

2.8 REFERENCE NO - 16/506946/FULL			
APPLICATION PROPOSAL Proposed mixed use development comprising 165 no. residential apartments, medical centre and pharmacy across three blocks with associated parking and landscaping, refurbishment of existing Bell House with retention of offices and an additional storey.			
ADDRESS Bell House Bell Road Sittingbourne Kent ME10 4DH			
RECOMMENDATION Approve, subject to signing of appropriately worded Section 106 Agreement , the conditions listed below and no objection being raised by KCC Highways & Transportation, KCC Ecology and Kent Police and no fresh issues being raised from latest consultation, expiry date 24th July 2018.			
SUMMARY OF REASONS FOR RECOMMENDATION The application provides the opportunity to regenerate a long term derelict site and would give rise to wider regeneration benefits. The harm that has been identified, which includes the developer not being able to provide the fully requested range of contributions or affordable housing, would not, when the viability of the site is taken into account, outweigh the benefits of the scheme in my view.			
REASON FOR REFERRAL TO COMMITTEE This application raises a number of issues which require Member determination.			
WARD Homewood	PARISH/TOWN COUNCIL	APPLICANT Aria Group AGENT The JTS Partnership	
DECISION DUE DATE 26/01/17	PUBLICITY EXPIRY DATE 24/07/18		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/11/1193	Variation of condition 2 of planning permission SW/10/1403 seeking approval of revised elevations to approved hotel development.	Approved	09.12.2011
SW/10/1400	Outline planning permission for the demolition of existing buildings and erection of part four/part five storey sheltered housing building (Class C2), four storey residential building (Class C3), new pedestrian link and public square with associated landscaping, public realm, parking access.	Approved	02.02.2011
SW/10/1403	Redevelopment to provide four storey hotel (56 rooms) and public car park with associated landscaping and access.	Approved	02.02.2011
SW/10/1479	Conservation Area Consent for part demolition and erection of a four storey building for a medical centre use (Class D1) with 6 flats above; extension of existing public house to	Approved	02.02.2011

	create outdoor seating area, refurbishment and extension of existing upper floor area (B1/D1/D2 Use) and refurbishment of retained shop units within arcade (A1-A5 use) with associated access and landscaping.		
SW/10/1402	External alterations to building Bell House following demolition of adjoining property, The Bell Centre, and changes to car parking provision.	Approved	21.12.2010

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is 0.9 hectares, largely flat, and includes Bell House, a four storey office building which fronts Bell Road, and part of the remaining element of what was formally known as the Bell Shopping Centre, an enclosed shopping parade which fronts onto the High Street. Due to the demolition of the majority of the Bell Shopping Centre which formally occupied the site it is now largely vacant.
- 1.02 The site abuts Bell Road to the east, residential dwellings in Trotts Hall Gardens to the south, an informal area of car parking to the west and the High Street to the north. The site lies within the Sittingbourne Town Centre boundary and the Central Sittingbourne Regeneration Area. The northern part of the site also lies within the Sittingbourne High Street conservation area. A number of listed buildings are located along the southern side of the High Street close to the application site, whilst on the northern side sits the Grade II* listed St Michael’s Church.
- 1.03 The surrounding built form is mixed and comprised of two storey dwellings in Trotts Hall Gardens, 3-4 storey retirement dwellings in Riverbourne Court on the opposite side of Bell Road and 2-3 storey commercial buildings on the corner of Bell Road / High Street.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for 165 residential units, a medical centre and a pharmacy.
- 2.02 The proposed development will comprise of three separate blocks as follows:
- Block 1: This will contain 47, 2 bed residential units ranging between 66sqm and 76 sqm and front onto Bell Road. It will be five storeys in height, although the fifth storey will be set back from the front elevation. The main front elevation will be set back from the edge of the footway so that the ground floor units will benefit from private gardens. The block will be 15m in height to the top of the fifth floor, which will be set back from the front elevation of the building by 5m. The building will measure 12.1m to the top of the fourth storey. The footprint of the block will be 47.5m x 21.2m. The proposed materials would be brick and cladding.
 - Block 2: This will contain 106 residential units (39 x 1 bed, 67 x 2 bed) which will range between 51sqm and 74sqm, and will sit behind Bell House and Block 1 as set out above. It will be seven stories in height although the seventh storey will be set back from the front elevation. This block will also include a basement level

which along with the ground floor will be used for vehicle parking. The block will measure 21m in height to the top of the seventh floor, which will be set back from the front and rear elevation of the building by 5.8m and 6.5m respectively. The building will measure 18m to the top of the sixth floor. This block will be an approximate L shape and measure 61.6m in length and 37.7m at its widest point. The first floor will include a roof terrace facing towards the internal courtyard area. The proposed materials would be brick and render.

- Block 3: This will contain a medical centre on the ground and first floor with 4 x 1 bed units and 8 x 2 bed residential units, ranging between 50sqm and 81sqm on the second and third floor. This block will be located to the north of block 1 and 2 and sit behind No.7-13 High Street. The block will measure 13.3m in height. Its footprint would be 32m in depth and 16m in width. The block will be predominately rendered.
- A pharmacy is proposed which will front onto the High Street and link through to meet the proposed medical centre within block 3.

2.03 The proposal also includes the refurbishment of the existing 4 storey Bell House office block and the construction of a fifth storey to provide 3 x 2 bed residential units, ranging between 73sqm and 105sqm. The external changes to the building will include cladding and alterations to the fenestration.

2.04 A pedestrianised internal courtyard will be located between the buildings in the central part of the site which will incorporate planting and seating. Collapsible bollards will be located at the northern and southern entrances to the site to enable emergency vehicle access if required. Pedestrian access will be available from Bell Road to the rear of the site, connecting with the route into Sainsbury's car park and beyond.

2.05 The application proposes a total of 100 car parking spaces. 85 of these spaces will be located at the ground floor and basement floor level of block 2. 12 parking spaces will be located on the access road in the southern part of the site. Vehicular access will taken from the existing access road, which connects to Bell Road in the southern part of the site.

3.0 PLANNING CONSTRAINTS

- 3.01 Potential Archaeological Importance
- 3.02 Conservation Area Sittingbourne High Street

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF): Paras 7 (three dimensions of sustainable development), 8, 11 (presumption in favour of sustainable development), 12, 14, 17 (core planning principles), 19 (economy), 32 (sustainable transport), 34, 47 (delivering a wide choice of high quality homes), 49, 50, 55, 56 (good design), 58, 69 (healthy communities), 118, 119, 120, 121, 123, 125, 129, 132, 133 (heritage assets), 131, 159 (housing), 162 (infrastructure), 173 (viability); 186 (decision taking), 187, 196 (determining applications) & 197, 204 (planning obligations).
- 4.02 National Planning Practice Guidance (NPPG): Air Quality; Conserving and enhancing the historic environment; Design; Ensuring the vitality of town centres; Land affected by contamination; Natural environment; Noise; Open space, sports and recreation

facilities, public rights of way and local green space; Planning obligations; Travel Plans, Transport Assessments and Statements and Viability.

4.03 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 - Policies ST1 (Delivering sustainable development in Swale); ST2 (Development targets for jobs and homes 2014-2031); ST3 (The Swale settlement strategy); ST4 (Meeting the Local Plan development targets); ST5 (The Sittingbourne area strategy); CP2 (Promoting sustainable transport); CP3 (Delivering a wide choice of high quality homes); CP4 (Requiring good design); CP 8 (Conserving and enhancing the historic environment); Regen 1 (Central Sittingbourne: Regeneration Area); DM1 (Maintaining and enhancing the vitality and viability of town and other areas); DM2 (Proposals for main town centre uses); DM6 (Managing transport demand and impact); DM7 (Vehicle parking); DM8 (Affordable housing); DM14 (General development criteria); DM17 (Open space, sports and recreation provision); DM19 (Sustainable design and construction); DM21 (Water, flooding and drainage); DM28 (Biodiversity and geological conservation); DM29 (Woodlands, trees and hedges); DM32 (Development involving listed buildings); and DM33 (Development affecting a conservation area).

4.04 Supplementary Planning Documents: Listed Building, Conservation Areas, Developer Contributions (2009).

5.0 LOCAL REPRESENTATIONS

5.01 When the application was originally consulted upon, 12 letters of objection were received, raising the following summarised concerns:

- The proposal would lead to unacceptable levels of overlooking of surrounding properties and a loss of light;
- The level of parking proposed is inadequate;
- There is inadequate parking capacity in the surrounding area;
- The surrounding roads are already at capacity and unable to deal with the increased traffic;
- The additional traffic would increase the potential for accidents;
- The development will be located on an existing car park;
- The scale of the proposal is too large and not in keeping with the surrounding area;
- The existing Bell House is an eyesore and already too high before the proposal for an additional storey;
- The proposal would increase noise levels in the area;
- The hub of the development creates an opportunity for criminals;
- The underground car park provides opportunities for criminals;
- The location of the development close to the Probation Service would increase the potential for crime;
- The density of the development is too high;
- A medical centre has been proposed on this site before and approval should not be given without assurances that the medical centre is delivered at an early stage of the development;
- The submitted Transport Assessment (TA) is flawed;
- The site is at risk of flooding;
- Local services will not be able to absorb the additional residents;
- The proposal would devalue surrounding properties;

5.02 Upon receipt of amended drawings, I have re-consulted and received a further 7 letters of objection. 4 of these were from addresses which responded to the initial

consultation and one of the letters of objection, raising concerns regarding the impact upon the local highway network, the scale of the development and loss of privacy includes 17 signatures stating that they agree with these concerns. In the remaining letters, a number of the concerns raised are as already set out above, however, additional points are as follows:

- The public consultation was not wide enough;
- Would like confirmation that the Council is not planning on building a car park on the open space fronting Trotts Hall Gardens;
- The proposal will give rise to dust and dirt;
- Public transport in Sittingbourne is inadequate;
- The TA is flawed, over-estimating parking spaces in the surrounding area;
- What are the proposed opening times for the medical centre and pharmacy?

5.03 In addition to the above, I have received a letter of objection on behalf of the Ministry of Justice, who occupy offices within Bell House in the form of an Offender Contact Centre. This objection is based upon the future occupants of the proposed development being able to overlook the entrance which offenders will need to access. Secondly, the noise and disruption from the building / conversion works will have a negative impact upon the working conditions and health / wellbeing of the employees as well as be to the detriment of the sensitive nature of the operations carried out. Concerns are also raised in relation to Bell House only having one entrance which will need to be shared between the proposed residential use on the top floor of Bell House and the offenders and how the internal security arrangements will be implemented.

6.0 CONSULTATIONS

6.01 **KCC Highways & Transportation** initially responded stating further information is required and raised a number of points as follows: a full Transport Assessment (TA) is required for a development of this size; on street parking demand is greater than identified; the management of the access road will need to be clarified; tracking for a 11.2m long refuse collection vehicle should be shown; discrepancies in the documentation regarding the parking numbers; some of the parking bays are inadequate; crash data should be sought from KCC; a minimum of 165 cycle spaces will be need to be provided.

Further to the above, a TA was submitted. KCC Highways were re-consulted and generally accept the findings as presented in the document. However, they commented that TRICS analysis should be carried out for the medical centre element of the proposal. A parking provision of around 60% is considered in line with what is generally accepted in this town centre location. However, this is on the assumption that measures are in place to restrict overspill parking from the development. Parking will be required to be managed and it may be appropriate to allocate parking to certain units to provide certainty upon purchase. The parking for the medical centre, which is intended to be accommodated through the shared use of the on-site residential and Bell House parking spaces, on-street provision, and local public car parks, may prove problematic from a management point of view as the on-site spaces could be open to abuse from non-medical centre parking. There are public car parks in the vicinity but do not believe that on-street parking will be available to much extent as this is generally located further away than the public car parks and spaces are likely to be already taken by local residents or people working in the town centre. The comments in the previous response regarding the study overestimating the on-street parking spaces in the area are reiterated.

