PLANNING COMMITTEE – 27 APRIL 2017 DEFERRED ITEM

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

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DEF ITEM 1 REFERENCE NO - 16/507706/FULL		
APPLICATION PROPOSAL Demolition of former residential care home building and erection of 21 new dwellings, associated new access road, car parking and amenity areas		
ADDRESS Doubleday Lodge Glebe Lane Sittingbourne Kent ME10 4JW		
RECOMMENDATION Grant subject to a Section 106 agreement.		
SUMMARY OF REASONS FOR RECOMMENDATION The development of this site for housing would involve the loss of a care home for the elderly. Whilst this is regrettable, KCC took the decision to close it in January 2014. The site has been vacant since September 2014 with alternative care homes found for existing residents. Its use for housing would go some way towards meeting the housing needs of the Borough. In addition, the scheme would offer much needed affordable housing. These factors weigh heavily in favour of the development. The density, layout and design of the scheme has been carefully considered and amendments provided to address officers' concerns. The scheme is now considered to offer a good quality environment for the future residents of the scheme, whilst protecting the residential amenities of the existing properties that are adjacent to the site. The proposal would be of a good design that would add to the visual amenities of the area. The parking provision would be adequate in number and layout. Other considerations such as contaminated land, drainage and ecology are adequately dealt with. The developer has agreed to pay the various development contributions that are required for this scheme.		
REASON FOR REFERRAL TO COMMITTEE Section 106 agreement		
WARD Roman	**PARISH/TOWN COUNCIL**	**APPLICANT** Stonechart Property Ltd **AGENT** Ubique Architects
DECISION DUE DATE 13/02/17	**PUBLICITY EXPIRY DATE** 30/01/17	**OFFICER SITE VISIT DATE** 02.12.16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): There is no relevant planning history for this site.		

MAIN REPORT

1.0 INTRODUCTION

1.01 Members will recall that this application was reported to the Planning Committee on 2nd March 2017. This report is appended (appendix B) and includes full details of the application site, the proposal, planning constraints, local representations, consultations, policies, background papers, appraisal, conclusion and the appended Habitats Regulations Assessment.

1.02 Members discussed all aspects of the application and resolved to approve the development subject to the conditions in the report (with a slight amendment to condition 21), the obligations within the Section 106 agreement and also subject to securing 30% affordable rented accommodation on the application site (6 units). The

application presented to Members had sought to secure 10% (2 units) affordable rented housing through the Section 106 agreement but Members considered that this was insufficient, especially considering that the scheme would provide 100% of the dwellings as affordable at the outset (90% of which would not be secured through the S.106). Officer's were therefore tasked with seeking a higher level of affordable rented accommodation on the site and have been in negotiations with the developer since the meeting. In response, the developer has submitted a Viability Assessment to consider all of the costs of the scheme, including the Section 106 contributions, in order to present a case for the provision of 10% affordable rented accommodation on the site as originally proposed. Officers have commissioned an independent review by CBRE of this Viability Assessment and we have received their report which will be discussed below.

1.03 It is important to draw Members' attention to the fact that the printed minutes (appendix A) of the 2nd March Planning Committee meeting have not included specific reference to 'affordable rented' accommodation, instead referring to Member's resolution to ensure that 30% affordable housing is secured on site. This is a drafting error as confirmed by Democratic Services and I have checked with the Member who proposed the addendum that it was his wish that the 30% affordable housing should be entirely affordable rented accommodation. Negotiations have continued on this basis.

2.0 DISCUSSION

2.01 National Planning Policy Guidance - Viability, notes that viability can be important where planning obligations or other costs are being introduced. In these cases decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. The guidance states that where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance.

2.02 Paragraph 173 of the NPPF states:

"…*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."*

2.03 The applicant is arguing that the delivery of this housing development would be unviable if they have to increase the amount of affordable rented accommodation on site. The applicant is offering to provide 10% (2 units) affordable rented accommodation with the remaining 90% (19 units) being provided as shared ownership. My understanding is that the applicant will be building the development and it will then be taken over by Moat Housing Association who will pay the applicant a set amount for the shared ownership properties and a separate, much reduced, amount for the affordable rented properties. In this case, the likely difference between the amounts paid by Moat for a shared ownership, compared to affordable rented, is in the

region of £135,000. As such, on this factor alone it is clear to see that an increase in the number of affordable rented properties on the site would have a significant impact on the viability of the scheme.

2.04 Members are reminded of the contributions that the developer has agreed to pay under the Section 106 agreement. For ease of reference these are repeated below:

SAMM SPA recreational disturbance - £223.58/dwelling: -	£4,694.42
Bins - £92/dwelling: -	£1,932.00
KCC Primary education: -	£49,580.16
KCC Secondary education: -	£49,555.80
Libraries: -	£1,008.33
NHS: –	£18,144.00
Off-site open space contribution - £861/dwelling: -	£18,081.00
Sub Total: -	£142,095.71
Monitoring and administration fee: -	£7,104.79
Total: -	**£149,200.50**

2.05 The applicant is still fully committed to paying the total amount of Section 106 contributions.

2.06 The submitted Viability Assessment is clear that the cost of the development, including the above Section 106 contributions, with the developer taking a very modest 6% profit on the scheme, means that any increase in affordable rented affordable housing would result in an unviable scheme with a deficit in the region of £442,000. CBRE have considered the submitted Viability Assessment, carefully examining the costs and other assumptions. They have undertaken their own appraisal of the scheme concluding that there would be a deficit of circa £570,800 if 6 affordable rented units and 15 shared ownership units are provided on site. CBRE have also considered the scheme with the 2 no. affordable rented units and 19 shared ownership units (including the full Section 106 contributions) and have found that there would be a deficit of £20,106 and would therefore only be "marginally viable". As such, CBRE conclude that:

"the applicant's proposal of 2 no. affordable rented units and 19 no. shared ownership units together with a S106 contribution of £149,200 to be reasonable. We would recommend that SBC proceeds on this basis."

