

2.3 REFERENCE NO - 24/501929/REM		
PROPOSAL		
Section 73 - Application for minor material amendment to approved plans condition 1 (to allow changes to affordable housing tenure, revisions to SDS pond and redesign of public open space) pursuant to 23/501167/REM for - Approval of reserved matters (scale, design, layout and landscaping being sought) for the erection of 231 dwellings (houses and apartments, C3 Use Class) with landscaping, associated highway works, including car parking and open space, pursuant to 16/508602/OUT for - Outline application for erection of up to 250 dwellings with all matters reserved except for access.		
SITE LOCATION		
Site A Land At Preston Fields Salters Lane Faversham Kent		
RECOMMENDATION		
Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions and the completion of a Section 106 agreement Deed of Variation as 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, including adding or amending such conditions and precise Heads of Terms as may be consequently necessary and appropriate.		
APPLICATION TYPE - Application submitted under s73 (material amendments)		
REASON FOR REFERRAL TO COMMITTEE		
Faversham Town Council object to the application and request that it be considered by the SBC Planning Committee.		
Case Officer Ben Oates		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town Council	APPLICANT Redrow Homes AGENT Urbanissta Ltd
DATE REGISTERED 28/05/2024	TARGET DATE 27/09/2024	
BACKGROUND PAPERS AND INFORMATION:		
Documents referenced in report are as follows: -		
All drawings submitted		
All representations received		

Affordable Housing Justification Statement

Summary of changes document

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=SCX0MVTYFOZ00>

1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site falls within an allocated site under Policy A16 of the Swale Borough Local Plan, which seeks to enable the provision of a minimum of 217 dwellings. The site has outline planning permission (ref: 16/508602/OUT) for up to 250 units with all matters reserved except access. This was granted, with conditions and subject to a S106 Agreement, on the 12th May 2022. Reserved Matters approval (ref: 23/501167/REM) for scale, design, layout and landscaping for the erection of 231 dwellings was subsequently granted on 2nd October 2023.
- 1.2. The application site is part of the larger site that is split into two parts; Site's A and B. Site A is the subject of this application (referred to hereon as the 'Site'); which is 10.34 ha in size and is situated between Site B that borders the M2 motorway to the south and Canterbury Road (A2) to the north. West of the site are mainly detached two-storey houses fronting Ashford Road (A251) with rear gardens facing towards the application site and east of the site is Faversham Highway Depot with car parking for HGV vehicles and a Household Waste and Recycling Centre which is accessed from Salters Lane.
- 1.3. Part of the site lies immediately to the east of the Faversham Town Conservation Area and 82 metres to the east of Orchard Cottages, a pair of early C19 semi-detached Grade II listed buildings. Preston-Next-Faversham Conservation Area lies 12 metres to the east of the site. A commercial business is run from the land at Orchard Cottage supplying traditional building materials and training events. Access to that site is from the A2 and lies 14 metres from the western boundary of the application site. Cherry Tree Cottages – Grade II listed buildings - lie 53 metres to the north-east of the application site and on the opposite (northern) side of the A2.

2. PLANNING HISTORY

- 2.1. 16/508602/OUT - Outline application for erection of up to 250 dwellings with all matters reserved except for access. - Granted - 12.05.2022
- 2.2. 21/500766/OUT - Outline application for the erection of up to 70 dwellings (all matters reserved) and land reserved for a link road connecting the A251 with Salters Lane. - Granted - 12.05.2022

2.3. 23/500966/SUB - Submission of details pursuant to condition 4 (Design Code) of application 16/508602/OUT. - Granted - 09.08.2023

2.4. 23/501075/SUB

Submission of Details pursuant to conditions 9 (Remediation Strategy) and 12 (Piling Foundation Designs) of Application 16/508602/OUT.

Approved Decision Date: 08.08.2024

2.5. 23/501085/SUB

Submission of details pursuant to conditions 13 (foul sewerage disposal), and 14 (surface water drainage systems) of application 16/508602/OUT.

Approved Decision Date: 31.10.2024

2.6. 23/501088/SUB

Submission of details pursuant to condition 15 (Code of Construction Practice) of application 16/508602/OUT.

Approved Decision Date: 05.12.2023

2.7. 23/501089/SUB

Submission of Details pursuant to condition 29 (Invasive Non-Native Species Protocol) of Application 16/508602/OUT.

Approved Decision Date: 06.10.2023

2.8. 23/501090/SUB

Submission of details pursuant to conditions 33 (sustainable surface water drainage scheme) and 34 (details of implementation, maintenance, and management of sustainable drainage scheme) of application 16/508602/OUT.

Approved Decision Date: 04.12.2024

2.9. 23/501093/SUB

Submission of details pursuant to condition 36 (noise assessment) of application 16/508602/OUT.

Approved Decision Date: 08.12.2023

2.10. 23/501167/REM

Approval of reserved matters (scale, design, layout and landscaping being sought) for the erection of 231 dwellings (houses and apartments, C3 Use Class) with landscaping, associated highway works, including car parking and open space, pursuant to 16/508602/OUT for - Outline application for erection of up to 250 dwellings with all matters reserved except for access.

Approved Decision Date: 02.10.2023

2.11.23/501394/SUB

Submission of details to discharge condition 7 (proposed site and finished floor levels) of planning application 16/508602/OUT.

Approved Decision Date: 28.08.2024

2.12.23/502836/SUB

Submission of details to discharge Conditions 23 - Water Consumption Rate and Condition 35 - Hydrogeological Risk Assessment, Subject to 16/508602/OUT

Approved Decision Date: 20.01.2025

2.13.23/503442/SUB

Submission of details to discharge conditions 28 (method statement) and 30 (ecological design strategy) of planning application 16/508602/OUT

Approved Decision Date: 28.06.2024

2.14.23/504160/SUB

Submission of details to discharge condition 24 (energy efficiency and thermal performance) of planning application 16/508602/OUT.

Approved Decision Date: 10.10.2023

2.15.23/504193/SUB

Submission of details pursuant to condition 31 (ecological assessment) of application 16/508602/OUT.

Approved Decision Date: 08.08.2024

2.16.23/504220/SUB

Submission of details to discharge condition 24 - Energy Statement, Subject to 16/508602/OUT

Approved Decision Date: 10.10.2023

2.17.23/505321/SUB

Submission of details to discharge condition 10 (verification report) of planning application 16/508602/OUT.

