

# Agenda

## Extraordinary Planning Committee Meeting

Date: Wednesday, 28 June 2023

Time 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT\*

Membership:

Councillors Mike Baldock (Chair), Andy Booth, Simon Clark, Kieran Golding, James Hall, Mike Henderson, James Hunt, Elliott Jayes (Vice-Chair), Peter Marchington, Claire Martin, Charlie Miller, Julien Speed, Paul Stephen, Terry Thompson, Angie Valls, Karen Watson and Tony Winckless.

Quorum = 6

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Pages

### Information about this meeting

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- (d) Anyone unable to use the stairs should make themselves known during this agenda item.

## 2. Apologies for Absence

## 3. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves, their families or friends.

The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPis) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

## **Part B reports for the Planning Committee to decide**

### 4. Report of the Head of Planning Services

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To consider the attached report (Part 2).

The Council operates a scheme of public speaking at meetings of the Planning Committee. All applications on which the public has registered to speak will be taken first. Requests to speak at the meeting must be registered with Democratic Services ([democraticservices@swale.gov.uk](mailto:democraticservices@swale.gov.uk) or call 01795 417328) by noon on Tuesday 27 June 2023.

**Issued on Monday, 19 June 2023**

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**Chief Executive, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

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## SWALE BOROUGH COUNCIL

### PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

**28 JUNE 2023**

#### Standard Index to Contents

**DEFERRED ITEMS** Items shown in previous Minutes as being deferred from that meeting may be considered at this meeting

**PART 1** Reports to be considered in public session not included elsewhere on this Agenda

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

**PART 3** Applications for which refusal is recommended

**PART 4** Swale Borough Council's own development; observation on County Council's development; observations on development in other districts or by Statutory Undertakers and by Government Departments; and recommendations to the County Council on 'County Matter' applications.

**PART 5** Decisions by County Council and the Secretary of State on appeal, reported for information

**PART 6** Reports containing "Exempt Information" during the consideration of which it is anticipated that the press and public will be excluded

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ABBREVIATIONS: commonly used in this Agenda

CDA Crime and Disorder Act 1998

GPDO The Town and Country Planning (General Permitted Development) (England) Order 2015

HRA Human Rights Act 1998

SBLP Swale Borough Local Plan 2017

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## INDEX OF ITEMS FOR PLANNING COMMITTEE – 28 JUNE 2023

- **Minutes of last Planning Committee Meeting**
- **Deferred Items**
- **Minutes of any Working Party Meetings**

### PART 2

<b>2.1</b>	<b>22/503935/REM</b>	<b>MINSTER</b>	<b>Land at Harps Farm Parcels D, E &amp; F Thistle Hill</b>
<b>2.2</b>	<b>20/500015/OUT</b>	<b>FAVERSHAM</b>	<b>Land at Abbeyfields</b>

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**PLANNING COMMITTEE – 28 JUNE 2023****PART 2**

Report of the Head of Planning

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

<b>2.1 REFERENCE NO - 22/503935/REM</b>		
<b>APPLICATION PROPOSAL</b> Approval of Reserved Matters of access, appearance, landscaping, layout and scale for erection of 205 dwellings on land at Parcels D, E & F pursuant to outline application SW/13/1455 (Outline planning application for the residential development (of up to 431 dwellings)).		
<b>ADDRESS</b> Land at Harps Farm, Parcels D, E & F Thistle Hill, Minster-on-sea Sheerness, Kent		
<b>RECOMMENDATION</b> Grant subject to conditions.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> Site is allocated for residential development in Bearing Fruits 2031: The Swale Borough Local Plan 2017 (Policy A7), has the benefit of outline planning permission and the proposal is in accordance with national and local planning policy.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Ward members have requested that the application be reported to the planning committee for determination		
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN COUNCIL</b> Minster-On-Sea	<b>APPLICANT</b> Jones Homes (Southern) Ltd <b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 24/11/22	<b>PUBLICITY EXPIRY DATE</b> 08/05/23	<b>CASE OFFICER</b> Carly Stoddart

**Relevant Planning History**Application site - Parcels D, E, F & G

20/504026/SUB

Submission of details pursuant to condition 24iii (Phases D, E and F, a detailed sustainable surface water drainage strategy for the respective Phase) in relation to planning permission SW/13/1455 (amended by 18/505673/NMAMD).

Approved Decision Date: 18.03.2021

18/505673/NMAMD

Non-material amendment application for Condition 24 - in relation to the submission and approval of a drainage strategy for the site for planning permission SW/13/1455

Approved Decision Date: 02.01.2019

SW/13/1455

Outline planning application for the residential development (of up to 431 dwellings).

Approved Decision Date: 16.10.2017

Wider Development Site – Thistle Hill Development Site

SW/04/1059

Application for non-compliance with condition 4 of SW/02/0646 to allow an additional 150 dwellings to be constructed prior to the opening of the A249 Road improvements.

Grant of outline planning permission Decision Date: 07.09.2005

SW/95/0102

Outline application for residential & leisure development & community hospital including housing, village shopping centre & community facilities, primary school, affordable & executive housing, golf course & club house, hotel, health farm including all necessary infrastructure & associated facilities  
Grant of outline planning permission Decision Date: 12.09.1997

Parcel G

22/501058/SUB

Submission of details pursuant to condition 2 (Materials) in relation to 19/503120/REM.

Approved Decision Date: 31.05.2022

19/503120/REM

Reserved Matters of access, appearance, landscaping, layout and scale for erection of 171 dwellings on land at Parcel G pursuant to outline application SW/13/1455.

Approved Decision Date: 14.12.2021

## **1. DESCRIPTION OF SITE**

- 1.1 The application site is located in Minster-on-sea on the Isle of Sheppey and is part of a wider development site, known as Harps Farm, that benefits from outline planning permission (SW/13/1455). This application for reserved matters is for Parcels D, E & F of that wider site and are the last undeveloped parcels of land on what is known as the 'Thistle Hill' development.
- 1.2 The development site is approx. 6.5 hectares in area (in comparison to the 11 hectares of the wider site which is also made up of a further parcel of land, known as Parcel G). The site currently comprises vacant shrub land that is surrounded to the north, east, west and south-east with existing residential development. The site is severed from Parcel G by way of a central spine road (Heron Drive) running north-south through the middle. There is a parcel of vacant open space that is currently to be retained as such to the south of the site.

- 1.3 The site has a gently sloping topography, whereby the land falls gradually from north to south.
- 1.4 The area immediately surrounding the site is predominantly residential, including a mixture of houses that vary in height between 2-3 storeys. The dwellings include a range of detached, semi-detached and terraced properties that have been constructed as part of the Thistle Hill development within the last 10-20 years.
- 1.5 Thistle Hill Academy is a primary school that is located to the south of the site. Local services and facilities are available to the south on Thistle Hill Way and Aspen Drive, and to the north along Minster Road. Services include a pub, post office, takeaway shops, butchers, community centre and grocery store.

## 2. PROPOSAL

- 2.1 This is an application seeking approval of reserved matters of access, appearance, landscaping, layout and scale for the erection of 205 dwellings on land at Parcels D, E & F pursuant to outline planning permission SW/13/1455 for the residential development of up to 431 dwellings.
- 2.2 The wider outline site was divided into four separate development parcels (Parcels D, E, F & G).
- 2.3 The reserved matters application for Parcel G (ref. 19/503120/REM) relating to the details of access, appearance, landscaping, layout and scale for the erection of 171 dwellings was approved on 14<sup>th</sup> December 2021. Parcel G is currently under construction.
- 2.4 There are a mix of dwelling types and sizes proposed as follows:
  - 2-bed flats                    15
  - 2-bed houses                31
  - 3-bed houses                135
  - 4-bed house                  24
- 2.5 Dwelling types comprise terraced, semi-detached, detached dwellings and flats. Dwellings range between 2 and 3 storeys in height.
- 2.6 The chosen palette of materials will include brick, hanging tile, weatherboard and render. The detailing includes steep pitched tile roofs with barn hips, alongside arched heads to opening and exposed rafter feet to add variety and interest to the streetscene.
- 2.7 Access is proposed from two points along the eastern boundary of the site from Heron Drive. The two access points will be connected by a 'U'-shaped internal road that has cul-de-sacs branching from it, particularly to the southwest side of the site.
- 2.8 The two main vehicular access points also provide pedestrian access to the site. There are two pedestrian only access points proposed; one to the northwestern boundary connecting to Fleetwood Close; one to the south connecting to Thistle Hill Way.

- 2.9 Landscaping is proposed around the perimeter of the site and there would be a central area of open space running northeast to southwest along with street trees. Two SuDs features are also proposed, both to be located towards to the southwestern side of the site.
- 2.10 The layout shows back-to-back arrangements and dwellings fronting the main internal road, the central space and landscape areas to maximise active frontages to the street scene and natural surveillance.
- 2.11 Parking is proposed for each dwelling in the form of driveway spaces within the curtilage of individual dwellinghouses and parking courtyards. Garages or car ports are also provided for some dwellings.

### 3. PLANNING CONSTRAINTS

- 3.1 The site is identified and allocated for housing within the Swale Borough Local Plan 2017 at Policy A7. This policy sets out the following requirements:

Planning permission will be granted for land allocated for housing, as shown on the Proposals Map, at Thistle Hill, Minster, Isle of Sheppey. Development proposals will accord with the approved development briefs and satisfactorily address archaeological issues and provide the infrastructure needs arising from the development, including those identified by the Local Plan Infrastructure and Delivery Schedule (including, if justified by a transport assessment, a financial contribution toward improvements to the A2500). Proposals will also ensure that, through both on and off-site measures, any significant adverse impacts on European sites through recreational pressure will be mitigated in accordance with Policies CP7 and DM28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy.

- 3.2 Potential Archaeological Importance – This was covered by condition as part of the outline planning permission.

### 4. POLICY AND CONSIDERATIONS

- 4.1 The Development Plan for the area comprises the Bearing Fruits 2031: The Swale Local Plan 2017 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 and are considered to conform.

- 4.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017 (the Local Plan)

<b>ST1</b>	Delivering Sustainable Development in Swale
<b>ST2</b>	Development Targets for Jobs and Homes 2014-2031
<b>ST3</b>	The Swale Settlement Strategy
<b>ST6</b>	The Isle of Sheppey Area Strategy
<b>CP2</b>	Promoting Sustainable Transport
<b>CP3</b>	Delivering a Wide Choice of High Quality Homes
<b>CP4</b>	Requiring Good Design
<b>CP7</b>	Conserving and Enhancing the Natural Environment – Providing for Green Infrastructure
<b>A7</b>	Thistle Hill, Minster
<b>DM6</b>	Managing Transport Demand and Impact
<b>DM7</b>	Vehicle Parking

<b>DM8</b>	Affordable Housing
<b>DM14</b>	General Development Criteria
<b>DM17</b>	Open Space, Sports and Recreation Provision
<b>DM19</b>	Sustainable Design and Construction
<b>DM21</b>	Water, Flooding and Drainage
<b>DM24</b>	Conserving and Enhancing Valued Landscapes
<b>DM28</b>	Biodiversity and Geological Conservation
<b>DM29</b>	Woodlands, Trees and Hedges
<b>DM34</b>	Scheduled Monuments and Archaeological Sites

#### Supplementary Planning Guidance (SPG)

Parking Standards, 2020

#### Other

- 4.3 The site is subject to a development brief, the most recent version of which is the 'Thistle Hill, Minster Development Brief April 2009, Revised November 2009', approved under reference SW/04/1059/DCA on 8 December 2009.

### **5. LOCAL REPRESENTATIONS**

- 5.1 The application has been advertised in the press and individual neighbour notification letters have been sent to owners and occupiers of neighbouring properties. To date, 6 letters from 6 individuals have been received raising the following objections:

- Loss of habitat and wildlife including protected species
- Loss of open space
- Tree survey doesn't consider bramble and young wild trees
- Housing not needed
- Flats not in-keeping with the area
- Highway safety hazards – Access points, roads too narrow and short of pavements
- Impact on the capacity of the highway – increased traffic and delays
- Increased parking pressure
- Impact on services – schools, doctors, dentists
- Increase in noise
- Loss of privacy
- Light pollution
- Anti-social behaviour and criminal activity
- No physical boundary to site to prevent vehicle movements over grassed areas

- Impact on water supply

Minster-on-Sea Parish Council – 06/09/2022 & 21/04/2023

- 5.2 The Parish Council state that they support the application and is pleased that its previous comments have been taken on board. They comment that the site density is in line with Government targets and there will be a footpath which will link with the next phase of the development to Scocles Road. Access and parking provision is adequate and the design of the scheme suggests variety that will enhance the street scene. While the Parish Council accepts that there is a need for blocks of flats to cater for single households, it would want Kent Police to have input on security to minimise the opportunity for crime by ensuring that lighting, parking and safe access is in place for those residents and their visitors.
- 5.3 Amendments reflect suggestions put forward by statutory consultees. Support is subject to revisions recommended by other statutory consultees and those consultees whose comments are currently outstanding.
- 5.4 These matters are addressed in the relevant sections of the report.

## **6. CONSULTATIONS**

- 6.1 The following consultation responses comprise the latest comments received on the amended scheme. Consultation responses are available to view in full online. Where conditions are sought, they are indicated within the appraisal section.

Environmental Health - 31/08/2022

- 6.2 No objection. An informative is suggested with regard to supply of the Mid Kent Environmental Code of Development Practice.

Swale Footpaths Group - 10/09/2022

- 6.3 Nothing to add to comments made on the parent application (SW/13/1455)

Environment Agency - 01/09/2022 & 14/04/2023

- 6.4 No comment other than to take account of any planning conditions, informatives or advice in relation to the outline.

Southern Gas Networks (SGN) – 13/04/2023

- 6.5 No comments other than guidance which will be included as an informative.

6.6 Active Travel Officer – 18/04/2023

- 6.7 No objection. Agree with KCC Highways in terms of footways accessing shared surfaces from the spine road should be continuous and that a raised table crossing should be provided at each of the accesses to shared surface sections.

- 6.8 Further suggestions:

- All crossings should incorporate tactiles to ensure the safety of all pedestrians.

- Spine road design should include separated cycle tracks.
- The new footway on the west of Heron Drive should be continuous (unbroken and at pavement level) across the two Spine Road junctions and include tactiles.
- The short permeability links should be wider, 3m+, so that they can be multi-user paths.
- Additional permeability is suggested onto Heron Way and onto ZS9.

6.9 The area at the north of the development is a small segment of the dismantled Sheppey Light Railway. It would make a significant contribution to the Harps Farm development if this strip was “restored” with a wide surfaced path (4m), with ecologically sensitive ground lighting, connected to the development/Fleetwood Close/Lapwing/Blatchers.

6.10 It would be helpful to see a specific Travel Plan and the following actions should be included:

- Free Bikeability Sessions (including ebikes)
- Low cost ebike cycle hire onsite
- Access to interest free Annual Season Ticket loans – bus & train
- Funded Liftshare subgroup
- Promotion of the Kent Connected App
- Distribution of the Explore Sheppey Map

Kent Police – 15/09/2022 & 19/04/2023

6.11 The plans show their commitment to designing out crime in this area.

KCC Public Rights of Way and Access Officer – 20/09/2022 & 25/04/2023

6.12 No objection. Attention is drawn to the existence of Public Footpath ZS9, which passes along the boundary of Harps Farm Parcels D, E and F.

6.13 With reference to SW/13/1455, a Section 106 financial contribution was secured for upgrading Public Footpath ZS9, in preparation for the expected increase in use arising from the Harps Farm development. The s106 payment is required at 50% occupation of this phase of development and will require the submission of details of a crossing where Public Footpath ZS9 crosses Thistle Hill Way.

SBC Conservation and Design Team – 16/09/2022 & 27/04/2023

6.14 The proposed development area (PDA) relates to an allocated (existing committed housing location) site in the current adopted local plan (Policy A7 refers). There are no designated or non-designated heritage assets which would or could be materially impacted by the proposed housing development, and as such, I have no comments to offer on this application.

Southern Water – 20/09/2022 & 27/04/2023

- 6.15 The submitted master plan shows (CSL01) proposed tree plantings within the standoff distance of public sewers which would not be acceptable to Southern Water.
- 6.16 The additional foul flows from the proposed development will not increase the risk of flooding in the existing public sewerage network. Southern Water can hence facilitate foul disposal to service the proposed development.

Natural England – 05/10/2022 & 02/05/2023

- 6.17 No comment.

KCC Flood and Water Management – 20/09/2022, 03/05/2023 & 02/06/2023

- 6.18 Further information has been submitted to address previous concerns regarding the lack of certain information within the Flood Risk Assessment. The further information settles those concerns previously raised, as such we remove our objection to the determination of reserved matters.
- 6.19 KCC as LLFA would not normally permit the culverting of an existing watercourse for any other means other than access due to the loss of biodiversity and the other associated benefits of ordinary water courses. However, this site is within the jurisdiction of the Lower Medway IDB.

Lower Medway Internal Drainage Board (LMIDB) - 08/09/2022, 26/04/2023 & 18/05/2023

- 6.20 An in-principle agreement (dated October 2010) was made with the IDB for the discharge of surface water at a total rate of 7l/s/ha from the whole site. The proposed discharge will require land drainage consent in line with the Board's Byelaws (specifically Byelaw 3).
- 6.21 Consent is required for any works within 8 metres of the Board adopted watercourse (Byelaw 10) to the south of the site, any alterations to this watercourse (Byelaw 4 and Section 23 of the Land Drainage Act 1991), or any excavations, alterations, or installation of pipes within the banks of this watercourse (Byelaw 17). The ability to implement a planning permission may be dependent on the granting of these consents.
- 6.22 The watercourse along the southwest boundary of the site is an IDB adopted watercourse and is known as 'watercourse no.3a, the Scrapsgate Drain.' The Board currently maintains it annually. Any planting is ill-advised as it likely to be damaged during the undertaking of such works. The Board is satisfied with the proposals for safeguarding access for maintenance to the byelaw margin as shown in Jones Homes drawing 1432/BD/SK3. The recommended width for the drop kerb is 3m.
- 6.23 We are aware that KCC are assessing the surface water design and the Board is happy to support their findings.
- 6.24 The Board welcomes the drainage ditch assessment that has been undertaken to comprehensively assess the site and the clarity this brings.



KCC Ecological Service – 16/05/2023 & 17/05/2023

- 6.25 We have compared the site plan submitted with the original application and the master plan submitted with this application and it does demonstrate that the area of open/green space is largely unchanged. The boundaries of the site all have hedgerows and/or grassland to benefit biodiversity.
- 6.26 We are satisfied that the submitted ecological impact assessment is sufficient to satisfy us that appropriate ecological mitigation can be carried out as part of the proposed development. However, we advise that prior to the submission of conditions 27 and 28 of the outline permission updated reptile and water vole surveys are carried out.
- 6.27 We advise that sufficient ecological information has been submitted to determine the reserved matters application however we advise that a plan is included within condition 28 of the outline permission demonstrating the locations of the ecological enhancements to be incorporated into the buildings and site.
- 6.28 We recommend it is provided as part of C28 rather than C29 as condition 29 does not need to be submitted until prior to occupation and at that point there may be no opportunities for integrated features to be included as the construction is likely to be completed.
- 6.29 In addition to bat and bird boxes we recommend that insect bricks/houses also located within the site to improve the opportunities for species. The applicant has confirmed that be carried out.
- 6.30 A Landscape and Ecological Maintenance Plan and a Landscape and Ecological Management Plan has been submitted. There should only be one management plan for the site. We recommend that as part of condition 29 submission of the outline permission for the Landscape and Ecological Management and Monitoring Plan only one document is submitted. This should also include information as to how the open space areas that are adjacent to areas of access roads are protected from cars parking along the edges of them.

KCC Highways and Transportation – 11/10/2022, 18/05/2023 & 05/06/2023

- 6.31 The form of parking and its provision would meet Swale Borough Council's adopted standards.
- 6.32 It is noted that the visitor parking where located amongst allocated spaces have been relocated/ or demarcated to ensure they are clearly available for visitors. The distribution of visitor bays has been reconsidered and where visitor spaces were sparse around the eastern section of the development, further bays have been provided. It was recommended that an additional visitor space was added to the plots that have rear parking to prevent parking on the footway/verge directly in front of the properties which has now been provided.
- 6.33 The plots where the driveway provision was long enough to potentially accommodate a 3<sup>rd</sup> vehicle which would result in overhang have been reduced. Parking bays that were not positioned next to hardstanding and/or soft landscaping where car doors would prove difficult to open have been widened from 2.5m to 2.7m for better accessibility.
- 6.34 Amendments have been made to the footpath provisions and footpaths have been removed from areas which are intended to be shared areas. In addition, traffic management measures

in the way of raised table crossings have been provided to facilitate pedestrian priority and a low-speed environment.

- 6.35 As requested, a plan showing the extent of the development that will be offered to the Highway Authority for adoption has been provided. This has confirmed that the roads, footways, and service margins will be offered for adoption. The main spine road has been designed in accordance with the Kent Design Guide offering 5.5m carriageway widths and 2m footways and where it is proposed to be adopted the minor access roads and linking roads are a carriageway width of 4.3m.
- 6.36 An additional traffic calming feature has been proposed between plots 111 and 121 as previously suggested to help lower vehicle speeds.
- 6.37 Vehicle tracking drawings and information have been submitted which address previous concerns raised regarding the ability for a refuse freighter to manoeuvre.
- 6.38 No objection subject to conditions regarding construction traffic management, parking provision and retention, provision of electric vehicle charging points, cycle parking and visibility splays.

#### SBC Tree Officer

- 6.39 Arboricultural features on the site are limited to native scrub trees and hedges forming historic land boundaries. Those present are graded to be trees of low quality. The arboricultural reports provides an accurate account of the quality of the trees and hedges currently growing on the site. Therefore, they are not a constraint to the development proposals. Recommend a condition requiring an Arboricultural Method Statement and tree protection plan to be submitted.
- 6.40 The landscaping proposed appears balanced with high percentage of native planting. The diverse mixture of plants, hedges and trees will enhance tree cover on the site. Recommend a condition for tree pit sizes, root barriers and construction details. Do not see any arboricultural reason to object to the scheme subject to the suggested conditions. Recommend the box hedging is substituted with alternative species such as privet as box hedging is currently being affected by Box tree moth and leaf minor.

## **7. APPRAISAL**

### Principle of Development

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 The principle of development of the site for residential purposes is accepted by the allocation as set out in Policy A7 of the Local Plan and the grant of outline planning permission under application reference SW/13/1455 which granted consent for up to 431 dwellings. This application seeks reserved matters approval for 205 dwellings. The reserved matters application approved under 19/503120/REM in relation to Parcel G was for 171 dwellings. As such the total number to be provided across the wider site equates to 376, which is within the total number of dwellings granted planning permission.

7.3 This application considers the detailed matters of layout, appearance, scale, landscaping and access.

#### Density of Development and Mix of Units

7.4 The mix of dwelling types and sizes proposed as follows:

- 2-bed flats 15
- 2-bed houses 31
- 3-bed houses 135
- 4-bed house 24

7.5 The mix of housing size and types is considered acceptable as it provides for a range of options within the site itself and the provision of a significant proportion of 3-bed and 4-bed houses to address the need for family housing within the locality as set out in Policy CP3 of the Local Plan.

7.6 The density of the development equates to 40 dwellings per hectare (dph) which is the same as the development at Parcel G on the opposite side of Heron Drive. At 40 dph, the proposal sits within the range envisaged by the outline planning permission which was between 31 to 56 dph.

#### Design and Layout

7.7 The Government attaches great importance to the design of the built environment. Paragraph 126 of the NPPF emphasises the importance of good design and paragraph 130 of the NPPF is key to achieving well designed places.

7.8 In line with the NPPF, Policies CP4 and DM14 of the Local Plan requires design of the development to be of a high quality that conserves and enhances the natural and/or built environments; is well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location. New development should create safe, accessible, attractive places that make safe physical and visual connections within the development itself and its surroundings.

7.9 The layout being considered under this reserved matters application is similar to that shown within the illustrative masterplan and illustrative layout submitted with the outline application. The layout shows two vehicular and pedestrian access points from Heron Drive. The internal road layout connects to the two access points by the creation of a 'U'-shaped road. The road loop with some cul-de-sacs branching off particularly to the southwest side of the site allows for a distinct street hierarchy, a legible and easy route around the development with two new pedestrian only access points proposed; one to the northwestern boundary connecting to Fleetwood Close; one to the south connecting to Thistle Hill Way and public right of way (PROW) ZS9. Pedestrian footways are located throughout the site around the loop road with shared surfaces being provided to the small cul-de-sac and parking areas.

