

2.2 REFERENCE NO: 23/505043/FULL		
PROPOSAL: Installation of new EV charging units, equipment compound, substation, boundary fence, landscaping, and associated works		
SITE LOCATION: Macknade Service Station, Canterbury Road, Faversham, Kent, ME13 8XA		
RECOMMENDATION: Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions with further delegation to the Head of Planning to negotiate the precise wording of conditions, 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: Watling	PARISH/TOWN COUNCIL: Faversham	APPLICANT: Miss Jackie Ford AGENT: JMS Planning & Development Ltd
DATE REGISTERED: 07/11/2023		TARGET DATE: 15/03/2024
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - Lighting Assessment carried out by GW Consultancy Noise Impact Assessment carried out by Venta Acoustics (dated 20.06.2024) Preliminary Ecological Appraisal carried out by Icen Ecology Ltd (dated April 2024) Reptile Survey Report carried out by Icen Ecology Ltd (dated June 2024) Arboricultural Report (Ref: 22040) (dated August 2023) 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=S3QUJITYMHC00		

1. SITE LOCATION AND DESCRIPTION

- 1.1 The application site is situated on the northern side of Canterbury Road, Faversham. It incorporates a petrol filling station with forecourt canopy and a car wash. It is enclosed to the north, east and west by residential properties that are situated on Laxton Way, Bramley Avenue and Blenheim Avenue respectively, and to the south by Canterbury Road.
- 1.2 The site lies within an area of archaeological potential and is located approximately 80m to the north-east of an 18th Century dwelling known as Macknade Manor, which is a grade II listed building.

2. PLANNING HISTORY

- 2.1 22/503048/FULL
Installation of electric vehicle chargers, external seating area, equipment compound and substation, bin store and boundary fencing.
Withdrawn Decision Date: 14.06.2023
- 2.2 SW/06/1057
Refurbishment of petrol filling station including 3 new 70,000L fuel storage tanks, new above ground offset fills, vents, new floodlight, pump islands, pumps and class 1 interceptor plus associated forecourt surfacing.
Grant of Conditional planning permission Decision Date: 25.10.2006
- 2.3 SW/95/0690
Construction of jetwash with portico and vacuum facility
Refused Decision Date: 10.10.1995
- 2.4 SW/95/0091
Removal of condition (ii) of SW/87/772 to allow for 24 hour opening of petrol filling station
Refused Decision Date: 24.03.1995
- 2.5 SW/89/1481
Erection of car wash.
Refused Decision Date: 15.11.1989
- 2.6 SW/88/0290
Proposed car wash
Refused Decision Date: 08.04.1988
- 2.7 SW/88/1272
Erection of car wash within a structure
Refused Decision Date: 29.03.1989
- 2.8 SW/87/0772
Redevelopment of existing petrol filling station including new sales building canopy pumps car wash and associated underground storage tanks and drainage
Approved Decision Date: 05.10.1987

APPEAL HISTORY

- 2.9 SW/97/0388/1
Variation of condition (II) of SW/95/690 extending jetwash hours on Sundays (only) to 900-1900 hours
Dismissed Decision Date 03.12.1997
- 2.10 SW/95/0690/1
Construction of jetwash with portico and vacuum facility
Appeal Allowed and or Notice Quashed Decision Date 08.07.1996
- 2.11 SW/95/0091/1
Removal of condition (II) of SW/87/772 to allow for 24 hour opening of petrol filling station
Dismiss or Dismiss-Notice Upheld/Varied Decision Date: 23.08.1995
- 2.12 SW/89/1481/1
Erection of car wash
Appeal allowed and or Notice Quashed Decision Date 06.03.1991

3. PROPOSED DEVELOPMENT

- 3.1 This application seeks planning permission to extend the existing filling station forecourt to the rear in order to provide 10 new electric vehicle charging bays, with 3 charger units, and to construct an associated equipment compound, substation and boundary fence, and carry out associated landscaping works.
- 3.2 The new area of forecourt measures approximately 29.4m at its widest point by approximately 13.5m at its deepest point and would partially be laid over an area of greenery situated at the rear of the site. The new equipment compound and substation would also be located within this area on new permeable surfaced bases, to include access from the main forecourt.
- 3.3 The equipment compound comprises a timber enclosure of approximately 4.55m by 6.47m that would house an electric cabinet that stands approximately 2.8m in height and measures approximately 3.82m by 2.0m.
- 3.4 The substation unit measures approximately 2.8m by 2.8m and approximately 2.4m in height and would be constructed with dark green GRP panelling.
- 3.5 The scheme would result in the loss of 3 trees from the site, but a landscaping scheme has been provided that shows the incorporation of replacement trees and vegetation along the northern, eastern and western boundaries of the site.

