

PLANNING COMMITTEE – 21 MAY 2015

PART 2

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 14/502848/FULL			
APPLICATION PROPOSAL			
Change of use of upper floors and new rear extension to former public house to create 7 residential units (6 x1 bed and 1 x 2 bed), together with the change of use of ground floor to 346 sq m flexible retail use, (classes A1, A3 or A4). Development of additional 11 residential units (8 x 2 bed and 3 x 3 bed) to the rear of the Kemsley Arms, together with associated landscape and access arrangements, including 18 car parking spaces			
ADDRESS Kemsley Arms The Square Sittingbourne Kent ME10 2SL			
RECOMMENDATION Approve subject to receipt of satisfactorily amended drawings; and signing of a Section 106 legal agreement to secure financial contributions (towards libraries and public open space) and the provision of 6 affordable dwellings.			
SUMMARY OF REASONS FOR RECOMMENDATION			
The application proposes the provision of 18 dwellings and a retail area within a sustainable urban location, and by making use of a dis-used pub for which continued community use is not financially viable.			
REASON FOR REFERRAL TO COMMITTEE			
Application is subject to a S106 legal agreement.			
WARD Kemsley	PARISH/TOWN COUNCIL Kemsley	APPLICANT Chris And Sons Limited AGENT 178A Ltd	
DECISION DUE DATE 17/12/14	PUBLICITY EXPIRY DATE 17/12/14	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/08/0178	Scheme for provision of garden, parking and smoking area.	Approved	08.04.2008
SW/87/0275	Extension to kitchen omission of garden bar alterations to car park and provision of external blinds (amendments to SW/86/1040)	Approved	27.04.1987

SW/86/1040	Extension alteration and change of use from club to public house.	Approved	29.10.1986
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MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises the former Kemsley Arms public house and its associated parking area.
- 1.02 The Kemsley Arms is a large detached building situated on The Square at the junction of Grovehurst Avenue, Ridham Avenue and Menin Road. It is a good example of 18th century Queen Anne revivalist architecture, with keystones above tall windows; a central clock tower; and large, curved mouldings on the frontage.
- 1.03 Due to local land levels it is highly prominent in views when approaching Kemsley from Grovehurst Road to the south, and it is an important local building in terms of its design, placement and history (having been constructed as a central social building when Kemsley was originally built as a ‘garden village’ for mill workers).
- 1.04 The building is specifically referred to in Nikolaus Pevsner’s “The Buildings of England,” which is considered an important text on architectural history:

“A windswept model village almost on the marshes, reached up an avenue of trees. Formal layout, especially the square, with a prim neo-Queen Anne social centre on its N side designed more to be the “house” of the village than a building of the institute class. Neo-Georgian tendencies... Built in 1925-6 by Adams, Thomson & Fry. That means the young Maxwell Fry. It is a surprise to find the future partner of Gropius here so vigorously swimming against the tide of international modernism.”

- 1.05 Due to its design and local historical importance the Council considers the building to be a non-designated heritage asset, and was formally nominated as an Asset of Community Value (ACV) under the Localism Act on 28 November 2013. This affords the building some protection and status in terms of securing its retention and re-use, rather than demolition, but is not a material planning consideration in itself.
- 1.06 The building was originally used as a social club, but planning permission was granted for use as a public house in 1986. It ceased to be used as a pub several years ago and operated as an Indian restaurant until it closed permanently approximately 2 years ago. Since that time the building has been vacant and boarded up, and is falling into disrepair.

- 1.07 An access road to the east of the building is shared with the village hall and leads to a large parking area to the rear of the pub, with very tall conifers along the western edge between the car park and the rear of flats on Menin Road. Beyond that are the newer houses on Monarch Drive, which are set down from the Kemsley Arms due to changing land levels.