2.07 Members are reminded that the emerging planning policy DM8 (Bearing Fruits 2031) requires sites within Sittingbourne to provide 10% affordable housing. This is based on the most up-to-date evidence compiled for the Local Plan Examination. Members should be clear that the adopted policy H3 of the Local Plan 2008 (requires 30% affordable housing on site of 15 or more units) is considered to be out of date and should therefore be given very limited weight. In comparison, Officers consider that emerging policy DM8 (10% affordable housing on sites of 15 or more units) should be given significant weight. I consider that it is therefore reasonable to apply 10% to this scheme given the advanced stages of the emerging local plan as well as the evidence submitted in the form of the Viability Assessment as detailed above.

2.08 With both the status of the emerging policy DM8 and the evidence in respect of the Viability Assessment I consider that it would be unreasonable for Members to insist on

a higher percentage of affordable rented housing on this site. Should Members insist on this and should the applicant appeal against non-determination of this application, or appeal against a refusal on affordable housing grounds, the Council would be highly vulnerable to an award of costs against us. Members are reminded of the references to the NPPG and NPPF above (paras. 2.01 and 2.02) and the Government's acknowledgment that where the viability of an individual scheme is demonstrated to be at risk, Local Planning Authorities should be flexible in their approach.

2.09 Members are urged to consider the benefits of this scheme which would bring about much needed housing to the Borough. Moreover, the scheme will initially be provided by Moat Housing Association as a 100% affordable housing scheme. This must be given some significant weight.

3.0 CONCLUSION

3.01 The proposed development would provide much needed housing within the built-up area of Sittingbourne. Members will also note that the site is within reasonable walking distance of the town centre. It is therefore considered to be sustainable development on a sustainable site. The loss of the elderly care home is regrettable but the site has been vacant for in excess of two years. In deciding to close the site, KCC were able to demonstrate that there was sufficient care home provision elsewhere within the Borough. I consider that the proposal would not therefore disadvantage the local community through the loss of the care home. Moreover, I consider that the need for affordable housing weighs strongly in favour of the proposal. The proposal has been amended to address concerns regarding the quality of the design and the impact on adjacent dwellings. I consider that the scheme would be of a good quality design that would not lead to material harm to residential amenities. The scheme would be likely to increase on-street parking in Glebe Lane but I consider that this road can accommodate some additional on-street parking and would not materially harm the amenities of local residents in this respect. The applicant has committed to the payment of the developer contributions as set out above and I have no concerns in respect of drainage, contaminated land and ecology.

3.02 The applicant has demonstrated through the submission of a Viability Assessment that increasing the number of affordable rented units on site would be unviable. Moreover, the provision of 10% affordable rented units on site would comply with emerging policy DM8 which can be given significant weight. I therefore consider that planning permission should be granted for this development.

4.0 RECOMMENDATION – GRANT Subject to the signing of a Section 106 agreement to include all the measures set out at Paragraph 2.04 above, securing 10% affordable rented accommodation and subject to 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 approved drawings: to be completed.

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

3. Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway without the consent in writing of the Local Planning Authority.

   Reason: In the interests of residential amenity.

4. Details in the form of cross-sectional drawings through the site, of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences (with the exception of demolition) and the development shall be completed strictly in accordance with the approved levels.

   Reason: In order to secure a satisfactory form of development having regard to the sloping nature of the site.

5. No demolition or 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 0730 - 1900 hours, Saturdays 0730 - 1300 hours unless in association with an emergency or with the prior written approval of the District Planning Authority.

   Reason: In the interests of residential amenity.

6. The development shall be carried out in accordance with the submitted Code of Construction Practice, Site Waste Management Plan and on site car parking plan (for contractor parking during construction) submitted on 7th February 2017. The construction of the development shall be carried out in accordance with BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

   Reason: In the interests of residential amenity.

7. The area shown on the submitted plan – namely Proposed Site Plan, no.005 Revision N as car parking and turning 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) Order 1995 (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. In addition, the parking to the front of Blocks A and B shall be allocated so that each dwelling within these blocks has at least one of these parking spaces. Such land and access thereto shall be provided (and allocated where necessary) prior to the occupation of the dwelling(s) 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 detrimental to amenity.

8. Lighting shall be provided to the parking areas as shown on the approved plans, the details of which shall be submitted to the Local Planning Authority for approval in writing. The approved details shall be implemented prior to the first use of the parking area.

   Reason: In the interests of highway amenity.

9. Prior to the occupation of the dwellings hereby approved, details of a covered secure cycle parking facility shall be submitted to the Local Planning Authority for approval in writing and the approved facility shall be provided prior to the occupation of the dwellings hereby approved and shall be retained in perpetuity.

Reason: To ensure that there is sufficient cycle parking at the site in the interests of sustainable development.

10. Prior to the demolition of any building a detailed bat mitigation strategy must be submitted to the Local Planning Authority for approval. The bat mitigation strategy must include the following:

- Bat Emergence survey (following best practice guidelines)
- Details of the bat roosting features to be incorporated in to the site and buildings
- Building plans demonstrating the bat roosting features will be incorporated in to the site
- Methodology of soft strip of the building (map showing the areas where an ecologist needs to be present for the works)
- Time of year the works to be carried out
- Follow up monitoring

The works must be implemented as detailed within the approved mitigation strategy.

Reason: In the interest of ecology and biodiversity.

11. Prior to occupation a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
a) Identify those areas / features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, e.g., for foraging.
b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior to consent from the Local Planning Authority.

Reason: In the interests of ecology and biodiversity.

12. The biodiversity enhancements as set out on page 30 of the submitted Preliminary Ecological Appriaisal shall be implemented on site prior to the occupaiton of the 1st of the dwellings hereby approved.

Reason: In the interests of promoting wildlife and biodiversity and wildlife in urban areas.

13. Prior to the commencement of development (with demolition being permitted to commence) hereby approved, details shall be 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 as approved.

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

14. No development (with demolition being permitted to commence) 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, the pergola to unit 12, hard surfacing materials, and an implementation programme.

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

15. 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.

16. 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.

17. Prior to the commencement of development (with demolition being permitted to commence) hereby approved, details in the form of samples of external finishing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

18. Development shall not commence (with the exception of demolition) until a detailed sustainable surface water drainage strategy been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of within the curtilage of the site. The sizing and functionality of the system shall be determined through site-specific infiltration testing.

