

2.2 REFERENCE NO 25/501335/HYBRID		
PROPOSAL Section 73 Application for amendments to conditions 6 and 7 (to enable the relevant plans to be updated to allow for the relocation of the pumping station on the site, updated drainage basins, sub-station relocation and 2 additional parking spaces) pursuant to planning permission ref: 23/504707/HYBRID.		
SITE LOCATION Land At Lady Dane Farm Love Lane Faversham Kent ME13 8YN		
RECOMMENDATION Approve		
APPLICATION TYPE Section 73 – amendments to parent Hybrid planning permission		
REASON FOR REFERRAL TO COMMITTEE Faversham Town Council have objected to the application and requested that the application be determined by the Swale Borough Council Planning Committee.		
CASE OFFICER – Ben Oates		
WARD Watling	PARISH / TOWN COUNCIL Faversham Town Council	APPLICANT Fernham Homes Operations Limited AGENT DHA Planning
DATE REGISTERED 04/06/2025		TARGET DATE 10/12/2025
BACKGROUND PAPERS AND INFORMATION: The full suite of documents submitted and representations received pursuant to the above application are available via the link below: https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=STUEV0TYJMO00		

1. **SITE LOCATION AND DESCRIPTION**

- 1.1 The application site is located to the eastern side of Faversham. It forms part of a wider development site, referred to as Phase 3 of the Lady Dane Farm redevelopment, whereby hybrid consent was originally granted in May 2023 (23/500867/HYBRID) for a mixed-use redevelopment of the site.
- 1.2 The site is within the Local Plan defined Built-Up Area Boundary and forms part of the site allocation MU6 (Land at Lady Dane Farm). The north-western part of the overall site is located close to the Faversham Cemetery, which is located approximately to the north-west of the site, and is located within the Faversham Town Conservation Area.
- 1.3 The site is designated as a safeguarded area for Brickearth and within an area of identified archaeological interest. The site is also within a Site of Special Scientific

Interest Impact Risk Zone, and within 2km of the Swale Ramsar and Special Protection Area.

- 1.4 The application site is surrounded by a residential development under construction and farmland to the east and farmland to the south. The western boundary is formed by Love Lane with post-war housing at Buttermere/Windemere to the west of that. To the north is the recently completed Phase 1 of the Lady Dane Farm redevelopment.

2. PLANNING HISTORY

- 2.1 24/505130/SUB - Submission of details pursuant to Condition 49 Parts A and B (only) - Archaeology Evaluation Report and Written Scheme of Investigation subject to planning permission ref: 23/504707/HYBRID

Approved Decision Date: 18.06.2025

- 2.2 24/503927/SUB - Submission of details pursuant to condition 47 - External Lighting, Subject to 23/504707/HYBRID

Approved Decision Date: 05.11.2024

- 2.3 24/503921/SUB - Submission of details pursuant to condition 31 - Timetable of Soft Landscaping, Subject to 23/504707/HYBRID

Approved Decision Date: 09.09.2025

- 2.4 24/503909/SUB - Submission of details pursuant to condition 29 - Refuse Tracking, Subject to 23/504707/HYBRID

Approved Decision Date: 02.12.2024

- 2.5 24/503898/SUB - Submission of details pursuant to condition 25 - Public Footpath, Subject to 23/504707/HYBRID

Approved Decision Date: 08.01.2025

- 2.6 24/502678/SUB - Submission of details pursuant to condition 49 (Archaeological Evaluation Scheme) of application 23/504707/HYBRID.

Approved Decision Date: 13.09.2024

- 2.7 24/502004/SUB - Submission of details to discharge conditions 34 - Drainage Scheme and 36 - Surface Water Management, Subject to 23/500857/HYBRID

Approved Decision Date: 14.02.2025

- 2.8 24/500622/SUB - Submission of details pursuant to conditions 45 (ecological mitigation and enhancement strategy) and 46 (habitat creation, management and monitoring plan), of application 23/504707/HYBRID.

Approved Decision Date: 20.06.2024

- 2.9 23/504909/REM - Approval of Reserved Matters of access, appearance, landscaping, layout and scale for the erection of a 67-bed care home, pursuant to hybrid application 23/500857/HYBRID for - Hybrid Planning Application consisting of a: Full planning application for 84no. residential dwellings, 3no. commercial units for Class E uses, access off Love Lane, and site infrastructure. Outline Planning Application (with all

matters reserved) for 70no. residential dwellings, enterprise land development (including Class E uses), a Day Nursery and a Care Home, together with open space, sports provision, and associated works.

Approved Decision Date: 29.11.2024

- 2.10 23/504754/REM - Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale being sought) for the Phase 1 Open Space area pursuant to application 23/500857/HYBRID for - Hybrid Planning Application consisting of a: Full planning application for 84no. residential dwellings, 3no. commercial units for Class E uses, access off Love Lane, and site infrastructure. Outline Planning Application (with all matters reserved) for 70no. residential dwellings, enterprise land development (including Class E uses), a Day Nursery and a Care Home, together with open space, sports provision, and associated works.

