

**PLANNING COMMITTEE – 10<sup>th</sup> October 2024****PART 2**

Report of the Head of Planning

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

|   |                             |   |
|---|-----------------------------|---|
| <b>2.1 - REFERENCE NO 23/505558/FULL</b>  |                             |   |
| <b>PROPOSAL</b><br>Proposed change of use of the existing first and second floor from office use (Class E) to residential (use Class C3), including the erection of an additional third floor and a three-storey rear extension to create a total of 22 self-contained residential flat units.  |                             |   |
| <b>SITE LOCATION</b><br>Junction of 87 High Street and 1-5 Central Avenue, Sittingbourne, Kent, ME10 4AU  |                             |   |
| <b>RECOMMENDATION</b><br>Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions and the completion of a Section 106 agreement as set out in the report, with further delegation to the Head of Planning / Head of Legal Services (as appropriate) to negotiate the precise wording of conditions, including adding or amending such conditions and precise Heads of Terms as may be consequently necessary and appropriate. |                             |   |
| <b>APPLICATION TYPE</b> <i>Full planning permission</i>   |                             |   |
| <b>REASON FOR REFERRAL TO COMMITTEE</b> - The application involves Council-owned land.  |                             |   |
| <b>Case Officer</b> Joanna Dymowska   |                             |   |
| <b>WARD</b> Chalkwell   | <b>PARISH/TOWN COUNCIL</b>  | <b>APPLICANT</b> Sleek Direct London Limited<br><br><b>AGENT</b> Ken Judge & Associates Ltd |
| <b>DATE REGISTERED</b> 11/01/24   | <b>TARGET DATE</b> 11/04/24 |   |
| <b>BACKGROUND PAPERS AND INFORMATION:</b><br>Documents referenced in the report are as follows: -<br><br>All drawings submitted<br>All representations received<br><br>Revised Proposed First and Second Floor Plan, ref. 2666/11 rev. F, Sept 23<br>Revised Proposed Third Floor Plan & Roof Plan, ref. 2666/12 rev. C, Sept 23,<br>Proposed Elevations, 2667/13 rev. D, Sept 23<br>Proposed Sections, 2667/15 rev. A, Nov 23<br>Proposed Block Plan, 2557/16 rev. A, Nov 23     |                             |   |

Energy Statement (NRG Consulting, November 2023)  
Drainage Strategy (SuDS Report, ref. C3238-R1-REV-A, Nimbus Engineering Consultants)  
Noise Impact Assessment (DAA Group, Issue 01, 20<sup>th</sup> October 2023)  
Transport Statement (GTA, ref. 12768, November 2023)  
Construction Management Plan (NRG Consulting November 2023)  
Air Quality Assessment (NRG Consulting, November 2023)  
Employment Review Update Study (October 2023, Stantec),

The full suite of documents submitted pursuant to the above application are available via the link below: -

<https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S57C6CTYIEY00>

## 1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site is a three-storey, flat-roofed building dating from the 1960s, that is in commercial use and positioned on the prominent corner of High Street and Central Avenue and at the heart of Sittingbourne Town Centre.
- 1.2. The ground floor of the building is occupied by a bank (NatWest), whereas the upper stories comprise vacant office accommodation. The previous first and second-floor occupiers (NAG Recruiting and MFW Accountants) vacated the premises more than a year ago due to the businesses relocating.
- 1.3. The application site falls within the Sittingbourne Conservation Area, the town centre boundary, the Primary Shopping Frontage and within the Central Sittingbourne Regeneration Area. Listed buildings surround the application site to the west and north. Sittingbourne United Reformed Church is approximately 21 metres to the west of the application site. There are also listed buildings directly adjacent to the east and north of the application site.

## 2. PLANNING HISTORY

- 2.1. The planning history of this site mainly relates to advertisement consents for the commercial use of the site. As these are not relevant to this proposal they have not been included here. The planning history of most relevance to this application is set out below:-

**19/505932/FULL:** Planning permission granted on 13.03.2020 for change of use of the first floor from a recruitment agency (Class A2) to a training unit (Class D1).

## 3. PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought for the change of use of the existing first-floor and second-floor office accommodation to residential. In addition, the erection of an additional third-floor and three-storey rear extension to the rear is proposed to provide, in total, 22 self-contained flats. The proposed flats would provide the following housing mix:-

- 1-bedroom x 7 units
  - 2-bedroom x 10 units
  - 3-bedroom x 5 units
- 3.2. Three of the 22 flats will be provided as affordable housing (First Homes). The proposed floor plan marks affordable flats as Flat 15 (two-bed), 21 and 22 (one-bed).
- 3.3. Relating to the proposed roof extension, this would create an additional storey to the building and be stepped back by approximately 8 metres from the front elevation of the building (facing High Street) and 2 metres from the side elevation (facing Central Avenue). The proposed roof extension would have a contemporary appearance and be of flat roof design. The materials used are metal cladding, with further details/samples to be secured via the safeguarding conditions. A glass balustrade is incorporated along the edges of the roof for safety reasons.
- 3.4. The proposed rear extension would be three stories high and continue the architectural approach of the existing building by using matching fenestration patterns and materials in the overall design. The ground-floor element will be constructed with brick and will provide under-croft parking.
- 3.5. Seven parking spaces are provided as part of the development. Three spaces will be reserved for commercial use on the ground floor (currently occupied by NatWest), and four spaces will be provided for residential use. Parking spaces will be accessed from the existing access point off Central Avenue. The proposed development includes 24 covered cycle spaces. The designated refuse/recycling area is situated along the western boundary of the application site.
- 3.6. The proposal includes a deep cleaning of the existing concrete panels, as indicated on the proposed elevation drawing ref.2667/12 rev. B. In addition, it is proposed that the existing windows within the building be replaced with new double-glazed steel-framed dark grey windows.