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

19. 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.

20. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this 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 approval details.

    Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

21. Prior to the commencement of development (with the exception of demolition) hereby approved, full details of the method of disposal of foul waters shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

    Reason: In order to prevent pollution of water supplies.

22. The trees shown on the plans hereby approved as "existing trees to be retained" shall be retained and maintained to the satisfaction of the planning authority. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of the date of this permission shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

    Reason: In the interests of visual amenity.

23. All trees to be retained must be protected by barriers and ground protection at the recommended distances as specified in BS5837: 2012 ‘ Trees in relation to design, demolition and Construction - Recommendations’ before any equipment, machinery or materials are brought on to the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

    Reason: To safeguard the existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

INFORMATIVES

1. The applicant is advised to consider the contents of Southern Gas Networks comments dated 30th November 2016 and the Southern Water letter of 14th December 2016.

2. Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

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

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.

APPENDIX A

Appendix A – Printed minutes for Planning Committee 2nd March 2017

2.6 REFERENCE NO - 16/507706/FULL
APPLICATION PROPOSAL

Demolition of former residential care home building and erection of 21 new dwellings, associated new access road, car parking and amenity areas

ADDRESS Doubleday Lodge Glebe Lane Sittingbourne Kent ME10 4JW
WARD - Roman
PARISH/TOWN COUNCIL APPLICANT Stonechart Property Ltd
AGENT Ubique Architects

The Senior Planning Officer reported that comments from KCC Highways and Transportation had been received. They requested conditions requiring that parking was allocated for the properties fronting onto Glebe Lane, and also that cycle parking was provided for each property. The Senior Planning Officer advised that conditions (7) and (9) already covered these matters.

The Senior Planning Officer stated that Members were asked to consider the slight variation of condition (21) which referred to the method of disposal of foul waters. She proposed that it was amended to allow demolition to take place before the submission of details was required. This was in-line with the wording of a number of the other conditions for this application and would allow the site to be cleared soon after the application was determined. The Senior Planning Officer advised that the site was currently a health and safety hazard and attracted anti-social behaviour, and removing the building and securing the site would help to address this problem.

The Chairman moved the officer recommendation to approve the application and this was seconded.

Mr Roger Spencer, an Objector, spoke against the application.

In response to a request from the speaker to remove the beech hedging along their boundary, the Senior Planning Officer reported that she had spoken to the applicant's agent about this matter. They had advised that they would try to avoid the removal of the hedge, but if this was necessary they would consider erecting a 1.8 metre closeboarded fence, rather than a wall.

The Lawyer – Team Leader (Planning) suggested that management of the hedge could be included within a landscape condition if approved.

Members considered the application and raised the following points: welcomed KCC Highways and Transportation request for parking; welcomed the affordable housing; the hedging should be retained; needed to ensure the height of the buildings was adequately conditioned and monitored; and half of the properties should be for social rent and half for equity share.

Councillor Mike Henderson moved the following addendum: That 30% affordable housing be provided. This was seconded by Councillor Andy Booth. On being putto the vote the addendum was agreed.

A Member requested that if officers were not able to secure 30% affordable housing, the application should be reported back to Committee.

Resolved: That application 16/507706/FULL be delegated to officers to approve subject to conditions (1) to (23) in the report, (where necessary) tidyup the conditions to vary condition (21), to allow demolition to take place before the submission of details was required, to include a landscape management condition, such condition to ensure the management of hedging and, with further delegated powers being given to officers to secure a Section 106 Agreement to include contributions towards primary and secondary education, libraries, off-site open space, NHS, bins, Special Protection Area mitigation and 30% affordable housing (if less than 30% then report back to Committee) and a monitoring and administration fee.

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2.6 REFERENCE NO - 16/507706/FULL		
APPLICATION PROPOSAL Demolition of former residential care home building and erection of 21 new dwellings, associated new access road, car parking and amenity areas		
ADDRESS Doubleday Lodge Glebe Lane Sittingbourne Kent ME10 4JW		
RECOMMENDATION Grant subject to further comments from Kent Highways and Transportation on the amended plans, and a Section 106 agreement seeking contributions towards primary and secondary education, libraries, open space improvement, NHS, bins a monitoring fee and SAMM.		
SUMMARY OF REASONS FOR RECOMMENDATION The development of this site for housing would involve the loss of a care home for the elderly. Whilst this is regrettable, KCC took the decision to close it in January 2014. The site has been vacant since September 2014 with alternative care homes found for existing residents. Its use for housing would go some way towards meeting the housing needs of the Borough. In addition, the scheme would offer much needed affordable housing. These factors weigh heavily in favour of the development. The density, layout and design of the scheme has been carefully considered and amendments provided to address officer's concerns. The scheme is now considered to offer a good quality environment for the future residents of the scheme, whilst protecting the residential amenities of the existing properties that are adjacent to the site. The proposal would be of a good design that would add to the visual amenities of the area. The parking provision would be adequate in number and layout. Other considerations such as contaminated land, drainage and ecology are adequately deal with. The developer has agreed to pay the various development contributions that are required for this scheme.		
REASON FOR REFERRAL TO COMMITTEE Section 106 agreement		
WARD Roman	**PARISH/TOWN COUNCIL**	**APPLICANT** Stonechart Property Ltd **AGENT** Ubique Architects
DECISION DUE DATE 13/02/17	**PUBLICITY EXPIRY DATE** 30/01/17	**OFFICER SITE VISIT DATE** 02.12.16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): There is no relevant planning history for this site.		

MAIN REPORT

2.0 DESCRIPTION OF SITE

1.01 The application site totals 0.41 ha and lies within a residential area, bounded to the north, south and west by existing dwellings, predominantly terraced, and flats. The front of the site faces onto Glebe Lane and there are currently two vehicular accesses onto this road. Rectory Playing Field (6.04ha) lies a walking distance of 130 m to the west of the application site. There is a difference in ground levels of approximately 3m from the northwest corner to the southeast corner which represents a gradual fall across the site from west to east. The site is currently occupied by a large two storey care home with single storey projections to the front. This building is sited close to the north and west boundaries of the site. The building has been boarded-up and the site is overgrown with evidence of trespass and vandalism.

