

**PLANNING COMMITTEE – 18 AUGUST 2022****PART 2**

Report of the Head of Planning

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

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| <b>2.1 REFERENCE NO - 21/502545/FULL</b>  |  |   |
| <b>APPLICATION PROPOSAL</b><br>Residential and commercial development comprising of 32no. residential units and 246 sqm of commercial space (Class E Use), with associated parking and amenity areas. |  |   |
| <b>ADDRESS</b> Railway Depot, Station Road, Faversham, ME13 8GE   |  |   |
| <b>RECOMMENDATION</b> Grant subject to conditions and Section 106 agreement with delegated authority to amend the wording of the s106 agreement and conditions as may reasonably be required.         |  |   |
| <b>REASON FOR REFERRAL TO COMMITTEE</b><br>Parish Council objection.  |  |   |
| <b>WARD</b> Halstow Grove   | <b>PARISH/TOWN COUNCIL</b><br>Faversham Town | <b>APPLICANT</b> George Wilson Developments<br><b>AGENT</b> Hobbs Parker Property Consultants |
| <b>DECISION DUE DATE</b><br>31/08/2022  |  | <b>PUBLICITY EXPIRY DATE</b><br>28/04/2022  |

**Planning History:**

18/504627/FULL

Erection of 3no. two storey blocks comprising of 9no. small business units for B1, B2 and B8 Use with associated car parking, service access, landscaping and access roadway. Additional car parking to serve both the proposed new units and the existing units at neighbouring Jubilee Industrial Estate. New access to link the new development into the existing neighbouring development at Jubilee Way Industrial Estate via Sidings Close and retention of existing access leading to Station Road.

Approved Decision Date: 29.05.2019

19/506143/FULL

Section 73 application (minor material amendment) to application 18/504627/FULL for erection of 3no. two storey blocks comprising of 9no. small business units for B1, B2 and B8 Use with associated car parking, service access, landscaping and access roadway. Additional car parking to serve both the proposed new units and the existing units at neighbouring Jubilee Industrial Estate. New access to link the new development into the existing neighbouring development at Jubilee Way Industrial Estate via Sidings Close and retention of existing access leading to Station Road - with amendment to site layout.

Approved Decision Date: 06.04.2020

19/503736/SUB

Submission of details pursuant to Conditions 3: Details of materials, & 22: Programme of archaeological works (original application ref: 18/504627/FULL).

Approved Decision Date: 20.09.2019

## **1. DESCRIPTION OF SITE**

- 1.1 The application site is located to the east of Station Road and St Mary's Road in Faversham. The site is located off a private access to the east of Faversham Station (and south of Beaumont Terrace) and was formally associated with the use of the railway. The site sits to the north of the adjacent railway tracks. To the east of the site there is a commercial operation, and a raised footbridge (for PROW ZF24) runs long above the site to the eastern part of the site. A second footbridge adjoins the far western end of the application site.
- 1.2 The site has a long narrow access which opens up to a triangle section of land which is subject hardstanding and formally a number of buildings. Some of the buildings are still in situ including to the first half of the site which contains some low-level built form. The site is considered previously developed land/brownfield and is located within the Built-up area of Faversham.
- 1.3 The site is subject to a heavy landscape boundary to the north of the site. The trees in this location are well established and provide a separation between the site and the recreational ground to the north and residential properties along the initial entrance to the site (Beaumont Terrace and then the dwellings at Preston Malt House).
- 1.4 As set out above, the site has been subject to previous planning consent in 2018 for commercial use. The permission granted consent for 9 business uses, the uses granted under the pre-amended use class order for B1, B2, and B8 (now E(g)(I – iii) and B2 and B8).
- 1.5 The site is located in the Faversham Conservation Area.

## **2. PROPOSAL**

- 2.1 The proposed development is seeking to change the use of the land to provide a single commercial unit and residential development.
- 2.2 The proposal would provide approximately 246sqm of office space which would be used for offices under class E(g)(i). The proposed commercial unit would be single storey, have a linear form, and a pitched roof. The roof would have a cascade/stepped form. The windows and doors would have an arched appearance and the materiality of the building would be predominately composed of brick. The commercial space would be located to the entrance to the site and to the south of properties along Beaumont Terrace which is located approximately 21m from the unit.
- 2.3 To the west of the commercial space 11 parking spaces would be provided, these would include 2 disabled spaces, 2 of the spaces would have active charging points. To the north of the commercial building a storeroom would be provided.

- 2.4 The main access to the site would be subject to chicanes and the surfacing would indicate a shared space for pedestrians and vehicles.
- 2.5 The residential area of the site is located to the east of the site. The proposal seeks the provision of 32 units. The units would include a semi-detached unit and a block of flats.
- 2.6 The proposed semi-detached units referred to as (units 3 and 4 by elevation and 1 and 2 on the site plan) would be single storey. The units would be 1-bedroom. The semi-detached pair would have a dual pitched roof, traditional detailing, and chimney flue.
- 2.7 To the west of the semi-detached dwellings 5 parking spaces with 2 active charging spaces. A bike store would also be provided adjacent to the parking.
- 2.8 The proposed flat block would be three storeys high with a dual pitched roof. The building would have two entrances operating as two separate blocks adjoined. The flat block would contain 30 residential units.
- 2.9 The proposed flats would be comprised of 12 1-bedroom flats and 18 2-bedroom flats. In total the development would provide 14 1-bedroom flats. The flats would contain solar panels to the roof.
- 2.10 Along the southern border of the site, an access gate to the railway tracks would be maintained. To the east of this access gate a further 3 parking spaces and a bin store would be located. A further 25 parking spaces would extend to the eastern boundary to the north of the site, with 2 active charging spaces. A bike store would be located to the northern half of the parking.
- 2.11 A pedestrian and cycle access would be provided to the Faversham Recreation ground and the access to the footbridge would also be provided.
3. The density of development would be approximately 46.6 dwellings per hectare (dph).

#### **4. PLANNING CONSTRAINTS**

- 4.1 Public Right of Way – ZF 24
- 4.2 Faversham Conservation Area
- 4.3 Setting of Listed Buildings
- 4.4 The majority of the site is in Flood Zone 1 (low flood risk). However, a small part of the site is in Flood Zone 2 and 3.
- 4.5 Area of Archaeological Potential
- 4.6 Special Protection Area 6km SAMMS
- 4.7 Within the Built-up area boundary of Faversham

#### **5. POLICY AND CONSIDERATIONS**

5.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

5.2 Development Plan:

ST 1 – Delivering sustainable development in Swale,  
ST 3 – The Swale settlement strategy,  
ST 7 – The Faversham area and Kent Downs Strategy,  
CP 1 – Building a strong, competitive economy,  
CP 3 – Delivering a wide choice of high quality homes,  
CP 4 – Requiring good design,  
CP 8 – Conserving and enhancing the historic environment,  
DM 1 – Maintaining and enhancing the vitality and viability of town centres and other areas,  
DM 6 – Managing transport demand and impact,  
DM 7 – Vehicle Parking,  
DM 8 – Affordable Housing,  
DM 14 – General development criteria,  
DM 17 – Open space, sports and recreation provision,  
DM 19 – Sustainable design and construction,  
DM 21 – Water, flooding and drainage,  
DM 28 – Biodiversity and geological conservation,  
DM 29 – Woodlands, trees and hedges,  
DM 32 – Development involving listed buildings,  
DM 33 – Development affecting conservation area,  
DM 34 – Scheduled Monuments and archaeological sites.

5.3 Supplementary Planning Guidance (SPG):, Conservation Areas, Faversham Town Conservation Area Appraisal, Swale Borough Council Parking Standards Supplementary Planning Document (SPD) Section 2 Residential, Section 3 Commercial, Section 4 EV Charging Points.

## 6. LOCAL REPRESENTATIONS

6.1 4 objections have been received. A summary of the points raised in the objections is set out below:

- Objection as the development fails to include the footpath link that was included in earlier approved scheme for commercial,
- Impact on the traffic at the junction with St Mary's Road which is already a blind spot for cars,
- Impact to parking,
- What will the use of the building opposite Beaumont Terrace be?,
- Can bin stores be moved,
- Loss of trees should be mitigated,

- Is further housing necessary,
- Inconvenience of construction so close to the properties is of great concern, how will this be compensated for?,
- All but 2 of the units lie 200m from the operational railway station with announcements, unit 1 and 2 will be only 8m from the operational platforms where passenger announcements will be made with unit 1 only 3m from the metal footbridge with people passing over it,
- Remove units close to operational platforms,
- Removal of trees is of concern as they provide a good sound barrier from train noise and loss of wildlife habitat,
- Vehicle movements would exacerbate light into dwellings,
- Greater privacy is required,
- Greater number of access than acknowledged in traffic report due to door mirrors being removed,
- In favour of the development subject to high fencing, good wildlife environment is replaced, and more effort is placed on the road junction, written schedule of works required,
- Loss of privacy,
- Increased noise pollution,
- 45 units is too dense a development [Members will note that the application now proposes 32 dwellings],
- Further traffic surveys required,
- Safety of the site should be considered in regard to CCTV, children playing near railway site etc,
- How will all residents be involved in decisions on planting.

6.2 4 comments neither objecting or supporting the application. A summary of the points raised is set out below:

- Disappointed that walking/cycling link to Jubilee Way commercial estate is not provide,
- Access is needed due to vast amount of development proposed to the east of the town such access is needed,
- What is proposed opposite Beaumont Terrace (bin store proximity to fence),
- How will trees be removed (will the road be closed, how many will be removed, will roads be closed, how many will be maintained as they are overgrown),

- Disappointed that opportunity to gain vehicular access to the Recreation Ground Lodge to prevent vehicle movements amid pedestrians on the Rec's eastern promenade,
- A through route for cycles should be provided between Jubilee Way and Station Road,
- Good use of land,
- Opportunity to gain access to Lodge in Recreation ground.

6.3 2 Comments in support have been received. A summary of the points raised in the support are set out below:

- Support the building on brownfield land,
- Support the provision of small housing units for which there is a shortage,
- Disappointed that 1- and 2-bedroom properties have been reduced,
- Permeability and opportunities for walking and cycling are important,
- Faversham Community Land Trust seeks opportunity to open access from Windermere to the Long Bridge and Railway Depot/Sidings to access recreation ground and Railway Station,
- Footpath access should be provided to the Jubilee Site aware that there is no access available and desirability for footpath link justifies the loss of other Section 106 benefits,
- Supports KCC Ecology advice,
- Pleased with removal trees which lining Beaumont Terrace and to the rear of Preston Malthouse which are overgrown and diseased which reduce sunlight to residential amenity areas,
- Replacement planting looks fine.

## 7. CONSULTATIONS

7.1 KCC Highways:

7.2 1<sup>st</sup> Response. 9/09/2021

7.3 Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

7.4 This proposal was subject to pre-application discussion with Kent County Council Highways and Transportation.

7.5 I note that the application form details that it is the intention of the applicant that there will be new publicly adoptable roads within the application site. Having discussed this proposal with KCC's Agreements team, this is not a site we would look to adopt given the lack of frontage development and the propensity of flats. The proposed site does not meet Agreements' standard criteria for adoption as it solely comprises an access road to serves flats and their associated parking. I would also point out that during pre-application discussions we advised

that this development should remain in private ownership. As such we will have limited interest in the internal layout, however I will supply comments for your assistance.

- 7.6 The proposal is for the erection of 45 units with associated parking. This brownfield site already has an extant use that would generate associated traffic movements, and a TRICS assessment has been carried out for the site proposals. The previous site use would result in 12 AM peak movements, 9 PM peak movements and a total of 113 movements for a 12 hour period (07.00 - 19.00 hrs), compared to the current proposals that will result in 11 AM peak movements, 13 PM peak movements and a total of 126 movements for a 12 hour period (07.00 -19.00 hrs).
- 7.7 The resulting trip generation for the above proposals do not cause a concern with regard to the impact on the wider highway network, and as such would not warrant a recommendation of refusal for this application from the Highway Authority.
- 7.8 A Stage 1 Road Safety Audit has been conducted and a Designers response submitted.
- 7.9 Access
- 7.10 An existing access will be utilised, and plans demonstrating the visibility splays have been submitted which are acceptable, and the splays can be conditioned to ensure they are maintained.
- 7.11 Plans demonstrating tracking for an 11.4m refuse vehicle and a fire tender have been submitted as part of the Amended Transport Statement, and the East Site plan demonstrates the turning manoeuvre for an 11.4m refuse vehicle in the turning head only. Outside flats 4,5 & 6 there would appear to be some overrun.
- 7.12 A pedestrian footpath is proposed to run through the length of the site, which will link into the existing pedestrian network on Station Road and continue through to the far eastern side of the site to a gate providing direct access to the Recreation Ground. This gate will be available for non-residents here, thereby providing a direct link for pedestrians and cyclists from Station Road to the Recreation Ground.
- 7.13 Given the level of pedestrian activity we would expect the vehicle crossover sections of the pedestrian footway to be served by a dropped kerb and not a bell mouth.
- 7.14 Due to the fact the access road narrows for a length of approximately 120m further into the site, the applicant is proposing traffic calming features at this point and to make this area a shared space for both pedestrians and vehicles. Concerns regarding this have been raised as part of the Road Safety Audit, and the Designers response does address these. Tactile paving will be installed for pedestrians and the bollards on the traffic calming features will have reflective material on them. Please note that roads subject to a 20mph speed limit would normally be expected to provide traffic calming features every 60m.
- 7.15 Parking
- 7.16 45 parking spaces are proposed (one per dwelling) along with 9 visitor parking spaces. However the visitor parking spaces are indicated at the entrance of the access road. This means they are remote from flats No 3-45. In addition, there is nothing to prevent these

spaces from being used by commuters or other car drivers not visiting residents on this site. Visitor parking should be spread evenly throughout the site, and clearly identified as such.

- 7.17 Flats 1 & 2 - Pedestrian visibility splays of 1m x 1m behind the footway on both sides of the parking space are also required. There must be no obstruction over 0.6m within these splays.
- 7.18 There are no dimensions detailed on the submitted plans, where a parking space abuts a wall/building a width of 2.7m is required. For Flats 1 & 2 the parking spaces appear to be enclosed on both sides, as such a minimum width of 2.9m is required.
- 7.19 Two spaces are located either side of the proposed bicycle storage area at the far eastern end of the site. Visibility for these car parking spaces is obstructed by the bicycle storage units - however I have concerns with the bicycle storage unit here - please see my comments under Bicycle Storage.
- 7.20 Electric Vehicle charging points are required, in line with Government proposals to increase the use of this type of vehicle, and should be in accordance with Swale Borough Council' s adopted parking standards.
- 7.21 Bicycle Storage
- 7.22 There is no bicycle storage indicated for Plots 1 & 2. This is required to be enclosed and secure. For the remainder of the site, 2 storage area's are proposed which would house 44 bikes in each unit. No details have been submitted on the storage system itself, this is required so we can ensure it will fit in the area/units indicated.
- 7.23 I have concerns with the bicycle storage unit at the far eastern end of the site, opposite flats 4,5 & 6. The entrance would appear to open out directly onto the access road. This is a safety concern, for both car drivers and anyone attempting to remove their bicycle from the storage area. As such this unit needs to be relocated where access can be gained from a pedestrian area and not the main access road. The current position also restricts visibility for vehicles emerging from the parking spaces.
- 7.24 I would be grateful therefore, if you would forward any amended plans or additional information to me for my further consideration.
- 7.25 2<sup>nd</sup> Response. 20/01/2022.
- 7.26 Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-
- 7.27 Further to previous comments, the proposal has now been amended and now comprises of 32 residential units and 246sqm of commercial space.
- 7.28 As stated in the previous comments we submitted and having discussed the revised proposals with KCC's Agreements team, this is not a site we would look to adopt given the lack of frontage development and the propensity of flats. The proposed site does not meet Agreements' standard criteria for adoption as it solely comprises an access road to serve the commercial unit and residential flats with their associated parking. I would also point out that during pre-application discussions we advised that this development should remain in private



ownership. As such we will have limited interest in the internal layout, however I will supply comments below for your assistance.

- 7.29 Further clarification is required on the Class E end use, as no details have been submitted other than a floor plan and the Transport Statement mentions it will be office space. There are a number of different uses that are now covered by E Class applications, and each have their own requirements for parking allocation and delivery vehicle access. This should be conditioned to restrict the use to Office Use within the E class.
- 7.30 The applicant has submitted a revised Transport Statement, to reflect the change in the proposals. However the Road Safety Audit is based on the previously proposed layout.
- 7.31 This brownfield site already has an extant use that would generate associated traffic movements, and a TRICS assessment has been carried out for the site proposals.
- 7.32 The previous site use would result in 12 AM peak movements, 9 PM peak movements. The current proposals (which include the proposed commercial use) will result in 19 AM peak movements, 20 PM peak movements. This is an increase of 7 AM peak movements and 11 PM peak movements.
- 7.33 The resulting trip generation for the above proposals do not cause a concern with regard to the impact on the wider highway network, and as such would not warrant a recommendation of refusal for this application from the Highway Authority.
- 7.34 Access
- 7.35 An existing access will be utilised, and plans demonstrating the visibility splays have been submitted as part of the Transport Statement Appendix B, they are acceptable.
- 7.36 The Transport Statement includes plans demonstrating the tracking for a refuse vehicle when entering and exiting the site, which are acceptable
- 7.37 Whilst tracking for a vehicle has been shown on the revised site plan 20 0931/03 Rev A for the eastern end of the site, they do not state what size vehicle they pertain to, and on checking the vehicle it only appears to be 10m in length. Plans demonstrating tracking for a 11.4m refuse vehicle should be submitted.
- 7.38 The commercial unit, if used as office space, will require a delivery area for a 12m rigid vehicle (for supplies etc).
- 7.39 The site will provide access for Network Rail vehicles, however confirmation is required from Network Rail as to the largest size vehicle that will require access, so the correct tracking can be demonstrated for this vehicle, especially where it enters the Network Rail site.
- 7.40 A pedestrian footpath is proposed to run from Station Road on the southern side of the access road, where it will continue in front of the proposed commercial building and parking spaces, up to the beginning of the shared space area. From this point on no pedestrian footpath is proposed, with the remaining part of the site to be a shared space. This does not raise any particular concerns, given the number of residential units served
- 7.41 At the far eastern side of the site, on the northern boundary, there is a gate providing direct access to the Recreation Ground. This gate will be available for both residents and non-

residents here, thereby providing a direct link for pedestrians and cyclists from Station Road to the Recreation Ground.

- 7.42 Due to the fact the access road narrows for a length of approximately 120m further into the site, the applicant is proposing traffic calming features at this point and to make this area a shared space for both pedestrians and vehicles, which will continue as a shared space into the eastern end of the site. The Road Safety Audit has not been updated to take into account these changes. Please note that roads subject to a 20mph speed limit would normally be expected to provide traffic calming features every 60m.
- 7.43 Parking
- 7.44 Commercial Unit - 11 spaces are proposed with the units proposed used as an office space. This is 2 spaces short of the required 13, based on Swale Borough Councils Non Residential Parking Standards for offices up to 500sqm. Given the central location this would be acceptable. The Transport Statement 5.3.2 states that 2 spaces will be accessible. The only site plan that indicates these parking spaces is part of the Transport Statement - the three separate submitted site plans do not indicate these. The two accessible spaces should be as close to the main building as possible.
- 7.45 Pedestrian visibility splays of 1m x 1m behind the footway at either end of the commercial parking spaces are required. There must be no obstruction over 0.6m within these splays.
- 7.46 33 parking spaces are proposed for the 32 flats. 7 visitor parking spaces are also required, therefore the development falls short by 6 spaces. 28 parking spaces are located at the far eastern end of the site, which means they are remote from a large number of the flats. 5 parking spaces are located adjacent to flats 1 & 2, but the remaining 3 spaces are again remote from the flats they will serve. This and the lack of visitor parking may result in on street parking, as future residents may wish to park closer to their homes. Any on street parking would impact on the ability of Network Rail to access their site, which requires 24 hour access.
- 7.47 The three parking spaces that are indicated next to what I assume is a refuse collection storage area (it has not been indicated on the submitted plans what this area is), this building obstructs the visibility for drivers when exiting these parking spaces and needs to be revised.
- 7.48 There are no dimensions detailed on the submitted plans, where a parking space abuts a wall/building a width of 2.7m is required.
- 7.49 Electric Vehicle charging points are required, in line with Government proposals to increase the use of this type of vehicle, and should be in accordance with Swale Borough Council's adopted parking standards. These are required for both the commercial unit and the residential flats
- 7.50 Bicycle Storage
- 7.51 There is no bicycle storage indicated for the commercial unit. 3 covered and secure spaces are required and should be indicated on submitted plans.

- 7.52 The bicycle storage for all 32 flats is located at the far eastern end of the site and is therefore remote from the flats they will be serving, and as such not overlooked and vulnerable to crime. In addition, unless well lit, this area would be dark and uninviting for residents to use.
- 7.53 Other points for consideration
- 7.54 there would appear to be a large refuse collection area opposite the commercial unit, this would appear unnecessary.
- 7.55 Once the Borough Council is satisfied that the internal issues have been addressed, and are minded to approve this application, then the following conditions should be applied to secure Highway matters:
- 7.56 Submission of a Construction Management Plan before the commencement of any development on site to include the following:
- (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
  - (c) Provision of wheel washing facilities
  - (d) Temporary traffic management / signage
- 7.57 Completion and maintenance of the access shown on the submitted plans 20-065/002 prior to the use of the site commencing.
- 7.58 Provision and maintenance of the visibility splays shown on the submitted plans 20/065/002 with no obstructions over 0.6metres above carriageway level within the splays, prior to the use of the site commencing.
- 7.59 Provision and permanent retention of the vehicle parking spaces shown on the approved plans prior to the use of the site commencing.
- 7.60 Provision and permanent retention of the cycle parking facilities shown on the approved plans prior to the use of the site commencing.
- 7.61 Provision and permanent retention of Electric Vehicle Charging points shown on the approved plan. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi 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>
- 7.62 Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
- 7.63 3<sup>rd</sup> Response. 15/03/2022

- 7.64 Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-
- 7.65 Further to previous comments, revised plans have been submitted. As I have previously stated, as this road will not be adopted by KCC Highways and Transportation, we have a limited interest in the internal layout, however I have a few comments for your assistance.
- 7.66 The applicant has addressed a number of the points raised previously, however the following remain outstanding;
- 7.67 - the plans demonstrating the tracking would still only appear to be for a 10m long vehicle, rather than the requested 11.4m long vehicle. However, having assessed the submitted plans there is additional room available to enable a longer vehicle to make a turning manoeuvre at the eastern end of the site. I am therefore satisfied that an 11.4m refuse vehicle would be able to turn in the space indicated on the submitted plans.
- 7.68 - Due to the fact the access road narrows for a length of approximately 120m further into the site, the applicant is proposing traffic calming features at this point and to make this area a shared space for both pedestrians and vehicles, which will continue as a shared space into the eastern end of the site. The Road Safety Audit has not been updated to take into account these changes. Please note that roads subject to a 20mph speed limit would normally be expected to provide traffic calming features every 60m.
- 7.69 33 parking spaces are proposed for the 32 flats. 7 visitor parking spaces are also required, therefore the development falls short by 6 spaces.
- 7.70 - No Electric Vehicle Charging points have been indicated.
- 7.71 - There is no bicycle storage indicated for the commercial unit. 3 covered and secure spaces are required.
- 7.72 - Further clarification is required on the Class E end use, as no details have been submitted other than a floor plan and the Transport Statement mentions it will be office space. There are a number of different uses that are now covered by E Class applications, and each have their own requirements for parking allocation and delivery vehicle access. This should be conditioned to restrict the use to Office Use within the E class.
- 7.73 The applicant has submitted a revised Transport Statement, to reflect the change in the proposals. However, the Road Safety Audit is based on the previously proposed layout.
- 7.74 Once the Borough Council is satisfied that the internal issues have been addressed, and are minded to approve this application, then the following conditions should be applied to secure
- 7.75 Highway matters:
- 7.76 - Submission of a Construction Management Plan before the commencement of any development on site to include the following:
- (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

- 7.77 - Completion and maintenance of the access shown on the submitted plans 20-065/002 prior to the use of the site commencing.
- 7.78 - Provision and maintenance of the visibility splays shown on the submitted plans 20/065/002 with no obstructions over 0.6metres above carriageway level within the splays, prior to the use of the site commencing.
- 7.79 - Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- 7.80 - Provision and permanent retention of the vehicle parking spaces shown on the approved plans prior to the use of the site commencing.
- 7.81 - Provision and permanent retention of the cycle parking facilities shown on the approved plans prior to the use of the site commencing.
- 7.82 - Provision and permanent retention of Electric Vehicle Charging points shown on the approved plan. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi 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>

NOTE:Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation.

- 7.83 Highways England [now re-named as National Highways]:
- 7.84 1<sup>st</sup> Response. 20/07/2021
- 7.85 Referring to the notification of a planning application dated 1 June 2021 referenced above, in the vicinity of the M2 south of Faversham that forms part of the Strategic Road Network, notice is hereby given that Highways England's formal recommendation is that we:
- 7.86 a) offer no objection\*;
- 7.87 \*Whilst we do not agree with the applicant's assessment of the traffic implications of the proposal, our own analysis indicates that the proposals will generate minimal additional traffic on the SRN in Peak Hours. We therefore consider that the development will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 paras 8 to 11 and MHCLG NPPF2019 paras 108 to 111), in this location...'
- 7.88 b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);

- 7.89 c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);
- 7.90 d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).
- 7.91 Highways Act Section 175B is not relevant to this application.1
- 7.92 HIGHWAYS ENGLAND (“we”) have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.
- 7.93 This represents Highways England’s formal recommendation (prepared by the Area 4 Spatial Planning Team) and is made available to the Department for Transport as per the terms of our Licence.
- 7.94 Should the Local Planning Authority disagree with any recommendation made under b), c) or d) above, the application must not be determined before they have: i) informed Highways England; and ii) consulted the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk).
- 7.95 2<sup>nd</sup> Response. 24/12/2021
- 7.96 Thank you for your email of 21 December 2021 consulting National Highways (formerly Highways England) regarding the above application; seeking a response by 11 January 2022.
- 7.97 You will recall that we provided a No Objection response on 21 June 2021 that has been uploaded to the application webpage at [https://pa.midkent.gov.uk/onlineapplications/files/0376868411B48899515BA3CA341A17C0/pdf/21\\_502545\\_FULLHighways\\_England-5288520.pdf](https://pa.midkent.gov.uk/onlineapplications/files/0376868411B48899515BA3CA341A17C0/pdf/21_502545_FULLHighways_England-5288520.pdf)
- 7.98 We note that the amendment comprises a reduction in residential units from 45 to 32 and the introduction of 246sqm of Class E employment space. However, we cannot see in the latest submissions an update to the Transport Statement to assess the implications of the proposed amendments.
- 7.99 Therefore, please refrain from determining this now amended application (other than a refusal if you so wish) until such time as a revised TS has been submitted and we have provided our response to it. To avoid potential confusion I will not, unless you wish me to, withdraw our previous HEPR and replace it with an official Holding Recommendation.
- 7.100 You will note I have copied this email to the applicant’s agent (Steve Davies at Hobbs) and await their response in due course.

7.101 If you or others have any questions regarding our response, please contact us at [planningse@highwaysengland.co.uk](mailto:planningse@highwaysengland.co.uk).

7.102 3<sup>rd</sup> Response.

7.103 Thank you for your email of 19 January 2022 consulting National Highways (formerly Highways England) regarding the above application; seeking a response by 26 January 2022.

