

2.4 REFERENCE NO - 19/504649/FULL		
APPLICATION PROPOSAL		
Minor material amendment to condition 2 of application 14/505440/FULL (proposed mixed use development - on six parcels of land - of 212 residential apartments (use class C3), 3158 sq m of retail space (use class A1), A 308 space multi storey car park, 1713 sq.m cinema (use class D2), 2320 sq.m ground floor restaurant units (use class A3), first floor D2 use and the re-alignment of St Michael's road with amendments to the road network and the creation of a new public square in Sittingbourne Town Centre, in front of the railway station). The changes sought relate to site 4, incorporating amendments to the design of Block A (including façade amendments to the Station Road elevation, a reduced height to Block A overall, reconfiguration of Block A ground floor to create 6 restaurant units (with increase in restaurant space within Block A from 1787sqm to 1865 sqm), and provision of additional outdoor seating areas to Block A.		
ADDRESS Spirit Of Sittingbourne Regeneration Site Site 4 - Block A - Cinema St Michaels Road Sittingbourne Kent ME10 3DU		
RECOMMENDATION – Grant subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL		
The proposed amendments sought would not significantly depart from the approved scheme and do not result in unacceptable visual or layout impacts, and can be considered as a Minor Material Amendment to the approved scheme.		
REASON FOR REFERRAL TO COMMITTEE		
The development would take place on land owned by Swale Borough Council as part of a development partnership with the Spirit of Sittingbourne.		
WARD Chalkwell	PARISH/TOWN COUNCIL	APPLICANT U + I AGENT The Harris Partnership
DECISION DUE DATE 18/12/19	PUBLICITY EXPIRY DATE 24/10/19	

Planning History

14/505440/FULL - Proposed mixed use development - on six parcels of land - of 212 residential apartments (use class C3), 3158 sq m of retail space (use class A1), A 308 space multi storey car park, 1713 sq.m cinema (use class D2), 2320 sq.m ground floor restaurant units (use class A3), first floor D2 use and the re-alignment of St Michael's road with amendments to the road network and the creation of a new public square in Sittingbourne Town Centre, in front of the railway station. Approved. Decision Date: 24.05.2017

16/505982/FULL - Erection of two detached buildings comprising (i) two retail units and (ii) an a3/a5 drive thru restaurant, and associated parking (alternative development to site 6 under application 14/505440/FULL. Approved. Decision Date: 24.05.2017

16/506081/FULL - Detached four storey building comprising ground floor restaurant space (use class A3) and 63 bedroom hotel (Alternative development to site 4, Block B under application 14/505440/FULL). Approved. Decision Date: 24.05.2017

17/504786/NMAMD - Non Material Amendment (to 14/505440/FULL) Being Alterations to Layout of Proposed Bus Stop Overlapping Sites 4 and 5 on St Michaels Road, Including Kerb Layout, White Lining and Footpaths (including the path to the west of the multi-storey car park). Approved. Decision Date: 25.10.2017

19/501864/NMAMD - Non-material amendment for planning permission 14/505440/FULL - Provision of external seating to Hotel Ground Floor restaurant Unit 8 to the west elevation facing the Cinema building. Introduction of Glazed Bi-Fold doors to replace existing fixed curtain wall glazing to the west elevation facing the Cinema building. Enlarged vertical riser duct to the south elevation of the Hotel facing the existing car park, to accommodate the Unit

8 restaurant extract ductwork. Introduction of top-hung, restricted-opening windows to the Hotel bedrooms to comply with ventilation requirements. Approved. Decision Date: 12.06.2019

1.0 DESCRIPTION OF SITE

1.01 Members will be well aware of the “Spirit of Sittingbourne” development proposals which span across six sites in the town centre and which benefit from planning permission under 14/505440/FULL. The decision notice is appended. The approved scheme can be briefly described as follows –

- Site 1 - residential development at Cockleshell Walk car park (62 flats).
- Site 2 – residential development at Spring Street car park (88 flats).
- Site 3 – residential development of commercial site at Fountain Street / Dover Street / Milton Road (65 flats).
- Site 4 – A Leisure development consisting of a hotel, cinema and restaurants on land forming part of the Forum car park and at Station Street / St Michaels Road.
- Site 5 – A multi storey car park on St Michaels Road.
- Site 6 – A retail park at the former depot site on Eurolink Way.

1.02 Development of sites 1-3 has not started, though work on the associated highway works is on-going. Development on sites 5 and 6 has been completed. This application is specific to site 4 – the “Leisure site”. The site is currently under construction, and consists of two large buildings housing the uses referred to above, both nearing external completion, a public square and thoroughfare to better connect the train station and the town centre.

