

PLANNING COMMITTEE –**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

2.1 - REFERENCE NO: 22/503389/FULL		
PROPOSAL: Erection of 9 dwellings and demolition of the rear extension to the south of the existing office block.		
SITE LOCATION: Western Works, Front Brents, Faversham, Kent, ME13 7EB		
RECOMMENDATION: Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions set out in the report, with further delegation to the Head of Planning / Head of Legal Services (as appropriate) to negotiate the precise wording of conditions and legal agreements, including adding or amending such conditions as may be necessary and appropriate.		
APPLICATION TYPE: Minor		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to Faversham Town Council's objection to the application.		
Case Officer: Luke Simpson		
WARD: Priory	PARISH/TOWN COUNCIL: Faversham Town Council	APPLICANT: BMM Weston Ltd & Weller Properties AGENT: GPP
DATE REGISTERED: 08/07/2022		TARGET DATE: 25/10/2022
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - Flood Risk Assessment & Drainage Strategy (ST3268/FRA-2209) Bat Survey Report (Ref: 2022/08/25) Follow up Bat Survey Report (Ref: 2022/08/25) Preliminary Ecological Appraisal Landscape Statement (Ref: 2022/08/25) Biodiversity Metric Calculation Tool Biodiversity Unit Calculations (Ref: 2022/08/25)		

Transport Assessment (332410815/100_100|)
Acoustics Planning Statement (dated 17.06.2022)

All drawings submitted.
All representations received.

The full suite of documents submitted pursuant to the above application are available via the link below: -

<https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S5ND6QTYJO000>

1. **SITE LOCATION AND DESCRIPTION**

- 1.1 The application site comprises a 0.99 hectare parcel of land that includes a soon to be redundant office building of an art-deco design and associated car park and landscaped grounds. It sits on the northern side of Brent Hill, to the north of Faversham Creek and within the Faversham Conservation Area.
- 1.2 The site is enclosed to the north and east by 2-storey, semi-detached and terraced dwellings that are along the southern and western sides of Reedland Crescent and Bramblehill Road, to the south by several industrial buildings, which sit within the same ownership as the applicant (BMM Weston), and an area of allotments and to the west by a collection of listed buildings, which includes the neighbouring Davington Manor, Brent Hill Cottages and Ravescourt Barn (all of which are Grade II Listed) as well as others. It is also contained along its southern and western boundaries by blast walls which are listed as a Grade II listed heritage assets in their own right. Due to the size of the site and the fact that it is bound by a number of different development types, there is a great deal of variety in terms of the size and appearance of nearby and neighbouring buildings, but it was noted that existing buildings along Reedland Crescent and Bramblehill Road are all of a generally consistent design, featuring hipped, clay tiled roofs and roughcast render elevations.
- 1.3 The site has been designated for residential development within the Faversham Neighbourhood Plan as part of the larger BMM Weston Works site allocation, which is for a broader mixed-use development. Planning permission has previously been granted to construct 28 dwellings on the site following the demolition of the existing office building.
- 1.4 Due to its elevated position on Davington Hill, the site is exposed to views from the surrounding townscape, however, when approaching from Brent Hill, it is fairly well concealed from the highways due to the local topography and the presence of the blast walls, tree planting and nearby industrial buildings which prevent outside-in views. Views into the site are possible for a short distance when passing its access in a westerly direction.

2. **PLANNING HISTORY**

2.1 SW/99/0822

Renewal of SW/94/39 for demolition of industrial building and construction of new offices, demolition of existing offices and construction of one block of 27 flats and one single storey lodge building and new footpath.

Grant of Conditional PP Decision Date: 18.10.1999

2.2 SW/94/0039

Demolition of industrial building & construction of new offices; demolition of existing offices & construction of one block of 27 flats and one single storey lodge building and new footpath

Grant of Conditional PP Decision Date:

2.3 SW/79/0116

Change of use of grassed area for extension of car park

Approved pre 1990 Decision Date: 05.05.1979

2.4 SW/76/0834

Erection of new wall alterations to existing wall and provision of curbing

Approved pre 1990 Decision Date: 12.10.1976

2.5 SW/75/1113

Alterations to boundary wall

Refused Decision Date: 13.02.1976

3. **PROPOSED DEVELOPMENT**

3.1 This application seeks full planning permission for the erection of 9 x two-storey residential dwellings with associated parking, amenity space, landscaping and bin storage. The dwellings comprise five detached and two pairs of semi-detached properties and would provide an overall mix of 6 x 3-bed units and 3 x 4-bed units.

3.2 The dwellings are arranged around the existing office building, which would remain in situ and therefore all sit close to the perimeter of the site, with a pair of semi-detached properties in the southwestern corner, close to the site access (units 1 and 2) and the other 7 around the northern, western sides and southwestern corner of the plot.

3.3 Units 1 and 2 feature a hipped roof with integrated solar panels, eaves level dormers to all sides and two storey gabled projections to the rear. They would be constructed with clay roof tiles and hanging clay tile over red brick elevations.

3.4 Unit 3 is an L-shaped property featuring a dual pitched / catslide roof with a single roof light in each pitch and a projecting porch element to the front. It would be constructed with clay roof tiles and red facing brick elevations (including a soldiered bond plinth).

- 3.5 Units 4 and 5 feature a hipped roof constructed of slate roof tiles with integrated solar panels, two storey projecting gable elements to the rear and pitched roof open porches to the front. These properties would be finished with painted render over brick plinth elevations.
- 3.6 Units 6, 7 and 9 are all rectangular detached buildings featuring hipped roofs and constructed with either clay or slate roof tiles and a combination of render and brickwork elevations. Units 6 and 7 also accommodate car ports of differing forms which project from their respective side elevations.
- 3.7 Unit 8 features a hip to one side and gable end to the other side of the roof with a two-storey hipped projection to the front that would be constructed with clay roof tiles and red brick elevations.
- 3.8 All of the dwellings with the exception of units 3 and 9 would be served by double bay car barns that would be constructed with a combination of slate or clay roof tiles and timber and/or brickwork elevations. Each plot would be served by at least 2 on-site car parking spaces as well as a private rear garden and either a secure shed or designated cycle storage.
- 3.9 The proposal also seeks to reconfigure the internal road within the site and provide 19 parking spaces along the side of the new internal access which would serve the future use of the office building. A new swale would also be created to the front of the office building, and new landscaping would be planted throughout the site.

