

PLANNING COMMITTEE – 13 SEPTEMBER 2018

DEFERRED ITEM

Report of the Head of Planning

DEFERRED ITEM

Reports shown in previous Minutes as being deferred from that Meeting

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| DEF ITEM 1 REFERENCE NO - 16/506946/FULL | | | |
| APPLICATION PROPOSAL Proposed mixed use development comprising 165 no. residential apartments, medical centre and pharmacy across three blocks with associated parking and landscaping, refurbishment of existing Bell House with retention of offices and an additional storey. | | | |
| ADDRESS Bell House Bell Road Sittingbourne Kent ME10 4DH | | | |
| RECOMMENDATION Grant, subject to signing of appropriately worded Section 106 Agreement, the further comments of the Housing Manager and the conditions listed below. | | | |
| SUMMARY OF REASONS FOR RECOMMENDATION The application provides the opportunity to regenerate a long term derelict site and would give rise to wider regeneration benefits. The harm that has been identified, which includes the developer not being able to provide the fully requested range of contributions or affordable housing, would not, when the viability of the site is taken into account, outweigh the benefits of the scheme in my view. | | | |
| REASON FOR REFERRAL TO COMMITTEE Deferred following the Planning Committee meeting of 19 th July 2018 to allow for further discussions with the Developer, Ward Members and Officers. This discussion has taken place and this report addresses the outcome of those discussions. | | | |
| WARD Homewood | PARISH/TOWN COUNCIL | | APPLICANT Aria Group AGENT The JTS Partnership |
| DECISION DUE DATE 26/01/17 | PUBLICITY EXPIRY DATE 24/07/18 | | |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): | | | |
| App No | Proposal | Decision | Date |
| As set out in original report. | | | |

1.0 INTRODUCTION

- 1.01 Members will recall that this application was originally reported to the Planning Committee on 19th July 2018. After some discussion, the Committee resolved: *“That application 16/506946/FULL be deferred to allow for further discussions with the Developer, Ward Members and Officers.”*
- 1.02 Although the deferral was not prescriptive in terms of the issues to be discussed, the main points which were raised at the Planning Committee meeting, in my view, centred on affordable housing, the lack of an operator for the medical centre, the density of the development, overlooking from the seven storey block (block 2) and the amount of car parking provision.

- 1.03 In accordance with the Committee resolution, the Developer, Ward Members (as well as the Cabinet Member for Planning) and Officers met on the 2nd August 2018 to discuss the application.

2.0 THIS REPORT

- 2.01 This report sets out the amendments to the scheme which have occurred since the 19th July 2018 Committee Meeting and the further meeting held on 2nd August 2018, and should be read in conjunction with the original report, attached at Appendix 1, which amongst other matters describes the site, the proposed development and the consultation responses that had been received at the time of writing. I have also included the Minutes of the 19th July 2018 meeting at Appendix 2.

3.0 LOCAL REPRESENTATIONS

- 3.01 The vast majority of the neighbour representations received are as set out in the original report. However, an additional consultation letter was sent out which expired on 24th July 2018. This generated one additional neighbour response which was included in the tabled update for this Item when it was reported to the 19th July 2018 meeting. For clarity, this one additional neighbour sets out that the respondent has now moved out of the area but still raises concerns in regards to parking, the impact upon the surrounding area in general and the existing dwellings in Riverbourne Court. I believe that this does not raise any additional concerns further to those already set out and addressed in the original report attached at Appendix 1.

4.0 CONSULTATIONS

- 4.01 The majority of the consultation responses remain as detailed in the original report. However, as provided in the tabled update for this Item at the 19th July 2018 meeting, comments from KCC Ecology, KCC Highways & Transportation and Kent Police were received after the writing of the previous report and I have added them as follows for completeness.
- 4.02 **KCC Highways & Transportation** comment that a Parking Management Plan to allocate and enforce parking controls within the site and a Travel Plan (to include measures to encourage sustainable transport) should be required by condition.

In addition, KCC Highways & Transportation have discussed the proposal with the Council's Technical Services Team who confirm that they would like to introduce greater on-street parking restrictions in the vicinity of the site to prevent overspill from the development. It is recognised that a lack of existing evening controls in nearby locations where there is no current demand for overnight parking could become areas where on-street parking occurs. Therefore, it is considered that further waiting restrictions should be reviewed and introduced prior to the occupation of the development, and for the development to provide funds to progress this. The cost of the associated work that would need to be undertaken for the Traffic Regulation Order would be £5,000, and this payment could be secured under the Section 106 Agreement.

