needs of the countryside will be considered appropriate.'*

Policy E9 protects the character of the landscape in the Borough, and states that development proposals within the countryside should be *'informed by and sympathetic to local landscape character and quality'* and *'remove features which detract from the character of the landscape'*

Policy H2 (Providing for new housing) states that *'in designing new residential development, the objective should be to create more sustainable forms of development'*.

5.03 Bearing Fruits 2031: The Swale Borough Local Plan Part1; Publication Version December 2014

Policy CP3 deals with delivering a wide choice of high quality homes and requires that development achieves *'sustainable and high quality design.'*

Policy CP4 further emphasises this by stating that all development proposals *'will be of a high quality design that is appropriate to its surroundings.'*

Policy DM7 requires adequate parking facilities for all new development

Policy DM9 refers to occasions when housing within the countryside should be allowed, including where *'the site and proposed development would not have a significant adverse impact upon the character of the settlement, the surrounding countryside and the amenity of the existing community.'*

Policy DM14 refers to general development criteria

Policies DM19 and 20 refer to the need for sustainable design and construction and the use of renewable and low carbon energy

## 6.0 LOCAL REPRESENTATIONS

6.01 Two letters/emails of objection have been received from local residents. The contents of same can be summarised as follows:

- No mention of incoming electricity, gas, water or telephone utilities
- Some properties will only have a view of the acoustic fence
- There is a 55db maximum noise level for properties set by the Council; noise levels will exceed this

- *'Acoustic barriers in the countryside; is that what rural life will be now, as the Council bends to the desire of developers to place humans living in inappropriate locations to meet government house building targets'*
- *'Will these residents enjoy being outside in their fantasy woodland during these seasonal weather conditions?'*
- What will re-sale values be in years to come?
- Solar panels only appear to be for heating water
- The bus service does not stop close to the site
- Cycling from the site is impractical
- Why were previous approvals not implemented?
- *'Isolated home should be avoided – so why is the proposed development coming here?'*
- Not a sustainable site
- No benefit to the local community
- Access road is too narrow for two vehicles to pass each other; *'The developer would need single line working with traffic lights each end or an e-token system, just like on the railways'*
- *'This development is only of benefit to the developer.'*
- There is no mains sewer
- *'Why KCC built the access road after Silver Sands closed and wasted public funds, I don't know.'*
- Nearby gas main
- This land should be returned to farmland or woodland for wildlife and birds
- There will be at least eighty vehicles on the site
- *'What happens when a refuse truck is coming one way down the access road and coming in the opposite direction is (a) a car, (b) van, (c) 7.5 ton truck, (d) and ambulance or (e) fire engine. How would they pass each other?'*
- The site has not been in operation for 24 years
- Potential for vehicles to crash into my property
- Slip road access to A299 is poor
- There are NO vehicle movements now. Any development will increase this.
- Traffic report is flawed
- The site *'should be returned to farmland or woodland to its pre-1930s status'*
- Due to inconvenience during construction, the access route should not be used and the developers should construct another route into their site
- The developers have not sought the advice of Action with Communities in Rural Kent
- Glow of lighting within rural area
- House designs are not attractive
- Visibility splays are poor; I will not let my conifers be cut back
- the junction is becoming progressively more dangerous to the extent that residents of Lavender Cottage and Westland House find entering and exiting their properties extremely hazardous
- The traffic volume on the Thanet Way has increased since dualling and shows every indication of increasing further.
- Traffic passing the Staple Street junction does so at 70mph.
- Traffic leaving the Thanet Way at Staple Street does so at high speed.
- The Staple Street junction has a long documented record of road accidents related to the Thanet Way exit traffic

- The once Duke of Kent public house site is now occupied by a company whose business is the sale and distribution of garden buildings and as such generates traffic movements all day 7 days a week.

