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| 2.3 REFERENCE NO 23/504707/HYBRID | | |
| PROPOSAL Section 73 - Application for minor material amendment to approved plans condition 6 (To improve quality of amenity space, security and safety. To increase in the amount of independently accessible parking spaces. To revise the arrangement and distribution of house sizes and types, and to amend the design of Blocks A and B) pursuant to 23/500857/HYBRID for - Hybrid Planning Application consisting of a: Full planning application for 84no. residential dwellings, 3no. commercial units for Class E uses, access off Love Lane, and site infrastructure. Outline Planning Application (with all matters reserved) for 70no. residential dwellings, enterprise land development (including Class E uses), a Day Nursery and a Care Home, together with open space, sports provision, and associated works. | | |
| SITE LOCATION Land At Lady Dane Farm, Love Lane, Faversham, Kent, ME13 8YN | | |
| RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate. | | |
| APPLICATION TYPE Section 73 Application related to a Major | | |
| REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to a written representation received from Faversham Town Council that is based upon relevant planning considerations. | | |
| Case Officer Ben Oates | | |
| WARD Watling | PARISH/TOWN COUNCIL Faversham Town | APPLICANT Fernham Homes Operations Limited AGENT None |
| DATE REGISTERED 19/10/2023 | | TARGET DATE 18/01/2024 |
| BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - <ul style="list-style-type: none"> - All drawings submitted - All representations received - Cover letter dated 16/10/2023 (uploaded on 16/10/2023) The full suite of documents submitted pursuant to the above application are available via the link below: - https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S2MC70TYJHV00 | | |

1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site is located to the eastern side of Faversham Town. It forms part of a wider development site, measuring approximately 14.5 hectares, whereby hybrid planning permission was granted in May 2023 (23/500867/HYBRID) for a mixed-use redevelopment of the site.

- 1.2. This s73 application specifically relates to the land that was subject to the Full Planning permission (for 84 residential dwellings, 3 commercial units and site access off Love Lane) under the parent hybrid application. The site boundary adjoins Love Lane to the west, farmland to the east, whilst to the north and south is land within the parent hybrid permission and was previously in use as farmland along with the application site.
- 1.3. The site is within the built-up area boundary of Faversham and forms part of the site allocation MU6 (Land at Lady Dane Farm). It is therefore not located within the countryside and is not within an area of designated landscape. The application site is not within or adjoining a conservation area, does not contain or adjoin a listed building, however, the Faversham Cemetery is located approximately 100m to the north, which is located within the Faversham Town Conservation Area.
- 1.4. The site is designated as a safeguarded area for Brickearth and within an area of identified archaeological interest. The site is also within a Site of Special Scientific Interest Impact Risk Zone, and within 2km of the Swale Ramsar and Special Protection Area.
- 1.5. The application site is surrounded by land previously used as farmland to the north, east and south, which also forms part of the wider site subject to the hybrid planning permission. The western boundary is formed by Love Lane with post-war housing at Buttermere/Windemere.

2. PLANNING HISTORY

Set out below is the history considered relevant to the determination of the current application:

23/504909/REM – Currently under consideration

Approval of Reserved Matters of access, appearance, landscaping, layout and scale for the erection of a 67-bed care home, pursuant to hybrid application 23/500857/HYBRID for - Hybrid Planning Application consisting of a: Full planning application for 84no. residential dwellings, 3no. commercial units for Class E uses, access off Love Lane, and site infrastructure. Outline Planning Application (with all matters reserved) for 70no. residential dwellings, enterprise land development (including Class E uses), a Day Nursery and a Care Home, together with open space, sports provision, and associated works.

23/504754/REM – Currently under consideration

Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale being sought) for Phase Landscape 1 pursuant to application 23/500857/HYBRID for - Hybrid Planning Application consisting of a: Full planning application for 84no. residential dwellings, 3no. commercial units for Class E uses, access off Love Lane, and site infrastructure. Outline Planning Application (with all matters reserved) for 70no. residential dwellings, enterprise land development (including Class E uses), a Day Nursery and a Care Home, together with open space, sports provision, and associated works.

23/500857/HYBRID - Approved - 26/05/2023

Hybrid Planning Application consisting of a: Full planning application for 84no. residential dwellings, 3no. commercial units for Class E uses, access off Love Lane, and site infrastructure. Outline Planning Application (with all matters reserved) for 70no. residential dwellings, enterprise land development (including Class E uses), a Day Nursery and a Care Home, together with open space, sports provision, and associated works.

21/502927/FULL – Approved – 30/06/2023

Erection of 88no. dwellings with associated access, parking, and landscaping.

The Applicant has submitted numerous condition discharge applications.

