

2.3 REFERENCE NO - 16/501883/FULL		
APPLICATION PROPOSAL Demolition of existing buildings and redevelopment to form circa 45 one and two bed sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping.		
ADDRESS Prospect House 4 Canterbury Road Sittingbourne Kent ME10 4SB		
RECOMMENDATION GRANT subject to the following;; the comments of the Council's Economic Development Manager and Strategic Housing and Health Manager (deadline for comments 8 th September (I will update Members at the meeting)); the negotiation and resolution of an appropriate Section 106 legal agreement to secure an appropriate affordable housing commuted sum and other developer contributions; and any amendments to conditions or additional conditions considered necessary.		
SUMMARY OF REASONS FOR RECOMMENDATION The loss of the existing business use has been demonstrated as acceptable and the principle of sheltered housing is acceptable within the built up area. There are no harmful environmental or amenity impacts arising from the development. The design, scale and location of the proposal are appropriate to the area and the amount of vehicle parking accords with adopted standards. The proposal constitutes sustainable development and should be approved.		
REASON FOR REFERRAL TO COMMITTEE To gain authority to enter into a legal agreement.		
WARD Roman	PARISH/TOWN COUNCIL	APPLICANT Churchill Retirement Living AGENT Planning Issues
DECISION DUE DATE 19/07/16	PUBLICITY EXPIRY DATE 24/06/16	OFFICER SITE VISIT DATE 20/5/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
There are a series of planning applications and advertisement consent applications for minor development that are not relevant to the proposal.		
Relevant planning history for Swale Motors Limited, Crown Quay Lane, Sittingbourne.		
15/500473/OUT Outline application for demolition of 3 No. single storey buildings and the erection of a single storey showroom building including attached valet bay all matters reserved for future consideration- approved.		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The site is located on the south side of Canterbury Road (A2), a short distance to the east of Sittingbourne town centre . It is rectangular in shape and fronts on to Canterbury Road with two side road frontages, one on to Gazehill Avenue to the west and School Road to the east. Directly to the south of the application site is a dwelling, 1 Gazehill Avenue. To the west is a four storey residential block known as Canterbury Court which is located on the corner of Gazehill Avenue and Canterbury Road. There are further residential dwellings to the west known as Exchange Court. To the east is a three storey block of retirement flats known as Echo House with Canterbury Road Primary School to the south of it. To the north of the site are a series of residential dwellings interspersed with convenience stores and other commercial uses.

1.02 The site is approximately 0.5m above the road level of Gazehill Avenue and level with School Road. The site is entirely covered in hardstanding and consists of a single storey car showroom and a former petrol filling station which constitute previously developed land. The former petrol filling station, with associated canopy, are currently used as an extended forecourt for the car showroom. The existing use falls within the sui generis use class.

2.0 PROPOSAL

2.01 The existing buildings on the site will be demolished. In its place would be constructed a three storey building with a further floor provided in the roof space. The footprint of the building would be broadly 'L' shaped with the principle frontage along Canterbury Road and a rear projection that descends in height towards 1 Gazehill Avenue. The Canterbury Road frontage would be approximately 49m wide with a maximum ridge height of 13m. The Gazehill Avenue frontage would be 35m wide with a maximum ridge height of 13m. The elevations are designed with varying ridge lines, forward projections, subservient link sections and full roof hips to the ends. Small sections of flat roof are used to make more effective use of the roof space for accommodation. The external elevational treatments include a mixture of finishing materials, brick banding to denote the floors within, brick arches, and dormer windows.

2.02 The building would provide 45 one and two bed sheltered apartments for the elderly with communal facilities. There would be 28 one bedroom apartments and 17 two bedroom apartments. The community facilities include an owner's lounge with coffee bar and a guest bedroom. The ground floor would also contain a refuse store, plant room, and external storage for mobility scooters. The main entrance would be via the rear elevation adjacent to the rear car park. The applicant describes the proposal as category II type accommodation which means it includes communal facilities such as an owner's lounge, warden office, an alarm system, a guest room and laundry facilities. The apartments are sold with a lease containing an age restriction which ensures that only people of 60 years or over, or those over this age with a partner of at least 55, can live in the development. The accommodation will be managed by Millstream Management Services Ltd, an in house company.

2.03 Car parking would be accessed via the existing access from School Road with 18 car parking spaces provided. A mobility scooter store would be provided next to the car park. An on site turning head and new substation would be constructed. There would be a shared amenity area to the rear of the building with a further landscaped margin to each road frontage ranging from approximately 4.5-6.5m in depth. The site would be surrounded by a wall with railings on top reaching a maximum height of 2m. 1.5 full time jobs would be created by the proposal in the form of a lodge manager who provides safety and security for the residents as well as maintenance of the building and gardens. The manager has their own office near the main entrance of the building.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
No. of Storeys	1	4	+3
No. of Residential Units	0	45	+45
No. of Affordable Units	0	0	0

4.0 PLANNING CONSTRAINTS

- 4.01 The site has archaeological potential. The site may have contaminated land issues and is within a ground water source protection zone.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

- 5.01 The following extracts are relevant.

- 5.02 Achieving sustainable development;

“14 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision-taking this means:10

- approving development proposals that accord with the development plan without delay; and*
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;*
 - or*
 - specific policies in this Framework indicate development should be restricted.9”*

“17 Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:....