## 7.0 CONSULTATIONS

- 7.01 Hernhill Parish Council objects to the application, noting that *'the access roads to the site (Staplestreet and Thanet Way) are not suitable or safe for the proposed volume of vehicles using the proposed residential site. The Parish Council request that the matter be taken to Swale Borough Council Planning Committee and also that a site visit with Parish Councillors be arranged to discuss the matter in more detail.'*
- 7.02 With regard to the nearby gas pipeline, the Health and Safety Executive comment that *'HSE does not advise, on safety grounds, against the granting of planning permission in this case.'*
- 7.03 UK Power Networks raises no objection.
- 7.04 Southern Gas Networks raises no objection.
- 7.05 Following receipt of a flood survey, the KCC Flood Risk Project Officer raises no objection, subject to conditions included below.
- 7.06 The Kent Wildlife Trust requested copies of a Reptile and a Badger Survey. These have now been supplied, and I will report KWT's response to Members at the meeting.
- 7.07 Southern Water raises no objection
- 7.08 The Environmental Health Manager raises no objection on environmental grounds, subject to conditions included below.
- 7.09 KCC Ecology comment as follows: *'Reptiles: Due to the design of the proposed development there is no potential for the reptile population to be retained on site and as such there is a need to identify an offsite receptor site. Ideally details of the proposed receptor site should be submitted prior to determination of the planning application to satisfy SBC that the impact on reptiles can be successfully mitigated if planning permission is granted. However if SBC are minded to granted planning permission we recommend that a detailed reptile mitigation strategy is submitted as a condition of planning permission. The mitigation strategy must be must include the following:*
- *Map showing location of receptor site*
  - *Reptile survey of receptor site – confirming that there is sufficient carrying capacity.*
  - *Details of ecological enhancements*
  - *Translocation methodology*
  - *Timings of works*
  - *Management plan for receptor site*
  - *Monitoring for receptor site*

*The mitigation strategy must be submitted for approval prior to any works being carried out on site.*

*Badgers: The submitted survey has confirmed that an outlying badger sett is present within the north of the site. Due to the design of the development there is no potential for the badger sett to be retained within the development. We are satisfied with the conclusions of the report, that as the site is an outlier sett there is no requirement to replace the sett like for like.*

*As detailed within the submitted report as an active badger sett is present on site there will be a requirement for a NE licence to be granted to close the sett. We advise if planning permission is granted a badger mitigation strategy is produced and submitted for prior approval prior to any works being carried out.'*

7.10 SBC's Climate Change Officer raises no objection.

7.11 The Swale Design Panel reviewed the proposal on 6<sup>th</sup> February 2015, and their report is attached as Appendix A.

## **8.0 BACKGROUND PAPERS AND PLANS**

8.01 Application papers and correspondence relating to planning reference 15/506190/FULL.

## **9.0 APPRAISAL**

9.01 In this case, the issues which need to be addressed are those of the principle of development; residential amenity, highway safety and convenience, and sustainability issues. For the sake of regularity, I shall consider each issue in turn.

9.02 Principle of Development: Paragraph 39 of the NPPF refers to a situation where a five year housing supply target has not been met. The council's position with regard to this issue is vulnerable. The Council has not met the Government set figures for housing supply, which leaves the Council open to speculative proposals for development on non-designated sites which would, if supported, count toward to five year supply, and address requirements for quality and choice. Whilst this is a development for only fourteen houses, only making a small contribution towards target, this would still be a positive outcome.

As noted above, the site is situated outside the established built-up area boundaries; as such, the proposal is clearly contrary to Policy E6 of the Swale Borough Local Plan 2008, which precludes residential development within the countryside. However, in this case, I would contend that an exception can be made.

The applicant has tried to market the site for employment uses to no avail and therefore under the exceptions of criteria b and c of Policy B1, residential development here could be acceptable. The proposals would also be compliant with Policy E19, Achieving High Design Quality and Distinctiveness.

The site is 'brownfield', in that it is previously developed land. Both National and Local policy state that brownfield sites should be considered for development before greenfield sites.

