

2.10 REFERENCE NO - 19/505038/OUT		
APPLICATION PROPOSAL		
Outline application for the demolition of former Public House and erection of a block of 15 flats (All Matters Reserved).		
ADDRESS The Lion 2 Church Street Milton Regis Sittingbourne ME10 2JY		
RECOMMENDATION Grant subject to conditions and signing of a suitably worded Section 106 Agreement. Authority is also sought to make such amendments to the s106 agreement wording as may reasonably be necessary.		
SUMMARY OF REASONS FOR RECOMMENDATION		
The site is in a sustainable location within the built up area boundary with suitable access to a wide range of services and facilities. The adopted Local Plan directs development towards these areas, and the site will utilise an existing brownfield site. The site is considered to be a non-designated heritage asset, and it has been determined there is no objection to the demolition of the building due to the low quality and significance of the building. The proposal is therefore considered to comply with para 197 of the NPPF, and weight has been given to the re-use of the site and provision of housing including affordable units. Whilst this is an application in outline only, it is considered that the site can accommodate such a development and in a manner that will maintain the character of the local area and would not give rise to an unacceptable impact upon residential amenities.		
REASON FOR REFERRAL TO COMMITTEE		
Amendment to the committee resolution dated 25 th June 2020		
WARD Chalkwell	PARISH/TOWN COUNCIL	APPLICANT Bespoke Development Solutions Ltd AGENT Clay Architecture Ltd
DECISION DUE DATE 02/12/20	PUBLICITY EXPIRY DATE 09/07/20	

1. BACKGROUND

- 1.1 This application was first reported to Planning Committee on 25th June 2020 where Members resolved *“That application 19/505038/OUT be approved subject to conditions (1) to (24) in the report, the imposition of two further conditions one relating to tree preservation and the other the installation of suitable interpretation boards and the imposition of a suitably worded Section 106 Agreement to secure developer contributions as itemised at Paragraph 9.35 to 9.38 of the committee report.”*
- 1.2 The form that this supplementary report will take will be to provide further details in relation to developer contributions following an updated consultation response from KCC Economic Development. I have included the original committee report at Appendix 1, which sets out the description of the site, the proposal, local representations, consultations and the appraisal of the scheme. Therefore I will not repeat these details here.

2. CONSULTATIONS

2.1 **KCC Economic Development** request the following contributions in an updated consultation response (13/08/2020)

- **Primary Education - £831 per applicable flat** (total £9141 towards the expansion of Regis Manor Primary School – based on 11 applicable flats)
- **Secondary Education - £1029 per applicable flat** (total £11,319 towards the expansion of Westlands Secondary School – based on 11 applicable flats)
- Community learning - £16.42 per dwelling (total £246.30 towards additional equipment and classes at Sittingbourne Adult Education Centre)
- Youth Service - £65.50 per dwelling (total £982.50 towards additional equipment and classes at Sittingbourne Adult Education Centre)
- Library Bookstock- £55.45 per new dwelling (total £831.75 towards additional equipment and classes at Sittingbourne Adult Education Centre)
- Social Care - £146.88 per dwelling (total £2,203.20 towards specialist care accommodation within Swale Borough)
- Waste - £237.45 per dwelling (total £3563.10 towards additional capacity at the HWRC & WTS in Sittingbourne)
- A condition regarding high speed fibre optic broadband connection

“Applicable Flats” means: all dwellings except 1 bed of less than 56sqm GIA (gross internal floor area), and any sheltered accommodation.

2.2 **KCC Economic Development** previously provided a request for contributions based on ‘houses’ rather than ‘flats’ for Primary Education and Secondary Education. The original consultation request dated 23/12/2019 and this is set out below;

- *Primary Education - £3324 per applicable dwelling (total £ 36,564.00 towards the expansion of Regis Manor Primary School)*
- *Secondary Education - £4115 per applicable dwelling (total £ 45,265.00 towards the expansion of Westlands Secondary School)*
- *Community learning - £16.42 per dwelling (total £246.30 towards additional equipment and classes at Sittingbourne Adult Education Centre)*
- *Youth Service - £65.50 per dwelling (total £982.50 towards additional equipment and classes at Sittingbourne Adult Education Centre)*
- *Library Bookstock- £55.45 per new dwelling (total £831.75 towards additional equipment and classes at Sittingbourne Adult Education Centre)*
- *Social Care - £146.88 per dwelling (total £2,203.20 towards specialist care accommodation within Swale Borough)*
- *Waste - £237.45 per dwelling (total £3563.10 towards additional capacity at the HWRC & WTS in Sittingbourne)*
- *A condition regarding high speed fibre optic broadband connection*

