

Deferred Item 2: REFERENCE NO - 14/506623/OUT		
APPLICATION PROPOSAL Outline application for proposed residential development of 18 units for affordable housing, with Appearance, Layout and Scale to be considered at this stage and all other matters reserved for future consideration.		
ADDRESS 109 Staplehurst Road Sittingbourne Kent ME10 2NF		
RECOMMENDATION: APPROVE subject to conditions as set out below, the signing of a Section 106 agreement and to no objection being raised by the Environment Agency.		
SUMMARY OF REASONS FOR RECOMMENDATION The proposals would be in accordance with the provisions of the Development Plan and all other material planning considerations .The proposed development would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience.		
REASON FOR REFERRAL TO COMMITTEE: Members’ approval is required for the signing of Section 106 Agreement.		
WARD Chalkwell	PARISH/TOWN COUNCIL	APPLICANT Mr Frank Balloch AGENT MSD Architects
DECISION DUE DATE 19/03/15	PUBLICITY EXPIRY DATE 19/03/15	OFFICER SITE VISIT DATE 9/3/15
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): see corresponding section of report to 23 rd April meeting.		

MAIN REPORT

1.0 BACKGROUND

1.1 Members will recall that this application was considered at the meeting on 23rd April 2015 and the Committee resolved as follows:

“That application 14/506623/OUT be deferred until further information from KCC Highways is provided in relation to traffic calming measures including an assurance that 40 tonne lorries will be stopped from accessing Hythe Road, Springfield Road and Staplehurst Road.”

1.2 The full minute is attached as Appendix 1, and the report to the last meeting is at Appendix 2.

1.3 This new report seeks only to address the reason for deferral and updates Members on consultation responses received since the earlier report was drafted. The other material considerations remain as set out, and appraised, in the report to the April meeting.

2.0 APPRAISAL

- 2.1 Kent Highways Services have provided further comments in response to the deferral of the application, and an extract reads as follows:

“The HGV issue is a bit of a red herring, as I don’t think it is the responsibility of this development to address the issue of HGVs using Hythe Road. The weight restriction that exists is meant to control this, but it is clear from the additional information now provided by the applicant’s highway consultant that HGVs will no longer be able to turn left out of the McDonald Mailing site once the proposed highway improvements have been carried out. The traffic islands will physically prevent HGVs from performing that manoeuvre, and the realigned kerblines will make it easier for them to turn in from and exit to the south stretch of Staplehurst Road, so all movements associated with goods vehicles at that site will be forced to use the only legal route.

As far as the traffic calming is concerned, they are now showing an arrangement almost identical to that previously expected with the other developments [most recently SW/12/0829] approved on this application site, so I am satisfied that an appropriate scheme will be delivered.”

- 2.2 It is clear in the light of the above clarification that the off-site traffic calming which will be required (and to be secured by planning condition) if this application is approved will be consistent with what was secured under previous schemes to re-develop this site. Furthermore, it is also clear from the comments of KHS that the traffic calming will not necessarily prevent HGVs from accessing Hythe Road, Springfield Road or Staplehurst Road.
- 2.3 This traffic calming will amount to welcome planning gain, and there would certainly be no legitimate basis relating to highway safety or convenience to refuse the application.

3.0 CONSULTEE UPDATE

- 3.1 There are further comments from Kent Archaeology Services and Housing Services since the drafting of the report to the meeting on 23 April 2015, neither of whom object to the proposed development. The condition requested by Kent Archaeology Services is included below.
- 3.2 Kent County Council have revised their request for developer financial contributions (further to Paragraph 9.7 of my report to the April meeting) and they are now seeking a total of £89,734.68 and contributions are no longer required for adult social services and community learning.
- 3.3 Further to Paragraph 9.8 of the report to the April meeting, the Borough Council will require financial contributions of:-

Wheelie Bins @ £37.61 per bin – 2 bins for each dwelling giving 36 @ £37.61 which is £1353.96 .

