

2.5 REFERENCE NO - 14/500615/FULL			
APPLICATION PROPOSAL			
Demolition of existing fire-damaged property: 87 London Road, Sittingbourne, and proposed warden-assisted retirement flats comprising 24 1-bed units and 8 2-bed units including communal lounge, laundry, guest bedrooms, management facilities and associated car parking, together with improvement and realignment works to the A2			
ADDRESS 87 London Road Sittingbourne Kent ME10 1NL			
RECOMMENDATION GRANT subject to the signing of a Section 106 agreement to secure financial contributions as set out below and the provision of 30% of the dwellings as affordable housing, and the further comments of Kent County Council Ecology and the County Archeologist			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL			
The application proposes the provision of 32, warden assisted retirement flats within a sustainable urban location with a history of residential and care home facilities.			
REASON FOR REFERRAL TO COMMITTEE			
Application is subject to a S106 legal agreement. More than 3 objections Application called in at the request of Councillor Truelove			
WARD Homewood	PARISH/TOWN COUNCIL N/A	APPLICANT Mr John Butler AGENT Mr Steve Banister	
DECISION DUE DATE 09/04/15	PUBLICITY EXPIRY DATE 09/04/15	OFFICER SITE VISIT DATE March 2015 & May 2015	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/10/0510	Change of use of existing care home (Use Class C2) to a single dwelling (Use Class C3)	Approved	July 2010

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site is located within the built up area boundary of Sittingbourne. It is accessed via London Road but 'hidden' behind the main London Road frontage of residential and non-residential properties including a petrol-filling station and hotel. The site itself is approximately 0.27 hectares in size and is bounded by 2/3 metre high brick built walls to its north, west and south elevations. It is also notable that the northern site boundary is heavily vegetated with trees and thick shrubs which abuts the petrol-filling station on London Road. It is noted that the application site is essentially flat ground set at a similar level to no 2 Borden Lane to the south, but elevated by approximately 5 metres above London Road and well above (by approximately four metres) the road level of Borden Lane in this vicinity.

1.02 To the south-west and north-west of the site there are a number of residential properties of predominantly two storey detached and a semi-detached dwellings, of varying sizes and design. The same is true for the south-east of the site and also includes a 3 /4 storey detached flatted development, known as 2a Borden Lane. It is

noted also that the application site currently comprises of four parking spaces, located in the eastern corner of the site, related to nos. 77, 79, 81 and 83 London Road. It is proposed to retain these spaces for the use by these properties.

- 1.03 The application site used to consist of a substantial, large two-storey detached Victorian dwelling house. In recent years this property had been in the ownership of the NHS and had been used as a specialist residential care home providing twelve bedrooms and associated facilities. This property had been severely fire-damaged a few years ago and has therefore been derelict ever since. The NHS subsequently sold the site to the current owner and applicant of this planning application. It is noted that during the course of the planning application, the remains of the dwelling have been demolished, mainly due to its apparently unstable nature.