7.104 We have assessed the Transport Statement Update, submitted by C&A and uploaded on to the application webpage on 18 January 2022 [https://pa.midkent.gov.uk/onlineapplications/files/433FC3E6CF70B8D4760F3A7F21B4F53E/pdf/21\\_502545\\_FULLTransport\\_Statement\\_Revised\\_Part\\_1-5474237.pdf](https://pa.midkent.gov.uk/onlineapplications/files/433FC3E6CF70B8D4760F3A7F21B4F53E/pdf/21_502545_FULLTransport_Statement_Revised_Part_1-5474237.pdf) .

7.105 As a result we remain content to rely on our response dated 21 June 2021 of No Objection [https://pa.midkent.gov.uk/onlineapplications/files/0376868411B48899515BA3CA341A17C0/pdf/21\\_502545\\_FULLHighways\\_England-5288520.pdf](https://pa.midkent.gov.uk/onlineapplications/files/0376868411B48899515BA3CA341A17C0/pdf/21_502545_FULLHighways_England-5288520.pdf) .

7.106 If you or anyone else have any queries regarding our response, please contact us at [planningse@highwaysengland.co.uk](mailto:planningse@highwaysengland.co.uk) .

7.107 Environment Agency:

7.108 1<sup>st</sup> Response. 16/06/2022.

7.109 We have no objection to the proposed development providing the following conditions are included on any planning permission granted.

7.110 2<sup>nd</sup> Response. 22/12/2021.

7.111 Thank you for consulting us on this application. The change of description of the proposal will not change our position, therefore we do not have any additional comments to make. Please refer to our previous comments in our letter referenced KT/2021/128461/01-L01 dated 16 June 2021. If you require any further information, please do not hesitate to contact me.

7.112 Natural England:

7.113 1<sup>st</sup> Response. 8/06/2022.

7.114 Thank you for contacting Natural England regarding the above-mentioned development. Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

7.115 Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate

assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

7.116 This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can however be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

7.117 Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

7.118 Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

7.119 We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

7.120 2<sup>nd</sup> Response.

7.121 Natural England has previously commented on this proposal and made comments to the authority in our email dated **8 June 2021**.

7.122 The advice provided in our previous response applies equally to these amendments although we made no objection to the original proposal.

7.123 The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

7.124 Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

7.125 KCC Archaeology:

7.126 1<sup>st</sup> Response.

7.127 Thank you for consulting on the above application. I note that we corresponded with respect to the 2019 permission on this site and discharged the archaeological condition on the basis



that substantial made ground is evident. I can therefore confirm that no archaeological measures are required in connection with the proposal.

7.128 KCC Rights of Way:

7.129 1<sup>st</sup> Response. 26/05/2022.

7.130 Thank you for giving me the opportunity to comment on this planning application.

7.131 Public footpath ZF24 passes along the Long Bridge at the eastern boundary of the site. A copy of the current Public Rights of Way Network Map showing the line of this path is enclosed.

7.132 The application does not affect the footpath and therefore I raise no objections.

7.133 The applicant is proposing to create new pedestrian access links which are welcomed. However, it is not expected that these will become public rights of way recorded on the definitive map so it is important that Swale Borough Council secures appropriate funding or agreements for future maintenance of these routes.

7.134 Please make the applicant aware of the following informatives;

7.135 Informatives • No furniture 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 right of way, or obstruction of its use, either during or following any approved development. • Planning consent does not confer consent or a right to disturb or unofficially divert any Public Right of Way at any time without the express permission of the Highway Authority.

7.136 This response is made on behalf of Kent County Council Public Rights of Way and Access Service. The views expressed should be considered only as the response of the County Council in respect of public rights of way and countryside access matters relating to the application.

7.137 2<sup>nd</sup> Response.

7.138 Thank you for giving me the opportunity to comment on this planning application. I have no further comments to my letter of 26 May 2021. I have no objection to the proposals.

7.139 KCC Ecology:

7.140 1<sup>st</sup> Response.

7.141 We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided.

Designated Sites

7.142 The development includes proposals for new dwellings within the zone of influence (6km) of The Swale Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Swale Borough Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access

Management and Monitoring Strategy (SAMMS) to mitigate for additional recreational impacts on the designated sites, and to ensure that adequate means are in place to secure the mitigation before first occupation.

7.143A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full ‘appropriate assessment’ is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application.

#### Lighting and Biodiversity

7.144To mitigate against potential adverse effects on bats, and in accordance with the National Planning Policy Framework 2021, we suggest that section 6.1.7 of the ecology report is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for biodiversity is submitted to the local planning authority and secured via an attached condition with any planning permission. Suggested wording:

7.145Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will demonstrate adherence to the recommendations in section 6.1.7 of the Ecological Appraisal (Aspect Ecology March 2021) and show that areas to be lit will not adversely impact biodiversity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

#### Protected Species

7.146To avoid impacts to potentially-present protected species (such as breeding birds and commuting badgers), the report has recommended precautionary mitigation measures. This includes sensitive timings of work and covering of excavations overnight.

7.147To secure the implementation of precautionary mitigation measures, we advise that a condition is attached to any granted planning permission. Suggested wording:

7.148From the commencement of work (including site clearance), all precautionary mitigation measures for protected species will be implemented in accordance with the details in sections 6.1.8, 6.1.9 and 6.1.10 within the Ecological Appraisal (Aspect Ecology March 2021).

#### Biodiversity and Enhancements

7.149Under section 40 of the NERC Act (2006), and paragraph 174 of the NPPF (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.

7.150The ecology report makes suitable recommendations, such as native species planting and the provision of bird/bat boxes. Whilst some of the species planting is detailed within the landscape plan, we advise that a full planting schedule is provided.

7.151 To secure the implementation of enhancements and a detailed landscape plan, we advise that a condition is attached to any granted planning permission. Suggested wording:

7.152 Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include a native species-only landscape plan and recommendation in section 6.2 of the Ecological Appraisal (Aspect Ecology March 2021). The approved details will be implemented and thereafter retained.

7.153 KCC Development Contributions:

7.154 1<sup>st</sup> Response.

Request Summary

|                     | Per Applicable House | Per Applicable Flat | Project  |
|---------------------|----------------------|---------------------|--|
| Primary Education   | £6,800.00            | £1700.00            | Towards a new Primary School in Sittingbourne  |
| Special Education   | £1,051.82            | £262.97             | Towards expansion of capacity through a satellite school of Meadowfield School, Sittingbourne  |
| Secondary Education | £5,176.00            | £1294.00            | Towards a new Secondary school in Northwest Sittingbourne (Local Plan Policy MU1) and/or increased capacity in Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups                         |
| Secondary Land      | £2,635.73            | £658.93             | Towards the land costs of the new Secondary School in Northwest Sittingbourne (Local Plan Policy MU1) and/or new Secondary Schools in Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups. |

'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation. Please advise if any 1 bed units or sheltered accommodation is proposed?

|                    | Per Dwelling (x135)  | Total      | Project  |
|--------------------|--|------------|--|
| Community Learning | £16.42   | £2,216.70  | Contributions requested towards additional equipment and classes at Sittingbourne Adult Education Centre.  |
| Youth Service      | £65.50   | £8,842.50  | Towards additional resources and upgrade of existing youth facilities including the New House Sports and Youth Centre in Sittingbourne to accommodate the additional attendees, as well as resources and equipment to enable outreach services in the vicinity of the development. |
| Libraries          | £55.45   | £7,485.75  | Towards additional resources, services, stock, and works to Sittingbourne Library to increase capacity to meet the needs of the development.   |
| Social Care        | £146.88  | £19,828.80 | Towards Specialist care accommodation, assistive technology, and home adaptation equipment, adapting existing community facilities, sensory facilities, and Changing Places Facilities within the Borough.   |
|                    | All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)   |            |  |
| Waste              | £183.67  | £24,795.45 | Towards additional capacity at the HWRC & WTS in Sittingbourne   |
| Broadband:         | Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point |            |  |

|                 |  |
|-----------------|--|
|                 | <p>destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.</p> <p>Reason: To provide high quality digital infrastructure in new developments as required by paragraph 114 NPPF.</p> |
| <i>Highways</i> | <i>Kent Highway Services will respond separately</i>   |

Please note that these figures:

- are to be index linked by the BCIS General Building Cost Index from April 2020 to the date of payment (Apr-20 Index 360.3)
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

7.155 UK Power Networks: No response.

7.156 KCC Education: No response.

7.157 Southern Water:

7.158 1<sup>st</sup> Response.

7.159 Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

7.160 To make an application visit: [southernwater.co.uk/developing](https://southernwater.co.uk/developing) and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](https://southernwater.co.uk/developing-building/connection-charging-arrangements)

7.161 The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDs component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here: [water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](https://www.water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

7.162 Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

7.163 Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.

- Provide a management and maintenance plan for the lifetime of the development.

7.164 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors. It is possible that a sewer now deemed to be public could be crossing the development site.

7.165 Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

7.166 We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

7.167 This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

7.168<sup>nd</sup> Response:

7.169 Thank you for your letter dated 21/12/2021.

7.170 Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

7.171 To make an application visit: [southernwater.co.uk/developing](https://southernwater.co.uk/developing) and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](https://southernwater.co.uk/developing-building/connection-charging-arrangements)

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7.173 Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

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- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

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It is possible that a sewer now deemed to be public could be crossing the development site.

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7.177 This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

7.178 Kent Police:

7.179 1<sup>st</sup> Response.

7.180 We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

7.181 The points below are site specific and designed to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

7.182 Regarding this planning application, we confirm that if the requirements listed below are formally secured by Planning Condition then we, on behalf of Kent Police have no objection to its approval:

1. We recommend the use of SBD Homes 2019.
2. Perimeter, boundary and divisional treatments to be 1.8m in height, including any gates providing a service alleyway to the rear of the building. Gates must also be lockable from both sides and flush to the building line to retain surveillance opportunities.

3. On the plan there is a shared pedestrian/vehicle surface. For a road serving multiple units, we would advise against this however this area only services two units. We are concerned however for visitors using this parking area and walking to one of the other units on the east of the site. To prevent pedestrian/ vehicle conflict we recommend this area has suitable lighting and that there are no informal parking areas formed which would result in a pedestrian having to walk round a vehicle – creating a safety concern.
4. Parking Inc. visitor. To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or solid secure ground or wall anchors can help provide this. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
5. All doorset to each apartment and any sliding, folding or patio doors to ground and first floors 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. For individual flat doors we recommend the use of a spy hole and door chain for further security.
6. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies should also 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. Windows on side elevations and active windows on the ground floor increase surveillance and a sense of security, especially when overlooking parking areas/ driveways.
7. Corner properties require defensible spaces to avoid desire lines that can cause conflict.
8. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.
9. 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), to help avoid conflict and light pollution. We advise against the use of bollards as a primary light source as they can be easily obscured. External lighting plans should meet BS5489:2020.
10. We recommend “A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019” for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.
11. Access Control and Security Compartmentalisation– For the main communal doors audio/visual door entry systems are required, and residents to have a key fob or access card which would control areas in which they have access to. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.

12. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents. We advise on the use of ground/ wall SBD or sold secure anchors within the cycle storage area.
13. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. For Unit 1 and 2 we recommend SBD TS008.
14. CCTV is advised for all communal entry points and to cover the mail delivery area.
15. If approved, site security is required for the construction phase. There is a duty for the principle 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.

We welcome a discussion with the applicant/agent about site specific designing out crime.

If the points above are not addressed, they can affect the development and local policing. Current levels of reported crime have been taken into account.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

#### 7.1832<sup>nd</sup> Response.

7.184 Thank you for the opportunity to comment on the revised/ additional documents for this proposal. We have no further comments to make, however our response dated 04.06.2021 still remains relevant.

#### 7.185 KCC Drainage:

7.186 Thank you for your consultation on the above referenced planning application. Kent County Council as Lead Local Flood Authority have the following comments: Unfortunately the information submitted is insufficient to be able to make an assessment as to the suitability of the proposals for dealing with surface water. We would therefore recommend the application is not determined until a surface water drainage strategy has been provided for consultation. At a minimum, a drainage strategy submission must comprise:

- A location plan
- A site layout
- A drainage proposal schematic or sketch
- A clear description of key drainage features within the drainage scheme (e.g. attenuation volumes, flow control devices etc.)
- Information to support any key assumptions (e.g. impermeable areas, infiltration rates etc.)



- Supporting calculations to demonstrate the drainage system's operation and drainage model network schematic
- Drainage strategy summary form (from our Drainage and Planning Policy Statement)
- Consideration of key questions and / or local authority planning policy requirements.

7.187 Our Drainage and Planning Policy Statement sets out how Kent County Council, as Lead Local Flood Authority and statutory consultee, will review drainage strategies and surface water management provisions associated with applications for major development and should be referred to for further details about our submission requirements. This is available to download at [www.kent.gov.uk](http://www.kent.gov.uk).

7.188 This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

7.189<sup>2nd</sup> Response:

7.190 Thank you for your consultation on the above referenced planning application.

7.191 Kent County Council as Lead Local Flood Authority have the following comments:

7.192 Having reviewed the latest information supplied we are now satisfied with the design proposed, namely a system of attenuation with a restricted outfall to the existing sewer, and as such have no objection to the proposal.

7.193 Should you be minded to grant approval we would recommend that the following conditions with advisories be applied.

#### Advisories

7.194 We note that parts of the site are within Flood Zones 2 and 3 and we would expect for the Environment Agency to be consulted with regards to the appropriateness for development in these areas and for them to sign off the design from this aspect.

7.195 Furthermore, when referencing the Environment Agency's Flood Map for Surface Water an area of the site is shown as being affected from Surface Water flow paths/flooding. We will require for it to be demonstrated as part of the detailed design submission that this has been considered and it does not put the development at risk.

7.196 The EA recommended a number of conditions relating to the disposal of surface water, detailed drainage strategy, and verification reports.