4. **CONSULTATION**

- 4.1 Three rounds of neighbour consultation have been undertaken, during which letters were sent to neighbouring occupiers. A notice has been displayed at the application site and the application was advertised in the local newspaper twice due to the proposals potential to impact nearby listed buildings and the Conservation Area. Full details of representations are available online.
- 4.2 One letter of public representation was received in objection to the proposal during the first round of consultation. Comments were raised in relation to the following matters:

Comment	Report reference
The proposal would cause overshadowing to and would be imposing when seen from the neighbouring properties on Bramblehill due to the topography of the site.	This has been addressed below in Section 7.3.5 – 7.3.6
The proposed works would damage the boundary wall of the site	This has been addressed below in Section 7.4.8 – 7.4.13
The proposal represents an overdevelopment of the site.	This has been addressed below in Section 7.3.1 – 7.3.6 of the report
The proposal would have a detrimental impact upon the privacy and residential	This has been addressed below in Section 7.6.1 – 7.6.5 of the report

amenities of the occupiers of neighbouring properties on Bramblehill Road and Redland Crescent by creating harmful views and being overbearing	
The proposal would exacerbate congestion in the area and result in highway safety concerns due to the number of vehicles movements it would create on Brent Road	This has been addressed below in Section 7.5.1 – 7.5.11 of the report
The proposal would have a detrimental impact upon local wildlife	This has been addressed below in section 7.7 of the report

- 4.3 Faversham Town Council objected to the proposed development on the following grounds:

Comment	Report reference/ clarification
The proposed housing mix does not comply with policy FAV3 of the Faversham Neighbourhood Plan	This has been addressed below in paragraph 7.2.8 – 7.2.10
The proposals fail to provide any affordable housing	This has been addressed below in paragraph 7.14
The proposed development could add to flooding in the town and no information has been submitted in relation to SuDS	This has been addressed below in section 7.8
Design elements within the public realm and new dwellings do not sufficiently incorporate opportunities for renewable energy production	This has been addressed below in section 7.9
Insufficient information has been submitted to justify the demolition of parts of the existing office building	This has been addressed below in paragraph 7.4.8
The proposal does not consider archaeological impacts	This has been addressed below in paragraph 7.11
The proposal represents overdevelopment of the site in light of it being anticipated that the office building will be converted to residential flats.	This has been addressed below in Section 7.3.5 – 7.3.6

- 4.4 Two letters of public representation were received in objection to the proposal during the second consultation. The following additional concerns/ comments were raised:

Comment	Report reference/ clarification
The design of the proposed dwellings is out of keeping with nearby buildings and the general character of the surrounding area	This has been addressed below in paragraphs 7.3.8 – 7.3.12 of the report

The proposed development would result in a significant adverse impact to the street scene of Brent Hill	
The proposed development would cause drainage and flooding issues	This has been addressed below in section 7.8 of the report

- 4.5 Faversham Town Council objects to the proposed development on the following grounds:

Comment	Report reference/ clarification
The proposed housing mix does not comply with policy FAV3 of the Faversham Neighbourhood Plan	This has been addressed below in paragraph 7.2.8 – 7.2.10
The proposals fail to provide any affordable housing	This has been addressed below in paragraph 7.14
The proposed development could add to flooding in the town and no information has been submitted in relation to SuDS	This has been addressed below in section 7.8 of the report
Insufficient information has been submitted to justify the demolition of parts of the existing office building	This has been addressed below in Section 7.3.5 – 7.3.6
The proposal represents overdevelopment of the site in light of it being anticipated that the office building will be converted to residential flats.	This has been addressed below in Section 7.3.5 – 7.3.6

- 4.6 The Faversham Society and the Faversham Community Land Trust objects to the proposed development on the following grounds:

Comment	Report reference/ clarification
The proposed dwellings are of an inappropriate scale for the area and would result in the overdevelopment of the site.	This has been addressed below in paragraphs 7.3.8 – 7.3.12 of the report
There are concerns that the proposal would have a detrimental impact upon the setting of the Grade II listed Davington Manor	This has been addressed below in paragraphs 7.4.5 – 7.4.13 of the report
The proposal will not provide any affordable housing or a policy compliant mix of housing	This has been addressed below in paragraph 7.2.8 – 7.2.10

- 4.7 Two letters of public representation were received in objection during the third round of public consultation. The following additional concerns/ comments were raised:

Comment	Report reference/ clarification
The design of the proposed dwellings is out of keeping with nearby buildings and the general character of the surrounding area	This has been addressed below in paragraphs 7.3.8 – 7.3.12 of the report
The proposed development would result in a significant adverse impact to the street scene of Brent Hill	This has been addressed below in paragraphs 7.3.8 – 7.3.12 of the report
The proposed development would cause drainage and flooding issues	This has been addressed below in paragraph 7.7 of the report
The proposed works could damage the boundary walls of the site due to their proximity	This has been addressed below in Section 7.4.8 – 7.4.13
The proposal would have a detrimental impact upon the privacy and residential amenities of the occupiers of neighbouring properties on Bramblehill Road and Redland Crescent by creating harmful views and being overbearing	This has been addressed below in paragraph 7.2.8 – 7.2.10
The proposal would exacerbate congestion in the area and result in highway safety concerns due to the number of vehicles movements it would create on Brent Road	This has been addressed below in paragraphs 7.5.1 – 7.5.11 of the report

- 4.8 Faversham Town Council continues to object to the proposed development on the following grounds:

Comment	Report reference/ clarification
The proposed housing mix does not comply with policy FAV3 of the Faversham Neighbourhood Plan	This has been addressed below in paragraph 7.2.8 – 7.2.10
The proposals fail to provide any affordable housing	This has been addressed below in paragraph 7.14
The proposed development could add to flooding in the town and no information has been submitted in relation to SuDS	This has been addressed below in section 7.8
Insufficient information has been submitted to justify the demolition of parts of the existing office building	This has been addressed below in Section 7.3.5 – 7.3.6

5. REPRESENTATIONS

- 5.1 **Natural England** – No objection subject to securing appropriate mitigation for recreation pressure impacts on habitat sites (European sites).
- 5.2 **KCC Flood and Water Management** – Should the Local Planning Authority be minded to grant planning permission for the proposed development, request conditions be attached that secure a detailed surface water drainage scheme, a verification report pertaining to the agreed surface water drainage scheme and infiltration testing.
- 5.3 **Southern Water** – Should this planning permission be granted, request an informative regarding the proposed means of foul sewerage and surface water disposal.
- 5.4 **Kent Police** – Request a condition for proposals to follow SBD Homes 2019 guidance to address designing out crime.
- 5.5 **KCC Biodiversity Officer** – The biodiversity net gain report indicates a small biodiversity net gain for the site which would be acceptable in line with current planning policy.

Swale Borough Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS).

The updated impact assessment indicated a low risk to roosting bats with precautionary measures recommended during site/vegetation clearance.

Conditions are recommended to secure biodiversity net gain, the implementation of mitigation measures set out within the submitted preliminary ecological appraisal, and a landscape ecological management plan.

- 5.6 **Conservation & Design Officer** – The scheme on balance is of a sufficient standard of design and contextual sensitivity subject to appropriate conditions to be included in relation to the demolition of the front part of the existing office building, the removal of permitted development rights for the proposed dwellings, the layout and appearance of solar panels, and a conservation management plan.
- 5.7 **Environmental Protection** – No objections subject to the inclusion of conditions to secure a remediation method statement and a verification report.
- 5.8 **KCC Highways** – No objection subject to conditions to secure the implementation of parking, vehicle turning spaces, EV charging facilities and cycle storage, and a requirement for a Construction Management Plan and details of measures to prevent the discharge of water onto the highway.
- 5.9 **Historic England** – No comment.

5.10 **Tree Officer** – Subject to the additional amended tree details and provided the tree protection details are adhered to by way of condition, no objection from an arboricultural perspective.