4. CONSULTATION

4.1 Three rounds of consultation have been undertaken, during which letters were sent to neighbouring occupiers; a notice was displayed at the application site and the application was advertised in the local newspaper.

4.2 16 letters of public representation were received in objection to the proposal during the first round of consultation. Comments were raised in relation to the following summarised matters (full comments are available online):

Comment	Report reference
The proposed tree planting will result in a loss of light to the adjacent gardens.	Paragraph 7.6.10
The proposal will result in additional noise, lighting and nuisance that will have a detrimental impact on neighbouring residential amenity.	Paragraph 7.6.1 – 7.6.11
The proposed number of new charging spaces is too much and amounts to the overdevelopment of the site.	Paragraph 7.3.1 – 7.3.6
The proposal will have a detrimental impact on local wildlife.	Paragraph 7.7.1 – 7.7.6
The proposal will encourage antisocial behaviour.	Paragraph 7.6.9
The proposed use of the site for 24 hours will disturb neighbouring occupiers.	Paragraph 7.6.9

4.3 1 letter of public representation has been received in support of the proposal during the first round of consultation, with the following reasons give:

Comment	Report reference
The proposal will provide a much needed fast EV charging hub for Faversham.	Paragraph 7.5.4
The proposal will have minimal impact upon the local roads and the environment.	Paragraph 7.5.3
The proposal will contribute towards improving air quality in this part of Faversham.	Paragraph 7.5.4

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

Comment	Report reference
The proposal will cause noise and light pollution effecting neighbouring properties and the privacy, amenity and quality of their occupiers.	Paragraph 7.6.1 – 7.6.11

The proposal does not include a light or acoustic barrier which should be erected between the site and neighbouring properties.	Paragraph 7.6.7
The number of EV charging units is too many for the site and would result in the loss of landscaping at the rear.	Paragraph 7.3.1 – 7.3.6
The proposal will negatively affect wildlife on the site and in the immediate area.	Paragraph 7.7.1 – 7.7.6

4.5 14 letters of public representation were received in objection to the proposal during the second consultation (13 of these were from addresses that responded to the first consultation). The issues raised within these comments were the same as those received in the first round of consultations and are therefore not repeated here.

4.6 Faversham Town Council responded to the second consultation and confirmed that they supported the proposed development on the following grounds:

Comment	Report reference
Concerns raised by neighbours on the previous application have been addressed.	This is a general point which is noted.
Trees on the site are being protected or replaced.	Paragraph 7.3.4
The proposed development will result in increased levels of noise and nuisance as it would extend the opening hours of the site.	Paragraph 7.6.9

4.7 8 letters of public representation were received in objection to the proposal during the third consultation (these were all from addresses that previously responded). The concerns raised within this round of consultation are the same as those that have been raised previously aside from the below comments:

Comment	Report reference
The proposed EV charging units pose a fire risk.	Paragraph 7.11.1
The additional charging / parking bays will result in highway safety issues due to the increased number of vehicles existing the site onto a busy road.	Paragraph 7.5.3

4.8 Faversham Town Council objected to the proposed development on the same amenity grounds that were noted within their initial comments, although noted that in principle they support EV provision. The following additional issue was also raised:

Comment	Report reference
The seating area is too large and close to gardens.	Paragraph 7.6.9