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;”*

- 5.03 1. Building a strong, competitive economy;

“18 The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

- 5.04 2. Ensuring the vitality of town centres;

“23 Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

“•recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites.”

- 5.05 4. Promoting sustainable transport;

“30 Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local

planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.”

“34 Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”

5.06 5. Supporting high quality communications infrastructure;

“42 Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.”

5.07 6. Delivering a wide choice of high quality homes;

“49 Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

“50 To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”*

5.08 7. Requiring good design;

“56 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

“58 Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*

•are visually attractive as a result of good architecture and appropriate landscaping.”

“60 Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

61 Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

5.09 11. Conserving and enhancing the natural environment;

“109 The planning system should contribute to and enhance the natural and local environment by:

- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

“111 Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.”

“123 Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts²⁷ on health and quality of life as a result of new development;*
- mitigate and reduce to a minimum other adverse impacts²⁷ on health and quality of life arising from noise from new development, including through the use of conditions”*

“124 Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.”

5.10 Plan making;

“Ensuring viability and deliverability

173 Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

5.11 Planning conditions and obligations;

“204 Planning obligations should only be sought where they meet all of the following tests:

- 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.*

205 Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.”

National Planning Practice Guidance (NPPG)

5.12 *“How should the needs for all types of housing be addressed?”*

Housing for older people

The need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (Department for Communities and Local Government Household Projections 2013). The age profile of the population can be drawn from Census data. Projection of population and households by age group should also be used. Plan makers will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish. Supporting independent living can help to reduce the costs to health and social services, and providing more options for older people to move could also free up houses that are under occupied. The future need for specialist accommodation for older people broken down by tenure and type (e.g sheltered, enhanced sheltered, extra care, registered care) should be assessed and can be obtained from a number of online tool kits provided by the sector. The assessment should set out the level of need for residential institutions (Use Class C2). Many older people may not want or need specialist accommodation or care and may wish to stay or move to general housing that is already suitable, such as bungalows, or homes which can be adapted to meet a change in their needs. Local authorities should therefore identify particular types of general housing as part of their assessment.”

Development Plan

- 5.13 The following policies of the Swale Borough Local Plan Adopted 2008 are relevant;
- 5.14 SP1, SP2, SP3, SP4, SP6, SP7, TG1, SH1, E1, E11, E12, E16, E19, B1, H2, H3, T1, T3, T4 and C2.
- 5.15 The following policies of Bearing Fruits 2031 The Swale Borough Local Plan Proposed Main Modifications June 2016 are relevant;
- 5.16 ST1, ST2, ST3, ST4, ST5, CP1, CP2, CP3, CP4, CP6, DM6, DM7, DM8, DM14, DM17, DM19, DM21, DM28 and DM34.
- 5.17 The foreword to policy CP3 states;

“Older person households

5.3.31 The Census indicates that 21.1% of households in Swale were older person only households (households where all members are 65 or over), compared to 21.7%

regionally and 20.5% nationally. Of these older person only households in Swale in 2011, 57.8% contained only one person, a similar percentage to that recorded in the South East (58.5%) and England (60.0%).

5.3.32 The SHMA (2015) showed that whilst single older person households in Swale were more likely than average to reside in social rented accommodation, both of the older person groups show a high level of owner-occupation. Older person households were also more likely than average to have multiple spare bedrooms in their home.

5.3.33 The population aged 65 or over is likely to increase dramatically over the plan period to 38,132 in 2031, a rise of 46.2%. The SHMA highlights the greatest future demand is for two/three bedroom owner-occupied dwellings and one/two bedroom private rent and affordable dwellings. Development for housing specifically aimed at occupiers over 65 should, in the first instance, aim to reflect this.

5.3.34 Some 18.6% of the resident population in Swale have a long-term health problem or disability, with 46.5% of all those aged 65 or over and 84.5% of those aged 85 or over. It is therefore relevant to consider the ability of specialist accommodation to meet the requirements of this group. The current rate of provision for specialist accommodation is much lower than the base recommended and, in light of an ageing population, the Council will seek to support proposals which improve the levels of sheltered housing and extra care accommodation in the Borough.

5.3.35 As with other housing, the mix and particularly the affordable element of the specialist older person housing will be affected by the overall viability and these considerations will be a factor in negotiations for the housing mix sought on developments. Policy DM8 will provide further commentary on affordable older person specialist housing. There are also around 1,199 spaces in nursing and residential care homes in Swale and presuming the current occupancy rate continues there is a need for an additional 481 spaces over the plan period. This figure is indicative and would vary if occupancy rates change, with this in mind the Council will support appropriate proposals for nursing and residential care home spaces. Supplementary Planning Documents:”

- 5.18 The Council's adopted Supplementary Planning Document entitled "Developer Contributions" is relevant.

6.0 LOCAL REPRESENTATIONS

- 6.01 Three letters of objection have been received which are summarised as follows;
- Parking in the area is very restricted, especially because of the nearby school and residents use the road for parking. Parking on either side of School Road causes traffic problems. Parking restrictions should be introduced.
 - The proposed vehicle access will exacerbate existing traffic and parking issues for residents of Echo House and carer and ambulance access to them. This is a safety issue. Traffic problems at the A2 junction will increase. School children and residents may be endangered.
 - Proposed parking is insufficient. The proposal should have 1 car parking space for each flat due to mobility issues.
 - Visitors, care workers and staff may need parking spaces to prevent interference with access to Echo House.
 - Size and height of development out of keeping with the area.
 - Overshadowing, overlooking, loss of natural sunlight and poor visual appearance. Impact on quality of life.