Approved Decision Date: 29.05.2024

2.18.23/505322/SUB

Submission of details to discharge condition 17 - Archaeological Evaluation Report, Subject to 16/508602/OUT

Pending Consideration Decision Date:

2.19.23/505342/SUB

Submission of details to discharge condition 18 - Highways Details, Subject to 16/508602/OUT

Approved Decision Date: 12.06.2024

2.20.24/500493/REM

Section 73 - Application for minor material amendment to approved plans condition 1 (to allow changes to materials) pursuant to 23/501167/REM for - Approval of reserved matters (scale, design, layout and landscaping being sought) for the erection of 231 dwellings (houses and apartments, C3 Use Class) with landscaping, associated highway works, including car parking and open space, pursuant to 16/508602/OUT for - Outline application for erection of up to 250 dwellings with all matters reserved except for access.

Approved Decision Date: 24.09.2024

3. PROPOSED DEVELOPMENT

- 3.1. This application is submitted under Section 73 of the Town and Country Planning Act (1990), seeking amendments to the approved plans secured under condition 1 pursuant to Reserved Matters planning permission ref: 23/501167/REM. The proposed amendments seek to allow changes to the affordable housing tenure, make revisions to sustainable drainage system basins and redesign the public open space.
- 3.2. The s106 Agreement linked to the outline permission (ref 16/508602/OUT) secures the delivery of 81 affordable homes (35% of total dwellings), with a tenure split of 90% affordable rent (73 dwellings) and 10% shared ownership (8 dwellings). However, since execution of the agreement the developer has received limited interest from registered housing providers, who have raised concern with the high proportion of 4-bedroom affordable dwellings and the tenure split heavily weighted towards affordable rent (this is discussed further at section 7.4).
- 3.3. The application seeks to revise the tenure split to 50.6% affordable rent (41 dwellings) and 49.4% shared ownership (40 dwellings), which would continue to provide a total of 81 affordable homes. This tenure split has been amended since the application was first submitted, as it originally proposed the tenure mix to be 30% affordable rent and 70% shared ownership. An Affordable Housing Justification Statement was provided during the application confirming the 50/50 (rounded) revised split and sets out the background and explanation for the proposed changes, and confirmation from a Registered Provider of their commitment to taking forward the proposal. The previously approved split / mix and that now proposed is set out in detail below:

Affordable Housing Tenure Split

	Affordable Rent	Shared Ownership	Total
Approved	73 (90.1%)	8 (9.9%)	81 (100%)
Proposed revised	41 (50.6%)	40 (49.4%)	81 (100%)

Affordable Housing Dwelling Mix

	Approved	Proposed revised
Apartments (Affordable Rent)		
1 bed / 2 person	3	3
2 bed / 3 person	6	6
Dwellings (Affordable Rent)		
1 bed / 2 person	10	2
2 bed / 3 person	6	0
3 bed / 4 person	22	16
4 bed / 5 person	26	14
Dwellings (Shared Ownership)		
1 bed / 2 person	2	10
2 bed / 3 person	0	6
3 bed / 4 person	6	24
Total	81	81

3.4. All affordable apartments will continue to be provided to M4(3) accessibility standards and all affordable dwellings will continue to be provided to M4(2) accessibility standards.

3.5. Other minor amendments proposed to the approved scheme include the following:

- Repositioning of plots to increase setback to retained trees.
- Slight realignment of access road and junction to accommodate repositioning of plots.
- SUDS basin changes and mown path alternations.
- A redesign of central POS area to accommodate revised levels and retaining wall arrangements.

3.6. Revisions were made during the application to rectify issues raised by the Urban Design officer, which resulted in an amended drawing pack being submitted. Due to the minor nature of the revisions no further consultation was considered necessary.

4. CONSULTATION

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

4.2. Four letters of representation (three from the same household) were received in relation to the consultation. Concerns were raised in relation to the following matters:

Comment	Report reference
This should not be considered as a 'minor matter'.	Paragraph 7.2.3
Concerns that the proposal will seek to amend the obligations related to the planning permission granted under ref. 21/500766/OUT (in relation to Preston Fields south).	Paragraph 7.14.1
The proposal to switch 49 of the affordable rented units from affordable rented to shared ownership does not address Faversham's housing need.	Paragraph 7.4.1 – 7.4.8
Consideration should be given to re-negotiating the S.106 to capture lost planning gain / capturing the subsidy value of a policy compliant allocation of social rented tenure / payment of commuted sums for the absence of First Homes.	Paragraph 7.14.1
Smaller units should be provided in apartment blocks.	Paragraph 7.3.1 – 7.3.6
Impact of the proposed development on foul water drainage.	Paragraph 7.14.1
Concerns regarding details submitted under separate applications to discharge conditions of the outline planning permission (ref: 23/505321/SUB).	This matter is not relevant to this application and the relevant application (ref: 23/505321/SUB) has already been determined.

4.3. Faversham Town Council objected to the application on the following grounds: -

Comment	Report reference
1) The Town Council objects to the proposed changes in affordable housing	Paragraph 7.4.1 – 7.4.8

tenure which would reduce the number of affordable rental units substantially.	
2) The Town Council also objects to the distribution of units on the site.	Paragraph 7.4.9

4.4. Ospringe Parish Council commented on the application (neither in support or objection) raising the following matters:

Comment	Report reference
We would like to see the affordable housing offered at prices which allow those with local connections to aspire to home ownership.	Paragraph 7.4.1 – 7.4.8

5. REPRESENTATIONS

- 5.1. **SBC Heritage:** Based on the submitted documents the proposed variation of plans will have no additional impact upon the setting of the Faversham Conservation Area, which this site forms part of. Therefore, no concerns from a built heritage perspective.
- 5.2. **SBC Urban Design:** Initially requested clarification in regard to boundary treatment changes, car parking areas and its compliance with the Design Code, alignment of pedestrian routes with adjoining footpaths and the changes proposed across the site generally. Following receipt of further information the Urban Design officer confirmed that there are no objections raised to the proposed amendments.
- 5.3. **SBC Accommodation and Resettlement Manager:** Officers are aware of difficulties with developers securing a registered provider (RP) for the affordable housing at this site, particularly due to the high number of 4-bedroom homes included in the mix (26 x 4BHs), the policy compliant s106 tenure split and also because of other current factors impacting most RPs whose capacity to take on AHs has significantly reduced or ceased. It is therefore acknowledged that an alternative mix may be required to enable on-site delivery of the 81 AHs.

The current S73 application originally sought a new tenure split of 30% Affordable Rent Tenure (24 homes) with 70% Shared Ownership (57 homes); however, given the extent of deviation from the approved tenure split, confirmation was requested that an RP is committed to take forward the proposal.