2.0 PROPOSAL

- 2.01 The application seeks permission for the demolition of the fire-damaged property and the erection of a new building of a warden assisted group of retirement apartments and associated facilities. This would comprise twenty-four one bedroom units and eight two-bedroom units. The communal facilities include a residents' lounge, laundry, guest rooms, management contact room and supervision. The development therefore will combine independent living for the 'over 55s' within the wider community with full-time on-site management support.
- 2.02 The proposed front (east) elevation of the building will be a combination of three and four storeys in height (maximum ridge height of 12.2 metres and an eaves height of 9.2 metres), dropping to two storeys as it moves towards the north-west of the site. The rear part of the building will be predominantly two storeys in height (ridge height of 7.2 metres) – rising to four storeys at the front, with the proposed communal lounge being single storey. The proposed rear part of the building will be predominantly a mix of single, two, three and four storeys in height.
- 2.03 The proposed two storey western end of the proposed building will be approximately 20.4 metres from the rear boundary wall, and the proposed south elevation will be approximately 2.5 metres – at its narrowest and 8.6 metres at its furthest distance from the boundary wall with the neighbouring property to the south. Whist the northern side of the building will be 8.2 metres at its widest and 0.4 metres at its narrowest which borders with the petrol-filling station site.
- 2.04 Twenty-one car parking spaces are proposed for the site to be largely located at the western end of the application site, with two car parking spaces proposed along the eastern end, for visitors, located in front of the building and two spaces to the north end of the site. Access to the main car parking area will be from London Road and along the southern side of the application site. A covered cycle store is proposed along the southern boundary of the site along with bin storage facilities
- 2.05 The western and southern boundaries of the site are to be bounded with a 1.2 metre deep planting strip and the two existing mature yew trees in the western corners of the site are to be retained. The northern boundary is currently already heavily vegetated with mature trees and shrubs and lies just beyond the boundary walls within the adjoining petrol-filling station site.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
No. of Storeys	0	2 - 4 (to front elevation)	+ 2 - 4
Site Area	0.27 hectares	0.27 hectares	0
Parking Spaces	0	21 for the proposed development and 4 for the properties in London Road	+25
No. of Residential Units	0	32	+32
No. of Affordable Units	0	10	+10

4.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):

- 5.01 The NPPF relates in terms of achieving sustainable development, building a strong competitive economy, delivering a wide choice of quality homes, requiring good design, promoting healthy communities, conserving and enhancing the natural environment, and sustainable drainage systems.
- 5.02 There are three dimensions to sustainable development: economic, social and environmental. Gains in each should be sought simultaneously. There is a presumption in favour of sustainable development which is considered to be a golden thread running through plan making and decision taking. Amongst the 12 core planning principles are requirements to recognise the intrinsic character and beauty of the countryside and reuse brownfield land.
- 5.03 The NPPF attaches significant weight to economic growth to create jobs and prosperity. Regarding housing the NPPF requires a significant boost in housing supply and states Councils should “identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%”. Paragraph 49 states that housing supply policies should be considered out of date if the Council cannot demonstrate a five year supply of deliverable housing sites.
- 5.04 Paragraph 56 attaches great importance to design which should contribute positively to making places better for people. Permission should be refused for development of poor design.
- 5.05 The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government’s view of what sustainable development in

England means in practice for the planning system. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

5.06 The NPPF outlines a set of core land-use planning principles (Para 17) which should underpin both plan-making and decision-taking including to -Contribute to conserving and enhancing the natural environment and reducing pollution and encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high value.

5.07 Paragraphs 47-55 of the NPPF seek to significantly boost the supply of housing.

Paragraphs 56-68 of the NPPF requires good design

The Swale Borough Local Plan 2008

5.08 Policies SP1, SP2, SP3, SP4, SP5, SP6 and SP7 are strategic level policies setting out the Council's approach to sustainable development, environment, economy, housing, rural communities, transport and utilities and community services and facilities. Development control policies E1 and E19 are general development criteria and design policies that seeks positive, well designed proposals that protect natural and building environments whilst causing no demonstrable harm to residential amenity or other sensitive uses.

5.09 Policy H2 notes permission will be granted for residential development on allocated sites or within built up areas. T3 requires appropriate vehicle parking to be provided in accordance with adopted Kent County Council standards.

Emerging Local Plan – 'Bearing Fruits' (Dec. 2014):

5.10 The emerging Local Plan has been submitted for examination and so carries some weight. The site is not allocated for development in this emerging Plan. Policy ST1 sets out the Council's strategic approach to securing sustainable development. ST2 sets a housing target for the plan period between 2011-2031 of 10800 houses (540 per annum). ST3 provides a settlement strategy that emphasises development on brownfield land within built up areas and on sites allocated by the Local Plan. A series of core policies use the headings within the NPPF and explore the local implications of these topics. CP3 sets the Council's policy for delivering a wide choice of high quality homes which, inter alia, requires densities determined by context, a mix of housing types with emphasis on smaller and larger dwellings, and achieve sustainable and high quality design. CP4 requires that all development proposals will be of a high quality design that is appropriate to its surroundings.