- Developers may sell the flats on the open market and without age restrictions the parking problems, rubbish, smells and noise will increase.
- Loss of light will result from anything more than a two storey block of flats thus reducing character and value of existing properties.
- Water drainage/sewage pipe work may not be sufficient to take the increase and could lead to flooding.
- Loss of privacy.
- The part of the proposal nearest to Echo House will be 4 storey which will tower over Echo House whereas the Gazehill Avenue section will only be three storeys high, matching the existing building. Residents of the 6 flats affected by the higher building find the prospect distressing as the view from their windows will be utterly changed.
- Does Sittingbourne need more retirement flats when young families need housing?
- This development should be located elsewhere such as at the junction of Bell Road and High Street. Alternatively it should be smaller so that it affects residents less.

7.0 CONSULTATIONS

- 7.01 The Council's Environmental Health Manager, raises no objection subject to conditions, notes;

"The proposed development is on the site of a former garage filling station and is therefore an area with potential historic contamination. A preliminary desk study of the site submitted with the application has identified the need for intrusive ground investigation work. An air quality assessment submitted with the application is satisfactory and concludes that fewer road traffic movements will occur as a result of this development. Noise and dust from both the demolition and construction stages has the potential to have an adverse impact on neighbouring homes in terms of their residential amenity. The noise impact assessment report submitted with the application recommends noise mitigation measures including acoustically specified double-glazing and trickle vents for the development."

- 7.02 The Council's Greenspaces Manager considers there to be reasonable areas of communal space and gardens within the development. Public open space is not sought on this development, but in lieu of the normal contribution for play facilities would seek a contribution of £20,000 towards fitness equipment to be located on the nearby Rectory Playing Fields. It is assumed the landscaping will be maintained by a management company.
- 7.03 The Council's Strategic Housing and Health Manager notes that new affordable housing policy DM8 in the emerging local plan requires 10% affordable housing which equates to 5 affordable sheltered flats. The developers concerns about including affordable units are noted therefore a viability report is required. One housing association expressed an interest in taking on the affordable provision within the development whereas another declined. I am awaiting the further comments of the Housing Manager regarding the recommendation below to accept a reduced affordable housing commuted sum (deadline for comments 8th September). I will update Members further at the meeting.
- 7.04 KCC Highways and Transportation accepts the level of parking provision provided it is on an unallocated basis. Minor amendments were sought and have been received to

help the parking layout function better. A series of highway related conditions are recommended and attached below.

- 7.05 KCC Developer Contributions request £2160.71 towards library book stock and a condition securing superfast fibre optic broadband and a related informative as recommended below.
- 7.06 KCC Sustainable Drainage Team states;
- “no objection to the proposed use of soakaways subject to the confirmation that the soakaway will discharge into clean, uncontaminated ground and shall not impact any other areas on the site where there is a risk of contamination being present. Infiltration testing will be required to demonstrate the performance of the proposed soakaway.”*
- 7.07 KCC Ecology initially considered that additional information was required in the form of bat emergence surveys and any mitigation required prior to determination. This information has now been received and KCC Ecology considers sufficient information has been submitted to determine the application. The submitted bat surveys demonstrate that the proposal is unlikely to effect roosting and foraging bats and no additional emergence surveys or mitigation strategies are required. Bats bricks/tiles should be incorporated in to the building by condition. The applicant should be encouraged to design lighting to protect bats. Given that evidence of breeding birds was recorded within the site demolition works should be carried out outside of the breeding bird season (March to August) and if this is not possible an ecologist should inspect the site prior to commencement of works. If breeding birds are found work should cease in that area until the young have fledged.
- 7.08 Natural England raises no objection to the impact on designated nature conservation sites, namely the Swale Special Protection Area and Ramsar site, which is also a SSSI. It advises the proposal is not necessary for the management of the European sites; that subject to appropriate financial contributions being made to strategic mitigation, the proposals are unlikely to have a significant effect on these sites, and can therefore be screened out from any requirement for further assessment. It advises that when recording the Habitats Regulations Assessment reference is made to the following information to justify conclusions regarding the likelihood of significant effects; appropriate financial contributions should be made to: the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group, and this strategic mitigation will need to be in place before the dwellings are occupied.
- 7.09 KCC Archaeological Unit considers there to be archaeological potential on the site given its location next to the A2 Roman Road and with prehistoric finds nearby. A condition requiring a programme of archaeological works is therefore recommended.
- 7.10 The Environment Agency initially objected to the proposal because large parts of the relevant assessments were missing but this has now been corrected and it raises no objection subject to the conditions recommended below covering contaminated land.
- 7.11 Southern Water requests that the exact position of public water mains must be determined before the layout is finalised. Existing infrastructure should be protected during construction. No excavation, mounding or tree planting should be carried out within 4m of the public water main without its consent. Public sewers may cross the site so if any are found during construction they should be assessed. Southern Water can provide water and foul sewage disposal for the development. An informative is

requested in this regard. Appropriate surface water drainage is required and guidance on SUDS is provided.

