

## APPENDIX A

The Spirit Of Sittingbourne LLP  
 C/O Mr Alastair Cracknell  
 Quinn Estates  
 77 Bekesbourne Lane  
 Littlebourne  
 Kent  
 CT3 1UZ



24 May 2017

## PLANNING DECISION NOTICE

APPLICANT:	The Spirit Of Sittingbourne LLP
DEVELOPMENT TYPE:	Large Major Other
APPLICATION REFERENCE:	14/505440/FULL
PROPOSAL:	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.
ADDRESS:	Spirit Of Sittingbourne Regeneration Site Identified On Site Location Plan (drg Number: 14.35.100 Revision PO) Sittingbourne Kent

The Council hereby **GRANTS** planning permission subject to the following Condition(s):

- (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.

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

MKPS – Working in Partnership with: Swale Borough Council  
 Please Note: All planning related correspondence for SBC should be sent to:  
 Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JQ  
 Email: [planningsupport@midkent.gov.uk](mailto:planningsupport@midkent.gov.uk)  
 Access planning services online at: [www.swale.gov.uk](http://www.swale.gov.uk) or submit an application via [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

**APPENDIX A**

- (2) 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.T.

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 H, \_102 E, \_103 F, \_104 C, \_105 B, \_106 E, \_108 D, \_110 F, -111, \_V106A, -V-105B, -(sk)01  
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:

- (3) 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

**APPENDIX A**

(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.

- (4) 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.

- (5) 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.

- (6) 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.

- (7) 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.

**APPENDIX A**

- (8) 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.

- (9) 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.

- (10) 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.

- (11) 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.

- (12) 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.

- (13) 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.

**APPENDIX A**

- (14) 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.

- (15) 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.

- (16) 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

**APPENDIX A**

Reasons: In the interests of residential amenity.

- (17) 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.

- (18) 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.

- (19) 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.

- (20) 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.

- (21) 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.

**APPENDIX A**

- (22) 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

- (23) 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.

- (24) 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.

- (25) 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.

- (26) 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.

- (27) 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.

**APPENDIX A**

## Post Commencement:

- (28) 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.

- (29) 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.

- (30) 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.

- (31) 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.

- (32) 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.

- (33) 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

**APPENDIX A**

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.

- (34) The cinema building (Part of Block A) on Site 4 (shown on drawing 13003B\_110 F) hereby approved shall be used for the purpose of leisure and assembly falling within Use 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 and highway safety and convenience.

- (35) 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.

- (36) 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.

- (37) 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.

- (38) 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.

- (39) 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.

- (40) 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

**APPENDIX A**

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.

- (41) 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.

- (42) 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.

- (43) 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.

- (44) 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.

- (45) 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

**APPENDIX A**

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.

- (46) The premises 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) 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.
- (2) 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](http://www.southernwater.co.uk).
- (3) 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.
- (4) Stopping-up Orders of various areas of highway have not yet been confirmed and will be essential before the planning permission can be implemented.
- (5) 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.
- (6) 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](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- (7) 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.

**APPENDIX A**

The Council's approach to this application:

The Council recognises the advice in paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) and seeks to work with applicants in a positive and proactive manner by offering a pre-application advice service; having a duty planner service; and seeking to find solutions to any obstacles to approval of applications having due regard to the responses to consultation, where it can reasonably be expected that amendments to an application will result in an approval without resulting in a significant change to the nature of the application and the application can then be amended and determined in accordance with statutory timescales.

In this case the application was found to be acceptable, and presented to Members with a recommendation to approve subject to resolution of outstanding issues.



James Freeman  
Head of Planning Services  
Swale Borough Council

**IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES**