



Appeal Decision

Hearing held on 30 September 2025

Site visit made on 30 September 2025

by **G Pannell BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th December 2025

Appeal Ref: APP/V2255/W/25/3365131

Land at Sandbanks Lane and Seasalter Road, Graveney, Kent, ME13 9DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Skylark Kent LLP against the decision of Swale Borough Council.
 - The application Ref is 23/504264/OUT.
 - The development proposed is a residential development of up to 27 dwellings, including market, self and custom build and affordable dwellings, public open space, school playing fields and associated infrastructure.
-

Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 27 dwellings, including market, self and custom build and affordable dwellings, public open space, school playing fields and associated infrastructure at Land at Sandbanks Lane and Seasalter Road, Graveney, ME13 9DU in accordance with the terms of the application, Ref 23/504264/OUT, and the plans submitted with it subject to the conditions in the attached schedule.

Preliminary Matters

2. I am also the appointed Inspector for APP/V2255/W/25/3367559, Land west of Head Hill Road, Graveney which was considered at the same hearing and is subject to a separate decision.
3. The original application was made in outline with means of access to be considered and I have therefore dealt with the appeal on this basis and considered any other details as being for illustrative purposes only.

Main Issues

4. The parties have agreed that reasons for refusal 3, 4 and 5 relating to surface water drainage, emissions damage and the necessary infrastructure requirements to be secured by S106 legal obligation have all been resolved through the submission of additional evidence as part of the appeal.
5. Therefore, the main issues in this appeal are:
 - whether the site represents an appropriate location for the proposed development with regard to access to services and the spatial strategy;
 - the effect of the development on the character and appearance of the area; and
 - the effect of the development on designated heritage assets.

Reasons

Spatial Strategy

6. Policy ST1 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 (LP) requires sustainable development to achieve good design through reflecting the best of an area's defining characteristics.
7. Policy ST3 sets out the Swale settlement strategy and for developments in the Countryside sets out that they will be supported where they are able to demonstrate that it would contribute to protecting and where appropriate enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.
8. The site lies outside of the defined settlement boundary for Graveney and therefore the proposed development is required to demonstrate that there would be no harm to the sites rural landscape setting.
9. These policies are intended to ensure housing is located in areas which are accessible and sustainable. However, these policies do not prevent the development of land outside of settlement boundaries provided that the landscape character and appearance of the rural area is protected or enhanced.

Access to services and facilities

10. Graveney is a small settlement with some limited facilities and services which are unlikely to be capable of sustaining the everyday needs for the future occupiers of the development. There is a footpath, with some sporadic street lighting, along part of Seasalter Road and this would enable pedestrians to access the small range of services within Graveney such as the public house and school. Despite these facilities I consider that occupiers of the proposed development would inevitably have to travel onwards to the services and facilities within the nearby towns of Faversham or Whitstable to access shopping, healthcare, leisure and entertainment facilities.
11. A bus stop is present along Seasalter Road which according to the evidence before me has eight bus services to Faversham Station on weekdays and six on a Saturday, with no evening service. Whilst this would be an available alternative to the private car, given the frequency of the bus service and the lack of service in the evening, it therefore this leads to uncertainty that it would be a realistic substitute to the convenience of a private car.
12. Therefore, I consider that the site has limited access to services, facilities and amenities and having regard to the lack of a regular bus service means occupiers are likely to prefer the convenience of a private car.
13. It is for these reasons that Graveney is identified as being within the lowest tier of Swale's settlement strategy where the primary objective is to protect it from isolated and/or large scales of development. Furthermore, policy CP2 of the LP sets out that proposals for new development must be sustainable in terms of transport and accessibility and should promote access to sustainable modes of transport.
14. Paragraph 83 of the National Planning Policy Framework (the Framework) promotes sustainable development in rural areas, through locating housing where

it will enhance or maintain the vitality of rural communities. It recognises that groups of smaller settlements may support services in a village nearby. However, in this instance there are limited services, if any in neighbouring villages and any travel would be to the larger nearby towns.

