

2.3 REFERENCE NO – 21/506465/HYBRID		
APPLICATION PROPOSAL		
Hybrid Planning Application consisting of a: Full planning application for 84 residential dwellings, 3 no commercial units for Class E uses, access off Love Lane, and site infrastructure. Outline planning application (with all matters reserved) for 70 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.		
ADDRESS Land at Lady Dane Farm Love Lane Faversham		
RECOMMENDATION Grant subject to conditions and Section 106 agreement with delegated authority to amend the wording of the s106 agreement and of conditions as may reasonably be required.		
SUMMARY OF REASONS FOR RECOMMENDATION		
The proposed development would provide additional housing both market and 35% affordable within the settlement boundary of Faversham, a 2 nd Tier Settlement as defined in the Bearing Fruits 2031: The Swale Borough Local Plan 2017. The proposal would also provide for Class E commercial units, a Day Nursery, a Care Home, with open space and sports provision. Due to the Council's lack of 5-year housing supply, the tilted balance in accord with the National Planning Policy Framework applies. The proposal benefits are considered, on balance, to outweigh the harms.		
REASON FOR REFERRAL TO COMMITTEE		
Faversham Town Council Objection		
WARD	PARISH/TOWN COUNCIL	APPLICANT
Watling	Faversham Town	Fernham Homes AGENT DHA Planning
DECISION DUE DATE		PUBLICITY EXPIRY DATE 1

1. RELEVANT PLANNING HISTORY

23/500857/HYBRID

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 up to 70no. residential dwellings, enterprise land development (including Class E uses), a Day Nursery and a Care Home, together with open space, sports provision/further open space, and associated works. Pending Consideration.

21/502927/FULL

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

20/504177/S74B

Section 74B - Application for Variation of Condition 27 (relating to construction working hours to allow for construction to take place between the hours of 07:30 to 19:00 Monday to Friday, 07:30 to 18:00 Saturdays and no works to take place Sunday, including Bank Holidays) Pursuant to SW/14/0045 for - Outline application including access for a mixed use development comprising business park (up to 5385sqm of commercial units, and a

2000sqm office (innovation centre), a hotel (approx.. 70 bed), pub/restaurant (up to 400sqm), health centre (up to 300sqm), 196 residential dwellings, open space including sports pitches, amenity open space and parkland, roads, allotments, and a traveller site. Approved 22.09.2020.

20/504076/FULL

Creation of a temporary haul road for a period of 3 years, to facilitate construction of development approved under SW/14/0045. Approved 24.11.2020.

20/501347/NMAMD

Non-material amendment for internal layout alterations and house types in relation to planning permission 18/501048/REM. Withdrawn 20.07.2020.

18/501048/REM

Application for approval of reserved matters relating to appearance, landscaping, layout and scale of the proposed 196 dwellings pursuant to outline planning permission SW/14/0045 (access approved in detail). Approved 22.06.2018.

SW/14/0045

Outline application including access for a mixed-use development comprising business park (up to 5,385sqm of commercial units, and a 2,000sqm office (innovation centre), a hotel (approx. 70 bed), pub/restaurant (up to 400sqm), health centre (up to 300sqm), 196 residential dwellings, open space including sports pitches, amenity open space and parkland, roads, allotments, and a traveller site. Approved 17.02.2016.

2. EXECUTIVE SUMMARY

- 2.1 The applicant has appealed to the Secretary of State against the Non-Determination of this application by the Council. This Report is therefore presented to Members to seek the putative decision of the Local Planning Authority.
- 2.2 The proposal is a Hybrid application for both housing and commercial development. It would boost housing supply providing 154 dwellings in total, including a Policy compliant affordable housing contribution, towards the Council's 5 Year Housing Land Supply. These factors carry significant weight in favour of the scheme. The proposal would also provide Class E commercial units, a Day Nursery, a Care Home, with open space and sports provision
- 2.3 It is considered that the proposals would not cause substantial harm to landscape character on an Allocated site within the Local Plan.
- 2.4 The S106 Agreement for SAMMS contributions and infrastructure costs will mitigate against the impact of the proposals on key services.

- 2.5 In terms of sustainable development, there would be clear positive social impacts through the provision of housing and affordable housing, and positive economic benefits through the delivery of commercial development and jobs.
- 2.6 Overall, the scheme is fully policy compliant. As the Borough still has not achieved a 5-year housing land supply the 'tilted balance' (NPPF Para 11d footnote 8) applies and conformity with the development plan significantly weighs in favour of approval.
- 2.7 The findings of Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC [2021] EWCA Civ 104 applies that the test of the NPPF can be encompassed under into decision-making under s70(2) of the TCPA 1990 and s38(6) of the PCPA 2004 in one all-encompassing stage, as here the scheme is assessed as policy compliant and in accordance with the development plan and recommended for approval.
- 2.8 If Members do not take the view that the scheme is policy compliant due to either the quantum of development or the nature of the mix of housing and commercial uses, then this has two consequences. Firstly, Policy ST2 and ST3 of the adopted Local Plan are complied with in terms of development being contained within the defined settlement boundary of Faversham. Secondly, Policy MU 6 of Bearing Fruits 2031 identifies a mixed-use scheme of housing and commercial uses, with the identification of 20,000sq.m of commercial floor space. This application however provides 11,861 sq. m of commercial floor space comprising the Class E commercial units, day nursery and care home. Therefore, and translating the floor space figures in direct jobs, it is anticipated that Local Plan scenario under Policy MU 6 would generate 376 jobs, with the current application generating 345.
- 2.9 Whatever interpretation is applied, the conclusion is the same; either a presumption in favour of the scheme because it is policy compliant or a presumption on favour of the scheme because it is not but with the tilted balance then applying as part of the presumption in favour of development.
- 2.10 The size of the scheme is useful in terms of the 5 Year Housing Land Supply, as the initial 84 units as part of the Full application would likely take no more than 18 months to 2 years to complete – resulting in an almost immediate positive impact on supply. Getting the Borough back above 5 years would be a major achievement; placing it back in control over schemes not complying with the local plan. The ability of this towards regaining a 5-year housing land supply counts strongly in favour of the scheme in the planning balance.
- 2.11 The scheme is in conformity with national policy and the local plan, and therefore it is recommended that planning permission be granted subject to conditions and the completion of a Section 106 agreement.

3. DESCRIPTION OF SITE

- 3.1 The application site is generally located to the east side of Faversham Town, and specifically, to the east of Love Lane. The site has a total area of 14.5ha or 36 acres. Vehicular access to the site is off Love Lane to the west of the site, via a new access to the south of Kings Drive.
- 3.2 The present land use is predominantly arable farmland.
- 3.3 The northern boundary of the site abuts new residential development in Kings Drive and encompasses the proposed public open space, play area and sports pitches. The eastern boundary of the site partly borders residential development subject to a formal application with the outline element bordering agricultural land. The southern boundary follows the existing railway line which is at a lower level screened by some trees and existing vegetation. The western boundary is formed by Love Lane with modern housing at Buttermere/Windemere and a cemetery that is within the Faversham Conservation Area (CA) to the northwest.
- 3.4 The application site itself is located outside of the CA and not located within a countryside gap, or area of designated landscape.

4. PROPOSAL

- 4.1 The proposed development is a Hybrid Planning Application consisting of a: Full planning application for 84 residential dwellings, 3 no commercial units for Class E uses, access off Love Lane, and site infrastructure. Outline planning application (with all matters reserved) for 70 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.
- 4.2 The key aspects of the proposed development are as follows:
1. Access off Love Lane
 2. Retail provision to be located to the west of the site to ensure easy access for existing and new residents in the area.
 3. Retention of the PRoW (ZF28) which runs from east-west through the site.
 4. Retain the boundary vegetation to provide ecological connectivity around the site
 5. Removal of the existing windbreak vegetations due to it low ecological and arboricultural value, enabling the provision of new, higher value and native planting throughout the site and facilitating greater, and more cohesive, connectivity.
 6. Retaining a view corridor towards the spire of church of St Mary of Charity.
 7. Setting development away from the northwest corner of the site and the existing conservation area.
 8. Facing onto Love Lane, providing active frontage to the road and a positive/active relationship with the existing residential dwellings to the west of Love Lane.
 9. Facilitating an existing underground easement that runs along the eastern boundary of the site.