Approved Decision Date: 30.10.2024

- 2.11 23/505661/SUB - Submission of details to discharge condition 15 - Materials, Subject to 23/504707/HYBRID

Approved Decision Date: 13.06.2024

- 2.12 24/502001/SUB - Submission of details to discharge condition 12 - Engineering Layout, Subject to 23/500857/HYBRID

Approved Decision Date: 13.09.2024

- 2.13 24/502585/SUB - Submission of details application to discharge (in full) conditions 2 (Phasing Plan), condition 8 (Housing and Wastewater Infrastructure), condition 10 (Water Consumption), condition 13 (Telecommunications), and condition 28 (Temporary Vehicle Turning Head) in relation to the planning permission 23/504707/HYBRID. The application also seeks to partially discharge condition 9 (Sustainable Construction Techniques), condition 14 (Crime Prevention), condition 18 (Construction Management Plan), condition 38 (Contamination) and condition 43 (Construction Method Statement) in relation to planning permission ref: 23/504707/HYBRID.

Approved Decision Date: 12.08.2024

- 2.14 24/502500/NMAMD - Non Material Amendment to application 23/504707/HYBRID: To amend the wording of condition 49 on decision notice issued for 23/504707/HYBRID.

Approved Decision Date: 21.06.2024

- 2.15 23/504707/HYBRID - Section 73 - Application for minor material amendment to approved plans condition 6 (To improve quality of amenity space, security and safety. To increase in the amount of independently accessible parking spaces. To revise the arrangement and distribution of house sizes and types, and to amend the design of Blocks A and B) pursuant to 23/500857/HYBRID for - Hybrid Planning Application consisting of a: Full planning application for 84no. residential dwellings, 3no. commercial units for Class E uses, access off Love Lane, and site infrastructure. Outline Planning Application (with all matters reserved) for 70no. residential dwellings, enterprise land development (including Class E uses), a Day Nursery and a Care Home, together with open space, sports provision, and associated works.

Approved Decision Date: 28.05.2024

- 2.16 23/503742/SUB - Submission of details pursuant to conditions 2 (phasing plan), 8 (wastewater infrastructure), 13 (fixed telecommunication infrastructure), 28 (temporary turning head), and 38 (contaminated land) of application 23/500857/HYBRID.

Approved Decision Date: 22.11.2023

- 2.17 23/503743/SUB - Submission of details pursuant to condition 9 (sustainable construction techniques) of application 23/500857/HYBRID (part discharge relating to residential full and residential outline phases only).

Approved Decision Date: 12.10.2023

- 2.18 23/500857/HYBRID - Hybrid Planning Application consisting of a: Full planning application for 84no. residential dwellings, 3no. commercial units for Class E uses, access off Love Lane, and site infrastructure. Outline Planning Application (with all matters reserved) for 70no. residential dwellings, enterprise land development (including Class E uses), a Day Nursery and a Care Home, together with open space, sports provision, and associated works.

Approved Decision Date: 26.05.2023

3. PROPOSED DEVELOPMENT

- 3.1 The application proposes the relocation of a foul water pumping station along with other minor changes to the approved layout. The proposed new location for the pumping station is in the northwestern corner of the site close to the junction of Love Lane and Kings Drive, and would gain access from the new internal access road serving Phase 3. The pumping station will be located mostly below the ground level, with new hardstanding installed around it to provide a servicing area. The proposed pumping station enclosure covers an area of approximately 40sqm and will be surrounded by 1.8m high close boarded timber fencing. The applicant advised during the application that the proposed access ground covering would consist of Grass Crete.
- 3.2 The previous location for the pumping station within Phase 3 was located adjoining the car park to the south-east of the residential block containing units 33-40 and to the rear of Plot 32. By relocating the pumping station, the developer can increase the soft landscaping and improve the area around the parking court and also improve emergency access to the pumping station. There is also a cordon sanitaire around foul pumping stations which is 15m to habitable rooms and no development can be within this zone. The development previously had areas that were close to or just inside this zone so relocating it will ensure the relevant regulations are met.
- 3.3 The other proposed minor amendments include updated drainage basins/swales to accommodate the relocated pumping station, moving the sub-station (which previously adjoined the pumping station) within the car park to the west to adjoin the cycle parking shelter, and the addition of 2 additional parking spaces.
- 3.4 Further information was provided during the course of the application in regard to the proposed access surfacing to demonstrate it would consist of a permeable paving

system. The initially proposed adjustments to the footpath alignment within the open space area have been omitted as this area is located in the part of the site subject to the outline permission, and therefore the final alignment of the footpaths will be dealt with through Reserved Matters applications.

