

PLANNING COMMITTEE – 16 SEPTEMBER 2021**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 20/503665/FULL			
APPLICATION PROPOSAL			
Demolition of existing car/motorbike sales and repair workshop and erection of a building consisting of 20no. residential flats and 1no. retail unit with associated access and parking.			
ADDRESS 86-100 West Street Sittingbourne, Kent ME10 1AS			
RECOMMENDATION Grant subject to conditions and signing of a suitably worded Section 106 Agreement.			
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 development will utilise an existing brownfield site. It is considered that the site can accommodate such a development in a manner that will maintain the character of the local area with the benefit of providing additional housing at a time when the Council cannot demonstrate a five-year housing supply. The size of the dwellings are compliant with National Space Standards and all units provide a good standard of accommodation and external outdoor amenity space. No adverse impacts have been identified for the residential amenities of neighbouring properties, and whilst the proposal includes less than one car parking space per dwelling, given this town centre location, it is not considered to prejudice highway safety or convenience, and is consistent with sustainable development. Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions and relevant s106 agreement, the proposal would be in accordance with the development plan.			
REASON FOR REFERRAL TO COMMITTEE			
Call in by Cllr Ghlin Whelan			
WARD Chalkwell	PARISH/TOWN COUNCIL		APPLICANT Mr Tait AGENT Model Projects Ltd
DECISION DUE DATE 26.08.2021		PUBLICITY EXPIRY DATE 02/09/21	
RELEVANT PLANNING HISTORY			
Ref No.	Decision	Proposal	Determination Date
SW/12/1236	GRTEXP	Advertisement Consent for display of 5 metre high illuminated pole sign and illuminated signs to canopy. Non-illuminated signs to car wash and sales kiosk and non-illuminated freestanding	20.11.2012

		directional and information signs.	
SW/89/0944	APP90	ILLUMINATED FASCIA SIGN	26.07.1989

1. DESCRIPTION OF THE SITE

- 1.1 The subject site occupies a prominent corner position on the northern side of West Street (A2) at the junction with St Michael's Road. The site is broadly rectangular in shape and measures 46 metres from east to west and has an average width of 26 metres. The total curtilage area of the site is approximately 980m².
- 1.2 The main site comprises of a car/motorbike sales and repair workshop but also includes a smaller vacant taxi control office - a single storey building located at the south eastern corner of the site, fronting West Street. The main service building is also single storey, set back from the highway (A2) by approximately 12 metres. There is a large area of hardstanding to the front forecourt which also accommodates an overhead canopy in a general state of disrepair.
- 1.3 Three vehicle access points currently service the site. There are two double crossovers with access from West Street (A2) and one single vehicle crossover is provided to the west of the site accessible from Fredrick Street.
- 1.4 To the rear (north) the site adjoins a row of terraced dwellings fronting Fredrick Street, and a public car park (Cockleshell Walk) accommodating 102 spaces fronting St Michael's Road. The car park has planning permission for the re-development of the site to provide 62 apartments in a four-storey building comprising a mix of one and two bedroom dwellings (Reference 14/505440/FULL dated 24.05.2017, and which forms part of the permission, covering six sites, for the Spirit of Sittingbourne regeneration project). As Members may be aware, the configuration of St Michael's Road in this location has recently been re-designed in accordance with plans approved under 14/505440/FULL. To the east of the site is the one-way system (St Michael's Road) leading to Sittingbourne Town Centre. Directly opposite the site is a mix of commercial premises and the 'Church of the Sacred Heart' which occupies a central location. To the west, leading out of town there is a combination of commercial premises and residential housing.
- 1.5 West Street is mainly characterised as a mixture of residential developments leading into the main High Street shopping area of Sittingbourne. Residential units in the area are typically two-storey terraced houses, three to four storey residential apartment blocks and residential units above shops. The style, appearance and age of the properties vary on the street and surrounding area. Many of the buildings are brickwork with simple pitched roofs, but there is no fixed architectural style.
- 1.6 The site is located within the Town Centre boundary for Sittingbourne.
- 1.7 The site is outside the Area of High Townscape Value, which includes buildings facing the site on the southern side of London Road and on Hawthorn Road, facing the site on the west side. Members will also note that the site is not close to any Conservation Areas or listed buildings, though Holy Trinity Church (Grade II listed) is located just over 100 metres to the north-east of the site.