7.197 This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

7.198 KCC Minerals:

7.199 Thank you for consulting the County Council's Minerals and Waste Planning Policy Team on the above planning application.

7.200I can confirm that the application site is not within 250 metres of any safeguarded mineral or waste facility, and thus would not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 3013-30.

7.201With regard to land-won minerals safeguarding matters it is the case that the area of the application site is not coincident with any safeguarded mineral deposit in the area.

7.202The County Council has therefore no minerals or waste safeguarding comments to make.

7.203SBC Lower Medway Board: No response.

7.204Asset Engineer: No response.

7.205Network Rail:

7.2061<sup>st</sup> Response

7.207Thank you for consulting Network Rail (NR) on the above planning application. Following an internal consultation, which included the train operating company (TOC) Southeastern Railway (SE), NR would like to make the following comments.

7.208NR is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway. Consequently any third-party development that presents a risk to Network Rail's infrastructure and operation railway is a concern to Network Rail.

7.209As the applicant will be aware following NR's pre-application reps, the proposal for a residential scheme in this location, adjacent to NR's operational land, is a serious concern to NR and entirely inappropriate for the following reasons.

#### 7.210**Network Rail Track Access**

7.211There is a key strategic Road Rail Vehicle (RRV) track access point at this location, which is in use 24 hours (including weekends). Though workable next to a commercial / industrial development, this would be entirely incompatible with a residential scheme. As 24-hour access is needed, the narrow approach road to the former Maintenance Delivery Unit (MDU) must remain clear and unencumbered at all times.

7.212A residential scheme with uncontrolled parking could encourage parking along the access road, particularly out of hours along the approach road and blocking the key track access point. This would then prevent NR's wide operational vehicles from delivering plant, machinery and materials, consequently impacting NR's ability to provide and maintain a safe operational railway.

7.213It should also be noted that there are cables within the area (also noted by the applicant), should an urgent repair be needed and the access to the railway is blocked, this could result

in delays and be costly to NR. There is also no secondary access that could be used in a railway emergency.

7.214 Even if assurances are made that our access would not be blocked through the implementation of planning conditions, this does not physically stop vehicles from parking and blocking NR's access.

7.215 Although the applicant has undertaken some swept path analysis, Network Rail require further swept path analysis to be undertaken to demonstrate that our large vehicles (examples shown below) are able to fit down the access road, particularly where bollards are proposed.

#### 7.216 **Potential for noise complaints**

7.217 Introducing a noise sensitive use through a residential scheme would create the risk of civil claims of nuisance against NR due to noise when using the track access point, especially when essential projects need to be undertaken during unsociable hours.

7.218 It should also be noted that NR are about to change the way we work (no red zone working), consequently this means there will be more night time works, increasing the risk of complaints further. To assist with the new working arrangements, NR are looking at installing junction lighting, which past experience identifies that this will lead to complaints.

7.219 It should be noted that SE have plans to expand the use of the sidings for stabling HS1 trains. As would be the risk to NR, this activity could create noise (in addition to the noise emissions from the trains' air conditioning systems) that could potentially attract a civil nuisance claim against Southeastern.

7.220 Noise complaints pose a significant risk to NR's operations, as they can lead unreasonable restrictions placed on NR which will impact NR's ability to provide and maintain a safe operational railway.

7.221 At a national level there is continued and clear policy support and direction in the National Planning Policy Framework (NPPF, 2019) with regards to existing sites. The NPPF in the context of: Conserving and enhancing the natural environment, and in particular with regard to the consideration of 'Pollution', confirms at **Paragraph 182** that:

7.222 *"Planning policies and decision should ensure that new development can be integrated effectively with existing businesses and community facilities (such as place of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the application (or agent of change) should be required to provide suitable mitigation before the development has been completed."*

7.223 The Agent of Change Principle therefore places the responsibility for mitigating the impact of noise and other nuisances firmly on the new development. This means that where new developments are proposed close to existing noise-generating uses, for example, applicants will need to design them in a more sensitive way to protect the new occupiers. Evidence

needs to be provided to demonstrate that there is no risk of civil claims of nuisance against NR.

#### 7.224 **Other issues**

7.225• The current fencing is entirely inappropriate in parts, especially between points A-K on the attached plan.

7.226• Units 1-4 are located in a direct line behind the buffers of a siding creating a significant safety risk in the event of a train crashing through the buffer and into the units.

#### 7.227 **Conclusion**

7.228 To conclude, NR maintain that a residential scheme in this location would be entirely incompatible with the neighbouring operational uses and the key strategic track access point which must be accessible 24 / 7.

7.229 I trust the above clearly sets out NR's position on the planning application. Should you require any more information from NR, please do not hesitate to contact me.

7.230 2<sup>nd</sup> Response. 18/01/2022.

7.231 Thank you for consulting Network Rail (NR) on the amendments to the above planning application.

7.232 NR is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland, and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway. Consequently, any third-party proposal that impacts NR's ability to deliver a safe operational railway is a concern.

7.233 The applicant has not formally responded to our original objection dated 14/06/2021 (found within the Appendix of this response) or, to our knowledge, made any attempt to address the issues raised within it. Consequently, many of our concerns remain unchanged. Please see outstanding issues below:

- There is a key strategic track access point at this location, which is in use 24 hours (including weekends). Though workable next to a commercial/industrial development, this would be entirely incompatible with a residential scheme.
- A residential scheme would create the risk of civil claims of nuisance against Network Rail due to noise when using the track access point, especially when essential projects need to be undertaken during unsociable hours. Whilst the applicant has provided a Noise Assessment, it is unclear whether the noise data was collected during a period where noise emitting from the site is at its greatest. Furthermore, Southeastern Railway has plans to expand the use of the sidings for stabling High Speed 1 trains. This activity could further create noise (in addition to the noise emissions from the trains' air conditioning systems) that could potentially attract a civil nuisance claim against Southeastern.
- No information is provided to address concerns caused by uncontrolled parking. As 24-hour access is needed, the narrow approach road to the former Maintenance Delivery Unit must remain clear and unencumbered at all times. There is a risk that a residential scheme

(and potentially a commercial scheme depending on the number of visitors / customers) could encourage parking along the approach road, which could block Network Rail's wide operational vehicles from delivering plant, machinery, and materials, as well as, blocking the gates of the key track access point. In the event of the approach road being blocked, there is no secondary access that could be used in a railway emergency.

- The current fencing is entirely inappropriate in parts, particularly along the south-western boundary.
- Whilst we welcome the fact that what was previously residential units 1-4 has now been replaced with commercial space, the unit still lies in a direct line behind the buffers of a siding which keeps the (admittedly low) risk of the buffers being breached in the case of an accident.
- The swept path analysis shown within the site plans suggests that vehicles will be required to go onto the area where the new sidings are to be constructed (shown in red within the plan shown in Appendix 2), therefore, in reality it will not be possible for vehicles to access this area. Consequently, we remain concerned that large vehicles using the access point will not be able to turn around.
- The location of the bike shelter right in the corner near the railway could make it easier for people to climb onto the railway, consequently increasing the risk of trespassing. Higher fencing or finial detail on top of the fencing is needed to prevent this.

7.234 As a result of the outstanding issues outlined above, Network Rail continue to object to this proposal as it presents a significant risk in our ability to deliver a safe operational railway.

7.235 We would also like to add that whilst the applicant may suggest these issues can be resolved through a private Asset Protection Agreement with Network Rail, currently there is no Asset Protection Agreement in place for this scheme and experience shows that the applicant is unwilling to pursue this route to resolve issues. As a result, Network Rail are concerned the issues will not be resolved if this proposal is approved in its current form.

7.236 3<sup>rd</sup> Response.

7.237 Thank you for consulting Network Rail on the new information submitted as part of the above planning application. Of particular interest is the applicant's response dated 24/01/2022 to our holding objection dated 18/01/2022.

7.238 As previously stated within our original response, Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland, and Wales. As statutory undertaker, Network Rail is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway. Consequently, any development that impacts Network Rail's ability to deliver a safe operational railway is a concern to Network Rail.

7.239 Whilst we acknowledge the applicant's response, it does not address our concerns. Consequently, both Network Rail's and Southeastern Railway's views remains unchanged, and we continue to oppose a residential development in this location.

7.240 Should Swale Borough Council be minded to grant planning permission, Network Rail strongly urge that the Council impose suitable planning conditions to address our concerns, these should include:

- Noise level exposure to ensure that the level of noise experienced by future residents does not result in nuisance claims against Network Rail. This is a condition that has been accepted in the past and I can provide details on this.
- Parking control to ensure that Network Rail's crucial Road Rail Vehicle access is maintained at all times.
- Fencing specification & cycle parking location to ensure that the structure does not create a trespass risk.

7.241 We would welcome the opportunity to review the wording of the conditions to ensure that our concerns are suitably addressed.

7.242 We would also like to remind the applicant that should they receive planning permission, they will be required to engage with our Asset Protection team to get the required resource and expertise on-board to enable approval of detailed works.

7.243 I trust that the above clearly sets out Network Rail's position on the proposal, should you require additional information please do not hesitate to contact me.

7.244 NHS Swale:

|                  | Total Chargeable units | Total   | Project   |
|------------------|------------------------|---------|---|
| General Practice | 45                     | £27,000 | Towards refurbishment, reconfiguration and/or extension of the existing Newton Place Surgery and Faversham Medical Practice |

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|  |  |  |                          |
|--|--|--|--------------------------|
|  |  |  | within the Faversham PCN |
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**Appendix 1**

The CCG uses a formula for calculating s106 contributions which has been used for some time and is calculated as fair and reasonable. This calculation is based the number of proposed units multiplied by the assumed occupancy multiplied by £360.

Where the application identifies unit sizes the following predicted occupancy rates will be used.

- 1 bed unit @ 1.4 persons
- 2 bed unit @ 2 persons
- 3 bed unit @ 2.8 persons
- 4 bed unit @ 3.5 persons
- 5 bed unit @ 4.8 persons

Where the unit sizes are not identified then an average occupancy of 2.4 persons will be used.

The calculations for this development are:

Based on the dwelling mix provided:

| Total Units<br>(per<br>application)<br><br>(A) | Proposed Number of<br>Bedrooms (per<br>planning application) |          |          |          |           | NHS Predicted<br>Occupancy Rates |          |          |          |           | Predicted<br>Occupancy<br><br>(N) | X £360<br><br>(O) |
|--|--|----------|----------|----------|-----------|----------------------------------|----------|----------|----------|-----------|-----------------------------------|-------------------|
|  | 1<br>(D)   | 2<br>(E) | 3<br>(F) | 4<br>(G) | 5+<br>(H) | 1<br>(I)                         | 2<br>(J) | 3<br>(K) | 4<br>(L) | 5+<br>(M) |                                   |                   |
| 0  | 25   |          |          |          |           | 1.4                              |          |          |          |           | 35                                | £12,600           |
|  |  | 20       |          |          |           |                                  | 2        |          |          |           | 40                                | £14,400           |
|  |  |          | 0        |          |           |                                  |          | 2.8      |          |           |                                   |                   |
|  |  |          |          | 0        |           |                                  |          |          | 3.5      |           |                                   |                   |
|  |  |          |          |          | 0         |                                  |          |          |          | 4.8       |                                   |                   |
|  |  |          |          |          |           |                                  |          |          |          |           | 75                                | £27,000           |

**7.245 SBC Environmental Health:**

7.246 1<sup>st</sup> Response.

**7.247 Air Quality**

7.248 I have reviewed the Air Quality Assessment submitted with this application and concur with the report's conclusion, that emissions arising from traffic generated by the proposed development will result in a negligible impact on local pollution concentrations.

7.249 Any potential impact resulting from the construction phase can be suitably mitigated by the following recommended condition:

7.250 No development shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. This shall include details relating to:

- (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;
- (ii) The loading and unloading and storage of plant and materials on site;
- (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- (iv) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development site during the construction phase;
- (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
- (vi) Measures to control mud deposition off-site from vehicles leaving the site;
- (vii) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
- (viii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site; and
- (ix) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking,
- (x) Phasing of the development.

7.251 Contaminated Land - The Environment Agency (EA) comments dated 16th June 2021 regarding this application include recommended conditions in relation to potential contamination of the site. Rather than recommend similar conditions that duplicate those of the EA, I suggest that their recommended ones be adopted for this development.

7.252 Construction Hours - No construction work (excluding impact pile driving dealt with by separate condition), 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 or with the prior written approval of the Local Planning Authority.

7.253 Impact Pile Driving - 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 :

7.254 Monday to Friday 0900 - 1700 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

7.255 EV Charging - The commencement of the development shall not take place until a scheme for the adequate provision of active electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the development hereby approved.

7.256 Operational Noise - I have reviewed the Environmental noise Assessment by Entran Ltd and submitted with this application. I am satisfied that the potential noise impacts have been assessed in accordance with the most relevant national and local standards and guidelines. Therefore, following any detailed calculations undertaken when the final layout is approved and that the developer carries out the recommended mitigation measures; particularly in relation to enhanced glazing and attenuated ventilation where necessary, future occupiers of the development should enjoy a satisfactory level of noise internally.

7.257 Please do not hesitate to contact me for further advice or information in relation to this matter.



7.258 Greenspaces Manager: No response, though I hope to have a response in time for the meeting and will update Members

7.259 SBC Housing:

7.260 Please see below affordable housing comments in regard to the amendments submitted for this application, noting a reduced total number of flats proposed on the site, resulting in less affordable housing provision also:

7.261 As per adopted Affordable Housing Policy DM8, and because this development is located in Faversham, **35%** of the total number of homes should be **rounded up** to deliver **12 affordable homes**.

7.262 Of the 12 affordable homes, **11** (90%) will be required as **Affordable/Social rent\_Tenure housing**, and the remaining **1** (10%) as **Intermediate housing**.