10. Setting residential development away from the railway line and locating less sensitive commercial development in this area of the site.

11. Provision of open space to the north to offer recreation and ecological benefits to the site whilst also offering a buffer and break between the existing development to the north and the proposed development.

12. Offer connectivity through to the land to the east as required within the site allocation.

4.3 The detailed element of this Hybrid planning application relates to Phase 1, which comprises 84no. proposed new dwellings including 35% affordable dwellings along with commercial floor space across three units.

4.4 The Outline planning application element (with all matters reserved) will deliver 70 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.

5. PLANNING CONSTRAINTS

Potential archaeological importance

6. POLICY AND CONSIDERATIONS

6.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017 Policies:

- 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

6.2 The National Planning Policy Framework (NPPF):

- Paragraph 8 (the three overarching objectives of sustainable development)
- Paragraph 10 (the presumption in favour of sustainable development)
- Paragraph 11 (decision taking when local policies most important for determining the application are out of date)
- Paragraph 12 (the status of the development plan in decision making)
- Paragraph 38 (the approach to decision making in a positive and creative way)
- Paragraph 55-57 (use of planning conditions and Planning Obligations)
- Paragraph 60 (supporting the Government's objective of significantly boosting housing)
- Paragraph 62 (housing mix)
- Paragraph 63/65 (affordable housing)
- Paragraph 81 (supporting economic growth)
- Paragraph 92 (promoting healthy / safe communities)
- Paragraph 93 (providing social / recreational facilities)
- Paragraph 98 (access to high quality open space)
- Paragraph 104 (consideration of transport issues in development proposals)
- Paragraph 111 (that development should only be refused if highway impacts would be severe)
- Paragraph 112 (priority to pedestrians, cyclists and access to public transport within developments)
- Paragraph 113 (travel plan requirements)
- Paragraph 114 (need for high quality communications)
- Paragraph 119 (making effective use of land), 124 (achieving appropriate densities)
- Paragraph 126 (achieving well designed places)
- Paragraph 130 (design criteria for developments)
- Paragraph 132 (consideration of design quality between applicants, the local planning authority and local community)
- Paragraph 133 (access to / use of tools and processes for assessing and improving design)
- Paragraph 134 (refusal of poor design)
- Chapter 14 (climate change / flooding)
- Paragraph 174 (protecting / enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, minimising impacts on biodiversity and achieving net gains, preventing new / existing development from unacceptable risks from pollution / air quality)
- Paragraph 179-182 (protecting habitats and biodiversity, including Special Protection Areas / Ramsar sites)
- Paragraph 183 (land suitability and risks from contamination)
- Paragraph 185 (protection from noise / light pollution)
- Paragraph 218 -223 (the status of the NPPF in relation to development plans)

6.3 National Planning Practice Guidance (NPPG):

- Design; Health and Wellbeing

- Housing and Economic Land Availability Assessment
- Land affected by contamination
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning Obligations
- Use of Planning Conditions
- Water supply, wastewater, and water quality

6.4 Supplementary Planning Documents:

- Developer Contributions (2009)
- Parking Standards (2020)
- Swale's Landscape Character and Biodiversity Appraisal (2011)
- Swale Landscape Assessment (2019)

6.5 Faversham Neighbourhood Plan

Faversham Town Council made an application to Swale Borough Council to designate a Neighbourhood Plan Area in Spring 2020. The Regulation 14 Draft Plan consultation period ran from 3rd January 2023 to 14th February 2023. The Neighbourhood Plan currently has limited weight in the consideration of planning applications, due to any lack of judgement or scrutiny at this stage as to whether the Draft Plan is consistent with the higher tier Plan i.e The Swale Borough Local Plan 2017, together with the National Planning Policy Framework. However, the following policies of the Regulation 14 Draft Faversham Neighbourhood Plan require limited consideration in respect 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: Health, Recreation and Community
- FAV13: Local Green Space
- FAV14: Local Renewable Energy Schemes

7. LOCAL REPRESENTATIONS

7.1 91 letters were posted to residents on the original submission and the amended scheme. Additionally, the application was advertised in the local press and site notices posted. To date, a total of 21 objections have been received on both rounds of consultation, including the Faversham Society, Faversham Community Land Trust, and Swale Friends of the Earth. All concerns raised are summarised below: -

- Foul and surface water flooding
- Parking/access
- Traffic and parking congestion
- Inadequate provision for cyclist and pedestrians
- Not in accord with LP land use allocation MU6
- Minerals safeguarding
- Loss of prime agricultural land
- Loss of employment land
- Overdevelopment
- Design too urban
- Density too high
- Impact on neighbouring amenity – overlooking
- Lack of affordable housing and poor tenure mix
- Lack of community infrastructure – schools/new roads and health facilities
- Site levels/earth bund around sports pitches
- Football pitches would cause noise and disturbance
- Poor landscape strategy/BNG
- Inadequate greenspace provision
- Impact on wildlife habitat/loss of trees
- Poor air quality/generate traffic pollution
- Carbon emissions from new development – not net-zero housing
- Conflict with SBC climate emergency
- Lack of EV charging points
- Process – it should be full application.

7.2 These matters are addressed in the relevant sections of the report below.

8. CONSULTATIONS

8.1 The following consultation replies comprise the latest comments received on the amended scheme 2023, or previous comments in 2022 apply. Where conditions or Section 106 obligations are sought, they are indicated.

8.2 Environmental Health

No objection subject to conditions on air quality and construction method statement.

8.3 Natural England

No objection. Satisfied that if mitigation measures are appropriately secured there will be no adverse impact on the North Kent Special Protection Area (SPA) from recreational pressure.

8.4 KCC Flood and Drainage Management (LLFA)

No objection subject to conditions relating to surface water drainage, verification report, infiltration testing and climate change critical storm event to be accommodated.

8.5 Environment Agency

No comments to make on the application. It falls outside the EA's remit as statutory authority.

8.6 Lower Medway Internal Drainage Board

No objection. The development does not impact on the Board's interests.

8.7 KCC Highways

No objection subject to highway conditions as set out at the end of the report. Including a construction management plan (CMP) and details of footpath ZF28 improvements, and S106 contribution towards 'sustainable transport vouchers' for future residents to promote bus, rail, and cycle travel.

8.8 Highways England

No objection subject to a S106 contribution towards A2/M2 Brenley Corner.

8.9 KCC Developer Contributions

No objection. S.106 contributions sought to mitigate the impact on community services (learning/youth services/library services/social care/waste) and education (primary and secondary provision) as set out in the report.

8.10 KCC Ecology

No objection subject to conditions on ecological mitigation and enhancement strategy, habitat creation, management and monitoring plan, and lighting strategy.

8.11 KCC Minerals and Waste

No minerals or waste management capacity safeguarding objections or comments.

8.12 KCC Rights of Way

No objection subject to condition on PRow management Plan relating to Footpath ZF28.

8.13 NHS (Integrated Care Boards)

No objection subject to a S.106 contribution to mitigate health impacts on GP services as set out in the report.

8.14 Kent Police – Crime Prevention Design Advisor (CPDA)

No objection. Condition requested to comply with Secured by Design guidance.

8.15 Southern Water

No objection. Identify connection to facilitate sewerage and SuDS disposal.

8.16 Network Rail

No objection. Provides standard Asset Protection information and request applicant to engage directly with the Asset Protection team due to proximity of proposal to railway boundary.

8.17 SBC Housing Officer

No objection. Affordable Housing provision is above 35% but require specific housing mix by type and size on the full application. Similar comments on the outline element.

8.18 SBC Economic Development Team

No objection. In summary – The comments note the potential employment generation of 345 jobs from 11,861 sqm of E Class space is close to the 376 jobs predicted from the Local Plan allocation of 20,000 sqm, and it is more than the now lapsed outline permission that provided 7,385 sqm of former 'B' class use.

8.19 SBC Climate Change Officer

Not happy with carbon savings of 15%. The reduction should be at least 31% given Building Regs cut in June 2021. Not happy that ASHPs written off as not renewable. Applicant states grid is not able to support ASHP – this requires proof. Commercial element should be BREEAM standard (DM19). Water consumption is 124.5 litres. LP Policy DM21 requires 110 litres. SBC Tree Officer. (*Officer comment – the applicant has responded to these points, and updates will be reported within the body of the Report*)

8.20 SBC Tree Officer

No objection subject to landscaping conditions on replacement hedging, and arb method statement and tree protection to be secure by condition.