4. **REPRESENTATIONS**

4.1 **Public Consultation**

4.1.1 One round of public 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.

4.1.2 During the consultation six letters of representation objecting to the proposal were received. Concerns / comments were raised in relation to the following matters:

Comments	Response / Report Reference
Inappropriate location: sited near existing homes rather than the new development it serves.	The proposed location is within the site boundary of the development it serves. Neighbouring amenity is discussed in section 7.5.
Noise pollution: 24/7 operation with no acoustic survey or mitigation measures provided.	Neighbouring amenity is discussed in section 7.5.
Odour and maintenance concerns: doubts about long-term management and potential for nuisance.	Neighbouring amenity is discussed in section 7.5.
Safety risks: inadequate fencing and lack of crash protection near a main road.	This is discussed at section 7.8.
Unclear adoption: no confirmation from Southern Water regarding infrastructure responsibility.	The Southern Water response is discussed at section 7.6.
Engineering concerns: questions about sewer capacity and risk of downstream flooding.	The Southern Water response is discussed at section 7.6.
Failure to enforce Section 106 agreement: open space/cricket pitch not delivered as promised.	These comments relate to a S.106 for a separate application and are therefore not material to this application.
Loss of privacy and visual impact: a mound has been created that allows direct views into homes, compromising residential amenity.	The site is undergoing development for the extant permission and officers understand that a mound of earth was moved temporarily to allow for those works. The site levels have also been approved under a separate application. Notwithstanding these points, this issue is not relevant to this particular

	application for the amendments described above.
Developer began construction of the pumping station and land alterations without planning permission, breaching planning control.	It is the case that works to the pumping station have commenced. Legislation allows for planning applications to be made retrospectively and so, whilst the comments are noted, this factor is not a sound ground to refuse the application. Allegations of breaches of planning control in respect of other matters at the wider site have been and can continue to be reported to the Council's Planning Investigations Team. They are not, however, material to the assessment of this application. Officers are already in contact with Planning Enforcement in regard to this site.

4.2 **Faversham Town Council Response**

4.2.1 Faversham Town Council object to the application on the following grounds and request that the application be considered by SBC Planning Committee:

First Round Comments	Officer response
1) The proposed position of the pumping station as detailed in this application is in the countryside gap.	The site is part of a wider site allocated for development and not within a designated countryside gap.
2) The proposed sports pitches are absent from the proposal.	The sports pitches are shown in the masterplan layout. (an extract was provided to FTC to demonstrate this).
3) There is no cross section of levels across the site which have been raised impacting on privacy for the residents of Marsh Lane.	The site is undergoing development for the extant permission and officers understand that a mound of earth was moved temporarily to allow for those works. The site levels have also been approved under a separate application. Notwithstanding these points, this issue is not relevant to this particular application works as described above.
4) If approved the pumping station will be closer to residential properties impacting residents with noise pollution.	The application was previously submitted as a full application and Environmental Health advised that they have no objection – 'Pumping stations are not normally that noisy as the pumps themselves are submerged below the water line of the tank. In this respect, there are not usually any issues.' Environmental Health have been consulted

	on this application and continue to raise no objection.
5) The BNG for the site as proposed is below the NPPF guideline.	This point is discussed in section 7.7.
General Comment: 1) It was noted with disappointment by members that the construction of the pumping station in the relocated position had already commenced.	It is the case that works to the pumping station have commenced. Legislation allows for planning applications to be made retrospectively and so, whilst the comments are noted, this factor is not a sound ground to refuse the application.

- 4.2.2 The case officer sought to address the concerns raised as above, and asked the Town Council to reconsider their call-in request. Faversham Town Council responded raising the following matters and continue to request the application be determined by the Planning Committee:

Second Round Comments	Officer response
The position of the pumping station near houses may not be a problem but that is not what was considered or approved.	The purpose of this application is to consider this matter. A developer does not have to be bound by an initial planning permission.
The area is in the countryside gap as per the local plan.	As previously advised, it is not a countryside gap, it is allocated for development under the adopted Local Plan.
The Town Council reiterates its comments already submitted.	These have been addressed above.
Work has commenced and was undertaken on Sunday 12th October in contravention on hours of work approved in the planning permission.	The Planning Investigations Team have been made aware of this. Construction activity and an alleged breach of condition would not be a sound ground to refuse this application.

5. **CONSULTATIONS**

- 5.1 **Southern Water** – No objections.
- 5.2 **Local Lead Flood Authority (KCC Flood and Water Management)** – No comments to make on this application.
- 5.3 **UK Power Networks** – No objections.
- 5.4 **KCC Highways** – No objections
- 5.5 **KCC Ecological Advice Service** – Note that the proposal is located within an area of open space previously proposed as grassland, which may result in the BNG for the site dropping below the 10% achieved in the original Hybrid permission. However, BNG details have not been submitted with the application so KCC Ecology are unable to advise on the extent of the drop in BNG value. The site will still provide habitat to

support protected/notable species but SBC must be satisfied that the proposed development will not achieve a 10% BNG.