The site has been unoccupied for almost a quarter of a century; as such it is in a very sorry state and its present visual aspect clearly detracts from the visual amenity of



the surrounding countryside. I would contend that the well-designed houses proposed, with their careful use of landscaping, would present a visually far more acceptable aspect.

The properties proposed for the site are of passivhaus design, having a very low carbon, energy efficient specification. Policy DM20 of 'Bearing Fruits' states that, with regard to renewable and low carbon energy, 'Priority will be given to development on previously developed land', as is the case here.

- 9.03 Alternative uses for the site: Policy B1 of the Swale Borough Local Plan 2008 states that the loss of employment land should be avoided if possible. As noted, the site once housed the Silver Sands garden centre and nurseries, an employment land use, but that use ended over twenty years ago. Since then, a number of alternative uses have been tested by application, including one for a fifty room hotel, which was approved under reference SW/03/0999. That permission has since lapsed, with no development taking place, and the condition of the site has progressively deteriorated. With no previous schemes having come to fruition on this brownfield site during the last quarter of a century, the Council is obliged to consider any new scheme carefully.

The closure of the garden centre appears to have been occasioned at least in part by the widening of the Thanet Way, and the only other commercial proposal for the site approved has not come to fruition, for reasons unknown, it seems that a business use may not be a viable alternative for this site, and that residential development may be the only way of restoring this brownfield site to be of use. As such, I am of the opinion that the provisions of Policy B1(c) are met by the material consideration that this site has failed to attract any approved business or commercial use.

- 9.04 Highway Safety and Amenity: Much has been made by an objector with regard to highways issues, even going as far as to suggest that vehicles would have difficulty passing each other within the access road, thus necessitating 'single line working' or even traffic lights. Having visited the site, I am satisfied that the access road is wide enough to allow two vehicles to pass in safety, and this view has been endorsed by KCC Highways, who raise no objection to the proposal, subject to the conditions included below. I believe that the concerns raised with regard to the width of the access road may be due to the fact that much vegetation at the sides of the road has been allowed to grow unfettered, thus making the roadway appear to be narrower than it is. As such, this impediment would be easily removed.

With regard to the head of the access road leading off from the slip-road off the A299, I note that the access is existing, and has served local residents and the recent addition of Dunster House for some time. It was also considered to be acceptable to serve the previously approved but not implemented fifty bedroom hotel approved for the site. As vehicle movements for fourteen houses are likely to be far less than for a fifty bedroom hotel, I can only deduce that what served the site then is equally acceptable now. Kent Highway Services note that the access *'from the existing unadopted access road joins Staplestreet Road, just east of the Thanet Way slip road. For the previously approved scheme on this site for a 50 bed hotel with leisure facilities, application SW/03/0999, the Highway Authority had required improvements to the slip road, given the scale of the development proposals. The current scheme however, is of a much smaller size, and would only generate a fraction of the vehicle movements on Staplestreet Road and the A299. It would also generate far less movements than the former use as a nursery, which although has not traded since*

*the dualling of the A229 was carried out, the access road serving it was created by the 1995 Side Roads Order in the expectation that it would continue to serve such an enterprise.*

*Whilst the access has become overgrown in time with vegetation that may restrict the width of the road into the development site, or reduce the level of sightlines onto Staplestreet Road, all of the land that contributes to this vegetation is either part of the adopted highway or within KCC ownership. Measures can therefore be taken to provide the passing widths along the access road, or achieve the appropriate sightlines at the access, including giving sufficient views onto the slip road.'*

- 9.05 Visual and Residential Amenity: Although one of the objectors refers to the communal wooded area within the centre of the site as a 'fantasy woodland', I do not take that view. The proposed wooded area to the centre of the site (which is not currently wooded) would make a welcome break in the proposed built environment, also creating a green community area for the future residents of these properties. True, it would take a little time for the new wooded area to establish itself, but I am of the opinion that this part of the proposal is worthy of support.