15. The proposal is therefore in conflict with policy CP2 of the Local Plan. In addition to the conflict with the development plan, there would be minor negative environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services. This is an adverse matter to which I afford moderate weight.

Character and appearance

16. Policy DM24 sets out that in non-designated landscapes, such as the appeal sites, planning permission will be granted subject to minimisation and mitigation of adverse impacts. The Council have set out within their officer report that the proposal would have a moderate level of harm on the localised landscape and the parties agreed that where development is likely to lead to some adverse impact on the landscape, if this can be mitigated then it would accord with the policy.
17. The site extends along Seasalter Road, with proposed access opposite existing linear development, including the more recent development of Murton Place. Parts of the site, including the existing school playing fields are at an elevated position above the height of the road. The development would then extend behind the school playing fields to bring the development adjacent to Sandbanks Lane, adjoining the development of Vinson Close. The site, when viewed from the nearby public right of way is already partially enclosed by existing landscaping but glimpsed views of the rooflines of the existing houses along Seasalter Road are possible.
18. Seasalter Road is characterised by residential development fronting the road, with in depth development accessed off this primary route. The site is currently rough scrub and grass and partially enclosed by existing hedging. The site provides a visual separation between the existing built development and contributes to the open rural nature which is experienced beyond the appeal site. Therefore, there would be a degree of urbanisation and countryside encroachment through additional housing.
19. However, the development of the site would consolidate and appear part of the linear development as you enter the village. The proposal whilst increasing the density of development within the locality, the indicative layout demonstrates that it would be possible for the scheme to have a similar plot size to the modern development adjacent to the appeal site and on the opposite side of the road. The introduction of the proposed dwellings into the site would be appropriate within this rural setting, having regard to the development adjoining the site and the modest scale of the development proposed.
20. The Council have raised concerns that the housing would be seen against the skyline at a higher level, representing a new, incongruous component which is contrary to the Graveney Arable Farmland Landscape Character Assessment (LCA) which seeks to avoid proposals that would be unduly prominent on high or open ground. However, the proposal is in outline and as such matters of detail in terms of how the development is laid out across the site and the use of scale are matters to be considered at reserved matters. Noting the large areas of open

space shown on the indicative layout and the intention to include new trees and hedges along the boundary, there is nothing before me to indicate that the layout and design of the development could not take into account the increased levels across the site.

21. The development would be appropriate to the landscape character and quality of the area which is proportionate to the scale of the existing settlement. Furthermore, it would contribute toward addressing local housing needs, supporting the village economy and assisting with the overall housing growth proposed for the Borough.
22. In conclusion, the introduction of the proposed development into the appeal site, would accord with the relevant policies relating to housing in rural areas. It would also accord with policies CP4 and DM14 of the LP which together seek to achieve good design which is appropriate to its surroundings and well sited. It would also accord with policy DM24 of the LP which requires non-designated landscapes to be protected and enhanced.

Heritage Assets

23. The site is located outside of both Graveney Church Conservation Area and Graveney Bridge Conservation Area, but is considered to be within the setting of both Conservation Areas. The site is also within the setting of the following Grade II Listed Buildings, Bridge House, Graveney House, Murtons Farmhouse and Barn.
24. Section 66 (1) of the LBCA Act requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications.

Bridge House and Graveney House

25. Bridge House and Graveney House are Grade II listed and date from the eighteenth century. Their significance is derived from their architectural features, both being examples of Georgian architecture, featuring central doorways, symmetrical proportions and built using material typical of the period.
26. The setting of these buildings, which face the junction between Seasalter Road and Sandbanks Road, are currently experienced as prominent features of the road junction, with the surrounding undeveloped landscape allowing for appreciation of their historic value and context.
27. The appeal site contributes to the setting of both listed buildings as it forms part of the undeveloped rural hinterland which surrounds them, with the eastern side of Seasalter Road being largely free from built form, giving the listed buildings greater visual prominence and providing context to their significance as vernacular rural dwellings.
28. However, noting the separation provided by the existing landscaping and the school playing fields, together with the existence of Vinson Close, I consider that this harm would be at the lower end of less than substantial.