- 7.10 In line with the approved development brief, the additional pedestrian connections allow for routes through to the community hub area (the village centre) where the school, playing field and retail convenience store are located.
- 7.11 The layout allows space for two sustainable urban drainage systems (SUDs) features within the development as well as retaining drainage ditches. Vegetation around the perimeter of the site is to be retained and reinforced and further planting will be provided within the site. A local area of play would be located within the area of the southernmost SUDs feature and informal areas of play would be provided with the central open space allowing for recreational activity.
- 7.12 In accordance with the approved development brief which allows for feature buildings within and close to the village centre and in accordance with condition 14 (restriction on building heights) of the outline planning permission, the proposal allows for some taller narrower buildings within the site and includes a flat block of three storeys in height at the southeastern corner of the site by the roundabout on Thistle Hill Way. This creates stronger frontages and aids legibility within the wider development area and provides some enclosure to the road network in this location.
- 7.13 The dwellings within the proposal present their front elevations to the road creating an active frontage to the street scene as well as fronting onto the open space ribbon running northwest-southeast and the SUDs features. This provides natural surveillance creating safer streets and spaces.
- 7.14 The siting of dwellings also results in a back-to-back arrangement between the proposed properties so that there are minimal areas of the site that have the rear boundary treatment facing the public areas. Where this is the case, it is the side boundary which would comprise brick walls. The dwellings have also been placed so that where there is a side elevation at a corner, it has windows in that elevation, to provide activity and avoid a blank façade presenting to the street scene.
- 7.15 Dwelling types include 2 to 2.5 storey terraced, semi-detached and detached houses and 3-storey flat blocks. With no development proposed to be higher than 3-storeys, the proposal complies with condition 14 (restriction on building heights) of the outline planning permission. Dwelling sizes would range from 2-bed to 4-bed in size.
- 7.16 The site is relatively flat with a gentle slope of approx. 40:1 gradient from the northwest corner to the southwest. Street scene drawings have been submitted which shows the proposed finished floor levels of the development. Finished floor levels will vary from approx. 8.00m at plot 87 opposite Fleetwood Close to approx. 11.35m at plot 134 Heron Drive; and approx. 7.90m at flat block B Plots 66-74 adjacent to the northwestern SUDs feature to approx. 9.85m at plot 98 at Blatcher Close.
- 7.17 The levels of the site are acceptable especially taking account of the dwelling heights and the landscaping proposed across site and therefore the development can proceed without harm to the character and appearance of the locality.
- 7.18 The proposal would provide for a legible layout and permeability, with a good mix of unit size and type in accordance with Policy CP3 of the Local Plan, paragraphs 126 and 130 of the NPPF, and the approved development brief. Whilst none of the dwellings are proposed to be

affordable, this is compliant with outline planning permission and current Local Plan Policy DM8.

#### Architectural Design and Materials

- 7.19 The architecture and material palette proposed is similar to that of the existing development on the opposite side of Heron Drive. The proposed materials for the application site include the use of Maplehurst light multi stock bricks, Sunset red multi facing bricks, Smeed Dean Docklands yellow multi brick by Wienerberger; Wienerberger Calderdale Edge roof tiles in light grey, terracotta red and brown; Sandtoft Humber Tuscan and Flanders tile hanging; K Rend scrapped texture pearl render; and Hardie Board cedar finish Arctic white weatherboarding. The materials for parcel G are the same and have been approved and discharged on 31 May 2022, under application reference 22/501058/SUB.
- 7.20 In accordance with the development brief, the proposal takes reference from its surroundings. The dwellings have been well-planned and the material palette is considered acceptable.
- 7.21 Overall, the layout, scale and appearance of the proposal takes reference from the surroundings and has been developed in accordance with the guidance set out in the approved development brief as well as in compliance with national and local planning policy. The proposals follow good urban design practice, with a design that respects its surroundings, topography and forms a legible layout incorporating secure by design principles, provides for amenity, which would result in an attractive and sustainable environment to live. The proposal is considered acceptable and in accordance with Policies A7, CP3, CP4, DM8 and DM14 of the Local Plan, paragraphs 126 and 130 of the NPPF and the approved development brief. The proposal satisfies the requirements of condition 14 (development limited to no more than three storeys in height) of the outline planning permission (SW/13/1455).

#### Sustainable Design and Construction

- 7.22 An Energy & Sustainability Statement has been submitted as part of the application. The Statement outlines the key features and strategies adopted into the design to reduce energy use and carbon emissions for the development. The strategy for reducing energy and associated carbon emissions follows the energy hierarchy of fabric first approach and use of low NOx High efficiency condensing gas boilers.
- 7.23 The Statement concludes that the proposed development will achieve 3% improvement in the weighted average carbon emissions as well as a 19.8% reduction in fabric energy efficiency. These percentages are based on sample 'Standard Assessment Procedure' (SAP) calculations for the development using the 2012 methodology. SAP calculations are required for compliance with Part L1A 2013 Building Regulation Standards. The proposal therefore demonstrates a higher level of performance in terms of sustainable design and construction than is required by Part L1A 2013 of the Building Regulation Standards.
- 7.24 However, given the length of time the application has been with the Council, the submitted Energy and Sustainability Statement does not refer to the most recent Building Regulations. Having discussed the proposal with the Climate Change Officer, it is considered that the carbon reduction and energy efficiency measures can be updated to accord with the new

Part L of the Building Regulations as a minimum and address water consumption to accord with Policy DM21 of the Local Plan. A condition is therefore recommended that an updated Energy and Sustainability Statement is submitted for approval.

- 7.25 Electric vehicle charging points would also be provided for each dwelling. With the inclusion of the suggested condition, this is sufficient to address Policies DM19 and DM21 of the Local Plan and paragraphs 112(e) and 154 of the NPPF. However, a condition is recommended to ensure the type of electric vehicle chargers for homeowners meet the Office for Low Emission Vehicles Homecharge Scheme (or any subsequent equivalent).

#### Landscape

- 7.26 In considering the outline application, it was noted in the assessment of the application and the appraisal section of Committee Report that there was limited tree and hedge cover on the application site and that its development would represent an opportunity to significantly improve the quality and amount of trees on the site.
- 7.27 The SBC Tree Officer has reviewed the Arboricultural Report submitted with this reserved matters application and agrees that the main arboricultural features on the site are limited to native scrub trees and hedges that form historic land boundaries. Those that are present have been graded C (tree of low quality).
- 7.28 Condition 13 was included on the outline planning permission (SW/13/1455) to ensure trees and hedging are retained where it merits it and where practicable and to ensure appropriate new soft landscaping (to benefit visual amenity and biodiversity) is included throughout the new development.
- 7.29 Policy A7 requires proposals to be in accordance with the approved development brief and Local Plan Policy DM14 requires an integrated landscape strategy to form part of the proposal. At paragraph 174, the NPPF also states that planning decisions should recognise the wider benefits from natural capital and ecosystem services including trees.
- 7.30 Large areas of the wider development site (amounting 20% of the net developable area) were set aside for public open space. The landscape strategy was approved in 1999 and the community woodland has been planted. The remaining element of the landscape strategy needs to be implemented in this proposal.
- 7.31 The landscape strategy required a ribbon of public space along the watercourse which is a key element of the development brief. The ribbon of open space is seen to form a strategic link from the development to the countryside beyond providing transition between the urban area and the rural surroundings and is the remaining element to be implemented on this site.
- 7.32 The development brief states that other elements of landscaping are to be addressed for each application but should continue the existing planting regime of using native species to enhance public amenity particularly along walkways and cycleways.
- 7.33 The current layout shows dwellings set in from the boundaries of the site allowing for native hedgerow and tree planting. As detailed on the submitted Landscape Proposals drawings, the planting scheme includes a native hedgerow comprising species that are included in the guidance given on the website for the Royal Horticultural Society. Most existing site boundary

hedgerows will be retained and enhanced with infill planting of native species allowing for fruits to grow and be consumed by birds and other wildlife.

- 7.34 Southern Water have raised concerns that the submitted masterplan shows tree planting within the easement of a public sewer. The masterplan drawing is not an accurate reflection of the landscaping proposed. The main area of concern would appear to the northeastern boundary with Blatcher Close. The landscape drawings give a more detailed and accurate indication of the species to be planted across the site. The species listed appear to adhere to Southern Water's 'Tree Planting Guide' within the area of concern. In any case, consent will be required from Southern Water should the applicant wish to plant within a permanent easement.
- 7.35 In terms of management, the hedgerows to the northern boundary fronting Blatcher Close and the northwestern boundary fronting Fleetwood Close are proposed to be allowed to establish to a height of at least 4m and a width of at least 4m where that width is deliverable. For all other boundary hedgerows, it is proposed to allow them to establish to a height of at least 3m and to a width of 3m where deliverable.
- 7.36 In accordance with the approved development brief, the proposal includes the ribbon of open space along the watercourse which runs in a northwest-southeast direction adjacent to the existing area of open space to the southwest. This area will include native scrub to a width of up to 2m along the edge of the on-site boundary native hedgerows. Tall, tussocky grassland will be created adjacent to the scrub bands and will extend into the development site to create a graduated edge between the boundary hedgerows and the residential areas and more formal areas of open space. New grasslands will be sown as a general-purpose meadow mixture of grasses and forbs (all herbs that are not grasses). Meadow grass mixes will comprise 20% wildflowers and 80% grasses.
- 7.37 Areas of grassland will be provided along the verges of the internal road and in public open spaces. These will be sown with a flower-rich grassland mix. Seed mixes will be obtained from local or regional sources and native to the soil type.
- 7.38 In terms of the drainage swales and SUDs features (attenuation basins), these will be maintained to provide damp habitats and dense cover of native rushes and sedges where appropriate. A dense cover of tall, tussocky grassland will also be maintained on the embankments adjacent to these waterbodies.
- 7.39 The main entrance to the site is via the vehicular access points from Heron Drive. The flat block and dwellings to be located at the roundabout on Thistle Hill Way and along Heron Drive would be set back from the road to allow for native hedgerow and tree planting providing an attractive arrival to the site.
- 7.40 SBC Tree Officer has considered the proposed planting and considers it to be a balanced scheme of new planting that has a high percentage of native planting, particularly around the site boundaries. Conditions are recommended to secure the submission of an Arboricultural Method Statement and a tree protection plan as well as details of tree pit sizes, root barriers and construction.

- 7.41 With the inclusion of the suggested conditions, the landscaping is considered acceptable and in accordance with Policies A7, CP4, CP7, DM14, DM24 and DM29 of the Local Plan and paragraph 174 of the NPPF.

#### Living Conditions

- 7.42 There are two main considerations in terms of living conditions, firstly the impact of the proposed development on neighbours, and secondly, the living conditions which would be created for the future occupants of the development itself. Policy DM14 of the Local Plan and paragraph 130(f) of the NPPF relates to the provision and protection of these amenities.

#### Living Conditions of Future Occupiers

- 7.43 The proposed dwellings include house types that are similar or are of the same design as the dwellings approved for Parcel G, therefore they are of similar size. All house types have been drawn to show adequate space for furnishings within each unit as well as private amenity space.
- 7.44 The layout of the development provides sufficient separation between the proposed dwellings within the site to ensure adequate levels of privacy, daylight, sunlight and outlook.
- 7.45 For the dwellings, refuse storage would be accommodated out of sight within the rear garden areas and enclosed bin storage areas provided for the flats. The layout has been designed to allow for direct external access from the rear to the front of each dwelling to enable the refuse to be moved to kerbside collection points on refuse collection days without the need to travel internally through the dwelling and the bin stores for the flats located to allow direct access from the street for refuse collection operatives.

#### Living Conditions of Neighbouring Occupiers

- 7.46 The closest existing residential dwellings to the proposal are those located in Lapwing Close where proposed plots 122 to 134 to the northeastern side of the site back onto the properties at Lapwing Close. The closest relationship in this area between these existing dwellings and the proposal is approx. 19.4m with a rear elevation to side elevation arrangement. This is considered to be sufficient as a separation distance to ensure adequate privacy. This separation distance would also include a hedgerow of 3m in height and 3m in width.
- 7.47 Existing properties in Fleetwood Close and Heron Drive are located a sufficient distance away with roadways within the intervening land to ensure there would not be any detrimental impact on the living conditions of the occupiers of those properties.
- 7.48 Concerns have been raised with regard to the impact of headlights from vehicles entering and exiting the development from the access onto Heron Drive. The light from vehicle headlamps within the urban setting is not considered to be any more harmful than existing street lighting. It is not expected that there would be significant waiting times of vehicles at the access points into the development and it is not an unusual arrangement for there to be road junctions opposite houses. Many examples can be found within the locality.
- 7.49 The proposal is considered acceptable in terms of amenity both for the future occupiers and the occupiers of existing nearby residential properties. The proposal is in accordance with Policy DM14(8) of the Local Plan and paragraph 130(f) of the NPPF.



### Ecology

- 7.50 The information submitted as part of this application has been considered by KCC Ecological Service.
- 7.51 It is noted that when compared to the outline application the proposals submitted with this application demonstrate that the area of open/green space is largely unchanged and the boundaries of the site all have hedgerows and/or grassland to benefit biodiversity.
- 7.52 The submitted ecological impact assessment is considered sufficient in terms of the provision of, and the ability to carry out appropriate ecological mitigation. However, condition 27 of the outline planning permission (SW/13/1455) requires updated ecological scoping surveys and species specific surveys to be carried out prior to site clearance and condition 28 requires these surveys to inform a detailed ecological mitigation strategy to be submitted, also prior to any site clearance. As such it is advised that updated reptile and water vole surveys are undertaken pursuant to these conditions.
- 7.53 The reptile surveys should be carried out within the development site and the receptor site to ensure that the receptor site can still support the reptile population as surveys were last carried out in 2017. If the surveys demonstrate that the receptor site will not support the translocated reptile population a new receptor site will have to be identified within the information to be submitted pursuant to condition 28 of the outline planning permission (which requires the submission of an ecological mitigation strategy).
- 7.54 The submitted ecological impact assessment report has detailed the following enhancements will be implemented: Planting and enhancement of existing hedgerows, rough grassland creation, attenuation pond designed to benefit water voles, 80 bird boxes either integrated or attached to the dwellings and 20 bat boxes. In addition, the landscape and ecological maintenance plan has detailed that 4 log piles will be created within the site.
- 7.55 The landscaping plans demonstrate that the habitat creation will be carried out. However, there are no plans to show the locations of the bird and bat boxes. In addition to bat and bird boxes insect bricks/houses are also recommended to be located within the site to improve the opportunities for species.
- 7.56 Whilst it is considered there is sufficient ecological information submitted to determine this application, the details to be submitted pursuant to condition 28 of the outline planning permission (requirement for an ecological mitigation strategy) should include a plan showing the locations of the ecological enhancements to be incorporated into the buildings and the open space within the site.
- 7.57 In terms of management of the site, it is noted that a Landscape and Ecological Maintenance Plan and a Landscape and Ecological Management Plan has been submitted with this reserved matters application. KCC Ecological Service has compared the two documents stating that they appear to be largely aligned but there should only be one management plan for the site. It is recommended that there only be one management document.
- 7.58 Condition 29 of the outline planning permission (SW/13/1455) requires the submission of a Landscape and Ecological Management and Monitoring Plan (LEMMP) for each phase. This condition is still to be discharged for this site as it requires the LEMMP to be submitted prior

to the occupation of the first dwelling in each phase. KCC Ecological Service recommend that the LEMMP to submitted pursuant to condition 29 of the outline planning permission for this development site should form the overall management plan for the site.

- 7.59 The LEMMP should also include how the open space areas that are adjacent to access roads will be protected and retained against potential damage by cars parking along the edges of them.
- 7.60 The details submitted as part of this application are acceptable. It is considered the proposal can be implemented without detrimental harm to ecology in accordance with Policies A7, CP7, DM14 and DM28 of the Local Plan and paragraph 174 of the NPPF.

#### Flooding and Drainage

- 7.61 A Flood Risk Assessment has been submitted as part of the application and has been considered by KCC Flood and Water Management Officers. KCC Flood and Water Management Officers considered further information was required which was requested and subsequently submitted. This further information was considered by KCC Flood and Water Management Officers to be sufficient to ensure that the layout as proposed is reasonable and that the size of the attenuation was sufficient to prevent flooding.
- 7.62 The site is within the Internal Drainage District (IDD) of the Lower Medway Internal Drainage Board (IDB). An in-principle agreement (dated October 2010) was made with the IDB for the discharge of surface water at a total rate of 7l/s/ha from the whole site.
- 7.63 The watercourse along the southwest boundary of the site is an IDB adopted watercourse and is known as 'watercourse no.3a, the Scrapsgate Drain.' The Board has permissive powers to undertake maintenance along its length and they currently maintain it annually.
- 7.64 The minutes from a meeting held on 12/03/2020 that included participants from KCC, the IDB and the developer, stated that 8m would remain clear of fixtures, fittings and trees. Any planting is ill-advised as it likely to be damaged during the undertaking of such works. Initially, the IDB had concerns regarding access for maintenance as it appeared no route had been considered that could accommodate an excavator from the public highway. The safeguarding of future maintenance of this watercourse is necessary particularly as it is the means of surface water disposal for the site and the route for exceedance flows.
- 7.65 The applicant was asked to address the concerns of the IDB and further information was submitted. The IDB were able to confirm their satisfaction with the proposals for safeguarding access for maintenance to the byelaw margin as shown in Jones Homes drawing 1432/BD/SK3.
- 7.66 Separate consent is required from the IDB for some works to the ditches and for the proposed discharge. An informative will be included to highlight this.
- 7.67 The information submitted as part of this application is acceptable and the proposal is in accordance with Policy A7, DM14 and DM21 of the Local Plan and paragraphs 162, 167 and 169 of the NPPF and satisfies conditions 20 (reserved matters application shall show a strip of min.8m at Scrapsgate Drain), 21 (assessment of drainage ditches to be submitted with reserved matters application) and 24 (detailed drainage scheme to be submitted with reserved matters application) of the outline planning permission.

### Archaeology

- 7.68 The impact on archaeology has been considered as part of the outline planning application. Condition 26 of the outline planning permission (SW/13/1455) prevents development taking place until the implementation of archaeological field evaluation works, along with a timetable and specification which is to be agreed has been secured. Following the evaluation, safeguarding measures of preservation or further investigation and recording in accordance with a specification and timetable to be agreed is also required prior to any development taking place.
- 7.69 With the need for compliance with condition 26 of the outline planning permission, no objection is raised in this regard and the proposal is in accordance with Policy DM34 of the Local Plan and paragraphs 197, 201, 202 and 205 of the NPPF.

### Highways

- 7.70 The application has been granted planning permission (SW/13/1455), therefore the impact of the development on the existing strategic and local highway network has already been considered acceptable. KCC Highways & Transportation have considered the reserved matters application and raise no objection with regard to the proposed accesses with Heron Drive.

### Parking

- 7.71 The form of parking and its provision meets Swale Borough Council's adopted standards. Initially concerns were raised with regard to the siting and distribution of visitor parking within the site. The proposal has been revised so that where visitor parking was located amongst allocated spaces these have been relocated/ or demarcated to ensure they are clearly available for visitors. In addition to this, as a whole, the distribution of visitor bays has been reconsidered and where visitor spaces were sparse around the eastern section of the development, further bays have been provided. It was recommended that an additional visitor space was added to the plots that have rear parking to prevent parking on the footway/verge directly in front of the properties. This has now been provided.
- 7.72 As originally submitted, it was noted that plots 90, 91, 92, 137, 138, 174, 175, 180, 181, had 2 allocated spaces, however there was a distance of approx. 3.5m in front of these and so it was considered likely that this would encourage parking for a third vehicle which would overhang the footway. It was recommended that the space be reduced. The applicant took the comments on-board and the proposal has been revised to ensure this space has been reduced preventing the ability to park an overhanging third vehicle.
- 7.73 It was also noted that the soft landscaping immediately alongside some parking spaces (plots 10,80, 164, 194) would present difficulties for people accessing the vehicles, as it would restrict the doors from being opened wide enough. It was recommended that either wider parking spaces be provided to account for the physical obstruction, or different soft landscaping is provided at these locations. The proposal has been revised showing the spaces for these plots widened from 2.5m to 2.7m for better accessibility.
- 7.74 The Transport Technical Note confirms that each dwelling is to be provided with an electric charging point which complies with the Council's adopted 'Parking' SPD. Should reserved

matters consent be granted, a condition is recommended to ensure the type of electric vehicle chargers for homeowners meet the Office for Low Emission Vehicles Homecharge Scheme (or any subsequent equivalent).

7.75 In terms of provision for cycling, a condition is recommended to require implementation of the cycle storage arrangements for the dwellings.

7.76 To further reduce the reliance of the use of the private motor vehicle, the Active Travel Officer has suggested it would be helpful to see a specific Travel Plan for the site to include the following actions:

- Free Bikeability Sessions (including ebikes)
- Low cost ebike cycle hire onsite
- Access to interest free Annual Season Ticket loans – bus & train
- Funded Liftshare subgroup
- Promotion of the Kent Connected App
- Distribution of the Explore Sheppey Map

7.77 A condition is recommended to require the submission of a Travel Plan.

#### Highway Layout

7.78 The revisions also included amendments to the footpaths. The applicant was advised that the shared surface areas did not need a footway, but the footways accessing it from the spine road should be continuous. It was advised that this is best achieved using a vehicle crossover type access instead of a bell-mouth junction, in order to best communicate the pedestrian priority, low speed environment. It was also advised that a raised table crossing should be provided at each of the accesses to shared surface sections in order to also serve as traffic management measures and that the junction between dwellings 16-28 should be amended to meet this requirement.

7.79 The revised drawings show that the suggested amendments have been made to the footpath provisions and the footpaths have been removed from areas which are intended to be shared areas. In addition, traffic management measures in the way of raised table crossings have been provided to facilitate pedestrian priority and a low-speed environment in accordance with the advice provided.

7.80 A plan was requested showing the areas to be proposed for adoption and advising that a suitable extent would include the spine road and the shared surface access roads, but not the shared private driveway areas.

7.81 The applicant provided the requested plan showing the extent of the development that will be offered to the Highway Authority for adoption. It confirmed that the roads, footways, and service margins will be offered to KCC for adoption. The main spine road has been designed in accordance with the Kent Design Guide offering 5.5m carriageway widths and 2m footways and where it is proposed to be adopted the minor access roads and linking roads are a carriageway width of 4.3m.

- 7.82 Vehicle tracking drawings and information have been submitted which are considered to address previous concerns raised regarding the ability for a refuse freighter to manoeuvre.
- 7.83 Conditions are suggested regarding construction traffic management, parking provision and retention, provision of electric vehicle charging points, cycle parking and visibility splays.
- 7.84 In relation to public rights of way (PROW), whilst there are no PROWs passing directly through the development site. Public Footpath ZS9, passes along the southwestern boundary of site along the watercourse.
- 7.85 As part of the outline planning permission (SW/13/1455), a Section 106 financial contribution was secured for upgrading public footpath ZS9, in preparation for the expected increase in use arising from the Harps Farm development. The contribution is required to be paid upon occupation of 50% of the dwellings within this phase of development. The proposals show a pedestrian connection from the site to the south eastern end of PROW ZS9. The s106 contribution will allow for the PROW to cross Thistle Hill Way. As this crossing is outside of the site and that a s106 contribution has been secured for KCC to deliver it, it is not for the developer to provide further details for the works outside of the site boundary.
- 7.86 With KCC Highways & Transportation raising no objection and the inclusion of the suggested conditions, the proposal is in accordance with Policies CP2, DM6 and DM7 of the Local Plan, Swale Borough Council Parking Standards and paragraphs 110, 111 and 112 of the NPPF.

#### Other Matters

- 7.87 The principle of development and the impact of the proposal on infrastructure was considered acceptable when outline planning permission granted. As such, issues of loss of open space, and the principle impact on drainage and ecology have already been addressed. Where these matters have required further details to be submitted they have been provided and no objection is raised by the relevant statutory consultees.
- 7.88 In terms of the impact on services, again this was considered and addressed as part of the outline planning application and is covered by the s106 that accompanies the outline planning permission. The s106 secured contributions towards: highways works, primary education, NHS healthcare, SPA mitigation, youth services, social care, public footpath improvements, open space provision, off-site sports provision, play equipment, libraries and community learning.
- 7.89 With regard to the impact on the Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations), it was concluded that subject to mitigation, there will be no adverse effect on the integrity of the SPA.

## **8. CONCLUSION**

- 8.1 The proposal has been revised to ensure all concerns raised by statutory consultees have been addressed. The proposal is considered to make an effective contribution in meeting the need for homes on a site allocated for residential development and which benefits from outline planning permission, whilst safeguarding the environment and biodiversity as well as

being sympathetic to local character and the living conditions of the existing and future occupiers.

- 8.2 The scheme under this current proposal is considered to be acceptable and would comply with Policies A7, CP2, CP3, CP4, CP7, DM6, DM7, DM8, DM14, DM19, , DM21, DM24, DM28, DM29 and DM34 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017; Swale Borough Council Parking Standards, 2020; paragraphs 110, 111, 112, 126, 130, 154, 162, 167, 169, 174, 197, 201, 202 and 205 of the National Planning Policy Framework 2021; and the ‘Thistle Hill, Minster Development Brief April 2009, Revised November 2009’.