I am further mindful of the fact that there is a gap of at two hundred metres between the site and the nearest existing properties. As such, there will be no cases of overlooking and overshadowing between old and new, and I cannot foresee any other amenity problems. It appears that most concerns raised with regard to amenity refer to the roadway and access; these matters have already been addressed above.

However, I confess to having some concerns with regard to the residential amenity of some of the potential occupiers of these properties. Due to the proximity of the Thanet Way, some form of noise attenuation is necessary to allow residents the enjoyment of their homes.

When the proposal was discussed at pre-application stage, a bund was included within the plans. However, the application as submitted shows a six metre high acoustic fence running along the boundary of the site with the Thanet Way, which is far from ideal. My Officers have raised this matter with the applicant's agent who has replied as follows:

*'Taking into consideration comments made by the Design South East, we tried initially to negotiate the purchase of the strip of land between our boundary and the footpath adjacent to the A299 Thanet Way on which the bunding would have stood but KCC refused as that space may possibly be required to accommodate roadworks to the A299 at some time in the future. It was also clear that a number of trees would need to be removed to construct the bund.*

*However it became apparent through computer modelling that a design based on bunding alone was not going to provide a practicable solution. We then looked at various permutations by which we could achieve the reduced noise levels across the site. Our consultants Able Acoustics built a noise model and carried out calculations for 11 permutations of bunds and barriers at different heights and geometries and composition to arrive at the present design. It was however clear from this work that it will not be possible to achieve the required sound reduction with any form of bund.*

*Further designs were considered until we arrived at the proposed timber acoustic screen which achieves the required noise reduction down to a level of 60db.*

*Whilst we understand the potential visual impact of a screen compared with a bund, there are additional factors that should be considered:*

- 1. The timber fence is significantly thinner, meaning that it can be installed from within the site without disturbing the existing trees and planting on the boundary along Thanet Way.*
- 2. This relative thinness also ensures the maximum retention of space to allow both the existing vegetation to be retained and additional trees to be planted within the site boundary on the north side of the fence to screen it from Thanet Way.*
- 3. On the south side of the fence it has enabled space to be provided for the addition of new trees, climbing plants and other planting to provide a very substantial level of the screening of the acoustic fence from within the site. The other 3m and 4m acoustic fences within the site will also be screened by existing and proposed tree planting and softened visually by climbing plants*
- 4. This strategy is confirmed in the Landscape Strategy document submitted with the application:*

*The 6m high fence along the Thanet Way boundary will be screened by both existing vegetation along the boundary, and where there are gaps in the vegetation, supplemented by native planting in the form of whips, standards and advanced nursery stock trees and climbing plants be planted on both sides of the fence to screen it. Some of the existing vegetation consists of Lawson Cypress trees which will be replaced over time as they decline by native trees with a high proportion of evergreen varieties to provide year round screening. (Ref p3 'Acoustic Fences' - Landscape Strategy)*

*The location and height of the acoustic fences proposed are shown on the plan on p 34 of the Design and Access Statement.'*

I note that the Environmental Health Manager considers that such an acoustic fence will deal adequately with the problems of noise emanating from the Thanet Way, but the question of the fence causes concern on visual and residential amenity grounds. In terms of visual amenity, when travelling along the Thanet Way, the acoustic fence would be clearly seen, and would clearly not be particularly visually pleasing. It must be admitted that a bund is also not visually pleasing, but its impact upon the visual appearance of the area would be far less than the proposed fence.

Similarly, the occupiers of the proposed properties nearest the fence would also have a clear view of it; whilst there is no right to a view within planning law, it is a pity that the fence will be necessary.

However, as an acoustic barrier of some sort is clearly necessary, I still have concerns with regard to a six metres high acoustic fence which, whilst solving the noise problems, would not be acceptable in terms of visual amenity. As such, I have asked the agent to consider suitable solutions to this problem, and will report same to Members at the Committee meeting.

9.06 Sustainability: Clearly, the proposal for passivhaus dwellings is one of the very positive points of this proposal. Passivhaus dwellings, as noted earlier, are specifically designed to be energy efficient by having superb insulation, etc., and such design is fully in accordance with national and local policy with regard to sustainability.