An Affordable Housing Justification Statement was subsequently provided, which revised the tenure split to 50% rented / 50% shared ownership and includes confirmation from the RP of their commitment to take forward the proposal. The Housing officer has reviewed the additional information and confirmed that the proposals are acceptable.

- 5.4 **KCC Ecology:** - Advise that the open space has not changed significantly and therefore the comments made in the previous application are still valid for this

application. Sufficient ecological information has been provided but it is advised that additional information is required demonstrating what ecological enhancement features will be incorporated into the site.

The submitted information has confirmed the presence of an active outlier badger sett, 8 species of foraging/roosting bats and two species of reptile within the adjacent site. It has detailed there is potential for breeding birds and dormouse within the site. With the exception of badgers, a precautionary mitigation approach has been proposed to avoid impact on protected/notable species and advise that they are satisfied that the proposed approach is appropriate.

[Officers note that conditions were previously included to secure the required additional information.]

- 5.6 **KCC SUDs (Lead Local Flood Authority):** Initially requested further information regarding drainage calculations and modelling. Following receipt of further information it was confirmed that the principles of the proposed drainage are accepted.

Further clarification was also requested regarding the impact of large successive storms. However, the relevant information was concurrently being assessed through a submission of details application in relation to Condition 33 and 34 of the parent permission (ref: 23/501090/SUB). The SUDs team advise in their response to that application the following: "Having reviewed the latest information, alongside that also submitted for applications 23/501085/SUB and 24/501929/REM, we are satisfied that those concerns raised by ourselves previously have now been addressed and as such remove our objection to the discharge of conditions 33 and 34." As such, no further information within this application was required.

- 5.7 **KCC Highways:** No comment - there are no highway implications associated with the proposals.
- 5.8 **Environment Agency:** We have no objection to the minor material amendments proposed. However, please refer to our previous comments with regards to surface water discharge proposals under 21/500766/OUT, dated 12 October 2021 (KT/2021/128090/02-L01).
- 5.9 **The Health and Safety Executive:** HSE does not advise on safety grounds, against the granting of planning permission in this case.
- 5.10 **Southern Water:** No objections.
- 5.11 **Kent Police:** No further comments to add (in regard to previous applications).
- 5.12 **Kent Downs National Landscape:** No comments.
- 5.13 **Historic England:** No comments.
- 5.14 **UK Power Networks:** The existence of underground and overhead cables on the site should be noted.

6. DEVELOPMENT PLAN POLICIES

The National Planning Policy Framework (NPPF)

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 –

- ST1 Delivering Sustainable Development in Swale
- ST2 Development Targets for Jobs and Homes 2014-2031
- ST3 The Swale Settlement Strategy
- CP2 Promoting Sustainable Transport
- CP3 Delivering a Wide Choice of High-Quality Homes
- CP4 Requiring Good Design
- CP7 Conserving and Enhancing the Natural Environment – Providing for Green Infrastructure
- A16 Land at Preston Fields, Faversham
- DM6 Managing Transport Demand and Impact
- DM7 Vehicle Parking
- DM8 Affordable Housing
- DM14 General Development Criteria
- DM17 Open Space, Sports, and Recreation Provision
- DM19 Sustainable Design and Construction
- DM21 Water, Flooding and Drainage
- DM24 Conserving and Enhancing Valued Landscapes
- DM28 Biodiversity and Geological Conservation
- DM29 Woodlands, Trees, and Hedges
- DM32 Development involving listed buildings
- DM33 Development affecting a conservation area
- DM34 Scheduled Monuments and Archaeological Sites

Neighbourhood Plans

Faversham Neighbourhood Plan (2024)

- 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

Supplementary Planning Guidance/Documents

- Parking Standards (2020)
- Swale's Landscape Character and Biodiversity Appraisal (2011)
- Faversham Characterisation Study (2021)
- Swale Landscape Assessment (2019)

7. ASSESSMENT

7.1. The main considerations involved in the assessment of the application as a result of the proposed changes are:

- Principle
- Size and Type of Housing
- Affordable Housing
- Landscape and Visual
- Heritage and Archaeology
- Character and appearance
- Living Conditions
- Trees
- Ecology
- Transport and Highways
- Open Space
- Surface Water Drainage

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 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 seeks a variation of condition 1 (approved drawings) of the reserved matters approval granted under ref. 23/501167/REM. This application has been submitted under Section 73 of the Town and Country Planning Act 1990 which allows for conditions to be varied, including the condition that specifies the plans which the development should be undertaken in accordance with. Although not appearing in current legislation or guidance, when made in respect of such a condition, this type of application is sometimes referred to as a Minor Material Amendment. Planning Practice Guidance sets out that “there is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.” This is supported by the guidance setting out that the only limits on the use of this approach are that it cannot amend the time limit for commencing development and cannot amend the description of the development. In this case, noting that the amendments relate to the changes to affordable housing tenure, revisions to

the drainage pond and redesign of public open space scale, it is considered that the scope of the changes sit comfortably within the scope of an application of this type.

- 7.2.4. The relevant section of the Act (Section 73) that this application has been submitted under is very clear in that “On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted”. As a result, the only consideration as part of this application is whether the variation, as set out in the proposal section above is acceptable. Therefore, the principle of development has been accepted and is not able to be considered further.
- 7.2.5. The site is allocated for residential development under the terms of Local Plan policies ST4 and A16. Moreover, the principle of the proposed development on this site has been established as being acceptable through the parent Outline planning permission (ref: 16/508602/OUT). The current application submitted under s73 does not propose any amendments to the development that would result in a different conclusion on the principle of development to that already established.
- 7.2.6. Since the previous Reserved Matters application was granted permission, the Faversham Neighbourhood Plan has been adopted and is, therefore, part of the development plan that the application is required to be considered in relation to. Noting the scope of an assessment that can be made in relation to an application submitted under the terms of Section 73 of the Act, the Neighbourhood Plan does not represent a reason to re-consider the principle of the proposed development.