#### 4. CONSULTATION

- 4.1. Two rounds of consultation were undertaken, during which letters were sent to neighbouring occupiers; a notice was displayed at the application site, and the application was advertised in the local newspaper. Full details of representations are available online.
- 4.2. In total, two letters of representation were received in relation to the consultation. One of these letters raised an objection to the application. Concerns/ comments were raised in relation to the following matters: -

| <b>Comment</b>  | <b>Report reference</b> |
|---|-------------------------|
| Swale BC should encourage businesses back to the high street, not make it difficult for them to thrive. | 7.2.13                  |
| The site is inappropriate for residential due to the surrounding noisy environment (nightclub).         | 7.15.6                  |

- 4.3. The remaining letter was provided by the Sittingbourne Society. They did not object but commented, raising the following points:-

| Comment  | Report reference    |
|--|---------------------|
| Details of affordable housing should be provided.                                  | 3.2, 7.4.1 – 7.4.6, |
| The third storey is overpowering to the street scene and is near listed buildings. | 7.5.8 - 7.5.10      |
| Improvements to the current dirty concrete elevation should be secured.            | 7.5.9, Condition 5  |

## 5. REPRESENTATIONS

- 5.1 **KCC Highways** – No objections raised. Initially requested clarification on refuse collection arrangements and the number of cycle spaces proposed. Following confirmation that 24 cycle spaces will be provided (details secured via condition) and that the refuse will be collected from the main road, no objections were raised.
- 5.2 **KCC Ecology** – No objections raised, as the proposed development has limited potential to result in significant ecological impacts.
- 5.3 **KCC LLFA (SuDS)** – No objections subject to conditions requiring a detailed drainage scheme and submission of verification report prior to the occupation.
- 5.4 **KCC Economic Development** – No objections, subject to financial mitigation towards community infrastructure, including:-

| Type of infrastructure                        | Cost       | Project  |
|---|------------|--|
| Secondary Education                           | £25,142.40 | Towards a new secondary school in Northwest Sittingbourne (Local Plan Policy MU1) <u>and/or</u> a new secondary school in Sittingbourne nonselective and Sittingbourne & Sheppey selective planning group areas. |
| Special Education Needs & Disabilities (SEND) | £2,519.28  | SEND contribution to be applied towards additional places in the Swale district.   |
| Community Learning and Skills (Adults)        | £752.62    | Additional equipment and resources for adult education centres serving the development, including outreach provision.  |
| Integrated Children's Services                | £1,332.90  | Additional equipment and resources for the Integrated  |

|  |           |  |
|--|-----------|--|
|  |           | Children's Services in Sittingbourne, including outreach provision, are needed.  |
| Libraries, Registrations and Archives Service  | £1,377.86 | Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development including Sittingbourne.                        |
| Adult Social Care  | £3,979.36 | Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within Swale. |
| Waste  | £4,270.86 | Towards additional capacity at Sittingbourne HWRC & WTS.   |
| All homes to be built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2) |           |  |
| All to be index-linked by the All-In Tender Price Index from Q1 2022 to the date of payment.                       |           |  |

- 5.5 **NHS** – No objections, subject to financial mitigation being secured in s.106 agreement to mitigate pressure on healthcare arising from the proposed development, as set out below:-

| Amount of contribution | Mitigation project  |
|------------------------|---|
| £16,416                | Towards refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare infrastructure strategy for the area. |

- 5.6 **Southern Water** – No objections raised, requested an informative requiring details of foul water and surface water disposal to be submitted. Southern Water noted that separate applications under Section 106 of the Water Act will have to be submitted.
- 5.7 **Kent Police** – No objections, subject to informative requiring engagement with Designing out Crime Officers (DOCOs) to incorporate Secure By Design (SBD) as appropriate.

- 5.8 **Natural England** – No objections, subject to financial contributions towards mitigation of additional recreational pressure upon North Kent Special Protection Areas (SPA).
- 5.9 **UK Power Network** – No objections were raised, and notes were made that the proposed development is in close proximity to the substation and that no built development should be located within 7 metres from the substation.
- 5.10 **Environmental Protection Team** – No objections raised, subject to the noise mitigation and air quality standard mitigation (EV charging) being secured via safeguarding conditions.
- 5.11 **Historic England** – No comments offered – referred to the Council's Heritage Officer.
- 5.12 **Environment Agency** – No comments to make on this planning application as it falls outside of EA remit as a statutory planning consultee.
- 5.13 **KCC Archaeology** – No objections, subject to safeguarding condition requiring further evaluation.
- 5.14 **Lower Medway Internal Drainage Board** – No comments.
- 5.15 **SBC Urban Design** - The proposal appears to be an appropriate form of development that responds to the site's capacity for growth within policy constraints. The architectural language of the proposal has been informed by the host building, with the three-storey rear extension simply following the scale, architectural language, and materials of the existing building. The roof extension's appropriate scale and significant setbacks would ensure that it would appear visually subservient to the host building and help to reduce its presence within the townscape. This would be supported by the use of appropriate materials and fenestration patterns. Overall, the design proposed is appropriate to the context and would be acceptable subject to standard design conditions, including samples of materials and details of windows.
- 5.16 **SBC Heritage** – No objections. Commented that deep cleaning of the existing elevations and replacement windows would have a modest positive impact on the street scene and conservation area. The additional storey should be set back from the front elevation to avoid an over-dominating effect.
- 5.17 **SBC Greenspaces Officer** - No objections, subject to financial contributions towards off-site open space improvements at Sittingbourne Recreation Ground (500 metres from the site) for increasing the capacity of the play area and sports pitches through improvements to the existing provision
- 5.18 **SBC Affordable Housing** - Supports the proposed development and delivery of First Homes.
- 5.19 **SBC Climate Change** – No objections raised.

## 6. DEVELOPMENT PLAN POLICIES

### 6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017**

**ST1:** Delivering sustainable development in Swale

**ST3:** The Swale settlement strategy

**ST5:** The Sittingbourne area strategy

**CP1:** Building a strong, competitive economy

**CP2:** Promoting sustainable transport

**CP3:** Delivering a wide choice of high-quality homes

**CP4:** Requiring good design

**CP5:** Health and wellbeing

**CP6:** Community facilities and services to meet local needs

**CP7:** Conserving and enhancing the natural environment – providing for green infrastructure

**CP8:** Conserving and enhancing the historic environment

**Regen 1:** Central Sittingbourne Regeneration Area

**DM1:** Maintaining and enhancing the vitality and viability of town centres and other areas

**DM6:** Managing transport demand and impact

**DM7:** Vehicle parking

**DM8:** Affordable housing

**DM14:** General development criteria

**DM16:** Alterations and extensions

**DM17:** Open space, sports and recreation provision

**DM19:** Sustainable drainage and construction

**DM20:** Renewable and low-carbon energy

**DM21:** Water, Flooding and drainage

**DM28:** Biodiversity and geological conservation

**DM32:** Development involving listed buildings

**DM33:** Development affecting a conservation area

**DM34:** Scheduled Monuments and Archaeological Sites

### 6.2 Supplementary Planning Guidance / Documents:

- The Sittingbourne Town Centre Supplementary Planning Document
- SBC Parking Supplementary Planning Document
- Sittingbourne Conservation Area Appraisal and Management Plan 2021