2.0 PROPOSAL

- 2.01 The application seeks planning permission for demolition of the rear section of the existing building, and alteration and extension to provide retail / commercial units (namely restaurant / café and / or drinking establishments) in the ground floor of the pub building with 18 residential flats above and within the new build to the rear (6 x one-bed; 9 x two-bed; and 3 x three-bed).
- 2.02 The proposed extensions would project to the rear of the existing frontage and would be of a modern design to contrast against the traditional design of the pub. The projection on the western side would be a maximum of approximately 7m high and the eastern / northern section would be approximately 10.5m high. The extensions would form a rough square around a central parking courtyard, with a break in the eastern elevation to allow vehicle access.
- 2.03 Both sections would feature mono-pitched zinc roofs facing the highway with areas of flat, sedum covered roof facing inwards to the courtyard. The outward-facing rooms on the side elevations would be served by balconies, while the rear elevation would feature recessed sections with windows on the inner face and high level windows facing northwards, both designed to minimise the opportunity for overlooking of properties on Monarch Drive.
- 2.04 Dormer windows and roof lights would be introduced to the roof slope of the existing building to accommodate properties within the roof space.
- 2.05 Parking for the retail units would comprise of the existing parking bays to the front of the building, whilst additional parking would be available within bays on the public highway. A shared garden area would be provided to the north of the building on part of the land currently used for car parking.
- 2.06 A total of six units would be one-bed; nine units would be two-bed; and three would be three-bed. In addition to the bedrooms each flat would feature a kitchen / lounge / diner, bathroom (some with additional en-suite) and balcony (facing either inwards over the courtyard, westwards onto Menin Road, or eastwards towards the village hall). Only high level windows are proposed on the rear elevation (to prevent overlooking of the rear gardens of properties on Monarch Drive), and rooms to the rear of the development would be served by inward-facing windows within a recessed well.

2.07 The submitted Planning Statement comments:

“The proposal involves the demolition of the 382sqm poor quality extension to the Kemsley Arms and its replacement with a new 2 storey extension to the west, together with the change of use of the ground floor to provide a total of 7 residential units (of which 5 will be affordable) [NB: 6 affordable units have been agreed in accordance with policy H3 of the Local Plan]. In addition two minor extensions to the rear of the building are proposed and will contain new staircases.

The new building to the rear of the Kemsley Arms will contain a further 11 residential units over 3 storey within an L-shaped building that runs along the eastern boundary of the site, and extending across to the north to form a courtyard with the rear of the Kemsley Arms.

*The total proposed floorspace of 1,643sqm (GIA), which is broken down as **1,297sqm for residential** and **346sqm for the flexible retail space...***

...a total of 33% of the units are 1 bed, 50% of the units are 2 bed, and 17% are 3 bed.

The ground floor of the Kemsley Arms will be opened up to provide one retail unit which extends into the new rear extension to the building. The existing entrance will be retained and provide the main entrance to the building. A bin store, accessed from the new courtyard will be located to the rear of the building. There will be three separate residential entrances...”

3.0 SUMMARY INFORMATION

	Existing	Proposed
Site Area (ha)	0.18ha (0.44acres)	
Approximate Ridge Height (m)	10.2m	10.5m (maximum)
Approximate Eaves Height (m)	7.5m	9.4m (maximum)
Approximate Depth (m)	21.5m	40.5m
Approximate Width (m)	24m	26m
No. of Storeys	3	3
Parking Spaces	Unknown	18 (plus unmarked bays to front)
No. of Residential Units	1	18
No. of Affordable Units	0	5 (6 requested by S106)

4.0 PLANNING CONSTRAINTS

- 4.01 The application site lies within the built up area, and is not subject to any designation under the adopted Local Plan.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

- 5.01 The NPPF was adopted on 27th March 2012 and is a material consideration in determining planning applications. It offers general advice in respect to proposed development, rather than the more detailed and often site-specific guidance of the Local Plan (discussed below). Local Plan policies must be assessed against the advice of the NPPF, and those with a “limited degree” of conflict can be considered to comply and thus remain a material consideration in the determination of planning applications.
- 5.02 Paragraph 46 of the NPPF requires Local Planning Authorities (LPA) to have an up-to-date five year housing supply, i.e. sufficient housing to cover demand for the next five years. Swale does not have a five-year housing supply, and thus policy H2 (noted below) is not considered to comply with the provisions of the NPPF in as much as it aims to prevent residential development outside of the built up area other than in specific circumstances.
- 5.03 However that does not have a huge bearing on the determination of the current application as the site lies within the built up area where housing development is acceptable as a matter of principle under both local and national policies.
- 5.04 The NPPF (paragraph 70 in particular) identifies pubs as community facilities, and makes it clear that their unnecessary loss should be resisted. It stipulates that applicants need to demonstrate that the pub in question doesn't serve the local community and that it isn't viable.