3. PROPOSED DEVELOPMENT

- 3.1. This application is submitted under Section 73 of the Act for amendments to the approved plans listed under condition 6 of planning permission ref: 23/500857/HYBRID (as listed above).
- 3.2. The proposal seeks to improve the quality of amenity space, security and safety across the scheme, increase the amount of independently accessible parking spaces, revise the arrangement and distribution of house sizes and types, and to amend the design of Blocks A and B.
- 3.3. Specifically, the proposal seeks to make the following changes (note that the plot numbers stated below are all taken from the approved drawing no.1005_PL_F):
1. Re-arrangement of the layouts, siting and building design of plots 64 – 84, including the removal of the rear parking court that served previously approved plots 74-78 and 81. The amendments seek to improve the quality of the private amenity spaces for all dwellings that adjoin this area whilst also omitting an area that lacked passive surveillance over it.
 2. Re-arrangements to the layouts, siting and building design of plots 25 – 29, and 47 - 49.
 3. Revisions to the parking layout adjoining plots 48, 53 and 56.
 4. Increase to the amount of independently accessible parking spaces.
 5. Revision to the arrangement and distribution of house sizes and types (the overall mix of house sizes remain as consented).
 6. The design of Blocks A and B have been revised, including a reduction in the roof mass of Block A and a revision of the material composition on both Block A and B. The revisions seek to respond more sympathetically to the architectural vernacular of the historical built environment within Faversham.
 7. Provision of temporary parking arrangements for visitors for the duration of the sales period within the site. These are located to the northwest of plot 43 (as per the revised site layout plan).
- 3.4. As a consequence of the proposed amendments, the plot numbering has also been amended and a new series of drawings have been provided to ensure the proposal for each plot accords with the revised plot numbering on the new site layout plan.
- 3.5. The proposal was also amended during the course of the application, which included a minor revision to the layout of the parking areas adjoining plots 55 and 56 to revert back to the layout granted in the parent Hybrid permission. Juliet balconies were also provided to the southern elevation of Block A, which will improve the internal living environment of the respective units. Additionally, glazing has been incorporated to the northern façade of commercial Unit 2 in Block B in place of the 'shadow' doorway to improve the surveillance of the parking area.

4. CONSULTATION

- 4.1. One round of consultation has been undertaken, during which letters were sent to neighbouring occupiers; a notice was displayed at the application site and the application was advertised in the local newspaper. Full details of representations are available online.

4.2. No letters of representation were received from the public in relation to the consultation.

4.3. **Faversham Town Council** has objected to the application and make the following comments:

| Objections | Report reference/ clarification |
|--|--------------------------------------|
| Concerns that Plots 56 and 57 are crammed in the car park. | This is discussed at paragraph 7.5.7 |
| Concern at lack of secure covered personal vehicle storage at the care home. | This is discussed at paragraph 7.6.7 |
| It is unclear if the image on plan reference 'Parking Plan Revision A' is proposed secure cycle storage. If this is the case, concern is raised at this generating a cluttered appearance with a series of boxes. These should be better integrated into the development. | This is discussed at paragraph 7.4.7 |
| Suggest that the number of cycle spaces per flat is also increased. | This is discussed at paragraph 7.6.5 |
| <p>Arrangement and distribution of house sizes and types:</p> <ul style="list-style-type: none"> • Concern that the development is still not tenure neutral and socially inclusive as shown in the submitted 'Tenure Plan, Revision A'. • The Town Council emphasises again that overall development makes a limited contribution to delivering carbon zero development. • The proposed revised design, layout and materials of the development do not take opportunity to create community or micro energy production or include innovative design features such as rainwater gardens and harvesting or solar shading. | This is discussed in Section 7.9. |
| Neutral / Support Comments | |
| The revised design and layout of the rear parking court at plots 74-78 and 81 is supported. | |
| The redesign of blocks A and B is supported. | |
| No objection is raised to the proposed temporary parking provision. | |

4.4. Revisions were received during the application. They were of a minor nature and would have no bearing on neighbouring properties or undermine the design quality of the proposal. As such, the revisions did not constitute a requirement for further rounds of public consultation.

5. REPRESENTATIONS

National Highways - No objection, given that this application would not alter the impact of the development on the SRN.

Network Rail - No objection

Southern Water - No objection

KCC Minerals & Waste - No objection

Urban Design – Initially raised concerns with regard to the lack of passive surveillance over the parking court adjoining Blocks A and B, and lack of soft landscaping to break up the parking bays adjoining plot 55. However, the provision of revised drawings has appropriately addressed these concerns. Otherwise, the proposed changes are considered acceptable.

SBC Heritage - No objection

Environmental Health - No objection subject to the same conditions being applied as previously.

KCC Transport & Highways – No objection

- The details that have been provided regarding changes to the parking which has been increased to allow for an increase of independently accessible parking spaces is accepted. It is appreciated that where possible parking courts located to the rear of properties is deemed unfavourable and causes a potential security and safety risks and therefore these changes are a betterment.
- The applicant has provided an adoption plan which shows two areas highlighted in blue (access points from Love Lane). The applicant provided a cover note at the request of officers, which sets out the areas offered for adoption for clarity and are accepted.

Climate Change / energy - No objection- The revised parking provision meets the EV charging needs of our Parking SPD.

KCC Ecology - No objection - KCC Ecology have compared the masterplan submitted with this application with the illustrative master plan submitted with application 23/500857/HYBRID and it is our understanding that the above ecological mitigation, ecological enhancements and proposed BNG can still be achieved. The conditions recommended for application 23/500857/HYBRID are still valid for this application.

KCC Flood and Water Management - No objection - The minor proposed changes to site layout would have minimal impact on impermeable areas or drainage of the site. Any minor changes that may be required to the drainage scheme can be addressed within the forthcoming detailed design submission.

Kent Police - No objection subject to referring to comments on the previous application, which set out the need for a condition relating to Secured by Design compliance.

Kent Fire & Rescue - No objection - The emergency access requirements for the Fire and Rescue Service appear to have been met.