## 9. RECOMMENDATION

GRANT Subject to the following conditions:

### CONDITIONS to include

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 10 August 2022

5989-LLB-XX-XX-DR-Ab-0001 Rev P01	Tree Survey Plan
BS.01.pe Rev A	Flat Block A – Bin Store Plans and Elevations
CS.01.pe Rev A	Flat Block A – Cycle Store Plans and Elevations
CBS.01.pe. Rev A	Flat Block B – Cycle and Bin Store Plans and Elevations
HT.BIRCH.pe Rev A	Birch – Plans and Elevations
HT.BIRCH-A.pe Rev A	Birch, Variation A – Plans and Elevations
HT.HOLF.pe Rev A	Holford – Plans and Elevations
HT.HOLF-A-1.pe Rev A	Holford, Variation A, Option 1 – Plans and Elevations
HT.HOLF-A-2.pe Rev A	Holford, Variation A, Option 2 – Plans and Elevations
HT.HUXL-A.pe Rev A	Huxley, Variation A – Plans and Elevations
HT.HUXL-C-1.pe Rev A	Huxley, Variation C, Option 1 – Plans and Elevations
HT.HUXL-C-2.pe Rev A	Huxley, Variation C, Option 2 – Plans and Elevations
HT.HUXL-C-3.pe Rev A	Huxley, Variation C, Option 3 – Plans and Elevations
H.T.LANG-END-1.pe Rev A	Langley, End of Terrace, Option 1 – Plans and Elevations
H.T.LANG-END-2.pe Rev A	Langley, End of Terrace, Option 2 – Plans and Elevations
H.T.LANG-END-3.pe Rev A	Langley, End of Terrace, Option 3 – Plans and Elevations
H.T.LANG-END-4.pe Rev A	Langley, End of Terrace, Option 4 – Plans and Elevations
HT.MAR-MID.pe Rev A	Marion, Mid-Terrace – Plans and Elevations
HT.SHUR-END 1.pe Rev A	Shurland, End of Terrace, Option 1 – Plans and Elevations
HT.SHUR-END 2.pe Rev A	Shurland, End of Terrace, Option 2 – Plans and Elevations

HT.SHUR-END 3.pe Rev A	Shurland, End of Terrace, Option 3 – Plans and Elevations
HT.SHUR-END 4.pe Rev A	Shurland, End of Terrace, Option 4 – Plans and Elevations
HT.WAL-END-1.pe Rev A	Walnut, End of Terrace, Option 1 – Plans and Elevations
HT.WAL-END-2.pe Rev A	Walnut, End of Terrace, Option 2 – Plans and Elevations
P.1-11.pe Rev A	Flat Block A and Chelsea, Plots 1-11 – Plans and Elevations
P.94097.e Rev A	Plots 94-97 – Elevations
P.94-97.p Rev A	Plots 94-97 – Plans
SUB.01.pe Rev A	Substation – Plans and Elevations

Received 25 August 2022

FB.B.pe Rev B	Flat Block B – Plans and Elevations
HT.LANG-END-A.pe Rev B	Langley, End of Terrace, Variation A – Plans and Elevations
HT.MAR-END.pe Rev B	Marton, End of Terrace – Plans and Elevations
PL.01 Rev A	Phasing Layout

Received 18 November 2022

LP01 Rev B	Site Location Plan
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Received 6 April 2023

15727/20 Rev E	Engineering Layout 1	
15727/21 Rev E	Engineering Layout 2	
15727/22 Rev E	Engineering Layout 3	
15727/23 Rev E	Engineering Layout 4	
12727/24 Rev E	Engineering Layout 5	
15727_25 Rev C	Typical Drainage Details 1	
15727_26 Rev C	Typical Drainage Details 2	
15727_27 Rev A	Typical Drainage Details 3	
D3119-FAB-00-XX-DR-L-3000 PL05	Detailed Planting Schedule and Planting Specification	
D3119-FAB-00-XX-DR-L-3001 PL04	Detailed Soft Landscape Arrangement Sheet 1 of 7	General
D3119-FAB-00-XX-DR-L-3002 PL04	Detailed Soft Landscape Arrangement Sheet 2 of 7	General
D3119-FAB-00-XX-DR-L-3003 PL04	Detailed Soft Landscape Arrangement Plan Sheet 3 of 7	General
D3119-FAB-00-XX-DR-L-3004 PL05	Detailed Soft Landscape Arrangement Plan Sheet 4 of 7	General
D3119-FAB-00-XX-DR-L-3005 PL05	Detailed Soft Landscape Arrangement Plan Sheet 5 of 7	General
D3119-FAB-00-XX-DR-L-3006 PL04	Detailed Soft Landscape Arrangement Plan Sheet 6 of 7	General
D3119-FAB-00-XX-DR-L-3007 PL04	Detailed Soft Landscape Arrangement Plan Sheet 7 of 7	General
D3119-FAB-00-XX-DR-L-1000 PL05	Illustrative Colour Masterplan	
GAR.01.pe Rev B	Single Garage – Plans and Elevations	

GAR.02.pe Rev C	Twin Garage – Plans and Elevations
CP.01.pe Rev A	Single Carport – Plans and Elevations
JONE191026 SE.01 Rev C	Street Scene Elevations 1 of 2
JONE191026 SE.02 Rev C	Street Scene Elevations 2 of 2
16265-T-01 Rev P2	Swept Path Analysis - Refuse
16265-T-02 Rev P2	Swept Path Analysis – Pantechicon
16265-T-03 Rev P2	Swept Path Analysis – Fire Tender
16265-T-04 Rev P2	Swept Path Analysis – Estate Car
16265-H-01 Rev P2	Visibility Splays

Received 20 April 2023

JONE191026-CSL.01 Rev C	Coloured Site Layout Plan
JONE191026-SL.01 Rev C	Site Layout Plan
JONE191026-DBML01 Rev B	Dwelling and Boundary Material Layout
JONE191026-RCL.01 Rev C	Refuse Collection Layout
1432-DRA-001 Rev A	Impermeable Area Plan

Received 11 May 2023

1432.BD.SK3 Rev A	IDM Mark Up Plan
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Received 24 May 2023

1432.S38-001 Rev E	s38 Plan
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Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 No development including site clearance and demolition shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the Local Planning Authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan that details appropriate protective fencing around the existing trees and hedges to be retained together with areas designated for new landscaping.

Reason: Requirement prior to commencement of development to protect existing trees in the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 3 No development above ground floor slab level shall take place until details of hard landscaping to be used across the site and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be maintained thereafter.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 4 No development above ground floor slab level shall take place until details of root barriers and soil volumes for any tree planted within a roadside verge and a timetable for



implementation has been submitted to and approved in writing by the Local Planning Authority. The tree planting within the roadside verges shall be implemented in accordance with the approved details and maintained thereafter.

Reason: In the interest of ensuring the establishment of trees in accordance with Policy DM29 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 5 No development above ground floor slab level shall take place until an updated Energy & Sustainability Statement that addresses how the development incorporates carbon reduction and energy efficiency measures and measures to reduce water consumption has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the development delivers energy efficiency measures to address climate change in accordance with Policies DM19 and DM21 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 6 No dwelling shall be occupied until pedestrian visibility splays of 2metres x 2metres behind the footway on both sides of each access with no obstructions over 0.6m above footway level have been provided. The vision splays shall thereafter be maintained in accordance with the measurements set out in this condition.

Reason: In the interests of highway safety and in compliance with Policy DM6 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 7 Each dwelling shall not be occupied until an electric vehicle charger for that dwelling has been provided. Electric vehicle chargers for homeowners within the development herein approved must be to Mode 3 standard (providing a minimum of 7kw) and SMART (enabling Wi-Fi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>.

Reason: In the interests of sustainability in accordance with paragraph 112e of National Planning Policy Framework 2021.

- 8 Each dwelling shall not be occupied until covered cycle storage arrangements for that dwelling have been provided. All covered cycle storage arrangements shall thereafter be retained.

Reason: To provide cycle storage facilities of an appropriate design and in a safe and secure location in accordance with Policy DM7 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 9 Each dwelling shall not be occupied until refuse storage arrangements for that dwelling, including provision for the storage of recyclable materials, have been provided. All refuse storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 10 Each dwelling shall not be occupied until the boundary treatment for that dwelling has been provided in accordance with drawing number DBML.01 Rev B. The boundary treatment shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 11 Prior to the installation of the Local Area of Play (LAP) full details of the surfacing, equipment and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The LAP shall be implemented in accordance with the approved details prior to the occupation of the 150th dwelling.

Reason: To ensure the provision of recreational facilities in accordance with Policy DM17 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 12 Prior to the first occupation of the 100th dwelling, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out methods and details for promoting alternative sustainable modes of transport to the private motor vehicle. The Travel Plan shall be implemented in accordance with the approved details.

Reason: To promote sustainable transport in accordance with Policy CP2 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

## INFORMATIVES

### Building Regulations

- 1 The applicant is reminded that this permission relates to planning permission only and does not constitute approval under any other legislation including Building Regulations. To obtain advice on current Building Regulations the applicant should contact the South Thames Gateway Building Control Partnership at Foord Annex, Eastgate House, High Street, Rochester, Kent ME1 1EW.

### KCC Highways

- 2 It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
- 3 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.
- 4 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.
- 5 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.
- 6 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.

- 7 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.
- 8 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-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.
- 9 Approved electric charger models for homeowners are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:  
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

#### KCC PROW

- 10 KCC PROW advise that
- No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority
  - There must be no disturbance of the surface of the Public Rights of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
  - No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Rights of Way.
  - Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Rights of Way at any time without the express permission of the Highway Authority.
  - No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, six weeks' notice is required to process this.

#### Southern Water

- 11 Please note: No new soakaways should be located within 5 metres of a public or adoptable gravity sewers. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).  
Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at:  
[SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)
- 12 "A Guide to Tree Planting near water Mains and Sewers" provides guidance with regards to any landscaping proposals and Southern Water's restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

([southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf](http://southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf)) and the Sewerage Sector Guidance ([water.org.uk/sewerage-sector-guidance-approved-documents/](http://water.org.uk/sewerage-sector-guidance-approved-documents/))

#### Lower Medway Internal Drainage Board

- 13 Separate consent is required from the Lower Medway Internal Drainage Board (IDB) for some works to the ditches and for the proposed discharge. A copy of the Lower Medway IDB's Byelaws can be accessed on the Board's website (<http://www.medwayidb.co.uk/consents/byelaws/>). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy (available at [https://lowermedwayidb.co.uk/wp-content/uploads/2023/03/WMA Table of Charges and Fees.pdf](https://lowermedwayidb.co.uk/wp-content/uploads/2023/03/WMA%20Table%20of%20Charges%20and%20Fees.pdf))

#### Environmental Protection

- 14 As the development involves construction the applicant is advised to take account of the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected. This can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>

#### Southern Gas Networks

- 15 Please visit [ww.sgn.co.uk/Safety/Dig-safely/](http://ww.sgn.co.uk/Safety/Dig-safely/) for safety information and links to [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk), where you can register for SGN's online service and view their gas pipe locations. Works should be carried out in accordance with HSG47 'Avoiding Danger from Underground Service' and SGN's 'Dig Safely' document.
- All safety information that has/or will be provided to you as part of your [www.Linesearchbeforeudig.co.uk](http://www.Linesearchbeforeudig.co.uk) enquiry.
  - If you encounter any unrecorded plant on site please contact us.

If you have any questions about plant location online service, please contact us on 0800 912 1722 or if you have any system queries contact Linesearch on 08454377365.

#### Supporting Information and Documents

- 16 This planning decision also takes account of the following submitted information: Application form, Cover Letter reference MB/RD/16258 (dated 4 August 2022), Design and Access Statement (dated July 2022), Energy & Sustainability Statement reference 11240-WCL-ZZ-ZZ-RP-ST-0001 Revision 2 (dated 22 July 2022), Arboricultural Report reference 5989-LLB-ZZ-ZZ-RP-AB-0001 Revision P01 (dated 05/01/22), Drainage Ditch Assessment, reference 3/M-1432/000008 (dated 01/12/21), Written Scheme of Investigation for an Archaeological Evaluation, reference DAS 0036-22 (dated July 2022), Ecological Impact Assessment and Mitigation Strategy reference 5989-LLB-RP-EC-0001 (dated 07/02/2022), Landscape and Ecological Management Plan reference 5989-LLB-RP-EC-0002 (dated 07/02/2022), Landscape Design Risk Assessment reference D3119\_FAB-00\_XX\_RR\_L\_0001 Revision 02 (dated 02.02.2022) and SUDs Maintenance Schedule reference 15727 (dated February 2022) received 10 August 2022; Transport Technical Note (dated August 2022) received 22 August 2022; Planning Statement reference MB/RD/16258 (dated August 2022) received 25 August 2022; Cover Letter reference MB/RD/16258, (dated 6 April 2023), Landscape Maintenance and Management Specification, reference D3119\_FAB\_00\_XX\_SP\_L\_0001 revision PL03 (dated March 2023), Flood Risk Assessment and Drainage Assessment, reference 15727 Rev B (Dated March 2023), Minutes of Meeting re: Designing Out Crime 10:00, (dated 31 May 2022), Storm Sewer Design Criteria (dated 24/02/2023) and drawing number D3119-FAB-00-XX-

DR-L-1000 PL02 – Illustrative masterplan received 6 April 2023; Cover Letter reference MB/RD/16258 (dated 20 April 2023) received 20 April 2023; and Response to Highways Comments reference SM/JM/16265 (dated 23 May 2023) received 24 May 2023.

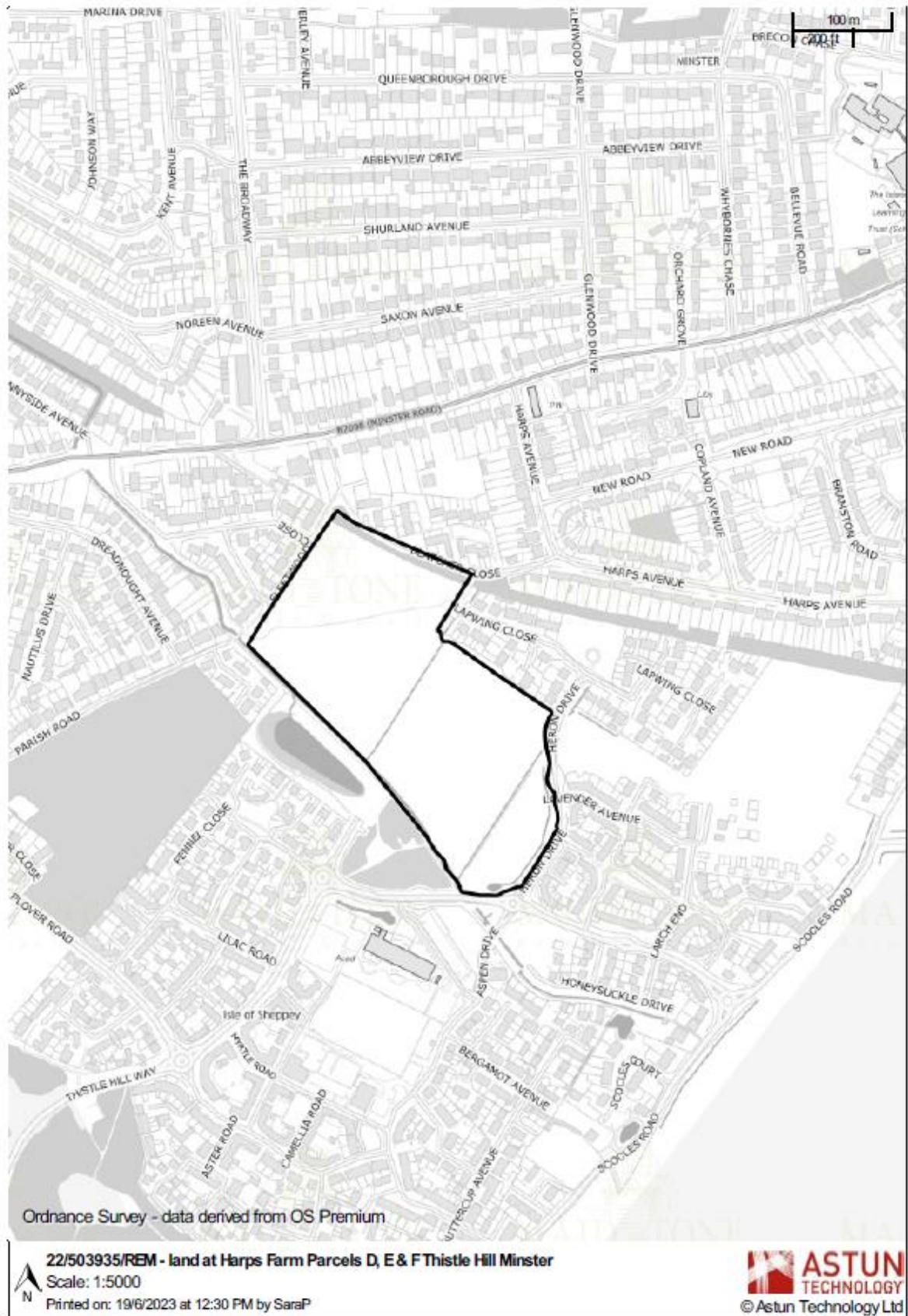
### **The Council's approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



<b>2.2 REFERENCE NO – 20/500015/OUT</b>		
<b>APPLICATION PROPOSAL</b>		
Outline application for the development of up to 180 dwellings with associated infrastructure including internal access roads, footpaths, cycleways, parking, open space and landscaping, drainage, utilities, and service infrastructure works (All matters reserved except Access).		
<b>ADDRESS</b> Land at Abbeyfields Faversham		
<b>RECOMMENDATION</b> Grant subject to conditions and Section 106 agreement with delegated authority to amend the wording of the s106 agreement and of conditions as may reasonably be required.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
The proposed development would provide additional housing both market and 35% affordable adjacent to the settlement boundary of Faversham, a 2 <sup>nd</sup> Tier Settlement as defined in the Bearing Fruits 2031: The Swale Borough Local Plan 2017. Due to the Council's lack of 5-year housing supply, the tilted balance in accord with the National Planning Policy Framework applies. The harm would not significantly or demonstrably outweigh the benefits of the proposal		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
Faversham Town Council Objection		
<b>WARD</b> Abbey	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> New Homes and Land <b>AGENT</b> JB Planning
<b>DECISION DUE DATE</b> 20.05.2021	<b>PUBLICITY EXPIRY DATE</b> 07.02.2020	<b>CASE OFFICER</b> William Allwood

## 1. RELEVANT PLANNING HISTORY

- 1.1 None at this site but the site adjoins and once formed part of a much larger area of land that received outline planning permission in 1992 for a business and leisure campus, including a golf course. In 1996 this permission was renewed, and reserved matters approvals were also granted in the same year for the access road and phases 1 and 2 of the development. In 1996 outline planning permission was granted for the construction of 100 dwellings on land to the east of the application site which previously formed part of the area that received permission for the business and leisure campus.

## 2. EXECUTIVE SUMMARY

- 2.1 The proposal is an Outline application for the development of up to 180 dwellings and all necessary supporting infrastructure including internal access roads, footpaths, cycleways and parking, open space and landscaping, drainage, utilities, and service infrastructure works. All detailed matters are reserved for subsequent approval except for access to Abbey Fields.
- 2.2 It is considered that the proposals would not cause substantial harm to landscape character or heritage interests locally.
- 2.3 The S106 Agreement for SAMMS contributions and infrastructure costs will mitigate against the impact of the proposals on key services.

- 2.4 In terms of sustainable development, there would be clear positive social impacts through the provision of housing and affordable housing, and positive economic benefits through the delivery of commercial development and jobs.
- 2.5 The land falls outside the settlement area boundary and would not normally be supported under policy ST3. On this basis, there is acknowledges conflict with the development plan. However, this Policy is deemed to be out of date for the reasons as set out in paragraphs 9.10 onwards within this Report, such that the settlement boundaries are deemed to be out of date by virtue of the Council not being able to demonstrate a five year supply of deliverable housing sites and application of footnote 8 of the Framework. The conflict with Policy ST3 is therefore given limited weight. Furthermore, as the Local Plan is more than five years old and has not been reviewed, the housing requirement calculated using the standard method is currently some 39% higher than that indicated in the Local Plan. On that basis, as this increased requirement could not be accommodated within the 2017 settlement boundaries, those boundaries are also substantively out of date. It follows that the boundaries will therefore need to be applied flexibly. As the Borough still has not achieved a 5-year housing land supply the 'tilted balance' (NPPF Para 11d footnote 8) applies.
- 2.7 The size of the scheme at 180 units is useful in terms of the 5 Year Housing Land Supply. Getting the Borough back above 5 years would be a major achievement; placing it back in control over schemes not complying with the local plan. The ability of this towards regaining a 5-year housing land supply counts strongly in favour of the scheme in the planning balance.
- 2.8 The scheme is in conformity with national policy and the harm identified, including non-compliance with the settlement strategy within the local plan, would not significantly or demonstrably outweigh the benefits of the development, and therefore it is recommended that planning permission be granted subject to conditions and the completion of a Section 106 agreement.

### **3. DESCRIPTION OF SITE**

- 3.1 The application site is located adjacent to Abbey Fields, towards the eastern edge of Faversham. It comprises an agricultural field, with an undulating topography, and boundaries defined by low scrub, hedgerows and scattered trees.
- 3.2 The site is bounded to the south by residential properties on Abbots Road, to the west by residential and commercial properties on Abbey Fields, to the north by further residential, commercial properties and a solar farm, and to the east by existing ponds and mature vegetation. The total area covered by the site boundary extends to 13.08 hectares.
- 3.3 The site is crossed by an informal footpath in a north-south direction toward the western boundary. This informal route connects to a public footpath which runs adjacent to the southern boundary between the boundary and the back gardens of houses along Abbots Road to the south of the site. This public footpath continues west where it offers a direct route to services in the town centre.



3.4 The site is well located given that it is located within an 8 minute (0.4 miles) walk of Tesco and within a 15 minute (0.7 miles) walk of the town centre and Faversham train station, where high speed services are available to London St Pancras International and London Victoria stations. There are also bus stops within a 5 minute (0.3 miles) walk of the site, providing services to numerous local centres.

#### **4. PROPOSAL**

4.1 The proposed development comprises a mix of uses including residential, a community building and open space and recreation.

4.2 The scheme will deliver a mix of up to 180 new homes across a range of house types, sizes, and tenures, including a provision for affordable housing. This will include housing for sale across a range of prices, with affordable housing to rent and shared equity/ownership units. The applicant has advised that the rationale for the structure of the proposed layout aims to set a clear approach to the hierarchy of streets and spaces based on a strong, outward facing block structure, with clear differentiation of public and private spaces, and a flexibility which will allow it to develop and evolve over time. The emphasis is on a strong central main street from which lead a series of looped lanes and mews streets, mimicking the historic core of Faversham and facilitating practical phasing of the development.

4.3 The illustrative masterplan provides pedestrian paths and alleyways providing connections within the development and connectivity to the existing pedestrian network and surrounding countryside. Wherever possible, a combination of perimeter block structure, street layout and pedestrian links create an ease and choice of movement by foot and by cycle. It is a structure that has been designed to adapt to changing demands and housing needs over time without eroding the essence of place.

4.4 A new community building is proposed within the development. The size and detail of the building to be determined at Reserved Matters application stage.

4.5 The proposal will provide a range of public open spaces throughout the scheme, accessible and suitable for all ages and abilities. There will be provision for children's play spaces, informal amenity spaces for walking and general recreational activities. These will maintain existing landscape features wherever possible and provide attractive and safe pedestrian links through the site. The proposals will also include several sustainable measures such as Sustainable Urban Drainage System (SUDS).

4.6 Further, the Travel Plan shall as a minimum include:

1. Measures for promoting sustainable modes of travel to residents of the development
2. Arrangements for monitoring and reviewing the Travel Plan's objectives
3. Appointment of a Travel Plan Co-Ordinator
4. Travel Information Packs for the first occupiers of each completed dwelling
5. Measures for disseminating updated sustainable travel information and Travel Plan updates to residents for the duration of the Travel Plan's lifetime.

## PLANNING CONSTRAINTS

Potential archaeological importance  
Environment Agency Flood Zones 2 & 3

## 5. POLICY AND CONSIDERATIONS

### 5.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017 Policies:

<b>ST 1</b>	Delivering sustainable development in Swale
<b>ST 2</b>	Development targets for jobs and homes 2014- 2031
<b>ST 3</b>	The Swale settlement strategy
<b>ST 7</b>	The Faversham Area and Kent Downs strategy
<b>CP 1</b>	Building a strong, competitive economy
<b>CP 2</b>	Promoting sustainable transport
<b>CP 3</b>	Delivering a wide choice of high-quality homes
<b>CP 4</b>	Requiring good design
<b>CP 5</b>	Health and wellbeing
<b>CP 6</b>	Community facilities and services to meet local needs
<b>CP 7</b>	Conserving and enhancing the natural environment – providing for green infrastructure
<b>CP 8</b>	Conserving and enhancing the historic environment
<b>DM 6</b>	Managing transport demand and impact
<b>DM 7</b>	Vehicle parking
<b>DM 8</b>	Affordable Housing
<b>DM 14</b>	General development criteria
<b>DM 17</b>	Open space sports and recreation provision
<b>DM 19</b>	Sustainable design and construction
<b>DM 20</b>	Renewable and low carbon energy
<b>DM 21</b>	Water, flooding, and drainage
<b>DM 24</b>	Landscape
<b>DM 26</b>	Rural lanes
<b>DM 28</b>	Biodiversity and geological conservation
<b>DM 29</b>	Woodlands and Trees
<b>DM 31</b>	Agricultural Land
<b>DM 32</b>	Development involving listed buildings
<b>DM 34</b>	Scheduled monuments and archaeological sites

### 5.2 Kent Minerals and Waste Local Plan 2013-30.

**Policy DM 8:** Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities

### 5.3 Faversham Neighbourhood Plan

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

Faversham Neighbourhood Plan require limited consideration in respect to this application:

<b>FAV2:</b>	Housing Development
<b>FAV3:</b>	Residential Mix and Standards
<b>FAV4:</b>	Mobility and Sustainable Transport
<b>FAV5:</b>	Critical Road Junctions
<b>FAV6:</b>	Footpaths, Bridleways and Cycleways
<b>FAV7:</b>	Natural Environment and Landscape
<b>FAV8:</b>	Flooding and Surface Water
<b>FAV9:</b>	Air Quality
<b>FAV10:</b>	Sustainable Design and Character
<b>FAV11:</b>	Heritage
<b>FAV12:</b>	Health, Recreation and Community
<b>FAV13:</b>	Local Green Space
<b>FAV14:</b>	Local Renewable Energy Schemes

#### 5.4 Supplementary Planning Documents:

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

## 6. LOCAL REPRESENTATIONS

6.1 115 letters were posted to residents on the original submission and the amended schemes. Additionally, the application was advertised in the local press and site notices posted. To date, a total of 190 objections have been received on all rounds of consultation. All concerns raised are summarised below: -

- Foul water treatment capacity and surface water flooding
- Parking/access
- Traffic and parking congestion
- Construction traffic concerns
- Inadequate provision for cyclist and pedestrians
- Minerals safeguarding
- Loss of prime agricultural land
- Heritage impacts
- Impact on neighbouring amenity – overlooking
- Lack of affordable housing and poor tenure mix
- Lack of community infrastructure – schools/new roads and health facilities
- Site levels/earth bund around sports pitches
- Poor landscape strategy/BNG
- Inadequate greenspace provision
- Impact on wildlife habitat/loss of trees
- Poor air quality/generate traffic pollution
- Carbon emissions from new development – not net-zero housing
- Conflict with SBC climate emergency

- Lack of EV charging points

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

## 6.2 Faversham Town Council (FTC)

Objection. Initial consultation in full below.