2. PROPOSAL

- 2.1 The application seeks planning permission for the demolition of the existing car/motorbike sales and repair workshop and the erection of a three and four storey building comprising of 20no. residential flats and 1no. retail unit (Use Class E), including associated vehicle parking and access, refuse and cycle storage provision.
- 2.2 The proposed building is designed over three and four storeys with a flat roof. The development would have a maximum height of 12.3 metres from ground level to the top of the fourth floor. The lift shaft and staircase element add an additional element taking the height to apex 13.75 metres. The main four storey bulk of the development fronts West Street and steps down to three storeys to the rear (north) towards the residential housing of Frederick Street.
- 2.3 The residential accommodation would be located across the four floor levels and would comprise of a housing mix containing 10 x 1 bedroom units, 9 x 2 bedroom units and one 1 x 3 bedroom units with the majority of the units served by private balconies. The floor sizes would vary ranging between 53m² and 77m² for one bedroom apartments, between 65m² and 84m² for two bedroom apartments and 94m² for the three bedroom apartment. All in excess of the requirements as set out within the National Space Standards.
- 2.4 The commercial premises (Use Class E) would be located on the ground floor and would benefit from a separate front and rear access. The commercial space would have a floor area of 77m².
- 2.5 The proposed vehicle point would utilise the existing access on Hawthorn Road and the two existing access points from West Street would be removed. There would be a total of fifteen (15) car parking spaces. The development would provide pedestrian access from the front (West Street) and the western side (Hawthorn Road) and cycle storage is accommodated on the ground floor.

3. SUMMARY INFORMATION

	Existing	Proposed (indicative proposals)	Change (+/-)
Site Area (ha)	0.098ha	0.098ha	None
No. of Storeys	1	3/4	+ 3
Parking Spaces	8	15	+ 7
No. of Residential Units	None	20	+ 20
No. of Affordable Units	None	2	+ 2

4. PLANNING CONSTRAINTS

- 4.1 Potential Archaeological Importance

5. POLICY AND CONSIDERATIONS

- 5.1 National Planning Policy Framework (NPPF) 2021: Paras 8 (Three dimensions of sustainable development); 10, 11, 12 (Presumption in favour of sustainable development);

47 (Determining applications); 60, 63, 65, (Delivering a sufficient supply of homes); 81 (Building a strong, competitive economy); 93 (Promoting healthy and safe communities); 104 (Promoting sustainable transport); 112, 113 (Considering development proposals); 119 (Making effective use of land); 126, 130, 134 (Achieving well-designed places); 152, 153 (Meeting the challenge of climate change, flooding and coastal change); 168, 169 (Planning and flood risk); 174 Conserving and enhancing the natural environment; 180, 182 (Habitats and biodiversity); 185 (Ground conditions and pollution).

5.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017 (adopted): Policy ST 1 Achieving sustainable development in Swale; Policy ST 3 The Swale settlement strategy; Policy ST 5 The Sittingbourne Area Strategy; Policy CP1 Building a strong, competitive economy; Policy CP2 Promoting Sustainable Transport; Policy CP 3 Delivering a wide choice of high quality homes; Policy CP4 Requiring good design; Policy CP7 Conserving and enhancing the natural environment – providing for green infrastructure; Policy Regen 1 Central Sittingbourne. Policy DM 2 Proposals for main town centre uses; Policy DM 6 Managing Transport Demand and Impact; Policy DM 7 Vehicle Parking; Policy DM8 (affordable housing); Policy DM 14 General Development Criteria; Policy DM 19 Sustainable Design and Construction; Policy DM21 (drainage / flooding); DM28 (biodiversity); DM29 (trees and hedges); and DM36 (Area of High Townscape Value).

5.3 Swale Vehicle Parking Standards SPD 2020

This Supplementary Planning Document provides advisory guidance in respect of car parking provision and suggests 1 space per unit in town centre locations. However, notes 1 and 2 of the SPD do advise that lower provision should be considered for areas with good accessibility by sustainable travel modes and where measures such as Controlled Parking Zones are in place, both of which apply in this instance.

5.4 The Council has commenced work on a Local Plan Review and this document was subject to a Borough-wide consultation earlier in 2021. Work on this document is on-going, though as it is an early stage, significant weight cannot be afforded to its policies in the determination of this planning application.

5.5 Developer Contributions SPD.

6. LOCAL REPRESENTATIONS

6.1 A planning notice was advertised in the local press on 03/09/2020 and a site notice was displayed at the site on 17/09/2021.

6.2 Seven letters of representation from six households were received following the public consultation. Comments are summarised below:

- The height is imposing.
- Impact upon residential amenity, specifically overlooking
- Whether there is adequate parking for each flat.
- Even with the controlled issuing of parking permits there are existing parking problems along Frederick Street.
- Development would give rise to increased parking demand.
- There are no yellow lines surrounding the site to restrict parking thus resulting in displacement parking.

- Lack of sufficient turning space within the site giving rise to restricted parking specifically for removals vehicles.
- Proposal requires adequate visibility splays.
- Query regarding the use class of the commercial premises and relevant parking.
- Proposal would obscure advertising hoarding.
- Insufficient cycle parking.
- Practicability of the roof garden and associated health and safety concerns.
- Concern regarding the location of the tree shown in the drive of Fredrick Street.

6.3 **Cllr Ghlin Whelan** raised various concerns regarding the amount of parking, 4 storey height of building, accessibility, separation from public space. The application was called into Planning Committee on these grounds.