5. REPRESENTATIONS

- 5.1 **KCC Biodiversity Officer** – No objection subject to conditions to secure the implementation of recommendations set out within the Preliminary Ecological Appraisal and a Biodiversity Enhancement Plan.
- 5.2 **SBC Environmental Protection** – No objections subject to a watching brief condition that would require the applicant to submit assessment and remediation details in the event of contaminated land being uncovered, and a condition to ensure that construction activity is restricted to traditional daytime working hours.
- 5.3 **KCC Highways** – There are no highways implications associated with the proposals.
- 5.4 **KCC Minerals & Waste** – The County Council has no land-won minerals or waste management capacity safeguarding objections or comments to make regarding this particular application.
- 5.5 **KCC Archaeology** – No objection subject to a condition to secure an archaeological watching brief.
- 5.6 **Southern Water** – No objection but it is noted that the applicant should be referred to Southern Water's guide to tree planting near water mains.
- 5.7 **Kent Police** – No objections raised but the applicant was invited to contact Kent Police if they wish to discuss any site-specific security.
- 5.8 **Environment Agency** – No objection.
- 5.9 **KCC Public Rights of Way** – No comments to make.
- 5.10 **SBC Heritage** – The site does not contribute to the setting of the listed building due to its distance from the building, the existing boundary treatment to the north of the building, and the intervening modern built form (including the service station). The proposals will not detract from any views from or towards the listed building.
- The proposals will preserve the setting of the listed building and will not result in any harm to its significance, as per Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the NPPF.
- 5.11 **Tree Officer** – The loss of the three trees that are proposed for removal will not be detrimental to the visual/sylvan character of the local area and being of low quality not sufficient to pose a significant arboricultural constraint, and the general species proposed within the proposed landscape plan are not unreasonable, so I see no arboricultural grounds for refusal. Any approval should

include a condition to secure an arboricultural method statement and a tree protection plan.

6. DEVELOPMENT PLAN POLICIES

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

- ST1 Delivering sustainable development in Swale
- ST3 The Swale settlement strategy
- CP2 Promoting sustainable transport
- CP4 Requiring good design
- CP8 Conserving and enhancing the historic environment
- DM6 Managing transport demand and impact
- DM7 Vehicle parking
- DM14 General development criteria
- DM21 Water, flooding and drainage
- DM28 Biodiversity and geological conservation
- DM29 Woodlands and Trees
- DM32 Development involving listed buildings
- DM34 Scheduled Monuments and archaeological sites

6.2 **Faversham Neighbourhood Plan**

- FAV4 Mobility and sustainable transport
- FAV7 Natural environment and landscape
- FAV8 Flooding and surface water
- FAV10 Sustainable design and character
- FAV11 Heritage

7. ASSESSMENT

7.1 This application is reported to the Committee because the recommendation is contrary to the considerations of Faversham Town Council. For the proposal that has been submitted, the committee is recommended to carefully consider the following main points:

- Principle of development
- Character and appearance
- Heritage
- Transport
- Living Conditions
- Ecology
- Flood Risk, Drainage and Surface Water
- Contamination
- Archaeology

7.2 **Principle of development**

- 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 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 The application site lies within the built-up area boundary of Faversham, which is designated as a Borough Centre within Policy ST3 of the Swale Borough Local Plan. This Policy sets out that Faversham is the main focus for growth within this planning area, where new development is especially viable provided it reflects the historic importance of the town, the quality of its surroundings and a need to manage levels of out-commuting.
- 7.2.4 Accordingly, and mindful of the fact that the proposal relates to an existing established use, it is considered that the principle of providing electric vehicle charging points in this location is acceptable, subject to the scheme satisfying other relevant material planning considerations, as listed above. These issues are discussed in detail below.

7.3 Character and appearance

- 7.3.1 The National Planning Policy Framework attaches great importance to the design of the built environment and states that design should contribute positively to making places better for people. The Local Plan reinforces this requirement through Policy CP4, which requires development proposals to be of high-quality design and to be in keeping with the character of the area. Further to this, Policy DM14 of the Local Plan sets out that development proposals should be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location.
- 7.3.2 Policy FAV10 of the Faversham Neighbourhood Plan mirrors the principles set out within Policies CP4 and DM14 of the Local Plan, but more specifically emphasises that development proposals should complement the existing townscape character of the surrounding area, and include green infrastructure and features, including street trees, garden trees and traditional hedges and features to support wildlife.
- 7.3.3 The application comprises a number of elements, including the expansion of the forecourt to provide 10 new electric vehicle charging bays, with 6 EV units, a low voltage (LV) cabinet, a substation, an approximately 2.2m high timber acoustic fence around the sides and rear of the new forecourt area and new landscaping, including the planting of new trees around the northern, eastern and western boundaries of the rear portion of the site. These elements are typical of what one would expect to see within and surrounding a petrol station forecourt.