7.3. Size and Type of Housing

- 7.3.1. Local Plan Policy CP3 requires the mix of tenures and sizes of homes provided in any development to reflect local needs and the Strategic Housing Market Assessment. Policy FAV3 of the Faversham Neighbourhood Plan requires residential schemes to include a mix of accommodation to meet local housing need based on the available evidence including 3 bedroom properties as a predominant part of the mix; 2 bedroom (or fewer) accommodation suitable for first time buyers / renters / those seeking to downsize and accommodation suitable for older people and those with limited mobility.
- 7.3.2. The approved Reserved Matters application (ref: 23/501167/REM) was granted with the following dwelling size mix:
- 1 bedroom – 15 dwellings
 - 2 bedrooms – 59 dwellings
 - 3 bedrooms – 84 dwellings
 - 4+ bedrooms – 73 dwellings

- 7.3.3. The officer report for that application stated that “The mix of housing size and types is considered acceptable as it provides for a range of options within the site itself using the context and characters of the area to determine density as set out in Policy CP3 of the Local Plan”.
- 7.3.4. The proposed revisions would change the dwelling size mix as follows:
- 1 bedroom – 15 dwellings
 - 2 bedrooms – 59 dwellings
 - 3 bedrooms – 96 dwellings
 - 4+ bedrooms – 61 dwellings
- 7.3.5. The proposed revisions would result in 12 x 4-bedroom dwellings changing to 3-bedroom dwellings. The number of 1 and 2-bedroom sized dwellings would remain the same. The 12 dwellings are all affordable housing units and are proposed to be changed at the request of the affordable housing provider to enable the delivery of the affordable housing.
- 7.3.6. Officers consider that the proposed revisions would continue to provide a range of dwelling size options within the site and would remain generally consistent with the context and character of the area as set out in Policy CP3 of the Local Plan and policy FAV 3 of the Faversham Neighbourhood Plan.

7.4. Affordable Housing

- 7.4.1. The NPPF sets out the requirement for setting appropriate affordable housing levels for new development based on up-to-date evidence. Through Policy DM8, the Local Plan requires 35% of affordable housing from developments in Faversham. The supporting text states *“the Council will, in the first instance, seek an indicative target of 90% affordable/social rent and 10% intermediate products. Specific site circumstances may affect the viability of individual proposals which may result in an alternative tenure being acceptable, however this must be demonstrated by a viability assessment accompanying a planning application. The Council recognises that the evidence base for different tenures may vary over time particularly with the progression of policy initiatives such as Starter Homes and so will refer to the latest needs assessment in decision making.”* Policy FAV3 of the Faversham Neighbourhood Plan seeks an affordable housing tenure split of 66% affordable rent and 34% affordable ownership.
- 7.4.2. The S106 agreement attached to the parent Outline permission secures, among other matters, 81 (35%) of the dwellings delivered to be provided as affordable housing units, comprising 73 dwellings (90%) as Affordable Rented Housing and 8 dwellings (10%) as Shared Ownership.
- 7.4.3. The application would retain the overall amount of affordable housing in accordance with the Outline permission and Local Plan policy DM8. However,

it seeks to revise the affordable housing tenure mix to comprise 41 dwellings (51%) as Affordable Rented Housing and 40 dwellings (49%) as Shared Ownership. This is illustrated in the following table.

Totals	Approved	Proposed
Affordable Rent	73	41
	90%	51%
Shared Ownership	8	40
	10%	49%
Total	81	81

- 7.4.4. An Affordable Housing Justification Statement was provided during the application along with revisions to the proposed tenure split at the request of officers, which was originally proposed to be 30/70 in favour of shared ownership. The Statement sets out the challenges facing the delivery of affordable housing at this site, in particular the difficulty in finding a Registered Provider to take on the approved affordable housing. It states that the developer, *“has engaged in discussions with numerous Registered Providers (RP’s) that have resulted in limited interest due to the significant number of 4 beds affordable dwellings proposed and a tenure split which was heavily weighted towards affordable rent”*.
- 7.4.5. Paragraph 1.31 of the Statement sets out further details of the RP’s approached by the applicant and their responses. Officers note that 11 RP’s / affordable housing providers were approached, however only 3 qualified offers were received from RP’s. Furthermore, 7 RP’s declined to bid as they were no longer in the market for S106 units or there was an issue with the affordable housing mix or tenure split proposed.
- 7.4.6. The Statement further sets out that the issues they are experiencing in finding an RP are being experienced widely across the region. They identify that the main problems generally include funding constraints as a result of the current economic climate, RP’s needing to divert current funds to refurbish existing stock, rent caps, and availability of grant funding.

The Council’s Accommodation and Resettlement Manager and planning officers have been in discussions with the applicant and are aware of the issues in securing an RP for the affordable homes secured under the parent Outline consent. The Accommodation and Resettlement Manager acknowledges that this was in part due to the high number of 4-bedroom homes included in the mix, the high proportion of affordable rent homes and also because of other current factors impacting most RPs whose capacity to take on affordable homes has significantly reduced or ceased. The Affordable Housing officer advises that

the Affordable Housing Justification Statement covers what has been agreed with regards to the revisions of the affordable housing tenure mix.

- 7.4.7. The proposed revised affordable housing tenure mix is therefore accepted in light of the exceptional circumstances detailed in the application. However, the revisions to the tenure mix results in the application conflicting with policy FAV3 Part 2 of the Faversham Neighbourhood Plan (albeit the previously agreed mix would also have conflicted with this part of the policy). As a result of this, although the overall percentage of affordable housing accords with the requirements of policy DM8 of the Local Plan, there is a section of the policy which requires “*The size, tenure and type of affordable housing units in accordance with the needs of the area*”. The needs of the area, having been set out in the Faversham Neighbourhood Plan differ from what is being proposed. As a result, there is conflict with this element of policy DM8 of the Local Plan. The overall planning balance is discussed at the end of this report.
- 7.4.8. A deed of variation to the s106 legal agreement has been prepared to reflect the above proposed changes to the affordable housing tenure mix. The proposal is therefore acceptable subject to the agreement of the deed of variation.
- 7.4.9. Officers note that Faversham Town Council also raised concerns about the distribution of affordable units across the site. However, the distribution of the affordable units remains unchanged from the approved scheme.

7.5. Landscape and Visual

- 7.5.1 The NPPF requires decisions to ensure that development is ‘*sympathetic to... landscape setting*’.
- 7.5.2 The application site is not in a designated landscape but the supporting text to Policy A16 (Land at Preston Fields, Faversham) notes that the site makes a positive contribution to the heritage setting of the town and its rural setting and views.
- 7.5.3 The Officer Report for the approved Reserved Matters application notes the inclusion of an area of open space and SuDs feature provided to the north of the site to retain an open aspect from the A2 and helps the site to integrate with the Conservation Area. The Report also makes general note of the other areas of open space, and concludes that the proposal accords with the relevant Development Plan policies.
- 7.5.4 The proposed revisions do not make any significant changes to the layout of the development, and therefore would generally retain these areas of open space as previously approved. The proposed revisions to the SUDS basins and Public Open Space (POS) are minor, seeking to accommodate changes in levels and meet drainage capacity requirements. Therefore, the proposal would not affect the visual appearance of the development or its effect on

landscape setting. As such, the proposal would continue to be acceptable in accordance with policy DM24 of the Local Plan and policy FAV7 of the Faversham Neighbourhood Plan.