6.4 **The Sittingbourne Society:** Initially, the Sittingbourne Society had no objections to the application hoping the provision of affordable housing will help to relieve pressure on greenfield sites on the town's periphery (01.09.2021).

Following receipt of the revised plans the following response was received (03.04.2020):

Our earlier letter said we had no objections to the above planning application. We note however that the subsequent revision of the plans includes a reduction in parking spaces to 15. In our view this is inadequate for 20 dwellings and will exacerbate the problems which already exist for residents in the area. We hope therefore that the Council will refuse permission until adequate parking space has been found for the occupants of the premises.

Officer comments: I note the reduction in one parking space (originally 16) which was necessary to meet the minimum dimensions specified in the parking standards, as requested by KCC Highways. Supplementary Planning Document provides advisory guidance in respect of provision and suggests 1 space per unit in town centre locations though as discussed elsewhere in this report lower provision may be accepted in certain circumstances.

7. CONSULTATIONS

7.1 **Southern Water** raise no objection, subject to conditions regarding foul and surface water sewerage disposal and the public water supply main (15.09.2020, 20/01/2021 & 09.04.2021).

7.2 **Environmental Health Manager** raises no objection (16.09.2020) subject to consultation with the Environment Agency, and conditions regarding air quality mitigation measures, land contamination and remediation works.

7.3 **KCC Highways and Transportation** the scheme was amended to address initial concerns (14/10/2021). Revised plans were submitted and KCC raised no objection to the amended plans (19.01.2021) subject to an amendment to the parking layout and requirements sought by condition. This includes conditions securing the operatives' and construction vehicles loading, off loading and turning on site and associated parking arrangements, disposal of surface water, works to guard against the deposit of mud and similar substances, cycle parking facilities, provision and retention of vehicle parking spaces; access, electric charging points and visibility splays. A further re-consultation was carried out on the revised parking

layout D.PR.0.13 Rev B and KCC confirmed no objections or further comments required (16.04.2021).

7.4 **Environment Agency** raises no objection (18.09.2020 & 15.01.2021) subject to a remediation strategy to deal with the risks associated with contamination of the site in respect of the development; a verification report; no drainage systems other than with written consent of the Local Planning Authority; no piling or other foundation designs using penetrative methods.

7.5 **Natural England** comment (14.09.2020 & 15.04.2021) subject to the appropriate financial contribution being secured (namely £253.83 for each dwelling), Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site on the coastal Special Protection Areas and Ramsar Sites. However, due to the People Over Wind ruling by the Court of Justice of the European Union, Natural England advise that the measures to avoid or reduce the likely harmful effects from the development may need to be formally checked and confirmed via an Appropriate Assessment. It is for the Council to decide whether an Appropriate Assessment is required and Natural England must be consulted.

An Appropriate Assessment has been carried out and Natural England have confirmed they raise no objection, subject to the standard financial contribution.

7.6 **KCC Economic Development** requested contributions (07.09.2020) updated 11/01/2021 & 06.04.2021.

- Primary Education - £1,700 per applicable flat (total £ 17,000 towards a new 2FE Primary School construction to serve North Sittingbourne)
- Primary Land - £506.56 per applicable flat (total £5,572.16 towards a new 2FE Primary School construction to serve North Sittingbourne)
- Secondary Education - £1,294 per applicable flat (total £14,234.00 towards the new Secondary School construction upon land off Quinton Road, NW Sittingbourne policy MU1)
- Secondary Land - £658.93 per applicable flat (total £7248.23 towards the new Secondary school site acquisition upon land off Quinton Road, NW Sittingbourne)
- Community learning - £16.42 per dwelling (total £328.40 towards additional equipment and classes at Sittingbourne Adult Education Centre)
- Youth Service - £65.50 per dwelling (total £1,310 towards additional equipment and resources at Sittingbourne Adult Education Centre)
- Library Bookstock- £55.45 per new dwelling (total £1,109 towards additional services, resources and stock at Sittingbourne Library)
- Social Care - £146.88 per dwelling (total £2,937.60 towards specialist care accommodation within Swale Borough)
- Waste - £183.67 per dwelling (total £3,673.40 towards MRF and additional capacity at the

HWRC & WTS in Sittingbourne)

- A condition regarding high speed fibre optic broadband connection
- All homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)

7.7 **NHS Kent and Medway Clinical Commissioning Group (CCG)** request the following contributions:

General practice – £12304.80 toward refurbishment, reconfiguration and/or extension of Local Road Medical Centre, Milton Regis Medical Partnership, The Meads Medical Practice and/or Grovehurst Surgery.

7.8 **SBC Affordable Housing Manager** raises no objection (02.09.2020) subject to the provision of two affordable flats summarised as follows:

- The development is located within Sittingbourne where Planning Policy DM8 requires 10% of the total number of homes to be delivered as affordable housing with the tenure split as 90% affordable/social rented and 10% as intermediate/shared ownership.
- It is likely to be difficult for the developer to secure a housing association due to the very low number of affordable homes required however, Swale's affordable Housing Manager will assist with this when the time arises.