Further details in respect of an assessment of the traffic impact of the medical centre element of the proposals has been undertaken and provided. KCC Highways & Transportation have assessed this information and comment that as the predicted traffic movements equate to 20 movements during the peak AM rush hour and 13 during the PM peak hour, this is not considered to be perceptible.

In conclusion, KCC Highways & Transportation raise no objection subject to a total of 7 conditions, including the two referred to above (Parking Management Plan and a Travel Plan). The remaining conditions relate to mud on the highway; details of parking for site operatives; provision of loading and turning for site operatives; provision, surfacing and drainage of vehicle parking; and cycle storage. A number of these requirements are covered by the requirement for a Construction Management Plan, however, of those that are not I have included relevant conditions below.

- 4.03 **KCC Ecology** comment that they do not consider that any ecological surveys need to be carried out. They have though recommended a condition requiring an ecological enhancement and management plan, and an informative in relation to breeding birds. I have included both of these below.
- 4.04 **Kent Police** state that there are a number of issues which will need to be carefully considered in relation to providing opportunities to design out crime. No objection is raised and they recommend that a planning condition is imposed to deal with this. I recommend that this is included as below.

5.0 APPRAISAL

Affordable Housing

- 5.01 As set out above, subsequent to reporting the application to the 19th July 2018 Planning Committee meeting, a further meeting between the Developer, Ward Members (as well as the Cabinet Member for Planning) and Officer's has taken place.
- 5.02 During this meeting, it was confirmed by the Developer that they were prepared to amend the application to provide 12 of the units as affordable housing. Subsequent to the meeting, a further supporting statement has been submitted by the developer's agent, which clarifies this position and sets out that the affordable units would be those on the second and third floor of the medical centre and as such the physical layout of this block would remain as previously considered. The 12 units will be comprised of 8 x 2 bed units and 4 x 1 bed units.
- 5.03 The supporting statement does acknowledge that the 12 units (or 7.27% of the total) would fall short of the usual policy requirement of 17 units (10%). The statement provides the following information:

“The viability evidence presented clearly demonstrates that the scheme is unable to contribute towards affordable housing. However, where the application was deferred by Members due to the lack of affordable housing contribution, the applicant has been faced with a difficult decision of the ‘do nothing’ approach where the scheme could get refused by Members where no offer had been made or, alternatively, try and get member support on this issue and offer a contribution towards affordable housing, which ultimately, may result in Members looking more favourably at the scheme and voting to support the application.”

“It is acknowledged that the 12 units offered for affordable housing on-site does fall short of the 17 units or 10% in policy requirement terms that would normally be expected where a scheme is viable. However, the scheme as it currently stands is unviable and cannot make any affordable housing contribution but this recent offer has been made in direct response to Member concerns. It should be recognised that these 12 units comprising 6 x 2 bed flats at 67sqm in size, 2 x 2 bed flats at 65sqm

and 4 x 1 bed flats at 52sqm, all with private amenity space in the form of balconies are of a good size and would be a high standard of housing.”