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1.02 The front of the site is roughly the same ground level as the adjacent property - 40 Glebe Lane and the houses opposite. The application site is though at a lower level than the properties to the rear at Wadham Place by 2m. There are a number of mature Larch, Birch and Ash trees within the site, along its boundaries as well as Beech hedges.

2.0 PROPOSAL

2.01 The proposal is to demolish the existing derelict care home and erect 21 no. 2.5 storey 3 bedroom dwellings. The applicant is in partnership with Moat Housing and as such, all of the dwellings are intended to be affordable with 2 as affordable rented and 19 shared ownership. Each dwelling would have a reasonably sized rear garden and there would be 38 parking spaces in total (1.8 spaces per dwelling). The layout would consist of five separate blocks of terraced properties, blocks A-E. Blocks A and B would front onto Glebe Lane, either side of the new central access into the site. Fourteen parking spaces would be provided to the front of these blocks in groups of 2 and 3 interspersed with hedges and trees. Block C, a row of three terraced properties, is to the rear of block B, orientated northeast-southwest, at right–angles to block B. Blocks D and E are to the rear of block A and are orientated east-west, to match the orientation of blocks A and B. The parking for blocks C-E is provided off-plot in groups/parking courts. All properties are similarly designed with simple architecture, brick work, cladding and rendering and modestly sized flat roof rear dormers to the rear roof slopes.

2.02 The scheme has been amended by increasing distance between the dwellings and existing neighbouring properties. The amendments have resulted in the loss of one of the dwellings so the scheme has reduced from 22 to 21 units. Additional landscaping has been introduced to the parking areas and efforts made to improve the appearance of the hard-surfaced area. The architect has added different finishing materials to the elevations and has changed the design of the canopies to add interest to the appearance of the dwellings. Where possible, existing trees and hedges are to be retained.

3.0 SUMMARY INFORMATION

	Existing	**Proposed**	**Change (+/-)**
Approximate Ridge Height (m)	Approx. 8m	8.8m	+800mm
Approximate Eaves Height (m)	Approx. 6m	4.8m	-1.2m
No. of Storeys	2	2.5	+0.5
Net Floor Area	1035m^2	883m^2	-152m^2
Parking Spaces	Approx. 15	38	+23
No. of Residential Units	N/A	21	21
No. of Affordable Units	N/A	21	21

4.0 PLANNING CONSTRAINTS

There are no planning constraints for this site.

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5.0 POLICY AND OTHER CONSIDERATIONS

5.01 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), 32 (sustainable transport), 34, 47 (delivering a wide choice of high quality homes), 49, 50, 55, 56 (good design), 58, 69 (healthy communities), 131, 159 (housing), 162 (infrastructure),186 (decision taking), 187, 196 (determining applications); 197, 204 (planning obligations) & 216 (weight to emerging policies).

5.02 National Planning Policy Guidance (NPPG): Design; Natural environment; Housing and Economic Development needs assessment; Planning Obligations; Use of planning conditions; Water supply, waste water and water quality land affected by contamination.

Development Plan:

5.03 The Swale Borough Local Plan 2008 saved policies SP1 (sustainable development), SP2 (environment), SP4 (housing), SP7 (community services and facilities), SH1 (settlement hierarchy), E1 (general development criteria), E11 (biodiversity and geological interests), E12 (designated biodiversity and geological conservation sites), H2 (new housing), H3 (affordable housing), T1 (safe access), T3 (parking), T4 (cyclists and pedestrians), C3 (open space on new housing developments) & C1 (community services and facilities).

5.04 The emerging Swale Borough Local Plan "Bearing Fruits" – ST1 (sustainable development), ST2 (targets for homes and jobs), ST3 (settlement strategy), ST4 (meeting local plan development targets), ST5 (Sittingbourne area strategy),CP3 (high quality homes), CP4 (good design), CP6 (community facilities and services to meet local needs), DM7 (vehicle parking), DM8 (affordable housing), DM14 (general development criteria), DM17 (open space, sports and recreation provision), DM21 (water, flooding and drainage), DM28 (biodiversity and geological conservation) & IMP1 (implementation and delivery plan).

Supplementary Planning Documents

Developer Contributions (2009)

6.0 LOCAL REPRESENTATIONS

6.01 Four representations have been received from local residents. A summary of their comments is as follows:

- The site should be redeveloped as a residential home for the elderly;
- The extra traffic would be too much for this small road;
- Overlooking of gardens;
- Noise and mess during construction;
- There is currently an overbearing beech hedge within the site that is not maintained. The owners of no. 26 Wadham Place ask for a wall along their boundary instead;
- Anything on this site will be an improvement on its current state;

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- Potential overshadowing;
- Not enough parking, causing on-street parking problems for existing residents.

7.0 CONSULTATIONS

7.01 The Environmental Services Manager has no objection to the proposal subject to conditions to restrict hours of construction, to minimise the risks from asbestos and, to require the submission of a code of construction practice.

7.02 The NHS Strategic Estates Advisor asks for a contribution of £19,008 (based on the original scheme of 22 units) towards the Chestnuts Practice.

7.03 KCC Ecology note that there is a low risk of bats being present within the existing building to be demolished and recommended a condition to ensure the submission of a detailed bat mitigation strategy informed by an up to date valid bat surveys. They also ask for a condition to control details of external lighting in order to protect bats. Informatives advising the applicant of the protection of breeding birds are recommended. Biodiversity enhancements are also recommended.

7.04 The Greenspaces Manager requests that £861 per dwelling is sort for contributions towards improving capacity and play value of the play facilities at Rectory Playing Field. He also notes that there is no open space provision on the application site but that it is within walking distance of Rectory Playing Field.

7.05 The Environment Agency has no comment.

7.06 Southern Water note that a foul sewer is in the vicinity of the site and provide advice on the distances necessary for development, soakaways and tree planting. They also note that there is a communication pipe within the site. They confirm that they can provide sewage disposal to the development and recommend an informative to alert the applicant to the need for their consent to connect to the sewage system. There is no need for additional infrastructure but ask for a condition to require the submission of a drainage strategy dealing with surface water disposal and also foul sewage. Long-term maintenance of the SUDs is necessary.