National Planning Practice Guidance (NPPG)

- 5.05 The NPPG also provides general guidance in relation to development. It encourages the provision of housing within sustainable areas, subject to consideration of issues such as local and residential amenity, highways, contamination, noise, and ecology, amongst others.

Swale Borough Local Plan 2008

- 5.06 The Local Plan policies listed below are considered to be in compliance with the NPPF, except for H2 solely in as much as the Council does not have a five-year housing supply.

- 5.07 Policy E1 seeks to ensure that all development proposals respond to the characteristics of the site's location, protect and enhance the natural and built environments, and cause no demonstrable harm to residential amenity, amongst others. Further to this policy E19 seeks to achieve high quality design on all new developments, while T3 and T4 require the provision of appropriate number of parking spaces and secure cycle storage, respectively.
- 5.08 Policy H2 supports the provision of new residential development within the defined built up area boundaries and encourages providing a variety of house types and sizes to make efficient use of land, and deliver a range of housing options. Further to this policy H3 seeks to ensure that affordable housing is provided on all developments of 15 dwellings or more at a rate of not less than
- 5.09 Policy C1 of the Local Plan aims to prevent the unjustified loss of existing community facilities, such as public houses, where this would be detrimental to the social well-being of the community. It states that *"before agreeing to its loss or change of use, the Borough Council will require evidence that the current use is no longer needed and is neither viable, nor likely to become viable."* This is supported by the NPPF, as above.
- 5.10 Policy U1 seeks to ensure that all new developments are provided with the necessary service and utility connections, or that suitable financial contributions are paid towards their provision.
- 5.11 Policy U3 aims to ensure that all new development makes use of sustainable design, build and construction techniques in the interests of minimising and accounting for climate change.
- 5.12 The Council's adopted Supplementary Planning Guidance (SPG) entitled "The Conversion of Buildings into Flats & Houses in Multiple Occupation" gives minimum floor space standards for residential flats. The SPG has been through a formal review and adoption process and thus remains a material consideration.

6.0 LOCAL REPRESENTATIONS

- 6.01 Three letters of objection have been submitted by local residents, raising the following summarised concerns:
- Inadequate parking provision will contribute to local parking pressure;
 - What will the flexible retail use of the ground floor be;
 - Will the flexible retail uses give rise to noise, smell or other disturbance;
 - Overlooking of neighbouring properties;
 - Dust, noise and general disturbance during construction;
 - Antisocial behaviour from future residents; and
 - The change in levels between the application site and Monarch Drive will result in an overbearing development.

7.0 CONSULTATIONS

- 7.01 Kent County Council has assessed the proposal with regard to financial contributions towards local libraries, and requests a total commuted sum of **£864.28**. This is to be secured by way of a legal agreement under Section 106 of the Town and Country Planning Act.
- 7.02 Highways England has no objection.
- 7.03 Kent Highway Services have no objection to the proposals subject to conditions as recommended below. They do note that the scheme has a shortfall of 2 parking spaces, but consider that the existing bays to the front of the site as well as other nearby public and on-street parking will service the development sufficiently.
- 7.04 The Environment Agency has no objection, and considers the site to be low risk.
- 7.05 Southern Water has no objection subject to a standard informative, which is attached below.
- 7.06 The Council's Conservation and Design officer comments that the building "*is of particular interest because it is an early example of the distinguished internationally famous architect Maxwell Fry. Therefore the retention of this building and its restoration and preservation in part, as well as removal of harmful extensions as an integral part of the whole scheme, is to be welcomed.*" Further to extensive discussions with the agent for the application, receipt of amended drawings, and subject to conditions to secure high-quality detailing (as set out below), he raises no objection.
- 7.07 The Head of Service Delivery raises no objection subject to a condition requiring full details of the proposed mechanical ventilation system to be used within the development.
- 7.08 The Council's Housing Strategy & Enabling Officer has no objection subject to the provision of 6 affordable dwellings (including 1 ground floor wheelchair-adapted unit) to be secured through a legal agreement under S106 of the Town and Country Planning Act. She is happy to accept all 6 units as affordable rent tenure (rather than the Council's standard 70/30 split of affordable rent and shared ownership) in reflection of current local need.
- 7.09 The Council's Open Spaces Officer has no objection, but requests a sum of £861.80 per dwelling (amounting to a total of **£15,512.40**) towards maintenance and improvement of public open space at Kemsley Recreation Ground. This will also be secured through the S106 legal agreement.