- 7.3.4 The scheme benefits from the fact that the land upon which the EV parking bays and associated infrastructure are proposed, is currently largely screened from Canterbury Road by a 2m tall brickwork wall that spans the width of the site, and a jetwash building, both of which are proposed to be removed. As such, whilst the proposal would result in the development of an existing grassed area and the removal of 3 category C (low grade) trees from the site, it is not considered that it would erode the landscape character of this part of Canterbury Road, particularly given that it is proposed to introduce a large number of trees to screen the proposed acoustic fence, that would be more visible than the vegetated area that is currently at the rear of the site.
- 7.3.5 Concerns were initially raised by officers as the originally submitted plans included canopy structures over the proposed EV charging bays, which would have added a significant amount of bulk and massing to the site, and resulted in an overconcentration of development; however, these structures have been removed, and mindful of the fact that the LV cabinet and substation will be positioned at the rear of the site and screened from Canterbury Road, it is considered that the proposals would sit comfortably on the site.
- 7.3.6 It is therefore considered that the proposed development would not have a detrimental impact upon the overall appearance of the site, or that of the surrounding street-scene and is in accordance with Policies CP4 and DM14 of the Local Plan, FAV10 of the Faversham Neighbourhood Plan and the NPPF.

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.
- 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 Policy DM32 of the Local Plan sets out that proposals that affect a listed building or its setting, 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 proposals should preserve or enhance the character and appearance or setting of listed buildings.
- 7.4.5 The site does not contain any listed buildings and does not lie within a Conservation Area. However, the grade II listed property known as Macknade Manor, which lies approximately 80m to the south-west, on the opposite side of

Canterbury Road has been identified as a heritage asset that the proposed development could have the potential to affect, by virtue of its proximity and shared setting.

7.4.6 SBC Heritage initially raised concerns over the impact of the originally proposed development on the setting of Macknade Manor due to the fact that it included large canopy structures over the proposed EV charging bays and an unbroken timber fence that spanned across the width of the site, which would have a significant impact in terms of increasing the quantum of development on the site.

7.4.7 Subsequently, the applicant has removed the canopies, altered the path of the acoustic fence to enable it to be pushed further away from the site frontage, and shown provisions for the introduction of landscaping in front of the fence to provide natural screening and help break it up when viewed from Canterbury Road. These alterations have resulted in a significant reduction in scale and coverage of the proposed development and have sought to introduce a meaningful and effective landscaping scheme that would help to provide a more verdant character and soften the overall appearance of the filling station.

7.4.8 SBC Heritage has confirmed that the proposal as amended addresses the original concerns and would not have a detrimental impact upon the special characteristics or setting of Macknade Manor.

7.4.9 It is therefore considered that the proposed development would not result in harm to any designated heritage assets, and it is therefore compliant with Policies CP8 and DM32 of the Local Plan, Policy FAV11 of the Faversham Neighbourhood Plan and the NPPF.

7.4.10 In considering the impact of this proposal upon designated heritage assets, officers have had regard to the Council's obligations pursuant to the Planning (Listed Building and Conservation Areas Act) 1990.

7.5 Transport

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 Further to the above, Policies DM7 and DM14 of the Local Plan establish that development proposals must provide appropriate levels of parking and safe vehicular access.

7.5.3 The proposed development would provide 10 new EV charging bays within the site and would therefore result in a modest increase in the number of vehicles that enter and leave the site on a daily basis. However, notwithstanding this, the existing access arrangements to the site provides good visibility splays in both directions, and KCC Highways have confirmed that there are no highway safety implications associated with the proposed works.

7.5.4 It is also noted that the provision of new EV charging facilities would help to encourage the use of electric vehicles which is a more sustainable mode of transport, and therefore the scheme would contribute towards the

implementation of the aims of Policy CP2 of the Local Plan as well as Paragraph 117 of the NPPF which set out that development should help to improve the transport network and be designed to enable charging of plug in and other ultra-low emission vehicles in sustainable ways.

7.5.5 With regards to the layout of the proposed charging bays, each one measures approximately 5m in length by 2.5m in width, which is compliant with the size standards for parallel parking spaces set out within the Council's Parking SPD. Further to this, the two rows of bays are positioned a minimum of approx. 7.3m apart, meaning sufficient space is provided for vehicles to comfortably manoeuvre into and out of each bay, in accordance with the SPD which sets out that a minimum distance of 6m should be afforded.