6. DEVELOPMENT PLAN POLICIES

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017

ST 1 Delivering sustainable development in Swale

ST 2 Development targets for jobs and homes 2014- 2031

ST 3 The Swale settlement strategy

ST 7 The Faversham Area and Kent Downs strategy

CP 1 Building a strong, competitive economy

CP 2 Promoting sustainable transport

CP 3 Delivering a wide choice of high-quality homes

CP 4 Requiring good design

CP 5 Health and wellbeing

CP 6 Community facilities and services to meet local needs

CP 7 Conserving and enhancing the natural environment – providing for green infrastructure

CP 8 Conserving and enhancing the historic environment

DM 6 Managing transport demand and impact

DM 7 Vehicle parking

DM 8 Affordable Housing

DM 14 General development criteria

DM 17 Open space sports and recreation provision

DM 19 Sustainable design and construction

DM 20 Renewable and low carbon energy

DM 21 Water, flooding, and drainage

DM 24 Landscape

DM 26 Rural lanes

DM 28 Biodiversity and geological conservation

DM 29 Woodlands and Trees

DM 31 Agricultural Land

DM 32 Development involving listed buildings

DM 34 Scheduled monuments and archaeological sites

MU 6 Land at Lady Dane Farm, east of Love Lane

Supplementary Planning Guidance/Documents -

Developer Contributions (2009)

Parking Standards (2020)

Swale's Landscape Character and Biodiversity Appraisal (2011)

Swale Landscape Assessment (2019)

Draft Faversham Neighbourhood Plan

- 6.1. The draft Faversham Neighbourhood Plan has been submitted for examination following consultation under Regulation 16. The consultation responses included a number of objections in relation to proposed site allocations (for example questioning if sites were available and deliverable), and also raising concern over the justification for the application site not being considered as a site allocation. There are unresolved objections (considered significant) in relation to emerging Faversham Neighbourhood Plan policies.
- 6.2. Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 6.3. Taking account of the stage of preparation that the emerging Faversham Neighbourhood Plan has reached and because of unresolved objections to relevant policies, and the lack of testing in examination over the consistency with policies in the NPPF, the emerging plan is afforded limited weight for the purposes of determining this application. Notwithstanding this, the following policies would be relevant to this application:

FAV2 Housing Development

FAV3 Residential Mix and Standards

FAV4 Mobility and Sustainable Transport

FAV5 Critical Road Junctions

FAV6 Footpaths, Bridleways and Cycleways

FAV7 Natural Environment and Landscape

FAV8 Flooding and Surface Water

FAV9 Air Quality

FAV10 Sustainable Design and Character

FAV11 Heritage

FAV12 Community Facilities

FAV13 Local Green Space

FAV14 Local Renewable Energy Schemes

7. **ASSESSMENT**

- 7.1. As a result of the changes proposed the main considerations involved in the assessment of this application are as follows:

- Design of the proposed development
- Living Conditions
- Parking arrangements

7.2. Principle of Development

7.2.1. The principle of the proposed development on this site has been established as being acceptable through the parent Hybrid planning permission (ref: 23/500857/HYBRID). The current application submitted under s73 does not propose any amendments to the development that would result in a different conclusion on the principle of development to that already established. Furthermore, the site is part of a wider site allocation for development supported by Local Plan policies ST7 and MU6.

7.3. Character and appearance

7.3.1. The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.

7.3.2. There is no objection to the revised arrangement and distribution of houses across the site. The streetscape will remain varied with a range of unit types.

7.3.3. The removal of the rear parking court that served plots 74-78 and 81 (as shown on approved drawing no.1005_PL_F) is considered an enhancement to the layout of the development. It would both remove an area of the proposal that had an area of hardstanding with limited natural surveillance to be replaced with improved private amenity spaces for dwellings. Parking will primarily be provided off street and in a smaller parking court to the front of plots 74-77. This mixed approach ensures the quality of the street will not be dominated by parking and the new parking court will be subject to natural surveillance and softened with planting.

7.3.4. Concern was raised that the proposed new layout introduced long rows of parking spaces unbroken by any soft landscaping, for instance adjoining plot 55. However, the applicant revised the layout of these parking areas to revert back to the layout granted in the parent Hybrid permission. The revisions address the issues raised and are consistent with the guidance provided in the Parking SPD.

7.3.5. Temporary parking is proposed for visitors for the duration of the sales period within the site. These are located to the northwest of plot 43 (as per the revised site layout plan). A new condition is recommended (Condition 48) requiring the parking spaces to be removed and the area reinstated with landscaping within 6 months of final occupation of the development.

7.3.6. The changes proposed to the height and massing of Blocks A & B have been sensitively considered and ensure the scheme complements and enhances the surrounding townscape. There is greater vertical emphasis within the facades which respond to the architectural vernacular of the historical built environment within Faversham. Similarly, the material composition on both blocks is acceptable and reflective of the wider context.

7.3.7. The new arrangement of servicing and bin storage on the ground floor of Block A resulted in blank facades to its southern and eastern elevations which would have limited natural surveillance to the vehicle parking areas. Following concerns raised in this regard, revised drawings were submitted showing Juliet balconies to the southern elevation of Block A, which also improves the internal living environment of the respective units. Additionally, glazing has

been incorporated to the northern façade of commercial Unit 2 in Block B in place of the 'shadow' doorway. This provides more animation to the façade and improves the interaction between the building and public realm.