7.07 KCC Development Contributions Team seek contributions towards primary and secondary education and libraries (details set out at para 9.13 below). They also recommend that Broadband is provided for the site and recommend an informative to encourage this.

7.08 Kent Highways and Transportation are satisfied with the overall level of parking provision for the site but are concerned that there could be overspill onto Glebe Lane which could lead to an impact on highway amenity for local residents. They note that on-street parking would be displaced by the new drives at the front of the site. In order to address these concerns, they recommended that one space per dwelling is allocated for blocks A and B so that each dwelling has a parking space immediately in front of them. They also ask that suitable lighting is provided to the parking areas. They also query the width of some of the spaces where they are next to fences, walls or hedges. They ask for secure cycle parking for each property and details of bin storage.

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7.09 The Head of Housing considered that the mix of affordable housing proposed – 2 social rented and 20 shared ownership is acceptable (the scheme has since been amended to 21 units with 2 social rented and 19 shared ownership).

7.10 Kent Police have considered the commitment of the developer to achieve 'secure by design' and therefore have no immediate concerns regarding the proposal.

7.11 UK Power Networks have no objection to the proposal.

7.12 Natural England note that the site lies within 6km of the SPAs and Ramsar sites. They consider that subject to payment of the SAMM contribution, the site can be screened out as not having a likelihood of significant effects on the designated sites.

7.13 Southern Gas Networks provide information about safe digging practices close to gas pipes that may be close to the site.

7.14 Lower Medway Internal Drainage Board note that the site is outside of their district but seek to ensure that surface water runoff is attenuated to no more than 5l/s with on-site storage provided to accommodate the 1 in 100 year rainfall event.

7.15 KCC Flood Risk and Drainage are generally satisfied with the majority of the drainage strategy. However, they recommend that there should be no discharge to foul sewage. They recommend a condition to require a details surface water drainage strategy to preclude discharge to foul sewage. Also, a condition to require details of the implementation, maintenance and management of the SUDs. Lastly a condition to prevent surface water drainage into ground without the permission of the LPA (in consultation with the EA) due to the risk to controlled ground waters.

8.0 BACKGROUND PAPERS AND PLANS

8.01 Existing and proposed plans and elevations; Tree Constraints Plan; Drainage Strategy & Maintenance Statement; Contaminated Land Report; Tree Report; Planning, Design and Access Statement; Details of KCC's decision to close the care home; Ecology Survey; Minerals Assessment; Ecology Assessment Update.

9.0 APPRAISAL

Principle of Development

9.01 The application site lies within the built-up area boundary and is surrounded by residential properties. The development of this site for housing would be in line with the aims and objectives of the Development Plan and National Policy in so far as much needed affordable housing is being provided on a brownfield site. The loss of the care home facility should though be considered against policy C1 of the Swale Borough Local Plan 2008 which seeks to retain existing community facilities and services. This policy states:

"The Borough Council will not permit proposals that involve the loss, or change of use, of a local community facility, where this would be detrimental to the social well being of the community, unless a suitable and equivalent replacement facility is to be provided both in a location and period of time as agreed by the Borough Council. Before agreeing to its loss or change of use, the Borough Council will require evidence that the current use is no longer needed and is neither viable, nor likely to become viable."

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9.02 The applicant has submitted information about the closure of Doubleday Lodge care home. This details the circumstances under which KCC decided to close the facility which was primarily as a consequence of low occupancy and also its inability to meet the national minimum standards of the Care Standards Act 2000. KCC carried out a public consultation on the closure of the home in September 2013 and the decision to close the home was made at the KCC Social Care & Public Health Committee on 16th January 2014. The care home would have required significant investment to bring it up to standard and it was noted that there was adequate capacity to relocate the existing residents in existing homes nearby. The new care home – Regis Gate in Milton Regis, Sittingbourne was considered to provide a much better quality of accommodation to meet the needs of existing and future residents. At the time KCC are quoted in a local newspaper as stating that *"within 10 miles of the home (Doubleday Lodge) there are 15 care homes, with 629 beds, and 153 more care home beds are planned in the area."* The minutes of the committee meeting referred to above noted that Officer's considered that *"better value for public money could be achieved by purchasing equivalent services from the independent sector".*

9.03 KCC have now sold the site to private developers and it is therefore highly unlikely that the use of the site will be for a care home once again. I am of the view that the applicant has demonstrated that a suitable replacement facility has been provided in line with policy C1 of the adopted local plan. Indeed, all residents were relocated over 2 years ago and the new care home at Milton Regis offers 45 bedrooms. Doubleday lodge offered 36 bedrooms but in 2013, there were only 2 permanent residents and 8 short-term (respite) residents. An extract from the committee report by KCC referred to above is as follows:

"Respite (short term) residents: *Data from Swift (KCC Case management systems) indicate that for the period 1 December 2012- 30 November 2013, there have been a total of 68 short term (respite) placements in the home (an average of between 1-2 people per week Respite bed days total 2,690 over the same period. Most people have had one period of stay during this year (76%) and have stayed for between 1-2 weeks (26 out of 68 or 38%). On this basis, it is estimated that KCC would need to secure three respite beds within the Swale area to replace the existing provision. All residents have been referred from either Swale or Canterbury case management teams.*

KCC has secured the use of one short term bed for respite at the new Extra Care Housing development at Wyllie Court/Regis Gate, Sittingbourne. This facility will be opening in September 2014.

Two additional respite beds will be secured via a competitive tendering process to secure high quality, best value services. From a soft market testing exercise undertaken by Strategic Commissioning in November 2013, there is sufficient interest from care homes within a five mile radius of Doubleday Lodge to indicate that KCC would not face barriers to securing these services. There are two other residential care homes in Swale that offer short term services of which case managers promote the use of. Kiln Court is seven miles away from Doubleday Lodge and Blackburn Lodge is eleven miles away. These beds could be used should there be no interest from the market in Sittingbourne to provide short term beds as a contingency arrangement."

9.04 Balanced against the loss of the care home is the significant need for houses, in particular affordable housing, in the Borough. This brownfield site will go some way towards reducing pressure from greenfield sites being developed for housing. I therefore consider that the proposed development is acceptable in principle.

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Visual Impact

9.05 The housing surrounding the application site is of a medium-high density and the architecture is of a simple, typically suburban design. It is my view that the proposed development at a density of 51 d/ha, would sit comfortably within this environment. The elevations of the dwellings have been amended to improve the detailing to the front and side elevations as they were considered to be too bland. The gable ends and terraced form would reflect the properties opposite and adjacent to the site. Although dormer windows are not a common feature of the street scene, the proposed dwellings would have dormers to the rear roof slops meaning that they would not be prominent features when viewed from the Glebe Lane. The proposed dormers would be of a size that would sit comfortably within the roof slopes in my view and their flat roof design would not be offensive to the overall architectural design of the dwellings. Exact finishing materials are to be agreed but the drawings indicate that brickwork, cladding and render would be predominant which would be appropriate for this residential area in my view.

9.06 The scheme has been amended to increase the amount of soft landscaping within the the public areas, including the parking bays which would be interspersed with street trees. I also note that many of the existing trees are to be retained as part of the development. The Tree Survey indicates that there are no category A trees (best quality) within the site but that there are a number of category B and C trees (trees of moderate to low quality respectively). The submitted tree constraints plan shows that although a number of lower grade trees and 3 category B trees would be removed from the site, 9 category B trees would be retained. These include Larch, Birch and Ash trees. The comments of the Tree Consultant are awaited and will be reported at the meeting. The retained trees would add to the amenity value of the area, support ecology and biodiversity and would also offer some level of privacy between the application site and the surrounding residents. The amended scheme also introduced a more varied hard-surface to the access and parking areas in an attempt to improve the appearance somewhat. I consider that overall, the amendments to the scheme have improved the environment within which the future residents would live. The development would be of a good design that would assimilate well into the existing suburban environment and would certainly be a vast improvement on the appearance of the site as it currently stands.

Residential Amenity

9.07 Very careful consideration has been given to the impact of the development on the existing surrounding residents, of which there are 12 whose boundaries adjoin the application site as well as the flats that are adjacent to the southern boundary. In addition, the different site levels meant that section drawings were required to adequately assess the relationship between the proposed and existing dwellings. Following the submission of the section drawings the scheme was amended to address a number of instances where there would have been overlooking, overshadowing and an overbearing effect. The unit adjacent to no. 40 Glebe Lane was taken out of the scheme and blocks D and E moved forward within the site. I am now confident that the scheme provides adequate separation distances of 21m for back to back relationships and avoids any harmful overlooking as a consequence. The separation distance also now ensure that instances of harmful overshowing are avoided. I also consider that there would be no instances of an overbearing effect.

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9.08 As well as assessing the impact of the proposal on existing surrounding properties, I have considered the relationships between the dwellings within the scheme. Flank to rear distances of 11m are now met and where I had identified overlooking from unit 11 into the rear garden of unit 12, the amended plans show a pergola to be positioned to the rear of unit 12 thereby creating a private area immediately to the rear of this property. There may be some overlooking into the development from the existing flats to the south of the site but I do not consider that this would be materially harmful to the residents of block C or unit 11 (the most affected), noting that some overlooking from the flats would be unavoidable if this site is to be developed and also the presence of tall trees that are to be retained along the southern boundary. Tree planting would be provided within the rear garden of unit 11 along the southern and western boundaries and there would be a tree within the rear garden of unit 12. This planting will help to protect the private amenity space to these properties.

9.09 It must also be acknowledged that the two storey element of Doubleday Lodge would have overlooked the surrounding properties to some extent and, at points, this building is closer to the neighbouring properties than the current dwellings would be. I therefore consider that for nos. 37, 39 and 41 Wadham Place in particular, the new development would offer more privacy than before. I note the request of no. 26 Wadham Place to remove the beech hedge along their boundary and replace it with a wall. I have asked the applicant to consider this but do not consider that difficulties with maintaining the hedge is a material planning concern.

9.10 The proposed dwellings would all have reasonably sized gardens, some with larger than average gardens for this area and all of which would have a depth of no less than the standard 10m. The internal spaces provided within the proposed dwellings would offer a good living environment in my view.

Highways

9.11 I note the concerns of local residents in respect of potential for overspill of parking from this development onto Glebe Lane. Being realistic, I do not disagree with this conclusion. However, the key consideration here is whether on-street parking would be increased by this development to the extent that there would be significant harm to the amenity of local residents. Quite a high number of properties along Glebe Lane do not have frontage parking but have access to a garage court or parking to the rear. This has the advantage of a number of cars being able to park on the street without blocking driveways. Glebe Lane is also fairly wide and able to cope with cars parked on the street. As such, it is my view that there is good capacity to accommodate on-street parking along Glebe Lane. I note that Kent Highways and Transportation do not object to the proposal but ask that the parking that comes directly off Glebe Lane is allocated so that there is at least one space per dwelling for blocks A and B. I have recommended a suitably worded condition to address this. I have also imposed a condition requiring the provision of cycle parking for each property. The site is also a 10/15minute walk (0.8mile) from the town centre/East Street and therefore, close enough to local amenities to enable a reduced reliance on the car.

9.12 The parking provision and layout within the site is considered to be adequate and I note the comments from Kent Highways and Transportation in this respect. The applicant has amended the scheme to increase the width of the parking bays where they are adjacent to fences, wall and hedges as was requested. I therefore consider that the development would cause no material harm to highway safety and amenity.

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Developer Contributions

9.13 The applicant is required to pay the following contributions which have been adjusted to account for the reduction in the number of proposed dwellings:

SAMM SPA recreational disturbance	£223.58/dwelling: -£4,694.42
Bins	£92/dwelling: -£1,932.00
KCC Primary education	£49,580.16
KCC Secondary education	£49,555.80
Libraries	£1,008.33
NHS	£18,144.00
Off-site open space contribution	£861/dwelling: - £18,081.00
Sub Total	£142,095.71
Administration fee - 5% of total contributions	£7,104.79
Total	**£149,200.50**

9.14 The applicant has agreed to pay these contributions as well as committing to securing 10% affordable housing (2 social rented) through the Section 106 agreement. Although, Members will have noted that the scheme is being provided in partnership with Moat Housing who will be securing all of the dwellings as affordable. Members may wonder why we are not securing all 21 of the dwellings as affordable through the Section 106. This is because the emerging planning policy DM8 (Bearing Fruits 2031) only requires sites within Sittingbourne to provide 10% affordable housing. I consider that it is therefore reasonable to apply 10% to this scheme given the advanced stages of the emerging local plan noting that the development would actually be providing 100% affordable housing at least initially.