5.11 **Climate Change Officer** – No objection subject to detailed energy and water efficiency strategies being submitted to and approved by the local planning authority.

6. **DEVELOPMENT PLAN POLICIES**

6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017**

- Policy ST1 Delivering sustainable development in Swale
- Policy ST3 The Swale settlement strategy
- Policy ST7 The Faversham Area and Kent Downs Strategy
- Policy CP3 Delivering a wide choice of high quality homes
- Policy CP4 Requiring good design
- Policy CP8 Conserving and enhancing the historic environment
- Policy DM6 Managing transport demand and impact
- Policy DM7 Vehicle parking
- Policy DM14 General development criteria
- Policy DM19 Sustainable design and construction
- Policy DM21 Water, flooding and drainage
- Policy DM28 Biodiversity and geological conservation
- Policy DM29 Woodlands, trees and hedges
- Policy DM30 Enabling development for landscape and biodiversity enhancement.
- Policy DM32 Development involving listed buildings
- Policy DM33 Development affecting a conservation area
- Policy DM34 Scheduled monuments and archaeological sites

6.2 **Faversham Neighbourhood Plan 2023 - 2038**

- FAV2 Housing development
- FAV3 Residential mix and standards
- FAV4 Mobility and sustainable transport
- FAV7 Natural environment and landscape
- FAV8 Flooding and surface water
- FAV10 Sustainable design and character
- FAV11 Heritage
- FAV23 BMM Weston Ltd (parcel 2 land) at Brent Road

6.3 **Supplementary Planning Documents**

- Swale Borough Council Parking Standards (May 2020) SPD
- Developer Contributions SPD (2009)

7. **ASSESSMENT**

7.1 This application is reported to the Committee because the recommendation is contrary to the representations of Faversham Town Council. The main considerations involved in the assessment of the application are:

- Principle of development
- Visual impact of the proposal
- Impact on heritage assets
- Transport and highways
- Living conditions
- Ecology
- Trees
- Flood risk, drainage and surface water
- Contamination
- Sustainability / Energy
- Developer contributions

7.2 **Principle**

7.2.1 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.

7.2.2 The National Planning Policy Framework (the NPPF) provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

7.2.3 Members will be aware that the Council cannot currently demonstrate a five-year housing land supply, and that on this basis paragraph 11 (d) of the NPPF advises that the local plan policies most important for determining the application should be considered out-of-date, and that a presumption in favour of sustainable development should apply – meaning that development should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. Para. 8 of the NPPF also explains that achieving sustainable development comprises three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supporting ways.

7.2.4 The site lies within the built-up area boundary of Faversham, which is designated as a tier 2 Borough Centre within the settlement hierarchy set out within policy ST3 of the Swale Borough Local Plan. This policy specifically earmarks Faversham as the main focus for growth within this planning area where new development is especially viable, but at levels which reflect the historic importance of the town, the quality of its surroundings and a need to manage

levels of out-commuting. As such residential development in this location is generally acceptable, subject to certain criteria.

- 7.2.5 The Faversham Neighbourhood Plan incorporates the application site within as the BMM Weston site allocation – Parcel 2 (Site Specific policy FAV23. This policy allocates the site for residential development and specifically establishes a preference for the retention of the existing office building. It does not provide prescriptive figures in respect of the number of dwellings that the site is anticipated to accommodate, but does state that the most satisfactory way of developing the site would be through apartment buildings (conversion and extension) in a landscape setting, to preserve something of the existing character, and that housing with enclosed gardens would be likely to harm that character.
- 7.2.6 The proposal includes the demolition of some modern additions to the existing office building following discussions with SBC Heritage, but otherwise seeks to retain it in its original form, without including it within the development scheme. It is noted that the inclusion of new dwellings with enclosed gardens is not consistent with the ‘most satisfactory’ way of developing the site, as outlined within policy FAV23; however, whilst a preferred way of developing the site is expressed with the Neighbourhood Plan, it does not mean other forms of development are unacceptable. The ‘likely harm’ is considered in the heritage section below.
- 7.2.7 By way of background, the development proposals for this site have been with the Council for some time preceding the recent adopted stipulation that was not contained in the now superseded Faversham Creek Neighbourhood Plan policy for the site. The proposal has been subject to considerable negotiation between SBC Heritage and the applicant taking account of the specific site circumstances with regard to its heritage context. The final design and layout was formulated prior to the adoption of the current Neighbourhood Plan.

Housing Mix

- 7.2.8 Local Plan policy CP3 requires the mix of tenures and sizes of homes provided in any particular development to reflect local needs. The Local Plan requires development to achieve a mix of housing types, which reflect that of the Strategic Housing Market Assessment (SHMA). Notwithstanding this, new evidence has been prepared in the form of the Council’s Housing Market Assessment (HMA) in 2020 (i.e. more recently than the Local Plan), and this demonstrates the most up-to-date evidence on the required housing mix within the district as a whole. This is set out as follows:

Tenure - HMA	1 bed	2 bed	3 bed	4 bed
Market Required	7%	32%	46%	15%

- 7.2.9 Specifically in the context of Faversham, policy FAV3 of the Faversham Neighbourhood Plan sets out that residential schemes should include a mix of accommodation to meet local housing need, based on the latest evidence available, including:

- a. Accommodation suitable for families (3 bedrooms) as a predominant part of the mix;
- b. Smaller accommodation (2 bedrooms or fewer) suitable for first time buyers or renters or those seeking to downsize;
- c. Accommodation suitable for older people and those with limited mobility.

7.2.10 The mix of housing proposed within the application does not align identically with the preferred housing mix set out within the Local Plan or the Faversham Neighbourhood Plan due to the lack of smaller dwellings (1-2 bed), but, what is clear from the above is that there is a need for housing of all sizes within the Swale Borough. These proposals for three and four bed units would support the aim of the Faversham Neighbourhood Plan policy FAV3 in providing 'accommodation suitable for families' and although there is an absence of smaller units, it is considered that the provision of larger houses, as shown, can still be found acceptable in terms of meeting a need, particularly in the context of the housing land supply position of the Borough.

7.3 Townscape and Visual

7.3.1 The NPPF attaches great importance to the design of the built environment and states that design should contribute positively to making places better for people. The Swale Borough Local Plan reinforces this requirement through policies CP4 and DM14, which requires development proposals to be of high-quality design and to be in keeping with the character of the area.

7.3.2 Policy FAV10 of the Neighbourhood Plan mirrors the principles set out within policies CP4 and DM14 of the Local Plan, but also emphasises that development proposals should; accord with the predominant 2-3 storey character of the area, provide low front boundary enclosures, active frontages, landscape infrastructure, high quality public realm, pedestrian friendly layouts, and use high quality materials.

7.3.3 Further to the above, policy FAV23 of the Neighbourhood Plan, also relates specifically to the development site and establishes that any new development scheme should include the retention of the BMM Weston Office Building, enhance the setting of listed buildings around the site; complement the character of Faversham Conservation Area, including the brick wall to the site boundary and take account of the topography and prominence of the site.

7.3.4 A number of public objections have been received which raise concerns over the scale of the proposed dwellings, their design, the quantum of units that are proposed and the impact of the scheme on the open character of the site, and that of the surrounding Conservation Area.