- 7.3.8. Faversham Town Council raised concern that the proposed cycle storage boxes would create visual clutter throughout the development. However, these are located within rear gardens and therefore would not impact on the appearance of the public realm.
- 7.3.9. In conclusion, the proposed amendments would have a positive effect on the character and appearance of the approved development and would continue to have an acceptable impact on the character of the wider area and landscape. The proposal is therefore accords with Policies ST7, CP4, CP7, DM14, DM24 and DM29 of the Local Plan.

7.4. Living Conditions

Existing residents

- 7.4.1. The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.4.2. The officer report supporting the parent Hybrid permission concluded that the development would not result in any harm to existing neighbouring amenity pertaining to daylight/sunlight, outlook, privacy or noise disturbance. Details of dust management, construction hours, and construction management plan are secured via condition to ensure that development mitigates impacts during the construction period.
- 7.4.3. The proposed changes result in only minor changes to the layout and scale of the development, which would not result in any additional impacts on existing nearby properties. As such, it is considered that the proposal would not be harmful to existing residents in accordance with the Policy DM14 Local Plan.

Future residents

- 7.4.4. New development is expected to offer future occupiers a sufficient standard of accommodation and to have regard to the Government's minimum internal space standards for new dwellings.
- 7.4.5. The officer report supporting the parent Hybrid permission concluded that the development would provide an acceptable level of amenity for future occupants, noting that dwellings were dual aspect, provided with good levels of privacy and amenity space, and sufficient waste storage.
- 7.4.6. The proposed changes to the approved development protect the high standard of residential environment secured in the Hybrid permission and are considered to make further improvements with improved passive surveillance over common areas. Furthermore, the provision of Juliet balconies to units 16 and 22 within Block A further enhance the residential environment to these units, which are secured as affordable housing units.
- 7.4.7. Officers acknowledged that Faversham Town Council raised concerns in regard to the location of dwellings 56 and 57, however this remains unchanged from the approved layout.
- 7.4.8. All dwellings are provided with functional layouts, generous gardens, sufficient levels of privacy and a pleasant outlook. The proposal therefore provides an acceptable level of amenity for future residents in accordance with Policy DM14 Local Plan and the NPPF.

7.5. Transport and Highways

- 7.5.1. The Local Plan and NPPF promote sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such.
- 7.5.2. The NPPF also states that:
“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 7.5.3. The officer report supporting the parent Hybrid permission concluded that the development would not lead to unacceptable highway impacts, noting that vehicle and cycle parking, and electric vehicle charging points were provided in accordance with Swale Borough Council standards. The development is well connected with pedestrian and cycling paths, and upgrades to the public right of way were also secured. The recommended highways works and junction improvements proposed by the Transport Assessment were also secured by conditions and s106 planning obligations.
- 7.5.4. The proposed amendments to the approved development only make minor changes to the layout and do not affect the spine route, road layout, or pedestrian routes within and adjoining the site. Furthermore, the proposed amendments do not affect the dwelling nos. or their size and the revisions are not considered to impact vehicle movements to and from the site. As such the revisions will not further impact the wider highway network or affect external transport impacts.
- 7.5.5. The proposed parking layout changes are considered by KCC Highways to improve on the approved layout. KCC Highways have also not raised any concerns with the proposed cycle parking provision for the units, which remain unchanged from the Hybrid permission.
- 7.5.6. KCC Highways have confirmed that the clarification provided regarding the road adoption addresses the concern they raised. KCC Highways further advise that they raise no objections to the proposal having considered the development and its effect on the highway network.
- 7.5.7. Faversham Town Council raised concern with regard to the lack of covered parking at the care home, however this application does not propose any changes to this part of the site, which was included within the outline part of the Hybrid permission.
- 7.5.8. Overall, it is considered that the scheme continues to comply with Policies DM6 and DM7 of the Local Plan and would not lead to unacceptable highway impacts.

7.6. Community Infrastructure

- 7.6.1. The hybrid planning permission (ref: 23/500857/HYBRID) was granted subject to the conditions listed in the decision notice and the planning obligations secured within the s106 agreement. The covenants and provisions of the s106 legal agreement pursuant to the parent planning permission continue to apply to any section 73 planning permission, which includes this application. Therefore, a deed of variation to link this application to the s106 agreement will not be required.

7.7. Archaeology

- 7.7.1. The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.
- 7.7.2. Policy DM34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.
- 7.7.3. The site is located within an area of potential archaeological interest. The Cultural Heritage Desk Based Assessment submitted with the Hybrid application concluded that it is unlikely that development of the site would have a significant archaeological impact, however further investigation works could follow the granting of planning permission and be secured by an appropriately worded archaeological planning condition.
- 7.7.4. Officers note an archaeological planning condition was not included in the Hybrid permission. A written scheme of investigation should have been required by condition for any development at this site. To avoid any potential harm to archaeological heritage assets, it is recommended that this condition is included should permission be granted for this s73 application (see condition 49).
- 7.7.5. Subject to the recommended condition, the proposal accords with the provisions of Policy DM34 of the Local Plan and the NPPF.