9.07 Developer Contributions:

- KCC Contributions Team has requested contributions of £672.22 towards library funding
- SBC's Waste Team requests a contribution of £1,050.00 to allow two bins (recycling and waste) for each house
- The Greenspaces Manager has requested contributions of £12,065.20 (£861.80 per dwelling) towards play equipment to be provided in Boughton to meet the need arising from this scheme.
- Developer Contribution to mitigate impact on the nearby Special Protection Area would be £3122.00 (£223.00 per dwelling)
- SBC monitoring fee (5% of £16, 906.42) - £845.32
- Total = £17,751.74

## 10.0 CONCLUSION

10.01 I fully acknowledge the fact that the pros and cons of this scheme are quite finely balanced, but I am of the opinion that the opportunity of bringing this redundant brownfield site back into operation with a useful and viable use is of primary importance in this case. I therefore recommend that the application be approved, subject to strict conformity with the conditions given below.

**11.0 RECOMMENDATION** – GRANT Subject to the signing of a suitably-worded Section 106 Agreement; the receipt of amended plans and the further views of the Environmental Health Manager; and the following conditions:

### CONDITIONS

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

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

2 The development hereby approved shall be carried out in complete accordance with drawings L90\_200 REV H; P1411\_P\_101 REV A; P1411\_P\_102 REV A; P1411\_P\_103 REV A; P1411\_P\_150; P1411\_P\_151; P1411\_P\_200, P1411\_P\_201; P1411\_P\_202; P1411\_P\_203; P1411\_P\_204 REV B; P1411\_P\_205 REV B; P1411\_P\_206 REV A; P1411\_P\_207 REV A; P1411\_P\_208, and P1411\_P\_209.

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

3 Before the development hereby permitted is commenced, samples of all facing materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with these approved details.

Reasons: In the interests of visual amenity, and to ensure that the details are correct before any development takes place.

4 The development hereby permitted shall fully comply with the requirements of the Passivhaus standard, and a Certificate of Compliance with that standard for all dwellings shall be submitted to the Local Planning Authority within six months of the completion of the development hereby approved.

Reasons: In order to ensure high levels of sustainable development

5 Before the development hereby permitted is commenced, full technical specifications and drawings of the proposed acoustic fences shall be submitted to and approved in writing by the Local Planning Authority. The details shall also include details of the planting used to visually obscure the fence from both sides. The development shall then be carried out in complete accordance with these approved details.

Reasons: In the interests of visual and residential amenity, and to ensure that the details are correct before any development takes place.

6 No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority, comprising:

a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the Local Planning Authority prior to any intrusive investigations commencing on site.

b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

Reason: To ensure any contaminated land is adequately dealt with and to ensure that such matters are agreed before work is commenced.

7 Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

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

8 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.

9 Before the development hereby permitted is commenced, a reptile mitigation strategy must be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy must include the following:

- Map showing location of receptor site
- Reptile survey of receptor site – confirming that there is sufficient carrying capacity.
- Details of ecological enhancements
- Translocation methodology
- Timings of works
- Management plan for receptor site
- Monitoring for receptor site

The development should then be carried out in strict accordance with these approved details.

Reasons: In order to secure the safety of protected species, and to ensure that the details are correct before any development takes place.

10 Before the development hereby permitted is commenced, a badger mitigation strategy must be submitted to and approved in writing by the Local Planning Authority. The development should then be carried out in strict accordance with these approved details.

Reasons: In order to secure the safety of protected species, and to ensure that the details are correct before any development takes place.

11 Before the development hereby permitted is commenced, a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate that both the rate and volume of run-off leaving the site post-development will be restricted to that of the existing site during any rainfall event (up to and including the climate change adjusted 100yr critical storm).

Reasons: In the interests of sustainable drainage on the site, and to ensure that the details are correct before any development takes place.