## 7 ASSESSMENT

7.1 This application is reported to the Committee because the development is located on land owned by Swale Borough Council. The main considerations involved in the assessment of the application are:-

- Principle
- Size and type of housing
- Affordable Housing
- Community Infrastructure
- Open Space
- Character and appearance

- Heritage
- Archaeology
- Ecology
- Transport and Highways
- Air Quality
- Sustainability
- Flood Risk, Drainage and Surface Water
- Contamination
- Living Conditions

## 7.2 Principle

7.2.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision-making is the development plan unless material considerations indicate otherwise.

7.2.2 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

7.2.3 Paragraph 11 of the NPPF states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

7.2.4 The site is previously developed and brownfield land, and the National Planning Policy Framework (NPPF) in paragraph 124 states that substantial weight should be given in planning decisions to the value of using suitable brownfield land within settlements for homes and other identified needs and support appropriate opportunities to remediate derelict land. The proposals would align with the NPPF in this regard.

7.2.5 Paragraph 123 of the NPPF states that planning decisions should promote effective land use, which contributes to the environmental objective of sustainable development, as defined by paragraph 8.

7.2.6 Policy ST1 of the Local Plan supports sustainable development on both identified and suitable sites within the borough. Policy ST3 states that Sittingbourne's urban centre will provide the primary urban focus for growth, and development will support town centre regeneration and underpin the town's role as the principal centre.

7.2.7 Policy ST5 supports the creation of housing and other mixed uses within the Sittingbourne town centre regeneration area or at other sites within the urban and village confines.



7.2.8 The application site is within Sittingbourne town centre and the Sittingbourne Regeneration Area. The site is surrounded by or in close proximity to a wide range of facilities and services required for day-to-day living, such as retail units, healthcare provision, restaurants, public houses and educational facilities. It is within a short walking distance to the railway and a number of bus routes. As such, the site is highly sustainable.

7.2.9 Having established the sustainability of the site, as the proposal would lead to the loss of 1,124sqm of office space, it is important to consider the impact of the proposed development upon office provision within the Borough. In this regard, Swale Borough's economy is characterised by a need for industrial and light industrial uses, whereas there is a shortfall of office needs with the historical lack of demand for larger office premises in town boundaries or within its edge, as set out in the supporting text to policy Regen 1 at paragraph 6.7.24 of the Swale Local Plan 2017.

7.2.10 The proposed development would adhere to many of the above-identified policy objectives and bring more additional occupation within the core of the town centre, thus encouraging future occupiers to use those facilities and contributing positively to the viability and vibrancy of Sittingbourne town centre. Equally, the retention of ground-floor commercial premises will continue to have a positive impact on the viability of the primary shopping frontage and commercial activities within the centre.

### 7.3 Size and Type of Housing

7.3.1 The NPPF recognises that to create sustainable, inclusive, and diverse communities, a mix of housing types, which is based on demographic trends, market trends and the needs of different groups, should be provided.

7.3.2 The Local Plan policy CP3 requires the mix of tenures and sizes of homes provided in any particular development to reflect local needs. The Local Plan requires developments to achieve a mix of housing types, which reflects that of the Strategic Housing Market Assessment (SHMA). The table below sets out the Local Plan requirements (as a starting point) for the housing mix, including affordable and market housing.

| Tenure – Local Plan | 1 Bed | 2 Bed | 3 Bed | 4+ Bed |
|---------------------|-------|-------|-------|--------|
| Market Required     | 7%    | 36%   | 42%   | 15%    |
| Market Proposed     | 26%   | 48%   | 26%   | 0      |
| Affordable Required | 8%    | 20%   | 36%   | 36%    |
| Affordable Proposed | 67%   | 33%   | 0     | 0      |

7.3.3 The Council's Housing Market Assessment (HMA) was prepared in 2020 (i.e., more recently than the Local Plan) after the introduction of the standard method for calculating the objectively assessed need. As such, officers have considered the proposed housing mix against that set out in the HMA as follows.

| Tenure – HMA        | 1 Bed | 2 Bed | 3 Bed | 4 Bed |
|---------------------|-------|-------|-------|-------|
| Market Required     | 7%    | 33%   | 41%   | 19%   |
| Market Proposed     | 26%   | 48%   | 26%   | 0     |
| Affordable Required | 27%   | 23%   | 30%   | 20%   |
| Affordable Proposed | 67%   | 33%   | 0     | 0     |

7.3.4 The HMA (2020) broadly echoes the Local Plan requirements in terms of the mix of dwelling sizes. It should be remembered that this reflects the Borough wide need.

7.3.5 In terms of the affordable tenure, advice from the Council's Affordable Housing officer is that given the small-scale size of the scheme and the mix reflect that of market housing proposed, the provision of single and double-bedroom units are acceptable and will meet the localised demand.

7.3.6 In terms of the private housing (market tenure), the proposal would deliver a greater proportion of 1 and 2-bed dwellings and fewer 3 and 4-bed dwellings than is indicated as being required by the supporting text to Local Plan Policy CP3 or the HMA (2020).

7.3.7 Again, it is noted that the mix of dwellings set out in the HMA and Policy CP3 is borough-wide and does not take account of localised differences in market housing need. To account for localised differences, local housing market areas that relate to specific postcode evidence have been established. For Sittingbourne, the supporting text to Local Plan Policy CP3 states that the objective is to provide a mix of housing types and unit sizes.

7.3.8 Given the site's highly urban location with a lack of gardens, the smaller units, as proposed, are appropriate to their context, and as a result the proposed housing mix broadly complies with Local Plan Policy CP3.

## 7.4 Affordable Housing

7.4.2 The NPPF sets out the requirement for setting appropriate, affordable housing levels for new development based on up-to-date evidence. Through Policy DM8, the Local Plan requires 10% of affordable housing from developments in Sittingbourne.

7.4.3 The affordable housing proposed as part of the development equates to 14% of the dwellings. The following mix of affordable housing units are incorporated within the scheme:

- 1 x two-bedroom flat
- 2 x one-bedroom flats

7.4.4 Given the small scale of the proposed development and the town centre location, the smaller units are considered to be appropriate and reflective of the housing mix proposed

for market units. Due to the lack of interest of registered providers in managing a small number of units, as reported by the SBC Affordable Officer, the proposed affordable housing would be delivered as First Homes, with a cost capped at £250,000. This tenure type has been endorsed by the SBC Affordable Housing Officer, and will be secured via a Section 106 agreement.

7.4.5 All of the affordable house types will be compliant with the Nationally Described Space Standards and meet the requirements of Part M4(2) of the Building Regulations, and this can be reasonably secured via safeguarding conditions.

7.4.6 In terms of the design of affordable flats, the proposed affordable homes are indistinguishable from the houses proposed in the private tenure.

7.4.7 In view of the above, the proposals for affordable housing accord with policies DM8 and CP3 of the Local Plan.

## **7.5 Heritage**

7.5.2 The National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.

7.5.3 Local Plan Policy CP8 sets out various requirements proposals must accord with to sustain and enhance the significance of Swale's designated heritage assets. The policy states that development will sustain and enhance the significance of designated and non-designated heritage assets to sustain the historic environment whilst creating for all areas a sense of place and special identity.

7.5.4 Policy DM32 of the Local Plan relates to development involving listed buildings and states that development proposals affecting a listed building, or its setting will be permitted provided that the building's special architectural or historic interest, and its setting and any features of special architectural or historic interest which it possesses, are preserved.

7.5.5 Policy DM33 of the Local Plan states that development affecting the conservation area (or its setting) shall preserve or enhance all features that contribute positively to the character or appearance of the area. The Borough expects proposals to:

- Respond positively to conservation area appraisals;
- Pay special attention to the use of detail, materials, surfaces, landforms, vegetation and land use;
- Remove features that detract from the character and reinstate those that would enhance it;
- Retain unlisted buildings that make or could make a positive contribution

7.5.6 In assessing heritage impacts, the first step is for the decision-maker to consider each of the designated heritage assets which would be affected by the proposed

development in turn and assess whether the proposed development would result in any harm to the significance of such an asset.

7.5.7 The NPPF makes it clear that a heritage asset's setting is the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to an asset's significance, may affect the ability to appreciate that significance, or may be neutral.

7.5.8 The site lies within the Sittingbourne Conservation Area and within the setting of several listed buildings. The following heritage assets have been identified as being potentially impacted by the proposal:

- Sittingbourne Conservation Area,
- Grade II listed buildings to the south of the High Street, including 79-81 High Street (Barclays Bank), Brenchley House (75-77 High Street), 71 High Street, Bull Hotel, and 67 High Street.
- Grade II listed buildings to the north of the High Street including 42-60 High Street
- Grade II listed building to the west of the application site: 93 High Street.

7.5.9 Whilst the site is sensitively located near listed buildings and within the historic core of the town centre, the design pursued is a sensitive response which relates in scale, size and architectural treatment to the existing building. At the roof level, the extension incorporates significant setbacks to ensure that the adjacent listed building is not overpowered or dominated. The three-storey extension is proportionate to the host building relating directly to its scale, design and materiality. The building itself will be enhanced through cleaning and fenestration changes, which will improve its overall appearance within the streetscape, thus having a minimal positive impact on the character and appearance of the conservation area.

7.5.10 The proposal, therefore, appropriately responds to the characteristics of the host building and is mindful of its broader visual impact. Accordingly, the proposal would preserve the character and appearance of the conservation area and would not adversely affect the setting of listed buildings, having special regard to the desirability of preserving the setting of those listed buildings. SBC Heritage Team raised no objection to the proposed development, subject to elevational treatment to the existing building being secured. The improvement works to the existing building will be secured via a safeguarding condition (replacement windows and elevation cleaning).

7.5.11 Given the sensitive design of the scheme pursued, together with the improvements to the existing building, it is concluded that the proposal will preserve the character and appearance of the conservation area and preserve the setting of listed building, thus complying with policies CP8, DM14, DM32 of the Swale Local Plan 2017 and the NPPF.

7.5.12 In considering the impact of this proposal upon designated heritage assets, officers have had regard to the Council's obligations pursuant to the Planning (Listed Buildings and Conservation Areas Act) 1990.

## **7.6 Archaeology**

7.6.1 The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

7.6.2 Policy DM34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ; however, where this is not justified, suitable mitigation must be achieved.

7.6.3 The application site is within the built-up area and primarily covered by buildings, but it falls within an area of Archaeological Potential. The property lies immediately south of the main London-to-coast Roman Road and in the historic town area of Sittingbourne. Historic maps show the property to be on the site of the former town hall and corn exchange. Given this archaeological potential, further archaeological evaluation is considered necessary. KCC Archaeology recommended that archaeological evaluation with allowance for further mitigation should significant archaeology be identified and secured via safeguarding conditions.

7.6.4 As such, subject to safeguarding conditions being imposed, the proposed development would have an acceptable impact on archaeology, in line with policy DM34 of the Local Plan.

## **7.7 Character and appearance**

7.7.1 The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement through policy CP4.

7.7.2 Policy DM14 sets out general development criteria, requiring, amongst other elements, developments to be well-sited and the scale, design and appearance to be sympathetic and appropriate to the location. Policy DM16 supports extensions and alterations to existing buildings provided they are of an appropriate design that responds positively to the style and character of the building, is appropriately scaled, and maintains or enhances the character of the street scene.

7.7.3 The site sits within a highly urban context on a busy high street. The townscape in the vicinity of the application site is varied in scale and architectural style. The site forms part of this townscape, sits within the Sittingbourne Conservation Area and is close to a number of listed buildings, as discussed above. On its own, the building subject to this application has no positive contribution to the character and appearance of the conservation area.

7.7.4 The application building, currently three stories high and constructed of concrete, dates back to the 20th century and occupies a prominent corner location at the junction of High Street and Central Avenue.