8.21 Faversham Town Council (FTC)

Objection. Initial consultation as summarised below. It is reproduced in full as **Appendix 1** to this report.

- The DAS fails to take account of emerging Neighbourhood Plan (NP) and evidence base.

- Climate Change –Location of EV charging points unclear.

- Welcome SuDS system in open space strategy, and should be conditioned for delivery but overall, the proposal makes limited contribution to zero-carbon.

- Established mature hedgerow on Love Lane should be retained for screening and wildlife.

- The outline element should have sufficient conditions and S106 to secure community infrastructure. Concern is two applications are developed in piecemeal.

- FTC supports submission of full application to ensure community infrastructure is integral to the permission.

- Supporting Commercial Market Assessment Report (CMAR) conflicts with LP evidence on employment land review 2018 and departs from Policy MU6.
- Affordable housing concentration in layout conflicting with National Model Design Code is a significant design issue.
- Garage design/dimensions appear cramped and not fit for purpose for modern vehicles.
- Commitment to cycle storage welcomed.
- Welcome design concept to face building fronting public realm towards natural landscape features such as the green corridor a strong design feature and positive contribution to overall development.
- Housing is standard design and not a site-specific response or include design features to address climate change.
- Acknowledge proposal explores ways to enhance sustainable features such as PV and air source heat pumps but no commitment in the overall design.
- No proposed features such as rainwater harvesting within buildings or how the development is climate resilient.
- Flood risk (surface water and foul sewage)

8.22 FTC further response in January 2023 to the amended scheme maintains the objection and raises the following concerns as summarised below. It is reproduced in full as **Appendix 2** to the report.

- Disappointed that the revised details fail to acknowledge emerging Faversham NP and evidence base.
- FTC supports the commitment to BNG but require detailed monitoring and management plan.
- Overall, the development proposed still makes a limited contribution to delivering carbon zero housing. Applicant is referred to the NP guidance on green design.
- Question whether a 1.5m wide footpath across the site is wide enough for dual use.
- Request the Active Travel Officer review this component of the application.

9. APPRAISAL

Principle of Development

- 9.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 9.2 Paragraph 10 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social, and environmental and to achieve sustainable gains these should be sought jointly and simultaneously through the planning system.
- 9.3 The mechanism for applying the presumption in favour of sustainable development is set out in paragraph 11 and states that for decision-taking this means:
- “c) approving development proposals that accord with the Development Plan without delay; and,
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 9.3 Assessing the development against the development plan and specifically policies ST1, ST2 and ST3 of the Local Plan, this identifies Faversham as a 2nd Tier Settlement and has a role where.... *Most services and job opportunities. Fair to good quality transport options. Smaller towns with a secondary focus for housing, retail, employment and other developments and concentration of principal or satellite public services and facilities. Likely to be acting as centres for their home and surrounding populations and close to other nearby smaller urban centres.*
- 9.4 When considering the Bearing Fruits Local Plan, the Inspector imposed a five-year period for reviewing the Plan, to ensure that it remained up to date and commensurate with national policy. That period has passed, and the plan is therefore ‘out of date’.
- 9.5 Furthermore, the Council can only demonstrate a 4.83-year supply of housing and as such cannot demonstrate a 5-year supply.
- 9.6 In accordance with footnote 8 to paragraph 11 of the NPPF, its relevant policies for the supply of housing cannot be considered up-to-date, and the ‘Tilted Balance’ should apply to decision making.
- 9.7 Rather in situations where the Development Plan policies have failed to secure a sufficient housing, the NPPF seeks to ensure that the ‘presumption in favour of sustainable development’ is duly applied. If the adverse impacts of the proposal

significantly and demonstrable outweigh the benefits, then planning permission should be refused. It is clear from the status of Faversham as a 2nd tier, as identified within Policy ST 2 of the Local Plan, that this development is appropriate for the status of the settlement.

- 9.8 The lack of a five-year housing land supply, and the fact that the Local Plan is out of date carries significant weights in favour of supporting the principle of the development, subject to other relevant planning considerations discussed in detail below.

Loss of Agricultural Land

- 9.9 Policy DM 31 of Swale Local Plan indicates that development on agricultural land will only be permitted where there is an overriding need that cannot be met on land within the built-up area boundaries. The policy indicates that development on Best and Most Versatile agricultural land (specifically Grade 1, 2, and 3a which is referred to as best and most versatile land – BMV) will not be permitted unless three criteria have been met.
- 9.10 However, and given the allocation of this site for a mixed residential and employment uses within Policy MU 6 Land at Lady Dane Farm, east of Love Lane, it was clearly anticipated that the agricultural land would be lost from agricultural production.
- 9.11 As such it is considered that the proposals are acceptable in relation to the loss of agricultural land and are in accordance with the requirements of Policy DM31 of the Local Plan and the NPPF in that regard.

Landscape/Visual Impact

- 9.12 Policy CP 7 of the Local Plan states that the Council will work with partners and developers to ensure the protection, enhancement, and delivery, as appropriate, of the Swale natural assets and green infrastructure network. These include strengthening green infrastructure and biodiversity.
- 9.13 Policy DM 24 of the Local Plan states that the value, character, amenity, and tranquillity of the Boroughs landscapes will be protected, enhanced, and, where appropriate, managed. The policy is split into parts with part B applying to this site.
- 9.14 The application site is not located within either a national, Kent or local land designation.
- 9.15 Part B of policy DM 24 relates to non-designated landscapes. It states that non-designated landscapes will be protected and enhanced, and planning permission will be granted subject to;
1. The minimisation and mitigation of adverse landscape impacts,
 2. When significant adverse impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character and value of the area.
- 9.16 The site comprises of open arable land typically used for production of corn or blackcurrants. There are some well-established boundary trees and vegetation located

along the western and southern boundaries which extensively screen the site from the wider landscape. The arable field boundaries within the site are marked by Alder windbreak planting (of up to 4 metres high) and hedges. The main landscape feature of the site is its landform. The western part of the site is low lying, being at a similar elevation to the Crest scheme which borders the northern edge of the site. The landform rises across the eastern part of the Site, along the south-east edge of the site, adjacent to the railway line.

- 9.17 This more elevated eastern part of the site results in intervisibility between the eastern part of the Site and the Crest scheme, the upper part of the spire of St Mary of Charity and the wider landscape to the north of the site. The site is not visible from the wider landscape to the west of the site, due to intervening residential land uses. Similarly, the site is not visible from within Faversham Borough cemetery, nor to the east of the A299 or to the south of the M2 and across the Kent Downs AONB. This is due to the intervening undulating landform or the density of intervening vegetation and distance.
- 9.18 The site is visible at close range from Love Lane, PRoW (footpath) 0094/ZF/28/1 and the Crest scheme. From the wider landscape to the east, the fields across the site are not visible due to the intervening vegetation and landform, but there is the potential for new buildings to be visible, particularly on the eastern part of the site. Similarly, from Ham Marshes and to the north-east of the site, the fields across the site are not visible due to the intervening vegetation, but there is the potential for development to be visible.
- 9.19 The application is supported by a Landscape Visual Impact Assessment (LVIA) and policy requirements are:
- Retain the recreational value of the Site via the PRoW and enhance with new areas of public space.
 - Retain a viewing corridor between the more elevated eastern part of the site and the Church of St Mary of Charity, along with views to the wider landscape to the north of the site.
 - Sensitively locate buildings across the site to reduce their impact in longer distance views.
 - Ensure development is located away from root protection areas, with the taller and larger massing adjacent to Love Lane and the railway corridor rather than at the eastern edge of the site
 - Reinforce existing boundary vegetation with new planting to aid in softening views of the proposed development from close range locations; and
 - Implement new planting across the site to increase the vegetation cover and opportunities for biodiversity, along with reinforcing the existing vegetation patterns across the site where practicable.
- 9.20 As advised, the Swale BC Tree Officer has no objection to the scheme, subject to landscaping conditions on replacement hedging, and arboricultural method statement and tree protection to be secure by condition. As such, and based on the above, it is

considered that the proposals would not cause substantial harm to landscape character and are therefore in accordance with the requirements of Policies ST7, CP4, CP7, DM24 and DM29 of the Local Plan, emerging Policy FAV7 of the Faversham Neighbourhood Reg 14 Draft Plan, as well as the NPPF, in so far as they have regard to matters of landscape visual impact.