- 5.04 On this basis, I draw Members’ attention to the thrust of both local and national policy in respect of viability in relation to affordable housing. Policy DM8 of the Local Plan sets out that *“where an applicant can demonstrate that providing the full affordable housing provision would result in the scheme becoming unviable, a reduced requirement may be considered and will be subject to a legal agreement to ensure that full provision of affordable housing is reconsidered should land values rise prior to the commencement of development or any subsequent phases and/or an adjustment made to the tenure split.”* Further to this, the Government’s advice is contained within the National Planning Practice Guidance on Viability. This sets out that where an applicant is able to demonstrate that S106 requirements would cause the development to be unviable, then the Local Planning Authority should be flexible in seeking such agreements.
- 5.05 In this case, the lack of viability has been clearly demonstrated as set out in the previous report and as detailed in the viability reports attached under Appendix 3 and 4. The scheme has been assessed as providing a return which falls significantly below a reasonable level of profit for a development of this size / complexity. As such, the 12 units being offered now will further reduce the return that the development can bring, leading to more risk for the developer.
- 5.06 In terms of the specific location of the affordable units, the supporting statement has set out that the 12 units above the medical centre are likely to be more expensive to build than an average unit due to construction above an existing building. A breakdown of these costs has been provided and in summary the supporting statement details that *“the analysis indicates an enhanced cost per unit for the provision of units in block 3. There is a potential increased cost per unit, ranging from £11,000 to £16,500 per unit (at an average £13,750 per unit), therefore the overall impact on the cost of 12 units (Block 3) ranges from £132,000 to £198,000. As such the cost of the build with the abnormalities will in fact equate to building 10% at the average build cost and this is an important consideration given the circumstances.”* In respect of the above, Members may take the view that the affordable units could be provided anywhere within the development. This is of course true, however, what I believe is important to note is that the cost of providing the affordable units will have a further impact upon viability over and higher than the costs set out above.
- 5.07 When originally assessing the application Officer’s were of the view that in this specific case, due to a lack of viability, and when the benefits of the proposal as a whole were assessed against the harm, nil provision of affordable housing was considered acceptable. I have discussed the revised offer with the Council’s Strategic Housing and Health Manager who on the basis that it was expected that no affordable housing would be able to be provided due to viability constraints, that 12 units would be welcomed. I am awaiting further written comments from her and will update Members in regards to this at the meeting.
- 5.08 In relation to the split of the affordable units, the Council’s starting point in terms of affordable housing tenures is 90% affordable rent / 10% intermediate products (usually shared ownership). In this case, this would leave 1 unit as shared ownership with the remainder as affordable rent. In my view, the tenure split of 11 / 1 would potentially not be ideal for a Registered Social Landlord (RSL) provider as the complexities of delivering this split of units within the same block may prove problematic. Therefore, I have discussed the tenure split with the agent who has agreed that the total of 12 units could be provided as affordable rent. Due to the

above considerations, that policy DM8 allows for some flexibility and that this is the tenure for which there is the highest identified need I am of the view that this is acceptable.

- 5.09 I appreciate that the question could be asked as to why 12 affordable units are now being proposed when the viability evidence is demonstrating that nil provision was previously acceptable. The developer's agent has sought to address this in their supporting statement and commented that *"These are very difficult circumstances for the applicant where considerable effort has been made over the last 3 years to get this scheme to where it is and it is hoped that the affordable housing offer can demonstrate that despite viability, the applicant is fully committed to this important site and developing out the scheme for the benefit of the town centre."* I believe that this is a reasonable response in the circumstances.
- 5.10 In concluding this element of the discussion, I give significant weight to the NPPF, the NPPG and the Local Plan in that flexibility to affordable housing requirements should be applied in circumstances where the viability of the site is threatened to such an extent that development may not proceed. I am of the view that this is the case in terms of this proposal. As such, in this specific instance, on the basis of the revised offer of 12 affordable units, which falls 5 units, or 2.73% below the usually expected provision of 10%, I believe this to be reasonable and therefore acceptable. In reaching a view on the revised affordable housing offer, Members should also take into account the aims of local and national policy in respect of viability and affordable housing as set out above. In light of the specific context of this application I am of the view that a refusal of planning permission on the basis that the proposal falls short by 5 units of the normally required 10% affordable housing provision could leave the Council vulnerable not only to losing an appeal but also to an award of costs claim being successfully made against it.

Medical Centre

- 5.11 Queries were also raised at the 19th July 2018 Planning Committee meeting in relation to the potential future occupants of the medical centre in light of the NHS withdrawing their interest. The supporting statement has sought to address this issue as follows:

"My client's background and ambitions are in construction of pharmaceutical facilities in the UK and they have incurred substantial cost, without commitment, in designing the current scheme including the health centre. It is very unfortunate that Chestnut Surgery are no longer interested in occupying the unit. In discussions with other doctors, it is clear that the principal reason for not being able to move into a new facility is driven by costs. Notional rent calculations on projections are substantially higher than current rentals being paid. Chestnut surgery's current rental is below £50,000 and my client's projections would involve a substantial increase. However, they would be willing to offer a lengthy rent free period to attract potential occupiers. However, this can only be possible if the NHS proactively support the plans. My client is still very much committed to the medical centre but they have found any negotiations challenging without the relevant planning approval.

As explained at the meeting, the applicant is confident that a tenant will be found for the Medical Centre, which will be an important community facility for the town centre. The concerns by members are recognised that if a medical user is not subsequently found, then the Council will be faced with an application further down the line for change of use to either housing or another suitable town centre use. This scenario is

something the applicant strongly wishes to avoid and strenuous efforts are ongoing to find a suitable medical tenant to occupy the space.”