7.9 **SBC Greenspaces Manager** raises no objection (17/04/2020) subject to a contribution towards local play/fitness facilities.

"We would seek contributions to increase play and formal sport capacity/provision in central Sittingbourne as identified in the current open spaces and Play Strategy 2018-2022. Play £446.00 per dwelling and formal sport £593.00 per dwelling.

7.10 **Kent Police** raise concerns (16.09.2021 & 30.03.2021) to the application for the following reasons and note concern with the lack of parking and parking allocation. Areas of concern also include lack of visibility for residents to see their parked car, lack of access control to vehicle entry of the parking area; lack of secure bike storage; bin storage must be fenced, lit and lockable gate, doorsets and windows must meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+, access control to each floor, use of roof garden for non-residents.

7.11 **KCC Biodiversity Officer** raises no objection (28.01.2021, 28.01.2021, 08.04.2021) subject to a condition to be included requiring the submission of an ecological enhancement plan.

7.12 **Upper & Lower Medway IDB** raises no objection (20.01.2021 & 06.04.2021). The site in question is not within the Lower Medway IDD but is within a catchment of an IDB interest. We will support the recommendations of KCC SuDs team on this matter.

7.13 **Environmental Contract Manager** raises no objection (17.12.2021) and provided the following advice:

We would ask for 1 x 1100ltr bin for refuse and 1 x 1100ltr bin for recycling plus 1 x 140ltr food bin per 5 units regardless of the number of bedrooms, so ideally I would suggest 4 x 1100ltr refuse bins and 4 x 1100 recycling bins plus 4 x 140ltr food bins for the 20 flats on

the West Street development.

Communal properties suffer badly with contamination so I would suggest if at all possible if the developers can factor in 2 separate bin stores, one for refuse and one for recycling.

- 7.14 **KCC Surface Water Drainage** raises no objection subject to safeguarding planning conditions (16.07.2021)
- 7.15 **KCC Archaeology** raises no objection subject to safeguarding planning conditions (17.05.2021)
- 7.16 **Climate Change Officer** raises no objection (01.07.2021)

8. APPRAISAL

Principle of Development

- 8.1 The site is located within the built confines of Sittingbourne which is the main borough Urban Centre. It is identified as the most sustainable location within the settlement hierarchy as set out in Policy ST3 of the Local Plan (2017). The site is an existing brownfield site, identified for housing regeneration as part of the Local Plan Policy Regen 1 Central Sittingbourne: Regeneration Area. In this regard Paragraph 9 stipulates:

“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”

- 8.2 As such, the principle of residential housing in this location is considered acceptable. Furthermore, the site is in an appropriate and sustainable location with good access to local facilities, transport links and schools, where good use should be made of available land. It is also important for Members to note that the Council are currently unable to demonstrate a 5-year housing land supply. As a result of this, I am of the view that the benefits of addressing this shortfall, upon a site within an existing built-up area boundary should be given additional weight.
- 8.3 Turning to the loss of the existing commercial premises/employment location, the Council has a preference for a mixed use development to provide residential development of a suitable type and scale above commercial premises (Policy Regen 1, B, pa 3). In this regard, a commercial unit has been proposed on the ground floor which would provide a good provision of floor space (77m²). The premises would be served by its own access from the street, also with rear access for potential loading/unloading. Given this, a suitable provision of commercial provision has been maintained for the benefit of the local community as well as visitors, consistent with the aims of policy CP1 of the adopted Local Plan (2017)
- 8.4 As such, I consider the principle of development to be acceptable given that it is consistent with the aims of the Local Plan (2017) as adopted, as set out above. The relevant material considerations are considered in detail below.

Visual Impact

- 8.5 West Street is mainly characterised as a mixture of residential developments leading into the main high street shopping area of Sittingbourne. Residential units in the area are typically two-storey terraced houses, three to four storey residential apartment blocks and residential units above shops. The style, appearance and age of the properties vary on the street and surrounding area. Many of the buildings are brickwork with simple pitched roofs, but there is no fixed architectural style.
- 8.6 The proposed scale and bulk of development is significantly larger than the existing arrangement. The total curtilage area of the site is approximately 980m² and the proposed building footprint would cover approximately 498m² on ground level which is 51% of the site area. The proposed development is designed over a combination of three and four storeys with a flat roof height of 12.3m to the roof ridge. The lift shaft and staircase element add further height to 13.75m at the apex.
- 8.7 The Sittingbourne Town Centre and Milton Creek SPD states *'The scale of the development should respond to the surrounding buildings and thus primarily be three storeys, though opportunities exist for taller buildings on corner plots and adjacent to the railway line'*. The site is located on a double corner plot. Moreover, Members will note that the development has been designed to a scale and height that corresponds to the residential scheme approved to the rear (north) of the site at Cockleshell Walk car park, for the re-development of the site to provide 62 apartments (Ref: 14/505440/FULL dated 24.05.2017). In addition, there is existing four storey development at the corner junction immediately opposite the site at 'Wingate Court', and which also features a pitched roof adding to its bulk. As such, I consider that the proposed residential development would sit comfortably on the site being of an appropriate scale and siting and within context of the wider street-scene.
- 8.8 Turning to design, the development features a number of elements that would break up the bulk of the building, avoiding a monolithic appearance. The use of brick work with corner details to match the local vernacular and harmonise with the proposed development to the rear (Ref 14/505440/FULL) has been used in the proposal. The quality of the architectural treatment and choice of materials would assist in integrating the proposal within its surroundings allowing for it to reasonably assimilate within the context of its setting to sit comfortably on the site and within the wider street-scene, consistent with the aims of policies CP4 and DM14 of the Local Plan (2017).
- 8.9 As such, it is reasonable to conclude that a block of flats comprising 20 dwellings can be accommodated on the site, without a harmful impact on visual amenity or the character of the wider area.