7.3.5 The site in its current condition comprises the BMM Weston office building and its associated landscaped grounds which wrap around the structure and is planted sporadically with trees and shrubbery. The site therefore has a spacious and open character although due to the topography of the area and the fact that the site is enclosed in all sides by either residential development or industrial buildings, public views of it are restricted to the section of Brent Hill

that encompasses the site access. As such, the majority of the site does not make a notable contribution to the overall character of the area, although the office building itself and the land that lies between it and the southern boundary are visible from Brent Hill and do make a contribution to its somewhat verdant and leafy character.

- 7.3.6 The proposed development scheme would result in the introduction of 9 new dwellings around the perimeter of the site, roughly set in a crescent / horseshoe arrangement, with private gardens to the rear (leading to the site boundaries) and parking areas to the front which would be accessed by a new internal access that runs around the office building that is to be retained. It would therefore have a notable impact in changing the character of the site, as it would result in the loss of openness and soft landscaping; however, as the majority of the proposed dwellings would be located along the northern and eastern boundaries, which lie at least 70m away from Brent Hill, they would not be prominent additions to the street-scene or built environment of the area. The majority of the visual impact of the proposal would therefore be caused by the dwellings proposed within the southwestern corner of the site close to its access and boundary wall that lines the northern side of Brent Hill. These buildings would enclose the site frontage and result in the introduction of new development to the street-scene of Brent Hill; however, they would occupy an area of the site that is already developed and currently occupied by a large concrete pad and would not result in the loss of any notable trees or areas of vegetation. Further to this, they would also be set below the current ground level, meaning much of their massing would be concealed by the boundary wall that flanks the roadside and site entrance boundary. Whilst it is therefore acknowledged that these buildings would sit in the foreground of the office building and site as a whole, views of this structure and the landscaping around it would still be possible from the highway and therefore it is considered that some of the sites landscaped, and open character would be retained.

Landscaping

- 7.3.7 It is of note that the proposed development would result in the loss of significant area of soft landscaping; however, as the majority of the site is covered as grassed lawn, it is not considered that the loss of much of this landscaping would have a significant impact upon the character and appearance of the site as viewed from the surrounding public realm. It is recognised that a number of trees would be required to be removed; however, the landscaping scheme that has been submitted as part of the application makes provision for replacement trees to be planted throughout the site. Further to this, efforts have been made to ensure the protection of the most prominent and best quality trees which lie to the south of the office building, and a key element of the landscaping scheme and masterplan in general is the creation of an open swale that runs through the centre of the site, which would provide a focal point of green infrastructure. It is considered that these aspects of the scheme would help to impart throughout the site, the verdant, natural characteristics that are present around it.

Character and appearance

- 7.3.8 In terms of detailed design, negotiations between SBC Heritage and the applicant have ensured all proposed dwellings have a relatively traditional aesthetic, and it is apparent that they have been informed to some extent by some of the key features and characteristics of the older buildings within the surrounding area. Examples of this including all of the dwellings with the exception of plot 3 featuring a hipped roof, the two pairs of semi-detached dwellings incorporating a central shared chimney breast that extends above the ridgeline, and all of the properties being constructed with at least in part by natural materials (such as clay tile and brick) that form part of the historical palette and vernacular of local buildings. Notwithstanding this, there is a degree of variety between the different architectural designs with some properties being informed by elements of more recent residential developments that surround the site to the north and east along Redland Crescent and Bramblehill Road respectively, which are primarily finished with clay coloured concrete roof tiles and roughcast render, and other featuring individual design elements, such as projecting bays, catslide or jerkinhead garage additions and eaves level box dormers (as is the case with plots 1 and 2).
- 7.3.9 This combination of traditional design, a variety of materials and individual features creates a form of development that is respectful of and sympathetic to the prevailing character and history of local development and the local area in general, whilst also enabling a degree of variation and architectural interest that ensures that it would be seen as its own development, rather than a pastiche of what surrounds the site.
- 7.3.10 In terms of scale, the proposed buildings vary in size slightly, with the semi-detached pairs having a smaller footprint than the detached properties, but they are all of comparable size to the dwellings that occupy Redland Crescent and Bramblehill Road. The two storey nature of buildings ensure that when viewed from within the rear curtilages of these properties, they would appear broadly in keeping in terms of height, whilst the spacious natural surroundings of the scheme would help to ensure that no point of the site would appear overconcentrated with development. The spacious layout also enables bin and cycle stores to be located within the rear gardens or garages of properties, which would help to reduce the potential for street clutter.
- 7.3.11 It is also of note that the pair of semi-detached dwellings at the front of the site (identified as plots 1 and 2 on the proposed site plan) have relatively low eaves lines in order to reduce their massing and impact upon the streetscene of Brent Hill.
- 7.3.12 Overall, it is considered that the proposed development is of an appropriate scale and design, and that it would not have a significantly detrimental impact upon the character and appearance of the site, or the visual amenity of the local street scene and surrounding area. It is therefore deemed to be broadly in accordance with policies CP4 and DM14 of the Swale Borough Local Plan, as well as policies FAV10 and FAV23 of the Faversham Neighbourhood Plan.

7.4 Heritage

- 7.4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses. Section 72 of the Act goes on to establish that special attention shall also be paid to the desirability of preserving or enhancing the character and or appearance of Conservation Areas.
- 7.4.2 The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.
- 7.4.3 These principles are also reflected in the Council's Local Plan through policies DM32 and DM33, which sets out that proposals that affect a listed building or its setting, or that amount to development in a Conservation Area, will be permitted only where special architectural, townscape characteristics or historic interests are preserved.
- 7.4.4 On a neighbourhood level, policy FAV11 of the Faversham Neighbourhood Plan sets out that development within the Faversham Conservation Area should preserve or enhance its character or appearance and setting, including its architectural quality and diversity, historic landscape, townscape, historic layout and other historic features.
- 7.4.5 The heritage assets that have been identified as having the potential to be impacted by the proposal are Davington Manor (Grade II Listed building) situated to the west of the site and the walls (Grade II Listed) enclosing the site along its eastern southern and western boundaries that are shared with Brent Hill and Davington Manor respectively. It is recognised that there are other heritage assets within close proximity, including Brent Hill Cottages to the southwest, The Lawn, Ravenscourt Barn and Brent Hill Bungalows, along with others (all located to the west), but as these are divorced from the site and do not share its setting, it is not considered that the proposed development would have scope to affect these listed properties.
- 7.4.6 Clear and convincing justification is required by NPPF paragraph 213 for any harm to the significance of a designated heritage asset (in this case the harm would be to the setting of Davington Manor), and paragraph 215 of the NPPF says that where a development proposal will lead to less than substantial harm, the presumption against development should be weighed against the public benefits of the proposal. A public benefit can be anything that delivers economic, social or environmental objectives, which are the three overarching objectives of the planning system as set out in the NPPF. The benefits of this scheme are discussed below.