- 5.12 Due to the background of the developer I believe that there is a reasonable prospect that they will be able to secure a tenant, although I do appreciate that this is speculative. However, the point made regarding the difficulty of securing a tenant without a planning consent is in my opinion a conceivable obstacle. Further to this, the planning application before the Council at the current time includes a medical centre and that use in my view is acceptable. It would not be possible to refuse permission simply on the basis that no end user had yet been secured. However, I do recognise that there is concern regarding the potential future use of the medical centre if an end user cannot be found. Therefore I have included a condition which restricts the use to that of a medical centre and as such, any change of use, including within the same use class would require permission from the Council. As such, if a future proposal came forward which sought to change the use, this would be able to be fully considered at that point. For these reasons I do not believe that the medical centre element of the proposal gives rise to any demonstrable harm and consider this element of the proposal is acceptable.

Density of the Development / Overlooking

- 5.13 Concerns regarding both the density of the development and the potential for overlooking from block 2 were also raised at the Committee Meeting. In respect of this, at the meeting that took place between the Developer, Ward Members (as well as the Cabinet Member for Planning) and Officers it was confirmed that the physical layout of the scheme would not be changing. This has been clarified in the additional supporting statement that the agent has submitted as follows: *“it was confirmed at the meeting that no further design changes would be made to the scheme. Officers will appreciate that the Swale Design Review Panel had recommended an additional storey to Block 2 to accommodate more parking and where viability is such a fundamental issue, a reduction in housing numbers would not be feasible.”*
- 5.14 Considerations in regards to both the density of the development and the resultant impact that this has upon the amenities of the area is dealt with fully in the original report. I remain of the view that any potential harmful impact that the development has in this respect is acceptable when balanced against the material planning considerations.

Parking

- 5.15 Members also raised some concern in respect of the parking provision. For the avoidance of doubt the scheme provides a total of 100 car parking spaces. In relation to this, I refer to the latest and final comments of KCC Highways & Transportation as set out in the consultation section above and firstly the imposition of conditions requiring a Parking Management Plan to allocate and enforce parking controls within the site and a Travel Plan which can include measures to encourage sustainable transport .
- 5.16 Secondly, KCC Highways & Transportation have been in discussion with the Council’s Technical Services Team on the basis of increased on-street parking restrictions within the vicinity of the site and the potential for overspill from the development. As set out in the comments above, due to this it is considered that the scope for further waiting restrictions is reviewed and potentially introduced prior to the occupation of the development. This could be done via a Traffic Regulation Order (TRO), for which the costs would be £5,000 and could be secured under the

Section 106 Agreement. Members will appreciate that the TRO process is separate from planning and obviously the requirement to pursue a TRO would not guarantee that the suggested restrictions would ultimately be introduced.

- 5.17 On the basis of the specific conditions referred to above, the option to introduce further parking controls in the surrounding area and that KCC Highways & Transportation do not object to the scheme I am of the view that the Council would be vulnerable at appeal if it was to refuse the scheme on highway amenity grounds and I consider this element of the proposal to be acceptable.

6.0 CONCLUSION

- 6.01 In conclusion, the Committee resolution for further discussions between the Developer, Ward Members and Officers has taken place. Subsequent to this, an additional supporting statement has been submitted by the agent. It has been clarified that the scheme has been amended so that it would provide 12 affordable units. As such, the physical elements of the scheme including its layout and scale are unaltered from what was presented to Members at the Planning Committee meeting of 19th July 2018. In terms of reaching a decision on this application, Members will need to carefully balance the benefits of the scheme against the concerns, the revised offer of 12 affordable units will also need to be weighed in this decision making exercise.

- 6.02 In my view, as set out in the discussion above, due to the lack of viability and the degree of flexibility allowed for by both local and national policies I am of the view that the offer of 12 affordable units is reasonable.

- 6.03 In terms of the other issues raised and as discussed above, I do not believe that any harm has been identified to such a significant degree that permission should be refused.

- 6.04 Finally, I take the view that the site in its current state has had a significantly harmful impact upon visual amenities in a prominent location for a number of years. This application now provides in my opinion the opportunity to regenerate not only this site but to provide wider regeneration benefits within the town centre. On the basis of the above I believe that subsequent to my previous recommendation for approval, the amendment to provide 12 affordable units further tips the balance in favour of the scheme and I recommend that planning permission is granted.