7.5.6 It is therefore considered that the proposal 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 the NPPF and Policies CP2, DM7 and DM14 of the Local Plan as well as the Council's Parking SPD.

7.6 Living Conditions

7.6.1 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. Specifically, policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight. Policy FAV10 of the Faversham Neighbourhood Plan mirrors these principles but specifically states that development should avoid adverse impacts on residential properties through intrusive, excessive or poorly designed lighting.

7.6.2 The application site is enclosed around its northern, eastern and western boundaries by residential properties within Laxton Way, Bramley Avenue and Blenheim Avenue respectively, and a number of objections have been received from the residents of these properties with specific concerns over noise and light being generated from vehicles and the EV charging equipment, and their impact on residential amenity.

7.6.3 In order to address these concerns, the applicant has submitted a Noise Impact Assessment and a Lighting Assessment, which provide an evaluation of the noise and light emissions that would be associated with the development.

7.6.4 The noise impact assessment details the findings of a 5-day, 24-hour monitoring exercise, which found that background noise levels as taken from the nearest neighbouring properties currently average around 44dB, and that during the quietest period of the day when the chargers would be operational (between 6am and 7am), it drops to 43dB.

7.6.5 The report goes onto assess the proposed development, including the substation, the EV charging units and associated vehicular activity, and states that noise levels associated with the development would not exceed 42dB even in instances where all of the car chargers are being used to their maximum

capacity and output. Mindful of the fact that this level of uptake at any one time is unlikely, particularly during the quietest period of the day (between 6am and 7am), it is not considered that the proposals would exceed the existing background noise levels, particularly given that anticipated noise levels would drop to 36dB in the event of half of the charging bays being in use at any one time.

7.6.6 Notwithstanding the above, the Noise Impact Assessment recommends the inclusion of a 2.2m high acoustic fence around the area of the charging bays in order to minimise the noise impacts as much as reasonably possible and sets out that the inclusion of this element would ensure that noise levels from the development would not exceed 35dB even when measured from the mid-point of neighbouring gardens.

7.6.7 SBC Environmental Protection have reviewed the Noise Impact Assessment and has confirmed that its methodology and findings are accurate and that there are no concerns with the proposed development with regards to noise impacts subject to implementation of the recommendations. As a result a condition has been included which requires the acoustic fence to be installed prior to the first use of the charging points.

7.6.8 In terms of potential amenity impacts arising from lighting, the submitted Lighting Assessment confirms that all new illuminations would be directed towards the centre of the site (away from neighbouring properties) and down towards the ground in order to restrict their spread. SBC Environmental Protection have reviewed the proposed lighting information and has confirmed that if the scheme is carried out in accordance with the submitted details, there are no concerns over the schemes impact on neighbouring properties with regards to light pollution or glare.

7.6.9 It is also noted that a number of objections have been received from local residents that raise concerns over antisocial behaviour and additional noise and nuisance during extended opening hours, and associated with an outside seating area that was originally proposed within the rear landscaped part of the site. However, the applicant has not applied to extend the opening hours of the filling station, and the outside seating area has been removed in response to neighbour concerns. Mindful of this and that it is not anticipated that the provision of 10 new EV charging bays would be likely to generate a degree of noise and nuisance that would significantly exceed existing levels, it is not considered that the proposals would create any antisocial behaviour issues. Notwithstanding this, a condition is included within this recommendation to restrict the operation of the EV charging units to the permitted opening hours of the filling station as existing (i.e. 6am – 10pm).

7.6.10 Concerns have also been raised by local residents that some of the trees included within the proposed landscaping plan have the potential to grow too large for the site and would result in a loss of light to the gardens that adjoin the rear part of the site. In respect of this, the Council's Tree Officer has reviewed the application and has confirmed that the species identified within the landscape plan are reasonable for the locality, and that their appropriate management can

be secured through a landscape management plan, which is the focus of a condition included within this recommendation.

7.6.11 Mindful of the above, and the fact that none of the proposed structures would result in the harmful enclosure of any neighbouring properties, or a loss of light and outlook or unacceptable noise concerns, it is considered that the proposals would not create a situation that would result in significant harm to the privacy and living conditions of the occupiers of any neighbouring properties. It is therefore deemed that the scheme is compliant with Policy DM14 of the Local Plan, Policy FAV10 of the Faversham Neighbourhood Plan and the NPPF.