7.263 The affordable homes should be a reasonable and proportionate mix to the open market\_sale homes available – please refer to the table below:

| Total          | Total     | 35% Affordable<br>asper Policy DM8 | 90%<br>Affordable/Social<br>Rented | 10%<br>Intermediate |
|----------------|-----------|------------------------------------|------------------------------------|---------------------|
| 1-bedroom flat | 14        | 5                                  | 5                                  | 0                   |
| 2-bedroom flat | 18        | 7                                  | 6                                  | 1                   |
| <b>TOTAL</b>   | <b>32</b> | <b>12</b>                          | <b>11</b>                          | <b>1</b>            |

7.264

7.265 There may be issues with accommodating 12 affordable flats into one large block, albeit this is then divided into two 15-unit blocks. Mixed tenure blocks of flats often raises concerns for prospective RP's and therefore it may be necessary to accept all twelve affordable homes as one tenure. In line with housing need of the borough, preference would be to have them all as Affordable/Social Rent Tenure.

7.266 At least 2 of the affordable homes should be provided to M4(3) building regulation standard, and would suggest that these are provided as Affordable/Social Rented one-bedroom ground floor flats as this is the greatest need for this type of home in the Borough.

7.267 All other affordable homes should be built to M4(2) standard

7.268 I can confirm that Swale's Housing Register demonstrates a need for all types and sizes\_of affordable accommodation in this area of Borough.

7.269 Historic England:

7.270. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

7.271 Faversham Town Council:

7.272 1<sup>st</sup> Response.

7.273 No objection

- 1) The Town Council considered that elements of the proposal were positive including development of a brownfield site, reduced height of blocks 1 and 2 sited closest to exiting residential areas, the provision of 1- and 2-bedroom units and connectivity to train station.

Condition:

- 1) Whilst the Town Council has no objection it noted the serious concerns raised by neighbours regarding the road. The Town Council requests that SBC Officers and Members meet with residents to discuss their concerns and mitigation measures before determining the application.

Comment:

- 1) The Town Council would welcome electric vehicle charging points and solar panels to be incorporated into the proposal.

7.2742<sup>nd</sup> Response.

7.275 Objection. Reason:

- 1) The lack of active transport infrastructure from the Station to the East of Faversham was a major concern for members. Further this is a good opportunity to link the Station/Town with the Jubilee Estate. It is imperative that if development in the South East happens alternatives to the long bridge are provided.

7.276 Comments:

- 1) Members still consider there to be strong elements to the proposal and building on brownfield sites is to be encouraged.
- 2) The bins will be unsightly for the residents of the Oast Houses and members request that they are positioned elsewhere on site.
- 3) Throughout the planning process there has been good communication between the developers, members and residents and the Committee would like to encourage this to continue.

## **8. BACKGROUND PAPERS AND PLANS**

- 8.1 Transport Statement Part 1 and 2 – 20-065-002 Rev – January 2022,
- 8.2 Tree Assessment – Update Letter,
- 8.3 Road Safety Audit Stage 1 22<sup>nd</sup> June 2022,
- 8.4 Planning Statement,
- 8.5 Heritage Assessment – Faversham Rail Yard,
- 8.6 Aspect Ecology – Ecology Appraisal,
- 8.7 Entran Environment Noise Assessment,
- 8.8 Flood Risk Assessment – Ref: 20 0931,
- 8.9 Ecologia Phase 2 Preliminary Geo-Environmental Assessment – Faversham Rail Yard,
- 8.10 Hollis Update Letter – Daylight and Sunlight,
- 8.11 Design Response to the Stage 1 Safety Audit Report 20-065-006 June 2022,

- 8.12 Hollis Daylight and Sunlight Amenity Report for the Proposed Development 110101-100/IM/JoS,
- 8.13 Entran Air Quality Assessment,
- 8.14 Bike Store – Proposed Plans & 3D Perspective 20-0931-60,
- 8.15 Bike Store – Proposed Elevations & Sections – 20-0931-61,
- 8.16 Tree Retention, Removal, & Protection during construction 2561/21/B/3,
- 8.17 Tree Retention, Removal, & Protection during construction 2561/24/B4,
- 8.18 Design and Access Statement,
- 8.19 Faversham Railway Yard Tree Survey Amended Issue 3 April 2022,
- 8.20 Site Location Plan 20 0931 05,
- 8.21 Site Plan as Proposed – 20 0931/03 Rev F,
- 8.22 Site Plan as Proposed Part 1 – East – 20 0931/01 Rev D,
- 8.23 Site Plan as Proposed Part 2 – West – 20 0931/02 Rev E,
- 8.24 Units 5 – 19 Proposed Ground Floor Plan Amended 20-0931-20 Rev F,
- 8.25 Units 5 – 19 Proposed First Floor Plan – Amended – 20-0931-21 Rev F,
- 8.26 Units 5 – 19 Proposed Second Floor Plan – Amended – 20-0931-11 Rev F,
- 8.27 Units 5 – 19 Proposed Roof Plan – Amended – 20-0931-23 Rev E,
- 8.28 Units 20 – 34 Proposed Ground Floor Plan – Amended – 20-0931-30 Rev C,
- 8.29 Units 20 – 34 Proposed First Floor Plan – Amended – 20-0931-31 Rev C,
- 8.30 Units 20 – 34 Proposed Second Floor Plan – Amended – 20-0931-32 Rev C,
- 8.31 Units 20 – 34 Proposed Roof Plan – Amended – 20-0931-33 Rev C,
- 8.32 Units 5 – 34 3D View & Proposed Elevation South – Amended – 20-0931-25 Rev D,
- 8.33 Units 5 – 34 Proposed Elevation East – Amended – 20-0931-26 Rev D,
- 8.34 Units 5 – 34 Proposed 3D views & Elevation North – Amended – 20-0931-27 Rev E,
- 8.35 Units 5 – 34 Proposed Elevation West – Amended – 20-0931-28 Rev D,
- 8.36 Units 03 & 04 Proposed Floor Plans – Amended – 20-0931-10 Rev D,
- 8.37 Units 03 & 04 Proposed Roof Plan & 3D Perspective – Amended – 20-0931-11 Rev D,
- 8.38 Units 03 & 04 Proposed Elevations North & East – Amended – 20-0931-12 Rev D,
- 8.39 Units 03 & 04 Proposed Elevations South & West – Amended – 20-0931-13 Rev D,
- 8.40 Commercial Unit Proposed Floor Plans – Amended – 20-0931-40,
- 8.41 Commercial Unit Proposed Roof Plan – Amended – 20-0931-41,
- 8.42 Commercial Unit Proposed Elevations Front Elevations – Amended – 20-0931-42,
- 8.43 Commercial Units Proposed Elevations Side Elevations – Amended – 20-0931-43,
- 8.44 Commercial Units Proposed Elevations Rear – Amended – 20-0931-44,
- 8.45 Landscape Strategy – Amended – 0422/21/B/1B.

## **9. APPRAISAL**

### **9.1 Principle of Development**

9.2 The Railway Depot site is located within the defined Built-up Area boundary of Faversham. Policy ST 7 of the Local Plan states that the conservation and enhancement of the historic and natural environment are the primary aims. Policy ST 3 identifies Faversham as a secondary focus for growth in the Borough.

9.3 Paragraph 119 of the National Planning Policy Framework states that:

*“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear*

*strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield land'.*

- 9.4 The application site is within a high tier settlement in Swale and is considered Previously Developed Land, as much of the site is subject to hardstanding and has previously been used in connection with the railway. Further, application 18/504627/FULL established a principle for commercial development on site.
- 9.5 Paragraph 11 of the National Planning Policy Framework (NPPF) states that plans and decisions should apply a presumption in favour of sustainable development.
- 9.6 The Council's latest position indicates a demonstratable position of a 4.8-year housing supply and does not meet the minimum requirement of a 5-year housing land supply. In such situations, the NPPF advises that plans and decisions should apply a presumption in favour of sustainable development.
- 9.7 For decision making paragraph 11 states:
- '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'.*
- 9.8 While the Council cannot demonstrate a 5-year housing supply, the titled balance does not apply as the site is within a designated heritage asset i.e. Faversham Conservation Area. Conservation Areas are considered a protected area as defined by the Framework.
- 9.9 However, the Council's lack of housing supply is a material consideration. This aside the site is considered brownfield land within a defined settlement. As such, the principle of development is considered acceptable in line with paragraph 119 of the National Planning Policy Framework in making effective use of land.
- 9.10 The proposal also seeks to provide a mix use site with the provision of both residential and commercial development. Policy CP 1 of the Local Plan seeks to support the building of a strong and competitive economy.
- 9.11 Paragraph 81 of the National Planning Policy Framework states that:
- "Planning Policies and decisions should help create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".*
- 9.12 The proposal would seek to provide a single commercial unit which would provide office accommodation. The accommodation would provide additional office space within the Borough which would support the local economy.

- 9.13 While the site's location does not trigger the titled balance, for completeness an assessment of the site's sustainability will be considered below.
- 9.14 Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:
- a) **an economic objective** – to help building a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- 9.15 Paragraph 81 of the NPPF applies significant weight to supporting economic growth. Policy CP 1 of the local plan seeks to ensure that employment sites and allocations are appropriately located and sustainable.
- 9.16 The application site is not an allocated employment site. However, a previous consent was granted for the redevelopment of the site for commercial purposes.
- 9.17 The proposal would provide a mixed-use site through the provision of both residential and commercial floor space. The interaction between commercial and residential spaces is recognised by the NPPF as having a tangible benefit to the vitality of town centres. Indeed, paragraph 86 of the National Planning Policy Framework states that:
- 'Planning policies and decisions should be supporting the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:*
- ...(f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites'.*
- 9.18 The benefits can be seen in an economic sense from not only the additional provision of an additional 246sqm of office floor space in Faversham, but also from the secondary impact r.e. workers using local amenities such as shops and associated services.
- 9.19 The introduction of residential development would have a somewhat lesser economic benefit. However, the proposal would see gains in terms of increased residential spend power within the town. Alongside this would be the short-term gains from the construction process.
- 9.20 The proposal would be considered to have a degree of economic benefit to the town centre as supported by both local and national policy.
- b) **a social objective** – to support strong, responsive and competitive economy, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities, health, social and cultural well-being; and
- 9.21 Policy CP 3 of the Local Plan seeks to ensure the delivery of a wide choice of homes. Paragraph 5.3.6 of the Local Plan states that the Strategic Housing Market Assessment (SHMA) indicates that the largest growth will come from single person and lone parent

households. For market housing the need indicates a requirement for 7% 1-bedroom properties and 36% 2-bedroom properties.

- 9.22 The proposed development would support the provision of additional housing in the Borough. Currently the council cannot demonstrate a 5-year housing supply, as a result an additional buffer is required to address this shortfall.
- 9.23 The proposal would seek the introduction of 32 market residential units. The provision of additional housing would contribute to the provision for present and future generations. The proposed units would be comprised of 1- and 2-bedroom units and would be located in close proximity to the train station. The provision of such units would be considered to have a social benefit in regard to the tenure, and siting as per the councils SHMA.
- 9.24 The proposal would have a single vehicle access, while third party comments and internal consultees have sought additional vehicular access this cannot be gained due to land ownership. However, the proposed layout would allow for a secondary pedestrian and cycle access to the Faversham Recreation Ground. As a result, the proposal would allow for permeability for pedestrians and cyclists both from the station and the Recreation ground.
- 9.25 While a single vehicle access does result in a cul-de-sac style development, it does limit the presence of cars within the development and prevents a cut through. The limitation of car movements would aid in creating a greater sense of shared surfaces and prevents car dominance over that of the pedestrian. The sites proximity to the station would be seen to encourage a preference for use of public transport as pose to vehicular trips.
- 9.26 The proposals' location adjacent to the train station and within Faversham Town provides access to a wide range of local services and amenities. These services include; schools, restaurants, shops and public open space within reasonable walking distance.
- 9.27 The site is considered by virtue of its location to meet a high bar in regard to its social objective. These benefits would be given substantive weight in consideration.
- c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigation and adapting to climate change, including moving to a low carbon economy.
- 9.28 Policy ST 3 of the Local Plan recognises that the Faversham is a secondary urban focus for growth. Further, policy DM 19 of the Local Plan seeks to ensure development includes measures to address and adapt to climate change.
- 9.29 The Manual for Streets guidance indicates that:

*'Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot... Manual for streets encourages a reduction in the need to travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily needs are within walking distances of most residents'.*

- 9.30 The application site is located within the defined settlement of Faversham and is within reasonable walking distance to services within the town. Further, the site would be located within walking distance of the train station.
- 9.31 The location of the site is considered to provide a wide extent of future occupants needs without placing an undue reliance on the car. The proposal would provide some parking on site and offers the opportunity for electrical vehicle charging points. The proposal would also include solar panels to ensure the proposal would meet sustainability aims of the local and national policy.
- 9.32 The application site is covered in hardstanding which has limited opportunities for environmental benefits. The site does have some vegetative boundaries particularly to the north however the site currently has a low environmental quality. The proposal would offer the opportunity for landscaping and overall improvements which would have an environmental benefit.
- 9.33 The proposal would be considered to meet environmental objectives, and these would again be given substantive weight in regard to the sustainability of the site.
- 9.34 The site, for the reasons above, is acceptable for mixed use development. The proposal is considered to have tangible social, economic, and environmental benefits and is within an easy walking distance of amenities. The proposal is considered to be sustainably located and provides residential development within a secondary urban area of growth for the borough.
- 9.35 **Visual Impact**
- 9.36 As above, policy ST 3 of the Local Plan identifies Faversham as a secondary urban centre for growth at a scale and form compatible to their historic and natural assets.
- 9.37 Policies CP 3, CP 4, and DM 14 seek to ensure development has a high-quality design, is appropriate to the site context, and reinforces the local distinctiveness. Paragraph 124 (d) of the National Planning Policy Framework seeks to ensure efficient use of land which maintains the areas prevailing character.
- 9.38 The application site is located within the built confines of Faversham and just outside of the policy defined Town Centre. The site is located in an urban setting and context. The sites clear relationship, by virtue of both the proximity and historic use, with the railway network.
- 9.39 The Station building has a clear architectural form and character which was typical of the time and provides a clear visual relationship between the building and its function. The proposal would introduce three buildings on site. Two single storey and one three storey building. These would reflect and continue the architectural style of the station.
- 9.40 The proposed office building would sit within the private access off Station Road. Due to the curvature of Station Road and the proposed single storey height of the building and it's siting the building would sit comfortably in the wider setting of Station Road.
- 9.41 The proposed office building would follow the linear form and massing associated within functional station buildings. The pitch of the roof, opening details, and chimney would reflect

the stations architecture and the other functional buildings along Station Road. The building would reflect the character of the area.