- 7.12 The Lower Medway Internal Drainage Board considers the application is unlikely to affect its interests.
- 7.13 Kent Police notes the applicant's attempts to apply the seven attributes of Crime Prevention Through Environmental Design and the security section of the design and access statement. However the applicant has not contacted the Police regarding these or other issues. Window and door design guidance is given, and either a condition or informative is requested regarding security measures.
- 7.14 The comments of the Council's Economic Development Manager are awaited and I will update Members at the meeting.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The following documents have been submitted as part of the applications;
- Planning statement
 - Design and access statement
 - Commercial viability report
 - Affordable housing statement and viability appraisal
 - Supporting stakeholder engagement statement
 - Air quality assessment
 - Archaeological desk based assessment
 - Geotechnical environmental desk study appraisal and ground investigation reports
 - Foul sewerage assessment
 - Surface water drainage strategy
 - Flood risk assessment
 - Preliminary ecological appraisal and phase 2 bat assessment
 - Noise impact assessment
 - Transport statement

9.0 APPRAISAL

Principle of Development

- 9.01 The site is located within the built up area boundary of Sittingbourne as defined by the adopted and emerging local plans, and is located a short distance to the east of Sittingbourne town centre where the principle of development is acceptable.
- 9.02 With regard to the loss of the existing employment land and buildings, the applicant has provided a commercial viability report which is to be treated confidentially due to the sensitive information it contains. The report seeks to address policy B1 of the adopted local plan which in essence seeks the retention of such land and buildings, unless one of the listed exceptions is met. The submitted information seeks to address each of the exceptions and in my opinion is thorough and compelling in doing so. The report shows that the reuse of the existing site is likely to be problematic because the existing buildings are in a poor state of repair and are energy inefficient. The redevelopment of the site for commercial purposes would potentially be unviable. Any form of redevelopment is likely to have to deal with potential contamination issues which contribute to viability issues. Longer term, car sales may be amalgamated with

the site in Crown Quay Lane noted within the planning history section which in turn will lead to operational efficiencies and greater employment.

- 9.03 Reusing the site for uses falling within the B1, B2 or B8 use classes would be problematic. B1 operators are likely to be deterred by the poor state of the existing buildings which are very energy inefficient. B2 use would be inherently harmful to residents of the surrounding dwellings and unacceptable. B8 operators are likely to consider the existing buildings unfit for their purposes due to the low eaves height of the buildings and location on the A2 in a busy part of the town. Furthermore, there are wider issues regarding the viability of redeveloping the site for industrial and office uses, as the Council's own Community Infrastructure Levy Evidence Base highlights that commercial developments in the area produce negative land values. The assessment also sets out that the site was marketed using various formats since early 2014 with no offers being made.
- 9.04 The planning application forms highlight only a minor reduction in employment from 3 existing full time employees to 1.5. Such loss is considered negligible in the context of the wider economy. The loss of the existing business land and buildings has been demonstrated as acceptable in my opinion. The application clarifies that the sale of the site will allow the existing owners to relocate within the town as the current operator of the site has consent under application 15/500473/OUT for outline planning permission for a new showroom at Swale Motors Limited, Crown Quay Lane, Sittingbourne. The move would also allow the business to expand further and help boost the local economy.
- 9.05 The applicant has provided a significant weight of evidence to demonstrate that there is a need in Swale for sheltered apartments for the elderly. The Council's emerging local plan at policy CP3 (as set out at paragraph 5.17 above) acknowledges an ageing population and the specific housing needs arising. The population aged 65 or over is likely to increase dramatically over the plan period to 38,132 in 2031, a rise of 46.2%. The policy states that the Council will seek to support proposals which improve the levels of sheltered housing and extra care accommodation in the Borough. The site is in a sustainable location that would provide future residents with a host of services, facilities and transport options within a few hundred metres. The proposal is likely to free up under utilised housing stock as elderly residents move from their homes to better suited accommodation.

Design and Visual Impact

- 9.06 The proposal would involve a significant increase in the quantum of development on the site along the principal route into Sittingbourne from the east therefore its design and visual impact require careful consideration. The applicant was alerted to the possibility of submitting the proposal for scrutiny by the Council's Design Panel but opted not to.
- 9.07 Whilst the above is disappointing ,the design in itself is of a good quality in my opinion. It has variations in the ridge height with small subservient linking sections. The front elevation is broken up by using small front projections and small recesses. There is also intelligent use of materials that breaks up the expanse of the frontages. These factors combine to give sufficient variation in the form and detailing of the building to prevent it appearing monolithic. This design employs subtle nuances that are appropriate and will create a development that is less bulky in appearance than Echo House adjacent. The proposed design would therefore be acceptable in my opinion.