12 No dwelling hereby permitted shall be occupied before details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a timetable for its implementation, and
- a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

13 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.

Reasons: In the interests of residential amenity.

14 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 on 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.

Reasons : In the interests of residential amenity.

15 The commencement of the development shall not take place until a programme for the suppression of dust during the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority.

Reasons : In the interests of residential amenity and to ensure that the details are correct before any development takes place.

16 As an initial operation on site, adequate precautions shall be taken during the progress of the works to prevent the deposit of mud and similar substances on the public highway.

Reasons: In the interests of amenity and road safety.

17 During construction provision shall be made on the site 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

18 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features to be retained, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity, and to ensure that such matters are agreed before work is commenced.

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

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

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

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



21 The areas marked on the approved drawing no.P1411-P-101 as parking spaces shall be reserved for vehicle parking at all times, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land or in such a position as to preclude vehicular access to these areas.

Reasons: In the interest of highway safety and amenity.

22 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.

23 Underground ducts shall be installed before any of the buildings hereby permitted are occupied to enable telephone services and electrical services to be connected to the dwellings within the application site without recourse to the erection of distribution poles and overhead lines, and notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no distribution pole or overhead line shall be erected.

Reason: In the interests of visual amenity.

24 In order to maintain Passivhaus standards, no alterations or extensions, whether permitted by Classes A, B or C of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reasons: In the interests of preserving Passivhaus standards for the approved properties.

**Council's approach to this application**

The Council recognises the advice in paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) and seeks to work with applicants in a positive and proactive manner by offering a pre-application advice service; having a duty planner service; and seeking to find solutions to any obstacles to approval of applications having due regard to the responses to consultation, where it can reasonably be expected that amendments to an application will result in an approval without resulting in a significant change to the nature of the application and the application can then be amended and determined in accordance with statutory timescales.

In this case the proposal was considered acceptable as submitted, subject to the receipt of reptile and badger surveys, and subject to the receipt of acceptable acoustic treatment, and the application was then referred to the Planning Committee for consideration.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

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South East Regional **Design Panel**

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18 February 2015

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Dear Ms Valido Leach

**SILVER SANDS, FAVERSHAM, KENT**

Thank you for asking the Regional Panel in Swale to review the above project. Panel members visited the site before their meeting in Sittingbourne on 6 February. We were grateful to you and your team for your presentation of the proposals. It was also helpful to hear the planning background from Graham Thomas at Swale Borough Council.

**SUMMARY**

The site is unpromising for residential development; an isolated location, with no discernable ecology or landscape features, and oppressive road noise across most of the site. However the Panel is impressed by the determination of the team to overcome these challenges and produce a distinctive development of real quality.

The design concept for the project is sound and the next stage is to refine it, concentrating on the form and overall character of the houses as well as their relationship with the open space. The distinction between public and private gardens could be clearer, although the shared areas have great potential in establishing the new community. We welcome the commitment to Passivhaus design. Given their rather remote location, the environmental performance of the development will be important if it is to meet any claims of sustainability.

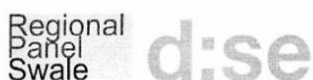
Our detailed comments are as follows:

**BACKGROUND**

The triangular site is a former garden centre and has been cleared of the structures, which included a water tower and the manager's house. Planning consents have been granted for a number of other uses, including a caravan sales centre.

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The site lies next to a busy road, the Thanet Way, and is of no discernible ecological or landscape value. The land falls by approximately 6m from east to west across the site and a gas main runs along the south-eastern boundary.

#### PRINCIPLES

The site poses a number of challenges, not least, how to create a small but successful community in a remote location, some miles distant from the nearest town (Faversham) and hard up against a noisy road.

We support the notion of a cluster of houses, some detached and some in pairs, around a central shared space or glade. The success of the scheme will ultimately depend on the quality and distinctiveness of the houses but also on their relationship with one another, and with the space in the middle. We sense that acoustic mitigation may be the main driver of the layout but we also wonder whether the slope could be used to fine-tune the design.