- 6.02 **KCC Lead Local Flood Authority** raise no objection in principle to the proposed surface water drainage strategy. The discharge rates off site are controlled as close as possible to greenfield rates. Although the Flood Risk Assessment has considered the risk of flooding to be low, our experience of the area suggests the risk of flooding may be higher than considered in the report. The development proposals should consider the safe routing of flows from off-site to ensure that there is no adverse effect upon the development or the surrounding areas and properties. If permission is granted then two conditions are recommended, one related to a detailed sustainable surface water drainage scheme and a second requiring details of an implementation, maintenance and management of the sustainable drainage scheme.
- 6.03 **Historic England** comments that the site as it currently stands has a negative impact upon the significance of the conservation area and welcome the opportunity to develop this and seek enhancements to the site. Recommend that, in particular, due to the seven storey block 2 that further clarity is sought to establish the visibility and any consequent effects of the scheme upon the setting of the High Street and its most significant listed building, the grade II* St Michaels Church. It is suggested that photomontages of the development of the development from these vantage points would help in understanding any impacts. Recommend that the application is determined in accordance with national and local policy and on the basis of the Council's conservation advice.
- 6.04 **Natural England** state that the application site is within the zone of influence of The Swale Special Protection Area (SPA) and Ramsar site and Medway Estuary and Marshes SPA/Ramsar site, and therefore has the potential to affect their interest features. However, subject to appropriate financial contributions the proposals are unlikely to have a significant impact upon these sites. In addition, the proposal will not damage or destroy the interest feature of the SSSI.
- 6.05 **Medway Lower Internal Drainage Board** confirm that the site is outside of the Internal Drainage Boards district and is unlikely to affect their interests.
- 6.06 **Southern Water** request a condition relating to the protection and diversion of public sewers and an informative relating to a formal connection to the public sewerage system.
- 6.07 **KCC Archaeology Officer** states that there is potential for archaeological remains to be located on the site. A condition is recommended securing the implementation of a programme of archaeological work.
- 6.08 The Council's **Environmental Protection Team Leader** has commented that the Air Quality Assessment has been written using the preferred methodology. Due to the difference between predicted levels and objective value the conclusion drawn is that Air Quality is not an issue.

In respect of Noise, the report which was originally submitted set out that some parts of the site, notably some of the balconies, did not, and probably could not be designed to comply with the external amenity levels in respect of decibel levels and as such an objection was raised. However, an amended report has been submitted which sets out the exceptions to this scenario, e.g. if the balcony area is too small for the noise levels to be unacceptably high. Sufficient mitigation would then be provided by sealing the balustrades. Therefore, as an explanation as to why this solution would be likely to provide the necessary protection has been given, no objection is now raised on noise grounds.

In respect of land contamination, a phase 1 desk study has been carried out and identified some pollutants. The report recommends that a discovery and remediation strategy is put in place if any further contamination is found during ground works. This approach is agreed with and a condition to this effect is recommended.

- 6.09 **NHS Strategic Estates Advisor** sets out that the contribution requested for this development is £142,560.

The following comments were subsequently received in relation to the medical facility: *“I wanted to update the Council on the Practice and CCG thinking around this site and planning application. We met with the developer to explore the development proposal and it is clear from that meeting that the developer’s proposals are unlikely to offer value for money for the Practice or CCG. The Practice has in the meantime undertaken a review of the existing facility and is of the opinion that they can reconfigure the facility to meet there requirements going forward. The CCG has not yet seen those proposals but if this is the case this will be a more affordable and sustainable solution. In the meantime the Practice has advised the developer that they are not wanting to progress the Bell House site.”*

- 6.10 **KCC Developer Contributions** have requested developer contributions for Primary Education - £101,382; Secondary Education - £125,538; Community Learning - £9,970.39; Youth Services - £6,201.21; Libraries - £37,455; 2 wheelchair adaptable homes; a consulting room within the medical centre.
- 6.11 The Council’s **Greenspaces Manager** seeks contributions for both Play and Formal Sports as follow - £30,000 to replace toddler play equipment at Sittingbourne Recreation Ground; £97,845 for changing provision and pitch quality improvements at Sittingbourne Recreation Ground.
- 6.12 The Council’s **Strategic Housing and Health Manager** states that if the adopted affordable housing policy was applied then 17 units (15 affordable rent and 2 shared ownership) would be required. However, it is recognised that due to viability it is likely that affordable housing will not be able to be provided.
- 6.13 **UK Power Networks** *“objects to the planning application for the Development, as the Applicant has neither served Notice in accordance with the Party Wall etc. Act 1996 nor satisfied the Company that the works are not notifiable. The Applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The Applicant would need to be responsible for any costs associated with any appropriate measures required.”*
- 6.14 **Environment Agency** initially raised an objection to the scheme on the basis that the application failed to provide assurance that the risks of pollution of controlled water were understood.
- Further to this a contamination report was submitted and on re-consulting the EA the objection has been removed subject to conditions relating to contamination; measures in regards to infiltration of surface water and protection of groundwater.
- 6.15 **Scotia Gas Networks** have provided details of the low/medium/intermediate gas main near to the site and that there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3m of an intermediate pressure system.

- 6.16 The Council's **Streetscene Officer** states that a development of this scale would require 28 x 1100ltr refuse bins and 28 1100ltr recycling bins.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 The following has been submitted in support of the application:

- Existing and proposed layout and floorplans;
- Streetscene Elevations;
- Proposed Photo Montages;
- Planning Statement;
- Transport Assessment;
- Air Quality Assessment;
- Noise Assessment;
- Contamination Report;
- Viability Assessment;
- Landscape Strategy;
- Landscape Masterplan;
- Archaeological Desk Based Assessment;
- Heritage Impact Assessment;
- Flood Risk Assessment.

8.0 APPRAISAL

Principle of Development

- 8.01 The application site lies within the built up area boundary, the Sittingbourne Town Centre boundary and the Central Sittingbourne regeneration area. Policy ST4 of the Local Plan sets out that within the regeneration area as a whole, 567 dwellings will be provided. Policy Regen 1 breaks this down further and refers to the Bell Centre specifically and states *"The redevelopment of this site for residential development, offices and community facilities, in particular a medical centre to replace existing inadequate space in East Street, will be able to provide a minimum of 120 dwellings."* The National Planning Policy Framework at paragraph 23 also sets out that residential development upon appropriate sites within the town centre can play an important role in ensuring the vitality of town centres.
- 8.02 The pharmacy element of the proposal will be located within the Primary Shopping Frontage. Pharmacy's can fall within either use class A1 or D1, dependant upon it's linkages to a medical facility. Although the planning statement sets out the pharmacy will be linked to the medical centre, in this case I am of the view that as it has a frontage onto the High Street and would likely also draw in other people, unrelated to the medical centre and therefore it could be argued in this case that the use class is A1. Notwithstanding this the way that the pharmacy would operate will in my view accord with the aims of the policy DM1. I also take into account that the pharmacy would occupy existing vacant floorspace on the High Street frontage and in overall terms that it will contribute to the vitality and viability of the town centre.
- 8.03 In terms of the end user of the medical centre, I note the response received from the NHS Strategic Estate Advisor insofar as the NHS will not be pursuing the option to take on this facility. As set out above, the medical centre element was envisaged by policy ST4 to replace inadequate facilities. However, I note the comments from the NHS which now set out that they believe that the existing facility can be reconfigured to meet their requirements going forward. Due to this I liaised with the agent, asking whether they still wished to include this element of the proposal within the application

which they confirmed that they did. As such, due to the correspondence received from the NHS I am of the view that this element of the application is policy compliant.