- 5.11 DM7 required vehicle parking in accordance with KCC standards. DM14 provides general development criteria requiring positive well designed developments that comply with policies and cause no harm to amenity. DM19 requires all development proposals to include measures to address and adapt to climate change in accordance with national planning policy. Policy DM21 requires sustainable drainage systems where possible incorporating appropriate discharge rates and protection of receiving watercourses.
- 5.12 The adopted **Supplementary Planning Documents 'Developer Contributions' (2009)** is relevant to this application.

The SPD on developer contributions sets out the Council's requirements in respect of, among other things, developer contributions for housing and employment development. Typically, these include off-site highway improvements, contributions for play equipment / open space provision, provision of wheelie bins, contributions for education (primary, secondary and adult), libraries, adult social care, provision of 30% affordable housing and the Council's 5% monitoring charge (levied against the sum of all financial contributions that are payable).

6.0 LOCAL REPRESENTATIONS

- 6.01 Eleven letters were submitted by local residents based on the originally submitted plans, raising the following summarised concerns:

- Inadequate parking provision will contribute to local parking pressure;
- Access onto A2 (London Road) could cause accidents;
- Access proposed would cause difficulty for fire engines & rubbish trucks;
- Proposed bicycle storage considered inappropriate – given recent burglaries in the area;
- The re-instatement of step access onto Borden Lane from the application site – considered illegal. It is stated that the current brick wall has been in situ for over 64 years;
- The proposed four-storey element of the proposal will 'tower' above neighbouring properties.

It is noted that, of those eleven letters received, two residents stated that they considered the proposed development to be 'good'.

- 6.02 Three letters of objection has been received based on the amended scheme and raises the following points:
- Previous building on the site was two storeys high – current proposal is four storey at its highest point – therefore will have a visual impact on locality
 - Potential overbearing and overlooking
 - Local Plan policies should be considered
 - The design layout of the proposed flats may create noise to neighbouring flats within the development itself.
 - Car parking provision is 'still totally inadequate'
 - No mention of 'new building fronting Borden Lane' (known as 2a)
 - Pedestrian access from Borden Lane should not be used
 - Scheme has 'not been fully thought through on a number of important issues
 - Access inadequate for fire services in an emergency
 - Poor sight lines onto London Road – danger to pedestrians and vehicles.

7.0 CONSULTATIONS

- 7.1 **Southern Water** state that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development....Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul flow will be no greater than the existing contributing flows... Southern Water further states that, following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer and request informatives in this regard. There are no public surface water sewers in the area to serve the development. Alternative means should be found not including disposal to a public foul sewer. Sustainable urban drainage systems guidance is given. A condition regarding details of foul and surface water sewerage is requested. Sewer ownership guidance is also provided as well as what the developer should do if a sewer is found during construction. The applicant is advised to contact Southern water.
- 7.2 **Natural England** state that the lack of specific comment from them should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes. Natural England states that they would expect the LPA to assess and consider the possible impacts resulting from this proposal. Natural England state that they have not assessed this application and associated documents for impacts on protected species, they advise the applicant to apply their Standing Advise to this application. They state that the Local Authority should ensure if it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application. Natural England recommends that the Local Authority may consider securing measures to enhance the biodiversity of the site from the applicant, as, the application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as bird nest boxes. Natural England confirm that the proposal is not located within, or with the setting of, any nationally designated landscape and concludes that should the application be amended in a way that significantly affects its impact on the natural environment, then Natural England should be consulted again.
- 7.3 **Kent Police** raises no objection to the proposed development. They suggest that the applicant's attention is drawn to the Kent Design Initiative and would welcome a meeting to discuss Crime Prevention. A planning condition and/or informative is recommended to be imposed to ensure the development incorporates measures to minimise the risk of crime.
- 7.4 The **Kent County Council Ecologist** states that they have reviewed the bat survey, submitted as part of the planning application, and are satisfied with the conclusions drawn within the report. They ask that a copy of the submitted Ecological Report is sent to them for review, in the meantime. To date, we have received no comments on this matter.