- 9.42 The proposal would see the loss of 16 trees along the northern boundary with Beaumont Terrace these vary from large too small. The removal of the trees was with consultation with the neighbours along Beaumont Terrace to allow for greater light. The tree would be replaced with an avenue of Betula Pendula trees. A landscaping scheme would be required via condition to ensure the verdancy of the road is retained. The impact to the character of Station Road would be limited, with a proposal for a feature tree, and the proposed siting and scale of the built form would retain the massing in the area.
- 9.43 The proposed semi-detached single storey dwelling to the eastern half of the site and the three-storey block would be sited at such a distance from Station Road that the perception of the buildings would be limited. The overall height and massing would sit in background of Station Road. Due to the proposed orientation of the buildings to the east of the site the visual observation of the bulk, from the perspective of Station Road, would ensure the buildings would not appear overly dominate.
- 9.44 The proposed semi-detached dwelling would continue the form and massing of the office building. The linear form and pitch of the roof would again continue the somewhat functional character associated with built form connected with railways. The opening and detailing would maintain the character of a number of buildings along Station Road.
- 9.45 Wider views of the flat block building would be seen from the public right of way along the elevated walkway. The building again would reflect the utilitarian style which is synonymous with functional built form, such as those associated with railway structures. The height would be tempered by the roof pitch and views of the building would be reflective of the wider context which includes railway infrastructure.
- 9.46 Again, the detailing and form of the flat block would continue the character proposed for the site and its reflection of the historic and existing uses and infrastructure observed along Station Road. The building would be sited such that an open area would be located around the building.
- 9.47 Further, the site currently is mainly comprised of hardstanding which has a negative visual impact on the character of the area. The development provides the opportunity for meaningful landscaping which would enhance the visual appearance of the area. The proposal seeks to maintain a strong tree line adjacent to the recreation grounds. Conditions would be imposed upon any approval to ensure appropriate protection and tree works.
- 9.48 The proposed development would be considered to be in keeping with the character of the area and would comply with both local and national policy.
- 9.49 **Heritage**
- 9.50 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. Policy DM 32 of the Local Plan states that development must setting of the listed building and its special/architectural interest are preserved.



- 9.51 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.
- 9.52 The application site is located in Faversham Town Conservation Area. The Conservation Appraisal notes the importance of the railway in Faversham which was a catalyst for change in the town which even into the 19<sup>th</sup> Century was still considered a remote country community. After 1860, however, with the influence of the railway line, development in the town took place on a much wider scale.
- 9.53 The Conservation Area Appraisal acknowledges that the surviving array of railway structures is the most complete on the old Southeast and Chatham Line. As a result, these buildings collectively and individually are of special interest.
- 9.54 The Conservation Area Appraisal states that the railway, including the station entrance and booking hall occupies the whole of the southern side of the Station Road, and is therefore its defining feature.
- 9.55 The Station building typifies the railway company's architectural style of the time and is a the defining focal feature of the road. The appraisal goes on to note that the booking hall has round-headed windows and is remarkable for having survived almost entirely unaltered. It is also noted that this rounded-headed design detail is continued on the Water Tower.
- 9.56 The station buildings and their associated features are considered to contribute to the character of the road and the wider Conservation Area.
- 9.57 The site has been subject to previous consent for commercial use and there is no objection from a heritage perspective to the use of the site for residential purposes. The proposed layout would allow for some areas of soft landscaping around the buildings.
- 9.58 The proposal seeks the demolition of two, low-level buildings to the front (western half of the site). The buildings are modern in design, form, and appearance and sit adjacent to the tracks. The buildings do not hold significant heritage value and the loss would not be of harm to the Conservation Area. The loss of the existing wall, which is not listed would allow pedestrian access to the commercial space.
- 9.59 The buildings would be replaced with a single storey building which would accommodate office accommodation. The overall form, design and materiality would reflect the architectural style of the Station buildings. The continuation of this design would be in keeping with the character of Station Road and the features which contribute to the character of the Conservation Area.
- 9.60 The commercial unit would sit behind an existing pedestrian footbridge. The buildings to the southern side of Station Road tend to be single storey and have a functional use i.e. in association with the railway. The proposed building's single storey height, siting, and use would sit comfortably in the Conservation Area protecting the historic townscape.
- 9.61 Details of the storage building (which would be small with a floor area of approximately 10.30sqm to the north of the proposed commercial unit would be requested via condition upon any approval. Given the scale and siting of the building, it would not be considered to detract from the Conservation Area.

- 9.62 The proposed access would have a mix of hardstanding to indicate shared space. The access is already subject to hardstanding and as such a minimal impact would occur. While the access would be subject to wider traffic movements, Station Road does allow for vehicle access and the character of the road as a result would not be considered to be significantly altered.
- 9.63 The existing, eastern half of the site is subject to hardstanding and does not positively contribute to the character of the Conservation Area. The existing features and proximity to the railway line does however visually inform the observer of the former historic use of the site in association with the railway.
- 9.64 As explained above, two residential buildings will be constructed (to the eastern half of the site). A single storey semi-detached bungalow would sit adjacent to the three-storey apartment block. The buildings again would continue the features associated with the Station booking hall. The height (a maximum of 5.91m metres) would again reduce the prominence of the building from within and outside of the Conservation Area.
- 9.65 To the eastern half of the site a three-storey flat block would be sited at a slight angle to the access road. The building would see an area of soft landscaping to the front of the building, which would provide some relief to the degree of hardstanding.
- 9.66 The overall height at three storeys with a pitched roof (to a maximum of 13.8metres) would be considered appropriate in conserving wider views of the site from within the Recreation Ground to the north. Further, the height would not dominate the perspective of those traversing across the eastern footbridge.
- 9.67 The use of arched window details, brick work, and a simple pitched gable roof and form would reflect the architectural features of the Conservation Area. The building does to a degree provide an interpretation of the historic form and function of the area. The design and form aids in improving peoples understanding of the local heritage.
- 9.68 The site is subject to a wider degree of hardstanding to provide parking. While the hardstanding is not the ideal fabric for a Conservation Area landscaping would aid in breaking this up. Given the degree of coverage of hardstanding on the site currently the proposal is considered acceptable in this regard.
- 9.69 The site is located in the setting of 9 Listed Buildings. These include to the north:
- Faversham Recreation Ground, Gardeners Lodge,
  - Council owned boundary stone
- 9.70 As above the proposals overall height, and the proposed landscaping/retained screening would aid in reducing the prominence of the development in the setting of these buildings.
- 9.71 To the northeast the Former Goods shed is located. The separation distance between the site and this listed building is sufficient to prevent the setting of the Former Goods shed from being negatively impacted.
- 9.72 To the west of the site The Station and Water Tower sit in close proximity to the site. The single storey nature of the proposed commercial unit and its siting would ensure the setting

of these buildings are conserved. The access length provides sufficient separation from the flat block and semi-detached unit to ensure the setting of the water and station are not significantly impacted.

- 9.73 To the south of the site the former engine shed, and carriage shed are located between the tracks. The buildings have a clear connection with the application site given the connection to the railway. The proposal has incorporated features associated with functional railway buildings from the 19<sup>th</sup> century. These details retain a link between the sites former use and association with the retained railway buildings.
- 9.74 To the southeast of the site, and to the other side of the railway tracks sits the Grade II\* listed Church of St Catherine and the Grade II listed Vicarage. Again, the separation and overall height of the proposed buildings would not be considered to dominate the skyline or views from and towards the church.
- 9.75 Overall, the proposal is considered to conserve and preserve the Conservation Area and the setting of the Listed Buildings in the site's surrounds.
- 9.76 Policy DM 34 of the Swale Local Plan states that there will be a preference to preserve important archaeological sites in-situ and protect their setting.
- 9.77 The application site is located in an area of archaeological potential. A previous consent on the site has meant an archaeological condition has previously been discharged in connection with archaeology. The information provided with this condition identified that substantial made ground is evident (19/503736/SUB). As a result, the KCC Archaeological Officer is satisfied that no archaeological measures are required.
- 9.78 The proposal is considered to comply with local and national policy in regard to the heritage impact and is not considered to be of harm to either the designated or non-designated heritage assets.
- 9.79 **Residential Amenity**
- 9.80 *Existing residential development*
- 9.81 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 of the NPPF states that decisions should ensure high standards of amenity for existing and future users.
- 9.82 The proposal would result in the introduction of three buildings to the site, these would vary in height and use. To the eastern half of the site two residential buildings would be erected. The eastern most building would be three storeys in height housing 30 residential units. Immediately to the west of this building a single storey building housing two residential units would be sited.
- 9.83 As a general rule, a distance of 21m is considered sufficient to prevent a significant loss of amenity including privacy, daylight/sunlight, and visual intrusion to outlook. The western most building would be located in excess of this distance from the closest residential dwellings (the minimum separation would be 21metres).

- 9.84 The closest residential units are located to the west along Preston Malt House (St Johns Road) and Beaumont Terrace. To the east of the site a commercial yard operates, to the north the lies the Faversham Recreation grounds, and to the south lies the railway tracks.
- 9.85 As a result of the separation between the three-storey building and the closest residential units (a minimum of approximately 66metres) a significant loss of daylight/sunlight would not occur. Further, the separation between the single storey residential unit in combination with the height of the building no significant losses of daylight/sunlight would occur. This is confirmed by the Daylight/Sunlight assessment provided with the application.
- 9.86 The proposal would result in an angled relationship between the proposed siting of the eastern buildings to the nearest residential dwellings along Beaumont Terrace and Preston. The relationship between the buildings and the direction of outlook from the existing dwellings is such that visual intrusion to outlook would not occur to a detrimental degree.
- 9.87 Due to the distance and the height of the single storey residential unit a loss of privacy to existing residential properties would not occur. The three-storey dwelling would have openings along the western elevation. The angled trajectory of the buildings' siting alongside the distance between the development from the existing residential properties would prevent a significant loss of privacy.
- 9.88 To the western half of the site a single storey commercial unit to provide office accommodation would be sited to the south of the access. The building would sit due south of the dwellings along Beaumont Terrace. Due to the single storey nature of the proposed office building wouldn't have an elevated view of the dwellings along Beaumont Terrace. Further the northern elevation would face towards the front elevations of Beaumont Terrace and so would not have a wider view of private residential amenity areas.
- 9.89 The separation distance between the office building and the residential dwellings to the north just exceeds 21m. The distance coupled with the single storey nature of the building, and the intervening vegetation (which would be subject to some works) would not result in significant visual intrusion to outlook.
- 9.90 The proposed office building would sit to the south of the properties along Beaumont Terrace. The private residential amenity areas of these buildings sit to the north of the buildings and due to the height of the office building would not result in shadowing from the proposed building. Due to the separation and overall height of the proposal a significant loss of daylight/sunlight would not occur.
- 9.91 A small storage building would be located to the northern half of the access road. Details of this building would be required via condition. However, given the floor space of the building its scale would not be considered to result in a detrimental loss of amenity to neighbouring residents.
- 9.92 The proposal would result in some increased traffic along the access which sits to the south of the existing residential dwellings. However, as the access terminates within the site, the movements would likely be primarily related to the 32 residential units and office space. The associated noise of the proposals would not be detrimental. Conditions would control the construction phase and piling operations to limit the temporary impact. Environmental Health have raised no objection in regard to this matter.

### 9.93 *Proposed dwellings*

9.94 The proposed residential dwellings would not have private residential amenity spaces. Open space would be provided around the buildings, but these areas would be limited due to the proximity to the access road, or to the northern tree line.

9.95 This level of provision is acceptable for this development, particular given the urban location. The proposal has included a pedestrian access directly into the recreation ground to the north of the site. The proximity of this area would give future occupiers access to good quality open space for recreational purposes.

9.96 In regard to the residential dwellings, in general the proposal would ensure that the units would meet minimum space standards and that habitable rooms would have windows to allow outlook out of the building. The proposal would also include lifts to allow access to the proposed units.

9.97 The proposed units would have openings to habitable rooms which would allow out look out of the building. The trees would be sited close to the units facing north, however the degree of separation coupled with the semi-transparency of trees would not result in a significant visual barrier to outlook.

9.98 The proposal would see several of the flats face north towards the tree lined boundary. The flats would lie near this boundary which may impact the light admittance to the units facing to the northern boundary.

9.99 A daylight/sunlight assessment was undertaken, the original assessment looked at the proposal prior to the revisions. A further, update was provided in regard to the changes which saw the alignment of the two blocks into one single unit.

9.100 The daylight/sunlight assessment identifies trees are represented as solid objects when making such assessments. Trees can have varying effects upon daylight within buildings depending on size, species, and time of year. This is difficult to model, as the report identifies, it is difficult to accurately model the filtration of natural light.

9.101 As a result, two models are provided in accord with BRE guidance one with trees and one without, in regard Average Daylight Factor (ADF) which allows for best- and worst-case scenarios.

9.102 Without the trees, the model indicates that all windows would have passed and with trees 10 windows would fail. Of these 10, 6 are bedrooms which do not require the same degree of light admittance. 4 of the remainder are living spaces, without the trees the four rooms exceed the required guidance and with they fail.

9.103 The revised plans would see the loss of side windows, however the updated report does not consider this would significantly and adversely alter the assessment. The light levels are considered broadly acceptable in regard to Daylight and Sunlight.