7.8. Conclusion

- 7.8.1. The proposed amendments do not affect the number of dwellings or the mix of housing type and tenure nor the location of affordable housing within the development. The proposed amendments also do not change the amount of floorspace within the commercial units. There are no changes proposed to the development's provision of open space, energy and sustainability strategy, drainage strategy, and provision of environmental and ecological mitigation measures. As there has also been no significant change in planning policy related to these matters the development remains acceptable as established in the Hybrid planning permission.
- 7.8.2. The proposed changes are a considered to result in an improvement to the original Hybrid permission and are acceptable considered acceptable in accordance with the relevant Local Plan policies and National Planning Policy Framework as set out above. Should this s73 application be approved it is necessary to reimpose the conditions secured by the Hybrid permission as originally worded or revise where details have been approved through discharge of conditions applications. This will ensure the proposal accords with the Local Plan 2017 an the NPPF.

CONDITIONS

1) The detailed element of the development to which this permission relates shall be begun before 26 May 2026.

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

2) The development shall be carried out in accordance with the Phasing Plan, Dwg. No 031 002_P1 approved under application reference 23/503742/SUB (or other such subsequent phasing to be agreed pursuant to this condition).

Reason: In the interests of ensuring that the development is carried out in a co-ordinated manner.

3) Details relating to the layout, scale, and appearance of the proposed building(s) (if any) within a relevant phase (other than the detailed element), and the landscaping of the site within that phase, shall be submitted to and approved by the Local Planning Authority before any development within that phase 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.

4) Applications for approval of reserved matters referred to in Condition (3) above must be made no later than 26 May 2028.

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

5) 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 of approval on different dates, the final approval of the last such matter to be approved.

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

General

6) The detailed element of the development shall be carried out in accordance with the following approved plans:

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| 1000 PL B | 20 February 2023 | Site Location Plan |
| 1002 PL A | 20 February 2023 | Existing Site Plan |
| 1001 PL A | 20 February 2023 | Planning Areas Plan |
| A-2005-PL-B | Site Layout (B&W) | |
| C-2005-PL-B | Site Layout (Coloured) | |
| 2010-PL-B | Street Scenes A-A and B-B | |
| 2011-PL-B | Street Scenes C-C and D-D | |
| A-2105-PL-B | Masterplan Site Layout (B&W) | |
| C-2105-PL-B | Masterplan Site Layout (Coloured) | |

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| 2700-PL-B | Refuse Plan |
| 2701-PL-B | Parking Plan |
| 2702-PL-B | Tenure Plan |
| 2703-PL-B | Materials Plan |
| 2704-PL-B | Fire Strategy Plan |
| 2710-PL-B | Extent of Adoption Plan |

Note: for the above drawings only the information within the orange dashed line is to be approved in detail. All other information is for illustrative purposes only.

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| 5000-PL-B | Apartment Block B Floor Plans and Elevations |
| 5005-PL-B | Apartment Block A Floor Plans |
| 5006-PL-B | Apartment Block A Elevations |
| 5010-PL-A | Plots 30-31,79-80,83-84 Plans & Elevations |
| 5011-PL-A | Plot 32 Plans & Elevations |
| 5015-PL-A | Plots 56-57 Plans & Elevations |
| 5025-PL-A | Plots 50, 70 Plans & Elevations |
| 5030-PL-A | Plot 69 Plans & Elevations |
| 5035-PL-A | Plot 45 Plans & Elevations |
| 5036-PL-A | Plot 47 Plans & Elevations |
| 5040-PL-A | Plots 33-40 Plans & Elevations |
| 5045-PL-A | Plot 71 Plans & Elevations |
| 5056-PL-A | Plots 29, 48, 72 Plans & Elevations |
| 5060-PL-A | Plots 51, 78 Plans & Elevations |
| 5061-PL-A | Plots 41-43 Plans |
| 5062-PL-A | Plots 41-43 Elevations |
| 5065-PL-A | Plots 63, 73 Plans & Elevations |
| 5070-PL-B | Plots 54-55,59-60,64-65,66-67 Plans & Elevations |
| 5080-PL-A | Plots 52-53,61-62,74-75,76-77 Plans & Elevations |
| 5081-PL-A | Plots 23-26 Plans |
| 5082-PL-A | Plots 23-26 Elevations |
| 5090-PL-A | Plot 49 Plans & Elevations |
| 5091-PL-A | Plots 46, 68 Plans & Elevations |
| 5095-PL-A | Plot 44 Plans & Elevations |
| 5100-PL-A | Plots 27-28, 81-82 Plans & Elevations |