3. APPRAISAL

3.1 KCC Economic Development have provided a revised consultation response (dated 13/08/2020) which replaces their original response (dated 23/12/2019). The reason for the updated consultation is because they previously provided a request based on ‘houses’ rather than ‘flats’ for the Primary Education and Secondary Education contributions.

3.2 Furthermore KCC Economic Development have provided a ‘total’ financial contribution for Primary Education and Secondary Education based on the submitted indicative floor plans which show 11 of the flats would be ‘applicable flats’. However the application seeks outline consent (with all matters reserved) and therefore the total contribution may

be higher than the total amount outlined in the KCC Economic Development consultation response. As such, the S.106 will seek the ‘per applicable flat/dwelling’ figure for the Primary Education and Secondary Education contributions. The number of applicable flats will be determined at the reserved matters stage.

3.3 Therefore the contributions set out on paragraph 9.35 to 9.38 of the 25th June committee report and within the resolution are updated as follows;

3.4 *Developer Contributions*

Education - £831 per applicable flat (to be determined at the reserved matters stage)
Secondary Education - £1029 per applicable flat (to be determined at the reserved matters stage)

Community Learning - £16.42 per dwelling	Total	£229.88
Youth Service - £65.50 per new dwelling	Total	£917
Library Bookstock- £55.45 per new dwelling	Total	£776.30
Social Care - £146.88 per new dwelling	Total	£2056.32
Waste - £237.54 per new dwelling	Total	£3325.56
SPA Mitigation (SAMMS) – £250.39 per new dwelling	Total	£3505.46
SBC Refuse Bins – £189.64 per flat	Total	£2654.96
SBC Play and Sports contribution– £446 per new dwelling	Total	£6244
Emissions Damage Cost (Air Quality)	Total	£1119
Administration and Monitoring Fee	Total	£5000

Provision of two affordable dwellings (to be affordable rent tenure homes or shared ownership) and one of the units to be built to Part M4(3) standard, and one of the units to be built to M4(2) standard.

Air quality mitigation measures and damage costs (with mitigation measures to be submitted to the Local Planning Authority for approval).

Total Developer Contributions: £25,828.48
(excluding primary and secondary contribution):

Potential Total Developer Contributions £51,868.48
(including primary and secondary contributions for 14 ‘applicable flats’)

3.5 The above developer contributions have been worked out on the basis of a net gain of 14 dwellings as the site is in existing residential use. The level of contributions outlined above therefore differ from the KCC Economic Development consultation request as these have been based on 15 dwellings

3.6 The applicant has agreed to pay these contributions and it is considered that they meet the relevant tests for planning obligations

3.7 It is also considered that a Section 106 Agreement is the best mechanism for addressing the SAMM contribution (of £250.39 per dwelling), the details of which are set out under the subheading ‘The Conservation of Habitats and Species Regulations 2017’.

4. CONCLUSION

- 4.1 As such, I consider that outline planning permission should be granted subject to conditions set out below and the signing of a Section 106 agreement based on the updated contributions above.

5. RECOMMENDATION

GRANT Subject to the following conditions and an appropriately worded Section 106 Agreement (to secure the Heads of Terms as set out at paragraphs 3.4 to 3.7). Authority is also sought to make such amendments to the s106 agreement wording as may reasonably be necessary.

CONDITIONS to include

1. Details relating to the layout, scale and appearance of the proposed building(s), the access thereto and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. The details submitted pursuant to condition (1) above shall show adequate land, reserved for the parking or garaging of cars and cycle parking facilities (in accordance with the currently adopted Kent County Council Vehicle Parking Standards or such other parking standards as shall have been adopted by the Council at the time that the reserved matters application is made) which land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not shall be carried out on such land (other than the erection of a private garage or garages) or in 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.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

5. The details submitted pursuant to condition (1) above shall include 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 (including the retention of the tree identified close to the southern end of the site on the 'Existing Ground Floor Plan', drawing 5226/PL/100), 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 the retention of existing trees within the site and an implementation programme. 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.