Off-site open space provision @ £861.8 per dwelling giving 18 @ £861.8 which is £15,512.4

The Monitoring Fee which will be 5% of the total financial contributions will be payable, which will be £5,330.08

3.4 Three letters of representation from local residents have been received, which raise the following issues:

1. Concern about the level of neighbour consultation
2. Queries about existing access arrangements for the site opposite
3. Concern about how HGVs will be prevented from gaining access to Hythe Road.
4. Concern about the speed of traffic using Staplehurst Road and how this will be controlled to enable safe access / egress from the site.
5. Neighbours in Hythe Road were not consulted.
6. Development could result in problems both during the construction phase (noise, dust, construction vehicles, long construction hours) and once the Development is finished, notably from increased traffic flow and possible subsidence to adjacent dwellings.

4.0 CONCLUSION

4.1 I remain firmly of the view that the conclusion reached in the report to the April 23rd meeting about this application, namely that planning permission should be granted subject to appropriate planning conditions and the signing of a suitably-worded Section 106 Agreement is the correct one.

4.2 Paragraphs 2.1 and 2.2 respond specifically to Members' reason for deferring the application and include KHS's comments in response to the deferral. The proposed requirement for off-site traffic calming (to be secured by planning condition) will ensure that the development has no adverse impact on road safety or convenience.

4.3 Paragraphs 3.1 to 3.4 update Members as to consultation responses received since the last meeting.

5.0 RECOMMENDATION – GRANT Subject to the following conditions, the conditions requested by Kent Highways Services (which are set out in the minute of the 23 April 2015 meeting, which is appended), the Environment Agency raising no objection, and the signing of a suitably-worded Section 106 Agreement:

CONDITIONS to include

- 1 . Details relating to the access thereto and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

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

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

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

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

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

4. Prior to the commencement of the development hereby approved details of the facing materials, including details of the type and colour, to be used in the construction of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those approved details.

Grounds: In the interests of visual amenity.

5. Notwithstanding the submitted plans, no development shall take place until full details of the hard and soft landscaping proposals have been submitted to and approved in writing by the Local Planning Authority. Details shall include hard landscaping; planting and species noting species (which shall be native species that contribute to local biodiversity), plant sizes and numbers where appropriate; soft landscaping; boundary treatments; and a timetable for their commencement and delivery, and a management and maintenance plan. These details shall be carried out in accordance with the approved details and thereafter retained and maintained unless otherwise agreed to in writing by the Local Planning Authority.

Grounds: To ensure that the landscaping is delivered to an acceptable quality and timetable.

6. For the approved landscaping scheme, any trees or shrubs 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.

Grounds: To ensure that the landscaping is delivered to an acceptable quality.

7. Prior to the commencement of the development hereby approved details of the security and crime prevention measures including lighting and CCTV shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those approved details and thereafter retained unless otherwise agreed to in writing by the Local Planning Authority.

Grounds: To promote safety and security on the site.

8. 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 - 1330 hours.

Grounds: To ensure the development does not prejudice conditions of residential amenity.

9. The commencement of the development shall not take place until a programme for the suppression of dust and noise during the construction use and removal of the haul road has been approved by the Local Planning Authority. Works shall be carried out in accordance with those approved details and shall be employed throughout the period of the construction, use and removal unless any variation has been approved by the Local Plan.

Grounds: To ensure the development does not prejudice conditions of residential amenity.

10. 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 on any other day except between the following times: Monday to Friday 0900 - 1700 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Grounds: To ensure the development does not prejudice conditions of residential amenity.

11. No development shall take place until details of how the proposal will achieve Level 3 of the Code for Sustainable Homes as set out in the submitted statements, and of how the development will incorporate energy, water, carbon and natural resource saving methods, and will generate 10% of its remaining energy demand from on-site renewable generation has been submitted to and approved in writing to the Local Planning Authority. Development shall be carried out in accordance with those approved details.