- 7.4.7 The application site is located within the Faversham Conservation Area and historically formed part of the area used for gunpowder manufacturing, meaning it is a very distinctive part of the town which is referenced in the adopted Conservation Area Character Appraisal (2004). The listed buildings and structures adjacent to the site (including Davington Manor) are associated with the operation of the former gunpowder manufacturing operation at the site. The most notable of these to the overall character of the area are the blast walls that surround the site, and which form its boundary with Brent Hill. The existing office building due to its elevated positioning and visibility from the surrounding area is also a notable part of the area.
- 7.4.8 The proposed development has been reduced significantly since the application was first submitted in July 2022. This has been largely in response to comments received from SBC Heritage who expressed concern with the 11 dwellings and the design and layout of the scheme that was originally proposed. These concerns have led to the number of units being reduced to 9, more traditional designs being incorporated into the proposal and a more detailed and comprehensive landscaping scheme. SBC Heritage has confirmed that the revised design approach for the dwellings has been improved significantly and that the proposed dwellings are now of an acceptable and appropriate appearance for the site. It has also been confirmed that the amended layout with greater spacing being given between properties following the removal of two units has been successful in ensuring that the scheme would not appear visually cramped or overly urbanised for the area. Notable interventions include incorporating the removal of the modern extension to the southern frontage of the existing office building, which has been successful in maximising the potential for a larger and more meaningful area of external amenity space, and facilitating the retention of the existing mature trees that occupy this space by reducing their potential for conflict with the office building. Additionally, initial concerns that units 1 and 2 (closest to the site entrance) would be too close to the blast wall that fronts the site, and therefore make its maintenance and repair (when necessary) challenging, have been addressed by reducing the size of these properties and relocating them slightly further away from the boundary. That said, whilst the relocation of those units has softened the impact of the proposals on the openness experienced from that part of the conservation area, it would result in a less than substantial harm to be considered as part of the overall planning balance.
- 7.4.9 Further to the above, and with specific regard to the listed building known as Davington Manor, which lies to north west of the site, efforts have been made to reduce the size and volume of the dwelling identified as unit 3 on the proposed site plan, in order to enable it to be moved away slightly from the common boundary that is shared between the two sites, and the blast wall that occupies it, which is a scheduled monument, and to orientate the building in such a way that it provides more relief at its rearmost point which is nearest to this neighbouring heritage asset. SBC Heritage have confirmed that these alterations have been successful in ensuring a more comfortable relationship between the listed building and the proposed development, and as such the degree of harm to the setting of this heritage asset is less than substantial. This would be in conflict with part B of policy FAV23 of the Neighbourhood Plan, in

that the proposals would not enhance the setting of nearby listed buildings, but as below a balancing can be applied.

- 7.4.10 Paragraph 215 of the NPPF states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.
- 7.4.11 In the context of the planning balance required in respect of heritage assets therefore, the development would bring forward jobs and spending during the construction phase, as well as new households that would contribute towards the local economy and public services. The proposal would optimise the use of an allocated brownfield site for residential development – the use for which it is allocated within the Faversham Neighbourhood Plan. The proposal has also been designed to positively respond to its surroundings, and conditions are recommended to ensure that materials and landscaping are well considered.
- 7.4.12 It would make a valuable contribution to the Council’s 5-year supply of housing, to which significant weight can be afforded.
- 7.4.13 Overall, officers have been mindful of the statutory duty and have placed great weight and importance on the fact that less than substantial harm would be caused to the conservation area and setting of nearby listed buildings. Taking into account the above, it is considered that the benefits arising could be considered to outweigh the less than substantial harm identified. SBC Heritage has suggested that a number of details should be clarified and secured through appropriate conditions. These include, the appearance of solar panels to be used throughout the development and the submission of a conservation management plan for the historic blast wall. These conditions form part of this recommendation along with conditions to secure samples of materials and a detailed landscaping plan, in order to ensure that the detail of the scheme can be fully considered prior to its completion.

7.5 Transport and Highways

- 7.5.1 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such.
- 7.5.2 The NPPF also states that:
“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”
- 7.5.3 Policy DM7 of the Local Plan states that development proposals shall accord with the Swale Vehicle Parking Supplementary Planning Document. Further to this, policy DM14 of the Local Plan and policy FAV4 of the Neighbourhood Plan promote sustainable transport through utilising good design principles and ensuring that development proposals provide a balanced mix of sustainable and active travel options. It is specifically set out that where highway capacity

is exceeded and/ or safety standards are compromised, proposals will need to mitigate harm.

- 7.5.4 The proposed development scheme would utilise the existing entrance to the site from Brent Hill and re-configure / extend its internal driveway to wrap around the existing office building and provide an access that can serve all the proposed units. It makes provision for all proposed dwelling units to be served by at least 2 on-site parking spaces (to be provided on either hardstanding's to the front of properties or in open fronted car barns), secure cycle stores and electric vehicle charging points. In addition to this, 3 visitor parking spaces and 16 parking spaces designated for the existing office buildings are incorporated into the proposed layout.
- 7.5.5 KCC Highways have confirmed that 9 dwelling would generate far less vehicle movements than the existing uses that are permitted on the site.
- 7.5.6 It has also been confirmed that the proposed internal road arrangements would enable safe pedestrian movements within the site, and that whilst there is no pedestrian safeguarding provided to Brent Hill, the inclusion of a footway up to the site entrance and the presence of a cycle path to the west of it offers some protection from passing motor vehicles when entering and leaving the site. Mindful of this and the fact that it is anticipated that the development would generate fewer pedestrian movements than the existing permitted office use, it is considered that the proposal would not be unacceptable with regards to pedestrian safety.
- 7.5.7 Further to the above, KCC Highways have noted that the scheme would provide sufficient turning space for delivery and emergency vehicles, and that in conclusion there are no objections to the proposed development.
- 7.5.8 With regards to parking, the Council's Parking Standards Supplementary Planning Document sets out that 3 and 4-bed dwellings within suburban areas with no parking controls should be served by 2-3 designated parking spaces. Accordingly, the proposed level of parking provision for all dwellings would be compliant with the minimum local standards. This has also been confirmed by KCC Highways. 3-bed dwellings would be served by a garage and two parking spaces on a front hardstanding, whilst the 4-bed dwellings would be served by a garage and three additional parking spaces. Mindful of the fact that both proposed garages comply with the minimum standards set out within the Council's Parking SPD, it is considered that development would provide sufficient parking provisions.
- 7.5.9 It has been recommended that should the application be approved, conditions be attached to secure the implementation of parking, vehicle turning spaces, EV charging facilities and cycle storage, and the submission of a Construction Management Plan and details of measures to prevent the discharge of water onto the highway.

7.5.10 Subject to condition therefore, the proposal would be served by adequate access arrangements and would comply with the local parking requirements for 3 and 4-bed dwellings in suburban areas as set out within the Council's Vehicle Parking SPD. The scheme would not create a situation that would result in significant risks to highway safety or the efficient functioning of the local highway network. Accordingly, it is compliant with policies DM7 or DM14 of the Local Plan as well policy FAV4 of the emerging Faversham Neighbourhood Plan.

7.5.11 As the provision of electric vehicle charging points is a requirement of Building Regulations and in accordance with the PPG and recent appeal decisions, this condition will not be imposed.