- 5.6 **SBC Urban Design** – Initially requested the proposed fence surrounding the pump station be revised to be more transparent and/or painted, however it was clarified that the proposed landscaping as part of the Reserved Matters submission for the open space area would screen the pump station and the fencing would blend into the vegetation. As such, the request for revisions was withdrawn.
- 5.7 **Mid-Kent Environmental Services** – No objection – the pumping station is enclosed by concrete, earth and hardstanding.
- 5.8 **Swale Footpaths Group** – The masterplan layout should show existing PROWs.

6. **DEVELOPMENT PLAN POLICIES**

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 (the ‘Local Plan’)

ST 1 Delivering sustainable development in Swale

ST 3 The Swale settlement strategy

ST 7 The Faversham area and Kent Downs strategy

CP 4 Requiring good design

CP 8 Conserving and enhancing the historic environment

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

DM 6 Managing transport demand and impact

DM 7 Vehicle parking

DM 14 General development criteria

DM 17 Open space, sports and recreation provision

DM 21 Water, flooding and drainage

DM 28 Biodiversity and geological conservation

DM 33 Development affecting a conservation area

Neighbourhood Plan

Faversham Neighbourhood Plan – Note this was not adopted at the time that planning permission was granted for the original hybrid application.

FAV2 Housing Development

FAV7 Natural Environment and Landscape

FAV8 Flooding and Surface Water

FAV10 Sustainable Design and Character

FAV11 Heritage

Supplementary Planning Guidance / Documents (SPG / SPD)

SBC Parking SPD

National Planning Policy Framework (NPPF)**National Planning Practice Guidance (NPPG)****Kent Minerals and Waste Local Plan 2024-39 (2025)****7. ASSESSMENT**

7.1.1 The main considerations involved in the assessment of the application are:

- Principle
- Landscape, character and appearance
- Heritage
- Neighbouring amenity
- Flood risk and drainage
- Ecology
- Other Matters

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 NPPF provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application.

7.2.3 The principle of the overall proposed development on this site has been established as being acceptable through the Hybrid planning permission (ref: 23/500857/HYBRID and subsequently via 23/504707/HYBRID). The current application submitted under s73 does not propose any amendments to the development that would result in a different conclusion on the principle of development to that already established. Furthermore, the site is part of a wider site allocation for development supported by Local Plan policy MU6.

7.3 Landscape, Character and Appearance

7.3.1 The National Planning Policy Framework (NPPF) requires decisions to ensure that development is 'sympathetic to... landscape setting'. The NPPF also attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. Policy DM14 of the Local Plan reinforces this requirement. Policy MU6 sets out the specific objectives for the allocated development site "Land at Lady Dane Farm, east of Love Lane". It seeks to achieve a built design and layout which responds to the context of the site and its landform to achieve an attractive new semi urban edge to Faversham that respects the surrounding agricultural landscape.

7.3.2 The proposed pumping station would be a low set structure concealed behind a 1.8m high close board timber fence. Whilst it would have a utilitarian appearance on its own,

it will be concealed by surrounding landscaping treatment, which will come forward as part of subsequent Reserved Matters applications, and given its relatively small scale it is unlikely to have an adverse impact on the character and appearance of surrounding area. The Grass Crete surfacing of the proposed access would also blend in well with the surrounding future landscaping. A condition is included to secure the proposed Grass Crete surfacing to the access.

- 7.3.3 The proposed changes to the drainage basins reflect their detailed design and layout approved via details to discharge the relevant conditions. Furthermore, the effect of the proposed changes on the appearance of the development will be minimal.
- 7.3.4 The proposed relocation of the substation retains this structure within the carpark and consolidates it with the approved cycle parking shelter. The proposed revision makes more efficient use of the space, resulting in 2 additional parking spaces being provided. These proposed amendments are also minor and would generally retain the appearance and character of the approved development.
- 7.3.5 The proposed development is therefore acceptable in design terms in accordance with policies MU6 and DM14 of the Local Plan and policy FAV10 of the Faversham Neighbourhood Plan.

7.4 Heritage

- 7.4.1 Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, with respect to any buildings or other land in a conservation area, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.4.2 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.
- 7.4.3 SBLP Policy DM33 sets out that development proposals within, affecting the setting of, or views into and out of a conservation area, will preserve or enhance all features that contribute positively to the area's special character or appearance. Policy FAV11 of the Faversham Neighbourhood Plan requires development proposals to preserve or enhance conservation areas.
- 7.4.4 The Faversham Town Conservation Area (CA) is located nearby to the west of the proposed development, the boundary of the conservation area being formed by the wall surrounding the Faversham Cemetery. The Conservation Area includes a concentration of listed buildings, historic townscape and other features spanning several centuries and including considerable survival of medieval Faversham. This, together with the Creek and other landscape features, creates an area of considerable significance, quality and distinctiveness. The Faversham Conservation Area Appraisal and Management Plan sets out further details of the special interest and character of the CA and its management.

- 7.4.5 Due to the small scale of the proposed pumping station and fencing, and its separation from the nearest part of the CA, officers consider that the proposal would not be harmful to the setting of the CA. As such, the proposal accords with policy DM33 of the Local Plan and policy FAV11 of the Faversham Neighbourhood Plan.