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| 5105-PL-B | | Plot 58 Plans & Elevations |
| 5400-PL-A | | Garages & Stores Plans & Elevations |
| LDF-EDL-XX—XX-DR-L-0100-R2 | 20 February 2023 | Illustrated Masterplan |
| 1823 P02 | November 2021 | Drainage Strategy Full Site Plan |
| 1810 P02 | November 2021 | Drainage Strategy Sheet 1 of 14 |
| 1811 P02 | November 2021 | Drainage Strategy Sheet 2 of 14 |
| 1812 P02 | November 2021 | Drainage Strategy Sheet 3 of 14 |
| 1813 P02 | November 2021 | Drainage Strategy Sheet 4 of 14 |
| 1814 P02 | November 2021 | Drainage Strategy Sheet 5 of 14 |
| 1815 P02 | November 2021 | Drainage Strategy Sheet 6 of 14 |
| 1816 P02 | November 2021 | Drainage Strategy Sheet 7 of 14 |
| 1817 P02 | November 2021 | Drainage Strategy Sheet 8 of 14 |
| 1818 P02 | November 2021 | Drainage Strategy Sheet 9 of 14 |
| 1819 P02 | November 2021 | Drainage Strategy Sheet 10 of 14 |
| 1820 P02 | November 2021 | Drainage Strategy Sheet 11 of 14 |
| 1821 P02 | November 2021 | Drainage Strategy Sheet 12 of 14 |
| 1822 P02 | November 2021 | Drainage Strategy Sheet 13 of 14 |
| 1823 P02 | November 2021 | Drainage Strategy Sheet 14 of 14 |
| 2101 PTPP | Nov 2021 | Preliminary Tree Protection Plan |
| 15536-H-01 Rev P3 | 01/06/22 | Northern Site Access |
| 15536-H-02 Rev P3 | 01/06/22 | Southern Site Access |
| 15536-H-03 Rev P3 | 04/04/22 | Love Lane Design |
| 15536-H-04 Rev P1 | 09/05/22 | Pedestrian Crossing |
| 15536-T-01 Rev P3 | 09/05/22 | Northern Site Access Tracking |
| 15536-T-02 Rev P3 | 09/05/22 | Southern Site Access Tracking |
| 15536-T-03 Rev P1 | 09/05/22 | Refuse |
| 15536-T-04 Rev P1 | 09/05/22 | Pantehnicon |
| 15536-T-05 Rev P1 | 09/05/22 | Fire Tender |
| 15536-T-06 Rev P1 | 09/05/22 | Estate Care |
| 15536-T-07 Rev P1 | 09/05/22 | Pumping Vehicle |
| 15536-T-08 Rev P2 | 31/05/22 | Articulated Lorry |
| 15536-T-09 Rev P1 | 09/05/22 | Crest Nicholson Access Tracking |

15536-T-10 Rev P1 09/05/22 Private Access Tracking

Reason: To accord with the terms of the application and in the interests of proper planning.

7) The reserved matters details submitted pursuant to condition (3) shall accord with the Land Use Parameter Plan, which for the avoidance of doubt are as listed below-

2201-PL-A Land Use Parameter Plan

Reason: To accord with the terms of the application and in the interests of proper planning.

Housing and wastewater infrastructure plan: detailed and outline elements

8) The development shall be carried out in accordance with the Wastewater Infrastructure Phasing Plan approved under application reference 23/503742/SUB.

Reason: To ensure that phasing is aligned to improvements to off-site wastewater infrastructure.

Sustainable Construction Techniques

9) No development shall take place above slab level in relation to phases: Landscape 1, Landscape 2, Employment 1, Employment 2, Care Home, and Day Nursery as shown on Phasing Plan, Dwg. No 031 002_P1 approved under application reference 23/503742/SUB (or other subsequent phasing to be agreed pursuant to condition 2) 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 in that phase incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the potential inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development of the phase of development in question as approved and retained as such in perpetuity.

For the Residential Full and Residential Outline phases as shown on Phasing Plan, Dwg. No 031 002_P1 (or other subsequent phasing to be agreed pursuant to condition 2), the details approved under application reference 23/503743/SUB shall be incorporated into the development and retained as such in perpetuity.

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

Water consumption

10) The development shall be carried out in accordance with the details (Water Consumption) approved under application reference 23/505359/SUB.

Reason: In the interests of water conservation and sustainability

BREEAM or equivalent

11) The non-residential buildings shall be constructed to a minimum of BREEAM 'Very Good' Standard or an equivalent standard and prior to the use of the building the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved.

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

Site Levels

12) No development shall take place in a particular phase until details of the existing site levels, proposed site levels (including any levels changes to areas to be used as open space, landscaped buffer areas and highways), and proposed finished floor levels for buildings (if there are buildings in that phase) in that phase have been submitted to and approved in writing by the Local Planning Authority and the development of that phase shall be completed strictly in accordance with the approved levels.

Reason: To secure a satisfactory form of development having regard to the topography of the site.

High Speed Fibre

13) The development shall be carried out in accordance with the details (Fixed Telecommunication Infrastructure) approved under application reference 23/503742/SUB.

Reason: In the interests of residential amenity.

Minimisation of risk of crime

14) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place above slab level in phases Residential Outline, Landscape 1, Landscape 2, Employment 1, Employment 2, Care Home, and Day Nursery as shown on Phasing Plan, Dwg. No 031 002_P1 approved under 23/503742/SUB (or other subsequent phasing to be agreed pursuant to condition 2) until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) to follow the guidance set out in the SBD Homes 2019 and SBD Commercial 2015 (as amended), for that relevant phase have been submitted to and approved in writing by the Local Planning Authority. The approved measures for the relevant dwelling or building shall be implemented before the relevant dwelling or building is occupied and thereafter retained.

For the Residential Full phase as shown on Phasing Plan, Dwg. No 031 002_P1, the details approved under application reference 23/505662/SUB shall be incorporated into the development as approved and implemented before the relevant dwelling or building is occupied and thereafter retained.

Reasons: In the interest of Security, Crime Prevention and Community Safety

15) No development beyond the construction of foundations shall take place in a particular phase until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority for that phase.

Reason: To ensure a satisfactory appearance to the development.

Removal of permitted development rights

16) Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no gates, fences, walls, or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway, unless specifically shown on the approved plans.

Reason: In the interests of visual amenity.

Older and accessible/adaptable housing

17) The reserved matters details submitted pursuant to condition (3) shall include measures to demonstrate how the proposals will meet the needs of specific housing groups, including older and disabled persons.

Reason: To ensure that the development of this large strategic sites makes provision for different housing needs.