1.03 The site is surrounded by the Forum to the east, the train station to the north, Sittingbourne High Street to the south and Station Street to the west. It lies approximately 45 metres north of the Sittingbourne Conservation Area. The site falls within the defined town centre boundary and regeneration area for Sittingbourne as set out in the Local Plan.

2.0 PROPOSAL

2.01 This application seeks to make a number of amendments to the approved plans for site 4, the main changes being as follows-

- Alterations to the height of the Block A building (cinema and restaurant), which results in a reduction, compared to the approved scheme, of between 0.8m and 2.2m in height.
- Removal of a stepped facade on the upper floor of part of the rear elevation to Block A. This would be replaced with a vertical elevation following the footprint of the building.
- An increase in the overall quantum of restaurant space available on the ground floor of Block A, from 1787 sqm to 1865 sqm. This increase is achieved primarily through the re-organisation of internal space by reducing the ground floor floor-space within the cinema unit and re-allocating it to the restaurant uses. Other adjustments to the footprint of the building also contribute to this (for example, a small extension to proposed unit 5, where the building line now tapers on the front elevation rather than the set back originally shown).
- Addition of an additional restaurant shopfront, to create 6 restaurant units in total within Block A.
- An extension to the “projection level” of the cinema which results in a small part of the façade on the front elevation being pulled forward.
- Aesthetic changes to the front and rear elevations of Block A, including a tapered building line to restaurant unit 6, removal of the partial brick entrance to the

cinema, the extension of upper floor glazing across to the cinema entrance to the building, and minor alterations to the ground floor door and window arrangements (the back of the restaurants / escape routes from the building) on the Station Street elevation.

- Creation of outdoor seating areas to the restaurant areas.

3.0 PLANNING CONSTRAINTS

- 3.01 Within built up area of Sittingbourne
 Within Sittingbourne Town Centre boundary
 Within the designated Sittingbourne regeneration area
 The development is sited around 45 metres to the north of the Sittingbourne Conservation Area
 The development is sited approximately 160m from the Grade II listed Holy Trinity Church

4.0 POLICY AND CONSIDERATIONS

The National Planning Policy Framework (NPPF)

- 4.01 The NPPF has, at its core, a presumption in favour of sustainable development (Para 7) and it defines three dimensions to this term (Para8):
- *“An economic objective – to help build a strong, responsive and competitive economy...”*
 - *A social objective – to support strong, vibrant and healthy communities...; and*
 - *An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment.”*
- 4.02 Paragraph 80 states that significant weight should be placed on the need to support economic growth and paragraph 81 states that local plans should set out clear a vision and strategy for economic growth and regeneration.
- 4.03 Paragraph 85 seeks to promote the growth and management of town centres, including –
- Defining a hierarchy of town centres, supporting their viability and vitality, and allowing growth that can respond to rapid changes in retail and leisure industries.
 - Defining the extent of town centres and making clear which uses will be allowed in such locations
 - Meeting anticipated needs and reviewing boundaries
 - Allocation of a range of sites to meet the scale and type of uses needed in town centres
- 4.04 Promoting healthy and safe communities, social interaction, high quality safe and accessible public space and layouts (para 91)
- 4.05 Promoting sustainable transport, with priority given to pedestrians and cyclists and facilitating access to high quality public transport (Paragraph 110) .
- 4.06 Achieving high quality buildings and places, to ensure that developments function well and add to the quality of an area, are visually attractive and establish a sense of place. (paragraph 127)

National Planning Practice Guidance

- 4.07 The ability for an applicant to make a minor material amendment (MMA) to an approved scheme is set out in the NPPG – Flexible Options for Planning Permissions. The guidance states that there is no statutory definition of an MMA, but that *“it is likely*

to include any amendment where its scale and / or nature results in a development which is not substantially different from the one which has been approved". The effect of granting an application under this process is the issue of a new planning permission, sitting alongside the original permission which remains intact and un-amended.