- 1) This site is not designated for development in the Local Plan.
- 2) This land is grade 2/3 agricultural land and in accordance with Local Plan should not be built on until all other options have been excluded.
- 3) Abbeyfields is a Private Street and not suitable for the additional traffic that would be generated during construction/occupation.
- 4) The junction on the Whitstable Road is already dangerous and not suitable for additional car movements.
- 5) The site is in close proximity to the RAMSAR and SSSI sites and provides a buffer zone. If this site as built on dog walkers etc. would be pushed further into these sites.
- 6) The area is prone to flooding.

FTC further response in April 2022 to the amended scheme maintains the objection and raises the following concerns in full below.

- 1) This site is not in Bearing Fruits. The site came forward in the SHLAA process for the emerging local plan and was rejected at that stage. The site was not submitted in the call for sites for the Neighbourhood Plan.
- 2) The Town Council wishes to reiterate the comment made by CPRE concerning the five-year house supply. The appeal judgment (APP/V2255/W/15/3135521) concerning Norton Ash prior to the adoption of the current plan, showed that the absence of the five-year supply of sites is not over-riding. Para 59 of the appeal decision states in the context of the serious shortfall in housing land supply the relevant policies for the supply of housing are not up to date. Nevertheless, progress being made towards improving the housing land supply position the Borough as part of the emerging development plan, and the settlement strategy of this, warrant moderate weight being attached to the policies as an approach to the location of development in the Borough.

There are sites allocated in Bearing Fruit that are deliverable and will meet the required target, sites under appeal should remain in the assessment of the five-year land supply. Therefore, a lack of a five-year supply should not override all other considerations concerning this proposal.

- 3) The land is grade 2/3 agricultural land and not allocated in Bearing Fruits. (Policy DM31)
- 4) The land is open countryside and outside the built-up area of Faversham. (Policy

ST 3 (para 5)). The site is within proximity to RAMSAR and SSSI sites, providing important wildlife habitats and provides an important buffer between the town and these sites. The land is an important area for recreation within reach of Faversham. It was considered that the proposal would neither protect or enhance the intrinsic value, landscape setting, tranquillity and beauty of the countryside as set out in the policy.

- 5) On the Environment Agency flood risk map the site sits between two areas of flood risk, it should be noted that the EA also predict that a sea level rise of 1.15m by 2100. The site previously flooded in 1953. The site should therefore not be developed (Policy DM21)
- 6) The development of this site would irreparably damage the characteristic view from the northeast of Faversham. Rather than conserve and enhance the historic environment the proposal would cause unrepairable damage. (Policy ST1 (para 12)
- 7) There are already significant traffic flow problems on the Whitstable Road. The junction from Abbeyfields is dangerous and not suitable for the additional car movements that the proposed 180 dwellings would generate. Abbeyfields itself is a Private Street with historic access problems and ongoing maintenance concerns, it is not suitable for additional traffic that would be generated during construction/occupation.

FTC further response in September 2022 to the amended scheme and maintained their objection and raises the following additional concerns to those raised above.

- It was considered that the development of Abbeyfields would damage the setting of the Conservation Area and Listed Buildings within it including Abbey Barns.
- Clapgate Springs are an important ecological site close the town. The setting of which should be preserved.

Finally, FTC made comments on the application in January 2023; these comments are included as Appendix 4 in full to this Report

### 6.3 Faversham Society

The Faversham Society have made various representations to this planning application, and their comments are included in full below:

#### January 2020

The Faversham Society writes to object to JB Planning Associates Article 13 Application for Planning Permission to develop 180 dwellings, “internal access roads, footpaths, cycleways, open space and landscaping, drainage, utilities and service infrastructure works.”

We have the following major concerns:

### Access

The developer's notice in the newspaper says that "All detailed matters are reserved for subsequent approval except for access to Abbey Fields". Has this access already been agreed? Access is difficult through Abbey Fields or requiring a new bridge over the railway line. Abbey Fields is narrow and in poor condition and exits on to Whitstable Road at an already dangerous junction with poor sightlines.

### The setting of the town.

Faversham is a traditional market town set within an agricultural landscape. This setting has been lost to the south and west of the town through housing developments. FM7 lies to the north-east, from the Saxon Shore Way there are views of Faversham in its creek setting. The views across Abbey Fields to St Mary's of Charity are important to Faversham sense of place.

### Flood Risk

This area is reported to have flooded in 1953 with climate change and the plans for managed realignment the risk of flooding is heightened. The developer should not be permitted to develop housing leaving the costs of flood defences and post-flood restoration to the public purse or other householders through increased insurance changes

### Conservation.

The site is adjacent to the Conservation Area, listed buildings and part of the site is within the locally designated Abbey Fields Local Wildlife Site. It lies within the Goodnestone Grasslands landscape character area and is adjacent to the AHLV – Kent Level within the Swale and surrounding marshes, a status re-confirmed in the 2019 study.

### Landscape Sensitivity.

We dissent from the assessment of the site as "moderate-high overall sensitivity to future change from residential and employment development." In our view, the site is highly sensitive and important to Faversham identity as a historic market town at the heart of a high-value agricultural area.

### Development Constraints

In the unfortunate event that that permission is granted then all of the Guidance on page 342 of the Landscape Sensitivity Assessment on the agenda of the Local Plan Panel Meeting of 27 November, 2019 should be applied.

### May 2021

Abbey Fields abuts the east boundary of the Faversham Conservation Area. The character of the landscape immediately within the Conservation Area here is one of historically and visually significant open space (itself a rare feature within the Conservation Area as a whole). Among other things this space provides part of the

historic setting of the nationally important group of Grade II\* and Grade I listed house and barns, built for the monastic community of Faversham Abbey. The Conservation Area landscape here remains essentially medieval in origin - all of it, including the Cooksditch Stream, related to the workings of the former Abbey. This gives the area a unique special character.

Prior to the mid c19 with the arrival of the railway branch to the Creek, this agricultural land around the former Abbey site extended eastwards as further fields - Abbey Fields, once the 'Great Field' - to the horizon. Notwithstanding the narrow incursion of the railway line (now a road), this remains so today - the open agricultural land of Abbey Fields forms the east side setting of this part of the CA. Nowhere else, apart perhaps from in a small way at Standard Quay, does the historic town retain its pre-industrial, pre-C20, relationship with what was its millennial agricultural surroundings. Everywhere else in the town the link with the countryside has been severed by later developments of varying quality.

That Abbey Fields was exploited for brickearth and that scrub has grown up along the line of the old railway makes no difference to the fact that this is literally the last major place in Faversham where the historic and aesthetic relationship between the ancient town and its countryside survives, can be seen, can be experienced and understood. The urbanisation arising from the residential development of Abbey Fields will destroy the Conservation Area's last major, historic, link between town and country. It will thus severely damage the setting of the Abbey Farm buildings and of the Conservation Area and greatly reduce the potential for 'understanding' in what is left.

For these reasons the Application should be refused.

#### September 2021

The listed buildings of the Abbey Barns site is adjacent to the open fields and creek; the main abbey port lay to the east at Thorn Creek. ZF29 is a public footpath much-used by local residents and by visitors offering an appreciation of the Abbey Fields. Faversham is now all but totally encircled by modern housing estates. Abbey Fields is the last place where our historic town, designated as a Heritage Asset as a Conservation Area, abuts the open countryside and marsh which explains so much of Faversham character. The proposed development severs the link between the Conservation Area and the open historic landscape. In the Faversham Society's view this amounts to substantial harm to Faversham Heritage Assets. As is made clear in the July 2021 NPPF (201) "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss"

The applicant has not made a case strong enough to outweigh the harm.

That Historic England has not commented does not indicate approval, HE has been stripped of resources and lacks the resources necessary to respond.

JBPA conclude "Overall, the creation of much more carefully planned transition from the eastern fringe of the town to the open land beyond."

In the view of the Faversham Society JBPA here defines the substantial harm that the development would do to Favershams' sense of place and its most important green lung, the importance of which has been very evident in the context of Covid and lockdown. JBPA seem to be suggesting that less than substantial harm to the heritage assets would be caused by the development and to imply that refusal would be vexatious. We think that on the contrary substantial harm would be done.

As Montagu Evans point out in their evidence substantial harm can be caused "though development in its setting." This development would damage the setting of the Conservation Area which it abuts and would do substantial harm, meeting the high test. Montagu Evans define the test thus: "if the development is completed, will it reduce someone's ability to appreciate what is special about the asset?" YES IT WILL. The proposed development divides the Conservation Area and other Heritage Assets from the natural landscape between the Abbey, Abbey Barns and Thorn Creek which was the Abbey's port, the division diminishes the Her JBPA make several claims of public benefit. The Society disagrees.

The emerging Local Plan does not identify this as a suitable site for further housing development and the 180 houses are not required.

A "policy compliant amount of affordable" housing will not contribute to meeting housing needs which is for two-bedroom genuinely affordable starter homes, homes suitable for the elderly and those with disabilities and one-bedroom studios. Claims made by developers at Outline Planning Permission often fail to materialise when detailed plans are submitted.

There are claims made about the provision of jobs, but no guarantee that these jobs will be filled locally.

AECOM in their site assessments for the emerging Neighbourhood Plan point out that

1. Access to the site is off Abbeyfields, a relatively narrow road, part privately owned with parking on both sides and
2. It is relatively poorly located for local services so that most residents would access the town by road.
3. The site sits within an area identified as having medium to high sensitivity to new development in Landscape Sensitivity Assessment and lacks defensible boundaries along the eastern edge, and a larger site was put forward for the SHLAA, the precedent is unwelcome
4. In the Local and Neighbourhood Plan the site was not selected for development, and Swale's targets are met without any development on Abbey Fields

Similarly, the other cited "public benefits" are little more than a wish list and are not guaranteed.



They are also in many cases, undesirable.

Heritage Assets causing substantial harm.

JBPA has disregarded our previous comments, so they are repeated and amplified here.

- Nothing in the submission by the applicant negates the conclusion of our previous submission

"The facts that a) the proposed development at Abbey Fields is not necessary in order for Faversham (or Swale) to reach their respective housing quotas, b) would aggravate already serious traffic flow problems on the Whitstable Road, c) would infringe on a Local Wildlife Site which also has important amenity functions for local residents, d) has already been rejected for housing development in the emerging Local Plan, and e) would damage irreparably the characteristic view from the northeast of Faversham as a historic port town, mean that this application must be rejected."

The residents survey of 2020 saw a significant number of respondents wishing to see the preservation of the town with as many as 65% of respondents wanting to preserve as much as possible. The industrial heritage of the town and its proximity to the marshes and the countryside were referred to as providing the character and "lungs" of the town, respectively. This development site is adjacent to the Conservation Area and listed buildings at the Abbey Barns and, if built out, would damage views of the town from an historical landscape perspective.

The site lies north of the existing built-up area of the town and as a field with casual path across it, public footpath along it, hedges, and pond forms part of the 'accessible countryside' for this part of Faversham. It is used as a habitat by a variety of wildlife including bats and warblers because of the hedges and pond. As well as this, it is actively used for agriculture and is within the scale of Best and Most Versatile Land with part grade 2 and part grade 3a. The development of this land would result in the permanent loss of agricultural land as well as an area of accessible countryside valued by local people.

An extra 180 houses in this location does not "enhance the intrinsic value, tranquility and beauty of the countryside" around Faversham. (Section 5 of Policy ST3 of the adopted Local Plan) Both CPRE and the Faversham Society believe the area to have high landscape sensitivity in contradiction to the assessment of the site having "moderate-high sensitivity to future change from residential and employment development," believing it to be important to Faversham identity as an historic market town at the heart of a high-value agricultural area.

The spring at Clapgate is one of a series along this stretch of the coast that emerge where the chalk of the North Downs meets the impermeable clay formations of the Thames Estuary. The stream that flows from Clapgate down through Thorn Creek and into Faversham Creek is therefore considered a chalk stream, which is one of the most endangered habitats in the world.

Any possible run-off from the new development, even under storm conditions, must therefore be avoided because it would cause unnecessary damage to the chalk stream

ecosystem. See the attached letter from the Environment Minister, Rebecca Pow, about the Westbrook and the priority accorded by the government to chalk stream conservation, which may have some quotable phrases re: EA regulations, etc.

The "at least 10% biodiversity net gain" proposed by the developers should be increased to "at least 20%" in line with the draft Local Plan. The site is currently used for arable agriculture so they're starting from a very low baseline in terms of species biodiversity. The hedgerows along the margins of the site are almost certainly the most important wildlife habitat and should be retained at all costs. The site is a hunting ground for barn owls. The eastern end of the site, adjacent to the spring and pool at Clapgate, is part of a Local Wildlife Site that is particularly valued for its amenity value by ramblers, dog walkers, birdwatchers, etc., heading out into the countryside east of Faversham. The pool is a breeding site for waterbirds and important habitat for water voles and Critically Endangered European eels. The adjacent reed beds harbour grasshopper warblers (endangered in Kent according to the Red Data Book).

We reiterate our previous submission, which remains valid.

"The proposed development is on a prominent site north of the town visible from long distances. Although set above a steep bank, it forms part of a continuous open area to the north of the town from Abbey Farm westwards. The raised terrain enables long views from the edge of the town to extensive wider countryside including to the Blean Ridge. The site as an open area also provides part of a wider landscape setting to the listed building complex at Abbey Farm which includes the former site of Faversham Abbey and its pond and a rare concentration of listed buildings at grade I, grade II\* and grade II. The site also provides an open setting to the edge of the Faversham Conservation Area which abuts it immediately to the west. Views into the conservation area can be obtained from many parts of the site including to Faversham Parish Church with its crown spire. The views across and through the site would be reduced and constrained by the proposed housing."

The site was rejected in the SHLAA process for the Local Plan currently being prepared. Again, we emphasise our previous submission, which remains valid. Our objection "is partly because of its poor access which remains a major issue because the road is narrow, poorly maintained and a privately owned. The applicant also owns land close by, also agricultural land of similar agricultural land classification and with only the same access. The development of the present area of land could set a precedent for development of other nearby land which would be of at least as great harm to the setting of the Faversham conservation area."

"Abbey Fields abuts the east boundary of the Faversham Conservation Area. The character of the landscape immediately within the Conservation Area here is one of historically and visually significant open space (itself a rare feature within the Conservation Area as a whole). Among other things this space provides part of the historic setting of the nationally important group of Grade II\* and Grade I listed house and barns, built for the monastic community of Faversham Abbey. The Conservation Area landscape here remains essentially medieval in origin - all of it, including the Cooksditch Stream, related to the workings of the former Abbey. This gives the area a unique special character.

Prior to the mid c19 with the arrival of the railway branch to the Creek, this agricultural land around the former Abbey site extended eastwards as further fields - Abbey Fields, once the 'Great Field' - to the horizon. Notwithstanding the narrow incursion of the railway line (now a road), this remains so today - the open agricultural land of Abbey Fields forms the east side setting of this part of the CA. Nowhere else, apart perhaps from in a small way at Standard Quay, does the historic town retain its pre-industrial, pre-C20, relationship with what was its millennial agricultural surroundings.

Everywhere else in the town the link with the countryside has been severed by later developments of varying quality. That Abbey Fields was exploited for brick earth and that scrub has grown up along the line of the old railway makes no difference to the fact that this is literally the last major place in Faversham where the historic and aesthetic relationship between the ancient town and its countryside survives, can be seen, can be experienced, and understood. The urbanisation arising from the residential development of Abbey Fields will destroy the Conservation Area's last major, historic, link between town and country. It will thus severely damage the setting of the Abbey Farm buildings and of the Conservation Area and greatly reduce the potential for 'understanding' in what is left."

November 2021 – Extensive comments included as **Appendix 1** to this Report

April 2023 - Extensive comments included as **Appendix 2** to this Report

- 6.4 CPRE Swale District Committee - Extensive comments included as **Appendix 3** to this Report

## 7.0 CONSULTATIONS

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

- 7.2 Environmental Health

### Contamination

I have been in recent contact with Henry Lang (contaminated land consultant for the applicant) who sent me a remediation strategy for the site, which I have accepted. A final closure/validation report is now necessary to discharge the outstanding contaminated land condition

### Air Quality

I was contacted by an AQ consultant on 20th February with sufficient information to reassure my initial concerns. A copy of this conversation is already in the possession of the planning officer so does not need repetition here. I therefore withdraw my initial objections regarding air quality.

## Noise

The noise consultant sent me a proposed methodology for carrying out an acoustic survey which I did not disagree with. This assessment describes the survey which was carried out in February 2020. It is a competent report which uses the latest noise/planning guidance (ProPG). The author concludes that there is no reason why planning permission could not be granted for this proposal.

Three monitoring positions are described to cover tanker and rail noise. The noise monitoring results show exceedances which require mitigation measures, described in some detail, but not much concerning ventilation.

I do not necessarily disagree with this conclusion, but like some other reports I see, it relies on windows being kept closed with 'hit and miss' trickle ventilation for compliance with BS 8233, which I think is not the most appropriate way of resolving this type of issue without further clarification of the type of ventilation to be used. It also states that windows could/should be opened for purge ventilation.

It states that further details should be provided at a later design stage. A condition is therefore necessary below to be imposed for final reassurance.

- 7.3 KCC Minerals: no minerals or waste management capacity safeguarding objections
- 7.4 Swale Affordable Housing Manager: the scheme proposes to deliver up to 180 homes, and a 40% (rural) affordable housing provision is required to provide up to 72 affordable homes. In line with the Written Ministerial Statement (WMS) of 24 May 2021 and National Planning Policy Guidance (NPPG 2021) a minimum 25% of the affordable housing units should be provided as First Homes, with the remaining homes delivered in line with the NPPG that states: "Once a minimum of 25% of First Homes has been accounted for, social rent should be delivered in the same percentage as set out in the local plan". The Council's adopted Local Plan (7.3) requires a tenure split of 10% intermediate housing with 90% affordable/social rented housing. This now means that when taking into account the 25% First Homes requirement, the remaining 75% should be secured as social rented homes.
- There is a large and increasing need for affordable homes across the whole borough, including Faversham with homelessness and the use of temporary accommodation increasing and far outweighing new supply and existing provision of all types of affordable housing. Swale's Housing Register demonstrates a need for all types and sizes of accommodation for those in housing need in the Faversham area including older persons housing and adapted homes.
- 7.5 National Highways: no objection, subject to a contribution being paid to the Council to a future improvement of M2 Junction 7 in lieu of direct works.
- 7.6 Swale Footpath Group: please note proximity of footpath ZF 29. The privacy and security of houses built near PRowS and the legal status of open spaces need to be addressed at the planning stage. ZF 29 is a very useful footpath leading out of Faversham to the countryside to the east.

- 7.7 Historic England: do not wish to offer any comments. Suggest the Council seek the views of its specialist conservation and archaeological advisers, as relevant.
- 7.8 Kent Police: no objection subject to condition securing Secured by Design principles.
- 7.9 Environment Agency: no objection subject to conditions to secure the implementation of a remediation strategy to address pockets of contaminated land.
- 7.10 KCC Public Rights of Way: welcome the intention to improve the environment of Public Footpath ZF29 which runs along the southern boundary of the development site. Requests amends to the application drawings to show additional links onto ZF29 from the development and to show the route of ZF36, which connects to ZF29, as the route will benefit new and existing residents of the wider area for accessing the proposed Abbeyfields Park (the proposed parameter plan has since been amended to address this request).

Requests conditions requiring submission of a management plan to ensure cohesion and quality of works within the proposed Greenway Corridor alongside ZF29 and a S106 contribution of £34,545 for the purposes of improving the surface and environment of Public Rights of Way in the vicinity of the development site.

- 7.11 KCC Economic Development: no objection subject to Section 106 contributions towards primary education, secondary education, community learning, the youth service, the library service, social care and waste being secured to mitigate impact.
- 7.12 Lower Medway Internal Drainage Board: no objection. Recommends conditions requiring a detail surface water drainage scheme based on SuDS principles and a maintenance schedule for SuDS features.
- 7.13 Southern Water: no objection subject to a condition requiring details of the proposed means of foul and surface water sewage.
- 7.14 KCC Ecological Advice Service: are satisfied that, as the site continues to be an actively managed arable field, the advice provided in September 2020 is still valid. This raised no objection subject to conditions requiring a biodiversity method statement (informed by appropriate updated ecological surveys), an ecological design strategy, a landscape & ecological management plan, sensitive lighting plan and a Section 106 obligation regarding the management of the Local Wildlife Site.
- 7.15 KCC Flood and Drainage: no objection subject to conditions requiring a detailed surface water drainage strategy and a verification report.
- 7.16 KCC Highways: no objection subject to conditions regarding construction logistics, preventing the disposal of surface water and mud onto the highway, cycle parking, completion of the access, provision and maintenance of visibility splays, and details and completion of the internal street network. Section 106 obligations are also requested relating to the maintenance of Abbeyfields (between the site access and Whitstable Road) and contributions towards sustainable transport in order to deliver projects identified in Swale Borough Council's Walking and Cycling Strategy.

- 7.17 Network Rail: is seeking a financial contribution from this development towards the closure of Chambers footpath crossing and provision of an alternative means of crossing the railway. Officer Comment: The applicant has advised that the proposed development is likely to increase daily movements across the railway line by 1 movement. Therefore the Local Planning Authority agree with the applicant that this request is unreasonable given the low additional movements.
- 7.18 Natural England: no objection subject to a condition securing a detailed CEMP and an appropriate financial contribution being secured to mitigate against the potential recreational impacts of the development on the coastal Special Protection Area(s) and Ramsar Site(s). Natural England also advises that it is a matter for the Council to decide whether an appropriate assessment of this proposal is required, and it should be consulted on any appropriate assessment that the Council may decide to make.
- 7.19 SBC Tree Officer

From an arboricultural perspective, the submitted arb survey details shown within the Landscape Collectives tree survey dated December 2019 appears to give a fair assessment of the tree stock currently growing on the site. Being an agricultural field, the principal vegetation is located around the site boundaries, particularly along the south where it adjoins a public right of way. Located around the periphery of the proposed development area, the trees and hedges are not likely to be much of an arboricultural constraint, provided any finalised layout considers their presence and suitable tree protection measures are submitted within any full application in accordance with the recommendations of BS5837:2012.

With regards to potential landscaping of the site, the indicative layout as shown on the Landscape Strategy Plan 02 Rev B, dated 19/12/2019 by the Landscape Collective, would appear to provide a reasonable transition from the countryside to the edge of the development. Again, I would expect to see full landscape plans submitted with any detailed planning submission, with the aim to improve ecology/biodiversity of the site with the use of suitable native species that are in keeping with the landscape charter of the area.

7.20 SBC Conservation and Design Manager

Following inputs from myself, Alison Peters and the Faversham Society, the applicant has made several changes to the indicative details forming the submission, including an updated/revised Heritage Statement and Design & Access Statement.

The key points from my earlier advice note (provided in the form of an earlier addendum) are highlighted in yellow for your ease of reference.

I consider that the applicant has responded positively to those highlighted points, although some level of heritage harm (within the spectrum of NPPF framed 'less than substantial harm') would still be applicable.

My view is that with the changes shown in the amended details, that the level of harm would be towards the lower end of 'less than substantial', and it will therefore be a matter for you to weigh that against the public benefits of the proposed development.

Whilst I have some sympathy with the updated view expressed by the Faversham Society in relation to this application, I stand by my earlier view that less than substantial harm is the correct level of heritage harm to be applied in this case, and you will note that this is the position maintained by the applicant's heritage consultant.