### 9.104 *Noise*

9.105 The application site is located adjacent to the railway tracks and train station which has the potential to result in noise. The application was submitted with an Environmental Noise

Assessment. The assessment indicated that the noise levels with windows closed would be acceptable and during the night would only exceed British Standards 5 – 8 times. The assessment identified that suitable ventilation options have been identified. It was recommended that glazing and attenuation ventilation units are adopted.

9.106 The proposal is not considered to result in a significant loss of amenity to existing residents. The proposal would be considered on balance to result in an acceptable level of amenity for future residents. Conditions would be imposed to ensure that adequate mitigation is secured.

9.107 The proposed development is considered to preserve existing neighbouring amenity and an acceptable level of amenity for future occupants. The proposal is considered compliant with local and national policy.

#### 9.108 Highways and Parking

9.109 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.

9.110 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’.*

9.111 The proposal seeks the re-development of the site for residential and commercial use. The commercial space would consist of office accommodation.

9.112 Policy DM 7 states that vehicle parking for non-residential units should take into account the accessibility of the development and availability of public transport. The Swale Parking SPD indicates that for offices up to 500sqm, one space per 20sqm should be provided. The parking adjacent to the office space would include 11 parking spaces. The spaces would include 2 disabled bays and 2 spaces with ‘active’ EV parking.

9.113 The proposal would fall 1.3 spaces short of Swale’s parking standards. However, paragraph 82 of the SPD states that:

*‘It is widely acknowledged that limiting the amount of parking provided at the end destination of a trip can discourage journeys by car. This is particularly the case where there are a range of alternative modes available in sustainable locations. Therefore, the parking standards for non-residential uses are advisory standards and lower provisions should be considered to encourage travel by other modes, where appropriate’.*

9.114 In taking into account the close proximity of the site to the train station and wider town the proposed provision in relation to the office development is considered compliant with policy DM 7 and the Swale Parking SPD. KCC Highways requested that the building be secured for office use to ensure compliance with the prescribed standards, and this would be secured via condition.

9.115 Policy DM 7 of the Local Plan states that car parking standards for residential development to take into account the type, size, and mix of dwellings. The parking SPD advises for 1- and

2-bedroom flats/houses 1 parking space per unit is required. 32 residential units would be provided across the site and a total of 33 parking spaces would be provided.

9.116 The application site is located just outside of the defined Town Centre boundary (as set out by policy DM 2 of the Local Plan). The site technically sits in the 'Edge of Centre'. The Parking SPD states that the advisory guidance indicates that 0.2 visitor spaces per unit would be advisable, which equates to 6.4 spaces rounded up to 7. The proposal falls short by 6 spaces.

9.117 Footnote 1 of the advisory guidance for Edge of Centre parking states that car parking is for guidance and a lower provision should be considered for areas with good accessibility by sustainable modes. The application site is located adjacent to Faversham Trian Station. As a result, the proposal is considered to be located in an area with good accessibility by sustainable transport. As such the lower provision of visitor parking spaces is considered acceptable against the policy criteria and would not act to promote transport by private car use.

9.118 The proposal would include a number of cycle storage spaces for both the residential uses and the commercial office space. The cycle storage provision would ensure provision for alternative methods of transports for residents, again reducing the need for reliance on the car.

9.119 The proposal has indicated 6 'Active' charging spaces across the site. As the proposal is comprised of flats and a semi-detached bungalow the allocation of charging units would be distributed across a number of the proposed parking spaces. The degree of EV charging points would be considered policy compliant. Further, details would be secured via condition to ensure the deliverability of the charging units.

9.120 The proposal would provide a singular vehicle access point of Station Road. The access does currently exist however the use of the site would clearly intensify with the introduction of commercial and residential use. The KCC Highway Officer considered the trip generation of the proposal and did not consider that the additional traffic movements would be of concern in regard to the impact to the wider highway network.

9.121 The proposed visibility splays were considered acceptable, and the Highway Officer considered that an 11.4m refuse vehicle would have the availability to turn on site. Details would be secured in order to ensure that the splays are provided and maintained.

#### 9.122 **Biodiversity**

9.123 Policy DM 28 of the Local Plan states that development proposal will conserve, enhance, and extend biodiversity, and provide net gains in biodiversity where possible.

9.124 The application site is previously developed and subject to a wider degree of hardstanding. While the site has a well vegetated northern boundary the site is not well covered by habitats and is considered to have a low biodiversity value.

9.125 To ensure that any proposal would mitigate the impact to the wider habitat available on site a lighting condition would be applied to any grant of consent. A lighting scheme would be required to ensure that bats could continue to forage and commute without disruption.

- 9.126 As noted by the Ecology Officer the report, submitted by the applicant, to avoid impacts to the potentially present protected species precautionary mitigation measures during construction should be applied. A condition would be applied to ensure such measures are secured.
- 9.127 To ensure compliance with policy DM 28 a condition to secure ecological enhancement would be applied to any consent. The Ecology report submitted indicates suitable measures to enhance biodiversity including native species planting and the provision of bird/bat boxes.
- 9.128 Aspect Ecology Report indicates the proposal would be capable, based on the landscaping plans, of achieving a Biodiversity Net Gain of +18.79% in relation to the existing baseline habitat value.
- 9.129 The application site is within the 6km buffer zone from the SPA and Wetland of International Importance under the Ramsar Convention. As a result, to ensure the development would mitigate for additional recreation pressure on the designated sites an Appropriate Assessment would need to be undertaken.

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

- 9.130 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.
- 9.131 SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 9.132 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein. The proposal therefore has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.
- 9.133 The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Mods stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£275.88 per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are considered to be ecologically sound.
- 9.134 In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment.
- 9.135 The recent (April 2018) judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, *“it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan*



*or project on that site.*” The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.

9.136 The proposal would have an impact upon the SPAs, however the scale of the development (32 residential units) is such that it would not be considered, alongside the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff, that the impacts would be significant or long-term.

9.137 Based on the potential of up to 32 residential units being accommodated on the site A SAMMS contribution of up to £8,828.16 could be secured under the Section 106 agreement. The legal agreement could be worded such that it sets out that the SPA mitigation contribution is to be secured prior to the occupation of any dwelling. Therefore, taking into account the above it is considered that there will be no adverse effect on the integrity of the SPAs.

9.138 Finally, it can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others. (<https://birdwise.org.uk/>).

9.139 The proposal would be considered to reflect the aims of policy DM 28 and would provide on-site improvements for biodiversity as well off-site mitigation through SAMMS contributions.

#### 9.140 **Flooding and Drainage**

9.141 Policy DM 21 of the Local Plan seeks to ensure that development proposals will demonstrate that the most suitable means of drainage will be achieved on the site and Flood Risk Assessments will be provided where a development is at risk of flooding.

9.142 A narrow strip of the access is covered by Flood Zone 2 and 3 which runs in a north south trajectory. The Flood Risk Statement was provided in association with the application. The statement identifies that the portion of the site within Flood Zone 2 and 3 is already subject to hardstanding and no residential or commercial floor space would be located within this area. The total area within Flood Risk Zones 2 and 3 is not more than 1% of the site.

9.143 The Environment Agency and the Flood and KCC Flood Risk Officer have raised no objections to the proposal. A series of conditions have been required by the Environment Agency have been requested which would be applied to any grant of consent.

9.144 The proposal includes details of a drainage system which would include a system of attenuation with a restricted outfall to the existing sewer. While SUDs are a policy preferred means of drainage, given the context of the site and the requirement by the framework to make efficient use of land this would not be considered the most appropriate method of drainage. KCC Drainage have no objection to the proposal and have provided a list of conditions which would be applied upon any grant of consent.

#### 9.145 **Air Quality**

9.146 Policy ST 7 of the Local Plan states that development proposals in Faversham will be consistent with local air quality action plans for Ospringe and bring forward innovative proposals for mitigation of adverse impacts.

9.147 The application site is approximately 1.3km from the Ospringe Air Quality Management Area to west of the site along the A2. An Air Quality Assessment was provided with the application. The assessment reviewed the impact to both the construction and operational impacts of the development on the AQMA (on an assessment of 45 units, which has now been reduced in number).

9.148 The assessment identified that during the construction process some dust and particular matters would be generate on-site. The report considers these can be effectively mitigated. The operational impact would see emission arising from traffic generation was considered to have a negligible impact.

9.149 The Environmental Health Officer has considered the proposal and has stated that they concur with the reports assessment. A condition has been proposed by the Environmental Health Officer to aid in the mitigation of the construction phase, which would be applied to any approval.

#### 9.150 **Contamination**

9.151 A land contamination survey was provided with the application. The assessment identified that the ground conditions on site were comprised of Made Ground overhead deposits, which were underlain by the Seaford Chalk formation. The chalk is designated as a principal aquifer and the site is within Source Protection Zone 1. However, the report concludes that the nearest abstraction licence is 550m from the site.

9.152 The report detailed that the made ground did not contain any sensory or visual evidence of contamination was noted during the investigation works. No significantly elevated concentrations of heavy metals or hydrocarbons were found within the Made ground or natural soils underlying the site. Some exceedances of contaminants were found in Made Ground in comparison with residential although none were found. Non were found in regard to ground and very low ground gas concentrations were identified.

9.153 The Environment Agency and Environmental Health have reviewed the data provided and have raised no objections. The Environment Agency has provided a recommended list of conditions which would be applied to any grant of consent. The conditions relate to contamination and remediation, the Environmental Health Officer has supported the recommended conditions.

#### 9.154 **Public Right of Way**

9.155 Public Right of Way ZF 24 runs to the eastern boundary of the site and is positioned on the footbridge which is sited above the railway tracks. The proposal would not block or divert this Right of Way and the Officer has no objection to the proposal.

9.156 An additional pedestrian access will be opened to the recreation ground which is welcomed by the Officer. The additional access would not be maintained by Kent County Council and therefore the maintenance would be secured via Section 106.

### 9.157 **Developer Contributions**

9.158 Polices CP 6 and IMP 1 seek to deliver infrastructure requirements and other facilities.

9.159 Contributions toward waste, social care, library book stock, youth services, community learning, and education would be sought. These have been outlined by KCC Contributions team (and Members will note paragraph 6.166 above, and that if 32 residential units (under KCC applicable criteria) are built a contribution of approximately. (not including indexation) £50,158.18 would be payable and could be secured through a Section 106 agreement.

9.160 In addition, the legal agreement would need to include contributions for wheelie bins, an administration / monitoring fee, SPA mitigation (see paragraph 8.86 above) and formal sports / play equipment. I will update Members at the meeting.

9.161 The Kent and Medway Clinical Commissioning group would seek a contribution, in accord with the applicable criteria, of approx. £20, 016.00.

### 9.162 **Affordable Housing**

9.163 The proposed development seeks the provision of 32 residential units. Policy DM 8 of the Local Plan states that development of 11 or more dwellings would need to provide affordable housing. The application site is located in Faversham Town which require a 35% provision of affordable housing.

9.164 Policy DM 8 continues to identify in section 5(c):

*‘where an applicant can demonstrate that providing the full affordable housing provision would result in the scheme becoming unviable, a reduced requirement may be considered and will be subject to a legal agreement to ensure that full provision of affordable housing is reconsidered should land values rise prior to the commencement of development or any subsequent phases and/or an adjustment made to the tenure split’.*

9.165 Paragraph 58 of the National Planning Policy Framework states that:

*‘It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker...’.*

9.166 A viability assessment was submitted with the application and reviewed independently. The independent assessment identifies that in order to deliver a minimum return to the landowner, which the NPPG recognises as between 15% - 20%, a contribution of £10,853 for offsite affordable housing would be acceptable.

9.167 As such, an offsite contribution would be accepted under local and national policy in lieu of onsite provision.

### 9.168 **Network Rail**

9.169 Network Rail/Southeastern Railway has objected to the introduction of residential development which would sit within an access point to rail network. The concerns relate to the potential for noise complaints, parking preventing access of network rail maintenance vehicles to the railway lines, and trespass/safety.

9.170 Network Rail did state that should planning consent be granted conditions should be imposed relating to noise, enclosure, and parking control. The proposed objections are not considered so substantive as to outweigh the clear benefits of the proposal which would provide residential development (and a small commercial element) in a sustainable location.

9.171 The conditions requested by Network Rail would be imposed upon any grant of consent.

## 10. CONCLUSION

10.1 The proposed development would see efficient use of a brownfield site in an urban context. The proposed development would see the provision of both residential and commercial uses which would benefit the viability of the town centre of Faversham.

10.2 The proposal would see the remediation of a brownfield site which would result in tangible gains in regard to biodiversity, permeability of the area, landscaping, and commercial floor space. The proposal would also provide tangible social benefits in providing residential development in a sustainable location.

10.3 The proposed development is considered to on balance comply with local and national policy. The proposal would provide sustainable development that would be in keeping with the character and context of the area.

11. **RECOMMENDATION** – Grant subject to conditions and Section 106 agreement with delegated authority to amend the wording of the s106 agreement and conditions as may reasonably be required.

## CONDITIONS

- (1) The developments to which this permission relates must be begun no later than the expiration of three years beginning with the date on which the permission is granted.