Residential Amenity

- 8.10 On residential amenity, Policy DM14 advises that development should respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not create loss of sunlight, overshadowing, overlooking or result in excessive noise, activity or vehicular movements or visual intrusion.
- 8.11 The main neighbouring residential development is located to the rear (north) along Frederick Street and comprises predominately of two storey terraced housing. The proposed blocks

of development to the rear of the site adjacent to Frederick Street would be located over three stories and as a result, I consider creates a successful step change between the two sites to minimise dominance. Moreover, due to the layout of Frederick Street which runs approximately north to south and consideration to the separation distance between the two built forms of development, I have no concerns that the proposal would result in loss of light, loss of outlook or sense of enclosure to these properties.

- 8.12 Notwithstanding this, I acknowledge the relationship within No2 Frederick Street being the closest property and which is currently subdivided into flats. I also acknowledge two windows which are located within the side flank wall of No.2. In this regard, a distance of 10.6m would be retained between properties at its closest point and I consider this to be sufficient mitigation in the reduction of amenity impact allowing still for a sufficient level of outlook. Moreover, the main bulk of the proposed development is street facing that allows all the residential units to have east-south-west facing windows with the main internal circulation spaces located to the rear, north facing flank and therefore the proposal does not give rise to overlooking opportunities to Frederick Street due to the absence of windows on the relevant parts of the north-facing elevation.
- 8.13 With regard to the residential impact upon the surrounding neighbouring properties fronting West Street, the new layout allows for the building to be situated hard up against the front boundary of the site drawing the bulk of development closer to the buildings on the opposite side of West Street which generally comprises of a mix of residential and commercial premises including a church, all of various heights. A separation distance of approximately 15m would be retained between properties and this would go some way to reduce dominance and to ensure that sufficient levels of outlook are maintained. Moreover, although at four storeys in height the proposed development would sit higher than the adjacent properties, the development site is located to the north and would not therefore adversely impact upon existing levels of daylight. I note that the development would introduce new windows and balconies at an elevated level giving rise to overlooking opportunities however this is the situation for the front forward facing windows only and in a higher density, town centre locations this relationship is generally regarded as acceptable.
- 8.14 With regard to the residential amenity of future residents, all of the units are of a sufficient size to meet the minimum gross internal floor areas for 1/2/3 bedroom units as set out in the Nationally Described Space Standard. The units provide a logical layout with access to good natural source of light and ventilation and there are no north facing windows. Each dwelling has access to a private balcony or communal space, external refuse storage facilities and cycle storage. As such, I am satisfied that a good level of accommodation has been achieved.
- 8.15 The application has been supported by a Preliminary Risk Assessment due to the site's existing use and matters concerning contamination. The Environmental Health Manager has reviewed the submitted information and advises that a phase 2 intrusive investigation will need to be carried out, and that the sampling proposals within the report are acceptable. Due to the sensitivity of the ground water in the area, I was advised to seek the comments of the Environment Agency who is satisfied with the proposal as presented is acceptable, subject to safeguarding planning conditions.

- 8.16 Turning to Air Quality, the proposed building is significantly taller than the existing buildings on the site as well as being located closer to the road (West St/A2). This has the potential to create an air quality 'street canyon effect', which is of concern as sensitive receptors are being introduced into this new layout. The area is not a designated AQMA (nor is located close to one) and is currently compliant with Air Quality objectives, however, monitoring is on-going and this has scope to change, particularly as traffic can be idling at the crossing and give way outside the proposed new build. This development would therefore warrant an Air Quality Assessment whereby the Environmental Health Manager is satisfied that this can be dealt with by condition.
- 8.17 Taking the above into account, it is considered, subject to safeguarding planning conditions the development would not cause adverse amenity impacts to a degree that would warrant a refusal.