Grounds: In the interests of promoting energy efficiency and sustainable development.

12. Prior to the commencement of development hereby approved, a report demonstrating how the proposal will incorporate measures to encourage and promote biodiversity shall be submitted to and approved in writing. Development shall be carried out in accordance with those approved details and shall thereafter be retained.

Grounds: In the interests of promoting wildlife and biodiversity in urban areas.

13. No infiltration of surface water into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Grounds: To ensure the proposed drainage methods as set out in the submission documents are appropriate to the sensitivity of groundwater in the underlying aquifer in order to prevent pollution of controlled waters.

14. No development shall take place until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those approved details and thereafter retained.

Grounds: To ensure the proposed drainage methods as set out in the submission documents are appropriate to the sensitivity of groundwater in the underlying aquifer in order to prevent pollution of controlled waters.

15. 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.

Grounds: To ensure that local highway network is not prejudiced by construction of the development.

16. During construction provision shall be made on the site to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Grounds: To ensure that local highway network is not prejudiced in terms of traffic and parking.

17. Notwithstanding the submitted plans, no development shall take place until details of cycle parking for both visitors and residents has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those approved details and thereafter retained.

Grounds: To ensure the proposal provides for adequate cycle parking for the development.

18. The access details shown on the approved plans shall be completed prior to the occupation of any buildings hereby approved, the use of the site being commenced, and the access shall thereafter be maintained.

Grounds: To ensure the proposal can be adequately and safely accessed so as not to prejudice the operation of the existing highway network.

19. The commencement of the development shall not take place until a survey has been carried out to establish traffic noise levels affecting the site and predictions shall be made of any future traffic noise level increase over the next 15 years. The survey shall be carried out in accordance with a written protocol, details of which shall be submitted to and approved by the Local Planning Authority before the survey is carried out.

A report giving:

- (a) the results of the survey,
- (b) the predictions of noise levels,
- (c) details of the design measures that will be used to mitigate against traffic noise, and
- (d) details of the building specifications of the dwellings which will be used to achieve a maximum internal noise level within any of the dwellings of 35dB(A) (Fast) with windows closed, shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

The approved measures shall be implemented in full prior to the first occupation of any of the buildings hereby permitted

Grounds: In the interests of residential amenity.

20. No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority, comprising:
- a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the Local Planning Authority prior to any intrusive investigations commencing on site.
 - b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant contractor in accordance with a Quality Assured sampling and analysis methodology.
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

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

21. Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the District Planning Authority

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

22. Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation 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.

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

23. Details in the form of cross-sectional drawings through the site, of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved plans.

Grounds: In order to secure a satisfactory form of development having regard to the sloping nature of the site.

24. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Grounds: To ensure that features of archaeological interest are properly Examined and recorded.

Council's approach to this application:

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

In this case amendments have been sought and the application is being referred to the Planning Committee for consideration.

Case Officer: Harry Heywood

- 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.