The comments made by Dr Chris Miele (heritage consultant) on behalf of the applicant (in his letter of 17/10/22) are telling and as stated previously, notwithstanding the historical spatial relationship between the medieval abbey and its associated farm (with the surviving, listed barn range), I share the view that it is not possible to make and sustain a substantial harm case in the circumstances that apply here.

Conversely, it is arguably the case that the proposed landscaping of the application site with associated proposed enhanced (heritage related) viewpoints combined with heritage interpretation information will lead to a greater understanding of the historical relationship between the abbey site, the surviving barns and the land to the north and east of the abbey site forming its historic, wider agricultural setting.

If you are minded on balance to recommend approval of this application, I would strongly recommend the imposition of a planning condition requiring the applicant to submit a Design Code submission ahead of the reserved matters application. The Design Code submission should be required to broadly conform with the guidance set out in the national model design code (see: <https://www.gov.uk/government/publications/national-model-design-code> ) with the principles therein relating to cultural heritage given particular focus to maximise the opportunities to better reveal existing heritage interest in the locality and utilise this in terms of adding to the potential place-making qualities of the proposed development.

#### 7.21 SBC Greenspaces Manager

The application identifies significant open space buffer areas to the west and north, with a large area to the east that includes existing ponds for a stated total of 8.03ha. It is also indicated that a local equipped area for play is included within the proposal.

Amenity and semi natural open space is well catered for and will provide both urban facilities for residents and the setting of the development. It will also potentially maintain and enhance biodiversity value and net gain if habitat enhancements can be incorporated. The Council will seek to ensure that hard and soft landscaping is appropriate and of sufficient quality. No formal sports provision or facilities have been indicated within the proposal although it is recognised that the level of open space exceeds requirements. As such we would seek a contribution to enhancing off-site facilities within Faversham at a level of £593 per dwelling as identified in the Swale Open Spaces and Play Strategy to increase capacity of facilities within Faversham.

## 8. APPRAISAL

### Principle of Development

- 8.1 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.

- 8.2 Paragraph 10 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social, and environmental and to achieve sustainable gains these should be sought jointly and simultaneously through the planning system.
- 8.3 The mechanism for applying the presumption in favour of sustainable development is set out in paragraph 11 and states that for decision-taking this means:
- “c) approving development proposals that accord with the Development Plan without delay; and,*
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,*
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 8.4 Assessing the development against the development plan and specifically policies ST1, ST2 and ST3 of the Local Plan, this identifies Faversham as a 2<sup>nd</sup> Tier Settlement and has a role where.... *Most services and job opportunities. Fair to good quality transport options. Smaller towns with a secondary focus for housing, retail, employment and other developments and concentration of principal or satellite public services and facilities. Likely to be acting as centres for their home and surrounding populations and close to other nearby smaller urban centres.*
- 8.5 When considering the Bearing Fruits Local Plan, the Inspector imposed a five-year period for reviewing the Plan, to ensure that it remained up to date and commensurate with national policy. That period has passed, and the plan is therefore ‘out of date’.
- 8.6 Furthermore, the Council can only demonstrate a 4.83-year supply of housing and as such cannot demonstrate a 5-year supply.
- 8.7 In accordance with footnote 8 to paragraph 11 of the NPPF, its relevant policies for the supply of housing cannot be considered up-to-date, and the ‘Tilted Balance’ should apply to decision making.
- 8.8 Rather in situations where the Development Plan policies have failed to secure a sufficient housing, the NPPF seeks to ensure that the ‘presumption in favour of sustainable development’ is duly applied. Only if the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, should planning permission should be refused. It is clear from the status of Faversham as a 2<sup>nd</sup> tier settlement, as identified within Policy ST 3 of the Local Plan, that this development is appropriate for the status of the settlement.
- 8.9 The lack of a five-year housing land supply, and the fact that the Local Plan is out of date carries significant weights in favour of supporting the principle of the development, subject to other relevant planning considerations discussed in detail below.



- 8.10 The proposals map for Faversham identifies the defined built-up area boundaries. The appeal site lies adjacent to but wholly outside of this settlement boundary. The proposal is therefore in conflict with these development plan policies. However, there are several factors that reduce the weight to be given to that conflict, as follows.
- 8.11 The settlement boundaries are deemed to be out of date by virtue of the Council not being able to demonstrate a five-year supply of deliverable housing sites and application of footnote 8 of the Framework. Furthermore, as the Local Plan is more than five years old and has not been reviewed, the housing requirement calculated using the standard method is currently some 39% higher than that indicated in the Local Plan. On that basis, as this increased requirement could not be accommodated within the 2017 settlement boundaries, those boundaries are also substantively out of date. It follows that the boundaries will therefore need to be applied flexibly.

#### Loss of Agricultural Land

- 8.12 Policy DM 31 of Swale Local Plan indicates that development on agricultural land will only be permitted where there is an overriding need that cannot be met on land within the built-up area boundaries. The policy indicates that development on Best and Most Versatile agricultural land (specifically Grade 1, 2, and 3a which is referred to as best and most versatile land – BMV) will not be permitted unless three criteria have been met. The site comprises 31% Grade 2 and 69% Grade 3a agricultural land.
- 8.13 Whilst the loss of Best and Most Versatile agricultural land is regrettable, it is considered that on balance that the proposals are acceptable in relation to the loss of agricultural land, setting aside the provisions of Policy DM31 of the Local Plan and paragraph 174 b) of the NPPF in that regard.

#### Landscape/Visual Impact

- 8.14 Policy CP 7 of the Local Plan states that the Council will work with partners and developers to ensure the protection, enhancement, and delivery, as appropriate, of the Swale natural assets and green infrastructure network. These include strengthening green infrastructure and biodiversity.
- 8.15 Policy DM 24 of the Local Plan states that the value, character, amenity, and tranquillity of the Boroughs landscapes will be protected, enhanced, and, where appropriate, managed. The policy is split into parts with Part B applying to this site.
- 8.16 The application site is not located within either a national, Kent or local land designation.
- 8.17 Part B of Policy DM 24 relates to non-designated landscapes. It states that non-designated landscapes will be protected and enhanced, and planning permission will be granted subject to;
1. The minimisation and mitigation of adverse landscape impacts,

2. When significant adverse impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character and value of the area.

- 8.18 The site, which is broadly rectangular in shape, comprises a single parcel of land, the majority of which is currently agricultural and under arable production. The site is located on the north-eastern edge of Faversham. The eastern part of the site consists of a watercourse that appears as two ponds set amongst grassland and scrub. The site's northern boundary is defined along its eastern section by relatively new tree and shrub planting associated with the Abbey Fields Solar Farm located immediately adjacent to the site. The solar farm itself is enclosed by a tall deer style post and mesh fence. The central part of the northern boundary is open and extends into the adjoining agricultural field to the north. The western section runs parallel to the Abbey Fields Lane. Some dense scrubby vegetation separates the field from the lane at this point.
- 8.19 The eastern boundary of the site is defined by a belt of vegetation. The southern site boundary is defined by trees and shrubs and runs parallel to a surfaced public right of way; the latter separates the gardens of properties in Abbots Road from the site. The western site boundary is contained by Abbey Field's Lane. The boundary reaches the edge of the carriageway and is defined by a belt of scrubby vegetation that sits on an embankment rising up the from the road.
- 8.20 Topographically the site appears generally level across much of its area, but the profile undulates. A low point is reached in the eastern point of the site close to the water's edge of the two ponds at approximately 2 metres Above Ordnance Datum (AOD) before the land rises eastward again to approximately 9 metres AOD. In the north-west corner of the site the field edge is approximately 7 metres AOD and there is an approximately 2-metre-high embankment that slopes down to Abbey Fields Lane. A noticeable ridge is present on the southern part of the site at approximately 10 metres AOD at its crest. The ridge is a feature that leaves approximately a third of the site to the east and two thirds to the west.
- 8.21 Historically the site has been subject to the excavation of brickearth. The ridgeline appears to represent an unexcavated strip of land where much of the site to the west of the ridge comprises a manmade profile.
- 8.22 The site is not subject to any statutory or non-statutory landscape protection designation. The site is currently private. A public right of way (ZF29) runs parallel to the southern site boundary. The Faversham Conservation Area is located to west and north-west of the site.
- 8.23 Two informal paths pass across the site: one connecting between Arden Road to the south and Abbey Fields to the north and the other running around the eastern and north-eastern perimeter of the site before heading northwards along the edge of the solar farm.
- 8.24 The application is supported by a Landscape Visual Impact Assessment (LVIA) and advises the following:

At the National Level, the application site is located on the boundary of 2no. National Character Area (NCA), being NCA 113 North Kent Plain, with the following key characteristics:

- “An open, low, and gently undulating landscape, characterised by high quality, fertile, loamy soils dominated by agricultural land uses. in deposits over chalk.
- Large arable/horticultural fields with regular patterns and rectangular shapes predominating, and a sparse hedgerow pattern.
- Orchards and horticultural crops characterise central and eastern areas and are often enclosed by poplar or alder shelterbelts and scattered small woodlands.
- Large settlements and urban infrastructure (including lines of pylons) are often visually dominant in the landscape, with significant development around Greater London and the Medway Towns, as well as around towns further east and along the coast. Major rail and road links connect the towns with London.”The northern NCA covering the site is NCA 81 Greater Thames Estuary, with the following key characteristics:
  - “Predominantly flat, low-lying coastal landscape where extensive open spaces are dominated by the sky, and the pervasive presence of water and numerous coastal estuaries extend the maritime influence far inland.
  - Geological contrast and variety along the coastline provided by Sheppey, a long, low island rising from a stretch of very flat marsh along the Swale Estuary in Kent with low, steep clay cliffs facing towards Essex, and Mersea Island in the Blackwater Estuary in Essex.
  - Open grazing pastures patterned by a network of ancient and modern reed-fringed drainage ditches and dykes, numerous creeks and few hedges or fences, with tree cover a rarity.
  - Traditional unimproved wet pasture grazed with sheep and cattle combined with extensive drained and ploughed arable land protected from floods by sea walls, with some areas of more mixed agriculture on higher ground.

8.25 At the county level, the published landscape character assessment is The Landscape Assessment of Kent - October 2004. In the context of this document, the site is located within the Eastern Fruit Belt landscape character area. The key characteristics of the landscape are given as:

- “Rural character, sense of remoteness and privacy.
- Enclosed and diverse.
- Strong woodland blocks.
- Orchards and hops, shelterbelts. Large pockets of open farmland. Undulating landform.”

8.26 At the Borough level, Within the Swale Landscape Character and Biodiversity Appraisal – Supplementary Planning Document (2011), the site is located within the Goodnestone Grasslands landscape character area. The key characteristics of the area are given as:

- “Area of drained alluvial grazing marsh
- Slightly elevated land to north and south containing more fertile soils
- Natural meandering and straight man-made drainage ditches
- Tranquil unspoilt landscape with limited access
- High ecological value
- Limited areas of mature woodland
- Typical riparian vegetation of reed filled ditches and scattered groups of poplar and alder
- Few buildings and no public highways
- Railway embankments provide additional wildlife corridor
- Grade I and II listed barns at Abbey Farm, which is also a Scheduled Monument.”

8.27 In October 2019 LUC carried out a Swale Landscape Sensitivity Study for Swale Borough Council, to provide an assessment of the landscape sensitivity of the main settlement edges within Swale Borough. The site at Abbeyfields is identified as Faversham Area FM7.

8.28 This Study confirms that the area is not subject to any landscape designations (national or local). The assessment provides the following criterion:

- Topography and scale - The landform is broadly flat, being in close proximity to the marshland and tidal creek leading from Faversham out to the Swale.
- Natural character - Priority Habitat coastal and floodplain grazing marsh is identified within this area, although it is evident that some of this has been lost in recent years to arable, and a solar farm has also been constructed in the east of the area. Elsewhere, natural features are limited to some remnant hedgerows, species rich ditches and pools, and areas of scrub.
- Sense of time depth / historic character - There is limited historic character and time-depth within this discrete landscape area; although the north-western edge (comprising an arable field) lies within the much more extensive Faversham Conservation Area, which incorporates the whole View south-east from Abbey Fields towards the wooded high ground of the Blean View north-west from footpath behind Abbots Road of the historic town core and tidal creek area further to the west.
- Visual character - This is a predominantly flat, open area allowing for long uninterrupted views (and intervisibility) north over the AHLV and east towards the Blean, including pylon routes on the skyline further north, although these are

sufficiently distant to not be intrusive. The recently constructed solar farm, with immature boundary screening, is prominent in some views.

- Perceptual and experiential qualities - Despite its proximity to Faversham, this is a largely tranquil area undisturbed by significant vehicular traffic due to very limited access.
- Character and setting of settlement - The adjacent settlement edge of Faversham comprises modern 20th century housing around Abbots Road and Abbey Fields, with mature rear gardens. The landscape area provides a setting to these properties. To the west of Abbey Fields, beyond the landscape area is a more historic part of Faversham, which includes some surviving buildings of Faversham Abbey (Grade II\*) and historic buildings further away along the main creek. The landscape area is not considered to form a prominent part of the backdrop to this area, due to the flat landform and presence of some intervening vegetation screening.

8.29 In conclusion, the Landscape Sensitivity Assessment advises that whilst the inherent sensitivity of these flat, open arable fields is relatively low, they are visually prominent in views from the edge of Faversham as well as from the wider landscape beyond, including the marshland and creeks within the Kent Level Area of High Landscape Value. Part of the area also falls within the Faversham Conservation Area and consequently is of importance to the historic character and setting of the town as well as being part of Abbey Fields LWS, linking to the marshes. These attributes indicate a moderate-high overall sensitivity to future change from residential and employment development.

8.30 In August 2020, Hill-Wood & Co (Kent) Ltd., Chartered Landscape Architects carried out an appraisal of the applicants Landscape and Visual Assessment on behalf of Swale Borough Council.

8.31 Hill-Wood & Co. concluded the following:

- With the proposed development in place, the magnitude of change on the site is assessed as high. With a medium sensitivity and a high magnitude of change it is assessed that the proposals will have a major effect on the character of the site.
- At year 1 it is considered that the nature of the effect would be adverse. Thereafter, it is considered that with the sympathetic remediation and remodelling of the site topography, the retention of the retained existing key landscape characteristics of watercourse and vegetation substantially unaltered and,
- the establishment of new tree, hedgerow and shrub planting that will become increasingly mature plus,
- the provision of new publicly accessible space and increased ecology
- the nature of the effect on the site from year 10 of the operational phase and beyond will diminish to moderate and will become increasingly beneficial over time as the landscape framework in which the proposals will continue to mature

8.32 The Swale BC Tree Officer has no objection to the scheme, subject to landscaping conditions on replacement hedging, and arboricultural method statement and tree protection to be secure by condition. In addition, the Tree Officer would expect to see full landscape plans submitted with any detailed planning submission, with the aim to improve ecology/biodiversity of the site with the use of suitable native species that are in keeping with the landscape charter of the area. Further, the submitted Parameter Plan indicates significant land retained for green infrastructure to the north, east and west of the site. As such, and based on the above, it is considered that the proposals would not cause substantial harm to landscape character and are therefore in accordance with the requirements of Policies ST7, CP4, CP7, DM24 and DM29 of the Local Plan, emerging Policy FAV7 of the Faversham Neighbourhood Reg 14 Draft Plan, as well as the NPPF, in so far as they have regard to matters of landscape visual impact.

#### Design/Layout

8.33 Policy CP 4 of the Local Plan requires all developments to achieve high quality design, appropriate to its surroundings, that creates attractive places, promotes, and reinforces local distinctiveness and strengthens sense of places.

8.34 Policy ST 7 seeks to provide housing in locations where the role and character of the Faversham area is maintained / enhanced and where the character, appearance and setting of the towns heritage assets are protected and enhanced.

8.35 Policy CP7 seeks to ensure that development comes forward in a manner that conserves and where possible enhances the Borough's natural environment. Policy DM24 looks to restrict development where it would have a negative impact on valued landscapes. Policy DM29 provides protection for existing woodlands, trees, and hedges.

8.36 The Government at paragraph 130 (a) – (d) of the revised NPPF attach great importance to the design of built development. It goes on to advise that planning decisions should ensure that development will function well and add quality of the overall area; not just for the short term but over the life time of a development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the built environment and landscape setting, while not discouraging appropriate innovation and change (such as increased densities); establish or maintain a strong sense of place, using the arrangements of streets, space, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

8.37 The National Design Guide illustrates how well-designed places that are beautiful, enduring, and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

8.38 The proposal has previously been the subject of detailed urban design consultation between Swale BC and the applicant, although as this is an outline application, matters relating to scale, layout and appearance would be subject to further and full assessment under a reserved matters application. .

- 8.39 A Site Parameter Plan has been submitted to set out the broad parameters under which the detailed reserved matters would follow. The location of the access would be fixed under the outline permission, and access to the site would be from the west off Abbeyfields, as the principal highway corridor, with an emergency/ pedestrian only access to the south off Abbeyfields. The plan also indicates the existing Public Rights of Way to the south of the site, to the north of Abbots Road, with potential pedestrian connection points.
- 8.40 In terms of the location and scale of the proposed housing, the Parameter Plan indicates an area of housing running east – west within the heart of the scheme, which is indicated to be up to 3 storey (12m maximum) to ridge. Extending out from the centre, the Parameter Plan indicates up to 2 and a half storey dwellings (11 metres to ridge), with two storey dwellings (maximum of 9 metres to ridge) at the edges of the residential area.
- 8.41 The proposal would provide large areas of open space around the peripheral parts of the site, particularly to the north, east and west, to allow landscaping and public areas within the site. The proposal has included natural play equipment within the open space to provide enhanced interaction with the space. SUDs ponds and wildlife areas would also add to the variety of the landscaping
- 8.42 Kent Police have responded without objection but have asked for a Secured by Design condition to ensure that the Reserved Matters application is accompanied by sufficient detail. This is a reasonable request, and one that will ensure the scheme meets the policy requirements in this regard.
- 8.43 As a result, it is considered that the proposals meet the requirements of Policies ST7, CP4, and DM14, emerging Policies FAV2 and FAV10 of the Faversham Neighbourhood Reg 14 Draft Plan, as well as the NPPF, in so far as they have regard to matters of layout, design and character.

#### Heritage

- 8.44 The Council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 8.45 Policy DM 33 of the Local Plan sets out the policy background for the protection, preservation, and enhancement of listed buildings. Policy DM 34 does likewise for archaeological sites. Policy CP 8 of the Local Plan seeks to ensure that developments will sustain and enhance the significance of designated and non-designated heritage assets
- 8.46 Policy DM 33 of the Local Plan states that development affecting the setting of, or views into and out of a Conservation Area, will preserve or enhance all features that contribute positively to the area's special character or appearance.

- 8.47 The applicant has provided a Heritage Statement within the application pack. The assessment identifies the relevant assets and provides the relevant descriptions of the assets in accord with the requirements of the National Planning Policy Framework. The application site is not subject to any designated heritage buildings and is not within the Faversham Conservation Area, albeit it is adjacent to part of the eastern border of the Faversham Conservation area and close to several other buildings which are designated heritage assets including a Scheduled Monument. The site forms part of the green, open character of land located to the north and north-east of the conservation area. Historically the site was used for brick fields and there are also tramways and trackways associated with the brickworks within the site boundary.
- 8.48 The Swale BC Conservation Manager has advised that he shares the view with the applicants Heritage Consultant that it is not possible to make and sustain a substantial harm case in the circumstances that apply here. Conversely, it is arguably the case that the proposed landscaping of the application site with associated proposed enhanced (heritage related) viewpoints combined with heritage interpretation information will lead to a greater understanding of the historical relationship between the abbey site, the surviving barns, and the land to the north and east of the abbey site forming its historic, wider agricultural setting. Further, the Conservation Manager advises that if the Local Planning Authority was minded on balance to recommended approval, in accordance with paragraph 202 of the NPPF, then a Design Code submission condition should be required to conform with the national model design guide.
- 8.49 The KCC Archaeologist notes that the area has potential for archaeological remains, being close to the site of the Faversham Abbey, a Roman Villa and Iron Age site, as well as the site of a possible Roman building in the field to the west of the site, and recorded prehistoric and Romano-British remains in and around the site itself. Given the archaeological potential of the area, the KCC Archaeologist advises that a condition to secure archaeological evaluation and mitigation would be appropriate. This is recommended in the proposed conditions list.
- 8.50 As such it is considered that the statutory test in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is met, and the proposal complies with Policies DM 32, DM 33, DM 34 and CP 8 of the adopted Local Plan, together emerging Policy FAV11 of the Faversham Neighbourhood Reg 14 Draft Plan, and relevant paragraphs of the NPPF.

#### Living conditions

- 8.51 Policy DM 14 of the Local Plan provided general development criteria and requires that development does not result in significant harm to amenity. Paragraph 130 f) of the NPPF states that decisions should ensure high standards of amenity for existing and future users.
- 8.52 Whilst this application is in outline only, the submitted Parameter Plans indicate that there would be sufficient separation between existing dwellings at Abbeyfields to the south and west, and Abbots Road. As a rule, 21m separation distance between dwellings (normally back-to-back) is considered sufficient to prevent a significant loss



of amenity relating to daylight/sunlight, visual intrusion to outlook and privacy. The distance is not applied to dwellings facing each other across a street. The closest existing residential development is located to the west of the site at Buttermere, and the proposals would not result in direct overlooking of these dwellings.

- 8.53 Views are not protected under planning legislation. Overall, the proposal would not result in any harm to existing neighbouring amenity pertaining to daylight/sunlight, outlook, or privacy.
- 8.54 The proposal would see an uplift in vehicle movements regarding the residential development. However, the upturn for 180 units would not be considered so significant as to result in unacceptable noise implications to neighbouring residents.
- 8.55 The Environmental Health Officer has commented on the proposal and did not consider that a noise survey was required pre-determination but has sought acoustic ventilation details for the windows.
- 8.56 The construction period of a development is not material to the acceptability of a proposal. However, details of dust management, construction hours, and construction management plan could be secured via condition to ensure that development mitigates impacts during the construction period.
- 8.57 It is anticipated that the proposed properties would all benefit from sufficient residential amenity space. The permeability of the site for pedestrians would also allow for access around the site which would be well landscaped. Kent Country Council Rights of Way Team have requested conditions requiring submission of a management plan to ensure cohesion and quality of works within the proposed Greenway Corridor alongside ZF29 and a S106 contribution of £34,545 for the purposes of improving the surface and environment of Public Rights of Way in the vicinity of the development site.
- 8.58 Overall, the proposal ensures that the living conditions of nearby dwellings are not materially harmed. In addition to this a suitably level of amenity can be achieved for future occupiers. The scheme is considered, therefore, to meet the requirements of Policy DM14 of the Local Plan, together emerging Policy FAV3 of the Faversham Neighbourhood Reg 14 Draft Plan, and relevant paragraphs of the NPPF.

#### Highways

- 8.59 Policy DM 6 of the Local Plan seeks to manage transport demand and impact. Policy DM 7 of the Local Plan provides guidance on parking standards alongside the Swale Borough Council Parking Standards SPD.
- 8.60 Paragraph 111 of the National Planning Policy Framework states that:

*‘Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe’.*

- 8.61 Kent County Council, as the local highway authority, has advised that they are satisfied that the visibility sightlines proposed at the site access onto Abbey Fields are likely to be appropriate, given the road environment and in particular the narrowing that occurs immediately north of this access point. In addition, the proposed footway emerging from the site access has been extended southwards to run the full length of the site frontage with Abbey Fields and connect to the existing footway on the eastern side of the road. I am therefore content that the appropriate pedestrian linkage is now shown on drawing number 13621-H-01 Rev P2. This also defines the edge of the carriageway more satisfactorily and secures the visibility sightlines, so they require less maintenance to trim back vegetation.
- 8.62 Further, KCC Highways advise a swept path analysis has been provided and the emergency access amended on drawing 13621-H-01 Rev P2 to demonstrate that the fire appliance will have sufficient turning space to enable it to use the route when vehicles are parked opposite the access. This has addressed the issue that I had previously raised when noting that vehicles are often parked at this location. In addition, Highways state that the requested Road Safety Audit and Designer's Response has been provided with the Technical Note, and the applicant has responded to the items raised by the audit that identified matters of speed limit signage, drainage, road maintenance, vegetation within the sightlines and dropped kerbs. The Designer's response is accepted, noting the relevant RSA recommendations have all been agreed to except for providing dropped kerbs at the site access. I can concur that with no footway to the north of the access, there is little need to provide a crossing point for pedestrians across the proposed junction bell mouth.
- 8.63 KCC Highways have also commented on the adoption and maintenance of Abbey Fields. As advised in the Technical Note, this matter has been and still is under discussion between the applicant and KCC, and it is suggested that the technical audit of Abbey Fields has concluded that it is largely compliant with the geometric standards set out in Kent Design Guide for a Major Access Road. Whilst this may be compliant geometrically, it is considered that additional works would be required to bring the road up to a technical specification suitable for adoption by the Highway Authority, so Abbey Fields would remain a private street unless these works are carried out. Given the compliance with geometric standards, the development would be considered suitable to be served from Abbey Fields, although the Highway Authority would have limited interest in this due to the private nature of the unadopted road. It is appreciated that the development proposals would place additional maintenance burden on the landowners of the road who are currently responsible for its upkeep, but this would be a private matter between those parties. As the applicant would require the agreement of the existing landowners of the road to carry out the improvements for adoption to take place, they would be unable to offer the road for adoption at present. However, if agreement is reached between the parties involved at some point in the future to allow works, the Highway Authority would consider adoption at that point.
- 8.64 KCC Highways advise that the legal agreement should include an obligation on the applicant to pursue this course of action, should planning approval be granted for the development. Similarly, the road repairs identified in the Road Safety Audit along the existing length of Abbey Fields and required to make the scheme acceptable would also require the agreement of the various landowners, so that the applicant could carry out

these works themselves. This also needs to be explored through a legal agreement, together with a maintenance fund to cover ongoing repairs, which the residents of Abbey Fields could draw upon.