- 7.10 The Council's Economy and Community Services Manager has no objection, and notes that the adjacent village hall has provided for community uses since the closure of the pub, including as a licenced premise for private functions. In this regard, however, she also notes the potential for noise and disturbance from the village hall to properties on the western side of the proposed extension.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The previous applications noted above do not have any real bearing on the determination of this application.
- 8.02 The application is accompanied by a full suite of supporting documents, which are considered to be thorough and provide a good level of detail.
- 8.03 Of particular note is the submitted viability statement. This is a confidential document (but Members may view it by contacting the case officer), but it can be known that it demonstrates that continued use as a public house is neither viable nor likely to become viable in the future. The costs associated with bringing the building up to standard for modern pub use (including essential repairs) versus the projected earnings from use as a pub would result in a significant loss.

9.0 APPRAISAL

Principle of Development

- 9.01 The application site is within the built up area, where local and national policies support new residential development as a matter of principle.
- 9.02 Policy C1 of the adopted Local Plan aims to resist the unjustified loss of local community facilities, including public houses. However, as detailed at 8.03 above, the applicant has submitted a detailed viability assessment with regards to the costs involved in reinstating the pub use (given that it ceased several years ago, and the building has been left in disrepair after being unoccupied for a number of years after closure of the restaurant). This demonstrates that continued use as a pub / community facility is not financially viable and the principle of change of use is therefore acceptable under terms of policy C1.
- 9.03 In this regard I also note the Economy and Community Services manager's comments (as at 7.09 above) in that she does not consider there to be a local lack of community facilities. With this in mind I do not consider the designation of the pub as an ACV to be a material planning concern in respect to the change of use from a pub in this instance, and I therefore consider the principle of conversion of the former pub to be acceptable subject to matters of detail as discussed below.

Visual Impact

- 9.04 I consider the proposed extensions and alterations to be of a good standard of design. They are undoubtedly of this time, architecturally, but do not challenge the integrity of the original building and clearly show the break between old and new fabric. The demolition of the existing poor-quality rear extensions is also considered to be positive in terms of the visual impact on the building and the wider street scene.
- 9.05 The use of a varied palette of materials including local bricks; render; glass balustrades; aluminium window frames; and lead, zinc, slate and sebum (green) roofing will be ensured through the condition below and will result in a high-standard finish.
- 9.06 I note local concern in regards to the appearance of the proposed rear (northern) elevation, which, in order to avoid overlooking of properties on Monarch Drive, does not feature any windows. This results in a large expanse of unbroken brickwork that, when viewed from the rear of dwellings on Monarch Drive, would be an imposing and oppressive structure.
- 9.07 I have therefore requested amended drawings to insert high-level windows on the rear elevation. These will have the dual benefit of breaking up the blank elevation and improving views of the structure from existing dwellings while also providing additional natural lighting to the rooms at the rear of the building, which would otherwise have only been served by windows facing inwards within the recessed light well.
- 9.08 Due to a change in land levels between the application site and Monarch Drive (the Kemsley Arms sits at a high point in local topography) the use of well-considered landscaping within the rear garden area would help considerably to minimise views between existing and proposed. I have recommended the landscaping condition below, which will enable the Council to consider placement and species of planting to ensure an appropriate barrier is achieved.
- 9.09 I therefore believe that overall the development will be a positive improvement to the area, and would not harm the character or appearance of either the existing pub building or the wider street scene.