Bearing Fruits 2031 – The adopted Swale Borough Local Plan

4.08 The main relevant policy is Regen 1, which is highly relevant to this site and set out in full below

4.09 *A regeneration area for central Sittingbourne, including its town centre, is shown on the Proposals Map. Within this area proposals which support the objective of consolidating and expanding Sittingbourne's position as the main retail, business, cultural, community and civic centre for the Borough, will be permitted.*

A. Development within the area will proceed in accordance with, or complement, a Masterplan to be prepared to support the development agreement between the regeneration partners and will accord with the key objectives of:

- 1. Providing additional comparison retail space and uses which provide greater vitality, viability, diversity and activity;*
- 2. Supporting the creation of a station square and bus train interchange with associated improvements to the station itself;*
- 3. Providing for a cinema and performance venue within the town centre area identified in Policy DM 2;*
- 4. Providing for a redeveloped and enhanced civic quarter focused on Central Avenue, Roman Square and Avenue of Remembrance to include civic offices and services, health centre, housing and further education facilities;*
- 5. Reducing the visual dominance of St Michael's Road through traffic calming and environmental enhancement;*
- 6. Providing for suitable car parking that will support existing and new uses and be in accordance with an overall parking strategy for the centre;*
- 7. An integrated landscape strategy for the area as a whole that secures improvements in the public realm, green spaces and the pedestrian environment. Proposals will implement a green grid structure with street tree planting in key streets;*
- 8. A Health Impact Assessment to enable an integrated approach to be adopted across the regeneration area in accordance with Policy CP 5; and*
- 9. Redeveloping sites predominantly for housing in the eastern and western gateways to the regeneration area, especially at Cockleshell Walk, Fountain Street, West Street, Dover Street, Bell Road and East Street, as identified by the Strategic Housing Land Availability Assessment, or at other suitable sites which are in accordance with Policy CP 3.*

B All development proposals will:

- 1. Accord with Policies DM 1 and DM 2 to maintain and enhance the retail offer of the primary shopping areas, whilst introducing uses there and elsewhere within the town centre which achieve greater vitality, viability and diversity of services and facilities, alongside buildings of architectural excellence. Where town centre vitality and viability is not harmed, other sites able to achieve similar objectives will be permitted within the regeneration area defined by this policy;*
- 2. Maintain or enhance key non-retail uses which underpin the retail and community functions of the town centre for both day and night time economy;*
- 3. Provide for residential development of suitable type and scale above commercial*

- premises, or as part of mixed use developments, or on other suitable sites;*
4. *Maintain and increase office floorspace provision above commercial premises within the town centre area, or where sites are not available, within the regeneration area;*
 5. *Redevelop visually poor areas with buildings of innovative and sensitive design to create new and improved townscape areas, which are of sustainable design and construction in accordance with Policy DM 19;*
 6. *Retain, enhance and create new open spaces and green spaces which should include tree planting (including street trees);*
 7. *Provide public spaces, squares and public art, alongside improved lighting and street furniture;*
 8. *Improve north south links to facilities north of the railway and Eurolink Way via Milton Road and Crown Quay Lane;*
 9. *Ensure that, through both on and off site measures, any significant adverse impacts on European sites through recreational pressure will be mitigated in accordance with Policies CP 7 and DM28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy; and*
 10. *Provide infrastructure needs arising from the development, including those matters identified by the Local Plan Implementation and Delivery Schedule, in particular those relating to transport, libraries and health.*
- 4.10 Policy **ST3** sets out the role of Sittingbourne as the primary urban focus for growth and for development to support town centre regeneration.
- 4.11 Policy **ST5** sets out a strategy specific to the Sittingbourne area. Criteria 2 seeks to ensure the vitality of the town centre. This includes -
- Enhancing retail offer and attractiveness to secure local spending and jobs, provide improved spaces, better north-south links and buildings of architectural excellence.
 - Providing a wider range of services and facilities
 - Enhancing local character and the built environment
 - Adding to the mix of uses in the town centre
- 4.12 Policy **CP1** seeks to build a strong, competitive economy in the Borough, including safeguarding / widening sustainable tourism potential.
- 4.13 Policy **CP4** requires all developments to be of high quality design and appropriate to their surroundings.
- 4.14 The following policies are also relevant to the wider scheme: ST1 (delivering sustainable development in Swale), ST4 (meeting development targets), CP2 (promoting sustainable transport), CP5 (health and wellbeing), DM1 (vitality of town centres), DM2 (town centre uses), DM6 (managing transport demand), DM7 (vehicle parking), DM14 (general development criteria), DM17 (open space), DM19 (sustainable design and construction), DM20 (renewable and low carbon energy), and DM21 (water, flooding and drainage).

Supplementary Planning Documents

- 4.15 The Sittingbourne Town Centre and Milton Creek SPD was adopted in 2010 and sets out a masterplan for the regeneration of the town centre and Milton creek area. The SPD involved major expansion of the town centre towards the railway line and over it, including a bridge connection. Such proposals for the town centre have largely not materialised to date.