7.7.5 The proposed roof extension would provide for an additional storey within the building. The proposed step back by 8 metres from the High Street frontage would

considerably reduce the prominence of the extensions and be an appropriate form of development that responds to the site's capacity for growth within policy constraints and in line with the objectives of the Sittingbourne Town Centre Supplementary Planning Document.

7.7.6 The proposed architectural features are informed and influenced by the existing design, with the three-storey rear extension simply following the scale, architectural language, and materials of the existing building. The roof extension's appropriate scale and significant setbacks would ensure that it would appear visually subservient to the host building and help to reduce its presence within the townscape. This would be supported by the use of appropriate materials and fenestration patterns. Overall, the development proposed would result in minor enhancements of the existing building in that the existing windows would be replaced with modern windows, and the overall development would maintain the character of the site and the building. This conclusion was concurred with by the SBC Urban Design Officer, who raised no objections to the proposed scheme.

7.7.7 Subject to safeguarding conditions, relating to materials and window samples, the proposed development is considered appropriate to its context and complies with policies CP4, DM14 and DM16 of the Local Plan 2017 and NPPF.

## **7.8 Ecology**

7.8.1 The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by Policies CP7 and DM28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.

7.8.2 The application has been the subject of an Appropriate Assessment (AA) under the Habitats Regulations. The AA concluded that there is a potential risk of harm to the European-designated sites at the Swale and Medway Estuary SPA and Ramsar Site as a result of increased recreational pressure. The impacts were assessed for this development and for this development in combination with other planned developments. The AA, which was prepared in consultation with Natural England, concludes that these impacts can be mitigated through financial mitigation. The applicant agreed to pay this, and the mitigation will be secured in s.106 agreement. An AA was adopted on this basis.

7.8.3 Under the Natural Environment and Rural Communities Act (2006), the authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions for the purpose of furthering the general biodiversity objective of conserving and enhancing biodiversity in England. Furthermore, the National Planning Policy Framework states that 'the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible'. The National Planning Policy Framework states that 'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for then planning permission should be refused.'

7.8.4 National planning policy aims to conserve and enhance biodiversity, and encourages opportunities to incorporate biodiversity in and around developments.

7.8.5 In terms of the Local Plan, policy DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.

7.8.6 The application site comprises the existing building and hardstanding. There are no ecological habitats that would be disturbed as a result of the proposed development. KCC Ecology reviewed the application and advised that given that the existing building has no signs of ecological features and is surrounded by hardstanding, the proposed development has limited potential to result in any significant ecological impacts. Subject to safeguarding conditions securing ecological enhancements, as required by paragraphs 180 and 186 of the NPPF, KCC Ecology raised no objections to the proposed development.

7.8.7 In view of the above, subject to safeguarding conditions, it can be reasonably concluded that the proposed development would enhance biodiversity and be acceptable on ecology grounds, in line with policies CP7 and DM28 of the Local Plan and the NPPF.

#### *Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017*

7.8.8 This Appropriate Assessment (AA) has been undertaken without information provided by the applicant.

7.8.9 As established above, the proposal has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

7.8.10 In considering the European site interest, Natural England 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 advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites.

7.8.11 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.

7.8.12 However, in view of the scale of the development it is considered that in itself and in combination with other development, it would not have an adverse effect on the integrity of the SPA, subject to appropriate mitigation measures.

7.8.13 Notwithstanding the above, 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 North Kent Environmental Planning Group (NKEPG), and that such strategic mitigation should be in place before dwellings are occupied.

7.8.14 Due to the scale and location of the development it is not considered that there is 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. Based on the correspondence with Natural England, I conclude that off-site mitigation is required.

7.8.15 In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures can be implemented within the SPA from collection of the standard SAMMS tariff totalling £7221.94 (secured via s.106 agreement), which will ensure that these impacts will not be significant or long-term. I therefore consider that any adverse effect on the integrity of the SPA can be satisfactorily addressed through mitigation measures. The AA is adopted on this basis.

## 7.9 Transport and Highways

7.9.1 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

*“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”*

7.9.2 The NPPF also states that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

7.9.3 Local Plan policies CP2 and DM6 promote sustainable transport through utilising good design principles. Policy DM6 sets out that proposals will need to mitigate harm where highway capacity is exceeded and/ or safety standards are compromised. Policy DM7 sets out that the requirements of the Swale Parking SPD will be applied to proposals.

7.9.4 The proposed development would use the existing access point at the rear of the site (accessed from Central Avenue), which is an acceptable arrangement.

7.9.5 In terms of the site location, the site is within the core of Sittingbourne Town Centre and has the availability of sustainable transport modes and day-to-day facilities. In this location, the advisory parking standard for 1/2/3 bedroom flats is one parking space per unit. However, the site benefits from an established office use with the existing office floorspace generating the need for 50 parking spaces. The proposed residential use would generate the need for 22 parking spaces, which is significantly less than the established use. The Parking Standards SPD also sets out that where parking standards are advisory that a



reduced provision can be justified. In this case, due to the highly sustainable nature of the site, this means that the minimum car parking provision (4 bays for residential use) is acceptable and complies with the Council's Parking SPD and policy DM7 of the Local Plan.

7.9.6 KCC Highways' initial response commented that the applicant proposes arranging the refuse collection from within the site. The Applicant clarifies that while the storage will be within the site, the bins will be moved outside of the site on the day of the collection. This is considered acceptable by the SBC Waste and Recycling Team, who raised no objections to this arrangement. The retention of refuse storage will be secured via the safeguarding condition. The cycle storage details were updated on the proposed block plan drawing and show that 24 secure and safe cycle spaces will be incorporated in the development. A safeguarding condition will be imposed on the decision to ensure that these spaces are provided within the site, and as such this complies with KCC Highway requests and the requirements of the Council's Parking SPD.

7.9.7 In view of the above, and subject to safeguarding conditions requiring the provision of details for cycle storage and bins storage, the proposed development would have an acceptable impact on highways safety and amenity and complies with policies CP2, DM6 and DM7 of the Swale Local Plan 2017 and the NPPF.

## **7.10 Air Quality**

7.10.1 The importance of improving air quality in areas of the borough has become increasingly apparent over recent years. Legislation has been introduced at a European level and a national level in the past decade with the aim of protecting human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollution.