APPENDIX 1

2.5 REFERENCE NO. - 14/506623/OUT			
APPLICATION PROPOSAL			
Outline application for proposed residential development of 18 units for affordable housing, with Appearance, Layout and Scale to be considered at this stage and all other matters reserved for future consideration			
ADDRESS 109 Staplehurst Road Sittingbourne Kent ME10 2NF			
RECOMMENDATION: APPROVE , subject to the outstanding views of Kent Highway Services, Kent County Council Archaeology Officer, Network Rail and Environment Agency and the receipt of amended plans addressing concerns about the cramped, car parking-dominated layout, and the signing of a suitably-worded Section 106 Agreement; and the receipt of outstanding consultation responses (see Paragraphs 7.2 to 7.5 below)			
SUMMARY OF REASONS FOR RECOMMENDATION OF APPROVAL			
The proposals would be in accordance with the provisions of the Development Plan and all other material planning considerations. The proposed development would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience.			
REASON FOR REFERRAL TO COMMITTEE			
Approval from the Members of the Committee for the signing of a Section 106 Agreement to secure financial contributions in respect of libraries, education, adult social services, community learning, off-site open space and play equipment, broadband connections, wheelie bins and a 5% monitoring charge, and to ensure that at least 30% of the dwellings are provided, and retained in perpetuity, as affordable housing.			
WARD Chalkwell	PARISH/TOWN COUNCIL N/A	APPLICANT Mr Frank Balloch AGENT MSD Architects	
DECISION DUE DATE 19.03.15	PUBLICITY EXPIRY DATE 19.03.15	OFFICER SITE VISIT DATE 09.03.15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/12/0829	Erection of 14 terraced houses (ten 3-bed & four 4 bed)	Approved	24/06/13
Summarise Reasons	Acceptable housing development for the area - Not implemented		
SW/10/0102	30 one-bed flats, 12 two bed flats, 6 three- bed flats	Approved	26/05/11
Summarise Reasons	Acceptable housing development for the area - Not implemented		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The site consists of a former railway depot situated within the built-up area to the west of the centre of Sittingbourne. The site is generally triangular in shape and bounded by Staplehurst Road, which runs southwest-northeast along the south western boundary and the railway line, which splits at the south eastern corner of the site and heads northwest to Sheppey and west to London. The areas beyond the railway lines to the northeast and southeast consist of predominantly residential areas. There are a number of light industrial units to the northwest of the site opposite Staplehurst Road.

APPENDIX 1

Planning Committee Report – 23 April 2015

ITEM 2.5

1.2 The land is set well below the level of Staplehurst Road and it has been abandoned and unused for quite a number of years. There are areas of hardstanding which have become overgrown in places, whilst rows of trees located around the edges of the site, help to screen views into the site from the surrounding areas.

1.3 The site is not prominent when viewed from Staplehurst Road, due to it being sited approximately three metres below the adjoining road level. The submitted Topographical Survey provides full details. The site is not close to the nearest dwellings in the area, off Springfield Road and Waterloo Road respectively to the northeast and across the railway line.

2.0 PROPOSAL

2.1 The application seeks outline planning permission, with all matters reserved for subsequent approval, apart from the layout, scale and appearance of the dwellings. For the construction of 18 affordable dwellings (six as shared ownership and 12 as affordable rent) for Housing Association accommodation. Amicus Horizon are the interested Registered Provider. The site area is 0.48 hectares, which gives a housing density of 38 dwellings per hectare.

2.2 The proposed dwellings comprise eight 2 bed units, six 3 bed units and four 4 bed units and are sited in a semi-detached arrangement which slopes downward towards the south eastern corner of the site. The 3 and 4 bed roomed houses will have two car parking spaces each and there are 4 disabled persons' spaces provided on the site. A total of 40 car parking spaces would be provided.

2.3 The proposed floor areas for the dwellings would meet Lifetime Homes requirements, with private amenity space at the rear of the dwellings.

2.4 A new vehicular access to the site from Staplehurst Road, would be constructed at the midpoint along the north western boundary of the site, to provide maximum visibility in each direction for the site entrance.

2.5 The proposed housing layout would consist of 6 semi-detached dwellings on the northern side of a crescent shaped estate road, with 3 semi detached pairs of dwellings on the southern side of the road and a vehicular turning area close to the southern boundary of the site.

2.6 The reserved matters are access and landscaping and would be the subject of a further application in the future.

3.1 SUMMARY INFORMATION

3.2 The new housing development would provide a modern contemporary design, with two rows of mono-pitched houses served by a central estate road and turning area at a sustainable location within an established residential area.