7.5 Neighbouring Amenity

- 7.5.1 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. Policy FAV10 of the Faversham Neighbourhood Plan seeks development proposals to avoid adverse impacts on residential properties from lighting.
- 7.5.2 Due to the small scale and nature of the proposal and its significant separation distance to any nearby properties, it would not result in any harmful loss of light, outlook, privacy or odour impacts on nearby properties. Pumping stations are not normally noisy as the pumps themselves are submerged below the water line of the tank. As such, it is not anticipated that any noise impacts would be caused to nearby properties. Concerns were raised in public responses in regard to odours, however the operation of the pump station would not create adverse odour emissions to an extent that they would be unacceptably harmful to living conditions within the locality.
- 7.5.3 The proposed amendments to the drainage basins, substation and parking spaces would not impact on the amenity of the neighbouring properties given the nature of the structures and their separation to adjoining properties.
- 7.5.4 The proposal would therefore cause no harm to the amenity of surrounding properties in accordance with policy DM14 of the Local Plan and policy FAV10 of the Faversham Neighbourhood Plan.

7.6 Flood Risk and Drainage

- 7.6.1 Due to the nature of the proposal there is no envisaged worsening of flood risk to the area. The EA and Local Lead Flood Authority have not raised any objections to the application.
- 7.6.2 Southern Water advise that they can facilitate foul sewerage disposal to service the proposed development as confirmed by the capacity check completed in 2023 for planning ref: 23/500857/HYBRID. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer, however this falls outside of the planning process and as such is not secured in this application. No further issues were raised.
- 7.6.3 Concern was raised in an objection regarding sewer capacity and risk of downstream flooding. However, a pumping station has been approved at the site before and there would be a connection at the site whether it is in the proposed location or in the previously approved position.
- 7.6.4 The proposed changes to the drainage basins reflect the details approved through conditions that have been subject to a detailed assessment by the KCC Flood and Water Management team, who have raised no objections to this application.

- 7.6.5 On the basis of the above the scheme continues to comply with policy DM21 of the Local Plan and policy FAV8 of the Faversham Neighbourhood Plan which requires development to have no significant adverse impact on flooding.

7.7 Ecology

- 7.7.1 From February 2024, minor developments are required to provide at least 10% Biodiversity Net Gain (BNG). Applications submitted prior to this are not subject to this requirement, including where amendments to the approved development are made through subsequent applications made under s73 of the Act. The original hybrid permission was granted prior to the statutory BNG requirement of 10% and prior to the adoption of the Faversham Neighbourhood Plan under policy FAV7, which also sets minimum targets for on-site BNG of 20% for major development on greenfield sites. The original hybrid permission achieved on-site BNG of 10%, however this was not secured by condition.
- 7.7.2 In terms of considering this matter now, the NPPG states that *“in deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application.”* The NPPG goes on to state that *“In granting permission under section 73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission.”* The Faversham Neighbourhood Plan has been adopted in the time since the determination of the previous application, and it is noted that this would have required the development to achieve a BNG of 20%, if it had been in place at the time that the original application was determined. However, as it was not in place at the time of the original determination, it would not have been possible to have imposed a condition requiring that standard to be met. Such a condition would not have met the test of necessity as, at that time, there was not a policy requirement to achieve that standard. Having regard to the fallback position that exists of undertaking a very similar development without being required to comply with this standard, it is considered that it would not be “reasonable in all other respects” to require this Section 73 application to achieve an uplift of BNG relative to that which was previously proposed.

7.8 Other Matters

- 7.8.1 Concerns were raised that the proposal lacks safety features and crash prevention barriers, however the proposal is surrounded by bollards and a timber fence and landscaping and is not within a location at risk of impact.
- 7.8.2 The proposal would occupy a small part of a future area of open space secured to serve the new development. It is contained to north-western corner, which will have minimal disruption to the remainder of the open space area, which will continue to provide sufficient passive and active recreational opportunities to serve the emerging community.

- 7.8.3 The proposed addition of 2 car parking spaces are minor changes that slightly improve the parking provision within the development. Therefore, the proposal continues to comply with policy DM7 of the Local Plan.
- 7.8.4 Concern was also raised in an objection about the reason for relocating the pumping station. The applicant has clarified that the pumping station was relocated due to issues with the safety and feasibility of the previous location, which would require drainage features being 5-6m deep to enable the previous location to work. The new location addresses this issue whilst also meeting cordon sanitaire requirements.

7.9 Conclusion

- 7.9.1 The proposed amendments are acceptable in accordance with the relevant Local and Neighbourhood Plan policies and the National Planning Policy Framework as set out above. As such, it is recommended that planning permission is granted.
- 7.9.2 Should this s73 application be approved, it is necessary to reimpose the conditions secured by the hybrid planning permission to which this application relates as originally worded, or, revised where details have been approved through discharge of conditions applications. These are set out below.
- 7.9.3 The covenants and provisions of the s106 legal agreement pursuant to the original planning permission continue to apply to any section 73 planning permission, which includes this application. Therefore, a deed of variation to link this application to the s106 agreement will not be required.
- 7.9.4 In considering the application, account has been taken of the information included with the application submission, the National Planning Policy Framework and the Development Plan, and all other material considerations including representations made including the views of statutory and non-statutory consultees and members of the public.