7.6. Heritage and Archaeology

- 7.6.1 Any planning application for development which will affect a listed building or its setting must be assessed in accordance with the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.
- 7.6.2 The National Planning Policy Framework 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.
- 7.6.3 The parent Outline application (ref: 16/508602/OUT) considered the impacts of the development on heritage assets and concluded that the proposed development would preserve the setting of adjoining listed buildings, together with protecting the character and appearance of the nearby Conservation Areas. It also concluded that the development would protect on-site archaeology subject to securing appropriate mitigation for archaeological findings by way of planning conditions. The Officer Report for the approved Reserved Matters application notes the conclusions made in the parent Outline consent and concludes that the proposal therefore would comply with the relevant policies.
- 7.6.4 As discussed in the previous section, the proposal would generally retain the previously approved layout and arrangement of open space, which was considered to sufficiently mitigate impacts on the setting of nearby heritage assets. The Council's heritage consultant advises that the proposed variation of plans will have no additional impact upon the setting of the Faversham Conservation Area.
- 7.6.5 The proposed revisions therefore accord with policies DM32, DM33 and DM34 of the Local Plan and policy FAV11 of the Faversham Neighbourhood Plan which have similar aims and requirements as the NPPF which are summarised above. 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.

7.7. Character and appearance

- 7.7.1 The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.
- 7.7.2 The layout, scale, appearance and landscaping of the proposed revisions remains generally the same in the approved reserved matters development, with only minor changes proposed to address various matters that have arisen through the detailed design stage. A 'Summary of Changes' document was provided in August 2024, which illustrates the proposed changes along with the reasons for doing so.
- 7.7.3 The proposed layout has been slightly amended along the western boundary to improve the separation of development from tree root protection areas. The crossroads junction has also slightly changed to accommodate this change. The footpath link to the west has also been revised to accommodate the surveyed location of the footpath on the adjoining site.
- 7.7.4 The layout in the north-eastern corner of the site has also slightly changed to accommodate refinements to the pumping station, substation and associated turning head. This in turn has resulted in slight revisions to the positioning of plots 8 – 14. The parking court block paving colour in this location has been changed from Charcoal to Natural. The surface material to other parking courts, secondary shared surfaces and tertiary routes has been changed from charcoal block paving to tarmac.
- 7.7.5 The central open space has been revised to accommodate for the change in ground levels and associated retaining wall strategy. Footpaths, planting throughout the POS and Local Equipped Area of Play (LEAP) have also been adjusted accordingly.
- 7.7.6 The proposed layout changes are minor and retain the design principles established in the Outline and previous Reserved Matters approvals. The Council's Design Manager has not raised any concerns in regard to the proposed changes, including to the revised surface materials and open space. As such, the proposed changes would not adversely impact on the approved character and appearance of the development. The proposal therefore remains consistent with policies CP3, DM7, DM14 and A16 of the Local Plan and policies FAV2 and FAV10 of the Faversham Neighbourhood Plan.

7.8. Living Conditions

- 7.8.1. The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. New development is expected to offer future occupiers a sufficient standard of accommodation and to have regard to the Government's minimum internal space standards for new dwellings.

7.8.2. The parent Reserved Matters permission established that the development would not adversely impact on the amenity of neighbouring properties. The proposed changes to the layout would actually increase the setback of buildings from the only boundary directly adjoining existing residential properties and therefore would not result in the adverse impact on their amenity over and above that previously consented.

7.8.3. The proposed revisions would not impact on the internal layout of the proposed dwellings, which would all continue to be provided with sufficient garden space. As such, the proposed changes would continue to provide existing and future residents with acceptable standards of residential amenity. The proposal therefore complies with policy DM14 of the Local Plan.

7.9. Trees

7.9.1. The NPPF recognises the contribution of trees to the intrinsic character and beauty of the countryside and urban environments. The Local Plan requirement is recognised through Policy DM29 of the Local Plan and FAV7 of the Faversham Neighbourhood Plan.

7.9.2. The previous Reserved Matters application established that the tree protection measures set out within the approved Arboricultural Report were acceptable and these were secured within the approved plans. The proposed changes would improve the setback from the proposed buildings to the retained trees and therefore would in turn improve the protection measures for these trees. As such, the proposal would not adversely impact on trees over and above the previously consented development. The condition securing the approved plans and documents is updated to include the submitted Arboricultural Report. As a result the proposal complies with policy DM29 of the Local Plan and FAV7 of the Faversham Neighbourhood Plan.

7.10. Ecology

7.10.1. 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.

7.10.2. In terms of the Local Plan, Policy 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.

- 7.10.3. The previous Reserved Matters officer report concluded that there were no objections on ecology grounds to that application, noting that details pursuant to lighting and ecological enhancement are subject to conditions associated with the approved outline planning approval, ref. 16/508602/OUT. In addition, the SAMMS contribution is secured under the S106 Agreement in association with the above outline approval.
- 7.10.4. Updated ecological information has been submitted as part of this s73 application. KCC Ecology have compared the plans with the previous Reserved Matters permission and confirm that the open space has not changed significantly and therefore the previous comments are still valid for this application. As such, the proposed development continues to be acceptable with regard to ecological matters subject to the measures secured at the outline stage.
- 7.10.5. In terms of Biodiversity Net Gain (BNG), it is noted that policy FAV7 states that *“Major development proposals should include positive features in its design and landscaping to create Biodiversity Net Gain, as follows:*
- a. for brownfield sites, 10% net gain;*
 - b. for greenfield sites, 20% net gain.”*
- 7.10.6. However, the Planning Practice Guidance states that *“Biodiversity net gain does not apply to section 73 permissions where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024.”*
- 7.10.7. In this case, both the planning permission and the reserved matters to which this Section 73 relates were granted before 12th February 2024. In any case, this application is an amendment to a reserved matters approval, which themselves are not subject to BNG as they are not a grant of planning permission. In addition, the Planning Practice Guidance states that *“It would be inappropriate for decision makers to continue to give weight to aspects of existing local policies related to biodiversity gains which are inconsistent with the statutory framework for biodiversity net gain.”* And *“Decision makers should not give weight to local policy which requires biodiversity gains for types of development which would now be exempt under the statutory framework.”* Therefore, it is clear that in this case, a minimum BNG of 10% is not required to be demonstrated due to the scope and timing of the relevant applications as discussed above.