Residential Amenity

- 9.10 The proposed flats would be of a good size, and in excess of the minimum floor space required by the Council's adopted SPG. Each flat features a balcony (patio / terrace for the rear ground floor units) that will provide a private amenity area, as well as access (via a shared door) to the shared rear garden at the northern end of the site. I am therefore of the opinion that they will provide a good standard of amenity for future occupants.

- 9.11 I did have some concerns in regards to the rooms at the rear of the extension (northern elevation) which were initially only served by windows facing inwards onto a recessed light well. However the amended drawings now show high level windows serving these rooms, which will provide additional light and circulation and improve the quality of living in my opinion.

Highways

- 9.12 Kent Highway Services have no objections subject to the conditions below. I therefore have no serious concerns in regards to highway safety and amenity. Parking provision for both the residential and commercial elements can be secured through the conditions noted below.

Landscaping

- 9.13 Limited space is available within the application site for meaningful landscaping / planting other than within the shared garden to the rear. I do not believe this to be a particular concern, however, as the front of the building is very much a local landmark and a prominent feature within the street scene (historic photos from 1955 also show the current arrangement). I therefore do not consider it entirely necessary to require planting to the front.
- 9.14 As noted at 9.08 and 9.09 above; the shared rear garden is of sufficient assize to accommodate a robust landscaping scheme, and this will also help to reduce views of the building from existing properties on Monarch Drive. This is secured by conditions below.

Developer Contributions

- 9.15 As noted at 7.01 and 7.09 above: financial contributions have been requested by KCC (towards libraries) and the Council's Open Spaces Officer (for provision / upkeep of public open spaces) amounting to a total of **£16,376.68**. Further contributions will be required in respect of wheelie bin provision and the Council's 5% monitoring fee – I await further comments from the Council's Cleansing team in respect of the cost of wheelie bins and will update Members of the final total contributions required at the meeting.

Other Matters

- 9.16 The proposed commercial use of the ground floor of the existing building is, to my mind, to be encouraged. The submitted viability statement makes it clear that commercial use of the entire premises is not financially viable but this will ensure that some element of employment / commercial / retail use within the building takes place and continues the building's history of serving the local community.
- 9.17 At this stage the end-user of the ground floor space is unknown, but the conditions below will ensure that any use is appropriately catered for in terms of parking, local amenity, type of use, etc. I therefore have no serious objections to this element of the proposal.

9.18 The site lies outside of the SSSI / SPA consultation zone and I therefore have not consulted Natural England. Whilst I note that there is potential for any new development within 6km of the SSSI / SPA to impact upon its functioning I consider the likelihood of serious impacts arising from this development to be unlikely. The application proposes a relatively small number of dwellings and there are public open spaces (Kemsley recreation Ground and the Church marshes Country Park) within easy walking distance of the site, which I consider to be much more likely to be used by future occupants for recreation than the relatively remote SSSI / SPA.

10.0 CONCLUSION

10.01 The application proposes conversion of a long-empty pub for which continued community use is not viable. Provision of residential units and a mixed commercial / retail unit on the site ensures a future for the building and would not give rise to any serious amenity issue for local residents. The proposed extensions and alterations would enhance the appearance of the building and thus the character and appearance of the local area.

10.02 I therefore recommend that the application be approved, subject to receipt of satisfactorily amended drawings; and signing of a Section 106 legal agreement to secure financial contributions (towards libraries, public open space, wheelie bins and a 5% monitoring charge) and the provision of 6 affordable dwellings.

11.0 RECOMMENDATION – GRANT Subject to the following 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.

Reasons: 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 dwellings hereby approved shall achieve at least a Level 3 rating under The Code for Sustainable Homes or equivalent, and no development shall take place until details have been submitted to, and approved in writing by the Local Planning Authority, which set out what measures will be taken to ensure that the development incorporates sustainable construction techniques such as rainwater harvesting, water conservation, energy efficiency and, where appropriate, the use of local building materials; and provisions for the production of renewable energy such as wind power, or solar thermal or solar photo voltaic installations. Upon approval, the details shall be incorporated into the development as approved.

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

- (3) No development shall take place until details in the form of samples of external finishing materials to be used in the construction of the development hereby approved, including those to be used on the surface of the car parking areas, have been submitted to and approved in writing by the Local Planning Authority, and thereafter shall be implemented in accordance with the approved details.