- 4.16 As set out above, the adopted local plan policy (Regen 1) sets out a revised approach for the development of the Town centre, based on latest evidence and likelihood of implementation, and this has resulted in proposals for a smaller scale form of regeneration.

5.0 LOCAL REPRESENTATIONS

- 5.01 Two site notices have been displayed near the site, a local advertisement has been placed, and letters sent to surrounding properties.
- 5.02 No representations have been received to date following this process.

6.0 CONSULTATIONS

- 6.01 KCC Highways – Raise no objection
- 6.02 SBC Conservation Officer – No specific comments to make
- 6.03 SBC Principal Urban Design and Landscape Officer – States that the overall reduction in building height is positive, and that the removal of the stepped upper floor provides a cleaner line with less areas for pigeon nesting and rubbish / dirt collection. Advises that the 2.7m wide footway would be the minimum for expected pedestrian flows, particularly when the cinema discharges. Considers the proposed changes to be acceptable.
- 6.04 SBC Environmental Protection Team Leader – comments that the application does not raise any Environmental Health issues.
- 6.05 Historic England – do not wish to comment on the application.
- 6.06 Kent Police – Raise no objection, subject to incorporation of crime prevention measures within the scheme, including suitable lighting, CCTV, measures for fixing or storage of outdoor/street furniture, use of barriers / planters to define and provide security to outdoor seating areas.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 The application includes a set of plans to demonstrate the proposed changes, a Design and Access statement which explains the key differences between the approved scheme and the current application, and a daylight / sunlight assessment addendum to explain the different impacts forecast on surrounding properties.

8.0 APPRAISAL

- 8.01 The Planning Committee will note that development of this site for a cinema / restaurants / hotel / public square has already been approved by the grant of planning permission 14/505440/FULL (and subsequently 16/506081/FULL for the hotel scheme). This application has been made under S73 of the Planning Act (1990) to make minor material amendments to the approved scheme. The key issues for consideration relate to the acceptability of the specific changes sought in planning terms, and whether such changes fall within the parameters of being a Minor Material Amendment. Members are advised to concentrate on these specific changes, and

should note that this application cannot be used to re-visit the principle of the development or the terms of the planning permission as granted.

- 8.02 The changes sought are specific to Block A (The cinema and restaurant building) and its immediate environs, and therefore the amendments sought relate to planning permission 14/505440/FULL. The hotel scheme (known as Block B) is being constructed under the terms of planning permission 16/506081/FULL.
- The proposed main changes and planning impacts
- 8.03 The revised scheme results in a reduction in the overall height of the Block A building, from a maximum of 18.6m to 16.6m. The effect of this (taking into account the land level changes and variations in height of Block A) is that the building would be between 0.8m and 2m lower in height than as approved.
- 8.04 The proposed revision to the design on the rear (Station Street) elevation of Block A would remove the approved step-back on the upper level on a small part of the building, and replace it with a vertical elevation following the line of the lower part of the building. This alteration affects part of the building visible on the one-way approach from Dover Street. In my opinion, the step-back as approved had some architectural merit, helping to reduce the massing of the upper section of this part of the building whilst adding some architectural interest. However, I also accept that the revision could be seen as providing a cleaner line to the building, as advised by my Principal Urban Design and Landscape Officer. Overall, I consider that, at worst, there would be a slightly greater mass and a reduction in architectural detailing on a small part of the building by accepting these changes. However this would be at least partially offset by the overall reduction in the building height described in the paragraph above, and the revised design would follow the vertical elevations evident elsewhere on the building. In my opinion, this would not unacceptably change the design approach to the building as whole, and the overall reduction in the height of Block A would respond positively to the generally smaller scale surrounding buildings.
- 8.05 The amendments to the restaurant and cinema entrances, and to glazing and door designs on the front and rear facing elevations of the building are, in my opinion, minor alterations that do not materially alter the design concept or appearance of the scheme, and are acceptable. Likewise the extension to the projection level is modest, faces the hotel scheme and car park and would not, in my opinion, materially affect the design approach for the building.
- 8.06 The amended design and layout would facilitate 6 x restaurant units within the cinema building and the resulting reorganisation of internal space and minor footprint changes as proposed would result in a further 78sqm of restaurant floor space being created. This would represent an increase of around 4% in the overall floor space quantum allocated for restaurant use within the scheme. I do not consider this would cause any materially greater impacts than the approved scheme.
- 8.07 The alterations to the rear of the building have created a slightly different relationship with surrounding properties, specifically those on Station Street in relation to the change to the upper elevations of the building and overall height. In this respect, the applicant has submitted an addendum to the Daylight and Sunlight assessment originally undertaken under 14/505440. This addendum concludes that the revised scheme would facilitate greater levels of daylight to those properties on Station Street, when compared to the approved scheme, and that the levels of sunlight to these properties would accord with Building Research Establishment guidelines (which are commonly used to assess daylight and sunlight impacts). This is essentially due to the lower height of the building now proposed. As a result, I consider that the development would not result in unacceptable living conditions for surrounding