Design/Layout

- 9.21 Policy CP 4 of the Local Plan requires all developments to achieve high quality design, appropriate to its surroundings, that creates attractive places, promotes, and reinforces local distinctiveness and strengthens sense of places.
- 9.22 Policy ST 7 seeks to provide housing in locations where the role and character of the Faversham area is maintained / enhanced and where the character, appearance and setting of the towns heritage assets are protected and enhanced.
- 9.23 Policy CP7 seeks to ensure that development comes forward in a manner that conserves and where possible enhances the Borough's natural environment. Policy DM24 looks to restrict development where it would have a negative impact on valued landscapes. Policy DM29 provides protection for existing woodlands, trees, and hedges.
- 9.24 The Government at paragraph 130 (a) – (d) of the revised NPPF attach great importance to the design of built development. It goes on to advise that planning decisions should ensure that development will function well and add quality of the overall area; not just for the short term but over the life time of a development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the built environment and landscape setting, while not discouraging appropriate innovation and change (such as increased densities); establish or maintain a strong sense of place, using the arrangements of streets, space, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 9.25 The National Design Guide illustrates how well-designed places that are beautiful, enduring, and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.
- 9.26 The proposal has previously been the subject of detailed urban design consultation between Swale BC and the applicant. Access from Loves Lane would see a main spine road utilised as the main access point to the development. The Master Plan indicates a series of character areas formed off the main spine road. The cul-de-sacs would be connected by a pedestrian pathway to allow pedestrian movement across the site. The use of perimeter blocks can provide continuous access, with the use of rear parking courts being kept to a minimum.
- 9.27 The development has been designed to ensure that the exposure of the rear elevations to the site are kept to the minimum, and the back-to-back distances are in accordance with acceptable tolerances.

- 9.28 Corner turner units and details side elevations have also been used across the site to ensure overlooking of public spaces and provide interest along the public realm. Enclosure details would ensure brick walls facing the public realm and detailing to the rear of properties would ensure units with public facing rear elevations would retain sufficient detailing.
- 9.29 A character study of the area was undertaken as part of the proposal. The assessment did identify several building forms in the area. The assessment identifies several key characteristics of the area include facing buff and red brickwork, weatherboarding, brick banding and arches. The assessment also identified an emphasis on well-proportioned wide fronted dwellings, a variety of roof forms with low eaves, secondary gables, hipped roofs, and dormer windows.
- 9.30 The properties in the wider area do vary in form and the architecture derives interest in the street scenes. The materiality and fabric are however reflective of Kent which does see brick and weatherboarding used constantly across the county. The proposed dwellings would have a traditional bulk and massing. The properties would range from one, two, two and a half, to three storeys in scale
- 9.31 The proposal would reflect the wider design and materiality of the local area. The use of tile hanging, and brickwork is typical of Kentish towns, including Faversham. A condition would secure details of the proposed materials to ensure the quality of the bricks and tiles.
- 9.32 The dwellings would contain pitched roofs which would be broken up by gable detailing to several the units. Porches, brick banding, window coins, and proportionate openings (windows) would draw interest to the elevations. The properties would be considered to reflect the local architectural vernacular.
- 9.33 A varied use of hard surfaces would be applied across the site including block paving and tarmac. The materials would be used to differentiate shared spaces. The use of block paving would break up the use of tarmac. Further, details of the surfaces would be secured by condition to ensure high quality fabric across the site.
- 9.34 The proposal would provide a degree of open space around the peripheral parts of the site to allow landscaping and public areas within the site. The proposal has included natural play equipment within the open space to provide enhanced interaction with the space. SUDs ponds and wildlife areas would also add to the variety of the landscaping.
- 9.35 Kent Police have responded without objection but have asked for a Secured by Design condition to ensure that the Reserved Matters application is accompanied by sufficient detail. This is a reasonable request, and one that will ensure the scheme meets the policy requirements in this regard.
- 9.36 As a result, it is considered that the proposals meet the requirements of Policies ST7, CP4, and DM14, , emerging Policies FAV2 and FAV10 of the Faversham Neighbourhood Reg 14 Draft Plan, as well as the NPPF, in so far as they have regard to matters of layout, design and character.

Heritage

- 9.37 The Council is required by section 6 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 9.38 Policy DM 33 of the Local Plan sets out the policy background for the protection, preservation, and enhancement of listed buildings. Policy DM 34 does likewise for archaeological sites. Policy CP 8 of the Local Plan seeks to ensure that developments will sustain and enhance the significance of designated and non-designated heritage assets
- 9.39 Policy DM 33 of the Local Plan states that development affecting the setting of, or views into and out of a Conservation Area, will preserve or enhance all features that contribute positively to the area's special character or appearance.
- 9.40 With regards the revised NPPF, chapter 16 sets out government advice on conserving and enhancing the historic environment. Paragraph 201 sets out its guidance where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. Paragraph 202 advises on development proposals which will lead to less than substantial harm to the significance of a designated heritage asset. The paragraph goes on to say that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 207 informs that not all elements of a conservation area will necessarily contribute to its significance.
- 9.41 The applicant has provided a Heritage Statement within the application pack. The assessment identifies the relevant assets and provides the relevant descriptions of the assets in accord with the requirements of the National Planning Policy Framework. The application site is not subject to any designated heritage buildings and is not within the Faversham Conservation Area.
- 9.42 The application site lies to the southeast of the easternmost part of the Faversham Conservation Area. This consists of the Faversham Cemetery on Love Lane with its tree-lined frontage, in turn containing one listed structure and two non-designated heritage assets, the most notable of the latter being the charming, small, ornate C19 redbrick cemetery chapel, which is still in use for its original purpose. The listed building contained within the Faversham Cemetery is the grade II* listed 'Memorial to the victims of the 1916 Faversham Munitions Explosion'
- 9.43 The Swale BC Conservation Manager has advised that there is limited intervisibility between the application site and the nearest part of the Faversham Conservation Area. Furthermore, and particularly given that the nearest element of built form within the application site area is set some way south from the northernmost point of the application site's frontage to Love Lane, I concur with the findings of the submitted Heritage Assessment that there would be no material impact to the nearest part of the Faversham

Conservation Area and heritage assets contained within the Faversham Cemetery. Nor would there be any material impact on other nearby listed buildings as identified in the search area for potential heritage. The Conservation Officer concludes by advising that there are no objections to the proposed application from a heritage impact perspective

- 9.44 As such I consider that the statutory test in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is met, and the proposal complies with Policies DM 32, DM 33, DM 34 and CP 8 of the adopted Local Plan, together emerging Policy FAV11 of the Faversham Neighbourhood Reg 14 Draft Plan, and relevant paragraphs of the NPPF.

Residential Amenity

- 9.45 Policy DM 14 of the Local Plan provided general development criteria and requires that development does not result in significant harm to amenity. Paragraph 130 f) of the NPPF states that decisions should ensure high standards of amenity for existing and future users.
- 9.46 As a rule, 21m separation distance between dwellings (normally back-to back) is considered sufficient to prevent a significant loss of amenity relating to daylight/sunlight, visual intrusion to outlook and privacy. The distance is not applied to dwellings facing each other across a street. The closest existing residential development is located to the west of the site at Buttermere, and the proposals would not result in direct overlooking of these dwellings.
- 9.47 Views are not protected under planning legislation. The separation distance between the proposal and existing neighbours in Kings Drive to the north and along Love Lane to the west exceed 21m to prevent the development resulting in visual intrusion to outlook. Overall, the proposal would not result in any harm to existing neighbouring amenity pertaining to daylight/sunlight, outlook, or privacy.
- 9.48 The proposal would see an uplift in vehicle movements regarding the residential development. However, the upturn for 154 units with the associated commercial activity would not be considered so significant as to result in unacceptable noise implications to neighbouring residents.
- 9.49 The Environmental Health Officer has commented on the proposal and did not consider that a noise survey was required pre-determination.
- 9.50 The construction period of a development is not material to the acceptability of a proposal. However, details of dust management, construction hours, and construction management plan could be secured via condition to ensure that development mitigates impacts during the construction period.
- 9.51 The proposed units would have dual aspect views which would allow sufficient outlook and allow natural light to filter into the dwellings.

- 9.52 The dwellings have all been plotted to ensure external access to the front of properties to ensure that waste and refuse can be collected without the requirement to bring waste through the internal floor space.
- 9.53 The layout has been designed to achieve rear to rear alignment that would allow 21m which is the recommended distance to ensure sufficient privacy. In the places where closer relationship exists the orientation of the properties reduces the overall overlooking with 11m achieved between side to rear alignment.
- 9.54 The proposed properties would all benefit from sufficient residential amenity space. The permeability of the site for pedestrians would also allow for access around the site which would be well landscaped. The existing PRoW (ZF28) will be upgraded to a 3m wide shared weatherproof surface as requested by KCC.
- 9.55 Overall, the proposal is considered to preserve existing amenity levels and would result in an acceptable level of amenity for future occupiers. The scheme is considered, therefore, to meet the requirements of Policy DM14 of the Local Plan, together emerging Policy FAV3 of the Faversham Neighbourhood Reg 14 Draft Plan, and relevant paragraphs of the NPPF.

Highways

- 9.56 Policy DM 6 of the Local Plan seeks to manage transport demand and impact. Policy DM 7 of the Local Plan provides guidance on parking standards alongside the Swale Borough Council Parking Standards SPD.
- 9.57 Paragraph 111 of the National Planning Policy Framework states that:
- 'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe'.*
- 9.58 The Highways Officer, Kent County Council has advised that it is noted that, in comparison of the elements that would affect the highway assessment previously undertaken, the amended plans have merely relocated plot 56 and the associated parking layout around it. The quantum of parking provision remains as previously accepted and in accordance with the adopted Swale Borough Council standards, and I am satisfied that the revised layout of these parking spaces also conforms with the relevant design standards and does not introduce concerns.
- 9.59 Further, it is advised that the highway layout has not changed because of the revisions, and I note that the extent of the roads being offered for adoption as publicly maintained highway would be as previously agreed to. Whilst no drawings have been submitted to provide street lighting design for the adoptable areas, as had been requested, it is now accepted that the indicative Masterplan shows that no trees will be located within the adoptable area, and I am therefore content that the positioning of street lighting columns are unlikely to be affected. This detail can be agreed subsequently through the technical approval process for the associated Section 38 Agreement for highway adoption.

- 9.60 It is concluded that consequently, I can confirm that the proposed development is still considered acceptable by the Local Highway Authority, provided that the obligations previously requested to be secured by Section 106 legal agreement and planning conditions are attached to any planning consent. Further, Highways England have assessed the application and have advised the following:

Having reviewed the applicants transport assessment which has now been uploaded onto the Council's planning portal, I can confirm that our previous response to you on this application dated 11 January 2022 is still appropriate. That response requires that the applicant contributes towards A2/M2 Brenley Corner in line with previous applications and is calculated (based on the previously used formula) to be £695 x 145 AM/PM trips generated by the development or £100,775 (to be indexed linked from the July 2015 base date). As this is a hybrid application, we would suggest that 50% payment should be made prior to 42 occupancies on the section of the site to which detailed permission has been sought with the remaining 50% being payable prior to 35 occupancies on the site to which outline consent has been sought.

- 9.61 Based on the above, I am content that the scheme would not conflict with policies DM6 and DM7 of the Local Plan, together emerging Policy FAV3 of the Faversham Neighbourhood Reg 14 Draft Plan and would not lead to unacceptable highway impacts.

Biodiversity

- 9.62 Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."
- 9.63 The Local Plan at Policy DM28 seeks for proposals to conserve, enhance, and extend biodiversity and provide for net gains in biodiversity where possible.
- 9.64 The revised NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.
- 9.65 The application was accompanied by an Ecological Assessment, which was reviewed by the Kent County Council Ecological Advice Service, and they provided the following detailed observations:

We have reviewed the ecological information we are satisfied that sufficient information has been provided to determine the planning application.

The submitted information has detailed the following:

- *At least 6 species of foraging/commuting bats*
- *3 trees with suitable features for roosting bats (no bats recorded roosting)*
- *Low numbers of Slow worms*

- *Potential for foraging/commuting badgers*
- *At least 15 species of birds (including a flock of approximately 30 Redwing – schedule 1 species)*
- *Potential for hedgehogs.*

An overview of the mitigation and enhancements proposed has been submitted and it has detailed the following will be carried out:

- *Creation of a reptile receptor site in a 10m grassland strip in south of the site*
- *Precautionary mitigation for the clearance of vegetation within the site*
- *Creation of hedgehog highways in close board fencing*
- *Creation of dark corridor along the N, W and S boundaries*
- *Inclusion of bat and bird bricks within the buildings on site*
- *Inclusion of bat boxes, bird boxes, insect hotels and hibernacula within the areas of open space and southern boundary.*
- *Use of native species within the open space.*

The survey data is at least 18months old and therefore we have considered if the survey information is still valid. Aerial photos indicate that the site is either actively managed farmland fields or part of a construction site and therefore we are satisfied the conclusions of the ecological surveys are unlikely to have significantly changed.

We advise that if planning permission is granted, we advise that a detailed mitigation and enhancement strategy is submitted as a condition of the planning application. We suggest the following wording:

Prior to works commencing a detailed ecological mitigation and enhancement strategy must be submitted to the LPA for written approval. 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 as detailed.

Lighting

The proposed development will result in an increase in lighting and therefore the proposals will have a negative impact on foraging/commuting bats and other nocturnal animals. We advise that any lighting scheme must be designed to include the dark sky area shown on Figure 5 Mitigation and Enhancement Plan (Ecological Appraisal; Bakerwell; November 2021), minimise light spill and ensure that the lighting is switched off or dimmed lower between 12am and 5am.

We recommend that any lighting condition wording requires the lighting 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. <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229>

Biodiversity Net Gain Assessment.

The BNG assessment has concluded that the proposed development will result in an anticipated net gain of 10.6% for habitats and 39.95% for hedgerows. We have reviewed the submitted metric and report and we agree with the conclusions of the anticipated net gain.

The Biodiversity Net Gain will not be achieved if the habitats within the site are not established and actively managed and monitored therefore if planning permission is granted there will be a need for a habitat creation and as detailed above a management and monitoring plan to be produced.

To ensure that the habitat detailed in the BNG assessment and the ecological mitigation areas are maintained there is a need for a habitat creation, management and monitoring plan to be produced as a condition of planning permission. We suggest the following wording:

Prior to works commencing on the opens space of the development a habitat creation, management and monitoring plan must be submitted to the LPA for written approval. 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 as approved.

- 9.66 Under section 40 of the NERC Act (2006), paragraph 174 of the NPPF (2021) and the Environment Act (2021), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of enhancements for biodiversity should be encouraged.
- 9.67 While the landscape management could be secured through section 106 obligation, to ensure appropriate management to secure meaningful ecological enhancement a condition would be applied to any grant of consent securing a Landscape and Ecological Management Plan (LEMP).
- 9.68 As noted by both Natural England and KCC Ecology the site is located within a 6km buffer of the designated European sites the Swale SPA and Ramsar sites. The proposal would result in a net increase in residential dwellings which can have an associated recreational pressure on these sites. As a result, and appropriate assessment will be undertaken below.

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017:

- 9.69 The application site is located within the 6km buffer of (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations) and Wetland of International Importance under the Ramsar Convention.
- 9.70 SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 9.71 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein. The proposal therefore has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.
- 9.72 The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Mods stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£275.88 per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are ecologically sound.

- 9.73 In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment.
- 9.74 The recent (April 2018) judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, *“it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.”* The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.
- 9.75 The proposal would have an impact upon the SPAs; however, the scale of the development (154 residential units) is such that it would not be considered, alongside the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff, that the impacts would be significant or long-term.
- 9.76 Based on the potential of 154 residential units being accommodated on the site a SAMMS contribution of up to £42,485.52 could be secured under the Section 106 agreement. The legal agreement could be worded such that it sets out that the SPA mitigation contribution is to be secured prior to the occupation of any dwelling. Therefore, considering the above it is considered that there will be no adverse effect on the integrity of the SPAs.
- 9.77 Finally, it can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers, and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others. (<https://birdwise.org.uk/>).
- 9.78 The County Ecologist has responded positively to the submission, raising no objection to it. They have asked for three conditions to be attached to any approval, as set out above. These are considered to meet the tests and will ensure that the scheme contributes positively to the Council’s aims in relation to ecological conservation and enhancement.
- 9.79 Natural England have responded to the scheme with a standard no objection response, requesting SAMMS contributions.
- 9.80 As such it is considered that the proposals are in accordance with the requirements of Policy DM28 of the Local Plan, together emerging Policy FAV7 of the Faversham Neighbourhood Reg 14 Draft Plan and the NPPF, in so far as it has regard to ecology/biodiversity.

Water, Flooding, and Drainage

- 9.81 The Local Plan as Policy DM21 sets out a raft of criteria aimed at preventing or reducing flood risk.

- 9.82 The revised NPPF at chapter 14 sets out government views on how the planning system should consider the risks caused by flooding. The planning practice guidance under the chapter titled ‘flood risk and climate change’ gives detailed advice on how planning can take account of the risks associated with flooding in the application process.
- 9.83 Local Plan Policy CP7 requires new development to be supported by the timely delivery of green infrastructure, including SuDS.
- 9.84 The NPPF at paragraph 8 and elsewhere identifies the provision of infrastructure as part of the economic role as one of the three dimensions of sustainable development.
- 9.85 The PPG under the chapter entitled ‘water supply, wastewater and water quality’ at paragraph 20 provides advice on the considerations that apply in areas with inadequate wastewater infrastructure. The PPG explains that if there are concerns regarding the capacity of wastewater infrastructure, applicants will be asked to provide information as to how wastewater will be dealt with. The PPG goes on to provide advice on several scenarios regarding the preference to connect to the public sewerage system and the acceptable alternatives.
- 9.86 KCC Flood and Drainage have raised no objection to the scheme, subject to the imposition of conditions. The same is true of Southern Water and the Drainage Board. As such it is considered that the proposed development, with appropriate conditions, would have a suitable approach to flood water, surface water and foul water drainage.
- 9.87 The imposition of the required conditions ensures that the scheme can meet the requirements of Policies DM21 and CP7 of the Local Plan, together emerging Policy FAV8 of the Faversham Neighbourhood Reg 14 Draft Plan, and the NPPF, with respect to flood risk and drainage.

Minerals

- 9.88 A Minerals Safeguarding Assessment was provided as part of the application by RPS Consulting. The assessment provided an overlay of the Mineral Safeguarding Area as defined for Brickearth by the British Geological Survey. The overlay indicates that only a small corner to the north-west of the site is located within the safeguarding area, which includes a limited developed area.
- 9.89 There is an area within the Mineral Safeguarding Area containing brickearth. As part of the application the only Brickearth user in the area was contacted (Weinberger Ltd). Weinberger Ltd stated that they were not interested in the site as a source of Brickearth as it would not be viable to extract the mineral.
- 9.90 Kent County Council Minerals and Waste were consulted on the application and found no objection to the proposal. The proposal would not present a viable extraction area and would not conflict with Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 2013-30.

Affordable Housing

- 9.91 Policy DM 8 of the Local Plan identifies that for development proposals of 11 or more dwellings there will be a need to provide affordable housing. The policy requires the provision of 35% affordable units in Faversham Town and urban extensions. The size, tenure and type of affordable housing would be provided in accord with the needs of the area.
- 9.92 The proposal would provide a policy compliant on-site provision of 35% which would equate to 54 units. The units would be distributed across the site which would provide good social integration.
- 9.93 The guidance of policy CP 3 indicates a requirement for 1-, 2-, 3- and 4-bedroom dwellings. The split would not reflect this guidance. However, given the location of the site the provision of 1 bed units usually provided in a flatted form and 4- bedroom units might disrupt the grain of development and an onsite provision is welcomed.
- 9.94 Paragraph 7.3.8 of the Local Plan provides guidance for the tenure associated with the affordable housing requirement which seeks an indicative target of 90% affordable/social rent and 10% intermediate products.
- 9.95 The Housing Officer has assessed these proposals and reached agreement with the applicant on the following basis:
- 9.96 It has been agreed that the following is acceptable and will apply to this development site:
- 35% of the homes across the whole site (Phases 1 & 2) will be delivered as s106 affordable housing i.e., 54 dwelling units in total
 - Of this 31 flats will be provided on Phase 1, and 23 houses on phase 2, and therefore resulting in 54 units in total
 - On Phase 1 the affordable homes provided will be 31 flats: ie

16	1BF
17	15 x 2BF

The above accommodation is made up of the following:

Block B 1-10 (10 units)	1&2 bed flats above commercial
Block A 11-22 (12 units)	1&2 bed flats above commercial
Block C 30-37 (8 units)	All 1-bed flats
Plot 56 FOG (1 unit)	2-Bed flat

- The total number of M4(3) building regulation standard homes required for the whole site is 4 units and these will all be delivered on Phase 1 (Block C plots 30-33). All other affordable rented flats will be delivered to M4(2) standard
- In regard to Phase 2, 23 affordable houses are required and it has been agreed to include a clause within the Affordable Housing Schedule of the s106 that

ensures these homes will only be delivered as houses (no flats/Flats Over Garages or apartments) and that the affordable housing plan for this Phase will need to be agreed with the Council prior to the commencement of Phase 2.

On this basis, the proposal is consistent with the provisions of Policy DM 8 of the Local Plan, together emerging Policies FAV2 and FAV3 of the Faversham Neighbourhood Reg 14 Draft Plan, and the NPPF.

Sustainable Design and Construction

9.97 Climate change – Policy DM19 requires developments to address climate change and reduce carbon emissions in new developments. The policy does not include a threshold for such reductions. However, the Council's Ecological and Climate Change Emergency Action Plan sets out that new housing developments should achieve a minimum 50% reduction in emissions when compared to target rates in the current Building Regulations. Whilst this is not adopted planning policy, the Action Plan is a material consideration.

9.98 The application has provided enhanced information in relation to the energy and sustainability when compared to the previous scheme, in respect of the following:

- Full details of the EV charging provision on site are as detailed on drawing number 1701. This confirms that the proposals will include 1 EV charge point per house, with 10% of communal & retail parking bays to have EV charge points.
- Fernham Homes are happy to confirm that that we deliver a 31% improvement on 2013 building regulations. Regarding BNG, the proposals will deliver a biodiversity net gain of 10.06% in area habitat and 35.95% in linear habitat. This is confirmed in the preliminary Biodiversity Net Gain Assessment which forms part of the application submission.
- Fernham will be using Air Source Heat Pumps subject to energy network infrastructure being available. The climate change officer confirmed that the proposal of up to 110L (of water use) per person per day was acceptable
- Confirmation of energy performance for the non-domestic buildings that form part of the outline element of the application will be confirmed at the reserved matters application for each of these respective buildings/uses. Regarding the energy performance for the non-domestic buildings, which form part of the detailed element of the application these will have a target to achieve an EPC rating of C.

9.99 The Climate Change Officer has advised that they have no objection.

9.100 On this basis the scheme is in accordance with DM19 of the Local Plan, together emerging Policy FAV10 of the Faversham Neighbourhood Reg 14 Draft Plan, and the NPPF with respect to sustainability and climate change.

Contamination

9.101 The Environmental Health Officer has commented on the proposal and recommended the inclusion of Contaminated Land Conditions. There is no obvious contamination issue

related to the site other than in connection with the agricultural use and proximity to a graveyard.

9.102A Phase 1 desk study would be required in association with any grant of consent, this could be provided in the form of a pre-commencement condition. The assessment would a historic background and potential contaminated land at the site. Should contamination potential be identified a phase 2 intrusive investigation and remediation would then be triggered by condition.

9.103 Pre-commencement conditions would be considered sufficient to ensure that development would provide safe habitable residential accommodation.

Air Quality

9.104 Policy DM 6 managing transport demand and impact criteria (d) states that:

“Integrate air quality management and environmental quality into the location and design of, and access to, development and, in so doing, demonstrate that proposals do not worsen air quality to an unacceptable degree especially taking into account the cumulative impact of development schemes within or likely to impact on Air Quality Management Areas”.

9.105 Paragraph 186 of the National Planning Policy Framework states that:

“Planning Policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan”.