6. 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.

7. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water

Reason: To ensure that foul and surface water is adequately disposed of.

8. Development shall not begin in any phase 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 principles contained within the Flood Risk Assessment, Drainage Strategy & Groundwater Protection Report by Alan Baxter Partnership (November 2019) 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 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

9. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control

structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

10. Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Provision of parking and turning facilities for construction and delivery vehicles and site personnel and visitors for the duration of development.
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage

Reason: In the interests of residential amenity and road safety.

11. Details of visibility splays shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall be implemented prior to the use of the site commencing.

Reason: To ensure provision of the visibility splays and in the interests of highway safety

12. Each dwelling shall be provided with 1 electric vehicle charging point (in accordance with details that shall first have been agreed in writing by the Local Planning Authority) and no dwelling shall be occupied until the charging point for that dwelling has been installed.

Reason: To encourage the use of electric vehicles, in the interests of climate change and reducing pollution.

13. 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 170 of the National Planning Policy Framework.

14. The finished floor levels for the habitable residential accommodation shall be no lower than 8.52mAOD, and shall be at first floor level or above.

Reason: To minimise risk of internal flooding.

15. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A site investigation, based on (1) to provide information for a detailed assessment of

the risk to all receptors that may be affected, including those off site

2) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

3) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: To ensure any land contaminated is adequately dealt with.

16. No development beyond the construction of foundations shall take place until details of noise mitigation measures as outlined in the Acoustic Assessment (dated October 2019) have been submitted to and approved in writing by the Local Planning Authority. This shall include details for the construction of non-opening windows with appropriate glazing for living rooms and a suitable and effective ventilation system. The work/measures specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of the amenity of occupiers.

17. The dwelling(s) hereby approved shall be constructed and tested to achieve the following measure:

At least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended); No development shall take place until details of the measures to be undertaken to secure compliance with this condition have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

18. The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

19. Prior to the commencement of any above ground works, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of native planting where possible. The approved details will be implemented and thereafter retained. The provision and installation of enhancements should take place within 6 months of the commencement of works, where appropriate.

Reason: To enhance biodiversity

20. The details submitted pursuant to condition (1) above shall demonstrate how principles relating to minimising the opportunities for crime and anti-social behavior have been incorporated in the layout, landscaping and building design.

Reason: In the interests of minimising the opportunities for crime and anti-social behaviour.

21. The details submitted pursuant to condition (1) above shall show dwellings extending to no more than five storeys in height

Reason: In the interests of complementing the character and appearance of existing development in the vicinity of the site.

22. The details submitted pursuant to condition (1) (for the residential development) above shall include details for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The agreed details shall be laid out at the same time as other services during the construction process.

Reason: To provide high quality digital infrastructure.

23. 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 0800 - 1800 hours, Saturdays 0800 - 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.

24. 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

25. No development shall take place until details of tree protection and arboricultural method statement 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 and erected before any equipment, machinery or materials are brought on to the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the tree protection areas in accordance with this condition and the ground levels within those area shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. The approved details shall be fully implemented prior to the commencement of any development including demolition and retained thereafter until completion of the development.

Reason: These details are provided pre commencement of development to safeguard

existing surrounding trees to be retained and to ensure a satisfactory setting and external appearance to the development

26. Prior to the occupation of the development, a heritage interpretation board or boards about the history/development of the application site and surroundings (in particular the former nearby Paper Mill) shall be provided in accordance with details (which shall include position(s), size(s), board/panel material(s)/design and detailed content, i.e. text and illustrations) which shall first have been submitted to and approved by the Local Planning Authority. This board or these boards shall thereafter be maintained in a suitable condition sufficient to fulfil its/their purpose.

Reason: In the interest of recognising the importance of this part of Sittingbourne in terms of its contribution to the historical development of the town in accordance with priorities 2, 3 and 5 of the adopted Swale Heritage Strategy 2020 - 2032.

INFORMATIVES

Southern Water:

A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Waters New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

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.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 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.