7.6 Living Conditions

Existing Residents

7.6.1 The Local Plan policy DM14 requires that new development has sufficient regard for the living conditions of neighbouring occupiers and policy FAV10 of the Neighbourhood Plan sets out that development should avoid adverse impact on residential properties through intrusive, excessive or poorly designed lighting.

7.6.2 The proposed dwellings are mostly spread around the edges of the site, with a pair of semi-detached properties in its south-western corner, two detached properties in its south-eastern corner and the remaining 5 units along its northern and eastern boundaries. Mindful of the fact that the southern boundary of the site is contained by Brent Hill and the commercial buildings within the southern portion of the BMM Weston site, it is not considered that plots 1, 2 and 9 (all of which lie along the southern boundary) would have the scope to impact upon the residential amenities of neighbouring properties by virtue of their orientation and distance from the nearest dwellings on Bramblehill Road to the east and Davington Manor to the West.

7.6.3 Plots 3-8 however would lie within relatively close proximity to the northern and eastern boundaries of the site which are shared with neighbouring properties along Reedland Crescent and Bramblehill Road respectively. A number of objections have been received from neighbouring residents that raise concerns over their impact upon the privacy and residential amenity of the occupiers of these properties.

7.6.4 Notwithstanding the above, all the proposed dwellings would maintain at least 10m distance to the shared boundaries of the site as well as minimum distance of 21m to the opposing rear elevation of the nearest neighbouring property. It is, however, recognised that the proposed scheme would require a change in levels across the site and therefore, a condition is included within this recommendation that would require the applicant to agree the finished land levels of the site prior to the commencement of development in order to ensure that the new dwellings would be at appropriate levels in relation to neighbouring properties. As such, subject to this condition, it is not considered that any of the units would create close range or unacceptably intrusive views into any of the

existing properties that surround the site nor would they lead to a harmful sense of enclosure or a significant loss of light to adjacent gardens.

- 7.6.5 It is noted that plot 3 would have a closer relationship to the western boundary of the site that is shared with Davington Manor, however it would maintain a distance of at least 25m from this neighbouring dwelling and would be situated alongside an area of its curtilage that is surfaced as a driveway / area of hardstanding. Mindful of this and the generous size of the neighbouring property's curtilage, it is not considered that plot 3 would have an overbearing impact or that it would result in a harmful loss of light. Furthermore, plot 3 has been designed to ensure that there are no first-floor windows within its north-west facing rear elevation, thereby ensuring that no elevated views would be created that would provide potential intrusive views into this neighbouring property.

Future Residents

- 7.6.6 New development is expected to offer future occupiers a sufficient standard of accommodation and to have regard to the Government's minimum internal space standards for new dwellings. All of the units would exceed the minimum internal floorspace requirements for 3 and 4 bed dwellings as set out within the governments technical housing standards - nationally described space standards guidance document, and all of their primary habitable rooms would be served by appropriated sized windows that would provide good levels of light and outlook. In addition to this, all dwellings would be served by suitable sized garden areas that would provide a degree of privacy, as well as good parking, cycle store and waste provisions.
- 7.6.7 Overall, it is considered that the proposed development would not create a situation that would result in significant harm to the living conditions of the occupiers of any neighbouring property, and that potential future occupiers of the scheme would be provided with appropriate levels of residential amenity that are conducive to contemporary living standards.

7.7 Ecology

- 7.7.1 The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by policies CP7 and DM28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.
- 7.7.2 As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal Swale Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest.

- 7.7.3 Natural England has advised that an appropriate tariff of £328.27 per dwelling (excluding any legal and monitoring officer's costs) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).
- 7.7.4 These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMB) produced by Footprint Ecology in July 2014. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.
- 7.7.5 The proposal would result in a contribution of: £2,954.43
- 7.7.6 A decision from the Court of Justice of the European Union (*People Over Wind v Coillte Teoranta*, ref. C-323/17) detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application.
- 7.7.7 An Appropriate Assessment has been carried out and adopted by the Council as the Competent Authority, which concludes that the proposed development will not adversely affect the integrity of the Thames Estuary & Marshes SPA and Ramsar Site and the Swale SPA and Ramsar Site.

Biodiversity

- 7.7.8 Under the Natural Environment and Rural Communities Act (2006), the authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions for the purpose of conserving biodiversity. Furthermore, the NPPF states that 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. The NPPF states that 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for then planning permission should be refused.'

- 7.7.9 National planning policy aims to conserve and enhance biodiversity, and encourages opportunities to incorporate biodiversity in and around developments. Under the Natural Environment and Rural Communities Act (2006), "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these function, to the purpose of conserving biodiversity".
- 7.7.10 In terms of the Local Plan, policies CP7 and DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 7.7.11 The Neighbourhood Plan policy FAV7 is consistent with national and local policy in respect of biodiversity, but in respect of BNG, identifies that major development proposals on brownfield sites must create an overall net gain in biodiversity of 10%. As this application is not for major development, the proposals turn to be assessed against the Local Plan in respect of biodiversity gain.
- 7.7.12 Mindful of the above policies, the applicant has submitted a Preliminary Ecological Appraisal and a bat survey report in support of their application. These documents set out that the site provides a suitable habitat for supporting breeding birds and potentially hedgehogs and some measures are required to mitigate against the potential impacts of the scheme. These include; undertaking any vegetation clearance outside of bird nesting season (March – August), hand searching areas that could potentially be used as a shelter by small mammals, and using a sensitive lighting scheme that would not be detrimental to bats.
- 7.7.13 KCC Ecology confirm that they are satisfied with the evidence that has been submitted and with the proposed ecological mitigation. The mitigation measures set out within the Preliminary Ecological Appraisal are secured by condition as set out below.
- 7.7.14 The applicant has also submitted a Biodiversity Net Gain Report, which details that the proposed development will result in a 1.84% uplift of habitat units across the whole site, which is compliant with the current National and Local policy requirements as confirmed by KCC Ecology.
- 7.7.15 Overall, it is considered that the proposed development will not result in the harm of any protected species that may occupy the site, and that it will deliver a net gain in biodiversity within the site. It is therefore in accordance with the NERC Act (2006), paragraphs 187 and 193 of the NPPF, as well as policies DM28 and DM30 of the Local Plan, and Policy FAV7 of the Faversham Neighbourhood Plan.

7.8 Drainage

- 7.8.1 A number of concerns have been raised by local residents over the potential impact of the development on surface water drainage within Faversham as well as the ability of the local sewage network to deal with the additional waste that would be produced at the site. Faversham Town Council has also objected to the proposal in part due to concerns that it would exacerbate existing flooding and drainage issues within the area.
- 7.8.2 However, the applicant has submitted a Flood Risk Assessment and Drainage Strategy, which sets out that the surface water created by the development is proposed to be drained using permeable paving and a piped network that will be laid throughout the site, which would be discharged to a combined sewer at a restricted rate of 3.4 litres per second, and that infiltration testing will be carried out to establish whether from there it can be discharged through the ground or through an existing surface water outfall to Faversham Creek.
- 7.8.3 KCC's Flood and Water Management Officer has reviewed the application and has confirmed that the proposed drainage arrangements and restricted infiltration rate are acceptable, but it has been suggested that if the application is approved, details of a final drainage strategy should be secured and that a verification report should also be submitted to demonstrate that the agreed drainage strategy has been implemented.
- 7.8.4 Further to the above, Southern Water has assessed the application and have raised no objections to the proposed development. They have however confirmed that they are in the process of designing and planning delivery of offsite sewerage network reinforcements to provide sufficient capacity within the network to cope with additional surface water flows and that no discharge of surface water from the site can be discharged into the public system until these works are complete. This process is controlled through Southern Water, and it is therefore not reasonable or appropriate for officers to raise concerns over sewerage network capacity issues.
- 7.8.5 The development is in accordance with the NPPF, policy DM21 of the Local Plan and policy FAV8 of the Neighbourhood Plan.