properties, and that it may well improve conditions compared to the previously approved scheme as set out above. On this basis I consider the amenity impacts to be acceptable under policy DM14 of the Local Plan.

- 8.08 The scheme proposes to create outdoor seating areas to the restaurant units. These would all be at the front of the building within the public realm area. The seating areas would generally be limited to a depth of 2 metres (other than unit 1). In my opinion, the use and human activity of these seating areas would have the ability to add to the vibrancy and vitality of the development, particularly during summer months. I note that no objection is raised by the Environmental Protection Team Leader to the provision of external seating areas, and that these all face into the development and are screened from the closest residential properties on Station Street by the Block A building. As such I do not consider that they would be likely to cause any unacceptable amenity impacts.
- 8.09 The areas to units 1-3 would face either across the proposed public square or towards the hotel building and would not generally cause any conflict with pedestrians using the public walkway through the wider site and square, and as a route between the town and train station. The gap between the building and the site boundary (marked by the Forum car park) narrows to the south. In this location, the provision of outdoor seating areas would reduce the pedestrian walkway through the site to 2.735m. Whilst I consider this to be of borderline acceptability, I note that no objections have been raised by consultees in this respect (KCC Highways, Kent Police, SBC Principal Urban Design and Landscape Officer), and consider this to be acceptable on balance.
- 8.10 In my opinion, the scheme, as amended, would comply with Policy Regen 1 of the Local Plan insofar that it would continue to facilitate the delivery of a cinema and restaurant venue, bring improvements to the public realm and create better connections between the train station and town. I do not consider that the amendments to the design of the development, as set out above, would be harmful or would reduce the quality of the development when compared to the approved scheme. Nor do I consider that it would raise any significant amenity impacts to the surrounding area. Overall I am satisfied that the development would be in accordance with the development plan and would deliver a quality development.

Whether such changes can be accepted as being “Minor Material Amendments”

- 8.11 Taking into account the advice in the National Planning Policy Guidance, I am satisfied that the proposed amendments would not result in a substantially different scheme to the one approved under 14/505440/FULL, and that these can be accepted as minor material amendments to this development.

The effect of granting planning permission

- 8.12 When an application under S73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission which remains intact and un-amended. For clarity, the new permission should repeat relevant conditions from the original planning permission – and Members will note the conditions below do this. However as a number of details relating to pre-commencement conditions have already been approved by the Council in relation to the original permission, I propose to include an informative (1) to advise that these do not need to be re-submitted.
- 8.13 I have also noted that there are two conflicting conditions (34 and 46) on the existing planning permission, relating to the use of the cinema building. Condition 34 allows for

a wider use within Class D2 of the Use Classes Order whereas condition 46 seeks to restrict such use to a cinema only. Given that the application was considered on the basis that the building would be occupied by a cinema operator, I have removed condition 34 and retained condition 46, so that any other uses within Class D2 (in the event that the cinema operation may cease in the future) would be subject to consideration under a planning application.

- 8.14 Members should also note that a S106 agreement secured various planning obligations as part of the original planning permission. These obligations need to be tied to this current application, if granted. It would appear from the terms of the existing S106 Agreement that it will automatically carry through to this application without the need for a further S106 Agreement to do this. I am seeking legal advice on this matter and will update Members at the Committee meeting.

9.0 CONCLUSION

- 9.01 I am satisfied that the proposals meet the relevant criteria to be considered as a minor material amendment to the approved scheme. I am also satisfied that the revisions sought are acceptable and accord with the development plan, subject to the conditions as set out below.

10.0 RECOMMENDATION

GRANT Subject to the following conditions

- (1) The development hereby approved shall be carried out in accordance with the following approved drawings:

General: 15090_100 C (Masterplan), _101; 14.35.100 P0; and 15035-SK161209.1.

Site 1 15090_304 H, _300 C, _301 B, _302 B, _303 B, _304 H, 305 B, _306 B.