Construction

18) No development within the following phases: Residential Outline, Landscape 1, Landscape 2, Employment 1, Employment 2, Care Home, and Day Nursery as shown on Phasing Plan, Dwg. No 031 002_P1 approved under 23/503742/SUB (or other subsequent phasing to be agreed pursuant to condition 2) shall take place, including any works of demolition, until a Construction Management Plan (CMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be implemented and adhered to throughout the entire construction period of that phase. The CMP shall provide details of:

- (a) Routing of construction and delivery vehicles
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Any requirements for temporary construction access

For the Residential Full phase as shown on Phasing Plan, Dwg. No 031 002_P1, the construction phase shall be implemented in accordance with details approved under application reference 23/504925/SUB.

Reason: To ensure that the impact of construction works on the strategic and local road network are managed, and in the interests of the amenities of the area and highways safety and convenience.

19) No construction work (for the avoidance of doubt to include piling) in connection with the development shall take place on any Sunday or Public Holiday, nor on any other day except between the following times:

Monday to Friday 0700 - 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.

Highways

20) No occupation of any phase shall take place until the highways works to provide pedestrian crossings on Love Lane, as indicatively shown on drawing 15536 H-02 Rev P3, have been completed in accordance with a Section 278 agreement with the Highway Authority, unless otherwise agreed in writing by the Highway Authority.

Reason: In the interests of Highways safety

21) No greater than 50 occupations of dwellings shall take place until the highway works providing the northern access and Love Lane highway improvement scheme as indicatively

shown on drawings 15536 H-01 Rev P3 and 15536 H 03 Rev P3 have been completed in accordance with a Section 278 agreement with the Highway Authority, unless otherwise agreed in writing by the Highway Authority.

Reason: In the interests of highways safety and to ensure early delivery of part of the spine road.

22) Any application submitted for the approval of Reserved Matters shall include details of areas for the parking and manoeuvring of vehicles in the development in accordance with the Council's adopted parking standards. The parking areas shall be provided in accordance with such details as approved prior to the occupation of each dwelling or building to which they relate and retained thereafter.

Reason: To ensure a satisfactory parking arrangement and in the interests of highways safety.

23) Prior to the occupation of any dwelling or other building, secure, covered cycle parking facilities shall be provided for the dwelling or building in accordance with the Council's adopted parking standards and submitted plan 3021 A 1701 PL Rev F, and the facilities retained thereafter.

Reason: To ensure a satisfactory cycle parking arrangement and in the interests of highways safety.

24) Prior to the occupation of any dwelling or other building, the following works between the dwelling or building and the adopted highway shall be provided:

(a) Footways and/or footpaths, except for the wearing course.

(b) Carriageways, except for the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interests of highways safety.

25) Prior to first occupation of any phase a plan demonstrating the proposed improvement to the width, surfacing and public rights for Public Footpath ZF28 shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented and open and available to the public prior to the occupation of the 50th dwelling.

Reason: In the interests of enhancing the usage of the public footpath network.

26) No greater than 50 occupations of dwellings shall take place until Highways works to include the provision of a puffin crossing at the East St/The Crescent Road junction have been completed in accordance with a Section 278 agreement with the Highway Authority, unless otherwise agreed in writing by the Highway Authority.

Reason: In the interests of pedestrian and highways safety.

27) Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the occupation of each dwelling or building to which they relate and retained thereafter.

Reason: For the avoidance of doubt, and to ensure proper parking provision.

28) Prior to occupation of any dwelling, a temporary vehicle turning head shall be provided for the spine road in accordance with details approved under application referencec23/503742/SUB and shall be kept available for use until such time as a permanent

turning facilities are provided by development approved in subsequent Reserved Matters applications.

Reason: In the interests of highways safety

29) Prior to the occupation of plots 73 to 78, the emergency vehicle route serving these dwellings shown on drawing 3021-A-1704-PL Revision E shall be surfaced and access controlled in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highways safety

30) For the purposes of the Residential Full phase as shown on Phasing Plan, Dwg. No 031 002_P1, the area shown on the approved plans as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

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

Landscaping

31) No development shall take place above slab level for any phase until a detailed scheme and timetable of soft landscaping for that phase has been submitted to and approved in writing by the Local Planning Authority, and such planting shall be completed on the site in accordance with the approved details and timetable. The soft landscaping scheme shall include proposed trees, shrubs, and other features, planting schedules of plants (which shall include indigenous species and of a type that will encourage wildlife and biodiversity), noting species, plant sizes and numbers where appropriate, measures to prevent tree vandalism, and measures to protect the advance planting from construction on the remainder of the site for the duration of such works. The works shall be carried out in accordance with the broad parameters as set out in Figure 5 Mitigation and Enhancement Plan dated November 2021 contained within the Ecological Appraisal by Bakerwell.

Reason: To accord with the terms of the application and the requirements of Policy MU 6 of the Swale Borough Local Plan - Bearing Fruits 2031. To ensure the early delivery of part of the strategic landscaping to the site, in the interests of visual amenity and wider landscape objectives.

32) Upon completion of the soft landscaping works, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within ten 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 the next planting season, unless otherwise agreed.

Reason: To ensure the retention and maintenance of strategic landscaping, in the interests of visual amenity.