7.9 Sustainability / Energy

- 7.9.1 The NPPF and policy DM19 of the Local Plan requires developments to address climate change and reduce carbon emissions through using materials and construction techniques that increase energy efficiency and thermal performance. 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.
- 7.9.2 The applicant has not submitted details at this stage of how the development will achieve carbon emission reductions, but mindful of the above, a condition has been attached to this recommendation that requires the applicant to provide details of how the proposed dwellings will achieve a 50% reduction in emissions.

A condition is also included to ensure that the development achieves water efficiency.

- 7.9.3 In summary, subject to compliance with conditions, adequate measures can be incorporated into the proposed development to address climate change and to ensure compliance with Local Plan policies DM19 and DM21 and the NPPF.

7.10 Contaminated Land

- 7.10.1 The application site historically formed part of a gunpowder enterprise, and accordingly, the Environmental Health Officer has confirmed that if approved any permission should be accompanied by conditions to assess the site for contaminants, provide mitigation measures if required, implementation of any measures and a closure report. With the suggested conditions included below, the proposal is in accordance with the NPPF.

7.11 Archaeology

- 7.11.1 The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.

- 7.11.2 Policy DM34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.

- 7.11.3 In this instance, the site lies within an area of archaeological notification and historic mapping indicates that the proposed development area forms part of a wider area used as a Roman Cemetery, and as such it is possible that partial excavation of the site has the potential to reveal some important archaeological finds. Mindful of this KCC Archaeology has advised that if approved, any permission should be accompanied by conditions that require the applicant to carry out and report on a programme of archaeological field evaluation works, including any safeguarding measures that are required to preserve any uncovered artifacts or remains.

- 7.11.4 With the suggested conditions included below, the proposal is in accordance with the NPPF, policy DM34 of the Local Plan and policy FAV11 of the Neighbourhood Plan.

7.12 Community infrastructure

- 7.12.1 The Council's green spaces manager has sought to secure financial contributions from the applicant to mitigate against the impact of the development upon local open spaces and play areas. However, the pre-amble to policy CP6 of the Local Plan (paragraph 5.5.15) sets out that developer contributions will not be sought for developments of less than 10 dwellings. As such, it is not deemed reasonable or appropriate to require the applicant to enter into a S106 agreement to secure any matters other than the SAMMS payment unless otherwise paid.

7.13 Planning Balance and Conclusion

7.13.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Under s70(2) of the Town and Country Planning Act 1990, the decision-maker needs to have regard to the provisions of the development plan and any other material considerations.

7.13.2 The Council cannot demonstrate a five year housing land supply. In accordance with footnote 8 to paragraph 11 of the NPPF, the most important policies for determining this application cannot be considered up-to-date, and the 'Tilted Balance' in favour of sustainable development should apply to decision making. Only if the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, should planning permission be refused. It is therefore necessary to consider the benefits and disbenefits of the proposal in order to determine whether there are adverse impacts which would justify a refusal of planning permission.

7.13.3 The application site lies within the built-up area boundary of Faversham, in accordance with the spatial strategy outlined in policy ST3 of the Local Plan, and is designated within the Faversham Neighbourhood Plan for residential development (under policy FAV23 – Parcel 2). As such, a residential led-scheme in this location is acceptable in principle, notwithstanding that the NP refers to a preference for apartments in this location, rather than dwellings.

7.13.4 In this instance, significant weight must be afforded to the sustainable location of the site, the fact that it is allocated for residential development and has close and convenient access to a good range of services, amenities and public transport links. This would engender social benefits by enabling future occupiers to support local services and satisfy some of their day-to-day needs whilst utilising public and other sustainable modes of transport. Economic benefits would also arise from jobs created by the proposal, particularly during construction, to which moderate weight is attached.

7.13.5 With regards to harm, the site lies within the Faversham Conservation Area and forms part of the setting of the adjacent Davington Manor and the former blast walls that surround its southern and western boundaries, all of which are Grade II Listed buildings/structures. It would therefore have an impact upon these listed buildings through a change in setting, and a direct impact on the appreciation of the conservation area through a change to the openness of the site. In this regard the proposals would result in less than substantial harm to these assets. This would be in conflict with part B of policy FAV23 of the Neighbourhood Plan, in that the proposals would not enhance the setting of nearby listed buildings. The NPPF at paragraph 215 sets out that in such circumstances, this harm needs to be balanced against the public benefits of the scheme and that the presumption against development that would harm the significance of a listed building (including its setting) can be outweighed, but only if there are material considerations that are strong enough to do so.

7.13.6 As set out above, the proposals benefit from policy support and would make efficient use of land on a brownfield site. These additional nine dwellings would also make a valuable contribution to the council's supply of housing when it is unable to demonstrate a five year housing land supply. This is afforded significant weight in the planning balance. Economic benefits would arise from jobs created during construction, with the dwellings also well positioned such that future occupiers would help to support the vitality and viability of the Faversham urban area.

7.13.7 The development would not create a situation that would result in harm to the living conditions of the occupiers of neighbouring or nearby properties, and it would not compromise the safe functioning of the local highway network.

7.13.8 No concerns have been raised in respect of flooding / drainage or contamination issues, and the proposed scheme would not harming any protected species or habitats. SAMMS contributions will mitigate against the impact of the proposals on protected biodiversity sites. As these are standard policy requirements, no weight is attached in favour of the development. Although small, the modest biodiversity net gain that the development would provide can also be afforded significant weight in the planning balance.

7.13.9 In weighing up the balance, it is considered that the public benefits arising from the development would outweigh the less than substantial harm identified to the Grade II listed Davington Manor, blasted walls and Faversham Conservation Area. When read as a whole, the proposals would be consistent with the aims and objectives of the Faversham Neighbourhood Plan and the policies of the Local Plan 2017, and would support the delivery of housing at a time when the council are unable to demonstrate a five year housing land supply. Taking into account the presumption in favour of sustainable development, this indicates that planning permission should be granted.

7.13.10 The application is, therefore, recommended for approval subject to the conditions set out below and securing the abovementioned strategic mitigation contribution towards the North Kent Strategic Access Management and Monitoring Scheme (SAMMS).

7.14 Other matters

7.14.1 As the proposals are for under 10 units, there is no policy requirement for affordable housing in this instance.

CONDITIONS

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: Location Plan (21110_EX_01 A), Existing Site Plan (21110_EX_02 B), Existing Office and Proposed Example Windows and Door Types (21110_PL_18), Existing Greenhouse and Outbuilding – Plans & Elevations (21110_EX_07 A), Existing Greenhouse and Outbuilding – Plans and Elevations (21110_EX_07), Proposed Location Plan (21110_PL_01 B), Proposed Masterplan – Ground Floor Plan (21110_PL_02 L), Proposed Masterplan – First Floor Plan (21110_PL_03 K), Proposed Masterplan – Roof Plan (21110_PL_04 G), Proposed Context Plan (21110_PL_31 B), Proposed Plot 1-2 – Plans & Elevations (21110_PL_40 B), Proposed Plot 3 – Plans & Elevations (21110_PL_07 C), Proposed Plot 4-5 – Plans & Elevations (21110_PL_08 E), Proposed Plot 6 – Plans & Elevations (21110_PL_09 G), Proposed Plot 7 – Plans & Elevations (21110_PL_10 B), Proposed Plot 8 – Plans & Elevations (21110_PL_11 C), Proposed Plot 9 – Plans & Elevations (21110_PL_17 A), Proposed Plot 1-2 – Brent Hill Street Scene (21110_PL_50 B), Proposed Car Barn – Type A and Proposed Bin Stores (21110_PL_15 B), Proposed Car Barn – Type B (21110_PL_16 A), Proposed Car Barn – Type C and Bin and Cycle Store (21110_PL_41), Proposed Car Barn – Type D (21110_PL_42), Proposed Bin Stores (21110_PL_43), Proposed Strategy Plan – Hard and Soft Landscaping (21110_PL_25 I), Proposed Street Scene A & B (21110_PL_20 A), Proposed Strategy Plan – Landscaping Information (21110_PL_30 E), Tree constraints plan (TCP001 A).

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

- 3) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of the amenities of the area and highway safety and

convenience.

- 4) No development shall take place above slab level 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. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- 5) No development shall take place above slab level until specific details of hard landscaping works and the species of plants, trees and shrubs to be planted in respect of the landscaping scheme outside of residential plots have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the first occupation of the permitted dwellings.

The submitted details shall include a plant specification, implementation details, a maintenance schedule and a 5 year management plan.

The new soft landscaping shall comprise predominantly of native or near-native species as appropriate.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 6) No development shall take place above slab level until details of all boundary treatments within the site have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be constructed in accordance with the approved details prior to occupation and thereafter maintained.

Reason: To ensure a satisfactory appearance to the development.

- 7) Prior to the first occupation of the dwellings hereby approved, the proposed first floor bathroom windows in: the south-east and north west elevations of plots 1 and 2, the north-west facing elevation of plot 3, the north and west elevations of plot, the north and east elevations of plot 5, the east elevation of plot 6, the north-east elevation of plot 7 and 8, and the west elevation of plot 9 shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

- 8) No construction work in connection with the development shall take place on any Sunday or Public Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 9) No development shall take place above foundation level until details of the measures to be undertaken to achieve at least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended) for the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

- 10) The development hereby permitted shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and no residential unit(s) shall be occupied until details of the measures used to achieve the rate for that unit(s) have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of water conservation and sustainability.

- 11) The areas shown on the Proposed Masterplan drawing (21110_PL_04 G) 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.

- 12) The access road through the site shown on the approved drawings shall be constructed and completed prior to the occupation of the dwellings hereby approved.

Reason: To ensure that a satisfactory means of access is provided for the site.

- 13) From commencement of works and any site/vegetation clearance, all mitigation for protected and priority species and habitats shall be carried out in accordance with the details contained in the KB Ecology 21st November 2024 (reference: 2022/08/25) report titled: 22/503389/FULL – Weston Works, Brent Hill, Faversham, ME13 7EB, Kent and sections 4.5 and 4.9 of the KB Ecology 27th September 2022 (reference: 2022/08/25) report titled: Preliminary

Ecological Appraisal – Weston Works, Brent Hill, Faversham, Kent.

Reason: In the interests of biodiversity and protected species that may occupy the site.

- 14) No development shall take place above slab level until details of how the development shall offset biodiversity loss and provide an overall biodiversity net gain, have been submitted to and approved in writing by the Local Planning Authority. Details shall be based on the Proposed Strategy Plan – Ecology (21110_PL_29) dated September 2022 and Proposed Strategy Plan – Landscaping Information (21110_PL_30 Revision E) dated 17th February 2023. Details shall include generous native species planting, as well as habitat features for hedgehog, bats and breeding birds shown on scaled and detailed soft landscaping plans. Boxes for breeding birds shall be targeted at priority species and/or red/amber listed species as listed within the latest British Trust for Ornithology Birds of Conservation Concern report. Any boxes included for wildlife shall be building integrated and/or woodcrete boxes to ensure durability. The approved measures shall be implemented and maintained thereafter.

Reason: In the interests of biodiversity and protected species that may occupy the site.

- 15) No works and site and/or vegetation clearance shall be undertaken until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by the Local Planning Authority. The LEMP shall include the following:

- Description and evaluation of features to be managed;
- Constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management prescriptions for achieving aims and objectives;
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum five-year period);
- Timetable for implementation of the plan;
- Details of the body or organisation responsible for implementation of the plan; and
- Ongoing monitoring and remedial measures.

The LEMP shall include details of the legal and funding mechanism(s) by which the implementation of the plan shall be secured by the developer, including the management bod(ies) responsible for its delivery, for the lifetime of the development.

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

Reason: In the interests of biodiversity and protected species that may occupy the site.

- 16) The development hereby approved shall be carried out in accordance with the arboricultural method statement and tree protection plan detailed within the agreed Pre-development Tree Survey and Report dated 29th November 2023 and produced by Invicta Arboriculture, and drawing TPP001 A.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 17) No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the Local Planning Authority:

a) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

b) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

- 18) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report

together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

- 19) No development shall take place 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 demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and 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. Should the use of infiltration prove to be beyond being reasonable practical then any surface water leaving site shall not exceed the calculated greenfield runoff rate for all rainfall events. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

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. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 20) No dwelling 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. 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.

- 21) 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 and written approval 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.

- 22) Prior to the occupation of any dwelling hereby approved, they shall have been fitted with the noise attenuation measures set out within the Acoustic Planning Statement produced by Daniel O'Sullivan (dated 17th June 2022).

Reason: In the interests of ensuring suitable living conditions for future occupiers.

- 23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Classes A, B, C or D of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of the amenities of the area and to protect the setting of the nearby listed buildings.

- 24) No development shall take place until details of the proposed finished floor levels of the building(s), all ground levels of the development, and existing site levels shown at 0.5m contour intervals have been submitted to and approved in writing by the Local Planning Authority. The proposed finished floor levels of all buildings shall be as close to existing site levels as feasible with land raising and retaining structures being avoided where possible. Where any land raising or retaining structures are required they must be clearly justified and kept to the minimum height necessary. The development shall be completed strictly in accordance with the approved details.

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

- 25) Notwithstanding the provisions of Schedule 2, Part 2, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure other than those approved pursuant to condition 6 of this planning permission shall be erected within the application site.

Reason: In the interests of the visual amenity of the Conservation Area.