Site 2 15090_314 G, _307 D, _308 B, _309 B, _310 B, _311 B, _312 B, _313 B, _314 E, _315 A, _316 B.

Site 3 15090_322 L, _323 F, _324 F, _317 E, _318 E, _319 E, _320 F, _321 D.

Site 4 13003B_101 M, _102 J, _103 J, _104, _105 B, _106 K, _108 D, _110 Y, 13003-(00)-50B, V-105B, 15090_6000 E, _6001 D, _6004 E, _6008 B

Site 5 PL300 - Rev 2, PL301 - D01, PL302 - D01, 13002 C102 - Rev G, -106 Rev A, -107 Rev A. 15090_6002 E, _6004 D, and Materials Key - D02 (cladding detail and RAL numbers)

Site 6 13003A_103 Rev C, -104 Rev E, _V105 Rev A, _V106 Rev E; 15090_6003 D,

Reasons: In the interests of proper planning and for the avoidance of doubt.

Pre Commencement:

- (2) No development shall take place until a Construction and Environmental 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. This shall include details relating to:

- (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;
- (ii) The loading and unloading and storage of plant and materials on site;
- (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (iv) The control and suppression of noise including arrangements to monitor dust emissions from the development site during the construction phase;
- (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
- (vi) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
- (vii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site;
- (viii) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking; and
- (ix) The timing of the proposed works to the public highway that will directly affect traffic movements and/or require traffic management measures, which shall be programmed such that no works take place during the month of December and the first week of January and over the Easter long weekend.

Reasons: To ensure the development does not prejudice conditions of residential amenity and highway safety and convenience through adverse levels of noise and disturbance during construction.

- (3) No development shall take place on each site until full details of the method of disposal of foul and surface waters - to be drained using SUDS systems unless demonstrated not to be feasible, and to ensure that there is no surface water drainage on to the public highway - have been submitted to and approved by the Local Planning Authority for that site. The approved details shall then be implemented before the first use of the development hereby permitted on that site.

Reasons: In order to prevent pollution of water supplies, in the interests of sustainable drainage, and to ensure that surface water does not discharge on to the public highway.

- (4) Notwithstanding the proposed phasing as set out on Phasing Plan V2, a phasing plan for the delivery of the six sites and the associated highway works shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. The development shall then be implemented strictly in accordance with the approved phasing scheme.

Reason: In the interests of ensuring that the development is carried out in a co-ordinated manner.

- (5) No development shall take place on any of the six sites, 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 for the particular site which has been submitted to and approved in writing by the Local Planning Authority.

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

- (6) No development shall take place on a particular site until full details of both hard and soft landscape works for that particular site 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 (which shall include indigenous and berry bearing species), noting species, plant sizes and numbers where appropriate, size of tree pits, measures to prevent tree vandalism, trellis / wiring system for climbing plants on the multi-storey car park, means of enclosure, hard surfacing materials, and an implementation programme.

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

- (7) Notwithstanding the details set out in the 'Ecological Enhancement Proposals (February 2015)' draft document, full details of proposed ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority for each site before development is commenced. The agreed measures shall then be implemented in full for that site before it is first used / occupied. The agreed measures shall be retained in perpetuity.

Reason: In the interests of protecting and enhancing biodiversity.

- (8) No development shall take place until details of the lighting columns, the type and luminance of the lighting units with glare shields and details of lux levels both inside and outside the site have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in full accordance with the approved details.

Reasons: In the interests of residential amenity and minimising disturbance to bats.

- (9) No development on Sites 1, 2 or 3 shall commence until such time as a minimum of 55 temporary car parking spaces have been provided and are available for public use on Site 6. This provision shall be in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority, and shall be retained until such time as the multi-storey car park on Site 4 is completed and open to the general public.

Reason: In the interests of ensuring that sufficient public car parking provision is available in Sittingbourne.

- (10) No development on Site 4 shall commence, until any necessary Traffic Regulation Orders to allow two-way traffic movements on Station Street, to the south of Site 4, and the High Street and West Street, to the south-west of Site 4 have been made and any highway works required as a consequence have been fully implemented.

Reasons: In the interests of highway safety.

- (11) No development shall be commenced on Sites 4 or 5 until a detailed scheme setting out full details of the raised platform and metal enclosing feature to the north-east corner of the public square, paving, street lighting, bins, seating and signage for those sites has been submitted and approved in writing by the Local Planning Authority, and

the construction on those particular site shall then be implemented in accordance with the approved details.

Reasons: In the interests of visual amenity.