- 9.08 The proposal is set back from the footway along Canterbury Road by between 4.41m and 6.17m. This is less than the approximate 8m gap between Canterbury Road and Echo House to the east but is significantly more than the 2m gap between Canterbury Road and Canterbury Court to the west. The distance between the proposal and Canterbury Road helps to reduce the visual impact of the proposal as well as the impact on the character and appearance of the streetscene to an acceptable degree in my opinion. The proposal would be set approximately 1m behind the building line set by 1 Gazehill Avenue to the south and would respect the building line. The building would step down towards 1 Gazehill Avenue which is appropriate. The proposal would be set approximately 2m from the footway of School Road which is broadly similar to Echo House. The proposed means of enclosure to the boundaries of the proposal are appropriate. The resultant visual impact and impact on the character and appearance of the streetscene is acceptable in my opinion.

Residential Amenity

- 9.09 There would be a gap of 15.37m between the side elevation of the proposal facing School Road and Echo House. Whilst Echo House has a number of bedroom and living room windows facing the development, the separation distance is considered sufficient to prevent harmful mutual overlooking in my opinion. The separation distance is similar to that found between dwellings on opposite sides of streets throughout the borough. The distance would also prevent any harmful overbearing, overshadowing or loss of light contrary to the letters of objection in my opinion.
- 9.10 The separation distance to the dwellings on the northern side of Canterbury Road is approximately 21m and along Gazehill Avenue it is 17.61m which are similarly sufficient to prevent any harm to residential amenity in my opinion.
- 9.11 The drawings and design and access statement demonstrate how the impact on the residential amenities of the occupiers of 1 Gazehill Avenue has been considered in the design process to prevent harm to residential amenity. The application draws 45 degree angles from the rear facing ground and first floor windows of Gazehill Avenue, which features a single storey rear extension, to show that the section of the proposal nearest to it would not project past the 45 degree line. The projections comply with the Council's adopted Supplementary Planning Guidance relating to domestic extensions which shows the rear projections are acceptable. The development is three storeys high adjacent to 1 Gazehill Avenue but is located to the north with a 3.9m gap between them which prevents a sense of overbearing or loss of light in my opinion.
- 9.12 The proposal would introduce a significant number of south facing windows that have the potential to overlook the rear elevation and garden of 1 Gazehill Avenue. However, the two side elevations nearest to this neighbour are either blank or have small windows serving bathrooms that will be obscure glazed. There will be clear glazed, windows, doors and Juliet balconies within the south facing elevation of the main body of the proposal which would range between 22m-18.75m from the garden boundary of said neighbour. Whilst this level of overlooking will be different to the level of privacy currently experienced by its residents, I do not consider it harmful such that planning permission should be refused in my view. There may be some benefits arising from the extinguishment of a commercial use and its replacement by what will potentially be a quiet residential development for older people.
- 9.13 The size and layout of each apartment as well as the communal facilities will provide an appropriate level of accommodation for future occupants. For the reasons given above I consider that the proposal would have an acceptable impact on residential amenity.

Highway safety and convenience

- 9.14 It is noted that KCC Highways and Transportation raises no objection to the proposal in terms of the impact on highway safety and convenience subject to the amendments received and the series of highway related conditions recommended below. The proposal is situated in a very central location where residents would benefit from being able to access a significant range of services and facilities including shops, cafes, and doctor's surgery very easily on foot or via bus or mobility scooter. There are bus and rail links a short distance from the proposal. These factors are likely to reduce dependence on cars. The provision of the vehicle access from School Road is appropriate as it avoids a direct access onto the A2 and utilises the existing vehicle access. The boundary wall is set back to provide visibility splays, with 18 car parking spaces that are of an acceptable size and layout as is the turning head. The Kent Design Guide Review: Interim Guidance Note 3, 20 November 2008, Residential Parking standards require a maximum of 1 car parking space per 1 or 2 bed flats. These parking standards are maximum standards which mean the proposal complies with them. The elderly nature of the residents means they are less likely to own a car and there are numerous alternative transport options within a short distance.
- 9.15 The submitted transport statement indicates that the daily trip rate associated with the proposed use is likely to be significantly lower, at 59, compared to the existing use, at 112 trips. I note local residents concerns about the highways impacts of the proposal given existing parking issues and the nearby school. However, the proposal complies with KCC Highways and Transportation standards and would be very difficult to resist. The impact on highway safety and convenience is therefore acceptable in my opinion.

Landscaping

- 9.16 The application includes landscape strategy drawings that give broad details of the position of planting and grassed areas as well as types of hardstanding. The landscaping areas to the frontages and the private amenity space to the rear would be sufficient in size and layout. I recommend conditions securing specific details of the planting to take place. The landscaping is acceptable in my opinion.

Other Matters

Viability

Contributions

- 9.17 The following developer contributions are required;
- KCC Developer Contributions request £2160.71 towards library bookstock
 - Special Protection Area mitigation- £223.58 per dwelling = £10061.10
 - SBC Greenspaces- £20,000.00 towards fitness equipment in Rectory Playing Fields
 - SBC Wheelie bins- £37.50 each- 2 per dwelling = £3375
 - Total £35,596.81
 - SBC administration fee = £1779.84
 - Grand total = £37, 376.65
 - Each request complies with the pooling restrictions set out in the CIL regulations.

- 9.18 The application includes an affordable housing statement and viability appraisal which is to be treated confidentially as it contains sensitive financial information. What can be disclosed is that ;

“It has been demonstrated by a residual land value assessment, that the application development is not sufficiently viable to permit the imposition of any affordable housing or planning gain contributions.”