Murtons Farmhouse and associated listed barn

29. Both buildings are Grade II listed, timber vernacular structures, with their significance being derived from its historical interest and ability to convey

remaining elements of a sixteenth century farmstead. Historical maps indicate that the appeal site was once in the same ownership as the farmhouse and there is a functional and historic link between the two, with the farmhouse overlooking the land it farmed. The setting of the building, including the appeal site, contributes to the significance of the building as it allows for both the farmhouse and the barn to be appreciated within a largely rural setting, reflecting their historic use.

30. Therefore, once developed there would a loss of historic setting and the views from and to the assets would be altered, and to some degree this would lessen the ability to appreciate the buildings historic interest. However, the buildings would still be read and appreciated as distinct historic buildings, as a result of their materials and differing architectural style compared to the more modern development to the south of the listed buildings.
31. The wider fields beyond the appeal site would also remain and there would be a degree of separation as a result of the proposed open space providing a visual buffer. Therefore, I consider that the harm to the setting of these assets would be at a low level of less than substantial.

Graveney Bridge Conservation Area (GBCA)

32. Paragraph 219 of the Framework requires new development within the setting of Conservation Areas to enhance or better reveal its significance. The Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced.
33. GBCA comprises a handful of buildings and derives its significance from the placement of buildings, their material quality and their development at the road junction. Historically they comprised a small group of buildings clustered around the parish boundaries of Faversham and Graveney, which intersected at this point. This group of buildings are significant as an example of a small rural hamlet, distinct from the larger settlements to the north and south, forming part of a rural landscape.
34. The surrounding open fields, including the appeal site, form part of the appreciation of this historic context, albeit it has been somewhat diminished through more recent development of the village. However, I do not consider that this would result in the merging with the adjacent Graveney Church Conservation Area, as these areas will remain distinctive due to their own significance.
35. For the reasons set out above, the setting of the listed buildings which form part of the GBCA would be harmed, as a result of the proposed development and I consider as a consequence there would be less than substantial harm to the setting of the GBCA, albeit at the lower level.

Graveney Church Conservation Area (GCCA)

36. GCCA's significance is derived from its development as a Church Manor complex, featuring four listed buildings, including Murtons Farmhouse and barn, All Saints Church and Graveney Court. It is distinct from the development at Graveney Bridge, as it is separated by undeveloped fields including the appeal site, on the eastern side of Seasalter Road. The rural context of the area allows the appreciation of the buildings within the GCCA.

37. The proposed development will lead to a degree of encroachment upon this rural setting and the settings of the buildings that derive their significance from it, as set out above. The harm to the setting of the GCCA is less than substantial, at the lower level.
38. Given the above, I find that the proposal would fail to preserve the special interest of those listed buildings and the significance of the Conservation Areas. Consequently, I give this less than substantial harm considerable importance and weight in the planning balance of these appeals.
39. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Under such circumstances, paragraph 215 of the NPPF advises that this harm should be weighed against the public benefits of the proposal.
40. The site would give rise to some economic benefits during the construction phase and I consider that there would be moderate social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. Furthermore, the provision of affordable housing would comprise a significant benefit and the provision of self and custom build housing would also attract significant weight, noting the Council cannot currently demonstrate sufficient supply to meet its demand. As such, in combination these benefits are considered to outweigh the identified harm to which I must attach considerable importance and weight.
41. Given the above, I conclude that, on balance, the proposal would preserve the setting of the Grade II listed buildings and the character or appearance of the GBCA and GCCA. This would satisfy the requirements of the Act, paragraph 210 of the Framework and accord with policies DM32 and DM33 of the LP that seeks, among other things, to ensure that the listed buildings setting is preserved and development within a conservation area will preserve or enhance all features that contribute positively to the areas' special character or appearance.

Other Matters

Self build and Custom build housing

42. The parties agree that the Council has not met its statutory duty with regard to the delivery of self build plots. The proposal would result in the delivery of sixteen self build and custom build houses, which would be secured by the submitted legal obligation and this is a benefit of the proposal which attracts significant weight.