7.7 Ecology

7.7.1 Section 40 of the NERC Act (2006), as well as paragraphs 187 and 193 of the NPPF, establish that biodiversity should be maintained and enhanced through the planning system, and that the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged. These principles are reinforced at a local level by Policies CP7 and DM28 of the Local Plan which establish that development proposals will apply national planning policy in respect of the preservation, restoration and re-creation of habitats and species, and will be required to provide, where possible a net gain of overall biodiversity.

7.7.2 Neighbourhood Plan Policy FAV7 is consistent with national and local policy in respect of biodiversity, but in respect of biodiversity net gain (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.

7.7.3 The Governments new BNG legislation goes a step further than the above referenced policy requirements as it requires that development proposals must have no adverse impact upon important habitats and that they must create an overall net gain in biodiversity of 10%. However, as the application was submitted prior to the date on which the BNG legislation came into effect, this threshold cannot be applied in this instance.

7.7.4 The applicant has submitted a Preliminary Ecological Appraisal in support of their application, which details the results of a site survey that was conducted by a qualified Ecologist. The report states that the site and its surrounding vegetation provides potential habitat opportunities for nesting birds and hedgehogs and therefore a precautionary approach should be applied when removing vegetation. It was also noted that the site was deemed suitable for reptiles but during surveys that were conducted between May and June 2024 no reptiles were observed.

7.7.5 The KCC Biodiversity Officer has reviewed the application and confirmed that the site evidently has low biodiversity interest, and that sufficient information has been provided to determine the application. It is however recommended that conditions should be attached to any permission to secure the implementation of

precautionary mitigation measures detailed within the Ecological Impact Assessment and a biodiversity enhancement plan. These suggested conditions are considered to be reasonable and appropriate and have therefore been incorporated into this recommendation.

7.7.6 Overall, it is therefore deemed that subject to compliance with conditions, the proposed development would deliver habitat enhancements and would not result in harm to local wildlife. It is therefore in accordance with Section 40 of the NERC Act (2006), Policies CP7 and DM28 of the Local Plan, FAV7 of the Faversham Neighbourhood Plan and the NPPF.

7.8 Flood risk, drainage and surface water

7.8.1 Policy DM21 of the Local Plan establishes that development proposals should avoid inappropriate development in areas at risk of flooding, and include, where possible, sustainable drainage systems to restrict runoff to an appropriate discharge rate to ensure that surface water is disposed of on site.

7.8.2 The site lies entirely within Flood Zone 1 and is therefore at the lowest risk of flooding. Notwithstanding this, the Environment Agency has been consulted given the use of the site, and they have confirmed that there are no objections with the proposed development.

7.8.3 It is therefore considered that the proposed development will not increase the risk of flooding within or outside of the site and as such, it complies with Policy DM21 of the Local Plan, FAV8 of the Neighbourhood Plan and the NPPF.

7.9 Contamination

7.9.1 Environmental Protection have confirmed that as the site is not a known area of contamination, and therefore no information is required prior to the determination of the application. It is however recommended that any permission should be subject to a watching brief condition that requires details and mitigation to be submitted to and approved by the local planning authority in the event of contaminants being found during construction works. Subject to the suggested condition, the proposal is in accordance with the NPPF.

7.10 Archaeology

7.10.1 Policy DM34 of the Local Plan sets out that development will not be permitted that would adversely affect an archaeological site, and that whether they are currently known or yet to be discovered, there will be a preference to preserve important archaeological sites in-situ and to protect their setting, unless it is justifiable to excavate and record any artifacts that are found.

7.10.2 The site lies within an area of archaeological potential, being located on the A2, which is on the route of the main Roman road between London and the coast. KCC's Archaeology Officer has confirmed that Iron Age and Roman remains have been found in the general area to the south-east and north-east of the site, and that it is possible that archaeological remains may be encountered during the proposed groundworks. Notwithstanding this, it is acknowledged that the

proposed groundworks are limited, and as such, it is deemed appropriate for a watching brief condition to be attached to this recommendation that required the applicant to secure the implementation of a watching brief prior to works being carried out. This condition has been included below.

7.10.3 Therefore it is considered that the proposal would be in accordance with Policy DM34 of the Local Plan, FAV11 of the Neighbourhood Plan and the NPPF.

7.11 Other matters

7.11.1 The majority of the issues made within the public representations that have been received, have been addressed in the sections above. Of those that remain the following comments are made. In respect of potential fire safety issues resulting from the EV charging infrastructure, this is matter dealt with via Building Regulations.