- 8.04 On the basis of the above, I am of the very firm view that taking the above proposals into account alongside adopted local and national policies that the scheme is acceptable in principle.

The quantum of housing and mix of units

- 8.05 The application site measures 0.9 hectares and proposes 165 residential units, this equates to a density 183 dwelling per hectare. Whilst this is considered a very high density, I firstly note the aspirations of policy ST4 which seeks a minimum of 120 dwellings on the site (which if that minimum figure was calculated would equate to 133 dwellings per hectare). Secondly with the site being close to the town centre and the regeneration area where other high density schemes have been previously approved, I am of the view that this level of development would be acceptable in these circumstances. Finally the following discussion fully assesses the implications of this level of density on this site.
- 8.06 Policy CP3 requires that a wide choice of high quality homes will be provided. In this case, although the development is limited to 1 and 2 bedroom units, as noted above, I give weight to the requirements of policy ST4 for a minimum of 120 units on this site. Bearing this in mind, units of the proposed size are in my opinion to be expected on this site for it to come forward and I consider the proposal acceptable in this regard.

Visual Impact and impact upon designated heritage assets

- 8.07 The application site currently includes Bell House, a four storey office block, vacant land and partially demolished buildings at the rear of the High Street. The current site, in my view, has a significantly harmful impact upon visual amenities and detracts from the surrounding area to a considerable degree. Members should note that the scheme has been presented to the Design Panel at the pre application stage and the comments which they made are included as an Appendix to this report.
- 8.08 The proposed development would be best described in my view as contemporary. The various elements of the scheme have a rectangular form and the external finishing materials would be in keeping with this modern approach. There is a wide range of styles and designs of built form in the local area and as such I am of the overall view that this approach is acceptable. The contemporary design was also an approach which the Design Panel endorsed.
- 8.09 The refurbishment of Bell House will in my view lead to a significant improvement along its Bell Road frontage. It is currently a building of limited architectural merit and the northern flank elevation has exposed blockwork as a result of the demolition of the Bell Centre which formally adjoined it. The proposal does include an additional storey of development, creating a fifth storey. This increase in scale is balanced against the proposed modern external finishing materials of the building in its entirety, and the fact that Bell House as existing already has plant at fifth storey level means in my view that this would not lead to any demonstrable harm to the street-scene or visual amenities.
- 8.10 Block 1 will largely infill the gap between Bell House and No.4 Bell Road. The scale of the block will match that of Bell House as proposed being five storeys in height with the fifth storey set back from the front elevation. This element of the proposal

will be higher than the assisted living apartments on the opposite side of Bell Road, known as Riverbourne Court which is a combination of three and four storeys in height. Although this building will be taller than surrounding buildings, I note that there are buildings in the vicinity of the site that are three or four storeys in height. This includes Swale House, the Cinema building in the High Street and the buildings fronting the southern side of the High Street. Overall, given the height and scale of these buildings I am of the view that block 1 would not be significantly out of keeping with the surrounding form of development.

- 8.11 I also take into account that block 1 does not immediately adjoin Bell Road but has been set back to allow for small private gardens at ground floor level for the residential units located here. This will mirror the approach that has been taken at Riverbourne Court on the opposite side of Bell Road and will help Block 1 to appear less oppressive within the streetscene of Bell Road. This will allow for small front gardens to the ground floor units and landscaping, which although limited in scale will be over and above what the site currently provides. These features of Block 1 together with setting the fifth storey back from the front elevation will result in my opinion in this element of the proposal being acceptable.
- 8.12 Block 3 will, due to its location and scale represent the least prominent part of the proposed development. It will be largely finished in render and have a modern appearance. There will be views available of this block from Bell Road but this will be read in the context of block 1. Overall I am of the view that the impact of this block is acceptable. The pharmacy element of the scheme will front onto the High Street and will in my view enhance the character of the conservation area by replacing a vacant frontage of little architectural merit. I therefore consider this element of the scheme to be acceptable.
- 8.13 Block 2 is the largest element of the proposal and has required extremely careful consideration in the context of this site and its impact upon the surrounding area, including the designated heritage assets which the Council has a duty to preserve. I note the comments of the Design Panel in relation to this block and the potential for its increased height if parking was to be provided within the building. However, the building at seven stories will be prominent within the streetscene. Having said this, from the Bell Road frontage views towards it will be screened by block 1 whilst from the north views will largely be screened by both existing buildings and block 1.
- 8.14 However, when approaching the site from the south, this block will be read in the context of the two storey houses in Trotts Hall Gardens and I consider that the relationship in visual terms is not particularly comfortable. Although the view of most concern in my opinion from public vantage points is when the site is viewed from the Sainsburys access road to the west. From this viewpoint this block would in my opinion be at its most prominent, would abut an area of informal car parking and be close to the boundary of the conservation area. I believe that the impact upon visual amenities in this respect would be fairly harsh, with hardstanding abutting a seven storey block of development. I also consider that this element of the proposal especially, due to its design, scale and bulk gives rise to some harm to both visual amenities and the setting of the conservation area.
- 8.15 Officer's did raise concern during the pre application process regarding the lack of comprehensiveness of the development by virtue of not including an area of informal car parking to the west into the application site. A request was made to the applicant's to liaise with adjoining landowners in order to extend the developable area. The Planning Statement sets out that discussions with the adjoining land owner took place, however, they were not willing to enter into any agreement with the

applicants. It is in my view unfortunate that this is the case, a view which was shared by the Design Panel. However, I do not believe that the failure to include this piece of land should render the entire scheme unacceptable.