7.10.2 The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new/existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, inter alia, unacceptable levels of air pollution. It also requires the effects of air pollution and the potential sensitivity of the area to its effects to be taken into account in planning decisions.

7.10.3 The Planning Practice Guidance on Air Quality states that

*“whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation.....”*

7.10.4 The Local Plan at Policy DM6 sets out that development proposals will integrate air quality management and environmental quality into the location, design, and access to development and demonstrate that proposals do not worsen air quality to an unacceptable degree.

7.10.5 The proposed development is a major development but outside of any AQMA. The applicant has undertaken an Air Quality Assessment in support of this proposal. SBC Environmental Protection Team has reviewed it and concluded that there are no adverse impacts on air quality, either alone or in combination.

7.10.6 In accordance with Swale Air Quality Guidance, standard mitigation in the form of EV charging points (4 x electric vehicle charging points are proposed) and low NOx boilers (NOx-free boilers are proposed) are required and will be secured via safeguarding conditions. Subject to safeguarding conditions, the proposed development is considered acceptable and would not worsen the air quality, which is in line with requirements of policy DM6 of the Swale Local Plan 2017 and NPPF.

## 7.11 Community Infrastructure

7.11.1 The National Planning Policy Framework attaches importance to ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities. This is reflected in Policies CP5 and CP6 of the Local Plan, which set out that provision shall be made to accommodate local community services, social care and health facilities within new developments.

7.11.2 As with any planning application, the request for financial contributions needs to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (which were amended in 2014). These stipulate that an obligation can only be a reason for granting planning permission if it is:

- Necessary
- Related to the development
- Reasonably related in scale and kind

7.11.3 The following outline the financial contributions that have been sought by Kent County Council and Swale Borough Council to mitigate the impact of the development upon services, these contributions are all for specific capital projects which have been identified and assessed by Officers to comply with the Regulations (as amended).

7.11.4 Kent County Council, in its capacity, has identified that the proposed development will generate additional pressure on existing community facilities, including schools. The following mitigation has been requested:-

| Type of infrastructure                        | Cost       | Project  |
|---|------------|--|
| Secondary Education                           | £25,142.40 | Towards a new secondary school in Northwest Sittingbourne (Local Plan Policy MU1) <b>and/or</b> a new secondary school in Sittingbourne nonselective and Sittingbourne & Sheppey selective planning group areas. |
| Special Education Needs & Disabilities (SEND) | £2,519.28  | SEND contribution to be applied towards additional places in the Swale district.   |
| Community Learning and Skills (Adults)        | £752.62    | Additional equipment and resources for adult education centres serving   |

|   |           |   |
|---|-----------|---|
|   |           | the development, including outreach provision.  |
| Integrated Children's Services  | £1,332.90 | Additional equipment and resources for the Integrated Children's Services in Sittingbourne, including outreach provision, are needed.   |
| Libraries, Registrations and Archives Service   | £1,377.86 | Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development including Sittingbourne.                       |
| Adult Social Care   | £3,979.36 | Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within Swale |
| Waste   | £4,270.86 | Towards additional capacity at Sittingbourne HWRC & WTS.  |
| All homes to be built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part <b>M 4 (2)</b> |           |   |
| All to be index-linked by the All-In Tender Price Index from Q1 2022 to the date of payment.                              |           |   |

7.11.5 The application has been assessed in accordance with the KCC Development Contributions Guide, and inevitably, given the increased population as a result of additional dwellings, the proposed development will put pressure on existing community facilities. The above contributions and identified projects are considered to be compliant with Regulation 122 of the Community Infrastructure Regulations (as amended) and are necessary to make the development acceptable in planning terms to provide sufficient community infrastructure to serve additional populations. The applicant has agreed to pay those contributions in total.

7.11.6 In terms of the impact upon healthcare, the proposal will generate approximately 45 new patient registrations in general practice, as estimated by the NHS based on the dwelling mix proposed. The proposed development falls within the current practice boundaries of Memorial Medical Centre, Green Porch Medical Partnership and The Meads Medical Practice, where there is limited capacity to accommodate growth. The financial contributions will allow that growth to be accommodated and mitigate the pressure arising from the proposed development. The Applicant agreed to secure contributions via a s.106 agreement and pay them prior to the 1<sup>st</sup> occupation. This will be incorporated and secured into a s.106 agreement.

7.11.7 Subject to all necessary contributions being secured in a s.106 agreement, the proposed development would mitigate its pressure upon existing services and is in accordance with policies CP5 and CP6 of the Local Plan 2017, and NPPF.

## 7.12 Open Space

7.12.1 Local Plan Policy CP7 requires developments to promote the expansion of Swale's natural assets and green infrastructure. Policy DM17 of the Local Plan sets out that new housing development should make provision for appropriate outdoor recreation and play space proportionate to the likely number of people who will live there. This space should be fully accessible all year round.

7.12.2 The application site is located within a highly urban, tight-knit context and given its limited area, the plot of land would not lend itself to the provision of useable and meaningful on-site open space for all proposed units. It is noted that the third-floor flats would be served by balconies and this is considered appropriate. Consequently, the applicant has been requested to provide financial contributions to mitigate the pressure arising from this application and contribute towards off-site improvements to open spaces within Sittingbourne. SBC Greenspaces Officer identified that financial contributions could be directed toward off-site open space improvements at Sittingbourne Recreation Ground (500 metres from the site) for increasing the capacity of the play area and sports pitches through improvements to the existing provision. The request is considered to be compliant with the relevant Regulations and in accordance with the open space strategy, the following amounts were requested:-

- £713.17 per dwelling for increasing formal sport provision;
- £536.39 per dwelling toward increasing play and fitness provision;

7.12.3 The Applicant has agreed to pay the requested mitigation in full, with the first 50% payable upon commencement of the development and a reminder of the mitigation payable upon occupation of the 10th flat. This will be secured in the s.106 agreement.

7.12.4 In view of the off-site mitigation towards open space improvements, the development is considered to mitigate the impact in this regard and comply with policy DM17 of the Swale Local Plan 2017 and NPPF.