9.15 I am content that the above contributions meet the tests for planning obligations as set out at paragraph 204 of the NPPF and that a section 106 Agreement is the best mechanism for addressing the SAMM contribution, the details of which are set out with the appended Habitat Regulations Assessment.

Other issues

9.16 With regards to surface water drainage, KCC ask for a condition that would prevent all surface water from discharging to the foul sewer. The applicant is resisting such a condition stating that if the development does need to resort to this form of drainage, the permission would be rendered undeliverable. KCC point out that the condition could be varied under such circumstances. It is my view that there would have to be material and demonstrable harm arising from surface water drainage to foul sewers for such an imposition to be reasonable. I have no evidence that this would be the case here and Members will also note that Southern Water do not require this. As such, I am inclined to apply a condition that would encourage other forms of drainage but that does not prevent drainage to foul sewers.

9.17 The potential for contamination on the site has been assessed and the Head of Environmental Services has no concerns in this respect.

9.18 A Minerals Assessment has been submitted with the application as the site has potential for brickearth. This concludes that the site is too small to be a viable extraction site, the mineral has been sterilised and lies within a residential area which

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would make it difficult to extract from. The site also lies within the built up area boundary and is therefore complaint with Policy DM7 of the Kent Minerals and Waste Local Plan.

9.19 An Ecology Survey has been submitted with the application. This concludes that there is low potential for protected species at the site but that it is possible that bats might be present within the existing building. KCC Ecology acknowledge this and given the very low potential for this, accept that further survey work can be carried out after the permission is issued with appropriate mitigation put in place if necessary. I have included all of the conditions suggested by KCC Ecology below.

9.20 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.* An Appropriate assessment is appended with details of the likely impact of the development on the SPA and the applicant's agreement to pay the Strategic Access Management and Monitoring Strategy.

10.0 CONCLUSION

10.01 The proposed development would provide much needed housing within the built-up area of Sittingbourne. Members will also note that the site is within reasonable walking distance of the town centre. It is therefore considered to be sustainable development on a sustainable site. The loss of the elderly care home is regrettable but the site has been vacant for in excess of two years. In deciding to close the site, KCC were able to demonstrate that there was sufficient care home provision elsewhere within the Borough. I consider that the proposal would not therefore disadvantage the local community through the loss of the care home. Moreover, I consider that the need for affordable housing weighs strongly in favour of the proposal. The proposal has been amended to address concerns regarding the quality of the design and the impact on adjacent dwellings. I consider that the scheme would be of a good quality design that would not lead to material harm to residential amenities. The scheme would be likely to increase on-street parking in Glebe Lane but I consider that this road can accommodate some additional on-street parking and would not materially harm the amenities of local residents in this respect. The applicant has committed to the payment of the developer contributions as set out above and I have no concerns in respect of drainage, contaminated land and ecology.

10.02 I therefore consider that planning permission should be granted for this development subject to the conditions set out below and a Section 106 to include all matters set out at paragraph 9.13 above.

11.0 RECOMMENDATION – GRANT Subject to the signing of a Section 106 agreement to include all the measures set out at Paragraph 9.13 above and the following conditions:

11. 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.

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12. The development hereby approved shall be carried out in accordance with the following approved drawings: to be completed.

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

13. Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway without the consent in writing of the Local Planning Authority.

Reason: In the interests of residential amenity.

14. Details in the form of cross-sectional drawings through the site, of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences (with the exception of demolition) and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development having regard to the sloping nature of the site.

15. No demolition or 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 0730 - 1900 hours, Saturdays 0730 - 1300 hours unless in association with an emergency or with the prior written approval of the District Planning Authority.

Reason: In the interests of residential amenity.

16. The development shall be carried out in accordance with the submitted Code of Construction Practice, Site Waste Management Plan and on site car parking plan (for contractor parking during construction) submitted on 7th February 2017. The construction of the development shall be carried out in accordance with BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

17. The area shown on the submitted plan – namely Proposed Site Plan, no.005 Revision N as car parking and turning 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) Order 1995 (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. In addition, the parking to the front of Blocks A and B shall be allocated so that each dwelling within these blocks has at least one of these parking spaces. Such land and access thereto shall be provided (and allocated where necessary) prior to the occupation of the dwelling(s) 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 detrimental to amenity.

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18. Lighting shall be provided to the parking areas as shown on the approved plans, the details of which shall be submitted to the Local Planning Authority for approval in writing. The approved details shall be implemented prior to the first use of the parking area.

    Reason: In the interests of highway amenity.

19. Prior to the occupation of the dwellings hereby approved, details of a covered secure cycle parking facility shall be submitted to the Local Planning Authority for approval in writing and the approved facility shall be provided prior to the occupation of the dwellings hereby approved and shall be retained in perpetuity.

    Reason: To ensure that there is sufficient cycle parking at the site in the interests of sustainable development.

20. Prior to the demolition of any building a detailed bat mitigation strategy must be submitted to the Local Planning Authority for approval. The bat mitigation strategy must include the following:
    - Bat Emergence survey (following best practice guidelines)
    - Details of the bat roosting features to be incorporated in to the site and buildings
    - Building plans demonstrating the bat roosting features will be incorporated in to the site
    - Methodology of soft strip of the building (map showing the areas where an ecologist needs to be present for the works)
    - Time of year the works to be carried out
    - Follow up monitoring

    The works must be implemented as detailed within the approved mitigation strategy.

    Reason: In the interest of ecology and biodiversity.

21. Prior to occupation a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
    a) Identify those areas / features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, e.g., for foraging.
    b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

    All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior to consent from the Local Planning Authority.

    Reason: In the interests of ecology and biodiversity.