- (12) Prior to the commencement of development on Sites 1, 2, 3 or 4, details of the external finishing materials to be used on that particular site shall be submitted to and approved in writing by the Local Planning Authority and the construction on that particular site shall then be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- (13) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
All previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To protect groundwater which is highly vulnerable at this site due to the Principle Aquifer and being situated within a source protection zone 1. There is also a requirement to comply with the NPPF, paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing

both

new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

- (14) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: To protect groundwater and comply with NPPF.

- (15) No development shall take place until a programme for the suppression of dust during the demolition of existing buildings and construction of the development has been submitted to and approved by the Local Planning Authority. The measures shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Reasons: In the interests of residential amenity.

- (16) No development shall take place on the sites for which noise mitigation is required (namely Sites 1,2, 3 and 4) until a noise mitigation scheme of measures has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be incorporated in the development and retained in perpetuity.

Reason: In the interests of ensuring that unacceptable noise impacts do not result from the development.

- (17) Adequate precautions - in accordance with a scheme of measures that shall first have been submitted to, and approved in writing by, the Local Planning Authority - shall be taken during the period of demolition and construction to prevent the deposit of mud and/or other debris on the public highway.

Reason: In the interests of highway safety and convenience.

- (18) No development shall take place until a tree protection plan and arboricultural method statement in accordance with the recommendations of BS 5837:2012 have been submitted to and approved in writing by the local planning authority. The method statement shall detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and shall take account of site access, demolition and construction activities, foundations, service runs and level changes. It shall also detail any tree works necessary to implement the approved scheme.

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

- (19) Notwithstanding the information set out in the 'Sustainability Report' and the 'Energy Statement', details of the package of on-site renewable energy generating measures to be incorporated in the development and the other sustainable design and construction measures proposed for the development hereby approved shall be submitted to and approved by the Local Planning Authority before any part of the development is commenced. And the agreed measures shall be fully implemented for each of the buildings before the particular building is first used. The installed measures shall then be retained in perpetuity.

Reason: In the interests of maximising the use of on-site renewable energy and sustainable development.

- (20) Details of the proposed refuse and recycling storage arrangements for each of the buildings hereby approved shall be submitted to and approved by the Local Planning Authority before the development is commenced, and the agreed provision shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reasons: In the interests of visual and residential amenity and to encourage recycling.

- (21) Details in the form of cross-sectional drawings showing the existing Ordnance Survey Datum heights through each of the six sites (or such other information as may be agreed to by the Local Planning Authority) and of the proposed site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development on each of the six sites shall be completed strictly in accordance with the approved levels.

Reasons: In order to secure a satisfactory form of development having regard to the sloping nature of the sites

- (22) During construction provision shall be made on each of the sites, to the satisfaction of the Local Planning Authority, to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Reasons: In the interests of highway safety and residential amenity.

- (23) Prior to any of the works commencing, details of parking for site personnel / operatives / visitors, on each of the sites, shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Reasons: In the interests of highway safety.

- (24) The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture for each site shall be laid out and constructed in accordance with details that shall first have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and public amenity.

- (25) Prior to first residential occupation of Site 1 (shown on drawing number 15090_304 H)), the pedestrian - cycle link from St Michael's Road to Laburnum Place, between the two development blocks on Site 1, shall be provided in accordance with full details that shall first have been agreed in writing by the Local Planning Authority.

Reason: In the interests of encouraging sustainable transport.

- (26) None of the developments hereby approved shall be first occupied until details of covered cycle parking for that site have been submitted to and approved in writing by the Local Planning Authority. The space and the shelters shall then be retained for the purpose of cycle parking in perpetuity.

Reason: In the interests of encouraging the use of non-car modes of travel.

Post Commencement:

- (27) The retail floorspace hereby approved on Site 6 shall not be sub-divided into more than four individual retail units. Each individual retail unit shall be a minimum of 510 square metres gross floorspace.

Reasons: In order to protect the vitality and viability of Sittingbourne town centre and other centres.

- (28) The development on Sites 5 and 6 shall be finished using facing materials as specified on the relevant drawings hereby approved and, for Site 5, the Materials Key - D02 (cladding detail and RAL numbers) .

Reason: In the interest of visual amenity.

- (29) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: The site is located in a highly sensitive location with regards to groundwater in that it is underlain by a principal aquifer and located in Source Protection Zone 1. To ensure any possible land contamination related to historic site activities is addressed in line with current planning guidance on sustainable development.