- 8.16 In terms of assessing the impact of the overall development upon designated heritage assets, I believe that the impact upon St Michael's Church would be extremely limited due to the intervening buildings, however there would be some harm caused to the setting of the conservation area by virtue of the bulk and scale of block 2. In regards to whether this would render the scheme unacceptable I note the Council's statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. A development that merely maintains the status quo, for example by replacing an area of derelict land with development that restores a degree of the townscape, but is considered less than ideal in scale, as it could be argued in this case could potentially be considered to satisfy the statutory consideration.
- 8.17 However, in a number of ways, the policies in the NPPF seek positive improvement from new developments within conservation areas. Most explicitly paragraphs 126 and 131 require that Council's should take into account "*the desirability of new development making a positive contribution to local character and distinctiveness*". In addition, paragraph 9 says that pursuing "*sustainable development involves seeking positive improvements in the quality of the...historic environment...*". The design policies in the NPPF further reinforce the objective of enhancement of an area's character and local distinctiveness, concluding that "*Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area...*" (para. 64).
- 8.18 I also note and give weight to paragraph 134 of the National Planning Policy Framework which states "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*"
- 8.19 In my view, on the basis of the above assessment I believe that the harm identified, in the context of the development as a whole would fall into the 'less than substantial' category and therefore it will need to be weighed against both the public benefits of the proposal and securing its optimum viable use. In terms of this, I have to give considerable weight to not only the regeneration benefits in the context of the site itself, taking into account it's history, but also that the development will meet many of the aims for the Sittingbourne Town Centre regeneration area. For these reasons, I believe that the proposal, despite some identified harm is acceptable in terms of its impact upon designated heritage assets and visual amenities. I have included a number of conditions in relation to both materials and design details to ensure that the development is carried out to an appropriate standard.

Residential Amenity

- 8.20 The application site is located within the town centre with development relatively closely surrounding the site on three sides. As such, careful consideration will need to be taken in respect of the impact of the proposals upon existing residential amenities.
- 8.21 Residents within the two storey residential properties to the south of the application site in Trotts Hall Gardens would be impacted upon by the development and I note the concern that has been raised in this regard in the objections received. Therefore

consideration needs to be given to whether or not this impact is unacceptable, which I assess below.

- 8.22 I note that the existing flank elevation of Bell House is 13m away from the central part of the rear garden of No.1 Trotts Hall Gardens and has existing flank windows which would lead to an element of overlooking from the current office use. In terms of the proposed additional storey, there are windows which would look south towards these properties. However, due to the existing windows in this flank elevation of Bell House facing these properties, I do not consider that there would be a significant amount of additional opportunities for overlooking. In respect of this elevation, there has been, during the previous consultation some discrepancies in terms of the floorplans and the elevations. Due to this appropriately amended plans have been received from the agent and for the avoidance of doubt have re-consulted with those neighbours that I believe would be impacted by this. This consultation period will not close until after the meeting, however, I will update Members of the responses received up to that point. Further to the above, as Bell House is already four storeys in height, having a fifth storey set back from the main external elevations, combined with Bell House being located to the north of these dwellings. I am of the view that this element of the development would not give rise to a significant loss of sunlight to properties in Trotts Hall Gardens. In reaching this view, I also give weight to the fact there is existing plant at what would be the fifth storey, further limiting any additional harm from this element of the proposal.
- 8.23 In terms of block 2, the southern elevation of this would face towards the rear gardens of No.7-13 Trotts Hall Gardens. This block would, as set out above, be a full six stories in height with a seventh storey set back from the main external elevation. The closest rear elevation to block 2 will be No.11 Trotts Hall Gardens, which will be separated by a distance of 43m. There would also be some angled views available from block 2 towards the rear of No.1-6 Trotts Hall Gardens which would be 29m away at the very closest point. In my view, this separation distance would be sufficient to not significantly harm the residential amenities of properties in Trotts Hill Gardens.
- 8.24 In terms of a potential loss of sunlight to No.s 7-13 Trotts Hall Gardens, I firstly take into consideration that as set out above, block 2 would be at its closest point 43m away from No.11, the remaining separation distances would be in excess of this. I also note the Daylight and Sunlight Analysis that has been submitted with the application that shows that in terms of the windows in the dwellings listed above, that they would meet the Building Research Establishment (BRE) guidance in terms of light. In addition to this, as the block is located to the north of these existing dwellings I am of the view that the properties would not experience any significant loss of daylight.
- 8.25 The north western element of block 2 would at its closest point be 14m away from the residential units within 21 High Street. In respect of this I note that there are two windows on the southern flank elevation, although these would not face directly towards the closest part of block 2. I am of the view that there would be some degree of harm to the amenities of the two end units within No.21 High Street. However this impact will need to be weighed in the balance of the scheme as a whole.
- 8.26 In relation to block 1, it's eastern elevation will predominately face towards the three storey Riverbourne Court on the opposite side of Bell Road. Block 1 would be five stories in height although the fifth storey is set back from the main elevation. The distance between these two buildings would be approximately 23m, with Bell Road

running between them. As such I am of the view that taking into account the respective heights of the existing and proposed building that block 1 would not give rise to unacceptable harm to residential amenities.

- 8.27 Block 3 will be located to the rear of the buildings which front the High Street and 23m away from the residential dwellings within No.21 High Street. This is above the minimum separation distance that the Council requires and as such I consider this relationship to be acceptable. As such I do not believe that block 3 will give rise to an unacceptable impact upon the residential amenities of existing dwellings.
- 8.28 As well as the impact upon existing residents discussed above, due to the density of the development, the residential amenities of the future occupants will also need to be carefully considered.
- 8.29 In the majority of instances, a minimum 21m separation distance has been achieved. However, there are some cases where this has not been achieved which I will assess as follows. The first of these is on the eastern elevation of block 2 which faces Bell House. At the very closest point these two buildings would only be separated by 6m. I have examined the proposed units located in this area of block two and note that of the three units on each floor, 2 of them, as they are located on the corner of the buildings will have full dual aspects and therefore a good degree of outlook that is not towards Bell House. The unit located centrally will have a partial dual aspect. Although I do not consider this arrangement to be ideal, in the context of the separation distance I take the above circumstances into account. I also consider that in terms of overlooking, Bell House is occupied by offices and as such I do not believe that privacy is such an issue as if it was entirely occupied by residential units. In respect of the closet units in block 2 as discussed above, there will be an element of harm caused. However, this would be mitigated against by the dual aspect arrangement and that during evenings and weekends this overlooking would likely not occur due to usual office opening times. In terms of light received and the outlook that these units would have I also raise concern but believe that this would again be mitigated against to some extent by the dual aspect arrangement as described above.
- 8.30 There are also some limited instances where the distance between blocks 1 and 3 and blocks 2 and 3 fall below the 21m separation distance. However, in terms of blocks 1 and 3, this relationship is limited to 1 unit in each floor of block 1 and 3. I also consider that the units in question do not directly face each other and have some windows which would not face the closest unit at all.
- 8.31 In respect of the relationship between blocks 2 and 3, although there would be instances where the 21m separation distance was not met, I do take into account that none of the units directly face each other and as such do not consider the relationship to be unacceptably harmful.
- 8.32 In terms of the internal layout of the dwellings – the sizes of which are summarised above - I note that they have been designed to meet London Design Standards which are in excess of National Standards. As such I am of the view that the floor area of the units are acceptable. All units will also benefit from balconies to provide a limited amount of external amenity space.
- 8.33 I do also note in the Daylight and Sunlight Analysis that some of the units within the proposed development will fall short of BRE Guidance in relation to daylight received. However, the results demonstrate that 90% of the rooms will either meet the BRE Guidance or fall short by a negligible amount. However, if kitchens are removed from

the equations in scenarios where there are living / kitchen / dining rooms then this figure of 90% would be increased. As such, due to the limited number of units which would receive what is less than ideal levels of daylight and the fact that prospective purchases will be aware of this I believe that the harm would be limited.