22. The biodiversity enhancements as set out on page 30 of the submitted Preliminary Ecological Appriaisal shall be implemented on site prior to the occupaiton of the 1st of the dwellings hereby approved.

Reason: In the interests of promoting wildlife and biodiversity and wildlife in urban areas.

23. Prior to the commencement of development (with demolition being permitted to commence) hereby approved, details shall be 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 as approved.

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

24. No development (with demolition being permitted to commence) 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, the pergola to unit 12, hard surfacing materials, and an implementation programme.

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

25. 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.

26. 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.

27. Prior to the commencement of development (with demolition being permitted to commence) hereby approved, details in the form of samples of external finishing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

28. Development shall not commence (with the exception of demolition) until a detailed sustainable surface water drainage strategy been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall

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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 within the curtilage of the site. The sizing and functionality of the system shall be determined through site-specific infiltration testing.

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

29. 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.

30. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this 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 approval details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

31. Prior to the commencement of development hereby approved, full details of the method of disposal of foul waters shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: In order to prevent pollution of water supplies.

32. The trees shown on the plans hereby approved as "existing trees to be retained" shall be retained and maintained to the satisfaction of the planning authority. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of the date of this permission shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity.

33. All trees to be retained must be protected by barriers and ground protection at the recommended distances as specified in BS5837: 2012 ‘ Trees in relation to design, demolition and Construction - Recommendations’ before any equipment, machinery or

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materials are brought on to the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To safeguard the existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

INFORMATIVES

3. The applicant is advised to consider the contents of Southern Gas Networks comments dated 30th November 2016 and the Southern Water letter of 14th December 2016.

4. Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

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

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.

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APPENDIX: HABITATS REGULATIONS ASSESSMENT

Context

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.*

For proposals likely to have a significant effect on a European site, the Conservation of Habitats and Species Regulations (2010) requires the Council to make an appropriate assessment of the implications for the site. Para. 119 of the NPPF states that *"The presumption in favour of sustainable development … does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."*

Given the scales of housing development proposed around the North Kent SPAs, the North Kent Environmental Planning Group (NKEPG) commissioned a number of reports to assess the current and future levels of recreational activity on the North Kent Marshes SPAs and Ramsar sites. NKEPG comprises Canterbury, Dartford, Gravesham, Medway and Swale local authorities, together with Natural England and other stakeholders. The following evidence has been compiled:

- Bird Disturbance Study, North Kent 2010/11 (Footprint Ecology).
- What do we know about the birds and habitats of the North Kent Marshes? (Natural England Commissioned Report 2011).
- North Kent Visitor Survey Results (Footprint Ecology 2011).
- Estuary Users Survey (Medway Swale Estuary Partnerships, 2011).
- North Kent Comparative Recreation Study (Footprint Ecology 2012).
- Recent Wetland Bird Surveys results produced by the British Trust for Ornithology.
- Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy (Footprint Ecology 2014).

In July 2012, an overarching report summarised the evidence to enable the findings to be used in the assessment of development. The report concluded (in summary):

- There have been marked declines in the numbers of birds using the three SPAs.
- Disturbance is a potential cause of the declines. The bird disturbance study provided evidence that the busiest locations support particularly low numbers of birds.
- Within the Medway, the areas that have seen the most marked declines are the area north of Gillingham, including the area around Riverside Country Park. This is one of the busiest areas in terms of recreational pressure.
- Access levels are linked to local housing, with much of the access involving frequent use by local residents.
- Bird disturbance study - dog walking accounted for 55% of all major flight observations, with a further 15% attributed to walkers without dogs along the shore.
- All activities (i.e. the volume of people) are potentially likely to contribute to additional pressure on the SPA sites. Dog walking, and in particular dog walking with dogs off leads, is currently the main cause of disturbance.
- Development within 6km of the SPAs is particularly likely to lead to increase in recreational use.

APPENDIX B

Natural England's advice to the affected local authorities is that it is likely that a significant effect will occur on the SPAs/Ramsar sites from recreational pressure arising from new housing proposals in the North Kent coastal area.

The agreed response between Natural England and the local authorities is to put in place strategic mitigation to avoid this effect – a 'strategic solution.' This provides strategic mitigation for the effects of recreational disturbance arising from development pressure on international sites and will normally enable residential development to proceed on basis of mitigation provided avoiding a likely significant effect.

This strategic approach is set out in the Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy (Footprint Ecology 2014). It will normally require the creation of on-site mitigation, such as the creation of open space suitable for dog walking and, secondly, via payment of a dwelling tariff for off-site impacts. The money collected from the tariff would be used by the North Kent Councils and its partners for mitigation projects such as wardening, education, diversionary projects and habitat creation. The policy context for such actions is provided by policies CP7 and DM28 of the Emerging Local Plan.

Associated information

The applicant's ecological appraisal dated June 2016 contains information to assist the HRA. Importantly, it clarifies that the applicant is willing to commit to contributions towards the strategic mitigation noted above.

Natural England's letter to SBC dated 3rd August 2016 has also been considered; in particular that they have raised no objections subject to contributions towards strategic mitigation.

The Assessment of Doubleday Lodge, Glebe Lane, Sittingbourne

The application site is located 2.2km to the south The Swale Special Protection Area (SPA) and 5km from the Medway Estuary and Marshes SPA. Therefore, there is a medium possibility that future residents of the site will access footpaths and land within these European designated areas.

Natural England consider that providing the development contributes towards the SAMM, the development is unlikely to have a significant effect on the internationally designated site either alone or in combination.

This assessment has taken into account the availability of other public footpaths close to the site. Whilst these would no doubt supplement many day-to-day recreational activities, there would be some leakage to the SPA. However, the commitment of the applicant to contribute £223.58 per house to address SPA recreational disturbance towards through strategic mitigation in line with recommendations of the Thames Medway and Swale Estuaries SAMM as detailed above, will off-set some of the impacts. This mitigation will include strategies for the management of disturbance within public authorised parts of the SPA as well as to prevent public access to privately owned parts of the SPA.

Conclusions

Taking the above into account, the proposals would not give rise to significant effects on the SPA/SAC. At this stage it can therefore be concluded that the proposals can be screened out for purposes of Appropriate Assessment.