Access, Highways and Parking

- 8.18 The site will have pedestrian accesses from the front (West Street) and the two existing vehicle access points that currently front West Street would be removed. An additional pedestrian access would be provided from the western side fronting Hawthorn Road at the same location as the main vehicle access. There are no highway safety concerns arising from the location of the pedestrian and vehicle access points and KCC Highways and Transportation have raised no objection in this regard.
- 8.19 Turning to parking, I know that the main objections to this proposal (which are summarised above at paragraph 6.2) relate to the number of available parking spaces whereby only 15 are provided. I also note the reduction in one parking space (originally 16) which was necessary to meet the minimum dimensions specified in the parking standards, as requested by KCC Highways. The Supplementary Planning Document provides advisory guidance in respect of provision and suggests 1 space per unit in town centre locations. However, notes 1 and 2 of the SPD do advise that lower provision should be considered for areas with good accessibility by sustainable modes and where measures such as Controlled Parking Zones are in place. Both of these apply to this location, and as such I consider that the lower provision than the advisory 20 would accord with Swale's adopted Parking Standards SPD.
- 8.20 In addition, turning to accessibility I also draw Members' attention to the site's town centre location within walking distance to the High Street of Sittingbourne Town Centre, located immediately east of the site, estimated at approximately 2 minutes average walking pace. Beyond the High Street to the north is Sittingbourne Train Station that provides local and national links located only 400m from the site estimated at approximately 6mins average walking pace. The suitability of the site for reduced parking is further enhanced by the availability of the local bus network again within walking distance to 'Sittingbourne bus hub' which provides links with Faversham, Sheerness and Maidstone.
- 8.21 In addition, I draw Members' attention to an Appeal (APP/V2255/A/11/2156675) on a neighbouring road 'William Street' within close proximity to the subject site. The proposal was for '*Demolish existing garage and erection of a 2 storey side extension and 1st floor rear extension to enable the conversion of property to four self-contained residential flats*'. (The

similarity here is the lack of parking provision, though the appeal scheme has no dedicated parking). In this regard the Planning inspector stated in her decision dated 19th October 2011'

"I do not doubt the Council's assertion that there is a high level of parking demand in the area. It is also referred to by local residents. However, the development would provide additional dwellings in a sustainable, edge of town location, within walking distance of the shops, public amenities, services and public transport. In that context, it would not be essential for the occupiers of the flats to own a car, although it is likely that some will do so. The Council does not refer to any particular policy requirement for parking spaces. The appellant observes that Kent County Council's parking standards for an edge of town location do not set a minimum requirement. In the particular circumstances of this site, I do not find the absence of provision for dedicated vehicle parking to be conclusive or to amount to conflict with policy.....While the proposal is likely to have some effect on local residents in terms of ease of access to on-street parking close to their homes, that effect would not be sufficient for the development to be unacceptable."

- 8.22 I am satisfied that the details provided demonstrate that the cycle storage system can be accommodated within the proposed store room, and will cater for the number of cycles (20) required by the adopted parking standards.
- 8.23 KCC Highways and Transportation outlined that dwellings with private off-street car parking should have an electric vehicle (EV) charging points installed and this should be subject to a planning condition. This has been provided under condition 29 below.

Affordable Housing

- 8.24 Policy DM8 requires 10% of the total number of homes on this site to be delivered as affordable housing. This equates to 2 affordable homes. When the policy requirement of the 90%-10% tenure split is applied to these 2 flats, this would be rounded up to deliver 2 affordable rent tenure homes. The Affordable Housing Manager notes that in a block with 20 other open market homes this may not be acceptable for a Housing Association to deliver. It is more likely, that if a housing association is secured for the site that they would choose to deliver these to flats as shared ownership due to the low number of affordable units.
- 8.25 The provision of two affordable units (affordable rent or shared ownership) on site would comply with Policy DM8, which requires 10% affordable housing for sites in Sittingbourne, and will be secured by a S.106 legal agreement.

Sustainable design and Construction

- 8.26 The Council has declared a Climate Change and Biodiversity Emergency, and this is a material planning consideration. However, I note that Swale's Climate Change Officer has been consulted and is satisfied with the information as submitted.

Notwithstanding this, conditions have been incorporated to this application to ensure that the development incorporates sustainable measures. Condition (10) (which relates to achieving at least a 50% reduction in Carbon Emission Rates) is a pre-commencement condition, and Members will note that the applicant has agreed to this pre-commencement condition and as such it is included. Condition (11) is seeking a water consumption rate of no more than 110 litres per person per day in the interests of water conservation and sustainability which is

considered reasonable for new developments. A condition requiring details of an electric charging points is included at condition (29).