## 7.13 Flood Risk, Drainage and Surface Water

7.13.1 The NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. This is reflected in policy DM 21 of the Local Plan.

7.13.2 Part 4 of Local Plan Policy DM21 states that development should include where possible, sustainable drainage systems (SuDS) to restrict runoff to an appropriate discharge rate, maintain or improve the quality of the receiving watercourse, to enhance biodiversity and amenity and increase the potential for grey water recycling.

7.13.3 The application is in Flood Zone 1 and at low risk of flooding. The Environment Agency has concurred with this, identifying the site as at low risk of flooding and raising no objections.

7.13.4 In terms of the drainage strategy for surface water disposal, the site is adjacent to the surface water sewer. It is proposed that the scheme creates a new connection to the

existing drainage network. The surface water will be disposed of by a green roof system, wall-mounted rainwater harvesting units, an attenuation tank (underground) and a control mechanism limiting the final rate of discharge from the site to 0.5l/s. This strategy has been endorsed by the KCC Lead Flood Authority, who raised no objections to the proposed development, subject to further detailed design being secured via safeguarding conditions. It is noted that the above arrangement will require an application under Section 106 of the Water Industry Act to Southern Water directly to allow a connection point. Southern Water has not objected to this and recommended an informative for the submission of further surface and foul water details to Local Planning Authority for approval. The surface water details are already secured via safeguarding condition as mentioned above, whereas the foul water connection is subject to a separate consenting regime under legislation which sits outside the planning process.

7.13.5 In view of the above and subject to safeguarding conditions requiring detailed design of the drainage strategy for this site and a verification report, the proposed development will not increase the risk of flooding within or outside of the site and complies with policy DM21 of the Swale Local Plan 2017 and NPPF.

## **7.14 Contamination**

7.14.1 The NPPF states that local planning authorities should ensure that the site is suitable for its new use by taking into account various matters, including pollution arising from previous uses.

7.14.2 The site is covered by an existing building with its rear part used as a car park. No objection or concerns have been raised by the Environmental Protection Team or Environment Agency to this application in relation to contamination. Given this, the risk of contamination is unlikely the proposed development complies with paragraph 189 of the NPPF.

## **7.15 Living Conditions**

### *Existing residents*

7.15.1 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. Specifically, policy DM 14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight. Policy DM 16 also requires that alterations or extensions to existing buildings protect residential amenity

7.15.2 The surrounding environment and buildings are mostly commercial in character. The proposed residential development would provide numerous openings to the rear of the buildings at 75 – 81 High Street. However, the proposed windows would not overlook any private amenity space, as the surrounding land to the rear is mainly used as service yards/parking courts. The closest residential properties would be flats at 70-75 High Street. Given the sufficient separation distance of a minimum of 20 metres, with the intervening space being a road or existing buildings, the proposed development would not result in any adverse overlooking, overbearing, loss of privacy, overshadowing or enclosing effects.

Given that, in totality, the number of parking spaces would be similar, any additional noise levels associated with comings and goings would be negligible.

#### *Future residents*

7.15.3 Policy DM14 of the Local Plan provides general development criteria and requires that development does not result in significant harm to amenity (including that of future occupiers of development).

7.15.4 New development is expected to offer future occupiers a sufficient standard of accommodation and to have regard to the Government's minimum internal space standards for new dwellings.

7.15.5 The proposed flats would adhere to the National Minimum Space Standard and offer a legible, spacious layout. The majority of the proposed flats would have dual-aspect windows. Whilst balconies are not incorporated into each unit, given the town centre location and availability of open space in the surrounding area, this is considered to be acceptable, given land constraints. It is noted that windows to bedroom units 4, 11 and 12 would have an outlook partially obscured by either the roof slope of the adjacent building or the staircase enclosure. Given the tight-knit form of development, and with the roof sloping away from the affected window, it is considered that there will be sufficient outlook from those windows and this relationship is on balance acceptable. In conclusion, the quality of accommodation for future occupiers is considered satisfactory.

7.15.6 Noise has been raised as a matter of concern during the consultation process on this application, given the surrounding commercial uses, including a nightclub to the north of the site. The application is accompanied by the Noise Impact Assessment. This concluded that with adequate insulation, the noise levels within the proposed units would meet all the criteria and be acceptable to future occupiers. The Noise Impact Assessment identified that there may be occasions where the noise levels peak above the average and in those circumstances, with the windows shut, the noise levels would comply with the standards. Given that this impact would be limited to very short periods of time, the future occupiers will not need to keep their windows shut continuously to benefit from a good quality living environment. As such, with additional mitigation in the form of insulation, improved glazing, mechanical ventilation and a noise barrier screen, the proposed dwellings will have an acceptable sound level that will not result in any harmful impact on the living standards of future occupiers. Relevant conditions have been included to ensure that the required mitigation is installed.

7.15.7 In conclusion, in relation to living conditions of existing and future residents the application complies with Local Plan Policy DM14.

## **7.16 Sustainability / Energy**

7.16.1 Policy DM19 of the Local Plan requires development proposals to include measures to address climate change. Additionally in 2020 the Council adopted a Climate and Ecological Emergency Action Plan, which requires housing development to reduce carbon emissions by 50% compared to the Building Regulations Part L1 2013.

7.16.2 The application is accompanied by an Energy Statement. This demonstrates that energy efficiency and reduction in CO<sub>2</sub> over the Building Regulations will be achieved

resulting in total savings at 62.55%. This will be achieved through the incorporation of the following measures:-

- High level of insulation,
- LED lighting,
- Installation of mechanical ventilation system with heat recovery
- Hot water heat pump
- New electric boilers
- Installation of double-glazed windows

7.16.3 The Energy Statement submitted with the application also confirms that the development, through the installation of water-efficient features, will be designed to reduce water usage to less than 110 litres per person per day, as required by policy DM21. Electric Vehicle charging provision will be secured via safeguarding conditions, as discussed in the air quality section of the report. SBC Climate Change Officer raised no objections to the proposed sustainability measures.

7.16.4 In summary, the proposed development includes adequate measures to address climate change and complies with Local Plan Policy DM19 and DM21.

## **7.17 Other matters**

7.17.1 The site is not covered by any trees and will not result in any harmful impact on the surrounding trees.

7.17.2 The application was submitted before the 10% BNG requirements came into place, so a 10% uplift is not necessary.

7.17.3 The Applicant confirmed the building is separated from the sub-station by more than 7 metres, which is sufficient distance to ensure no impact.