- 8.65 Consequently, on the assumption that a successful conclusion to the heads of terms can be reached, the proposal would not cause any significant adverse highways impacts.
- 8.66 Highways England have assessed the application and raise no objection subject to securing an appropriate contribution towards proposed improvement works to M2J7.
- 8.67 Based on the above, I am content that the scheme would not conflict with policies DM6 and DM7 of the Local Plan, together emerging Policy FAV3 of the Faversham Neighbourhood Reg 14 Draft Plan and would not lead to unacceptable highway impacts.

#### Biodiversity

- 8.68 Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."
- 8.69 The Local Plan at Policy DM28 seeks for proposals to conserve, enhance, and extend biodiversity and provide for net gains in biodiversity where possible.
- 8.70 The application was accompanied by an Ecological Assessment, which was reviewed by the Kent County Council Ecological Advice Service. They are satisfied that the development would not be harmful to wildlife and biodiversity, subject to conditions to secure a biodiversity method statement, ecological design strategy, a long term landscape and ecological management plan and details of lighting.

#### *Local Wildlife Site*

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

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

- 8.74 The application site is located within the 6km buffer of (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations) and Wetland of International Importance under the Ramsar Convention. The Council operates an established policy and procedure to manage impacts on SPA and Ramsar Sites, through its SAMMS strategy, and collection of contributions to fund management of the SPA as set out in the North Kent Birdwise Report. As the Competent Authority, SBC is required to undertake an Appropriate Assessment to identify whether any significant impacts would occur to these sites. Subject to securing the relevant contribution, Natural England and KCC Ecology raise no objection to the impacts upon the SPA and Ramsar sites. A copy of the Appropriate Assessment is attached as Appendix 5.
- 8.75 As such it is considered that the proposals are in accordance with the requirements of Policy DM28 of the Local Plan, together emerging Policy FAV7 of the Faversham Neighbourhood Reg 14 Draft Plan and the NPPF, in so far as it has regard to ecology/biodiversity.

Water, Flooding, and Drainage

- 8.76 Policy DM21 of the Local Plan sets out a raft of criteria aimed at preventing or reducing flood risk.
- 8.77 The revised NPPF at chapter 14 sets out government views on how the planning system should consider the risks caused by flooding. The planning practice guidance under the chapter titled 'flood risk and climate change' gives detailed advice on how planning can take account of the risks associated with flooding in the application process.
- 8.78 Local Plan Policy CP7 requires new development to be supported by the timely delivery of green infrastructure, including SuDS.
- 8.79 The majority of the site is Flood Zone 1, and that all dwellings would be in this zone. The Environment Agency have no objection subject to conditions to secure the implementation of a remediation strategy to address pockets of contaminated land. KCC Flood and Drainage have raised no objection to the scheme, subject to the imposition of conditions. The same is true of Southern Water and the Drainage Board. As such it is considered that the proposed development, with appropriate conditions, would have a suitable approach to flood water, surface water and foul water drainage.
- 8.80 The imposition of the required conditions ensures that the scheme can meet the requirements of Policies DM21 and CP7 of the Local Plan, together emerging Policy FAV8 of the Faversham Neighbourhood Reg 14 Draft Plan, and the NPPF, with respect to flood risk and drainage.

### Minerals

- 8.81 Kent County Council Minerals and Waste were consulted on the application and found no objection to the proposal. The proposal would not present a viable extraction area and would not conflict with Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 2013-30.

### Affordable Housing

- 8.82 Policy DM 8 of the Local Plan identifies that for development proposals of 11 or more dwellings there will be a need to provide affordable housing. The policy requires the provision of 35% affordable units in Faversham Town and urban extensions. The size, tenure and type of affordable housing would be provided in accord with the needs of the area.
- 8.83 The proposal would provide a policy compliant on-site provision of 40% which would equate to 72 units. The units would be distributed across the site which would provide good social integration.
- 8.84 In accordance with Government advice and National Planning Policy Guidance, 25% of the affordable homes must be provided as First Homes. This equates to 18 units. The remainder (54) would be secured as affordable/social rented units. It would be expected that the affordable units provide a mix of house types, in accordance with the general mix of units on the site as a whole. 7 of the affordable rented units should be secured as Part M4(3) wheelchair user dwellings, with the remainder built to M4(2) standard. This would be secured under the S106 agreement. The Council's Housing Officer is satisfied with this provision.
- 8.85 On this basis, the proposal is consistent with the provisions of Policy DM 8 of the Local Plan, together emerging Policies FAV2 and FAV3 of the Faversham Neighbourhood Reg 14 Draft Plan, and the NPPF.

### Sustainable Design and Construction

- 8.86 Policy DM19 requires developments to address climate change and reduce carbon emissions in new developments. The policy does not include a threshold for such reductions. However, the Council's Ecological and Climate Change Emergency Action Plan sets out that new housing developments should achieve a minimum 50% reduction in emissions when compared to target rates in the current Building Regulations. Whilst this is not adopted planning policy, the Action Plan is a material consideration.
- 8.87 The application has provided enhanced information in relation to the energy and sustainability, in respect of the following:
- The development will consider climate change issues and the need to reduce CO2 emissions

- The development will be designed and constructed to be energy efficient, and the dwellings oriented 30 degrees of due south to facilitate passive solar gain
- The addition of small-scale energy generation equipment will also be considered
- Measures to minimise waste and water consumption
- Provision of an integrated Sustainable Drainage System
- Network of pedestrian and cycle links to encourage modal shift
- EV charging points for each dwelling

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

8.89 A condition is recommended to secure sustainable design and construction measures, and on this basis the scheme is in accordance with DM19 of the Local Plan, together emerging Policy FAV10 of the Faversham Neighbourhood Reg 14 Draft Plan, and the NPPF with respect to sustainability and climate change.

#### Contamination

8.90 The Environmental Health Officer has commented on the proposal and recommended the inclusion of Contaminated Land Conditions. There is no obvious contamination issue related to the site other than in connection with the agricultural use and proximity to a graveyard.

8.91 Pre-commencement conditions would be considered sufficient to ensure that development would provide a safe environment.

#### Air Quality

8.92 Policy DM 6 of the Local Plan (managing transport demand and impact criteria (d)) states that development proposals should:

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

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

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

*in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan”.*

8.94 The applicants Air Quality consultant has provided sufficient information to satisfy Mid Kent Environmental Health. The proposal is considered acceptable in this regard and therefore in accordance with Policies ST5 and DM6 of the Local Plan and NPPF.

#### Developer Contributions

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

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

<b>Requirement</b>	<b>Value</b>	<b>Towards</b>
SAMMS payment	£314.05 per dwelling	North Kent Strategic Access Management and Monitoring Strategy
Primary Education	£4,642.00 per applicable house and £1,160.50 per applicable flat	Towards the expansion of St Mary's of Charity and/or any other school within the Faversham planning group
Secondary Education	£1,135.00 per applicable flat; £4,540.00 per applicable house	Towards the expansion of Queen Elizabeth's School, Faversham and/or increased capacity in the Faversham non-selective and Canterbury and Faversham Selective planning groups (note 1 bed units of less than 56 sqm GIA and sheltered accommodation are excluded)
Community Learning	£16.42 per dwelling	Contributions requested towards additional equipment and resources at Adult Education Centres serving the development and outreach provision to increase capacity in the service
Youth Service	£65.50 per dwelling	Contributions requested towards additional equipment and resources for the Youth service to provide outreach services in the vicinity of the development.
Library Bookstock	£55.45 per dwelling	Contributions requested towards additional services, resources, and stock at Faversham Library or any other serving the development.
Social Care	£146.88 per dwelling	Towards Specialist care accommodation, assistive technology, and home adaptation equipment, adapting existing community

		facilities, sensory facilities, and Changing Places Facilities within the Borough.
Waste	£183.67 per dwelling	Towards additional capacity at the HWRC & WTS in Faversham
Wheelie Bins	£109.40 per dwelling; £946.80 per 5 flats	As specification
NHS (Integrated Care Board)	£136,890.00	Towards provision of primary care provision in the Faversham locality
National Highways	£76,450.00	Towards future improvement of M2 Junction 7
Affordable Housing	Provision of 40% affordable houses	In accordance with Housing Officer comments
KCC PROW	£34,545.00	To improve the surface and environmental of public rights of way in the vicinity of the development site, including for improvements to Public Footpath ZF29 which runs along the southern boundary of the development site
Off-site Play and Formal Sport Provision	£593.00 per dwelling	To increase capacity of formal sports provision or facilities within Faversham.
Open Space	To be agreed within s106	
Abbey Road Provisions	Detailed discussions have taken place and agreement reached with KCC Highways on the proposed S106 drafting relating to maintenance of Abbeyfields (between the site access and Whitstable Road), subject of course to any final amendments required to dovetail this with the balance of any S106 agreement more generally.	The proposed wording operates as follows: 1) The Applicant/Owner is required to use reasonable endeavours to obtain the rights to improve Abbeyfields to the extent that those are not already in hand from the date of grant of permission until occupation of the final dwelling (with updates to KCC Highways every six months as to progress), and then to practically complete the road to a 'safe standard' for a publicly accessible but private maintained road (i.e. not to an adoptable standard but nonetheless to a level that KCC Highways has confirmed is appropriate in highways terms); 2) An initial seed fund of £30,000 is to be provided by the Applicant/Owner for the ongoing maintenance of Abbeyfields, to be paid prior to Commencement. Depending on the final drafting around the management company, this may require some drafting amendments but the drafting



		<p>makes provision for both the scenario where the management company for the development as a whole takes this responsibility, or where it is instead the responsibility of a third party.</p> <p>3) Reasonable endeavours are to be applied to maintain Abbeyfields to a safe standard for the lifetime of the development and in accordance with a maintenance strategy, with ongoing maintenance costs to be funded by the service charges on the development. Not less than £25,000 per annum is to be ringfenced for such maintenance.</p> <p>4) In the event that the service charges result in a surplus being generated relative to expenditure then reasonable endeavours shall be applied to fund works to allow adoption of the road, and engage with the adoption process itself.</p>

**Table 1 – S.106 Heads of Terms**

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

## **9. FINAL BALANCING AND CONCLUSIONS**

- 9.1 The proposal would boost housing supply providing 180 dwellings in total, including a Policy compliant affordable housing contribution, towards the Council's 5 Year Housing Land Supply. These factors carry significant weight in favour of the scheme.
- 9.2 It is considered that the proposals would not cause substantial harm to landscape character. The proposals cause less than substantial harm to heritage assets. Although strong weight should be given to the protection and preservation of heritage assets. When weighed against the public benefits of providing new housing and affordable housing, these are considered to outweigh the less than substantial harm identified.
- 9.3 The S106 Agreement for SAMMS contributions and infrastructure costs will mitigate against the impact of the proposals on key services.
- 9.4 In terms of sustainable development, there would be some clear positive social impacts through the provision of housing and affordable housing, and some positive economic benefits through the delivery of commercial development and jobs.
- 9.5 As the Borough still has not achieved a 5-year housing land supply when considered against the standard method the 'tilted balance' (NPPF Para 11d footnote 8) applies and weighs significantly in favour of approval.
- 9.6 The findings of Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC [2021] EWCA Civ 104 were that the test of the NPPF can be encompassed into the

decision-making under s70(2) of the TCPA 1990 and s38(6) of the PCPA 2004 in one all-encompassing stage, as here the scheme is assessed the scheme is recommended for approval.

- 9.7 The size of the scheme is useful in terms of the 5 Year Housing Land Supply. Getting the Borough back above 5 years would be a major achievement; placing it back in control over schemes not complying with the local plan. The ability of this towards regaining a 5-year housing land supply counts strongly in favour of the scheme in the planning balance. This is additional to the assumptions in Bearing Fruits and the current 5YHLS which assumed the plan review and decision on the SNRR would come before delivery of this site.
- 9.8 The scheme is assessed and, being in conformity with national policy, it is recommended that planning permission be granted for the proposal subject to conditions and the completion of a Section 106 agreement.

## **10. RECOMMENDATION**

- 10.1 That outline planning permission is GRANTED subject to the conditions as set out below and the signing of a suitably worded s106 agreement to secure the developer contributions and obligations as set out in the table above.
- 10.2 Delegated authority is also sought to amend condition wording and s106 clauses as may reasonably be required.

### **10.3 Conditions**

#### **1. Time Limit – Outline Schemes**

Details relating to the landscaping, layout, scale, and appearance of the proposed dwelling(s) (hereinafter called the ‘reserved matters’) shall be submitted to and approved by the Local Planning Authority before any development is commenced and the development shall be carried out as 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.

#### **2. Time Limit – Reserved Matters**

Application for approval of reserved matters referred to in Condition (1) above must be made to the local planning authority no later than the expiration of three years beginning with the date of the grant of outline planning permission.

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

#### **3. Reserved Matters**

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.

#### 4. Completion in Accordance with Approved Drawings and Parameters

The development hereby approved shall be carried out in accordance with the following approved drawings:

- Transport Technical Note by DHA (December 2020)
- Drawing 13621-H-01 Rev P2 (proposed access and swept path arrangements)
- Drawing 1549.01 v7 (site location plan)
- Drawing 1549\_10 (v8) Feb 2023 (Site Parameter Plan)

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

#### 5. Quantum

The quantum of residential units to be constructed for the development hereby approved shall be limited to a maximum of 180 units.

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

#### 6. Levels

The details submitted pursuant to condition (1) (the reserved matters) shall include plans and sections, indicating as appropriate, the levels, gradients, and method of construction.

Reason: To ensure that the development is constructed in a satisfactory manner.

#### 7. Secure by design

The details submitted pursuant to condition (1) (the reserved matters) shall include details demonstrating how the development meets the principles of 'secure by design'.

Reason: In the interests of crime reduction and safety.

#### 8. Context and parameters

Prior to the submission of a reserved matters application, a design code shall be submitted to and approved in writing by the local planning authority. The design code shall be based upon the Site Parameters Plan and shall include the following

- A design strategy for buildings, to include housing mix, density and massing, architectural treatment, the use of feature buildings in key locations,

principles for the use of external materials, boundary treatments, and provision of car parking.

- Cultural heritage given particular focus to maximise the opportunities to better reveal existing heritage interest in the locality and utilise this in terms of adding to the potential place-making qualities of the proposed development
- Principles for road hierarchy, pedestrian and cycle connections including the alignment, width, lighting and surface materials to be used.
- A strategy for street tree planting.
- Principles for the layout to accommodate and respond to existing landscape features within the site and local landscape character, the provision of open space typologies, local habitat creation and patterns of vegetation,
- Design of the public realm, including principles for the design and layout of public open space, areas for play, lighting, street furniture and sustainable urban drainage,
- A strategy to provide open space, footpath and cycle linkages through each phase.
- Evidence that the maximum height and extent of proposed dwellings does not result in an extension of the Visual Envelope of the development as identified in the Site Parameter Plan Drawing 1549\_10 (v8) Feb 2023

Subsequent applications for the approval of reserved matters shall be designed to accord with the approved Design Code.

Reason: To ensure that the development is designed in a satisfactory manner.

#### 9. External lighting

The details pursuant to condition (1) (the reserved matters) shall include a lighting design plan for biodiversity. The lighting design plan will:

1. Identify those areas/features on site that are particularly sensitive for wildlife;
2. Show how and where external lighting will be installed in accordance with the specifications outlined in section 4.20 of the Preliminary Ecological Appraisal prepared by The Ecology Partnership and dated December 2019.

All external lighting will be installed in accordance with the specifications and locations set out in the strategy and will be maintained thereafter in accordance with the strategy.

Reason: In the interest of biodiversity and local amenity

#### 10. Biodiversity Method Statement

No development will take place (including any ground works, site or vegetation clearance), until a method statement for the protection of wildlife including (but not necessarily limited to) reptiles, nesting birds, badgers and hedgehogs during

construction works has been submitted to and approved in writing by the local planning authority. The method statement will be informed by appropriate updated ecological surveys. The content of the method statement will include the:

- a) Preliminary Ecological Appraisals and any recommended species surveys
- b) Purpose and objectives for the proposed works
- c) Working method, including timings, necessary to achieve stated objectives
- d) Extent and location of proposed works shown on appropriate scale plans
- e) Persons responsible for implementing works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.

The works will be carried out in accordance with the approved details.

Reason: In the interest of biodiversity and local amenity

#### 11. Ecological Design Strategy

No development will take place until an ecological design strategy (EDS) has been submitted to and approved in writing by the local planning authority addressing:

1. Retention and protection of existing habitats during construction
2. Creation and enhancement of semi-natural habitats in open space areas
3. Creation of dense vegetation buffers for the ponds
4. Ecological enhancement measures within the residential development area.

The EDS will include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare.

The development shall be carried out in accordance with the approved details.

Reason: In the interest of biodiversity and local amenity.

#### 12. Landscape and Ecological Management Plan

The details pursuant to condition (1) (the reserved matters) shall include a Landscape and Ecological Management Plan (LEMP). The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed (including a planting schedule and faunal enhancements);
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Details of the body or organisation responsible for implementation of the plan;
- f) Ongoing monitoring and remedial measures.

The LEMP will also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan will also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development will be implemented in accordance with the approved details.

Reason: In the interest of increasing biodiversity on site.

#### 13. Biodiversity net gain

The details submitted pursuant to condition (1) (the reserved matters) shall incorporate details of how the development will achieve a net biodiversity gain. This will include a native species-only landscape scheme, integrated bird bricks and details of the degree of Biodiversity Net Gain. The approved details will be implemented and thereafter retained.

Reason: In the interest of increasing biodiversity on site.

#### 14. Tree protection

Prior to the commencement of the development hereby approved an arboriculture method statement and tree protection plan in accordance with the BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The approved arboriculture method statement and tree protection plan shall be adhered to throughout the construction phase of the development.

Reason: To ensure protection of the trees both within and adjacent to the site are adequately protected.

15. Landscape Strategy

The details submitted pursuant to condition (1) (the reserved matters) shall include an updated Landscape Strategy. The landscaping shall be comprised native species only. The strategy shall include a programme for implementation and shall be implemented in accordance with this strategy and maintained as such thereafter.

Reason: In the interests of visual amenity and ecology of the area.

16. Archaeology

No development shall take place prior to the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. Following on from the evaluation, 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.

The development shall be carried out in accord with the approved details.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

17. Hours of construction work

No construction work (excluding impact pile driving dealt with by condition 17, in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: -

Monday to Friday 0730 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency.

Reason: In the interests of residential amenity.

18. Impact piling

No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday, or Bank Holiday, nor on any other day except between the following times: - Monday to Friday 0900 - 1700 hours unless in association with an emergency.

Reason: In the interest of residential amenity.

19. Piling risk assessment

Piling or any other foundation designs using penetrative methods shall not be undertaken 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 by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details submitted to and approved in writing by the Local Planning Authority.

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.

## 20. Contamination

No development approved by this planning permission shall commence until a strategy to deal with any potential risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. The development will be implemented in accordance with the approved strategy. This strategy will include the following components:

- i) A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways, and receptors; and
  - potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (ii). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.
- iv) A Verification Report shall be submitted upon completion of the works and shall include full verification details as set out in the verification plan. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site.

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 in line with paragraph 174 of the National Planning Policy Framework.



### 21. Construction Management Plan

Prior to the commencement of the development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include the following information:

- (a) Routing of construction and delivery vehicles to / from site
- (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

Reason: In the interests of residential amenity and highway safety

### 22. Construction Method Statement

Prior to the commencement of the development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The document 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.

Reason: In the interest of residential amenity.

### 23. Drainage

Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water.

### 24. Protection of existing sewers

Prior to the commencement of the development, a detailed strategy for identification and protection of foul sewers within the site shall be submitted to,

and approved in writing by, the Local Planning Authority in consultation with Southern Water. The strategy shall ensure:

- A clearance of 3 metres is provided on either side of the 150mm gravity foul sewer to protect it from construction works and to allow for future access for maintenance
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of the public or adoptable apparatus
- Proposals for investigations of any sewer found during construction works to ascertain its ownership
- Information detailing how the developer intends to divert the asset or align the development, so as to prevent the potential for damage to sewer infrastructure,
- How access to the sewer will be maintained for the maintenance and repair of the asset during and after the construction works.

The development shall be carried out in accordance with the approved strategy.

Reason: In the interest of proper disposal of foul water.

#### 25. Disposal

Prior to the commencement of the development hereby approved details of the proposed means of foul sewage disposal shall be submitted to, and approved in writing by, the Local Planning Authority.. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: In the interest of proper disposal of foul water.

#### 26. Gas mains

Prior to commencement of development, a detailed strategy for identification and protection of gas mains within and adjacent to the site shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall ensure no mechanical excavations taking place above or within 0.5m of the low pressure system, 0.5m of the medium pressure system and 3m of the intermediate pressure system.

Reason: To avoid damage to gas mains

#### 27. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, the details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience

28. The access details shown on the approved plans shall be completed prior to the occupation of any buildings hereby approved, and the access shall thereafter be maintained.

Reason: In the interests of highway safety.

29. The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 1.05m above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

30. The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

31. Parking

The details submitted pursuant to condition (1) above shall provide details of:

- a) the provision of residential vehicle parking and turning space in accordance with the Swale Borough Council Parking Standards (May 2020),
- b) the provision for one secure and sheltered bicycle store for each dwelling within the site.

The development will be implemented in accordance with the approved details.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity. To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

32. Electric Vehicle chargers

All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wi-Fi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved charge point model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>.

Reason: To encourage sustainable transport modes and to protect future occupants of the proposed development from air quality impacts.

33. Electric Vehicle Car hub

The development hereby approved shall not be occupied until a car club hub has been provided for occupiers to use in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the car club vehicles shall be retained and maintained for their designated purpose(s).

Reason: To encourage sustainable transport modes and to protect future occupants of the proposed development from air quality impacts.

34. Works between dwellings

Before the first occupation of each dwelling / premises the following works between that dwelling / premises and the adopted highway shall be completed as follows:

- (a) Footways and/or footpaths, with the exception of the wearing course;
- (b) Carriageways, with the exception of 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 highway safety.

35. Digital infrastructure

Before development commences details shall be submitted and approved in writing by the local planning authority for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (internal speed of up to 1000mb) connections to multi point destinations and all residential buildings. The infrastructure shall be installed prior to first occupation in accordance with the approved details and shall be capable of connection to commercial broadband providers and shall be maintained in accordance with the approved details.

Reason: To provide high quality digital infrastructure in new developments as required by paragraph 114 of the National Planning Policy Framework and Policy CP 6 of the Bearing Fruits Local Plan 2031.

36. Travel plan

Prior to the first occupation of the development, a Full Travel Plan shall be submitted to and agreed in writing by the local planning authority. The Full Travel Plan shall as a minimum include:

1. Measures for promoting sustainable modes of travel to residents of the development
2. Arrangements for monitoring and reviewing the Travel Plan's objectives
3. Appointment of a Travel Plan Co-Ordinator

4. Travel Information Packs for the first occupiers of each completed dwelling
5. Measures for disseminating updated sustainable travel information and Travel Plan updates to residents for the duration of the Travel Plan's lifetime.

The Full Travel Plan shall be implemented in accordance with the agreed details and the development shall be carried-out and operated in accordance with the agreed Travel Plan thereafter.

Reason: To encourage sustainable transport modes.

### 37. Phasing

No development shall commence until a site-wide phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the provisions of the approved phasing plan.

Reason: To enable the Local Planning Authority to monitor the completion of the development.

### 38. Energy

Prior to submission of reserved matters application, a revised energy strategy setting out how the development will be designed and constructed to meet Part L of the Building Regulations 2021 and how renewable energy sources are to be integrated into the development, shall be submitted to and approved by the Local Planning Authority. The proposed strategy shall encompass a 'Fabric First' approach and will include the following:

- Increase insulation
- Reduce the effects of thermal bridging
- Effective air tightness
- Improved controlled ventilation
- Energy efficient lighting
- Any additional renewable energy generation technology necessary to achieve the required CO2 emissions targets to meet the Building Regulations targets.

Prior to the construction of any dwelling in any phase details of the materials and measures to be used to increase energy efficiency and thermal performance and reduce carbon emissions and construction waste shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and measures.

Reason: To reduce carbon emission and in the interests of creating a sustainable development.

## 39. Wheelchair Accessible Dwellings

The homes should be provided as Part M4(2) standard (accessible and adaptable dwellings).

Reason: To ensure inclusive access.

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

Reason: In order to reduce the consumption of potable water

## 41. Noise

Details of a suitable ventilation system, whether passive or powered, which complies with Building Regulations Approved Document F shall be provided for the design stage of this proposal.

Reason: No reliance on windows being kept closed with purge ventilation for compliance with Building Regulations and BS 8233 internal noise levels.