Five Year Housing Land Supply

43. I note that the parties are agreed with regard to five year housing land supply, with the Councils supply at 3.98 years. It is also recognised that this undersupply has persisted for some time. The development of 27 houses would assist the council in addressing this undersupply and noting the scale of the development, which secures affordable housing I consider this attracts significant weight.

44. I have also taken into account the matters raised in the representations received including issues such as highway safety, flood risk, air quality, loss of best and most versatile land, water supply, flooding, loss of outlook, overshadowing and access to health care and education. Concern has also been raised relating to the impact on wildlife, local fauna and flora. However, there is no evidence before me that there would be harm in respect of these matters, and no objection has been raised by the Council or statutory consultees in regard to these matters. Furthermore some matters, such as overshadowing and outlook are related to detailed design and layout matters which will be considered as part of the reserved matters. Therefore, none of the matters raised provide a compelling reason why planning permission should not be granted.

Planning Obligations

45. The appellant has provided a legal agreement under section 106 of the Town and Country Planning Act 1990, which includes a number of obligations which would come into effect if planning permission were to be granted. I have considered the obligations in light of the Framework, Planning Practice Guidance and the Community Infrastructure Levy Regulations (the CIL Regulations). These state that a planning obligation must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
46. The legal agreement facilitates a number of financial contributions which are evidenced within the Kent Developer Contributions Guide 2023, which is a material consideration and linked to Local Plan Policy CP6 which seeks to secure contributions towards deficiencies in infrastructure. It also secures the provision of affordable housing, a Strategic Access Management and Monitoring Strategy contribution and ensures that the area of land currently used as a school playing field is offered to the school on a 125 year lease.
47. On this basis, I consider the agreement accords with the criteria of Regulation 122 of the CIL and with paragraph 57 of the Framework. I can therefore reasonably take it into account.

SAMMS

48. The appeal site is within the zone of influence (6km) for The Swale Special Protection Area (SPA) and Wetland of International Importance under Ramsar Convention (Ramsar Site). The Council is part of the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate for additional recreational impacts on these designated sites and to ensure that adequate means are in place to secure mitigation.
49. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SPA and Ramsar Site. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.
50. Since the development is for twenty seven dwellings, the number of additional recreational visitors would be modest and the likely effects on the SPA and Ramsar

Site from the proposed development alone may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the designated site.

51. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.
52. The site is within the zone of influence where new residential development is likely to result in recreational pressure, which would, both alone and in combination with other development within the zone of influence, have a likely significant effect on the interest features of the aforementioned sites. Therefore, I consider that the development would have an adverse effect on the integrity of the site, but regard can be had to whether these adverse effects can be mitigated.
53. The SAMMS sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the SPA and Ramsar Site.
54. The appellants have submitted a planning obligation for the per dwelling contribution of £337.49 to fund the SAMMS. Given the evidence before me I am satisfied that the mitigation measures have been secured and would be used for their intended purpose.
55. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites.

Planning Balance

56. The Council confirmed it can no longer demonstrate a 5 year supply of deliverable housing land, and accordingly paragraph 11(d) of the Framework is engaged. Whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
57. Footnote 9 explains that the policies referred to, which are relevant to this appeal are paragraphs 66, 84, 110, 115, 129, 135 and 139. The proposal accords with paragraph 66 as the scheme provides affordable housing and paragraphs 84, 110 and 115 as the proposal is not isolated, the decision recognises that sustainable transport solutions will vary in rural areas and this has been taken into account within the planning balance, and access to the site is safe and suitable.