## **7.18 Conclusion**

7.18.1 The Council is unable to demonstrate a 5-year housing land supply. This means that development should be approved unless the adverse impacts outweigh the benefits in a demonstrable and significant way. The above assessment demonstrates that the scheme would comply with the Swale Local Plan 2017 and NPPF. The proposal would result in the loss of employment floorspace. However, this is currently vacant and in a sector where the evidence demonstrates that there is a lack of demand in this location. The scheme would moderately contribute to the housing supply figures, deliver three affordable units and create housing in a highly sustainable location and generate more footfall within the town centre. There are no objections from statutory consultees and for these reasons it is recommended that planning permission is granted subject to safeguarding conditions and s.106 agreement securing all planning obligations as set out in the report.

## **CONDITIONS**

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

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

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

- Revised Proposed First and Second Floor Plan, ref. 2666/11 rev. F, Sept 23
- Revised Proposed Third Floor Plan & Roof Plan, ref. 2666/12 rev. C, Sept 23,
- Proposed Elevations, 2667/13 rev. D, Sept 23
- Proposed Sections, 2667/15 rev. A, Nov 23
- Proposed Block Plan, 2666/10 rev. C, September 2024
- Energy Statement (NRG Consulting, November 2023)
- Drainage Strategy (SuDS Report, ref. C3238-R1-REV-A, Nimbus Engineering Consultants)
- Noise Impact Assessment (DAA Group, Issue 01, 20<sup>th</sup> October 2023)
- Transport Statement (GTA, ref. 12768, November 2023)
- Construction Management Plan (NRG Consulting November 2023)
- Air Quality Assessment (NRG Consulting, November 2023)

Reason: In the interest of proper planning.

3. The development hereby approved shall be constructed in accordance with the sustainability measures as set out in the Energy Statement (NRG Consulting, November 2023) prior to the first use of any dwelling.

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

4. No development beyond the construction of foundations shall take place until details and samples of all the external finishing materials (including details of replacement windows to the existing building) to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

5. No flat hereby approved shall be occupied until the exterior of the building has been cleaned, fully in accordance with a scheme of cleaning that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is a minimal contrast between the new and existing concrete facades of the building, in the interests of visual amenity and to preserve the character and appearance of the conservation area.



6. To assess and mitigate the impacts of development on significant archaeological remains:

A) No development works shall commence until the applicant (or their agents or successors in title) have secured a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority.

B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of 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.

C) The archaeological safeguarding measures (B), investigation and recording shall be carried out in accordance with the agreed specification and timetable.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with policies in the Local Plan and the National Planning Policy Framework.

7. Within six months of the completion of archaeological works, a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;

b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;

c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with policies in the Local Plan and the National Planning Policy Framework.

8. Prior to the first occupation of any unit hereby permitted, details of a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through durable integrated methods into the design and appearance of the building and extension by means such as swift bricks, bat tubes or bee bricks and an implementation timetable.

The development shall be implemented in accordance with the approved details, and all features shall be maintained thereafter.

Reason: To ensure biodiversity net gain.

9. 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 SuDS Report ref: C3238-R1-REV-A 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 at a rate of 0.5l/s 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 elevation drawings showing detailed design and location of wall-mounted rainwater harvesting units (to be installed within the rear elevation of the building if feasible)
- The detailed design and extent of green roofs

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.

10. No unit 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 Verification 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 175 of the National Planning Policy Framework.

11. No dwelling shall be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post-completion testing shall assess the performance of the noise mitigation measures, implemented in accordance with the 'Noise Impact Assessment' by DAA Group dated 20th October 2023.

If the noise levels set out in the report are exceeded, additional noise mitigation measures to ensure the appropriate noise levels can be met shall be submitted to and approved in writing by the Local Planning Authority and implemented in full prior to the first occupation within any dwelling hereby approved.

The final approved noise mitigation scheme shall be implemented and maintained in accordance with the approved plans.

The post-completion noise survey shall assess the performance of any ventilation and cooling/heating system that has been installed to the satisfaction of the local planning authority. The approved alternative means of ventilation and cooling/heating shall be maintained thereafter.

Reason: In the interest of the amenity of future occupiers.

12. No external lighting shall be installed until a detailed scheme of lighting has been submitted to, and approved in writing by the Local Planning Authority.

This scheme shall take note of and refer to the Institute of ILP Guidance Note 01/21 The Reduction Of Obtrusive Light (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill.

The lighting scheme shall be installed, maintained, and operated in accordance with the approved scheme.

Reason: In the interests of neighbouring and visual amenity.

13. The bin storage facilities, as shown on drawing 2666/10 rev. C, shall be installed and provided in full prior to the first occupation of the flats hereby approved. The refuse storage facilities shall be retained thereafter as approved.

Reason: In the interests of protecting amenities.

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

Monday to Friday 0730 – 1900 hours,

Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

15. 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.

16. No development beyond the construction of foundations shall take place until the applicant has submitted details of what measures will be implemented to design out crime.

Reason: In the interest of amenities of future occupiers, ensuring safe spaces and discouraging anti-social behaviour.

17. 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 means of enclosure, details of green roof, hard surfacing materials, and an implementation programme.

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

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

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

19. 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.

20. The area shown on the submitted plan as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the first occupation of first dwelling 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.

21. The 4 EV charging points as shown on the submitted plan (drawing number 2666/10 rev C), shall be installed prior to the first occupation within site commencing.

All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a minimum 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approvedchargepoint-model-list>

Reason: In the interests of highways safety and to encourage sustainability

22. The cycle parking facilities to accommodate a minimum of 24 cycle spaces (in accordance with the Transport Statement and drawings 2666/10 rev. C, BEXB-5000-1.001, Cycle Shelter Specification Sheet received on 27<sup>th</sup> September 2024), shall be installed prior to the first residential occupation within the site commencing. The cycle spaces shall be maintained and made available to residents thereafter.

Reason: In the interests of highways safety

23. The development shall be carried out in accordance with the Construction Management Plan (NRG Consulting, November 2023).

Reason: In the interests of amenities and highway safety.

24. All dwellings shall be constructed to accord with part M4(2) of the Building Regulations.

Reason: To ensure a high standard of homes for future occupiers.