8. CONDITIONS

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

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

- 2) The development shall be carried out in accordance with the Phasing Plan, Dwg. No 031 002_P1 approved under application reference 24/502585/SUB (or other such subsequent phasing to be agreed pursuant to this condition).

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

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

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

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

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

5) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

1000 PL B	Site Location Plan
1002 PL A	Existing Site Plan
A-2001-PL-A	Planning Areas Plan
A-2005-PL-C	Site Layout (B&W)
C-2005-PL-C	Site Layout (Coloured)
2010-PL-B	Street Scenes A-A and B-B
2011-PL-B	Street Scenes C-C and D-D
A-2105-PL-C	Masterplan Site Layout (B&W)
C-2105-PL-C	Masterplan Site Layout (Coloured)
2700-PL-B	Refuse Plan
2701-PL-B	Parking Plan
2702-PL-B	Tenure Plan
2703-PL-B	Materials Plan
2704-PL-B	Fire Strategy Plan
2710-PL-C	Extent of Adoption Plan

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

5000-PL-B	Apartment Block B Floor Plans and Elevations
5005-PL-B	Apartment Block A Floor Plans
5006-PL-B	Apartment Block A Elevations
5010-PL-A	Plots 30-31,79-80,83-84 Plans & Elevations
5011-PL-A	Plot 32 Plans & Elevations

5015-PL-A	Plots 56-57 Plans & Elevations
5025-PL-A	Plots 50, 70 Plans & Elevations
5030-PL-A	Plot 69 Plans & Elevations
5035-PL-A	Plot 45 Plans & Elevations
5036-PL-A	Plot 47 Plans & Elevations
5040-PL-A	Plots 33-40 Plans & Elevations
5045-PL-A	Plot 71 Plans & Elevations
5056-PL-A	Plots 29, 48, 72 Plans & Elevations
5060-PL-A	Plots 51, 78 Plans & Elevations
5061-PL-A	Plots 41-43 Plans
5062-PL-A	Plots 41-43 Elevations
5065-PL-A	Plots 63, 73 Plans & Elevations
5070-PL-B	Plots 54-55,59-60,64-65,66-67 Plans & Elevations
5080-PL-A	Plots 52-53,61-62,74-75,76-77 Plans & Elevations
5081-PL-A	Plots 23-26 Plans
5082-PL-A	Plots 23-26 Elevations
5090-PL-A	Plot 49 Plans & Elevations
5091-PL-A	Plots 46, 68 Plans & Elevations
5095-PL-A	Plot 44 Plans & Elevations
5100-PL-A	Plots 27-28, 81-82 Plans & Elevations
5105-PL-B	Plot 58 Plans & Elevations
5400-PL-A	Garages & Stores Plans & Elevations
LDF-EDL-XX—XX-DR-L-0100-R2	20 February 2023 Illustrated Masterplan
2101 P06	Drainage Strategy Sheet 1 of 13
2102 P06	Drainage Strategy Sheet 2 of 13
2103 P06	Drainage Strategy Sheet 3 of 13
2104 P06	Drainage Strategy Sheet 4 of 13
2105 P06	Drainage Strategy Sheet 5 of 13
2106 P06	Drainage Strategy Sheet 6 of 13
2107 P06	Drainage Strategy Sheet 7 of 13
2108 P06	Drainage Strategy Sheet 8 of 13
2109 P06	Drainage Strategy Sheet 9 of 13
2110 P06	Drainage Strategy Sheet 10 of 13

2111 P06	Drainage Strategy Sheet 11 of 13
2112 P06	Drainage Strategy Sheet 12 of 13
2113 P06	Drainage Strategy Sheet 13 of 13
2101 PTPP	Nov 2021 Preliminary Tree Protection Plan
15536-H-01 Rev P3 01/06/22	Northern Site Access
15536-H-02 Rev P3 01/06/22	Southern Site Access
15536-H-03 Rev P3 04/04/22	Love Lane Design
15536-H-04 Rev P1 09/05/22	Pedestrian Crossing
15536-T-01 Rev P3 09/05/22	Northern Site Access Tracking
15536-T-02 Rev P3 09/05/22	Southern Site Access Tracking
15536-T-03 Rev P1 09/05/22	Refuse
15536-T-04 Rev P1 09/05/22	Pantechnicon
15536-T-05 Rev P1 09/05/22	Fire Tender
15536-T-06 Rev P1 09/05/22	Estate Care
4000 S0 C01	Pumping Station Compound Layout
15536-T-08 Rev P2 31/05/22	Articulated Lorry
15536-T-09 Rev P1 09/05/22	Crest Nicholson Access Tracking
15536-T-10 Rev P1 09/05/22	Private Access Tracking

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

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

A-2710-PL-B Land Use Parameter Plan

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

Housing and wastewater infrastructure plan: detailed and outline elements

8) The development shall be carried out in accordance with the Wastewater Infrastructure Phasing Plan approved under application reference 24/502585/SUB, unless otherwise agreed with the Local Planning Authority.