- 9.19 The adopted local plan requires 30% affordable housing within the proposal. The emerging local plan requires 10%. The Council is now following the emerging local plan requirements because it is based on the most up to date information. The applicants report was based on 30% affordable housing which was correct at the time it was written but there has since been the aforementioned shift in Council policy. National and local planning policy acknowledges that requirements such as developer contributions and affordable housing should not endanger the viability and deliverability of proposals. As required by the developer contributions SPD, the applicant has paid for their affordable housing statement and viability appraisal to be assessed by the Council’s consultant CBRE. CBREs report is again confidential due to the sensitive financial information it contains.
- 9.20 CBRE agrees with the applicant that a commuted sum in lieu of on site provision of affordable housing would be more appropriate than on site affordable housing. It considers the development would not be able to support a commuted sum equivalent to 10% affordable housing. However, its own assessment demonstrates that it would be reasonable for the developer to pay the contributions listed above **and** a £62,300 (equivalent to 0.92 affordable dwellings) commuted sum towards affordable housing.
- 9.21 The agent has viewed the CBREs report and accepts its findings. In my opinion, the appropriate stance here is to secure the developer contributions and affordable housing commuted sum via appropriate legal agreement. This accords with local and national policy and would allow the development to take place and secure wider economic, social and environmental gains. I seek delegation to negotiate and secure an appropriate legal agreement for the above. I am awaiting the further comments (deadline 8th September) of the Council’s Housing Manager regarding the above recommendation and will update Members at the meeting.

Air Quality

- 9.22 There is an Air Quality Management Area (AQMA) 15m to the west of the site on Canterbury Road. The application includes an air quality assessment which considers air quality for future residents within the development will be acceptable as all of the predicted concentrations are well below the objectives. The operational air quality impacts without mitigation are judged to be not significant. It is not considered necessary to propose further mitigation measures for this scheme. The proposed development will result in fewer vehicles travelling through the East Street AQMA and is thus expected to have a beneficial impact on air quality within the AQMA. The Council’s Environmental Health Manager considers the findings of the report to be satisfactory and no conditions are required. The impact of the proposal on air quality would be acceptable in my opinion.

Contaminated land and ground water protection

- 9.23 The submitted geotechnical environmental desk study appraisal assesses the underlying ground conditions. It notes the presence of petrol tanks on the site with subsequent contamination potential. Ground water is unlikely to be a shallow depth. It

highlights a number of potential pollutant linkages. Various recommendations are made including that an appropriate ground investigation is undertaken to assess potential groundwater remediation requirements and environmental liabilities associated with controlled waters.

- 9.24 The recommended ground investigation report has been submitted with the application and recommends, inter alia, the removal of existing fuel tanks. The summary within the report is relevant;

“Ground conditions at the site generally comprise medium dense, very silty sands and very sandy silts to depths of between 3.75 m and 6.7 m, beneath which are chalk strata. Groundwater is present at depths generally below 7 m. Some hydrocarbon odours have been observed within the Thanet Sand Formation strata within the northern part of the site. However, these odours do not extend into the underlying chalk strata.

There was no visual evidence of free-product or oily materials observed within soils or groundwater during the investigation. The site was formerly occupied partially by a petrol filling station and underground fuel storage tanks were present within the eastern part of the site. The underground tanks have been decommissioned. The ground investigation has identified some weathered hydrocarbon impaction within the deeper Thanet Sand Formation strata. However, this horizon is associated with low concentrations of longer-chain hydrocarbons that have not migrated down to chalk strata or groundwater.

Elevated concentrations of certain PAHs [Polycyclic Aromatic Hydrocarbons] and loose asbestos fibres have been encountered within the Made Ground. Quantification testing of asbestos has identified that these fibres are recorded in concentrations below “hazardous” threshold values. However, as these ACMs [asbestos containing materials] and PAHs have been recorded at the site, remedial works will be required to mitigate potential risks to human health. It is recommended that a 300mm thick topsoil/subsoil capping layer be placed in proposed areas of lawn, and 500 mm thickness within areas of managed planting areas.

During construction, it is recommended that a watching brief be maintained by construction personnel. Appropriate personal protective requirement should be worn by all personnel during groundworks. Soils should be kept damp during groundworks to minimise the potential for airborne dust. Based on the site’s current usage, allowance should be made for the use of multi-layer barrier pipes for potable water supply.

The Thanet Sand Formation strata beneath the site are considered to be sufficiently competent to support the proposed structure on conventional strip/trench fill foundations. However, in areas of existing underground fuel storage tanks, where Made Ground will locally be deeper, it is recommended that pier-and beam foundations be used to transfer loadings to the underlying chalk strata. Alternatively, a piled foundation solution could be used to support the entire structure. Allowance should be made for the use of suspended ground floor slabs.

On the basis of the findings of the investigation, soakaway drainage may be marginal at best and it is recommended that in-situ percolation tests be undertaken during a supplementary ground investigation. The majority of Made Ground materials are likely to be classified as “non-hazardous waste” waste if taken to landfill. However, where certain materials exceed PAH and oil range “hazardous” waste threshold criteria, there will be materials that will be classified as “hazardous” waste if taken to landfill.

Following site purchase, it will be necessary to undertake a supplementary investigation comprising trial pits and in-situ percolation tests. During the works associated with the removal of underground fuel tanks and interceptors, samples should also be recovered from the sides and bases of the excavations following removal of these features.”