58. The proposal would also achieve the aims of paragraphs 129, 135 and 139 which together support development that makes efficient use of land taking into account the desirability of maintaining an areas prevailing character and setting, is visually attractive as a result of good architecture and layout and accords with the National Design Guide. The proposal would maintain the area's prevailing character and setting (129d) and would add to the overall quality of the area, sympathetic to local character, including the landscape setting (135a, 135c).
59. The contributions secured by the planning obligation, set out above, would be required to mitigate the increased demand on those facilities arising from the development and therefore they are neutral in the planning balance.
60. The site is of a scale appropriate to the size of the existing settlement and there is no evidence that local infrastructure would be unable to meet the needs of the development. The development would also give rise to some economic benefits during the construction phase and provide support to local services, beyond the settlement of Graveney.
61. In addition, the delivery of self build and custom build housing and eleven affordable homes from this development will result in social benefits. Therefore, noting the scale of the development proposed, I have attributed significant weight to the delivery of housing in this instance, which would contribute to housing supply in the area and the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.
62. The appellant has also set out a number of biodiversity enhancements within its preliminary ecological appraisal which could be implemented as part of biodiversity net gain, which is not mandatory under the transitional arrangements. I have attributed moderate weight to these environmental benefits.
63. Therefore, the identified adverse impacts of the development in respect of this conflict with the development plan would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies which points towards the grant of planning permission.

Conditions

64. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. I have attached conditions relating to the submission of reserved matters and the time limits associated with this. I have also included a condition specifying the relevant plans as this provides certainty.
65. Noting the proposal includes the provision of self build properties, a condition requiring the submission of a design code is required to enable a consistent approach across the site.
66. The submission and implementation of a construction management plan is necessary to minimise detrimental effects to the living conditions of neighbouring residents and ensure highway safety during the construction phase.
67. In order to ensure that the roads and junctions are designed and constructed to an appropriate specification, with parking for vehicles and cycles and the provision of

footways, I have imposed conditions which require the works to be completed prior to the occupation of any dwelling.

68. To ensure that any unexpected contaminants are correctly identified and remediated to ensure that the future users of the site are protected from risks associated with contaminants it is necessary to require an assessment of the risks posed and details of remediation.
69. To manage the surface water environment of the scheme a condition is necessary that secures a detailed surface water drainage scheme to be submitted to and agreed by the Council.
70. To protect below ground assets, a condition requiring appropriate archaeological monitoring and investigation is necessary.
71. To ensure the delivery of formal and informal open space, a condition requiring the submission of an open space strategy is considered appropriate. This includes arrangements for ongoing maintenance.
72. Furthermore, in order to support the government's objective of increasing sustainable development I have imposed a condition to ensure that details of an overarching strategy for energy are provided for the development and that measures for water efficiency are provided within each dwelling. Also details of offsetting of transport related air pollution.
73. To protect and enhance biodiversity I have found it necessary to impose a condition requiring details of any external lighting to be submitted and for a biodiversity enhancement plan to be provided, a landscape and ecological management plan with details of enhancements and a construction ecological management plan to be submitted and agreed.

Conclusion

74. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it.
75. For the reasons given above the appeal should be allowed.

G Pannell

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

James Waterhouse MRTPI, Director of Strategic Planning, Icen Projects

Toby Bonny MRTPI, Senior Planner of Strategic Planning, Icen Projects

James Morton BA (Hons) MA CMLI, Director of Planning, Aspect Landscape

Laurie Handcock MA (Cantab) MSc IHBC MCIfA, Director of Built Heritage and Townscape

Hugo Tomassi BA (Hons) Mst (Cantab), Senior Consultant of Built Heritage and Townscape, Icen Projects

James Brett, Skylark Kent LLP

FOR THE LOCAL PLANNING AUTHORITY:

Andy Gambrill - Team Leader (Planning Applications)

Laura Johnson - Senior Built Heritage Consultant (Place Services)

INTERESTED PARTIES:

Mrs L Stewart – Chair Graveney Rural Action Team

M Reynolds

Mr M Newman

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, "the reserved matters" shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing nos 21.047.1-002 Rev D Site Location Plan; 21.047.1-061 Rev B Parameter Plan_Heights; 21.047.1-060 Rev E Parameter Plan; 22-023/001 Rev E Proposed site access and swept path analysis.
- 5) Prior to the submission of any reserved matters application, a detailed Design Code for the site shall be submitted to and approved in writing by the Local Planning Authority.