4.0 PLANNING CONSTRAINTS

4.1 This site is not subject to any planning constraints that warrant mention here.

APPENDIX 1

Planning Committee Report – 23 April 2015

ITEM 2.5

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) are relevant, but none of the guidance warrants specific mention here.
- 5.2 Development Plan: Relevant Policies include SP1 (sustainable development), SP4 (Housing), E1 (general development criteria), E16 (archaeological sites), E19 (Design), H2 (New housing), C2 (Housing developments and the provision of community facilities), T1 (Safe access to new development), T2 (Essential improvements to the highway network), T3 (Vehicle parking), T4 (Cyclists and pedestrians), U3 (Renewable energy), and U4 (placing services underground) of the Swale Borough Local Plan 2008.

6.1 LOCAL REPRESENTATIONS

- 6.2 No letters of representation from local residents have been received.
- 6.3 I have though received a copy of a letter sent by the ward councillors to local residents about the development. It explains that they will “call in” the application for determination by the Planning Committee and refers to the potential “...*modification to the road, access, traffic calming, etc remains intact...*” I give further details in the ‘appraisal’ section at paragraph 9.7 below.

7.0 CONSULTATIONS

- 7.1 Kent County Council have requested a Section 106 Agreement to secure financial contributions towards the provision of primary and secondary school places, libraries, adult social services and community learning.
- 7.2 Comments from Kent County Council Highway Services, Kent County Council Archaeological Services Network Rail and Environment Agency are still awaited and I will report to members at the Committee meeting of any updates received.
- 7.3 Housing Services - No objections to development of the site for 18 affordable housing units. The provision of two bed housing units on the site is welcomed.
- 7.4 The Greenspaces Manager - No objections and considers that a financial contribution towards off-site open space play equipment from the developers should be secured.
- 7.5 Southern Water - No objections, subject to a formal application for a connection to the public foul and surface water sewer is made by the developer. The site is located within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy.

APPENDIX 1

Planning Committee Report – 23 April 2015

ITEM 2.5

7.6 Environmental Health Manager - No objections providing conditions relating to a traffic noise survey for the site and design measures for the dwellings to mitigate against traffic noise have been undertaken. In addition, conditions are needed to deal with contaminated land on the site.

8.0 BACKGROUND PAPERS AND PLANS

8.1 The submitted application plans, reports and documents from the applicants.

9.0 APPRAISAL

9.1 The site is located within the urban area according to the adopted Local Plan, where the principle of development is generally acceptable, subject to matters of detail. The principle of the site being developed for housing has been accepted with the previous schemes for 48 flats in both 2004 (SW/04/0646) and 2010 (SW/10/0102). In addition, a housing development for 14 terraced units was approved in 2013 (SW/12/08929). The site is no longer suitable for employment use and as such it is considered that there has been no significant change in circumstances that would alter the recommendation that a residential use for the site should be supported in principle.

9.2 The submitted housing development proposes a modern design, whereby the dwellings have mono-pitched roofs, which has not been adopted elsewhere in the area. The site is separated from its surroundings by the railway lines and the road, which enables a different approach to be taken in the manner in which the site is developed. The use of good quality exterior facing materials for the housing should help the development to make a positive contribution to the character and appearance of the area, and Members will note the proposed condition (4) below.

9.3 The housing development would not be prominent when viewed from Staplehurst Road, due to the change in site levels in relation to the highway. It is considered that a good comprehensive landscaping scheme and the planting of further trees along the site boundaries will result in the proposed houses being screened from public view, and the detail will be subject to a separate reserved matters application, if this application is approved.

9.4 The housing development proposes four more housing units than the most recent approval for 14 terraced houses on the site. It retains a reasonable area of land for landscaping proposals and enables the dwellings to be sited away from the adjoining railway lines and provide space for boundary planting to soften the appearance of the dwellings. The dwellings are sited sufficiently far enough away from the nearest dwellings off Springfield Road and Waterloo Road respectively, so as to minimise the potential for any serious loss of residential amenities, in terms of overlooking / loss of privacy, overshadowing or loss of outlook for existing residents. For the avoidance of doubt, the nearest existing dwellings will be more than forty metres from any of the proposed houses.