7.11. Transport and Highways

- 7.11.1. The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such.

- 7.11.2. Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.
- 7.11.3. The officer report supporting the parent Reserved Matters permission concluded that the development would not lead to unacceptable highway impacts, noting that vehicle parking was provided in accordance with Swale Borough Council standards. The provision of the A251 southern access road to meet local distributor road standards and safeguarding of a future link through to Salter Lane were also secured. A Traffic Regulation Order plan to include waiting restrictions was also secured by condition.
- 7.11.4. The proposed amendments to the approved development only makes minor changes to the layout and do not impact the spine route, road layout, or pedestrian and cycling routes within and adjoining the site. Furthermore, the proposed amendments do not affect the dwelling numbers and the revisions are not considered to impact vehicle movements to and from the site. As such the revisions will not further impact the wider highway network or affect external transport impacts.
- 7.11.5. The proposed parking layout plan demonstrates that all on-plot parking will be provided with electric vehicle charging (EVC) facilities along with EVC facilities to 10% of visitor bays and communal parking courts. KCC Highways have not raised concern with the proposed parking layout changes.
- 7.11.6. Overall, it is considered that the scheme continues to comply with Policies DM6 and DM7 of the Local Plan and would not lead to unacceptable highway impacts.

7.12. Open Space

- 7.12.1. Policy DM17 of the Local Plan sets out that new housing development shall make provision for appropriate outdoor recreation and play space, including urban parks, children's play areas, open space for sport, allotments or community gardens proportionate to the likely number of people who will live there.
- 7.12.2. The previous Reserved Matters application established that the POS provision as set out within the application amounts to 2.5ha (6.17 acres); this area of open space is contained outside of the proposed SUDs areas, which amounts to 0.41ha (0.41 acres).
- 7.12.3. The central open space has been revised in this s73 application to accommodate for the change in ground levels and associated retaining wall strategy. Footpaths, planting throughout the POS and LEAP have also been adjusted accordingly. However, the proposed changes do not affect the overall

provision of open space previously secured and would not impact on the site's play space strategy. As such, the open space and play space strategy continues to be acceptable in accordance with policy DM17 of the Local Plan and policies FAV7 and FAV13 of the Faversham Neighbourhood Plan.

7.13. Surface Water Drainage

7.13.1. The NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. This is reflected in policy DM 21 of the Local Plan and policy FAV8 of the Faversham Neighbourhood Plan.

7.13.2. The application proposes minor alterations to the approved SUDS basins, which would not materially change their appearance or function. Details of sustainable surface water drainage pursuant to conditions 33 and 34 of the parent Outline permission have already been discharged under application ref: 23/501090/SUB, which was approved in December 2024.

7.13.3. KCC SUDS confirmed that the information within this s73 application reflects that provided in the approved SUB application, and that they are satisfied that the concerns raised by them previously have now been addressed. As such, the proposal will provide acceptable drainage measures in accordance with policy DM21 of the Local Plan and FAV 8 of the Neighbourhood Plan.

7.14. Other Matters

7.14.1. Although a number of the matters raised in the consultation section above have been dealt with, of those that remain the following comments are made. Firstly, this application does not seek amendments to the scheme approved under ref. 21/500766/OUT. Any amendments to that permission would require separate consent. It is also considered that securing further obligations via the varied S.106 agreement would not meet the tests on the basis that the amendments have been considered as an acceptable way to deliver affordable housing on this site. Finally, foul drainage is a matter dealt with via the outline planning permission.

7.15. Conclusion

7.15.1. 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.

7.15.2. The application site forms part of the allocated site under policy A16 - Land at Preston Fields - as identified within the adopted Local Plan. Swale Borough Council currently cannot demonstrate 5-years housing supply, and therefore

the delivery of this site for 231 new homes would make a significant contribution to the Borough's housing delivery.

- 7.15.3. Officers acknowledge that the revisions to the affordable housing tenure mix results in the application conflicting with policy FAV3 Part 2 of the Faversham Neighbourhood Plan and as a result, the single element of policy DM8 of the Local Plan which requires the tenure of affordable housing units to be in accordance with the needs of the area. However, the development would continue to provide 81 affordable homes overall, which complies with the percentage requirements as set out in Local Plan policy DM8 and would make a valuable contribution towards providing affordable housing in the borough.
- 7.15.4. Officers also acknowledge that the proposed changes to the affordable housing tenure mix are due to the difficulties in gaining interest from a Registered Provider, which is essential in the delivery of affordable housing. The proposal therefore seeks to overcome the issues obstructing the one RP showing interest, which includes reducing the number of 4-bedroom homes included in the mix and evening out the proportion of affordable rent homes to intermediate. Officers are also aware that the current economic climate is impacting most RPs whose capacity to take on affordable homes has significantly reduced or ceased. The Council's Accommodation and Resettlement Manager has also, after assessing all the evidence provided as discussed above, considered the proposals to be acceptable.
- 7.15.5. The proposed revised affordable housing tenure mix is therefore, on balance, accepted in light of the material considerations detailed in the application.
- 7.15.6. The proposed design changes are considered to be acceptable in accordance with the relevant Local Plan policies and National Planning Policy Framework as set out above in this report. Should this s73 application be approved it is necessary to reimpose the conditions secured by the previous Reserved Matters approval as originally worded or revise where details are required to be updated as a result of the amendments or have been approved through discharge of conditions applications. This will ensure the proposal accords with the Local Plan 2017 and the NPPF.

