

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

1. RELEVANT PLANNING HISTORY

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

2. EXECUTIVE SUMMARY

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

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

3. DESCRIPTION OF SITE

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

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

4. PROPOSAL

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

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

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

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

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

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

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

PLANNING CONSTRAINTS

Potential archaeological importance
Environment Agency Flood Zones 2 & 3

5. POLICY AND CONSIDERATIONS

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

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

5.2 Kent Minerals and Waste Local Plan 2013-30.

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

5.3 Faversham Neighbourhood Plan

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

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

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

5.4 Supplementary Planning Documents:

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

6. LOCAL REPRESENTATIONS

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

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

- Lack of EV charging points

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

6.2 Faversham Town Council (FTC)

Objection. Initial consultation in full below.

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

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

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

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

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

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

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

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

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

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

6.3 Faversham Society

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

January 2020

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

We have the following major concerns:

Access

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

The setting of the town.

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

Flood Risk

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

Conservation.

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

Landscape Sensitivity.

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

Development Constraints

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

May 2021

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

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

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

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

For these reasons the Application should be refused.

September 2021

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

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

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

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

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

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

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

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

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

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

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

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

They are also in many cases, undesirable.

Heritage Assets causing substantial harm.

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

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

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

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

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

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

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

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

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

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

We reiterate our previous submission, which remains valid.

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

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

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

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

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

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

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

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

7.0 CONSULTATIONS

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

- 7.2 Environmental Health

Contamination

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

Air Quality

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

Noise

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

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

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

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

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

- 7.7 Historic England: do not wish to offer any comments. Suggest the Council seek the views of its specialist conservation and archaeological advisers, as relevant.
- 7.8 Kent Police: no objection subject to condition securing Secured by Design principles.
- 7.9 Environment Agency: no objection subject to conditions to secure the implementation of a remediation strategy to address pockets of contaminated land.
- 7.10 KCC Public Rights of Way: welcome the intention to improve the environment of Public Footpath ZF29 which runs along the southern boundary of the development site. Requests amends to the application drawings to show additional links onto ZF29 from the development and to show the route of ZF36, which connects to ZF29, as the route will benefit new and existing residents of the wider area for accessing the proposed Abbeyfields Park (the proposed parameter plan has since been amended to address this request).
- Requests conditions requiring submission of a management plan to ensure cohesion and quality of works within the proposed Greenway Corridor alongside ZF29 and a S106 contribution of £34,545 for the purposes of improving the surface and environment of Public Rights of Way in the vicinity of the development site.
- 7.11 KCC Economic Development: no objection subject to Section 106 contributions towards primary education, secondary education, community learning, the youth service, the library service, social care and waste being secured to mitigate impact.
- 7.12 Lower Medway Internal Drainage Board: no objection. Recommends conditions requiring a detail surface water drainage scheme based on SuDS principles and a maintenance schedule for SuDS features.
- 7.13 Southern Water: no objection subject to a condition requiring details of the proposed means of foul and surface water sewage.
- 7.14 KCC Ecological Advice Service: are satisfied that, as the site continues to be an actively managed arable field, the advice provided in September 2020 is still valid. This raised no objection subject to conditions requiring a biodiversity method statement (informed by appropriate updated ecological surveys), an ecological design strategy, a landscape & ecological management plan, sensitive lighting plan and a Section 106 obligation regarding the management of the Local Wildlife Site.
- 7.15 KCC Flood and Drainage: no objection subject to conditions requiring a detailed surface water drainage strategy and a verification report.
- 7.16 KCC Highways: no objection subject to conditions regarding construction logistics, preventing the disposal of surface water and mud onto the highway, cycle parking, completion of the access, provision and maintenance of visibility splays, and details and completion of the internal street network. Section 106 obligations are also requested relating to the maintenance of Abbeyfields (between the site access and Whitstable Road) and contributions towards sustainable transport in order to deliver projects identified in Swale Borough Council's Walking and Cycling Strategy.

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

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

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

7.20 SBC Conservation and Design Manager

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

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

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

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

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

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

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

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

7.21 SBC Greenspaces Manager

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

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

8. APPRAISAL

Principle of Development

- 8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.

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

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

Loss of Agricultural Land

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

Landscape/Visual Impact

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.31 Hill-Wood & Co. concluded the following:

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

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

Design/Layout

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

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

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

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

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

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

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

Heritage

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

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

Living conditions

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

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

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

Highways

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

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

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

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

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

Biodiversity

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

Local Wildlife Site

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

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

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

Water, Flooding, and Drainage

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

Minerals

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

Affordable Housing

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

Sustainable Design and Construction

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

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

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

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

Contamination

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

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

Air Quality

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

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

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

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

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

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

Developer Contributions

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

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

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

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

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

Table 1 – S.106 Heads of Terms

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

9. FINAL BALANCING AND CONCLUSIONS

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

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

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

10. RECOMMENDATION

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

10.3 Conditions

1. Time Limit – Outline Schemes

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

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

2. Time Limit – Reserved Matters

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

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

3. Reserved Matters

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in

the case of approval on different dates, the final approval of the last such matter to be approved.

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

4. Completion in Accordance with Approved Drawings and Parameters

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

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

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

5. Quantum

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

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

6. Levels

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

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

7. Secure by design

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

Reason: In the interests of crime reduction and safety.

8. Context and parameters

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

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

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

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

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

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

9. External lighting

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

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

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

Reason: In the interest of biodiversity and local amenity

10. Biodiversity Method Statement

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

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

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

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

Reason: In the interest of biodiversity and local amenity

11. Ecological Design Strategy

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

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

The EDS will include the following:

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

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

Reason: In the interest of biodiversity and local amenity.

12. Landscape and Ecological Management Plan

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

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

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

Reason: In the interest of increasing biodiversity on site.

13. Biodiversity net gain

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

Reason: In the interest of increasing biodiversity on site.

14. Tree protection

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

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

15. Landscape Strategy

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

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

16. Archaeology

No development shall take place prior to the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. Following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

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

17. Hours of construction work

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

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

Reason: In the interests of residential amenity.

18. Impact piling

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

Reason: In the interest of residential amenity.

19. Piling risk assessment

Piling or any other foundation designs using penetrative methods shall not be undertaken other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been

demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details submitted to and approved in writing by the Local Planning Authority.

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

20. Contamination

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

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

21. Construction Management Plan

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

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

Reason: In the interests of residential amenity and highway safety

22. Construction Method Statement

Prior to the commencement of the development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The document shall be produced in accordance with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'. The construction of the development shall then be carried out in accordance with the approved methodology.

Reason: In the interest of residential amenity.

23. Drainage

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

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

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

24. Protection of existing sewers

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

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

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

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

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

25. Disposal

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

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

26. Gas mains

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

Reason: To avoid damage to gas mains

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

Reason: In the interests of highway safety and convenience

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

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

31. Parking

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

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

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

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

32. Electric Vehicle chargers

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

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

33. Electric Vehicle Car hub

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

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

34. Works between dwellings

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

- (a) Footways and/or footpaths, with the exception of the wearing course;
- (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interests of highway safety.

35. Digital infrastructure

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

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

36. Travel plan

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

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

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

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

Reason: To encourage sustainable transport modes.

37. Phasing

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

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

38. Energy

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

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

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

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

39. Wheelchair Accessible Dwellings

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

Reason: To ensure inclusive access.

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

Reason: In order to reduce the consumption of potable water

41. Noise

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

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

Informatives

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