- 9.25 As noted above, the Council's Environmental Health Manager raises no objection in relation to the impact on human health and the Environment Agency raises no objection in relation to the impact on protected ground water, subject to the imposition of the related conditions as recommended below.

Noise

- 9.26 The submitted noise assessment demonstrates that it is possible to create internal and external areas within the development that are subject to acceptable levels of noise pollution, which principally emanate from Canterbury Road traffic and the nearby school. The precise details of internal noise mitigation are conditioned below as recommended by the Council's Environmental Health Manager. Noise has been adequately addressed in my opinion.

Flood risk, surface water drainage and foul sewerage

- 9.27 The submitted flood risk assessment thoroughly demonstrates that the site is not at risk of flooding, and the Environment Agency raises no objection on flood risk grounds.
- 9.28 The submitted surface water drainage strategy proposes dealing with surface water drainage by soakaway. The site is currently entirely hardstanding which will be reduced by the proposal via the planting areas ensuring that there will be no increase in surface water flood risk at the site or elsewhere. The above accords with the comments of the LMIDB and KCC SUDS, subject to conditions recommended below.
- 9.29 The submitted foul sewerage assessment confirms that the peak foul flow would be 0.8 l/s and that Southern Water have confirmed there is capacity within the existing network to accept this. Based on the above, the flood risk, surface water and foul sewerage impacts of the proposal are acceptable in my opinion.

Ecology

- 9.30 The submitted preliminary ecological appraisal identified no potential ecological impacts aside from low bat potential. A phase 2 bat survey was carried out and recorded a single bat passing overhead. KCC Ecology confirms these assessments have been carried out correctly and no further information is required prior to determination of the application. A condition requiring bat and bird nesting places within the development is recommended below. The development would contribute towards SPA mitigation via the tariff contribution secured under the developer contributions detailed above. In accordance with the advice of Natural England this will prevent the need to carry out an appropriate assessment. The mitigation will however not be in place prior to occupation as this expectation is unreasonable. It is notable that occupants of the development must be 60 years or over, and that the applicant acknowledges occupants are often considerably older which may further limit the likelihood of them recreating within the SPA. The impact of the proposal on ecology is acceptable in my opinion subject to the condition recommended below and SPA mitigation secured by legal agreement.

Archaeology

9.31 The submitted archaeological desk based assessment considers the proposed redevelopment could have an archaeological impact on assets of no more than a local significance. It considers archaeological mitigation measures could follow planning consent via a planning condition. KCC Archaeological Unit recommends such a condition requiring a programme of archaeological works. This is recommended below and deals with the issue appropriately and in accordance with policy in my opinion.

10.0 CONCLUSION

10.01 The loss of the existing business use has been demonstrated as acceptable and the principle of sheltered housing is acceptable within the built up area. There are no harmful environmental or amenity impacts arising from the development. The design, scale and location of the proposal are appropriate to the area and the amount of vehicle parking accords with adopted standards. The proposal constitutes sustainable development and should be approved.

11.0 RECOMMENDATION – GRANT Subject to the comments of the Council’s Economic Development Manager and Strategic Housing and Health Manager (deadline for comments 8th September (I will update Members at the meeting)); the negotiation and resolution of an appropriate legal agreement to secure an appropriate affordable housing commuted sum and other developer contributions; any amendments to conditions or additional conditions considered necessary; and the following conditions:

CONDITIONS to include

(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, including external finishing materials, shall proceed in accordance with the following approved plan numbers: 172-LS-001, 200661 SB P02 Rev A, 20061 SB P03 Rev A, 20061 SB P04, 20061 SB P05, 20061 SB P06, 20061 SB P07, 20061 SB P08, 20061 SB P09, 20061 SB P10, 20061 SB P11 and 200661 SB P12 Rev A.

Reason: For the sake of clarity.

(3) The development hereby permitted shall incorporate the sustainability measures detailed within page 37 of the design and access statement prior to occupation of the development.

Reason: To secure sustainability measures.

(4) The sheltered housing apartments hereby permitted shall only be occupied by persons of 60 years of age or over, together with a spouse of 55 years or older if applicable.

Reason: In recognition of the terms of the application, and having regard to be needs of people who require sheltered housing and to the proposed parking provision.

- (5) Prior to the occupation of the development hereby permitted one bat soffit box, two bat tubes and a bird nesting box in accordance with the details within the submitted Phase 2 Bat Assessment shall be incorporated into the southern elevation of the development overlooking the rear amenity area and shall be retained in perpetuity.

Reason: To secure ecological enhancements.

- (6) Prior to the commencement of development 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 within the PBA Surface Water Drainage Strategy ref. 30481/4008/SWDS dated 8th February 2016 and 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. The measures shall also prevent the discharge of surface water onto the highway.

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal. To ensure ongoing efficacy of the drainage provisions and to protect vulnerable groundwater resources.

- (7) Prior to the occupation of any part of the development hereby permitted details of the implementation, maintenance and management of the sustainable drainage scheme shall 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.

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal. To ensure ongoing efficacy of the drainage provisions and to protect vulnerable groundwater resources.

- (8) No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

Reason: To protect human health and controlled waters.