RECOMMENDATION

Approve – subject to the signing of the s106 legal agreement deed of variation and the following conditions

CONDITIONS

1. The development hereby approved shall be carried out in accordance with the following drawings / details:

Planning Statement & Statement of Community Involvement

Heritage Impact Assessment

PC4334 Preston Fields Faversham_Air Quality_Technical Note_July2023

Affordable Housing Justification Statement Sept 2024

A1121_01_Rev O_Planning Layout_Section 73

A1121_01_Rev O_Planning Layout_COLOUR

A1002_04_Site Location Plan

A1121_07_Rev L_Materials Plan_Section 73

A1121_08_Rev K_Enclosure Plan_Section 73

A1121_09_Rev K_Character Area Plan_Section 73

A1121_10_Rev J_Occupancy Plan_Section 73

A1121_11_Rev J_Massing Plan_Section 73

A1121_12_Rev L_Parking Plan_Section 73

A1121_13_Rev J_Affordable Housing Plan_Section 73

A1121_14_Rev J_Refuse Plan_Section 73

A1002_15 Rev D M4-3 -APARTMENT PLANS

A1002_16_Rev D M4-3 -APARTMENT ELEVATIONS

A1121_17_Rev K_POS Area Plan_Section 73

A1121_18_Rev G_Street Scenes A-E

A1121_19_Rev J_Gas Easement Plan_Section 73

A1121_Rev G_House Type Brochure

A1121_063 Rev B Letchworth - Floor Plans

A1121_064 Rev B Letchworth - Elevations

A1121_066 Rev B Letchworth - Elevations

A1121_067 Rev D Stamford - Floor Plans

A1121_068 Rev C Stamford - Elevations

A1121_069 Rev B Stamford and Amberley - Floor Plans

A1121_070 Rev B Stamford and Amberley - Floor Plans

A1121_071 Rev B Stamford and Amberley - Elevations

A1121_072 Rev B Stratford - Floor Plans and Elevations

A1121_073 Rev C Stratford - Floor Plans and Elevations

A1121_074 Rev B Leamington Lifestyle - Floor Plans and El...

A1121_075 Rev B Leamington Lifestyle - Floor Plans and E...

A1121_076 Rev B Oxford Lifestyle - Floor Plans and Eleva...

A1121_080 Rev B	Cambridge - Floor Plans and Elevations
A1121_082 Rev B	Shaftesbury - Floor Plans and Elevations
A1121_083 Rev B	Shaftesbury - Floor Plans and Elevations
A1121_086 Rev B	Harrogate - Floor Plans and Elevations
A1121_088 Rev B	Harrogate - Floor Plans and Elevations
A1121_089 Rev B	Harrogate - Floor Plans and Elevations
A1121_090 Rev B	Henley - Floor Plans
A1121_091 Rev B	Henley - Elevations
A1121_092 Rev B	Henley - Elevations
A1121_093 Rev B	Balmoral - Floor Plans
A1121_094 Rev B	Balmoral - Elevations
A1121_095 Rev B	Hampstead - Elevations
A1121_096 Rev B	Richmond - Floor Plans
A1121_097 Rev B	Richmond - Elevations
A1121_098 Rev B	Richmond - Elevations
A1121_099 Rev C	Hampstead - Floor Plans
A1121_100 Rev B	Hampstead - Elevations
A1121_101 Rev B	Hampstead - Elevations
A1121_102 Rev B	Tavy and Spey - Floor Plans
A1121_103 Rev B	Tavy and Spey - Elevations
A1121_104 Rev A	Dart - Floor Plans and Elevations
A1121_105 Rev B	Dart and Spey - Floor Plans
A1121_106 Rev B	Dart and Spey - Elevations
A1121_107 Rev B	Dart - Floor Plans
A1121_108 Rev B	Dart - Elevations
A1121_109 Rev B	Dart - Floor Plans
A1121_110 Rev B	Dart - Elevations
A1121_111 Rev B	Dart and Spey - Floor Plans
A1121_112 Rev C	Dart and Spey - Elevations
A1121_113 Rev B	Tweed - Floor Plans and Elevations
A1121_114 Rev B	Tweed - Floor Plans and Elevations
A1121_115 Rev B	Tweed - Floor Plans
A1121_116 Rev B	Tweed - Elevations

A1121_ 119 Rev B Single Garage Floor Plan and Elevations
A1121_ 120 Rev B Twin Garage Floor Plan and Elevations
A1121_ 121 Rev A Double Garage Floor Plan and Elevations
A1121_ 123 Rev A Leamington Lifestyle - Floor Plans and E...
A1121_ 124 Rev A Leamington Lifestyle - Floor Plans and E...
A1121_ 125 Rev A Cambridge - Floor Plans and Elevations
A1121_ 126 Rev A Shaftesbury - Floor Plans and Elevations
A1121_ 127 Rev A Shaftesbury - Floor Plans and Elevations
A1121_ 128 Rev A Harrogate - Floor Plans and Elevations
A1121_ 129 Rev A Oxford Lifestyle - Floor Plans and Eleva...
A1121_ 130 Rev A Harrogate - Floor Plans and Elevations
A1121_ 132 Rev A Dart - Floor Plans and Elevations
A1121_ 133 Rev A Dart - Elevations
A1121_ 134 Rev A Dart - Elevations
A1121_ 137 Rev A Stamford - Floor Plans
A1121_ 138 Rev A Stamford - Elevations
A1121_ 139 Rev A Stamford - Floor Plans
A1121_ 140 Rev A Stamford - Elevations
A1121_ 150 Oxford - Floor Plans and Elevations
A1121_ 151 Rev A Balmoral - Elevations
1002_Design Justification Statement_Rev C 30.08.23
6150-LLB-EA-E1-DR-L-0003-S4-P06_Planting Plan-A1L-EAE1
6150-LLB-EA-E2-DR-L-0004-S4-P06_Planting Plan-A1L-EAE2
6150-LLB-EA-E3-DR-L-0005-S4-P05_Planting Plan
6150-LLB-EC-E1-DR-L-0023-S4-P06_Planting Plan-A1L-ECE1
6150-LLB-EA-E5-DR-L-0007-S4-P04_Planting Plan
6150-LLB-EA-E6-DR-L-0008-S4-P04_Planting Plan
6150-LLB-EA-E7-DR-L-0009-S4-P05_Planting Plan
6150-LLB-EA-E8-DR-L-0010-S4-P04_Planting Plan
6150-LLB-EA-E9-DR-L-0011-S4-P04_Planting Plan
6150-LLB-EA-E10-DR-L-0012-S4-P05_Planting Plan
6150-LLB-EA-E11-DR-L-0013-S4-P04_Planting Plan
6150-LLB-EA-E12-DR-L-0014-S4-P07_Planting Plan