9.106 The applicant outlined how the damage cost mitigation of the £262,746.000 which would be spent for on-site mitigation. The distribution of cost would be spent on a Travel Plan, welcome packs, car club etc. The damage cost calculation would be secured via section 106 and would in part be spent on an amount provided to each dwelling to be spent on subsidies public transport (bus/and or train travel tickets). This will be secured via the section 106 agreement.

9.107 The technical transport note also provides mitigation measures through the Travel Plan which will encourage mode shifts. The provision of 12month subsidised public transport for new residents would aim to increase use of public transport. Further, the Transport Plan would encourage the use of apps for journey planning.

9.108 The technical note identified that the Department for Transport ‘Sustainable Travel Towns’, indicated that some projects involving a varied range of initiatives to reduce car

reliance found an average reduction of car use of 7-10% per resident. The conclusion of the Transport note indicates that provided measures could see a reduction of trips by vehicles.

9.109 It should be noted that all dwellings would have the provision of an electrical vehicle charging point, but these are not considered as part of the mitigation package and low emission boilers would also be conditioned.

9.110 The proposal individually is not considered to have an individually a significantly negative impact. The concerns primarily derive from a cumulative impact with other committed development.

9.111 Paragraph 186 of the National Planning Policy Framework does make it clear that opportunities to improve or mitigate impacts should be considered at the plan making stage. The NPPF encourages the need for opportunities to be considered at plan making stage to ensure a strategic approach and limit the need for issues to be considered when determining individual applications.

9.112 The proposal is considered to comply with the Local Air Quality Management Plan.

9.113 The proposal is considered acceptable in this regard subject to securing of mitigation package, and therefore in accordance with Policies SP 5 and DM6 of the Local Plan and NPPF.

Archaeology

9.114 The application site is not located within an area of Archaeological Potential, as this extends to the north-east in a north-west/north-east trajectory. However, the local area has been subject to archaeological finds. The Archaeological assessment submitted with the application does not identify either designated or non-designated archaeological remains on site.

9.115 The assessment was based on a walkover study. No response has at this stage been provided by Kent County Council Archaeology, though I hope to be able to update Members at the meeting. The site does lie near an area of archaeological potential. Given the potential a condition would be applied to secure an investigation prior to commencement to rule out conclusively the potential for in situ remains.

Developer Contributions

9.116 Policy CP 6 and IMP 1 seek to deliver infrastructure requirements and other facilities to ensure the needs of the Borough are met.

9.117 The following contributions have been identified as reasonable and necessary to mitigate the impacts of the development on the surrounding area / infrastructure –

Requirement	Value	Towards
SAMMS payment	£275.88 per dwelling	North Kent Strategic Access Management and Monitoring Strategy
Primary Education	£4,642.00 per applicable house and £1,160.50 per applicable flat	Towards the expansion of St Mary's of Charity and/or any other school within the Faversham planning group
Secondary Education	£1294.00 per applicable flat; £5,176.00 per applicable house	Towards a new Secondary School serving this development
Secondary Land	£658.98 per applicable flat; £2635.73 per applicable house	Towards the land acquisition costs of a new Secondary School serving this development
Community Learning	£2528.68	Contributions requested towards additional equipment and resources at Adult Education Centres serving the development and outreach provision to increase capacity in the service
Youth Service	£10,087.00	Contributions requested towards additional equipment and resources for the Youth service to provide outreach services in the vicinity of the development.
Library Bookstock	£8,539.30	Contributions requested towards additional services, resources, and stock at Sittingbourne Library or any other serving the development.
Social Care	£22,619.52	Towards Specialist care accommodation, assistive technology, and home adaptation equipment, adapting existing community facilities, sensory facilities, and Changing Places Facilities within the Borough.
Waste	£28,285.18	Towards additional capacity at the HWRC & WTS in the Borough
Wheelie Bins	£109.40 per dwelling; £946.80 per 5 flats	As specification
Air Quality Damage Cost	£262,746.00	Over 5-years
NHS (Integrated Care Board)	£136,548.00	Towards refurbishment, reconfiguration and/or extension of the existing Newton Place Surgery and/or Faversham Medical Practice and/or towards new general practice premises development in the area
Highways	Having reviewed the applicants transport assessment which has now been uploaded onto the Council's planning portal, I can confirm that our previous response to you on this application dated 11 January 2022 is still appropriate. That response	

	requires that the applicant contributes towards A2/M2 Brenley Corner in line with previous applications and is calculated (based on the previously used formula) to be £695 x 145 AM/PM trips generated by the development or £100,775 (to be indexed linked from the July 2015 base date). As this is a hybrid application, we would suggest that 50% payment should be made prior to 42 occupancies on the section of the site to which detailed permission has been sought with the remaining 50% being payable prior to 35 occupancies on the site to which outline consent has been sought.
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Table 1 – S.106 Heads of Terms

10. These Heads of Terms have been provided to the applicant and agreed upon.

11. FINAL BALANCING AND CONCLUSIONS

- 11.1 The proposal is a Hybrid application for both housing and commercial development. It would boost housing supply providing 154 dwellings in total, including a Policy compliant affordable housing contribution, towards the Council's 5 Year Housing Land Supply. These factors carry significant weight in favour of the scheme. The proposal would also provide for Class E commercial units, a Day Nursery, a Care Home, with open space and sports provision
- 11.2 It is considered that the proposals would not cause substantial harm to landscape character on an Allocated site within the Local Plan.
- 11.3 The S106 Agreement for SAMMS contributions and infrastructure costs will mitigate against the impact of the proposals on key services.
- 11.4 In terms of sustainable development, there would be some clear positive social impacts through the provision of housing and affordable housing, and some positive economic benefits through the delivery of commercial development and jobs.
- 11.5 Overall, the scheme is fully policy compliant. As the Borough still has not achieved a 5-year housing land supply when considered against the standard method the 'tilted balance' (NPPF Para 11d footnote 8) applies and the conformity with the development plan weighs significantly in favour of approval.
- 11.6 The findings of Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC [2021] EWCA Civ 104 were that the test of the NPPF can be encompassed into the decision-making under s70(2) of the TCPA 1990 and s38(6) of the PCPA 2004 in one all-encompassing stage, as here the scheme is assessed as policy compliant and in accordance with the development plan the scheme is recommended for approval.
- 11.7 If Members do not take the view that the scheme is policy compliant due to either the quantum of development or the nature of the mix of housing and commercial uses, then this has two consequences. Firstly, Policy ST2 and ST3 of the adopted Local Plan are complied with in terms of development being contained within the defined settlement boundary of Faversham. Secondly, Policy MU 6 of Bearing Fruits 2031 identifies a mixed-use scheme of housing and commercial uses, with the identification of

20,000sq.m of commercial floor space. This application however provides 11,861 sq. m of commercial floor space comprising the Class E commercial units, day nursery and care home. Therefore, and translating the floor space figures in direct jobs, it is anticipated that Local Plan scenario under Policy MU 6 would generate 376 jobs, with the current application generating 345.

- 11.8 Whatever interpretation is applied, the conclusion is the same; either a presumption in favour of the scheme because it is policy compliant or a presumption in favour of the scheme because it is not but the tilted balance then applying as part of the presumption in favour of development.
- 11.9 The size of the scheme is useful in terms of the 5 Year Housing Land Supply, as the initial 84 units as part of the Full application would likely take no more than 18 months to 2 years to complete – resulting in an almost immediate positive impact on supply. Getting the Borough back above 5 years would be a major achievement; placing it back in control over schemes not complying with the local plan. The ability of this towards regaining a 5-year housing land supply counts strongly in favour of the scheme in the planning balance. This is additional to the assumptions in Bearing Fruits and the current 5YHLS which assumed the plan review and decision on the SNRR would come before delivery of this site.
- 11.10 The scheme is assessed and, being in conformity with national policy and the local plan, it is recommended that planning permission be granted for the proposal subject to conditions and the completion of a Section 106 agreement.
- 11.11 The scheme is assessed and being in conformity with national policy and the local plan. It is recommended that planning permission be granted for the proposal subject to conditions and the completion of a Section 106 agreement.

12. RECOMMENDATION

- 12.1 GRANT subject to the conditions as set out below and the signing of a suitably worded s106 agreement to secure the developer contributions as set out in the table above.
- 12.2 Delegated authority is also sought to amend condition wording and s106 clauses as may reasonably be required.