APPENDIX 1

Planning Committee Report – 23 April 2015

ITEM 2.5

9.5 The housing development will require a number of improvements to the public highway in order to accommodate these proposals. The views of Kent Highways Services are awaited to provide such details, and to ensure that conditions are imposed to secure delivery of off-site highway improvements.

9.6 The site is located within Flood Zone 1, which is considered to be less vulnerable for development. I therefore consider that there will not be any flooding risks. However, care must be taken with regards to drainage, and members will note the relevant condition below. The views of the EA are awaited, and I will update Members at the meeting.

9.7 The proposed housing development will trigger the requirement for a Section 106 Agreement for a financial contribution to be paid to Kent County Council towards the provision of primary and secondary school places, libraries, adult social services, and community learning. The financial contributions are as follows:-

Primary Schools: (New build) - £72,000.00
 (Land acquisition costs) - £36,471.96
 Secondary Schools - £42,476.40
 Libraries - £4086.00
 Adult Social Services - £960.48
 Community Learning - £1087.70
 Youth Service - £676.50

The **total amount** required by KCC is **£157,759**

9.8 Additional fees are required by Swale Borough Council for the provision of wheelie bins, off- site play equipment and a 5% monitoring charge.

9.9 With regard to affordable housing, the S106 agreement will need to include a clause to ensure that a minimum of 30% of the dwellings are provided as affordable units and that an acceptable tenure split is agreed.

9.10 The approval of Members is required to enter such a legal agreement.

10.0 CONCLUSION

10.1 There would appear to be no planning objections to these proposals and as a result a conditional approval is recommended, subject to receipt of relevant amended plans and the signing of an appropriate Section 106 legal agreement.

10.2 Following careful consideration of the views of consultees, the relevant Development Plan policies and the planning merits of the proposals, I am of the view that the proposals would be acceptable in planning terms.

APPENDIX 1

11.0 RECOMMENDATION – GRANT Subject to the following:

11.1 The receipt of outstanding consultation comments (namely from Kent Highways Services, the Environment Agency, Network Rail and KCC Archaeology), I recommend that planning permission be granted. I also seek delegation from Members for the signing of a Section 106 Agreement to secure financial contributions in respect of education, libraries, adult social services, community learning, wheelie bins, off-site play equipment, and 30% affordable housing provision, and a 5% monitoring charge.

Conditions

- 2 Details relating to the access thereto and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

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

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

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

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

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

4. Prior to the commencement of the development hereby approved details of the facing materials, including details of the type and colour, to be used in the construction of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those approved details.

Grounds: In the interests of visual amenity.

5. Notwithstanding the submitted plans, no development shall take place until full details of the hard and soft landscaping proposals have been submitted to and approved in writing by the Local Planning Authority. Details shall include hard landscaping; planting and species noting species (which shall be native species that contribute to local biodiversity), plant sizes and numbers where appropriate; soft landscaping; boundary treatments; and a timetable for their commencement and delivery, and a management and maintenance plan. These details shall be carried out in accordance with the approved details and thereafter retained and

maintained unless otherwise agreed to in writing by the Local Planning Authority.

APPENDIX 1

Grounds: To ensure that the landscaping is delivered to an acceptable quality and timetable.

6. For the approved landscaping scheme, any trees or shrubs 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.

Grounds: To ensure that the landscaping is delivered to an acceptable quality and in pursuance of Policy E1 of the Swale Borough Local Plan 2008.

7. Prior to the commencement of the development hereby approved details of the security and crime prevention measures including lighting and CCTV shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those approved details and thereafter retained unless otherwise agreed to in writing by the Local Planning Authority.

Grounds: To promote safety and security on the site.

8. 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 - 1330 hours.

Grounds: To ensure the development does not prejudice conditions of residential amenity.

9. The commencement of the development shall not take place until a programme for the suppression of dust and noise during the construction use and removal of the haul road has been approved by the Local Planning Authority. Works shall be carried out in accordance with those approved details and shall be employed throughout the period of the construction, use and removal unless any variation has been approved by the Local Planning Authority.