Ecology

- 8.27 As Members will be aware, the Council seeks developer contributions on any application which proposes additional residential development within 6km of the Special Protection Area (SPA). The application site is within 6km of the SPA, and as such the Council seeks a mitigation contribution of £253.83 for each new dwelling. The proposal will result in a net gain of 20 dwellings which will result in a financial contribution of £5076.60. The agent has set out that they are willing to agree to paying the contribution once development commences on site. As such the contribution will be secured by either a s106 agreement or unilateral undertaking, rather than an upfront financial contribution. An appropriate assessment is included later in the report.
- 8.28 Members are referred to Biodiversity net gain provision under policy DM24 of the emerging draft plan, which aspires to a 20% net gain in biodiversity for new development. The Council has commenced work on a Local Plan Review and this document was subject to a Borough-wide consultation earlier in 2021. Work on this document is on-going but at an early stage and therefore significant weight cannot be afforded to its policies in the determination of a planning application. However, a Green Roof has been incorporated into the design and, KCC Biodiversity are satisfied with the proposal subject to a safeguarding condition 32) for an Ecological Enhancement Plan to be submitted within 3 months of works commencing on site and given that this is a policy which relates only to an emerging plan, sufficient measures have been taken.

Developer Contributions

- 8.29 Members will note from the consultation responses received above that in line with normal procedures for a development of this size, it would generate a requirement for financial contributions to deal with additional demand on local infrastructure. The contributions requested are as follows:

Primary Education	£1,700 per applicable flat	Total	£ 17,000.00
Primary Land	£506.56 per applicable flat	Total	£ 5,572.16
Secondary Education	£1,294 per applicable flat	Total	£ 14,234.00
Secondary Land	£658.93 per applicable flat	Total	£ 7,248.23
Community Learning	£16.42 per applicable flat	Total	£ 328.40
Youth Service	£65.50 per applicable flat	Total	£ 1,310.00
Library Bookstock	£55.45 per applicable flat	Total	£ 1,109.00
Social Care	£146.88 per applicable flat	Total	£ 2,937.60
Waste	£183.67 per applicable flat	Total	£ 3,673.40
		Sub total	£ 53,412.79
Greenspaces Manager		Total	£ 20,780.00
General practice (NHS CCG)		Total	£ 12,305.80
		Sub total	£ 86,497.59

Environmental Contract Manager has requested - 4 x 1100ltr refuse bins and 4 x 1100 recycling bins plus 4 x 140ltr food bins for the 20 dwellings at the cost of £948.20 per 5 flats.

£ 948.20 x 4 Cost £3,792.80

Affordable Housing Manager has, development is located within Sittingbourne where Planning Policy DM8 requires 10% of the total number of homes to be delivered as affordable housing with the tenure split as 90% affordable/social rented and 10% as intermediate/shared ownership.

A 5% monitoring / admin fee will also be payable Cost £4,409.88

Total Developer Contributions: £94,700.27

- 8.30 The above developer contributions have been worked out on the basis of a net gain of 20 dwellings as the site and it is considered that they meet the relevant tests for planning obligations.
- 8.31 It is also considered that a Section 106 Agreement is the best mechanism for addressing the SAMM contribution (of £253.83 per dwelling or £5076.60 in total), the details of which are set out under the subheading 'The Conservation of Habitats and Species Regulations 2017'.
- 8.32 The education land contributions included above will only need to be paid if land for the schools at NW Sittingbourne are not provided by the developer of that site (Persimmon Homes) at nil cost, and the wording of this agreement will need to reflect this position.

9. CONCLUSION

- 9.1 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. It is considered that the site can accommodate such a development in a manner that will enhance the character of the local area (introducing a high quality new development) with the benefit of providing additional housing at a time when the Council cannot demonstrate a five-year housing supply. The size of the dwellings are compliant with National Space Standards and all units provide a good standard of accommodation and external outdoor amenity space. No adverse impacts have been identified for the residential amenities of neighbouring properties, and whilst the proposal is presented with an under provision of parking, given this town centre location, it is not considered to prejudice highway safety or convenience to a degree that would warrant a refusal. Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions and relevant s106 agreement, the proposal would be in accordance with the development plan.

10. RECOMMENDATION

GRANT Subject to the following conditions and the signing of a suitably worded s106 agreement. Delegated authority is also sought to amend the wording of conditions and the draft s106 agreement as may reasonably be required.

CONDITIONS to include

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

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

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

Proposed Location Plan D.PR.0.1.1B; Proposed Block Plan D.PR.0.1.2B; Proposed Car Parking Spaces D.PR.0.1.3B; Proposed Car Par Entrance D.PR.0.1.4B; Proposed 3D View 1 D.PR.1.1B; Proposed 3D View 2 D.PR.1.2B; Proposed 3D View 3 D.PR.1.3B; Proposed 3D View 4 D.PR.1.4B; Proposed 3D View 5 D.PR.1.5B; Proposed 3D View 6 D.PR.1.6B; Proposed Street View 1 D.PR.1.7B; Proposed Street View 2 D.PR.1.8B; Proposed Street View 3 D.PR.1.9B; Proposed Ground Floor Plan D.PR.2.1B; Proposed First Floor Plan D.PR.2.2B; Proposed Second Floor Plan D.PR.2.3 B; Proposed Third Floor Plan D.PR.2.4B; Proposed Roof Garden D.PR.2.5B; Proposed Roof Plan D.PR.2.6.B; Proposed Front Elevation D.PR.3.1B; Proposed Side (Left) Elevation D.PR.3.2B; Proposed Rear Elevation D.PR.3.3B; Proposed Side (Right) Elevation D.PR.3.4B; Proposed Section 1 D.PR.4.1B; Proposed Section – Roof Terrace D.PR.4.2B; Proposed Roof Garden 3D 1;D.PR.5.1B; Proposed Roof Garden 3D 2 D.PR.5.2B

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

3. No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

4. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 - i. A site investigation, based on the findings of the PRA submitted with this application, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - ii. A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment. 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.
 - iii. 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; Any changes to these components require the express consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework

5. Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

6. If, during construction/demolition works, evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;
 - a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
 - b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
 - c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure that the development does not contribute to, and 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. This is in line with paragraph 170 of the National Planning Policy Framework.

7. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

8. Piling or any other foundation designs using penetrative methods shall not be permitted

other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwater. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

9. 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.”

10. 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.

11. No development beyond the construction of foundations shall take place until details have been submitted to and approved in writing by the Local Planning Authority demonstrating how the development will meet the principles of 'Secure by Design'. The development shall then be completed strictly in accordance with the approved details.

Reason: In order to secure a satisfactory form of development having regard to the nature of the site and the need to minimise the opportunities for crime and anti-social behaviour.

12. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure (including for the roof garden as shown on drawing D.PR.2.5B), hard surfacing materials, and an implementation programme. All hard and soft landscape works shall be carried out in accordance with

the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

13. Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.
14. 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.
15. Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.
16. Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF

17. No demolition/construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Reason: In the interests of residential amenity

18. Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- Measures to minimise the production of dust on the site during demolition and construction works
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives

- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works

Reason: In the interests of residential amenity and road safety

19. The development shall not be commenced until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:
- An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.
 - An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development.

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter.

Reason: In the interests of residential amenity

20. Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and any relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. This shall include a scheme for sound insulation between the retail and residential units. The work 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 residential amenity.

21. Details of any mechanical ventilation system that will be installed shall be submitted to and approved by the Local Planning Authority and upon approval shall be installed, maintained and operated in a manner which prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Reason: In the interests of residential amenity.

22. Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended 2020) (or any order revoking and re-enacting that Order with or without modification) the use of the ground floor commercial premises hereby permitted shall only be used for the purpose of 'Class E' (commercial, business and service uses), and for no other purpose whatsoever and shall at all times maintain an active and open shop frontage with visibility to and from the premises and the street.

Reason: To enable the local planning authority to maintain control over any future use of the premises in the interests of the amenities of the occupiers of neighbouring properties and to ensure adequate parking and servicing is available for alternative uses.

23. There shall be no servicing of the commercial premises and no deliveries or collections associated with the unit between 1900 and 0700 hours Mondays to Saturdays or at any time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity.

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

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

25. Prior to the works commencing on site details of parking for site personnel / operatives /visitors 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.

Reason: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents.

26. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

27. As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

Reason: In the interests of amenity and road safety.

28. No building shall be occupied or the approved use commenced until space has been laid out within the site in accordance with the approved drawings for cycles to be parked.

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

29. The area shown on the submitted layout as vehicle parking and turning space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the development hereby approved is first occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

30. The vehicular access details shown on the approved plans shall be completed prior to the occupation of any buildings hereby approved, and the access shall thereafter be maintained.

Reason: In the interests of highway safety.

31. No dwelling/building shall be occupied or the approved use commenced until Electric Vehicle Charging facilities have been provided for each of the dwellings hereby approved in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure the provision and retention of electric vehicle charging facilities in the interest of reducing greenhouse gas emissions.

32. Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the access footway level shall be provided prior to the commencement of any other development in this application and shall be subsequently maintained.

Reason: In the interests of highway safety.

33. The development hereby permitted shall not be occupied until the off-site highway works to remove the redundant vehicle crossovers around the application site frontage have been carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

34. Within 3 months of works commencing on site an ecological enhancement plan (including details of the specific biodiversity net gain that will be achieved, and of the maintenance arrangements) must be submitted to the Local Planning Authority for written approval. The plan must demonstrate how the green roof will incorporate plants and features which will benefit biodiversity. The plan must be implemented as approved and thereafter maintained in accordance with the agreed arrangements.

Reason: In the interest of bio-diversity and climate change

35. 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 Conceptual SuDS Strategy produced by Innervision Design Ltd (June 2021) 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.

36. 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 that the drainage system constructed is consistent with that which was 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.

37. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

38. No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason : To ensure that due regard is had to the preservation in situ of important archaeological remains.

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 the website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

KCC Highways:

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.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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.

Environmental Health:

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

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.

This Appropriate Assessment has been undertaken without information provided by the applicant. The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats. The proposal thus has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England (NE) advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites.

The recent (April 2018) judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, *"it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."* The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group (NKEPG).

NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the (NKEPG) and that such strategic mitigation must be in place before the dwelling is occupied. Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured by either s106 agreement or unilateral undertaking on all qualifying developments) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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.