The design code should set out specific, detailed parameters for the physical development of the site informed by the 10 characteristics of good places set out in the National Design Guide.

Each subsequent reserved matters shall be submitted together with a Design Statement, demonstrating how the proposal is in accordance with the approved Design Code.

- 6) No development shall commence on the development hereby approved until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include the following:
 - An indicative programme for carrying out the works
 - Routing of construction and delivery vehicles to / from site
 - Parking and turning areas for construction and delivery vehicles and site personnel
 - Timing of deliveries
 - Provision of wheel washing facilities/measures to prevent the transfer of mud and extraneous material onto the public highway
 - Temporary traffic management / signage
 - Measures to minimise the production of dust on the site(s)
 - Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
 - Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s) and details of any required mitigation

- Design and provision of site hoardings
 - Measures to manage the production of waste and to maximise the re-use of materials
 - Measures to minimise the potential for pollution of groundwater and surface water
 - The location and design of site office(s) and storage compounds
 - The arrangements for public consultation and liaison during the construction works
 - The development shall be carried out in accordance with the approved CMP, BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).
- 7) Prior to the first occupation of any dwelling on the development hereby approved, the area shown on the relevant plan for the parking, turning and manoeuvring of vehicles associated with that dwelling shall be operational. The areas agreed shall thereafter be maintained for that purpose.
- 8) Prior to the first occupation of any dwelling, details of secure, covered cycle parking facilities to serve that dwelling shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking approved shall be provided prior to the first occupation of the relevant dwelling in accordance with the details approved.
- 9) Prior to the first occupation of any dwelling on the development hereby approved, the following works between the dwelling and the highway shall have been carried out:
- (a) Footways and/or footpaths, with the exception of the wearing course; and,
 - (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).
- The area agreed shall thereafter be maintained for that purpose.
- 10) Prior to the first occupation of any dwelling on the development hereby approved, the access and highway alterations to Seasalter Road, as detailed on the drawing no. 22-023/001 Rev E, shall be completed. They shall be maintained as such thereafter.
- 11) Prior to first use of the access hereby approved, the visibility splays as detailed on the drawing no. 22-023/001 Rev E shall have been provided with no obstructions over 0.6 metres above carriageway level within the splays. The splays shall be maintained as such thereafter.
- 12) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development or relevant

phase of development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

- 13) No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority demonstrating that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

As part of the submission the details must include evidence of a signed Section 98 Agreement, as permitted under the Water Industry Act 1991.

- 14) 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 detailed drainage scheme shall be based upon the Flood Risk Assessment and Preliminary Surface Water Drainage Strategy ref: 22-23-023-A and follow up technical notes provided by C&A Consulting Engineers. The submitted scheme shall demonstrate compliance with the required technical standards at the time of submission and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The detailed drainage scheme will also be required to demonstrate that any existing surface water flow paths can be accommodated and disposed of without increase to flood risk on or off site.

The drainage scheme shall also demonstrate (with reference to published guidance):

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

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

- 15) No building on any plot (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report for that plot, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved.

The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

- 16) No development [(including demolition)] shall take place until:
- (i) An archaeological field evaluation has been carried out in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority; and
 - (ii) Safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the archaeological field evaluation have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority.
- 17) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements. The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with agreed timings.
- 18) No development shall commence until a detailed Open Space Strategy for the site has been submitted to and approved in writing by the local planning authority.

The Open Space Strategy shall:

- Identify the location of the main areas of formal and informal open space to be provided within the development (including details confirming whether an equipped play area is to be provided on site) and shall include a proposed programme for its delivery;
- Demonstrate that the public open space will be planted, established and accessible prior to the first occupation of the relevant phase of the proposed development
- Detail who is to have ongoing management responsibilities for the area and how those arrangements will be secured in perpetuity, together with maintenance schedules for all landscaping and open space.

The Landscape and Open Space Management Strategy shall be implemented and adhered to as approved subject to any minor revisions thereto as may be approved in writing by the Local Planning Authority.