- 8.34 The application also proposes a medical centre and a pharmacy. The medical centre will be located on the ground and first floor of block 3 which will have a further two stories of residential development above this. In my view, a medical centre will have no significant impact upon residential amenities of either the future occupants of the development or existing residents. I have considered controlling the hours of use but do not believe that this would be necessary as the use is not in my opinion noisy or likely to lead to issues from an amenity perspective. However, I do believe that if the use was to change, even to an alternative within use class D1 then there is the possibility that harm to residential amenities could arise. As such, I have recommended a condition which would remove permitted development rights to change the use of this element of the proposal.
- 8.35 The pharmacy would front the High Street and then occupy the area to the south of this. Again, in the context of the High Street and the uses which operate here I do not at all consider that this use would give rise to any significant harm to residential amenities. As such, I do not believe that controlling the hours of use would be necessary.

Highways

- 8.36 I note a number of the objections received relate to the impact of the proposal upon the surrounding highway network either by way of the volume of traffic or by virtue of exacerbating existing parking pressures.
- 8.37 I take into account the response of KCC Highways & Transportation who when consulted upon the original scheme raised a number of queries and concerns as set out in paragraph 6.01 above. A full Transport Assessment has now been submitted and KCC Highways and Transportation have confirmed that they are in general agreement with its conclusions and accordingly confirm that the proposed 100 car parking spaces are acceptable given the sustainable, town centre location, close to local amenities and public transport nodes.
- 8.39 However, KCC Highways & Transportation have raised concerns regarding the potential implications for the surrounding area given the pressures on car parking and two conditions have been drafted to ameliorate such concerns. These conditions are aimed at providing details in respect of a parking management plan and a travel plan to ensure that the impact upon the surrounding highway network would not be unacceptable. I have re-consulted with KCC Highways & Transportation for further comment on the suggested conditions and will update Members at the meeting .

Landscaping, Sustainable Drainage and Ecology

- 8.40 Due to the density of the scheme, the site provides limited potential for landscaping. Having said this, by retaining the central part of the site for pedestrian access and emergency access only, this has provided the opportunity for a focal landscaped area central to the scheme development, something which the Design Panel were keen to see brought forward. An Illustrative Landscape Masterplan has been submitted which sets out that the area between blocks 1 and 2 will be comprised of a mixture of hard landscaping and planting. I am of the view that in the context of this

form of development that this is an appropriate approach to take. I also take into account that to the south of block 2, close to Bell Road, street trees have been proposed and furthermore, as block 1 is set back from Bell Road, trees have been proposed along this frontage. In addition to the retention of the existing trees located to the front of Bell House, I am of the view that the limited opportunities for landscaping improvements that exist have been taken. In relation to the existing trees, no details have been submitted in respect of these and as such I have recommended a condition below to ensure their protection during construction. I believe that the trees along Bell Road will assist in softening the impact of the development here and will help to provide some limited biodiversity benefits.

- 8.41 The inclusion of a roof garden on the first floor of block 2 provides amenity benefits for residents. Overall I am of the view that in the context of the site that the landscaping proposed is acceptable. I have included related landscaping conditions to ensure that the details can be robustly assessed in order to achieve benefits in this regard.
- 8.42 No ecological information has been submitted with the application. Due to the site conditions and the context within which it is located, I am of the view that the potential for protected species to be present is limited. However, to ensure that this is adequately dealt with, I have consulted KCC Ecology and will update Members of the response at the meeting.

Viability

- 8.43 Members will note from the consultation responses above that, in line with normal procedures for a development of this size, it would generate a requirement for financial contributions to deal with additional demand on local infrastructure. The contributions requested are as follows:

- KCC Primary Education - £101,382;
- KCC Secondary Education - £125,538;
- KCC Community Learning - £9,970.39;
- KCC Youth Services - £6,201.21
- Libraries - £37,455;
- NHS - £142,560;
- SBC Play Equipment - £30,000;
- SBC Formal Sports - £97,845;
- Refuse Bins - £24,360;
- SAMM SPA recreational disturbance - £49,688.10
- Total – £624,999.70

- 8.44 The developer has submitted a viability appraisal setting out that the development is unable to viably meet these costs and is unable, also due to a lack of viability, to provide any affordable housing. The policy compliant level of affordable housing in this location is 10% and as such, the Council would usually require 17 units in this case.
- 8.45 The appraisal that has been submitted has been revised during the course of the application and has been assessed by the consultants appointed by the Council. A copy of the latest report on viability by the Council's consultants is attached under Part 6 of this Committee Agenda, as Members will appreciate that it includes sensitive financial information.

- 8.46 In short, the appraisal concludes that the proposal would result in a negative residual land value. As such, the inclusion of any Section 106 contributions or affordable housing would further impact upon this figure. The Council's consultant, in assessing the viability, has also run this calculation and although the figure which is produced does allow for a marginal profit it is concluded that this falls significantly below a reasonable level of profit for a scheme of this size / complexity. A reasonable level of profit that has been adopted in this case is 15% - 18% on the gross development value. Again, as set out above, the imposition of Section 106 contributions or affordable housing would further impact upon the return. As such, there is, on the basis of the assessment that has been carried out, significant risk in this case that the development would not proceed.
- 8.47 The Council's consultant does raise the issue that the gross to net ratio of the units is lower than would normally be expected. I have queried this with the applicant who has responded stating that any increase in this ratio would increase the density of the development further and as such is concerned of the resultant impact of this. I believe that this is a reasonable response on the basis of the discussion regarding visual amenities above and as such have not challenged this further.
- 8.48 Government advice is contained within the National Planning Practice Guidance on Viability. This sets out that a site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken. It states that where an applicant is able to demonstrate that S106 requirements would cause the development to be unviable, then the Local Planning Authority should be flexible in seeking such agreements.
- 8.49 It is clearly a disadvantage of the application that local services and infrastructure would potentially not benefit from contributions. On this basis, Officers raised concerns with the applicant / agent that the harm to local infrastructure, by not securing these payments, would be substantial. However further to this, the applicant has now offered £250,000 in developer contributions which can be prioritised in a way that Members deem most appropriate (although the SAMMS payment would be required to be taken from this figure as this requirement is non-negotiable). In addition to this, the applicant has accepted a review mechanism within the Section 106 Agreement should viability on the site improve, something which is allowed for under policy CP6 of the Local Plan.
- 8.50 I do still have some concern in this regard as the amount offered does fall some way short of the total requirements which are listed above. However, I firstly give weight to the NPPG and NPPF in terms of setting out that the Local Planning Authority should be flexible in circumstances such as these. Secondly, I am acutely aware of the negative impact that this site has within Sittingbourne town centre and the length of time that it has been in derelict state. I also take into account the location of the site within the Central Sittingbourne regeneration area and the wider benefits of the site being developed that it would lead to in this respect in terms of increased spend in the local area. As such, on balance, I am of the view that in these very specific circumstances, the application should not be refused due to the development not meeting its full local infrastructure contributions.