- (30) No mechanical ventilation, filtration equipment, air conditioning, heating, ventilation or refrigeration equipment shall be installed on the buildings hereby approved on Site 4 until full details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residential properties.

- (31) No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: The discharge of clean roof water to ground is acceptable within Source Protection Zone 1 provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. The method of discharge must not create new pathways for pollutants to groundwater or mobilise contaminants already in the ground.

- (32) 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.

Reasons: Unless appropriate managed piling on land affected by contamination may introduce pathways by which contamination can penetrate and pollute the aquifer.

- (33) 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 0730 - 1900 hours, Saturdays 0730 - 1300 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.

- (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.

- (35) The use of the restaurants (both within Block A and Block B) hereby permitted shall be restricted to the hours of 0700 to 2400 on any day.

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

- (36) The use of the retail units, on Site 6, hereby permitted shall be restricted to the hours of 7 am to 11pm on weekdays and Saturdays, and 1000 to 1700 on Sundays.

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

- (37) All hard and soft landscape works shall be carried out in accordance with the approved details. The works approved for each site shall be carried out prior to the first beneficial occupation of any part of the development on that particular site 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.

- (38) Upon completion of the approved landscaping scheme for each site (and the street tree scheme for St Michael's Road), any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within ten 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 the next planting season, unless otherwise agreed.

Reason: In the interests of the visual amenities of the area, and in recognition of the important role of tree and shrub planting in this development.

- (39) The trees shown on the plans hereby approved as "existing trees to be retained" shall be retained and maintained. Any trees removed, dying, being severely damaged or becoming seriously diseased within ten 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.

- (40) The multi-storey car park (MCP) hereby approved shall not be first used until a scheme of street tree planting for St Michael's Road - on the section between the MSCP and the junction with Crown Quay Lane - has been submitted to and approved in writing by the Local Planning Authority and the agreed tree planting has been completed.

Reason: In the interests of visual amenity.

- (41) The area shown on the submitted plans as car parking and turning space, on each of the six sites, 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; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

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

- (42) Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended) (or an Order revoking or re-enacting that Order) no more than 50% of the retail floorspace hereby approved on Site 6, shall be used for open comparison sales. The remaining retail floorspace shall be used for the sale of the following goods: furniture; carpets and flooring coverings; DIY; gardening and leisure; car and cycle products and accessories; pets and pet accessories; homeware and soft furnishings; home textiles; electrical goods; convenience goods and domestic appliances.

Reason: To protect the viability and vitality of Sittingbourne town centre and other centres.

- (43) The use of the cinema (within Block A on Site 4) hereby permitted shall be restricted to the hours of 0700 to 0300 on any Friday (early Saturday morning) or Saturday (early Sunday morning) and on all other days the cinema shall close at 2400, except on twelve occasions per annum - records of which shall be made available to the Local Planning Authority on request - when the cinema will be permitted to operate until 0300.

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

- (44) Within three months from the date of this permission, a scheme of measures to address Crime Prevention Through Environmental Design (as set out in the letter from Kent Police dated 22nd October 2019) for the development on Site 4 shall be submitted to the Local Planning Authority, and the development on site 4 shall not be occupied until such measures as approved in writing by the Local Planning Authority have been completed on site.

Reason: In the interests of crime prevention and safety.

- (45) The upper floor of the Block A premises on site 4 shall be used for the purpose of a cinema and for no other purpose, including any other purposes in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

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

Informative(s):

- (1) You are advised that the approval of details relating to conditions of planning permission 14/505440/FULL (other than condition 47) that have already been permitted by the Local Planning Authority, will apply equally to this decision notice and do not need to be re-submitted.
- (2) As the construction of the development may affect breeding birds, which are protected under the Wildlife and Countryside Act, all works must either be carried out outside the bird breeding season (March to August inclusive) or in conjunction with an ecologist.
- (3) The applicant should enter into formal agreements with Southern Water in respect of providing the necessary sewerage infrastructure and connection to the water supply in order to service the development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW.
www.southernwater.co.uk.
- (4) Traffic Regulation Orders for converting parts of Station Street and West Street to two-way traffic, revisions to parking bays and proposed banned manoeuvres will need to be concluded before the planning consent can be implemented.
- (5) Stopping-up Orders of various areas of highway have not yet been confirmed and will be essential before the planning permission can be implemented.
- (6) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (7) Planning permission does not convey any approval for construction of works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

- (8) This application is also subject to an agreement under Section 111 of the Local Government Act 1972 and Section 106 of the Town and Country Planning Act.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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.