The public open spaces shall be laid out and implemented in accordance with the approved documents and shall be permanently retained thereafter in accordance with the management plan.

- 19) Pursuant to condition 1 all hard and soft landscape works shall be carried out in accordance with the approved Reserved Matters details and the Landscape and Open Space Management Strategy. The works shall be carried out prior to the occupation of any part of the development to which it relates, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season

with others of a similar size and species, unless the Local Planning Authority gives any written consent to any variation.

- 20) Prior to the determination of the first reserved matters application, a site-wide Energy and Sustainable Construction Strategy for the development, in accordance with the principles contained within the Icen Renewable Energy Assessment (dated July 2024) shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include details of the overarching strategy for energy and heat delivery to the development, measures to minimise the demand for energy, energy efficiency measures and the use of renewable energy. The development shall be carried out in accordance with the approved details.
- 21) No external lighting shall be installed on the site until a lighting plan has been submitted to and approved in writing by the Local Planning Authority. Details of any proposed external lighting shall accord with the Bat Conservation Trust/Institute of Lighting Professionals 'Guidance Note 08/23: Bats and Artificial Lighting at Night' and demonstrate that no impacts to nocturnal species or the Swale SPA, SSSI and Ramsar site will result. Such details shall include layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) as well as an ISO lux plan showing horizontal and vertical light spill. Lighting shall only be installed in accordance with the approved details and shall be retained as such thereafter.
- 22) Prior to the approval of any reserved matters applications pursuant to condition 1, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include full details of biodiversity enhancements which will demonstrate that integrated ecological enhancement features will be incorporated into each dwelling and ecological enhancement features within the open space will be implemented. Features will include bat bricks/tiles/boxes, insect bricks/houses, hedgehog highways and log piles/artificial refugia for reptiles and amphibians.
- 23) Prior to any landscaping works commencing on site of the development hereby approved, a landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall accord with the measures outlined in the Ecological Impact Assessment (David Archer Associates; July 2023) and the Shadow HRA (Greenspace Ecological Solutions; July 2024) and shall include details of the following:
 - Habitat creation measures, including full details of orchard, tree, shrub and hedgerow planting, grassland creation and aquatic planting around SuDS features;
 - A full planting schedule utilising primarily native species;
 - Aims and objectives of the proposed management;
 - Overview of the management to be implemented;
 - Rolling 5 year timetable of management measures to implement the management;
 - Details of responsible persons;

- Plans demonstrating the proposed habitat creation and management areas;
- Details of who will implement the management;
- Details of ongoing monitoring and management plan reviews;
- Details of how the management will be funded.

The approved plan shall be implemented as described and retained thereafter.

- 24) The dwellings hereby approved shall be designed to achieve a water consumption rate of no more than 110 litres per person per day.
- 25) No development shall commence until a scheme detailing what measures or offsetting are to be included in the development to reduce the transport related air pollution of the development during the occupational phase have been submitted to, and approved in writing by, the Local Planning Authority.

The total cost of the measures proposed must be demonstrated to exceed the damage cost identified in Chapter 5 (para 5.2) of the submitted entrance Emissions Mitigation Assessment (dated February 2025).

The measures shall be carried out in accordance with a timetable of implementation that has been submitted concurrently with the details setting out measures to offset the air quality impacts of the development.

- 26) No development shall be undertaken (including any site and/or vegetation clearance) until a construction ecological management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be based on up-to-date ecological survey information, as advised by a suitably qualified ecologist and include the following:
- Details of trees/hedgerow to be retained (including site plan) and retained tree and hedgerow protection measures in accordance with BS5837:2012;
 - Measures to avoid impacts to the site boundaries including identification of a construction exclusion zone;
 - Specific measures to avoid impacts to the species and designated site as detailed within Ecological Impact Assessment (David Archer Associates; July 2023) and the Shadow HRA (Greenspace Ecological Solutions; July 2024);
 - The role and responsibilities of an Ecological Clerk of Works or similarly competent person(s);
 - The submission of a statement of good practice by a suitably qualified ecologist at the end of the construction period; and
 - Timings of the works.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

-END-