- (9) No occupation of any part of the permitted development shall take place until a verification report demonstrating 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. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect human health and controlled waters.

- (10) 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 the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To prevent pollution of controlled waters.

- (11) No drainage systems for the infiltration of surface water drainage into the ground are 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 controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of controlled waters.

- (12) 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. If piling is proposed, a Piling Risk Assessment written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" should be submitted. The development shall be carried out in accordance with the approved details.

Reason: Penetrative piling methods can result in risks to groundwater supplies from contamination.

- (13) No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (14) Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of residential amenity.

- (15) Prior to the commencement of the development hereby approved, a programme for the suppression of dust during the demolition/construction of the development shall be submitted and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of demolition/construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity.

- (16) 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.

- (17) Prior to the commencement of development details shall be submitted for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings.. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

Reason: To secure appropriate communications infrastructure within the development.

- (18) No development 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.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity, and to ensure that such matters are agreed before work is commenced.

- (19) 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.

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

- (20) 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.

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

- (21) The amenity areas shown on the approved plans shall be retained for use by the residents of all the apartments in perpetuity.

Reasons: In the interests of residential amenity.

- (22) The area shown on the submitted plan as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwellings hereby permitted.

Reason: Development without adequate provision for the parking of cars is likely to lead to car parking inconvenient to other road users and in a manner detrimental to highway safety and amenity.

- (23) Prior to the commencement of development details of the provision of construction vehicle loading/unloading and turning facilities shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be provided prior to the commencement of development and shall be retained throughout the duration of construction.

Reason: In the interests of highway safety.

- (24) Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). The Plan agreed shall be implemented throughout the development period. This shall include details of the following:

- wheel washing facilities/measures to prevent debris and spoil and the discharge of surface water onto the public highway
- access point for HGV's and site personnel
- provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction
- dust suppression methods
- plant and noise generated from operation of vehicles and machinery
- fencing/hoardings
- lighting
- HGV routing

- hours of operation
- any temporary traffic management/signage required

Reason: In the interests of highway safety.

- (25) Prior to the commencement of development details of the closure of the existing Canterbury Road vehicle access shall be submitted to and approved in writing by the Local Planning Authority. The vehicle access shall be closed as agreed prior to the occupation of the development.

Reason: In the interests of highway safety.

- (26) Prior to the commencement of development cross and longitudinal sections showing the relationship of the site and the finished floor levels of the building and the surrounding ground levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the details approved.

Reason: In order to secure appropriate site level finishes.

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:

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

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

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

INFORMATIVES

The applicant is encouraged to design lighting to protect bats. Given that evidence of breeding birds was recorded within the site demolition works should be carried out outside of the breeding bird season (March to August) and if this is not possible an ecologist should inspect the site prior to commencement of works. If breeding birds are found work should cease in that area until the young have fledged.

The **Environment Agency** wishes to make the applicant aware of the following;

Drainage- The following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:

- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.

- No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table. A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.

Waste to be taken off site- Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005
 - Environmental Permitting (England and Wales) Regulations 2010
 - The Waste (England and Wales) Regulations 2011
- Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.
- Decommissioning Any decommissioning of infrastructure or remediation of impacted ground must be carried out in a strictly controlled manner to ensure that contaminants are not exposed and releases allowed to air, land or controlled waters, which could cause pollution, harm or nuisance. Clearing areas, particularly removing hardcover, must be done in a manner not likely to expose contaminants to flushing by incipient rainfall or surface water run-off on the site. Temporary surface water controls and management of any materials movement on site is critical to ensure protection of controlled waters near the site.

Southern Water wishes to make the applicant aware of the following;

The applicant should contact Southern Water for water and foul sewerage connections on 0330 303 0119.

KCC Developer Contributions wishes to make the applicant aware of the following;

“The BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises.”

KCC Highways and Transportation wishes to make the applicant aware of the following;

It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Habitat Regulations Assessment Screening

This HRA has been undertaken without information provided by the applicant.

The application site is located approximately 3km south of the Swale Special Protection Area (SPA) and Ramsar site both of which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2010 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. The proposal therefore has potential to affect said site's features of interest.

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 61 and 62 of the Habitat Regulations require a Habitat Regulations Assessment. NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites and can therefore be screened out from any requirement for further assessment. It goes on to state that when recording the HRA the Council should refer to the following information to justify its conclusions regarding the likelihood of significant effects; financial contributions should be made to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG); the strategic mitigation will need to be in place before the dwellings are occupied.

In terms of screening for the likelihood of significant effects from the proposal on the SPA features of interest, the following considerations apply:

- The elderly relatives of the development are likely to have mobility issues that prevent recreation on the SPA.
- There is a small on site amenity area that will help in a small way to provide on site mitigation by residents using it rather than the SPA.
- Based on the correspondence with Natural England, I conclude that off site mitigation is required and this is to form part of the legal agreement which means it can be screened out of the need for further assessment.
- Natural England's requirement to have the strategic mitigation in place prior to occupation of the development is unreasonable.

For these reasons, I conclude that the proposal can be screened out of the need to progress to an Appropriate Assessment. I acknowledge that the mitigation will not be in place prior to occupation of the proposal but in the longer term the mitigation will be secured at an appropriate level, and in perpetuity.

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.