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

Sustainable Construction Techniques

9) No development shall take place above slab level in relation to phases: Employment 1, Employment 2, Care Home, and Day Nursery as shown on Phasing Plan, Dwg. No 031 002_P1 approved under application reference 24/502585/SUB (or

other subsequent phasing to be agreed pursuant to condition 2) until details have been submitted to and approved in writing by the Local Planning Authority, which set out what measures will be taken to ensure that the development in that phase incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the potential inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development of the phase of development in question as approved and retained as such in perpetuity.

For the Residential Full and Residential Outline phases as shown on Phasing Plan, Dwg. No 031 002_P1 (or other subsequent phasing to be agreed pursuant to condition 2), the details approved under application reference 24/502585/SUB shall be incorporated into the development and retained as such in perpetuity.

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

Water consumption

10) The development shall be carried out in accordance with the details (Water Consumption) approved under application reference 24/502585/SUB.

Reason: In the interests of water conservation and sustainability

BREEAM or equivalent

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

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

Site Levels

12) No development shall take place in a particular phase until details of the existing site levels, proposed site levels (including any levels changes to areas to be used as open space, landscaped buffer areas and highways), and proposed finished floor levels for buildings (if there are buildings in that phase) in that phase have been submitted to and approved in writing by the Local Planning Authority and the development of that phase shall be completed strictly in accordance with the approved levels. The development of the Residential (Full) phase shall be carried out in accordance with the site levels details approved under application reference: 24/502001/SUB.

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

High Speed Fibre

13) The development shall be carried out in accordance with the details (Fixed Telecommunication Infrastructure) approved under application reference 24/502585/SUB.

Reason: In the interests of residential amenity.

Minimisation of risk of crime

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

For the Residential Full phase as shown on Phasing Plan, Dwg. No 031 002_P1, the details approved under application reference 24/502585/SUB shall be incorporated into the development as approved and implemented before the relevant dwelling or building is occupied and thereafter retained.

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

15) No development beyond the construction of foundations shall take place in a particular phase until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority for that phase. The development of the Residential (Full) phase shall be carried out in accordance with the materials details approved under application reference: 23/505661/SUB.

Reason: To ensure a satisfactory appearance to the development.

Removal of permitted development rights

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

Reason: In the interests of visual amenity.

Older and accessible/adaptable housing

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

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

Construction

18) No development within the following phases: Residential Outline, Landscape 1, Landscape 2, Employment 1, Employment 2, Care Home, and Day Nursery as shown

on Phasing Plan, Dwg. No 031 002_P1 approved under 24/502585/SUB (or other subsequent phasing to be agreed pursuant to condition 2) shall take place, including any works of demolition, until a Construction Management Plan (CMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be implemented and adhered to throughout the entire construction period of that phase. The CMP shall provide details of:

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

For the Residential Full phase as shown on Phasing Plan, Dwg. No 031 002_P1, the construction phase shall be implemented in accordance with details approved under application reference 24/502585/SUB.

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

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

Monday to Friday 0700 - 1900 hours, Saturdays 0730 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

Highways

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

Reason: In the interests of Highways safety

21) No greater than 50 occupations of dwellings shall take place until the highway works providing the northern access and Love Lane highway improvement scheme as indicatively shown on drawings 15536 H-01 Rev P3 and 15536 H 03 Rev P3 have been completed in accordance with a Section 278 agreement with the Highway Authority, unless otherwise agreed in writing by the Highway Authority.

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

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

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

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

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

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

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

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

Reason: In the interests of highways safety.

25) The improvements to the width, surfacing and public rights for Public Footpath ZF28 shall be carried out in accordance with the details approved under application reference: 24/503898/SUB (or other such subsequent details to be agreed pursuant to this condition) and shall be implemented and open and available to the public prior to the occupation of the 50th dwelling.

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

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

Reason: In the interests of pedestrian and highways safety.

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

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

28) Prior to occupation of any dwelling, a temporary vehicle turning head shall be provided for the spine road in accordance with details approved under application reference: 24/502585/SUB (or other such subsequent details to be agreed pursuant to this condition) and shall be kept available for use until such time as a permanent turning facilities are provided by development approved in subsequent Reserved Matters applications.

Reason: In the interests of highways safety

29) Prior to the occupation of plots 73 to 78, the emergency vehicle route serving these dwellings shown on drawing 3021-A-1704-PL Revision E shall be surfaced and access controlled in accordance with the details approved under application reference: 24/503909/SUB (or other such subsequent details to be agreed pursuant to this condition).