Noise, Air Quality and Contamination

- 8.51 The application has been supported by air quality, noise and contamination reports and I have consulted with the Council's Environmental Protection Team Leader and Environmental Health.

- 8.52 In relation to Air Quality, I firstly note that the assessment uses a methodology that was agreed with the Council's Environmental Protection Team Leader. The assessment uses a worst case scenario and finds that at all locations on this site, mean concentrations of pollutants are significantly lower than the objectives. I note that the Council's Environmental Protection Team Leader raises no concerns in regards to air quality and as such I believe that this issue has been adequately dealt with. I have also liaised with the Council's Environmental Protection Team Leader in respect of the two Air Quality Management Areas in Sittingbourne (St Pauls Street and East Street/Canterbury Road) and he is of the opinion that the levels of the relevant pollutants will not be materially affected by this proposal at these locations.
- 8.53 In respect of noise, an acoustic report was submitted which assessed both internal and external impacts. In respect of some of the balconies that are proposed, the report states that they exceed the outside amenity area limit but concludes that the development provides adequate levels of external acoustic amenity. On this basis, the Council's Environmental Protection Team Leader objected to the proposal due to the lack of clear noise mitigation measures.
- 8.54 To address this, additional information was received which sought to clarify noise mitigation measures. This found that although some of the balconies, particularly those on the eastern façade of Bell House, do exceed the outside amenity noise level limit of 55db, given their modest size and the use of sealed balustrades being incorporated into the design of the balconies, the Council's Environmental Protection Team Leader's objection has been removed. To ensure that this is incorporated adequately into the proposal, I have recommended a condition that requires details of the balcony design.
- 8.55 The EA and Environmental Protection Team Leader have removed their objections subject to conditions regarding contamination following the submission of an appropriate contamination report.

Archaeology

- 8.56 Due to the location of the site, at the historic core of Sittingbourne, there is potential for medieval and post medieval remains associated with the town's development. There is also the possibility that remains from an earlier date could be present, in part due to the Roman road corridor along the A2. As a result I have consulted with the KCC Archaeological Officer who, given the potential for buried archaeological remains on the site recommends a condition relating to an implementation of a programme of archaeological works. I have recommended this condition and as such take the view that the archaeological potential of the site will not be unacceptably impacted upon.

The Conservation of Habitats and Species Regulations 2017

- 8.57 The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) and the Swale SPA which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

- 8.58 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein. The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Mods stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£301.14 per dwelling on developments of 10 or more units, as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are considered to be ecologically sound.
- 8.59 However, the recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.” The development therefore cannot be screened out of the need to provide an Appropriate Assessment (AA) solely on the basis of the agreed mitigation measures (SAMMS), and needs to progress to consideration under an AA.
- 8.60 In this regard, whilst there are likely to be impacts upon the SPAs arising from this development, the scale of development (165 dwellings on a previously developed site within the built up area, with access to other recreation areas) and the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff will ensure that these impacts will not be significant or long-term. I also note that the site is referred to explicitly in the Local Plan and as such would have been considered during the adoption process of the Local Plan. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPAs.
- 8.61 It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others.

Other Matters

- 8.62 A number of the issues raised by objectors have been addressed above, of those that remain I respond as follows. The possibility of an increase in crime has been raised, in terms of the car parking location within the development and because of the layout of the development itself. In response to this, I have consulted with Kent Police and await their comments. I will update Members at the meeting.
- 8.63 In relation to the comments made regarding the medical centre, as set out above, this will not be taken on by the NHS and as such the future operator is unknown. Therefore, in these circumstances although it could be delivered at an early stage, I do not believe this to be reasonable as there is no named operator. In terms of confirmation in regards to a car park in Trotts Hall Gardens, there is no current application for this and does not form part of this proposal. Finally, in response to the point raised regarding residents being notified of the application, the consultation undertaken was in accordance with the Council’s statutory requirements.
- 8.64 I also note the objection received on behalf of the Ministry of Justice. In terms of overlooking of the entrance, in this town centre location with surrounding residential

occupants, I do not believe that the proposal would overlook the entrance to any significant degree over and above existing levels. In terms of the noise and disruption caused by the building works, there will of course be an impact. However, I do not believe that this will be so significant as to lead to a reason for refusal, especially considering the condition imposed to limit working hours and the Construction and Environmental Management Plan condition. Finally, in regards to there only being one entrance to Bell House, I consider that this is already the case in terms of other offices sharing this building. Furthermore, it has been considered outside of the planning process that the persons using the Offenders Contact Centre are not such a significant risk to the public by virtue of them being able to visit Bell House, presumably unaccompanied. As such, I am of the opinion that this would not be an unacceptable arrangement.

- 8.65 An objection has also been received from UK Power Networks who operate a substation near to the application site. However, this objection is based upon notification in relation to the Party Wall Act which falls outside of what can materially impact upon a planning application and as such I do not believe that this point requires further elaboration.