12.3 Conditions

Commencement

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

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

- 2) Details relating to the layout, scale, and appearance of the proposed building(s) within a relevant phase (other than the detailed element for Phase 1), 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.

- 3) Application for approval of reserved matters referred to in Condition (2) above must be made no later than the expiration of five years beginning with the date of the grant of outline planning permission.

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

- 4) 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

- 5) The detailed element (phase 1A) of the development shall be carried out in accordance with the following approved plans:

1000 PL B	10 December 2021	Site Location Plan
1002 PL A	09 December 2021	Existing Site Plan
1001 PL A	10 December 2021	Planning Areas Plan
1005 PL F1	3 December 2022	Site Layout
1700 PL E	13 December 2022	Refuse Plan
1701 PL F	13 December 2022	Parking Plan
1702 PL F	12 December 2022	Tenure Plan
1703 PL F	13 December 2022	Materials Plan
1704 PL E	13 December 2022	Fire Strategy Plan
1710 PL B	19 December 2022	Extent of Adoption Plan
1005 PL F	13 December 2022	Site Layout (Coloured)

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.

3012 PL B	10 December 2021	HT3.1 Plots 23-24 Plans and Elevations
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3020 PL C	03 February 2022	HT5.1 Plot 25 Plans and Elevations
3030 PL C	03 March 2022	HT4.8 Plots 26, 44 Plans and Elevations
3045 PL B	10 December 2021	HT4.4 Plot 27 Plans and Elevations
3050 PL B	10 December 2021	HT4.3 Plot 28 Plans and Elevations
3055 PL C Elevations	16 December 2022	HT 3.4 – Plots 29, 72, 82 Plans &
3040 PL C Plans & Elevations	20 December 2022	Block C Maisonettes Plots 30-37 Floor
3070 PL B Plans and Elevations	10 December 2010	HT3.1-HT3.3 Plots 38-39, 52-53, 57-58, 62-63 Plans and Elevations
3060 PL B Elevations	10 December 2021	HT4.5 Plots 40, 49, 79 Plans and
3095 PL C	03 February 2022	HT4.9 Plot 41 Plans and Elevations
3035 PL B	10 December 2021	HT4.8 Plot 42 Plans and Elevations
3090 PL C	14 December 2022	HT 4.7 – Plots 43, 46 Plans & Elevations
3056 PL B	10 December 2021	HT3.4 Plots 45, 65 Plans and Elevations
3080 PL B Plans and Elevations	10 December 2021	HT3.5 x2_Plots 47-48, 50-51, 59-60
3015 PL B	10 December 2021	HT3.1 Plots 54-55 Plans and Elevations
3105 PL C	19 December 2022	HT 2.3 – Plot 56 Plans & Elevations
3065 PL B	10 December 2021	HT4.5 Plots 61, 73 Plans and Elevations
3025 PL C	03 February 2022	HT5.1 Plot 64 Plans and Elevations
3100 PL B and Elevations	10 December 2021	HT3.7 Plots 66-67, 70-71, 83-84 Plans
3011 PL B Elevations	10 December 2021	HT3.1 Plots 68-69, 74-75 Plans and
3085 PL B	10 December 2021	HT3.5 Plots 76-78 Plans and Elevations
3010 PL C	16 December 2022	HT 3.1 – Plots 80-81 Plans & Elevations
3005 PL A	19 November 2021	Apartment Block A Floor Plans
3006 PL A	19 November 2021	Apartment Block A Elevations

3000 PL A	19 November 2021	Apartment Block B Floor Plans and Elevations
1010 PL B	10 December 2021	Street Scenes A-A and B-B
1011 PL B	10 December 2021	Street Scenes C-C and D-D
3400 PL E	03 March 2022	Garages, Stores & Sub Station Plans and Elevations
LDF-EDL-XX—XX-DR-L-0100-R2	November 2021	Illustrated Masterplan
15491/S2	February 2021	Site Survey
1549/S1	February 2021	Site Survey
1823 P02	July 2021	Drainage Strategy Full Site Plan
1810 P02	July 2021	Drainage Strategy Sheet 1 of 14
1811 P02	July 2021	Drainage Strategy Sheet 2 of 14
1812 P02	July 2021	Drainage Strategy Sheet 3 of 14
1813 P02	July 2021	Drainage Strategy Sheet 4 of 14
1814 P02	July 2021	Drainage Strategy Sheet 5 of 14
1815 P02	July 2021	Drainage Strategy Sheet 6 of 14
1816 P02	July 2021	Drainage Strategy Sheet 7 of 14
1817 P02	July 2021	Drainage Strategy Sheet 8 of 14
1818 P02	July 2021	Drainage Strategy Sheet 9 of 14
1819 P02	July 2021	Drainage Strategy Sheet 10 of 14
1820 P02	July 2021	Drainage Strategy Sheet 11 of 14
1821 P02	July 2021	Drainage Strategy Sheet 12 of 14
1822 P02	July 2021	Drainage Strategy Sheet 13 of 14
1823 P02	July 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.

- 6) The reserved matters details submitted pursuant to condition 2 shall accord with the Masterplan Parameter Plan, which for the avoidance of doubt are as listed below-

1201 PL C 18 July 2022 Land Use Parameter Plan

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

- 7) Notwithstanding the submitted plans, no development shall commence until a phasing plan for delivery of the development, including the associated highways infrastructure, open space, landscaped buffers, and sports facilities, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented strictly in accordance with the approved phasing scheme.

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

- 8) No dwelling within any phase of the development (including phase 1) shall be occupied until a housing and wastewater infrastructure phasing plan has been submitted to and approved in writing by the Local Planning Authority for that phase. Development shall take place in accordance with the approved housing and wastewater infrastructure phasing plan unless otherwise agreed in writing by the Local Planning Authority.

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

- 9) For each phase of the development hereby approved (including phase 1), no above damp proof course construction shall take place within a relevant phase until details have been submitted to the Local Planning Authority and approved in writing, 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.

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

- 10) The proposed residential development hereby permitted shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the residential units shall not be occupied unless the notice for that dwelling/flat of the potential consumption of water per person per day required by the Building Regulations 2015 (as amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability

- 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.

- 12) No development shall take place in any phase (including Phase 1) 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 in that phase have been submitted to and approved in writing by the local planning authority and the development 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.

- 13) No construction above damp course shall be undertaken within a relevant phase until details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community within that phase. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

Reason: In the interests of residential amenity.

- 14) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development in any phase (including the detailed element under phase 1) beyond the construction of foundations shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reasons: In the interest of Security, Crime Prevention and Community Safety¹⁵⁾

No development beyond the construction of foundations shall take place on the detailed (Phase 1A) and outline phases 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.

- 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.

- 17) The reserved matters details submitted pursuant to condition (2) 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 in any phase (including Phase 1) shall take place, including any works of demolition, until a Construction Management Plan (CMP) 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. 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

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 Bank 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 and agreed by the 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 adoptable spine road in accordance with details to be submitted to and approved in writing by the Local Planning Authority and 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 detailed (Phase 1) scheme, 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 construction above damp course for any phase shall be undertaken 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 has been 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) The areas shown on the approved drawings for the detailed scheme (Phase 1) 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 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 Phase 1 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.

- 34) The sports pitches hereby permitted shall not be floodlit, nor shall they be constructed with an artificial surface.

Reason: To protect the visual amenities of the area and the functioning of the site as part of a strategic green buffer area, and to protect the amenities of the occupants of surrounding residential dwellings.

Drainage

- 35) No construction above damp-proof course shall be undertaken in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy dated 12th November 2021 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed 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 are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme 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.

- 36) 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 paragraph 165 of the National Planning Policy Framework.

- 37) 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.

- 38) With the exception of that element of the development hereby granted full planning permission, no development shall take place until the details required by Condition 2 shall demonstrate 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.

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

- 39) No development of any phase approved by this permission shall be commenced on that phase 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.

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) 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 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

- 41) Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

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.

- 42) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with 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

- 43) 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

Ecology

- 44) Prior to works commencing a detailed ecological mitigation and enhancement strategy must be submitted to the LPA for written approval. 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 as detailed.

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

- 45) Prior to works commencing on the open space of the development. a habitat creation, management and monitoring plan must be submitted to the LPA for written approval. 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 as approved.

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