Grounds: To ensure the development does not prejudice conditions of residential amenity.

10. 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 on any other day except between the following times: Monday to Friday 0900 - 1700 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Grounds: To ensure the development does not prejudice conditions of residential amenity.

APPENDIX 1

Planning Committee Report – 23 April 2015

ITEM 2.5

11. No development shall take place until details of how the proposal will achieve Level 3 of the Code for Sustainable Homes as set out in the submitted statements, and of how the development will incorporate energy, water, carbon and natural resource saving methods, and will generate 10% of its remaining energy demand from on-site renewable generation has been submitted to and approved in writing to the Local Planning Authority. Development shall be carried out in accordance with those approved details.

Grounds: In the interests of promoting energy efficiency and sustainable development.

12. Prior to the commencement of development hereby approved, a report demonstrating how the proposal will incorporate measures to encourage and promote biodiversity shall be submitted to and approved in writing. Development shall be carried out in accordance with those approved details and shall thereafter be retained.

Grounds: In the interests of promoting wildlife and biodiversity in urban areas.

- 19. No infiltration of surface water into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to control waters.**

Grounds: To ensure the proposed drainage methods as set out in the submission documents are appropriate to the sensitivity of groundwater in the underlying aquifer in order to prevent pollution of controlled waters.

20. No development shall take place until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried in accordance with those approved details and thereafter retained.

Grounds: To ensure the proposed drainage methods as set out in the submission documents are appropriate to the sensitivity of groundwater in the underlying aquifer in order to prevent pollution of controlled waters.

21. 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.

Grounds: To ensure that local highway network is not prejudiced by construction of the development.

APPENDIX 1

Planning Committee Report – 23 April 2015

ITEM 2.5

16. During construction provision shall be made on the site to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Grounds: To ensure that local highway network is not prejudiced in terms of traffic and parking.

17. Notwithstanding the submitted plans, no development shall take place until details of cycle parking for both visitors and residents has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those approved details and thereafter retained.

Grounds: To ensure the proposal provides for adequate cycle parking for the development.

18. The access details shown on the approved plans shall be completed prior to the occupation of any buildings hereby approved, the use of the site being commenced, and the access shall thereafter be maintained.

Grounds: To ensure the proposal can be adequately and safely accessed so as not to prejudice the operation of the existing highway network.

19. The commencement of the development shall not take place until a survey has been carried out to establish traffic noise levels affecting the site and predictions shall be made of any future traffic noise level increase over the next 15 years. The survey shall be carried out in accordance with a written protocol, details of which shall be submitted to and approved by the Local Planning Authority before the survey is carried out.

A report giving:

- (a) the results of the survey,
- (b) the predictions of noise levels,
- (c) details of the design measures that will be used to mitigate against traffic noise, and
- (d) details of the building specifications of the dwellings which will be used to achieve a maximum internal noise level within any of the dwellings of 35dB(A) (Fast) with windows closed, shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

The approved measures shall be implemented in full prior to the first occupation of any of the buildings hereby permitted

Grounds: In the interests of residential amenity.

24. No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority, comprising:

APPENDIX 1

Planning Committee Report – 23 April 2015

ITEM 2.5

- a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the Local Planning Authority prior to any intrusive investigations commencing on site.
- b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

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

- 25. Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the District Planning Authority.

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

- 26. Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation 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.

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

Council's approach to this application:

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

application and the application can then be amended and determined in accordance with statutory timescales.

APPENDIX 1

Planning Committee Report – 23 April 2015

ITEM 2.5

In this case amendments have been sought and the application is being referred to the Planning Committee for consideration.

Case Officer: Harry Heywood

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.

APPENDIX 2

PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 23 April 2015 from 7.03 - 11.03 pm.

2.5 14/506623/OUT

APPLICATION PROPOSAL

Outline application for proposed residential development of 18 units for affordable housing, with Appearance, Layout and Scale to be considered at this stage and all other matters reserved for future consideration.