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

- (2) The developments hereby approved shall be carried out and maintained in accordance with the following approved plans:

Site Location Plan 20 0931 05, Site Plan as Proposed – 20 0931/03 Rev F, Site Plan as Proposed Part 1 – East – 20 0931/01 Rev D, Site Plan as Proposed Part 2 – West – 20 0931/02 Rev E, Units 5 – 19 Proposed Ground Floor Plan Amended 20-0931-20 Rev F, Units 5 – 19 Proposed First Floor Plan – Amended – 20-0931-21 Rev F, Units 5 – 19 Proposed Second Floor Plan – Amended – 20-0931-11 Rev F, Units 5 – 19 Proposed Roof Plan – Amended – 20-0931-23 Rev E, Units 20 – 34 Proposed Ground Floor Plan – Amended – 20-0931-30 Rev C, Units 20 – 34 Proposed First Floor Plan – Amended – 20-0931-31 Rev C, Units 20 – 34 Proposed Second Floor Plan – Amended – 20-0931-32 Rev C, Units 20 – 34 Proposed Roof Plan – Amended – 20-0931-33 Rev C, Units 5 – 34 3D View & Proposed Elevation South – Amended – 20-0931-25 Rev D, Units 5 – 34 Proposed Elevation East – Amended – 20-0931-26 Rev D, Units 5 – 34 Proposed 3D views & Elevation North – Amended – 20-0931-27 Rev E, Units 5 – 34 Proposed Elevation West – Amended – 20-0931-28 Rev D, Units 03 & 04 Proposed Floor Plans – Amended – 20-0931-10 Rev D, Units 03 & 04 Proposed Roof Plan & 3D Perspective – Amended – 20-0931-11 Rev D, Units 03 & 04 Proposed Elevations North & East – Amended – 20-0931-12 Rev D, Units 03 & 04 Proposed Elevations South & West – Amended – 20-0931-13 Rev D, Commercial Unit Proposed Floor Plans –

Amended – 20-0931-40, Commercial Unit Proposed Roof Plan – Amended – 20-0931-41, Commercial Unit Proposed Elevations Front Elevations – Amended – 20-0931-42, Commercial Units Proposed Elevations Side Elevations – Amended – 20-0931-43, Commercial Units Proposed Elevations Rear – Amended – 20-0931-44, Landscape Strategy – Amended – 0422/21/B/1B.

Reason: For the avoidance of doubt and interest of proper planning.

- (3) Prior to occupation of the development hereby approved, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will demonstrate adherence to the recommendations in section 6.1.7 of the Ecological Appraisal (Aspect Ecology March 2021) and show that areas to be lit will not adversely impact biodiversity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Reason: In the interest of conserving habitats.

- (4) From the commencement of work (including site clearance), all precautionary mitigation measures for protected species will be implemented in accordance with the details in sections 6.1.8, 6.1.9 and 6.1.10 within the Ecological Appraisal (Aspect Ecology March 2021). These measures shall be maintained throughout the course of the development.

Reason: In the interest of protected species.

- (5) Within six months of works commencing, details of how the development will enhance biodiversity (the details will demonstrate the biodiversity net gain as illustrated by the Aspect Ecology Aspect Ref: 1006159 TN01 UBNG) will be submitted to, and approved in writing by, the local planning authority. This will include a native species-only landscape plan and recommendation in section 6.2 of the Ecological Appraisal (Aspect Ecology March 2021). The approved details will be implemented and thereafter retained.

Reason: In the interest of enhancing Biodiversity.

- (6) Prior to the commencement of the development hereby approved a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Drainage Statement dated July 2021, prepared by Alan Baxter Partnership LLP, and 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 without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):
  - that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

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

Reason: To ensure that flood risks from development to the future users of the land and neighboring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- (8) Prior to the commencement of the development hereby approved a schedule of the specific facing and roofing materials (including window and door products/systems and rainwater goods) to be used for each building (including the proposed cycle stores) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. This shall be based on the indicative materials listed on the materials schedule for each building (see informative 1 (a)).

Reason: In the interest of the preservation of the Conservation Area.

- (9) Prior to the commencement of the development hereby approved, sample panel(s) of the proposed brickwork to be used on each of the buildings proposed shall be erected on site and made available for inspection and by means of submission approved in writing by the Local Planning Authority. The sample panel(s) to show the specific facing bricks to be used (main brick and feature/contract brick(s), the pointing profile/colour/coursing depths to be used, the bonding pattern(s) to be used, the detailing of any cavity ventilation slits to be used and part construction of the redbrick window arches, to show the typical construction detailing for this visually important element of each building. The proposed development shall be carried in accord with the approved details.

Reason: In the interest of the preservation of the Conservation Area.

- (10) Prior to the commencement of the development hereby approved the following key construction details (in relation to each building) shall be submitted to, and approved in writing by the Local Planning Authority:

- (a) 1:1 or 1:2 scale vertical section drawing showing eaves detailing (including guttering profile and guttering bracket profile, where applicable);
- (b) 1:1 or 1:2 scale vertical section drawing showing verge detailing;
- (c) 1:1 or 1:2 scale vertical section drawing showing detailing at the junction of the projecting masonry plinth;
- (d) 1:1 or 1:2 scale vertical section showing typical window and door reveal, together with window head, door head and window cill/sub cill detailing;
- (e) 1:1 or 1:2 scale vertical section drawing showing junction detailing between facing brickwork and metal cladding on apartment block building housing units 5-34
- (f) 1:1 or 1:2 scale vertical section drawing showing junction detailing at change in vertical plane in facing brickwork (including for blind windows);
- (g) 1:1 or 1:2 scale vertical section drawing showing roof ridge detailing;
- (h) 1:1 or 1:2 scale vertical section showing the chimney head and shoulder detailing, plus chimney/roof junction detailing (flashing detailing) on building housing units 3 and 4; and
- (i) 1:1 or 1:2 scale vertical section drawing showing junction between solar/PV panel arrays and the adjacent natural slate roof covering (where applicable).

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

Reason: In the interest of the preservation of the Conservation Area.

- (11) Prior to reaching Damp Proof Course of the development hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be based on the landscape strategy drawing (ref. 0422/21/B/1B) and should provide images together with relevant sizes/dimensions of the relevant shrubs, trees, surfacing materials and boundary treatments to be used (see informative 2(b)). The development shall be carried out in accord with the approved details and in accordance with a program that shall first have been agreed in writing by the Local Planning Authority.

Reason: In the interest of preserving the Conservation Area and enhancing visual amenity.

- (12) Prior to the first occupation of any part of the development hereby approved a Landscape Management plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be adhered to thereafter.

Reason: To ensure the visual amenity of the area.

- (13) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (14) Notwithstanding the provisions of class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site.

Reason: In the interests of visual amenity.

- (15) Upon completion of the development, no further development permitted by classes A, C, D or E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), shall be carried out to the semi-detached pair of dwellings (as labeled at 1 and 2 on plan 20 0931/03 Rev F).

Reason: In the interest of visual amenity and the preservation of the Conservation Area.

- (16) Prior to the first occupation of any of the residential units, a scheme of heritage interpretation for the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first occupation of the development hereby approved. The interpretation signage shall thereafter be maintained as such thereafter (see informative C).

Reason: In the interest of enhancing the Conservation Area.

- (17) The development shall be designed to achieve a water consumption rate of no more than 110 liters per person per day, and no dwelling shall be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- (18) Prior to the commencement of the development hereby approved a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:
- (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 Highway Safety.

- (19) Prior to bringing the development into first use the access as shown on plan 20-065/002 Rev A (contained within Transport Statement) shall be completed and brought into operation. The access shall be maintained as such thereon.

Reason: In the interest of highway safety.

- (20) Prior to bringing the development hereby approved into first use, the visibility splays shown on the submitted plans 20/065/002 with no obstructions over 0.6metres above carriageway level within the splays shall be implemented and maintained as such thereafter.

Reason: In the interest of highway safety.

- (21) Prior to bringing the development hereby approved into first use the vehicle parking spaces as indicated on plan 20 0931/03 Rev F shall be retained as such thereafter. No



development shall occur that would preclude access to the vehicle parking spaces.

Reason: In the interests of highway safety.

- (22) Prior to bringing the development hereby approved into first use the provision and permanent retention of the cycle parking facilities shown on the approved plan 20 0931/03 Ref F shall be implemented and thereafter maintained, no development shall occur so as to preclude access to the cycle parking.

Reason: In the interest of highway safety.

- (23) Prior to the commencement of the development hereby approved details of all the vehicle loading/unloading, turning facilities and no parking zones (to ensure access to rail land) have been submitted too and approved in writing. The development shall be carried out in accord with the approved details and maintained as such thereafter.

Reason: In the interest of highway safety.

- (24) Prior to first occupation of the development hereby approved provision and permanent retention of Electric Vehicle Charging points shown on the approved plan 20 0931/03 Rev F. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved ChargePoint model list.

Reason: In the interest of air quality.

- (25) Prior to the commencement of the development details of how the development will comply with the requirement of the principles of 'Secure by Design' shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accord with those details.

Reasons: In the interest of residential amenity.

- (26) No construction work (excluding impact pile driving dealt with by separate condition), 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 or with the prior written approval of the Local Planning Authority.

Reason: In the interest of residential amenity.

- (27) 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 or with the prior written approval of the Local Planning Authority.

Reason: In the interest of residential amenity.

- (28) Prior to the commencement of the development hereby approved details of all noise mitigation measures including glazing, attenuated ventilation, and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in line with the recommendations of the Entran Ltd Environmental Noise

Assessment. The mitigation will ensure that future occupiers of the development enjoy a satisfactory level of internal noise. The development shall be carried out in accord with the approved details.

Reason: In the interest of residential amenity.

- (29) No development shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. This shall include details relating to:
- (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;
  - (ii) The loading and unloading and storage of plant and materials on site;
  - (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (iv) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development site during the construction phase;
  - (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
  - (vi) Measures to control mud deposition off-site from vehicles leaving the site;
  - (vii) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
  - (viii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site; and
  - (ix) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking
  - (x) Phasing of the development

Reason: In the interest of Air Quality.

- (30) Prior to reaching slab level on the commercial office details shall be submitted to and approved in writing by the Local Planning Authority demonstrating the building will achieve a BREEAM minimum rating of 'Good' or alternative as agreed in writing by the local planning authority. Evidence shall be provided to the Local Authority in the following format and at the following times: i) Prior to first use of the development, a final post-construction certificate certifying that the development has achieved a BREEAM minimum rating of 'Good' or alternative as agreed, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of environmental sustainability and reducing the risk of climate change.

- (31) The unit labeled as 'commercial space' on plan 20 0931/03 Rev F shall be used for purposes relating to Class E(g)(i) of the Town and Country Planning (Use Classes) Order 1987 (as amended) Office only, unless otherwise agreed in writing by the local planning authority, and for no other purpose.

Reason: In the interests of the vitality of the town center and highway safety.

- (32) Piling or any other foundation designs using penetrative methods shall not be permitted

other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated 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.

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 in line with paragraph 170 of the National Planning Policy Framework.

- (33) Development here by approved shall not commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved by, the local planning authority. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy. No occupation of any premises can take place until the installed scheme is confirmed as meeting the agreed specifications.

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 170 of the National Planning Policy Framework.

- (34) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

- (36) Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

- (37) No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
1. 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.
  2. 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.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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 170 of the National Planning Policy Framework.

- (38) Prior to reaching slab level of the development hereby approved details of the pedestrian access to the Faversham Recreation Ground shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the development.

Reason: In the interests of sustainable transport.

- (39) Prior to reaching slab level of the development hereby approved, details of all means of enclosure shall be submitted to and approved in writing by the Local Planning authority. The approved details shall be implemented prior to first occupation of the development and maintained as such thereafter.

Reason: In the interest of residential and visual amenity.

- (40) Prior to the commencement of the development the tree protection measures as illustrated by the Faversham Railway Yard Tree Survey Amended Issue 3 April 2022 and plans 2561/21/B/3 and 2561/21/B/4A shall be implemented in full. The tree protection measures, works, and construction works shall be carried out at all times through the course of the development as illustrated by the Faversham Railway Yard Tree Survey Amended Issue 3 April 2022 and plans 2561/21/B/3 and 2561/21/B/4A.

Reason: In the interest of visual amenity.

- (41) Prior to reaching damp proof course details of the all the proposed bin stores including

siting, floor plans, and elevations shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accord with the approved details.

Reason: In the interest of amenity.

- (42) 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: In the interest of promoting energy efficiency and sustainable development.

- (43) Prior to the commencement of the development hereby approved, details of a parking management plan shall be submitted to and approved in writing by the local planning authority. The management plan shall include details of the access route to the network rail access are kept free of vehicles.

Reason: In the interests of highway safety.

#### Informative:

#### Conservation:

1. (a) The window system/product to be used shall be expected to incorporate externally invisible trickle vents and the large format windows should utilize a traditional vertical sliding sash opening mechanism, whilst the smaller format window may utilize a side hung casement opening mechanism.
2. (b) It is recommended that the detailed landscaping scheme enhanced by a combination of planting and contrasting hard surfacing materials to echo the pattern of rail lines which historically crossed across the site, thus helping to reflect the historic use of the site and to render the development more distinct and visually engaging.
3. (c) The interpretation to be provided should help residents of the scheme and visitors to the location appreciate the railway related heritage which survives around the edges of the site and which has been important in the development of Faversham. This includes the grade II listed station buildings to the west, the grade II listed (at-risk) engine and carriage shed across the rail tracks to the south, the grade II listed (converted) water tower to the west and the grade II listed (converted) goods shed to the north. The interpretation should show how the application site lies on the site of the former sidings serving the former cattle market and the branch line serving the Abbey brick works with the nearby grade II listed goods shed to the north being a clear visual reminder of that former branch line, brickmaking being hugely important to the development of the town, but now an industrial process which no longer continues within the town. The interpretation can reference how the landscaping design used within the scheme reflects the historic alignment of former rail lines and sidings within the site through the use of a development scheme plan placed alongside one or more archive map images.

#### Public Right of Way:

4. No furniture 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 right of way, or obstruction of its use, either during or following any approved development, planning consent does not confer consent or a right to disturb or unofficially divert any Public Right of Way at any time without the express permission of the Highway Authority, no trees or shrubs should

be planted within 1.5 metres of the public right of way.

Highways:

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

Contamination:

6. Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus, it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73.
7. Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

Network Rail:

8. The applicant is reminded they will be required to engage with Network Rail Asset Protection team to get the required resource and expertise on-board to enable approval of detailed works.

Bins:

9. No bin stores shall be located along the northern boundary to the western half of the site.

### **Councils 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.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

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