We support the commitment to energy and water-efficient buildings, on the lines of Passivhaus standards.

#### LANDSCAPE AND PUBLIC REALM

We saw no trees on the site that were worth retaining and the nature of the former garden centre with its large surface car park means that the present ecological value is very low. There is considerable opportunity to enhance the site through new planting and supporting greater biodiversity.

If the shared space in the middle is to work well, its purpose and status should be very clear. Too many large trees could give shade problems but perhaps a community orchard is worth considering, taking advantage of the relatively secluded location but also appropriate to Kent's heritage. The treatment of roads and car parking needs particular care if a permeable, durable but informal surface is to succeed. We think it would help to define exactly how the public and private areas are to be treated and managed.

The landscape assessment needs to be pursued further, in particular to show how the development will look from a distance in key views, especially those from the higher ground to the south. External lighting needs to be low key to avoid an urban feel to the development.

The acoustic screening of Thanet Way, whether by way of an earth mound, planting or combination of the two, needs particular attention if it is to appear as natural as possible, and certainly a single long fence should be avoided.

#### MOVEMENT

We support the principle of adapting 'home zone' techniques, subordinating traffic to pedestrian movement by reducing vehicle speeds and minimising their visual impact. At the same time, however, it is recognised that the site is poorly served by public transport

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and most journeys will be made by car. Care should be taken in managing hard standing and access to garages if the concept of houses in a wood is to be achieved.

When the Thanet Way (A299) was upgraded to a dual carriageway some years ago a parallel access road was provided to the garden centre. This road is surprisingly narrow and will probably have to be widened; it should be of the same standard as the rest of the development.

#### ARCHITECTURE AND DETAILED DESIGN

We commend the team's aspiration for new housing well above the ordinary and with its own defining characteristics. Given the secluded nature of the site we do not think that the development needs to imitate traditional architecture in the area. On the contrary, given the nature of the site and to avoid associations with more routine housing development, there is scope to be rather idiosyncratic; creating a new rural model that draws from Passivhaus techniques as much as from the Kent vernacular.

The volumetric arrangements are not yet convincing – for example, the way the garages relate to the houses – but this is work in progress and we are confident that they can be resolved with further design development.

Particular thought should be given to the appearance of the development at night, including the effect of light pollution. Given the relatively shallow ribbon of planting around the cluster, the light from houses would be still be visible and have a negative impact on the surrounding area. A pool of light at Silver Sands could obscure the night views from upper windows in houses on the hill in Hernhill when looking out to the Swale. One remedy might be to use deeply recessed windows and to develop the sculptural form of the properties to avoid light spillage.

The Panel is pleased to be asked to comment while the project is still at a formative stage. We hope that you and clients find these comments helpful in taking the design to the next level. Please keep the Panel in touch with the project and do contact me if anything in this letter is unclear.


Yours sincerely



ROBERT OFFORD  
Panel Manager

cc Ian Goemans, Evison & Company  
Zara Jolly, Warrens Holdings  
Paul Cohen, Warrens Holdings  
Graham Thomas, Swale Borough Council  
Andrew Spiers, Swale Borough Council

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Regional  
Panel  
Swale 



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Panel members present: Allan Atlee (Chair), Philip Cave, Nick Lee-Evans,  
Richard Scott

Martin Hall DSE  
Geoff Noble DSE

*This review was commissioned by Inside Out Architecture Ltd on behalf of Warrens Stores (Holdings) Ltd with the knowledge of Swale Borough Council*

**CONFIDENTIALITY**

*Since the scheme was not the subject of a planning application when it came to the Panel, this letter is offered in confidence to the addressee and those listed as being sent copies. There is no objection to the letter being shared within the respective practices/organisations. SERDP reserves the right to make the guidance known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). The letter would also be made available to any public inquiry concerning the scheme. SERDP also reserves the right to make the guidance available to another design review panel should the scheme go before them. If you do not require this letter to be kept confidential, please let us know.*

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