7.12 Conclusion

7.12.1 The proposed development is of an acceptable scale and design and would not have a detrimental impact upon the visual amenities of the site or wider area, the setting of the nearby listed building at Macknade Manor, living conditions of neighbouring occupiers, ecology or highway safety. There are also no contamination, drainage or archaeology issues that cannot be addressed through the use of appropriately worded conditions. Accordingly, it is recommended that planning permission should be granted for the proposed development.

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 plans: Site Location Plan (SLP A), Landscape Planting Plan (SY24-385-LPP-24-01), Compound & Sub-Station (PLNG 15 C), Proposed Site Elevations (PLNG 14 B), Proposed Site Layout Plan (PLNG 13 D).

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

- 3) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 4) No external lighting other than that approved by this permission shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

- 5) No construction activities shall take place, other than between 0700 to 1900 hours (Monday to Friday) and 0700 to 1300 hours (Saturday) with no working activities on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

- 6) The landscaping planting scheme as detailed within drawing SY24-385-LPP-24-01 shall be implemented in the first planting season (1 October to end of February) following the first use of the site. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

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

- 7) Prior to the commencement of works, a Tree Protection Plan that aligns with the agreed landscape plan and arboricultural impact assessment shall be submitted to and approved by the Local Planning Authority.

Reason: In the interest of landscape, visual impact and the amenity of the area.

- 8) Prior to the development hereby approved being first brought into use a 5-year landscape management plan shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall thereafter be maintained in accordance with the approved details and management plan.

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

- 9) From commencement of works (including site clearance) and for the duration of works through to the first use, to avoid impacts to protected and priority species, the precautionary working measures detailed in Table 2 of the Preliminary Ecological Appraisal (Iceni Ecology, April 2024) associated with the planning application shall be adhered to. Measures include:

- Vegetation clearance should avoid the core bird nesting season (March through August inclusive);
- Regardless of timing, vegetation clearance is to occur under the supervision of an Ecological Clerk of Works (ECoW); and
- Any Hedgehogs found on site are to be moved into safe, similar habitat away from works by the ECoW.

Reason: In order to protect protected species.

- 10) Prior to any development being carried out above slab level a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall accord with the submitted Landscape Planting Plan (Squires Young, July 2024) and Table 2 of the Preliminary Ecological Appraisal (Iceni Ecology, April 2024) associated with the planning application and shall include details of the following enhancement measures:

- The provision of multiple durable bird boxes;
- The provision of multiple durable bat boxes; and
- Details of landscaping utilising plants of primarily native provenance.

The approved plan shall be implemented as described and retained thereafter.

Reason: In the interests of enhancing biodiversity.

- 11) 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: To reduce risk to controlled waters.

- 12) Prior to the commencement of the development hereby approved, the applicant, or their agents or successors in title, shall secure implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed, and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved in writing by the Local Planning Authority. For the purposes of clarity, the condition will be in two parts. Part (i) relating to the submission of a WSI and part (ii) relating to the submission of a satisfactory report relating to the outcome of the watching brief.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with the Swale Borough Local Plan and the NPPF.

- 13) The new areas of hardstanding hereby approved shall be constructed from either permeable materials or incorporate drainage channels to prevent surface water runoff onto the highway.

Reason: In the interests of highways convenience and to prevent surface water runoff.

- 14) The use of the development hereby approved shall not commence until details of the RAL colour and ongoing maintenance of the acoustic fence to be erected along the northern, eastern and western edges of the newly proposed hardstanding have been submitted to and agreed in writing by the local planning authority, and the fence has been constructed in accordance with the agreed details. The fence shall also be retained in accordance with the agreed details in perpetuity.

Reason: In the interests of aural amenity.

- 15) The EV charging units hereby approved shall only be operated between the hours of 06:00 hours and 22:00 hours Monday to Sunday.

Reason: In the interests of the residential amenities of the occupiers of nearby properties.

Informatives

- 1) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
- 2) As the development involves demolition and / or construction, it is recommended that the applicant reviews the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected. This can be found at: <https://tunbridgewells.gov.uk/environmental-codeof-development-practice>

The Council's approach to the application

In accordance with paragraph 39 of the National Planning Policy Framework (2024), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

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