ADDRESS 109 Staplehurst Road Sittingbourne Kent ME10 2NF

WARD Chalkwell	PARISH/TOWN COUNCIL	APPLICANT Mr Frank Balloch AGENT MSD Architects
--------------------------	----------------------------	--

The Major Projects Officer reported that further to their comments on page 36, paragraph 7.2 of the report, KCC Highways raised no objection subject to conditions. The Major Projects Officer drew attention to the highway-related conditions on page 42 of the report, in addition KCC Highways requested conditions to address; provision of off-site highway improvements; provision of space for construction parking; provision of car parking, including surfacing/drainage details; gradient of access; provision of sight lines and visibility splays; full highway details; and provision of access to agreed specification before any dwelling is occupied. Comments from the Environment Agency (EA), Network Rail and KCC Archaeology were awaited.

The Major Projects Officer reported that further to paragraph 6.1, on page 36 of the report, three further representations had been received from two local residents and a third from the Chalkwell Ward councillors raising the following comments: concern about the level of neighbour consultation; queries about existing access arrangements for the site opposite; concern about how HGVs will be prevented from gaining access to Hythe Road and Springfield Road; concern about speed of traffic using Staplehurst Road and how this will be controlled to enable safe access/egress from the site; neighbours in Hythe Road were not consulted; development could result in problems both during the construction phase (noise, dust, construction vehicles, long construction hours) and once the development was finished, notably from increased traffic flow and possible subsidence to adjacent dwellings.

The Major Projects Officer reported that further to paragraph 9.7 on page 38 of the report, Kent County Council had updated their request for developer contributions and were now seeking a total of £89,734.68, and contributions were no longer sought for 'adult social services' or 'community learning'. The Major Projects Officer advised that further to paragraph 9.7, on page 38, the following payments were required: wheelie bins - £1,353.96; off-site open space provision – £15,512.40.

APPENDIX 2

The Major Projects Officer also stated that the monitoring fee, amounting to 5% of the financial contributions, would also be payable.

The Major Projects Officer sought delegated authority to add a condition in respect of agreement of finished floor levels as the site sloped. The Major Projects Officer sought delegated authority to approve subject to the views of the EA, Network Rail and KCC Archaeology, the imposition of conditions as set out in the report, additional conditions as described for highway matters, the levels condition, and the signing of a suitably worded Section 106 Agreement.

The Ward Members raised the following concerns: concern that the originally proposed traffic calming measures would not be implemented and the details should have been provided at this meeting; already on-street parking problems in Springfield Road and this would be made worse; better signage at Key Street was needed to ensure 40 tonne lorries were directed down the Staplehurst Road link; need assurances that Springfield Road, Hythe Road and Staplehurst Road would be protected from 40 tonne lorries accessing these roads as local residents were already experiencing damage to vehicles as a result of this.

A Member suggested that the application be deferred to allow for detailed information on what traffic calming measures would be provided.

The Major Projects Officer stated that KCC Highways were satisfied with the proposals and that off-site traffic calming required by condition would be as approved under SW/12/0829, the previous planning permission to re-develop the site. The Major Projects Officer read an extract from the KCC Highway Officer's comments in which he clearly stated that traffic calming would need to be secured through an appropriately worded Grampian condition or within the Section 106 Agreement.

Councillor Ghlin Whelan moved the following motion: That the application be deferred until further information from KCC Highways is provided in relation to traffic calming measures including an assurance that 40 tonne lorries will be stopped from accessing Hythe Road, Springfield Road and Staplehurst Road. This was seconded by Councillor Barnicott. On being put to the vote the motion was agreed.

Resolved: That application 14/506623/OUT be deferred until further information from KCC Highways is provided in relation to traffic calming measures including an assurance that 40 tonne lorries will be stopped from accessing Hythe Road, Springfield Road and Staplehurst Road.