6150-LLB-EA-E13-DR-L-0015-S4-P08_Planting Plan
6150-LLB-EA-E14-DR-L-0016-S4-P04_Planting Plan
6150-LLB-EA-E15-DR-L-0017-S4-P04_Planting Plan
6150-LLB-EA-E16-DR-L-0018-S4-P05_Planting Plan
6150-LLB-EA-E17-DR-L-0019-S4-P05_Planting Plan
6150-LLB-EB-E1-DR-L-0020-S4-P06_Planting Plan
6150-LLB-ZZ-ZZ-DR-L-0001-S4-P21_Indicative Site Landscape Masterplan-A1L-ZZZZ
6150-LLB-EB-E3-DR-L-0022-S4-P06_Planting Plan
6150-LLB-EC-E1-DR-L-0023-S4-P05_Planting Plan
6150-LLB-EC-E2-DR-L-0024-S4-P07_Planting Plan
6150-LLB-ED-E1-DR-L-0002-S4-P07_Play Equipment Plan
6150-LLB-ED-E1-DR-L-0002-S4-P09_Play Equipment Plan
6150-LLB-ED-E1-DR-L-0025-S4-P07_Planting Plan
6150-LLB-EC-E3-DR-L-0026-S4-P03_Planting Plan
6150-LLB-RP-L-0003-S0-P01_Play Equipment Specifications
6150-LLB-ZZ-ZZ-DR-L-0001-S4-P21_Indicative Site Landscape Masterplan
6150-LLB-XX-XX-DR-L-0002-S4-P02_Landscape Masterplan
PFF-PPC-00-XX-DR-C-0301 Highways Review-301
PFF-PPC-00-XX-DR-C-0302 Highways Review-302
PC-00-XX-DR-C-0303 Highways Review-303
PRE-PPC-00-XX-RP-C-0016 Preston Fields TechNote – KCC Highways rev 1
Parking Justification Note (Preston Fields) V1.0
PFF-PPC-00-XX-DR-C-0304 Tracking Plans-304
PFF-PPC-00-XX-DR-C-0305 Tracking Plans-305
PFF-PPC-00-XX-DR-C-0306 Tracking Plans-306
PRE-PPC-00-XX-RP-C-0010 Preston Fields Site A Drainage Strategy Complete
PRE-PPC-00-XX-RP-C-0019 Preston Fields TechNote - KCC LLFA
PRE-PPC-00-XX-RP-C-0020 Preston Fields TechNote - KCC LLFA
PRE-PPC-00-XX-RP-C-0018 Preston Fields TechNote - Southern Water
PFF-PPC-00-XX-DR-C-3201 C2 Drainage Layout Green Alternative-3201
PFF-PPC-00-XX-DR-C-3202 C2 Drainage Layout Green Alternative-3202
PFF-PPC-00-XX-DR-C-3203 C2 Drainage Layout Green Alternative-3203
PFF-PPC-00-XX-DR-C-3204 C2 Drainage Layout Green Alternative-3204

PFF-PPC-00-XX-DR-C-3205 C2 Drainage Layout Green Alternative-3205
PFF-PPC-00-XX-DR-C-3206 C2 Drainage Layout Green Alternative-3206
PFF-PPC-00-XX-DR-C-3207 C2 Drainage Layout Green Alternative-3207
PFF-PPC-00-XX-DR-C-3208 C2 Drainage Layout Green Alternative-3208
PFF-PPC-00-XX-DR-C-3211 C3 External Works Levels Green Alternative-3211
PFF-PPC-00-XX-DR-C-3212 C3 External Works Levels Green Alternative-3212
PFF-PPC-00-XX-DR-C-3213 C3 External Works Levels Green Alternative-3213
PFF-PPC-00-XX-DR-C-3214 C3 External Works Levels Green Alternative-3214
PFF-PPC-00-XX-DR-C-3215 C3 External Works Levels Green Alternative-3215
PFF-PPC-00-XX-DR-C-3216 C3 External Works Levels Green Alternative-3216
PFF-PPC-00-XX-DR-C-3217 C3 External Works Levels Green Alternative-3217
PFF_M3_SW_Drainage Basin Central Network FEH 20240920 Calcs
PFF_M3_SW_Drainage Basin North Network FEH 20240920 Calcs
10327 2023-08-25 RGM - CS2 Tank M5-60 1-30
10327 2023-08-25 RGM - CS2 Tank M5-60 1-100
10327 2023-08-25 RGM - CS3 Tank M5-60 1-30
10327 2023-08-25 RGM - CS3 Tank M5-60 1-100
10327 2023-08-25 RGM - CS4 Tank M5-60 1-30
0327 2023-08-25 RGM - CS4 Tank M5-60 1-100
10327 2023-08-25 RGM - CS5 Tank M5-60 1-30
0327 2023-08-25 RGM - CS5 Tank M5-60 1-100
PFF_M3_SW_Drainage Basin South Network FEH 20240923 Calcs
PFF-PPC-00-XX-DR-C-3261 P1 Catchment Plan Green Alternative-3261
PFF-PPC-00-XX-DR-C-3262 P1 Catchment Plan Green Alternative-3262
PFF-PPC-00-XX-DR-C-3263 P1 Catchment Plan Green Alternative-3263
UE0520 EcIA 7 241002
UE0520 Preston Fields Site A EcIA 7241002
UE0520 Preston Fields Site A PEA 7 241002
UE0520 Preston Fields Site A PSR 7 241002
Arboricultural Method Statement (dated: May 2024) ref: 11362_AMS.001 Rev D

Reason: For the avoidance of doubt and to allow the Local Planning Authority to retain control of the development.

2. Prior to first occupation of the dwellings hereby permitted the developer shall submit a Traffic Regulation Order application to secure a package of suitable traffic restrictions for the roads within the estate hereby approved.

Reason: In the interests of residential amenity and highway safety.

3. Notwithstanding the provisions of Class B & C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no additions or alterations of any roof on any dwellings in respect of plots 1 - 10 (inclusive) and 213 - 231 (inclusive) shall be carried out, the subject of this permission without the prior approval of the Council.

Reason: To safeguard the amenities of the area and setting of adjacent listed buildings and Faversham and Preston-next Faversham Conservation Areas, by enabling the Local Planning Authority to consider whether planning permission should be granted for enlargement of these dwellings.

4. A monitoring strategy shall be included in the travel plan which provides progress reports on the proposed measures and that these reports be submitted to the Local Planning Authority, in consultation with the Environmental Health team.

Reason: To enable the appropriate monitoring of the Travel Plan.

5. Prior to the occupation of the dwellings hereby approved, details of a scheme to prevent vehicular parking to allow the proper servicing of the foul pumping/substation, shall be submitted to and agreed in writing with the Local Planning Authority. The works shall thereafter be carried out in accordance with the agreed details.

Reason: To allow the servicing of the foul pumping/ substation in the interests of highway safety.

INFORMATIVES

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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

The Council's approach to the application

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

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