9.0 CONCLUSION

- 9.01 In terms of reaching a decision on this application Members will need to carefully consider and weigh the benefits of this proposal as set out against the concerns that have been identified in the discussion above.
- 9.02 Firstly, I consider that substantial weight must be given to the derelict and harmful impact that the site currently has upon visual amenities. Furthermore I also give significant weight to the opportunity that this application provides to regenerate this site whilst also leading to additional regeneration benefits for the wider town centre. Furthermore, I give weight to the benefits of providing residential units within a sustainably located site, including adding to vitality of the local area.
- 9.03 However, as set out above, I am of the view that due to the density and scale of the development a degree of harm will be caused. This has been identified in the discussion above and relates to the impact that block 2 will have upon the setting of the conservation area and visual amenities. I am also of the view that a limited number of the units within the proposed development would be impacted by low levels of outlook and light.
- 9.04 The scale of the development has undoubtedly been informed by the viability of this site which should be taken into account, especially within the context of its long term vacant nature. Furthermore, as set out above, I do have some concern in terms of the lack of developer contributions, however this must be weighed against the specifics of this site and wider regeneration potential that this development could unlock.
- 9.05 On balance, I am of the view that despite the harm that has been identified, this would not outweigh the benefits of the proposal. This application presents an opportunity to develop a problematic site in a prominent location – and in so doing deliver a number of benefits - and I do not believe that any of the harm identified would be so significant as to make the proposal unacceptable. On the basis of the above and subject to signing of satisfactory Section 106 Agreement, no objection being raised by KCC Highways & Transportation, KCC Ecology and Kent Police and no fresh issues being raised resulting from latest consultation, I recommend that planning permission be granted.

10.0 RECOMMENDATION – GRANT Subject to Signing of Section 106 Agreement, no objection being raised by KCC Highways & Transportation, KCC Ecology, Kent Police and no fresh issues being raised from latest consultation, expiry date 23rd July 2018 and the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

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

- 2) The development hereby approved shall be carried out in accordance with the following drawings: 15/0356/02 Rev P6; 15/0356/50 Rev P5; 15/0356/52 Rev P5; 15/0356/53 Rev P5; 15/0356/54 Rev P5; 15/0356/70 Rev P5; 15/0356/71 Rev P5; 15/0356/10 Rev P8; 15/0356/11 P7; 15/0356/110 P4; 15/0356/111 P4; 15/0356/112 P5; 15/0356/113 Rev P4; 15/0356/12 P7; 15/0356/13 Rev P7; 15/0356/14 Rev P7; 15/0356/15 Rev P7; 15/0356/16 Rev P6; 15/0356/60 Rev P8; 15/0356/61 Rev P6; 15/0356/62 Rev P6; 15/0356/63 Rev P6; 15/0356/64 P6; 15/0356/66 P6; 15/0356/72 P7; 15/0356/73 P7; 15/0356/09; 15/0356 – 104 Rev P4; 15/0356 – 105 Rev P3.

Reason: For clarity and in the interests of proper planning.

- 3) No development beyond the construction of foundations shall take place until a sample panel of the facing and roofing materials to be used on each block of the scheme, (including for the refurbishment and extension of Bell House) has been submitted to and agreed in writing by the Local Planning Authority. This will include samples of the brickwork and railings to be used for the boundary treatment at the road frontage of block 1, and samples of the balcony screen product(s) (which shall show the balustrades facing Bell Road to be sealed) to be used. The works shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenities and to preserve the character of the conservation area.

- 4) No development beyond the construction of foundations shall take place until the manufacturer's brochure and technical specifications (along with details of the proposed colour finish) of the window system(s)/product(s) to be used have been submitted and agreed in writing by the Local Planning Authority. Submitted details to shall also include additional 1:1 or 1:2 part vertical and/or plan section drawings showing the typical detail of the window frame in relation to the surrounding wall construction, in order to show the typical depth of reveal. The works shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenities and to preserve the character of the conservation area.

- 5) No development beyond the construction of foundations shall take place until the manufacturer's brochure and technical specifications (along with details of the proposed colour finish) of the external doors to be used has been submitted to and agreed in writing by the Local Planning Authority. The works shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenities and to preserve the character of the conservation area.

- 6) No development beyond the construction of foundations shall take place until 1:50 scale coloured elevations of each element of the scheme (including the remodelled Bell House and the pharmacy frontage on to the High Street), showing, if applicable, any externally mounted rainwater goods to be used have been submitted to and agreed in writing by the Local Planning Authority. The works shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenities and to preserve the character of the conservation area.

- 7) No development beyond the construction of foundations shall take place until a 1:10 vertical section of the construction detail for the parapet and top floor wall and roof junction of each block (including for the re-modelled Bell House) has been submitted to and agreed in writing by the Local Planning Authority. The works shall thereafter be implemented in accordance with the approved details.
Reason: In the interests of visual amenities and to preserve the character of the conservation area.

- 8) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

- 9) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

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

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

- 11) No development shall take place 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 proposals of the Flood Risk Assessment & Drainage Strategy by MLM, ref. 617510-REP-CIV-FRA (dated 29th July 2016) 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 100yr storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that overland flows from off-site can be safely routed through the development without significant effects upon flood risk both within the development and the surrounding area.

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

- 12) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- 13) No development shall take place until the applicant, or their agents or successors in title, has secured 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.

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

- 14) No development shall take place until the Local Planning Authority (in consultation with Southern Water) has been advised of and agreed to the measures which will be undertaken to protect and divert the public sewers and apparatus.

Reason: To ensure that drainage and water apparatus is adequately diverted and protected.

- 15) No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- 1. The preliminary risk assessment submitted by Southern Testing entitled 'Supplementary Contamination Investigation Report' August 2016'
 - 2. The site investigation scheme submitted by Southern Testing entitled 'Supplementary Contamination Investigation Report' August 2016'
 - 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken as provided in the report entitled Southern Testing entitled 'Supplementary Contamination Investigation Report' August 2016'

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework.

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

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

- 20) No construction work 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 08:00 – 18:00 hours, Saturdays 08:00 – 13:00 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 21) The health centre hereby approved shall be used solely for that purpose and not for any other use, including any other use within use class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the area.

- 22) Access to satellite and/or cable provided media services to be provided to each apartment in the scheme via a communal and centralised connection point and associated connection system, the details of which shall be submitted to and agreed in writing by the Local Planning Authority, and implemented before any of the apartments are first occupied.

Reason: In the interests of visual amenities.

- 23) Notwithstanding the provisions of Class A, B and C, Part 16, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no antenna shall be located upon any of the buildings hereby approved.

Reason: In the interests of visual amenities.

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

Reason: In the interests of residential amenity.

- 25) No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

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

- 26) The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the Local Planning Authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 27) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of the amenities of the area and highway safety and convenience.

- 28) 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 any other day except between the following times:-
Monday to Friday 0900-1700hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

INFORMATIVES

- 1) A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk”.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals

focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

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

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