7.0 RECOMMENDATION – GRANT Subject to the further views of the Housing Manager, the signing of Section 106 Agreement and the following conditions:

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

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

- 2) The development hereby approved shall be carried out in accordance with the following drawings: 15/0356/02 Rev P6; 15/0356/50 Rev P5; 15/0356/52 Rev P5; 15/0356/53 Rev P5; 15/0356/54 Rev P5; 15/0356/70 Rev P5; 15/0356/71 Rev P5; 15/0356/10 Rev P8; 15/0356/11 P7; 15/0356/110 P4; 15/0356/111 P4; 15/0356/112 P5; 15/0356/113 Rev P4; 15/0356/12 P7; 15/0356/13 Rev P7; 15/0356/14 Rev P7; 15/0356/15 Rev P7; 15/0356/16 Rev P6; 15/0356/60 Rev

P8; 15/0356/61 Rev P6; 15/0356/62 Rev P6; 15/0356/63 Rev P6; 15/0356/64 P6; 15/0356/66 P6; 15/0356/72 P7; 15/0356/73 P7; 15/0356/09; 15/0356 – 104 Rev P4; 15/0356 – 105 Rev P3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 11) No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall be based upon the proposals of the Flood Risk Assessment & Drainage Strategy by MLM, ref. 617510-REP-CIV-FRA (dated 29th July 2016) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that overland flows from off-site can be safely routed through the development without significant effects upon flood risk both within the development and the surrounding area.

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

- 12) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) a timetable for its implementation, and

- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

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

- 13) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

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

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

- 15) No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. The preliminary risk assessment submitted by Southern Testing entitled 'Supplementary Contamination Investigation Report' August 2016'
2. The site investigation scheme submitted by Southern Testing entitled 'Supplementary Contamination Investigation Report' August 2016'
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken as provided in the report entitled Southern Testing entitled 'Supplementary Contamination Investigation Report' August 2016'
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

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

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

approved verification plan to demonstrate that the site remediation criteria have been met.

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

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

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

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

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

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

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

- 20) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 08:00 – 18:00 hours, Saturdays 08:00 – 13:00 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 21) The health centre hereby approved shall be used solely for that purpose and not for any other use, including any other use within use class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any provisions equivalent to that class in any statutory instrument revoking or re-enacting that

Order with or without modification) unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason: In the interests of visual amenities.

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

Reason: In the interests of visual amenities.

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

Reason: In the interests of residential amenity.

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

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

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

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

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

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

- 28) The area shown on the submitted layout as vehicle parking and turning space shall be provided, surfaced and drained before the dwellings hereby approved are first occupied or the use commenced and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 29) The development hereby approved shall not be occupied or the approved use commenced until space has been laid out for cycles to be securely sheltered and stored in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

- 30) Prior to the occupation of any dwelling hereby permitted or the commencement of the use hereby permitted, a Travel Plan shall be prepared, submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall then be implemented in accordance with the approved framework and shall remain in force for the duration of the approved use. There shall be an annual review of the Travel Plan (for a minimum of 5 years) from the date of approval of the plan to monitor progress in meeting the targets for reducing car journeys.

Reason: To ensure the development accords with the measures set out in the travel plan, and in the interests of sustainable development and promoting public transport, walking and cycle visits.

- 31) Before any work is commenced on site, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan will detail the allocation of the parking spaces for

individual residential and non-residential units, the control and enforcement measures to be used to manage the parking on site, and it shall be implemented in accordance with the approved framework and shall remain in force for the duration of the approved use.

Reason: In the interests highway safety and amenity, and of sustainable development and promoting public transport, walking and cycle visits.

- 32) The development hereby approved shall not commence until details have been submitted to and approved in writing by the Local Planning Authority demonstrating how the development will meet the principles of 'Secure by Design'. The development shall then be completed strictly in accordance with the approved details.

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

- 33) Within 3 months of construction commencing an ecological enhancement and management plan shall be submitted for written approval by the Local Planning Authority. The plan must include the following:
- Details of the enhancements to be incorporated
 - Location of the enhancements
 - How they will be managed for the lifetime of the development.

The plan will be implemented as detailed within the approved plan.

Reason: In order to ensure that the development provides for a net gain in biodiversity.

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

Reason: In the interests of residential amenity.

INFORMATIVES

- 1) A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".
- 2) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

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

In this instance:

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

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