## Informatives

Secure By Design: Consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be subject to surveillance but sited so that residents will not suffer from possible noise pollution, in particular the open spaces around the site and the any parking areas/ courts.

Secure By Design: Perimeter, boundary and divisional treatments must be 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line. I note on the plan that side access gates are towards the rear of the properties, therefore I recommend an additional gate shared by both occupiers is installed towards the front of the building line.

Secure By Design: Kent Police would strongly recommend the installation of pavements on both sides of the roads to avoid vehicle and pedestrian conflict and ensure routes are safe for all. We are aware it is now common for plans to feature some shared vehicle/ pedestrian areas.

Secure By Design: Parking - To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or sold secure ground or wall anchors can help provide this. We advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting – the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.

Secure By Design: New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of

above 2m rather than low crowned species are more suitable than “round shaped” trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.

Secure By Design: Corner properties require defensible spaces to avoid desire lines that can cause conflict. This can be provided by planting of prickly plants or knee rails/ fences, for example.

Secure By Design: Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: “18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided.”

Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.

Secure By Design: Play areas must have a self-closing gate to keep animals out and ensure young children cannot leave the area unsupervised. Play equipment must be vandal resistant (and if made of wood, fire resistant) and not provide areas of concealment or an informal storage area for offenders or materials of crime. We recommend the sales team advise potential buyers of the plots close to the play area of its location, which would otherwise be missed from the plan. By informing them at this stage, this reduces the possibility of future conflict and/or noise complaints.

All external doorsets (a door set is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.

Secure By Design: Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2016 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.

Secure By Design: Kent Police advise on the use of ground/ wall SBD or sold secure anchors within the cycle storage area and sheds of dwellings.

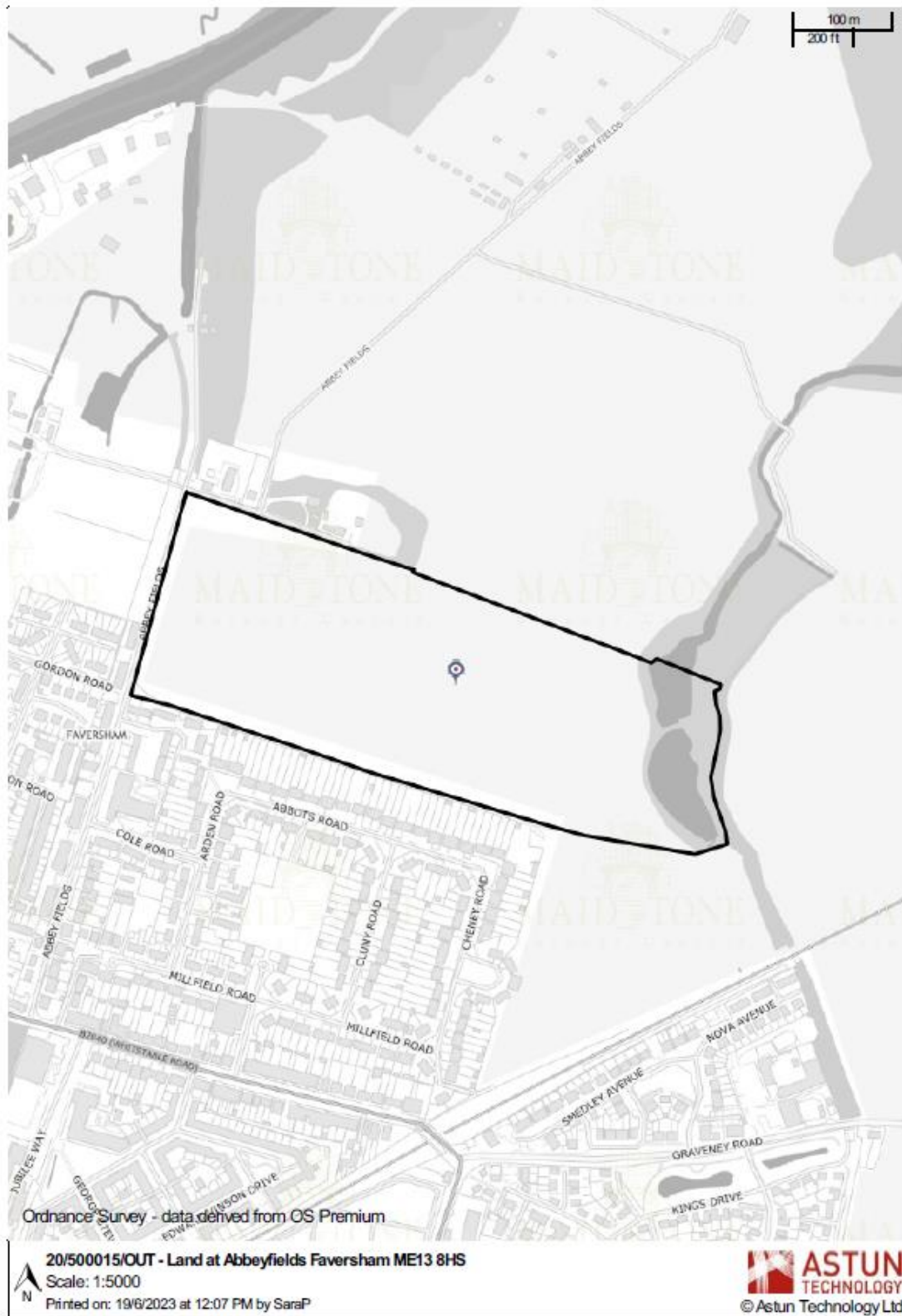
Site security is required for the construction phase. There is a duty for the principal contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such 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.





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## APPENDIX 1

**Comments for Planning Application 20/500015/OUT****Application Summary**

Application Number: 20/500015/OUT

Address: Land At Abbeyfields Faversham Kent ME13 8HS

Proposal: Outline application for the development of up to 180 dwellings with associated infrastructure including internal access roads, footpaths, cycleways, parking, open space and landscaping, drainage, utilities and service infrastructure works (All matters reserved except Access).

Case Officer: Paul Gregory

**Customer Details**

Name: . Faversham Society The Faversham Society

Address: Fleur De Lis Heritage Centre, 13 Preston Street, Faversham, Kent ME13 8NS

**Comment Details**

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We have looked again at the revised scheme and remain of the view that it constitutes substantial harm. Even if Swale Planners decides that less than substantial harm is caused to the Conservation Area, there is no public benefit to justify the development.

The Faversham Society Objects to this proposal on three grounds

1. The proposal constitutes substantial harm to the Conservation Area
2. There is no substantial public benefit to outweigh even "less than substantial harm."
3. There is insufficient and inadequate road access

1. This development constitutes substantial harm

The Society rejects the view that this development represents less than substantial harm.

In our view, the proposed development does substantial harm to the setting of the Conservation Area and of the listed Abbey Barns. The Abbey site remains open as it was depicted in Jacob's Map of 1774, thus preserving a unique historical spatial experience to that of others parts of the Conservation Area. The loss of the existing agricultural openness would cause severe damage to the character of the Conservation Area setting and hence to the Conservation Area itself.

The NPPF(195) requires that

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

## APPENDIX 1

AND (200)

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings or grade II registered parks or gardens, should be exceptional;
- b) "grade I and II listed buildings"..... "should be wholly exceptional."

Faversham's heritage is as an agricultural market town and gunpowder. If this development is permitted, this will result in the loss of the last link between Faversham and its agricultural heritage as well as destroying the non-heritage assets on the land between the barns and Thorn Creek. This is the only part of the Conservation Area which links to the Abbey Fields and Faversham's agricultural heritage

In April 2020, KCC Archaeology submitted a response to this application. They describe the important archaeological remains which exist in the area of land between the Abbey Barns I & II\* and Thorn Creek, where the Abbey Wharf which was part of the medieval abbey complex.

The Historic England listing is:-

"Monastic timber-framed, weatherboarding-clad barns. The two barns are amongst the few surviving buildings of Faversham Abbey. The larger, Major Barn, dates from circa 1500 with some early 19th century alterations and is listed Grade II\*. The smaller, Minor Barn, dates from circa 1350 and listed Grade I. In use as a working sawmill.

The Abbey was of national significance in the C12th founded by King Stephen in 1148. The Abbey was the burial place of King Stephen, Queen Matilda, and their eldest son, Eustace IV of Boulogne. The Abbey was destroyed in 1538 during the Dissolution of the Monasteries. "

The Abbey Barns are of national and regional significance. To put a modern housing estate on Abbey Fields will destroy the integrity of this rich archaeological area. A detailed appraisal of the land was undertaken by Ray Harrison for Keystone and SBC in 2001. There are two reports each detailing the very considerable heritage to be found on the land. If SBC does not have copies of these reports, we can provide them from the Society's archives. We shall suggest these assets for designation in the imminent Conservation Area review.

In our view, the proposal does substantial damage to the setting of the listed buildings and the Conservation Area.

The area is also rich in non-designated heritage assets

Section 203 of the NPPF requires that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application..." and "draw on the contribution made by the historic environment to the character of a place."

In the Society's view, there is potential for this area to be developed as a Heritage Quarter in the next decade. If this development is permitted, that would not be possible. Section 190 of the NPPF requires that "Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

**APPENDIX 1**

This applies to the determination of planning applications and is relevant in this case. The proposed building is clearly at odds with this character, as already discussed.

The scheme causes very substantial harm to the character and appearance of the Conservation Area. Section 72 would appear to indicate refusal.

For the emerging Neighbourhood Plan AECOM, assessed FNP20 16/505597/FULL. Land adjacent to New Creek Road, and reported that

- the development would be outside the defined urban boundaries of Faversham.
- It would detract from the value, tranquillity and beauty of the countryside and the quality and character of the landscape within a Special Landscape Area.
- and obstruct views into and out of the designated Faversham conservation area, having a significant detrimental character and appearance of the Faversham conservation area, and would have a detrimental impact on the wider setting of the protected Abbey Farmstead and its Grade I and Grade II\* listed buildings and barns

We submit that these are considerations apply equally to this proposal.

Section 194 of the NPPF requires that "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."

As Swale's Conservation Officer confirms in his submission of 10 Sept 2021, the fact that the Faversham Conservation Area is screened from the Abbey Field by modern scrub does not invalidate the underlying fact that the Field forms its wide eastern setting. The scrub could be removed.

Section 109 of the NPPF

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

We submit that the Abbey Barns are very important assets and that great weight should be attached to conserving their setting, particularly because there are heritage assets within that setting.

Section 200 of the NPPF requires that

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification." It identifies "grade I and II\* listed buildings ...should be wholly exceptional

Section 201 of the NPPF states that

"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss or all of the following apply:

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a) the nature of the heritage asset prevents all reasonable uses of the site; and  
We submit that this does not apply - other heritage and leisure uses are possible.

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

The grade I and II\* assets are in use and not in danger; the heritage assets in the ground are in danger from the proposed housing development and not otherwise at risk

c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

These options have not been considered

d) the harm or loss is outweighed by the benefit of bringing the site back into use."

We submit that there is no public benefit in the proposed development - see below

The proposed building is clearly at odds with this character, as already discussed. The scheme causes very substantial harm to the character and appearance of the Conservation Area. Section 72 would appear to indicate refusal.

2. Less than substantial harm is not outweighed by the public good

If SBC Planners do not accept that "substantial harm" arises from this development, then Section 202 of NPPF is relevant

Section 202 of the NPPF states:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Society submits that there is no public benefit arising from this proposal

1) The site was examined for both the emerging Local Plan and the emerging Neighbourhood Plan it was rejected for housing in both appraisals

2) The emerging Local Plan and the emerging Neighbourhood Plan are both growth-oriented, and this site is not required to meet the housing targets set by the government, these are met elsewhere in and adjacent to Faversham

3) There are significant negative impacts on the public interest

a. This is the last evidence of the agricultural setting of the town and of the importance of the Abbey

b. Despoliation of a valued green lung - very evident during the pandemic and in letters submitted by residents.

c. The area is referred to on maps as the Great Field and is likely an example of a field system. "In Kent, a striking contrast was evident between the small irregularly-shaped blocks of conjoined strips of the Weald and the larger, more rectangular, examples in east Kent." This is one such example.

4) We note the Conservation Officer's quoting of our evidence. He notes that the revisions made by the applicant "does not automatically render the outline scheme acceptable from a conservation and design perspective."

3. Traffic

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- a. This development is not close to community facilities or shops. Inhabitants will be car-dependent, which in the light of climate change is not a sustainable option.
- b. The development is essentially an enclave, which does not relate functionally or socially to neighbouring parts of the town. It does not integrate with the public transport network, and will not adapt easily to environmentally sustainable modes of transport.
- c. Parts of the proposed access road - Abbey Fields is unadopted and narrow, with parking on both sides. There will be a significant loss of amenity for existing residents arising from congestion, including accident risk to pedestrians and cyclists, together with noise and pollution generated by traffic to and from the proposed development.
- d. There is only one access road, and if blocked for any reason, there would be no access for emergency vehicles.
- e. The junction on to Whitstable Road is problematic.
- f. AECOM assessed the proposed site (18/062) for the emerging Faversham Neighbourhood Plan and concluded, "Access to the site is off Abbey Fields, which is a relatively narrow road, part privately owned, with parking on both sides that may make it unsuitable for the level of development

Recent Decisions by the Planning Inspectorate have denied developers citing negative Conservation Area impacts

Appeal Ref: APP/Z1510/W/21/3267825 Land North of Station Road, Earls Colne CO6 2ER

"Given its green undeveloped nature, the site provides a pleasant open contribution to the character of this area and has a close relationship with the countryside further to the east notwithstanding the presence of the golf course."

20. The site is adjacent to Earls Colne CA, the significance of which lies in the way its range of buildings of various ages and styles reflect the historic evolution of this rural settlement. The part of the CA which lies along Station Road is primarily characterised by detached buildings with moderate spacing such that this side of Station Road has a semi-rural character and appearance. Given the undeveloped rural nature of the site, it provides a pleasant spacious setting for the CA and contributes positively to its setting.

21. The proposal would introduce a significant amount of built development, road, driveways and hardstanding that would have a significantly urbanising effect on the landscape character of the area. While future consideration of landscape could partially mitigate the loss of openness, given the scale of the development, it would result in the loss of rural character of the CA thereby diminishing its significance.

22. Meadowcroft and Station House are non-designated heritage assets, the significance of which lie in the evidence of historic vernacular architecture. Given the proximity of the site to these buildings, it lies within their settings.

Planning Balance

57. The Council are unable to demonstrate a five-year housing land supply. As discussed above, since there is only a slight housing shortfall, I attribute this matter modest weight. Paragraph 11(d) of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies in this Framework that protect areas or assets

## APPENDIX 1

of particular importance provides a clear reason for refusing the development proposed.

58. The development would result in less than substantial harm to the CA due to the urbanising effect on the rural setting of the village. In accordance with paragraph 202 of the Framework, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

59. The public benefits of the proposal primarily lie in the provision of 53 dwellings including affordable housing to the local housing supply. This would include the social and economic contribution that future occupiers would provide to the local community and there would be temporary economic benefits during the construction phase. Given the limited nature of the shortfall, I consider it quite probable that this could be addressed elsewhere in the district and not in this location where there would be an adverse effect on the CA. Therefore, I attribute reduced weight to these benefits.

60. The Framework advises that great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. On this basis, the weight attributed to the benefit of the provision of 53 dwellings does not outweigh the less than substantial harm to the significance of the CA.

64. For the reasons given above, the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

A similar case is reported

<https://www.planningresource.co.uk/article/1725976/multiple-harms-outweigh-need-new-homes>  
Multiple harms outweigh need for new homes.

An acute deficit of homes was deemed insufficient reason to allow 60 new homes on the edge of an Essex settlement, the inspector finding the conflicts with the development plan, including heritage and other harms comfortably outweighed the benefits.

Other harms included the site's unsuitable location in open countryside, unsafe pedestrian access, inaccessibility to services and facilities, and harm to the ecological and biodiversity value of a local site of special scientific interest and national nature reserve.

These highway safety effects also influenced the inspector with respect to his assessment of the accessibility of the site.

He felt the cumulative effect of allowing developments of the scale of that proposed in locations such as the appeal site would be likely to significantly increase the number of unsustainable journeys made.

Although the inspector held the local plan was out of date because of a lack of a five-year supply of deliverable housing sites, the heritage harms he also identified to the setting of three nearby listed buildings provided a clear reason for refusing the development, and this and the other harms he identified culminated in overall conflict with the development plan and refusal of permission.



**APPENDIX 2**

## **Comments for Planning Application 20/500015/OUT**

### **Application Summary**

Application Number: 20/500015/OUT

Address: Land At Abbeyfields Faversham Kent ME13 8HS

Proposal: Outline application for the development of up to 180 dwellings with associated infrastructure including internal access roads, footpaths, cycleways, parking, open space and landscaping, drainage, utilities and service infrastructure works (All matters reserved except Access).

Case Officer: William Allwood

### **Customer Details**

Name: . Faversham Society The Faversham Society

Address: Fleur De Lis Heritage Centre, 13 Preston Street, Faversham, Kent ME13 8NS

### **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: IN THE MATTER OF LPA REF: 20/500015/OUT A PLANNING APPLICATION  
SWALE BOROUGH COUNCIL

FURTHER SUBMISSION MADE ON BEHALF OF  
THE FAVERSHAM SOCIETY

30th March 2023

### **INTRODUCTION**

1. This further submission is prepared on behalf of the Faversham Society ("the Society") and in respect of application 20/500015/OUT - Land At Abbeyfields Faversham Kent ME13 8HS - Outline application for the development of up to 180 dwellings with associated infrastructure including internal access roads, footpaths, cycleways, parking, open space and landscaping, drainage, utilities and service infrastructure works (All matters reserved except Access) ("the Application").

2. It has been prepared following the Applicant's submission of a letter from Montagu Evans (dated 17th October 2022) which has been uploaded to the LPA's planning website. These

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submissions should be read in conjunction with the Society's earlier submission of 15th March 2022 and in conjunction with the "Assessment of Harm" carried out by the Society and appended to that submission.

#### The Society's Position

3. The Faversham Society maintains that the Conservation and Design Team have erred in their assessment of the harm that the proposal set out within the application has upon the former Royal Abbey of St. Saviours ("Faversham Abbey") (a Scheduled Monument), the medieval buildings and the surviving landscape associated with the Abbey and its monastic farm ("Abbey Farm") and the Conservation Area. A number of heritage assets survive locally to the site including a number of Grade I, II and II\* buildings - some of which have a direct link with Faversham Abbey and others which are important in understanding the development of the Town.

The Faversham Society considers that the October 2022 letter from Montagu Evans, shows that the application still poses substantial harm to the significance of the Scheduled Monument. This is in addition to the substantial harm posed to the heritage assets within the locality of the site and the Conservation area by the near final erosion of the historic environment. Development of the site, an important area of open farmland, leading out into the open countryside and Thorn Creek (the original Abbey wharf), will isolate the Abbey, and the core of the town, from the environment and setting for which they were created and in which they have been set for centuries.

5. As set out in the previous submission, should the Faversham Society's assessment of harm not be accepted, and it remains felt that the harm posed is "less than substantial" then it is clear that the public benefits of the proposal are not sufficient to outweigh the less than substantial harm identified. The site subject to this application should not be considered to be an "easy way" to assist Swale to deliver 180 homes simply because of its location to the Town. Real care needs to be taken in assessing the proposal's impact on the heritage assets. This is a requirement set out within Statute and the NPPF - and is discussed in what follows.

6. The application should be refused due to the harm it would cause to the historic environment. This is without prejudice to the other cogent and valid reasons for refusing permission advanced by the Faversham Society and others.

#### Response to the Montagu Evans Letter of 17th October 2022

7. It is clear to the Society that there is a fundamental disagreement between the assessment it has carried out in respect of the impact of the proposal on the setting of the Scheduled Monument and indeed the historic town. Montagu Evans seeks to claim that the Society has "overstated" the impact on the integrity of the setting - and conflated significance and setting, this is not accepted by the Society and it maintains the position set out in the earlier assessment of harm.

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8. Whilst the site is not a designated heritage site, contrary to the claim by Montagu Evans that "it is just a field" is clearly understating the significance of the landscape. The description of the site as set out in the Design and Conservation Team's Addendum Report (see [12] of the previous submission) makes it very clear the significance to be attributed to the site and the "unique special character" of the remaining, essentially medieval, area.

9. Evans Montagu are clearly misguided in the claim that Historic England's "non-objection" should be treated as material. Neither of the responses from Historic England should be considered as a "non-objection", rather both are Historic England advising that advice should be sought from the LPA's own "specialist conservation and archaeological advisors". Presumably this has been done on the basis of costs/resources as both letters from Historic England make it very clear that it is still open to the LPA to seek more detailed advice from it. With respect, these are just standard responses from Historic England and should not be afforded weight as "non-objections" (whatever that should be taken to mean).

10. In all, Montagu Evans' letter takes the matter no further forward. The Society does not seek to resile from its assessment of harm, or indeed, its previous submission and, indeed, at points Montagu Evans seems to take issue with assessments made by the LPA's own Design and Conservation Team.

11. In addition to the points raised in the previous submission, appended to this submission is KCC's Heritage Map. Abbey Field is clearly shown on that map and the LPA will note that KCC have recorded a findspot in the field. Clearly the site, despite how it is portrayed by Montagu Evans is of historical interest and importance, going beyond the role it plays in explaining the setting of the CA and Faversham Abbey.

12. In all, the proposal still represents the threat of the loss of the last remaining physical and visual connection to the once extensive agricultural setting that can currently be seen and that is intrinsic to the understanding of the CA and the site of Faversham Abbey and indeed the setting of the entire historic core of the town.

13. The Society has requested that the LPA (officers and in due course the Committee) consider the drone footage that is provided alongside this submission. The footage can be accessed from this link: <https://favershamsociety.org/wp-content/uploads/2023/03/Faversham-Drone-Video-highlight.mp4>. This footage was shot last month and shows the breath taking views across the site of the Town, in its setting and out into the historic countryside. This is, perhaps, the best way that the LPA can see, and truly appreciate, the role that the site plays in respect of the historic settings concerned here.

#### Drone Footage

14. To assist the LPA in considering the drone footage, the Society has produced (with the

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assistance of Mr. Harrison) the following narrative that should be considered as the footage is viewed:

"The opening shot looks westwards across the proposed development site for 180 houses towards the medieval core of Faversham. The original medieval track which linked the Abbey core to its farmland, now a road, is seen to the right, with the medieval farmhouse just beyond. Further right, just out of shot, are the brickworks and the Borough Council's pumping station of 1911.

00:24 In for foreground is Abbeyfields Rd, the edge of the Conservation Area, where the Abbey fish pond can be seen to the right and the Grade I and Grade II\* Listed Abbey Barns and Grade I medieval Stable in the middle distance. The development site is on what would originally have been the Abbey farmlands stretching out beyond Thorn Creek, which was the Abbey's port and on to the Blean Woodlands, which belonged to the Abbey and probably supplied the timber for the Barns.

00:55 a clear view of the Abbey Barns and to the left the QE Grammar School playing fields, which cover the Abbey ruins, a Scheduled Ancient Monument. In the foreground on the left, archaeologists are digging and revealing a Roman barn. The Roman villa excavated in the 1960's, lies just to the left of the Barns.

1:00 The playing field beyond the second line of trees is the site of the main Abbey building.

1:06 The video swings across the narrow, unadopted road with parking on both sides: this provides the only access to the proposed development.

1:12 The video looks across the proposed development site to Blean Woods, showing the extent of the Abbey's lands and the connection of the agricultural town of Faversham with the countryside. This view, at ground level, will be lost, causing substantial damage to the Conservation Area and the listed buildings and their settings."

#### Wider Issues

15. In the previous submission, the society Sought to limit its views to that relating to heritage. However, of the recent round of submissions uploaded onto the planning website, the Society has noted with interest the recent comments from Faversham Town Council (appended to this submission) and, indeed, that from Natural England. It seeks to adopt and support the Town Council's comments in particular and urges the LPA to pay particular care and attention to them.

16. In respect of Natural England's comments, as the LPA is tasked with considering whether or not an appropriate assessment is required under the Conservation of Habitats & Species Regulations 2017 (the HRA), the Society considers that the points raised in Natural England's comments (particularly those found in their comments on 29th January 2020) should lead the LPA

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to consider that there is clearly a need for an appropriate assessment to be carried out under the HRA and as such, the LPA should be considering Reg. 63 of the HRA. Given the very real impact that the proposed development of this site will have on the locality (including the protected sites) and the public interest generated by this application (evidenced in the volume of comments) the Society invites the LPA to consult the general public (as per Reg 63(4) of the HRA), specifically, on the points raised by Natural England, as part of its consideration. This may require further time and, indeed, information given the time that has now elapsed since the application was first filed.

17. Further, the South East Rivers Trust is about to complete a report - funded by the Environment Agency - focused on the chalk streams of the North Kent coast, including the one that flows from Clapgate Spring on the eastern edge of the Abbeyfields site, to provide evidence to Natural England to enable it to add the said streams to the national register and map of priority habitats. Another chalk stream - Cooksditch - is located to the west of the site across Abbeyfields Road in the vicinity of the Abbey Barns and medieval Stable. As explained in the Society's earlier submission the application looks to bring forward a development that is within the catchment of internationally rare and important chalk streams and it is not clear to the Society as to whether or not the Applicant, or indeed the LPA, appreciate this or have taken steps to consider and address it. The LPA should seek further information from the Applicant on this issue. The Society has sought a copy of the South East Rivers Trust report and will share it with the LPA and Applicant when available. It may be that this information will be of assistance.