33) For the Residential Full phase as shown on Phasing Plan, Dwg. No 031 002_P1 the areas shown on the approved drawings as open space and play areas shall be reserved for the general amenity of the area. Play spaces shall be surfaced and equipped with play

equipment, in accordance with a schedule and timetable for delivery to be submitted to and agreed in writing by the Local Planning Authority before the first dwelling is occupied. The open space and play area within the For the Residential Full phase as shown on Phasing Plan, Dwg. No 031 002_P1 shall be provided prior to the occupation of no more than 40 dwellings. No permanent development whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: To ensure that these areas are made available in the interests of the residential amenities of the area.

Drainage

34) No development shall take place above slab level within a phase until a detailed sustainable surface water drainage scheme for that phase has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy dated 12th November 2021 and shall demonstrate that the surface water generated by the relevant phase of the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component in that phase are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme for that phase shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

35) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system, and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority for that building. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets, and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of the National Planning Policy Framework.

36) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

37) With the exception of that element of the development hereby granted full planning permission no development shall take place in a particular phase until the details required by Condition 3 demonstrates that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm can be accommodated within the proposed development layout for that phase.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

Contamination

38) No development of the following phases: Residential Outline, Landscape 1, Landscape 2, Employment 1, Employment 2, Care Home and Day Nursery as shown on Phasing Plan, Dwg. No 031 002_P1 approved under application reference 23/503742/SUB (or other subsequent phasing to be agreed pursuant to condition 2), shall commence 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 District 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.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

For the Residential Full phase (as shown on the Phasing Plan, Dwg. No 031 002_P1) the details approved under application reference 23/503742/SUB shall be incorporated into the development as approved.

Reason: to ensure land contamination is adequately dealt with, and to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution

39) Before any part of an 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 for that phase 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 land contamination is adequately dealt with, and to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution

40) Prior to any part of the permitted development in a particular phase being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation for that phase 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.

Reason To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

41) If, during development, contamination not previously identified is found to be present at the site then no further development within that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with on that phase has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site

42) 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 ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

43) No development shall take place in the following phases: Residential Outline, Landscape 1, Landscape 2, Employment 1, Employment 2, Care Home and Day Nursery as shown on Phasing Plan, Dwg. No 031 002_P1 P1 approved under application reference 23/503742/SUB (or other subsequent phasing to be agreed pursuant to condition 2) until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall be produced in accordance with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from

Demolition and Construction'. The construction of the development shall then be carried out in accordance with the approved methodology.

For the Residential Full phase, as shown on Phasing Plan, Dwg. No 031 002_P1, the details approved under application reference 23/504925/SUB shall be incorporated into the development as approved and implemented throughout the entire construction period of the phase.

Reason: To safeguard residential amenity.

44) In relation to the commercial element of this proposal, details of any mechanical ventilation system that will be installed shall be submitted to and approved by the Local Planning Authority and upon approval shall be installed, maintained and operated in a manner which prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Reason: To safeguard residential amenity.

Ecology

45) No development shall take place within a phase until a detailed ecological mitigation and enhancement strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. It must be based on the information within the Ecological Assessment; (Bakerwell; Nov 2021) The mitigation and enhancement strategy must include the following information:

- Aim and objectives of the strategy
- Maps demonstrating the areas where mitigation is required.
- Maps showing the areas of habitat creation and ecological enhancements
- Detailed methodology to implement mitigation
- Timings of works.
- Interim management plan for the areas of habitat creation.
- Details of who will be carrying out the works.

The strategy must be implemented in accordance with the approved details.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

46) No works shall take place in relation to the open space within a phase of the development until a habitat creation, management and monitoring plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The management plan must provide the following information:

- Map showing areas of habitats to be created and managed
- Aims and objectives of the plan
- Overview of habitat creation and management to be carried out
- Detailed methodology to create the habitats
- Management prescriptions and timetable for the works

- Details of on-going monitoring
- Details of management plan reviews.
- Details of who will be carrying out the management and funding mechanisms.

The plan must be implemented in accordance with the approved details.

Reason: To protect and the creation of habitats and species identified in the ecological surveys from adverse impacts during construction.

47) No external lighting shall be installed within a phase of the development until a lighting design strategy and plan (to include the dark sky area shown on Figure 5 Mitigation and Enhancement Plan (Ecological Appraisal; Bakerwell; November 2021) and follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals) to mitigate the impact on biodiversity has been submitted to and approved in writing by the Local Planning Authority detailing how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bats. All external lighting shall be installed in accordance with the approved details.

Reason: In the interests of protected species.

48) Within six months of the final occupation of the development, the 6no temporary car parking spaces as shown on 2701_PL_B_Parking_Plan shall be removed and the area reinstated with landscaping in accordance with the details to be approved pursuant to condition 31.

Reason: In the interests of visual amenity and to maximise urban greening.

Archaeology

49) A) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority.

B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of 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.

C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

D) Within 9 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the Local Planning Authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

- a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
- b. a technical note outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;

- c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with policies in the Local Plan and the National Planning Policy Framework.

INFORMATIVES

1. The applicant is reminded that this permission relates to planning permission only and does not constitute approval under any other legislation including Building Regulations. To obtain advice on current Building Regulations the applicant should contact the South Thames Gateway Building Control Partnership at Foord Annex, Eastgate House, High Street, Rochester, Kent ME1 1EW.
2. The applicant is advised to review and comply with the Mid Kent Environmental Code of Development Practice which can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>
3. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
4. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.
5. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.
6. Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.
7. Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.
8. Should the development be approved by the Local Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and

common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

9. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