Reason: In the interests of highways safety

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

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

Landscaping

31) No development shall take place above slab level for any phase until a detailed scheme and timetable of soft landscaping for that phase has been submitted to and approved in writing by the Local Planning Authority, and such planting shall be completed on the site in accordance with the approved details and timetable. The soft landscaping scheme shall include proposed trees, shrubs, and other features, planting schedules of plants (which shall include indigenous species and of a type that will encourage wildlife and biodiversity), noting species, plant sizes and numbers where appropriate, measures to prevent tree vandalism, and measures to protect the advance planting from construction on the remainder of the site for the duration of such works. The works shall be carried out in accordance with the broad parameters as set out in Figure 5 Mitigation and Enhancement Plan dated November 2021 contained within the Ecological Appraisal by Bakerwell. The relevant phases shall be carried out in accordance with the details approved under application reference: 24/503921/SUB (or other such subsequent details to be agreed pursuant to this condition).

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

32) Upon completion of the soft landscaping works, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within ten years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within the next planting season, unless otherwise agreed.

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

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

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

Drainage

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

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

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

The Residential Full phase as shown on Phasing Plan, Dwg. No 031 002_P1 (or other subsequent phasing to be agreed pursuant to condition 2), shall be carried out in accordance with the details approved under application reference: 24/502004/SUB (or other such subsequent details to be agreed pursuant to this condition).

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

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

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

36) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details. The Residential Full phase as shown on Phasing Plan, Dwg. No 031 002_P1 (or other subsequent phasing to be agreed pursuant to condition 2), shall be carried out in accordance with the details approved under application reference: 24/502004/SUB (or other such subsequent details to be agreed pursuant to this condition).

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

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

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

Contamination

38) No development of the following phases: Residential Outline, Landscape 1, Landscape 2, Employment 1, Employment 2, Care Home and Day Nursery as shown on Phasing Plan, Dwg. No 031 002_P1 approved under application reference 24/502585/SUB (or other subsequent phasing to be agreed pursuant to condition 2), shall commence prior to a contaminated land assessment (and associated remediation strategy if relevant) being submitted to and approved in writing by the Local Planning Authority, comprising:

- a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the District Planning Authority prior to any intrusive investigations commencing on site.
- b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

For the Residential Full phase (as shown on the Phasing Plan, Dwg. No 031 002_P1) the details approved under application reference 24/502585/SUB shall be incorporated into the development as approved.

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

39) Before any part of an agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full for that phase on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed, and an appropriate remediation scheme agreed with the Local Planning Authority.

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

40) Prior to any part of the permitted development in a particular phase being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation for that phase shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with

the approved verification plan to demonstrate that the site remediation criteria have been met.

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

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

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

42) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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

43) No development shall take place in the following phases: Residential Outline, Landscape 1, Landscape 2, Employment 1, Employment 2, Care Home and Day Nursery as shown on Phasing Plan, Dwg. No 031 002_P1 P1 approved under application reference 24/502585/SUB (or other subsequent phasing to be agreed pursuant to condition 2) until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall be produced in accordance with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'. The construction of the development shall then be carried out in accordance with the approved methodology.

For the Residential Full phase, as shown on Phasing Plan, Dwg. No 031 002_P1, the details approved under application reference 24/502585/SUB shall be incorporated into the development as approved and implemented throughout the entire construction period of the phase.

Reason: To safeguard residential amenity.

44) In relation to the commercial element of this proposal, details of any mechanical ventilation system that will be installed shall be submitted to and approved by the Local Planning Authority and upon approval shall be installed, maintained and operated in a

manner which prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Reason: To safeguard residential amenity.

Ecology

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

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

The strategy must be implemented in accordance with the approved details. The development shall be carried out in accordance with the details approved under application reference: 24/500622/SUB (or other such subsequent details to be agreed pursuant to this condition).

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

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

- Map showing areas of habitats to be created and managed
- Aims and objectives of the plan
- Overview of habitat creation and management to be carried out
- Detailed methodology to create the habitats
- Management prescriptions and timetable for the works
- Details of on-going monitoring
- Details of management plan reviews.
- Details of who will be carrying out the management and funding mechanisms.

The plan must be implemented in accordance with the approved details. The development shall be carried out in accordance with the details approved under application reference: 24/500622/SUB (or other such subsequent details to be agreed pursuant to this condition).

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

47) No external lighting shall be installed within a phase of the development until a lighting design strategy and plan (to include the dark sky area shown on Figure 5 Mitigation and Enhancement Plan (Ecological Appraisal; Bakerwell; November 2021) and follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals) to mitigate the impact on biodiversity has been submitted to and approved in writing by the Local Planning Authority detailing how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bats. All external lighting shall be installed in accordance with the approved details. The Residential Full phase shall be carried out in accordance with the details approved under application reference: 24/503927/SUB (or other such subsequent details to be agreed pursuant to this condition).

Reason: In the interests of protected species.

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

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

Archaeology

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

B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

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

- a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
- b. a technical note outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
- c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

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

The details pursuant to Parts A and B of this condition have been approved under application references 24/502678/SUB and 24/505130/SUB.

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