18. In respect of the FRA filed with the Application, having considered it the Society is concerned as to whether or not the Applicant has correctly applied the exception test as required by para 161 of the NPPF, given the site is both in Flood Zone 1 and 3 (see 4.2.2 - 4.2.3 of the Applicant's FRA). There is no consideration within the FRA of any alternative sites that are reasonably available and appropriate for the development. Rather, the approach the Applicant appears to have taken to the exception test is to say that it is enough to "bunch up" the development in Flood Zone 1, rather than develop in Flood Zone 3. With respect, this cannot be the correct approach to the sequential test as there is no discussion/consideration of any alternative sites outside of Flood Zone 1.

19. Finally, the Society seeks to raise with the LPA that as the CA Appraisal is currently being reviewed (and the Society is actively involved in this) and given that the Neighbourhood Plan Reg 14 consultation has now closed, it may be prudent for the LPA to consider deferring the decision on this application until the Town Council has considered and responded to the consultation result and/or the CA Appraisal review has been completed.

SIMON BELL  
COUNSEL  
CLERKSROOM  
30th March 2023

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The countryside charity  
Kent

Mr Paul Gregory  
Swale Borough Council  
Swale House  
East Street  
Sittingbourne  
Kent, ME10 3HT

28<sup>th</sup> January 2020



P.R.1	01	
REF.		
	04 FEB 2020	(init)
CHO. D.		
DRAWER		

Dear Mr Gregory,

20/500015/OUT

**Outline application for the development of up to 180 dwellings with associated infrastructure including internal access roads, footpaths, cycleways, parking, open space and landscaping, drainage, utilities and service infrastructure works**

I am writing in my capacity as Chairman of the Swale District Committee of the CPRE. No doubt you are aware that we are part of CPRE Protect Kent, the Kent Branch of the Campaign to Protect Rural England. We have looked very closely at this application and the supporting documentation, and we are familiar with the site. For the reasons explained below we consider that the application should be **refused permission**.

### 1. General Points

The work, undertaken in the development of the current Adopted Local Plan, reviewed sites available in the Borough and consulted upon them. The Adopted Local Plan contains a number of sites in Faversham and two (MU5 & MU6) is close proximity to this one. This site is not an allocated one, as we explain below, we feel that no over-riding need to find extra sites to comply with the Objectively Assessed Needs of the Borough at present.

Furthermore, we note the large amount of local opposition to this site. It is our understanding that, in the 1990s the site was under consideration and a local referendum overwhelming opposed the idea. We feel that, for this site, there should be a presumption of rejection.

### 2. Housing land supply

Recent reports accompanying decisions made by Swale Borough Council indicate that the Borough cannot demonstrate a five-year land supply. This is significant as the NPPF states that,

*"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*  
para. 49

However, the appeal judgement (APP/V2255/W/15/3135521), which dealt with a development at Norton Ash prior to the adoption of the current plan, showed that the absence of a five-year supply of sites is not "over-riding". Para. 59 of the appeal decision states,

*"in the context of the serious shortfall in housing land supply the relevant policies for the supply of housing are not up-to-date. Nevertheless, progress being made towards*

The Kent branch of the Campaign to protect Rural England exists to protect the beauty, tranquillity and diversity of the Kent countryside

CPRE Kent Queen's Head House, Ashford Road, Charing, Kent TN27 0AD  
www.cprekent.org.uk Phone 01233 714540 Email info@cprekent.org.uk

Registered charity (number 3092032), limited company registered in England (number 0435730)

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*improving the housing land supply position in the Borough as part of the emerging development plan, and the settlement strategy of this, warrant moderate weight being attached to the policies as an approach to the location of development in the Borough.”*

The position with regard to a five-year land supply seems to be much more favourable now than it was at the time of this judgment which was delivered when the current plan was in its development stage. Swale has a number of sites allocated in the Adopted Local Plan that are deliverable and will meet the required target. The fact that, recently, two such large developments have been refused and are under appeal is largely the result of the nature of the application and not the fact of the application itself. Once sites are allocated it is up to the developer to “deliver” them within the policies contained in the plan.

Thus, we would argue that the sites currently under appeal (in the form in which they are contained in the local plan) should remain in the assessment of the five-year land supply. Thus, a lack of a five-year supply is not an “over-riding” consideration and cannot be used to dismiss, out of hand, the considerations discussed below.

The second point made in the quoted paragraph above refers to location. As the judgement made clear, weight must be given to the appropriateness of the location, even in the absence of a five-year land supply. As we argue below, the location of this proposal is highly problematic.

### 3. Flood risk

The area of the proposal lies between two areas of flood risk, according to the Environment Agency’s flood risk map. Indeed, the eastern edge of the site which, according to the plans, is to be open space, is in Flood Zones 2 and 3.

Furthermore, it is sound planning, and in many aspects required under the NPPF, consider the cumulative aspects of sites in a Borough. Not only will the building in the western part of the site increase run-off, the other allocated sites in close proximity will, likewise, increase run-off and hence the risk of flooding. At the very least, this development would require significant extra infrastructure to reduce this risk.

On these grounds we feel that **the proposal should be rejected under para. 2 of Policy DM 21** which says that Swale will

*“Avoid inappropriate development in areas at risk of flooding and where development would increase flood risk elsewhere.”*

### 4. Location – loss of countryside and impact on landscape character

The site is located outside the built-up area boundaries of Faversham. Thus, the proposal is covered by **Section 5 of Policy ST 3** of the Adopted Local Plan, which states,

*“At locations in the open countryside, outside the built-up area boundaries .... development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.”*

p. 50

Para. 17 of the NPPF sets out a number of Core Planning Principles. One of these requires local planning authorities to recognise “the intrinsic character and beauty of the countryside” whilst another



requires them to “prefer land of lesser environmental value” for development. As such this is an area of countryside that the NPPF would be likely to view as inappropriate for development.

The introduction of an estate of 180 (or more) dwellings clearly does not “enhance the intrinsic value, tranquillity and beauty of the countryside around Faversham. The argument of the developers that the landscape would be dealt with by creating a soft edge on the northern and eastern edges misses the point. The development itself is the element that impinges detrimentally on the landscape.

We, agree with the Faversham Society’s assessment that, as the land is adjacent to an AHLV, the site is highly sensitive and important to Faversham’s identity as a historic market town.

Were **Policy ST 3** to be ignored, it would mean essentially that housing development can be seen as acceptable, in principle, anywhere in the countryside. This is clearly an untenable position and contrary to the importance placed on the plan-led system advocated by the NPPF. The importance of the plan-led system is basic to the NPPF and is not over-ridden by the absence of a five-year land supply.

**The application should, therefore, be refused for not complying with para. 17 of the NPPF and policy ST 3 of the Adopted Local Plan.**

### 5. Loss of Best and Most Versatile Agricultural Land

The location of proposal is on land that is in agricultural production. We note the *Rural Planning* report that has been submitted which states that

*“The site has been identified as including some 11.9 ha of affected agricultural land, in the “best and most versatile” (BMV) category, comprising a rectangular arable field of which some 3.7 ha is Grade 2 (very good quality) and 8.2 ha is Grade 3a (good quality).”*

We fully concur with the conclusion of that report that, despite some of the land being left unbuilt, the result will be the permanent loss of this area of agricultural land.

Giving up high-quality land for development should be robustly justified. This is why national planning policy seeks to protect such land and to steer development to land of lower quality. This is explicitly explained in *para. 112* of the NPPF, which states,

*“Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”*

This requirement is echoed in **Policy ST 1 (para 11 g.)** of the Adopted Local Plan and in **Policy ST 5 (11)** which invoke **Policy DM 31** of the new Local Plan, which states,

*“Development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries. Development on best and most versatile agricultural land (specifically Grades 1, 2 and 3a) will not be permitted unless:*

- 1. The site is allocated for development by the Local Plan;*

*2. There is no alternative site on land of a lower grade than 3a or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development ....*

Even if it is accepted that there is an over-riding need for development, the applicants have not shown that there are no other sites involving lower quality land. In accordance with the NPPF, it is the responsibility of the local planning authority to make sure that other, lower quality land is not available - not just in the Faversham area, but throughout the Borough.

Furthermore, this point is reinforced in Policy ST7 covering the "Faversham Area and Kent Downs" explicitly states that development proposals must,

*"Unless allocated by the Local Plan, avoid the loss of high quality agricultural land in accordance with Policy DM31."*

We consider that there is insufficient evidence to conclude that the proposal overrides *para. 112* of the NPPF or the requirements of **Policies ST 1, ST5, ST7 and DM 31** of the Adopted Local Plan. **For these reasons the application should be refused.**

## 6. Ecology and Reptile report – see appended map

(Details supplied by CPRE Kent's ecology specialist, Vicky Ellis B.Sc. (Hons), M. Res)

Referring to the reports by the Ecology Partnership, CPRE Kent is at a loss as to why H3 (see map) was not surveyed and why H4 (see map), also not surveyed, was not considered despite it being a young (possibly three-year old) native species hedge. CPRE Kent, having recently visited the site on the 13<sup>th</sup> of January 2020, found there to be excellent connectivity to surrounding habitat, in stark contrast to The Ecology Partnership's claims of a defunct hedge.

Referring to *page 6, paras 2.2 – 2.4* of the Habitat Report, CPRE Kent is concerned that The Ecology Partnership seems to be unsure of how many *refugia* it had placed on this site. Without knowing how many *refugia* are placed how could they possibly know if they checked them all, let alone that there were 'sufficient numbers to ensure results were achievable' after a number were interfered with by the public? (see App. 1 of their report).

Due to the vagueness of their methodology, CPRE Kent feels the results from the reptile survey are unreliable and therefore should be repeated by a competent and suitably qualified licenced ecologist and that the placings of the *refugia* should be away from public footpaths as much as possible, plotted on a map and include H3 and H4.

With regard to biodiversity, as over 50% of UK bat species are present on site, we would expect there to have been a thorough bat activity survey along with a bird nesting survey and migratory bird survey. We would also recommend that, because of the excellent connectivity, wider habitats type and, as a dormouse nest has been found on the SSSI, that a dormouse survey should also be completed.

On *page 33* the Ecology Partnership has concluded that the habitats within their red line boundary are not functionally linked to the SPA or Ramsar sites. However, as no formal bird survey has been carried out on this site this speculative statement must be regarded with caution.

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We have already referred to the flood risk. On page 20 paras 4.24 there is a proposal for foul water to be collected in a system of gravity sewers. These sewers are likely to be increasingly overwhelmed due to frequent extreme weather patterns. The suggestion of further development in terms of a pumping station would serve further to industrialise an open and aesthetically beautiful historic landscape. This reinforces the points we have made on landscape.

Concerning mitigation of the effects of the development, the NPPF states that there should be a 10 per cent net gain in biodiversity. The developer has drawn a red line around the Local Wildlife Site, presumably to use this area a compensation site. However, as this is already an LWS it does not provide any 'gain' as this area is already designated. Therefore, the developer should provide further green space to replace the same area plus 10 per cent that is earmarked for development in order to adhere to the NPPF.

One aspect of concern to CPRE is light pollution and its negative effect on wildlife. Studies have shown that light spill from dwellings and street lighting negatively affect flora and fauna. This area is currently particularly dark and tranquil. With the surrounding countryside and adjacent wildlife site, any artificial light could have a significant effect on flora and fauna and disrupt the habitat. Furthermore, artificial lights can have negative effects on bird species that navigate or hunt at night. Given the absent of relevant surveys, this effect cannot be predicted, or suitably mitigated.

**We feel, therefore, that the site is unsuitable from the habitat point of view and, at the very least, proper surveys should be undertaken as outlined above.**

### 7. Traffic

Other objectors have emphasised the effect this proposal would have on the already crowded A2 and the problems of access from the site to the main road. As many of the potential residents are likely to use the rural roads through Graveney, this increase must be considered. The roads run between the SSSI, Ramsar and SPA and increased trips will cause a negative effect on the surrounding protected areas through NOx pollution, recreational pressure and predator increase.

**We feel that the effect of this proposal, when considered in conjunction with the other developments in the Faversham area mean that it is unsustainable and hence should be refused.**

### Conclusion

The points made above mean that our Committee are of the opinion that, despite the lack of a five-year land supply, the application should be refused for being contrary to important Core Planning Principles, the requirements of the NPPF and to a range of policies in the Adopted Local Plan. We trust that the Council will give full regard to the points we make in this response and that planning permission will be refused.

Peter Blandon B.Sc., M.Phil., Ph. D.  
Chairman of the CPRE Swale District Committee





**APPENDIX 4**

## Appendix 1

**Application Reference: 20/500015/OUT**

Outline application for the development of up to 180 dwellings with associated infrastructure including internal access roads, footpaths, cycleways, parking, open space and landscaping, drainage, utilities and service infrastructure works (All matters reserved except Access). Land At Abbeyfields Faversham Kent ME13 8HS

This representation should be considered in conjunction with comments previously raised in the representation submitted on the 28/01/20, 08/04/21 and 21/09/21.

The application should be refused on the grounds that:

- The emerging Neighbourhood Plan positively plans for the level of growth required by Swale Borough Council with the site allocations for residential and mixed-use development.
- The proposed development would encroach into the open countryside, resulting in the loss of Grade 1 agricultural land that is 'best and most versatile'.
- The site has been discounted through SHLAA assessments and the AECOM site options and assessment report October 2021 prepared for the emerging Faversham neighbourhood plan, which also concludes that using the RAG rating the site was amber owing to the constraints including the high sensitivity of the landscape character.
- The application fails to assess the true archaeological impacts of the proposed development and would result in the loss of designated historic landscape.
- The site is within an unsustainable location on previously undeveloped land.
- There are no planning merits or gains to justify departure from national, local and emerging neighbourhood plan policy.

**Growth Strategy:**

The application site is within the Faversham Neighbourhood Area. Swale Borough Council have allocated 219 homes to be delivered within the Neighbourhood Area over the plan period. The emerging neighbourhood plan currently at Regulation-14 stage caters for and above the level of growth required. Therefore, there is no material reason to support speculative development at this scale that results in the loss of previously undeveloped land as a greenfield site and Grade 1 agricultural land.

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Furthermore, in the Local Plan review this site was not taken forward as a preferred option in the growth strategy to help deliver the housing need for the borough and was discounted as a potential site allocation.

There is no planning case to support this application. It should also be noted that the submitted Planning Statement and many of the supporting reports are based on the 2019 version of the NPPF. The NPPF has been updated in 2021 and a version currently being consulted on. Clearly this application was developed against out-of-date national planning policy context and does not seek to deliver the government priority of building on brownfield sites first.

Site Assessment:

The application site is across SHLAA site SLA18/062 39 Abbey Fields and SLA18/065. The assessment makes clear that the application site is an unsustainable location and is a greenfield site. It also makes clear that development at the scale proposed would have a significant impact on the landscape.

This is also supported in the AECOM site options and assessment report October 2021 prepared for the emerging Faversham neighbourhood plan, which also concludes that using the RAG rating the site was amber owing to the constraints including the high sensitivity of the landscape character.

Historic Environment:

Para 2.1 of the Archaeological Desk Based Assessment states:

*“The Site does not contain any designated archaeological heritage assets, such as scheduled monuments or registered battlefields, where there would be a presumption in favour of preservation in situ and against development proceeding.”*

However, Kent County Council mapping data shows the site includes the following assets and designations:

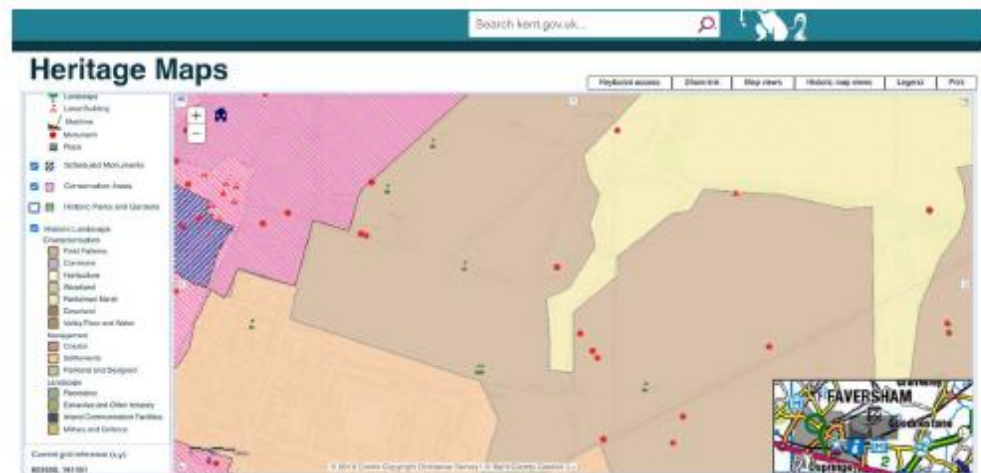
- Findspots;
- Is adjacent to a conservation area and scheduled monument;
- On the northern boundary has 2 monuments and a number within close proximity to the eastern boundary; and
- The site is predominantly identified in the Historic Landscape Characterisation as ‘field patterns’ with a small portion identified as ‘horticulture’ to the east of the site.

The mapping data can be viewed at:

<https://webapps.kent.gov.uk/KCC.HeritageMaps.Web.Sites.Public/Default.aspx>

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## Appendix 1



Therefore, the desk-based assessment is inaccurate and fails to acknowledge or fully assess the potential archaeological impacts of development on this site.

**Additional Comment:**

- 60% of the proposed site will be impermeable, forcing rain to run off and enter drain/sewage system. This threatens to pollute water courses including the two ponds.
- The ecology report indicates that habitat is a suitable environment for great crested newts.
- Eels (a protected species) are known to migrate in the area, evidenced in Faversham and Thorn Creek, and therefore possibly the two ponds.
- This proposal would make the Whitstable Road/Abbeyfields Junction critical. The junction to Abbeyfields cannot be widened as there are houses on either side.
- Faversham Emerging NHP - FAV 7: Natural Environment and Landscape; 4. Trees, woodland and hedges must be retained and be incorporated into the layout and landscape design of development proposals.

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### Habitat Regulation Assessment (HRA)<sup>i</sup> Screening Matrix and Appropriate Assessment (AA) Statement

IMPORTANT NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations<sup>1</sup>. However, it is the responsibility of the applicant to provide the Competent Authority with the information required to complete this process.

<b>Application reference:</b>	20/500015/OUT
<b>Application address:</b>	Land at Abbeyfields Faversham
<b>Application description:</b>	Outline application for the development of up to 180 dwellings with associated infrastructure including internal access roads, footpaths, cycleways, parking, open space and landscaping, drainage, utilities, and service infrastructure works (All matters reserved except Access).
<b>Lead Planning Officer:</b>	William Allwood
<b>HRA Date:</b>	16 <sup>th</sup> June 2023

#### Part 1 – Details of the plan or project

<b>European site or sites potentially impacted by planning application, plan or project (Delete as appropriate):</b>	The Swale SPA and Ramsar Site
<b>Is the planning application directly connected to the management of the site?</b>	No

#### Part 2 – HRA Screening Assessment

**Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant should provide evidence to allow a judgement to be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA / Ramsar Site.**

The coastline of North Kent encompasses three Special Protection Areas (SPAs): the Thames Estuary and Marshes SPA, the Medway Estuary and Marshes SPA and the Swale SPA. They are classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and / or vulnerable in a European context, and also sites that form a critically important network for birds on migration. All three sites are also listed as Wetlands of International Importance under the Ramsar Convention (Ramsar Sites). For clarity, and the

<sup>1</sup> All references in this document to the 'Habitats Regulations' refer to the Conservation of Habitats and Species Regulations 2017

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<p>purpose of this assessment, 'European Sites' refers to both the SPA(s) and Ramsar<sup>2</sup> Site(s). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity.</p> <p>Research<sup>3</sup> conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.</p> <p>Following the CJEU ruling<sup>4</sup>, avoidance or mitigation measures cannot be taken into account as part of the application at this stage of the HRA, and must be considered under an Appropriate Assessment stage of the HRA in part 3 of this document.</p>	
<p><b>Are there any other plans or projects that together with the planning application being assessed could result in a likely significant effect the site when considered in-combination?</b></p>	<p>Yes. All new dwellings built within 6km of the SPA and Ramsar Site, or other developments that could lead to an increased recreational pressure, could combine to have a likely significant effect on the SPA and Ramsar Site.</p>
<p><b>Would the proposal lead to a likely significant effect on the European sites, without mitigation measures either alone or in-combination? YES (if yes, continue to part 3)</b></p>	

<p><b>Part 3 – Appropriate Assessment</b></p>	
<p><b>Appropriate Assessment under Regulation 63(1) – if there are any potential significant impacts, the Applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long-term management, maintenance and funding of any solution.</b></p>	
<p>The project being assessed would result in a net increase of 180 dwellings within 6km of the North Kent SPAs and Ramsar Sites. In line with Policy CP7 'Conserving and enhancing the natural environment – providing for green infrastructure' and Policy DM 28 'Biodiversity and geological conservation' and based upon the best available evidence, a permanent likely significant effect on the SPAs and Ramsar Sites due to increase in recreational disturbance as a result of the new development, is likely to occur. As such, in order to avoid and mitigate for an adverse effect on the integrity of the SPAs and Ramsar Site(s), the development will need to include a package of avoidance and mitigation measures.</p> <p>The North Kent Strategic Access Management and Monitoring Strategy<sup>5</sup> (SAMMS) sets out a strategy to resolve disturbance issues to wintering birds on the North Kent Marshes, focusing</p>	

<sup>2</sup> As a matter of Government Policy (NPPF Paragraph 18), Ramsar Sites should be given the same protection of European Sites.

<sup>3</sup> Liley, D. & Fearnley, H. (2011). Bird Disturbance Study, North Kent 2010/11. Footprint Ecology

<sup>4</sup> CJEU Ruling Case C-323/17

<sup>5</sup> Liley, D. & Underhill-Day, J. (2013). Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy. Unpublished report by Footprint Ecology

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on the European Protected Sites and Ramsar Sites and their internationally important bird interest features. Elements within the strategy are:

- Rangers to provide wardening and visitor engagement
- A North Kent Coast dog project to promote responsible dog ownership and encourage walking on lead in sensitive areas
- Codes of conduct developed in partnership with local groups and clubs to raise awareness of recreational disturbance in a variety of activities both on and off of the water
- Interpretation and signage
- New and/or enhanced infrastructure
- Enforcement and Monitoring

The report<sup>4</sup> also considered alternative measures, such as legal covenants relating to pet ownership in new developments, and capping visitor numbers at recreational sites. Due to the complexities in enforcing legal covenants and in reducing visitor numbers to the North Kent marshes, it is difficult to have confidence that such measures would be effective in the long term.

The suite of strategic mitigation measures are being delivered through the Bird Wise<sup>5</sup> project, a partnership of local authorities and conservation organisations in North Kent, to ensure that development, considered in-combination, does not have an adverse effect on the integrity of the European sites. A per-dwelling tariff<sup>7</sup> has been calculated using the total cost of delivering the mitigation measures in-perpetuity and the planned number of additional dwellings expected to be built in North Kent. Swale's tariff is £314.05 per dwelling.

Given the proximity of the site to the SPA and the established operation of the SAMMS, I consider that a payment in accordance with this strategy is still necessary, and this is agreed by the applicant.

Natural England has worked with the north Kent Local Planning Authorities to support them in preparing the SAMMS and the underpinning evidence base. Natural England agree that the mitigation measures to ensure additional impacts from recreational disturbance to the SPAs and Ramsar Sites are ecologically sound. As such, the Applicant does not need to provide their own evidence base on these aspects. Evidence should however be submitted showing that a mitigation contribution payment has either:

- Been made to the Bird Wise scheme through a Unilateral Undertaking; or
- Be made through a s106 agreement where Heads of Terms have been agreed and the agreement will be signed prior to any permission being granted.

#### Part 4 – Summary of the Appropriate Assessment - To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

Having considered the proposed mitigation and avoidance measures to be provided in-perpetuity through the secured contribution to the Bird Wise scheme, Swale Council conclude

<sup>5</sup> Full details available at [www.birdwise.org.uk](http://www.birdwise.org.uk)

<sup>7</sup> Baseline tariff set at £223.58 per new dwelling in 2014, index linked and subject to annual increase.

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<p>that with mitigation, the plan or project will have no adverse effect on the integrity of the European protected site(s).</p> <p>The applicant has agreed to make the required financial payments under SAMMS through a S106 agreement. This will be required prior to occupation of the development.</p> <p>Having made this appropriate assessment of the implications of the plan or project for the site(s) in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received (see below), the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.</p>
<b>Natural England Officer:</b>
<b>Summary of Natural England's comments:</b>

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<sup>1</sup> This template is to be used to aid the decision making for residential developments where the only potential impact is from recreational pressure that the Bird Wise scheme can mitigate. There may be cases close to the designated sites where additional impacts such as loss of habitat supporting SPA bird species or additional recreation management measures are needed, for example, which will require a bespoke, more detailed appropriate assessment.