Reasons: In the interest of visual amenity.

- (4) No development shall take place until details of all new dormer windows, including 1:10 scale key elevations and sections, plus 1:5 scale working drawings of roof eaves and dormer cheeks have been submitted to and approved in writing by the Local Planning Authority.

Reasons: In the interest of preserving or enhancing the special architectural or historic features of the existing building, which is considered to a building of local importance.

- (5) No development shall take place until details of any mechanical ventilation system that is to be installed shall be submitted to and approved by the Local Planning Authority and upon approval shall be installed, maintained and operated in a manner that prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Reasons: In the interests of residential amenity.

- (6) No development shall take place until a programme for the suppression of dust during the demolition of existing buildings and construction of the development has been submitted to and approved by the Local Planning Authority. The measures shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority

Reasons: In the interests of residential amenity.

- (7) No development shall take place until full details of the method of disposal of foul and surface waters have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reasons: In order to prevent pollution of water supplies.

- (8) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, where possible), plant sizes and numbers where appropriate, means of

enclosure, hard surfacing materials, an implementation programme and a management plan (which shall include details of management of the sedum roof).

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity, and minimising the opportunities for overlooking of the dwellings on Monarch Drive.

- (9) 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.

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

- (10) 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.

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

- (11) 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.

Reasons: In the interests of residential amenity.

- (12) During construction of the development adequate space shall be provided on site, in a position previously agreed by the Local Planning Authority to enable all employees and contractors vehicles to park, load and off load and turn within the site.

Reasons: In the interests of highway safety and convenience.

- (13) Adequate precautions shall be taken during the period of demolition and construction to prevent the deposit of mud and/or other debris on the public highway.

Reasons: In the interests of highway safety and convenience.

- (14) No dust or fume extraction or filtration equipment, or air conditioning, heating or ventilation equipment shall be installed until full details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority.

Reasons: To safeguard the amenities of nearby residential properties.

- (15) No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- A statement of why lighting is required, the proposed frequency of the use and the hours of illumination.
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
- Details of the number, location and height of the lighting columns or other fixtures.
- The type, number, mounting height and alignment of the luminaries.
- The beam angles and upwards waste light ratio for each light.
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties.

Reasons: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

- (16) 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.

Reasons: In the interests of amenity and road safety.

- (17) Prior to the works commencing on site details of parking for site personnel / operatives / visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

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

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

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

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

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

- (20) No dwelling shall be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for cycles to be securely sheltered and stored in accordance with the adopted parking standards.

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

- (21) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site without the prior written approval of the Local Planning Authority.

Reasons: In the interests of residential amenity.

- (22) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the north facing rear wall or roof slope of the extension hereby permitted unless agreed in writing with the Local Planning Authority.

Reasons: To prevent the overlooking of the residential properties on Monarch Drive and to safeguard the privacy of their occupiers.

- (23) No radiators, light fittings, pipework, vents, ducts, flues, meter boxes, alarm boxes, ductwork or other appendages (except fittings in the bathroom and kitchen) shall be fixed to the exterior of the frontage of the existing building without the prior written consent of the Local Planning Authority.

Reasons: In the interest of preserving or enhancing the special architectural or historic features of the existing building, which is considered to a building of local importance.

- (24) The amenity area labelled as “shared garden” on the approved plans shall be retained for use by the residents of all the flats throughout the duration of the development.

Reasons: In the interests of residential amenity.

- (25) The ground floor area labelled “A1 / A3 / A4” on the approved drawings shall be used for the purposes falling within use Classes A1, A3 or A4 of the of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose.

Reasons: In the interests of the amenities of the area.

- (26) The use of the ground floor area labelled “A1 / A3 / A4” on the approved drawings shall be restricted to the hours of 8 am to 10 pm on weekdays and Saturdays, and 9 am to 5 pm Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reasons: In the interests of the amenities of the area.

- (27) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

Reasons: In the interests of residential amenity.

Informatives

- (1) A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk.

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the

sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk.

- (2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the applicant/agent was advised of minor changes required to the application and these were agreed, and the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Case Officer: Ross McCardle

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.