- 7.5 **The Council's Housing Strategy and Enabling Officer** states that, given the type of housing proposed, the following affordable housing is requested:
- As per the Adopted Local Plan we will seek 30% of the flats to provide 10 dwellings as affordable housing
 - The affordable units will be within a larger block of private flats, therefore as per Registered Provider (RP) advice, the ten flats should be all of the same tenure, either affordable rent or shared ownership. The final decision regarding tenure will be made with the Registered Provider.
 - The RP named against this site is Amicus Horizon
 - We would seek at least one dwelling to be fully wheelchair adapted, this will be agreed with the preferred RP
 - I can confirm that there is a requirement for all types of affordable housing in the Sittingbourne area, including general needs older persons housing.
- The Housing Strategy and Enabling Officer further comments that they do not require an age restriction placed on the fully wheelchair accessible flat, for the purposes of the proposed S106 agreement.

- 7.6 The Council's **Climate Change Officer** requests a planning condition to be added to any planning approval requesting details of how a Code level 3 of the Code for Sustainable Homes will be achieved in the development, to be submitted to and approved by the Local Planning Authority.

However, during the course of the application, central government have withdrawn the code and therefore, this no longer applies. In its place, an adapted planning condition is recommended and listed below.

- 7.7 **Swale Borough Council's Engineer** states: *'I agree that the removal of the existing lay-by in the vicinity of the entrance by re-aligning the kerbline would be beneficial in terms of removing parked vehicles from obstructing the sightlines. Consideration should also be given to the possible installation of double yellow lines along this section of kerbline, from the junction with Borden Lane to the entrance to the Shell Garage, to keep the area free of parked vehicles which may be tempted to park part on the footway at this location. I can confirm that any works on the Public Highway would require the consent of Kent County Council Highways, and any double yellow lines would require a Traffic Regulation Order. Swale would be happy to include any proposed double yellow lines in our next Traffic Regulation Order, and costs associated with this can be provided if double yellow lines are to be considered.'*

- 7.8 **Kent Highways Services** state that the proposed development has been informed through pre-application advice and generally follow the principles of what would be considered appropriate for a development of warden-assisted retirement flats at this location. It is noted that, the development itself includes off-street parking for numbers 77-83 London Road, which should reduce the existing demand they place upon Borden Lane and London Road, and therefore represents a benefit from the current parking strain. The amount of parking proposed for the development would meet the quantity required by the parking standards, and is considered an appropriate provision to cater for the demand expected to be generated by this form of residential scheme.

- 7.09 The Council's **Tree consultant** states, that from an arboricultural point of view the only notable trees retained on the site are two mature Irish yew growing along what was the rear garden boundary to the west of the site. The location of the new flats will have no effect on the surrounding trees so in principle - raises no objections on arboricultural grounds. In order to safely retain and protect the two Yew trees within

the scheme and conditions are recommended should the application be approved. A standard landscaping condition is also recommended.

- 7.10 **Kent County Council** request the proposed S106 Developer Contributions are:
- Libraries Bookstock – Total £1536.51
 - Adult Education – Total £1933.76
 - Social Services – Total £1707.52
 - Play areas/open space – Total £27577.60
 - Affordable Housing seek 30% i.e. 10 units – one of which to be wheelchair adapted – but not restricted by age like the other proposed units

No Primary or Secondary education contribution is required in this case - due to the age restriction of over 55s of the development. Similarly, no Youth contribution is required for this scheme. Kent County Council also seek a planning condition and informative relating to the provision of 'superfast optic broadband' to be imposed upon the proposed development.

The Council's **Contracts and Procurement Manager** requests a S106 contribution of £4000 to be used towards the provision of recycling and food waste collection and containers.

Therefore, **the total S106 contribution** sought from the proposed development is **£38,593.16** and includes the 5% monitoring charge.

- 7.11 The **Environment Agency** raises no objection to the proposal and recommends the imposition of conditions which are listed below.
- 7.12 The **Environmental Protection Officer** raises no objection to the proposal and recommends the imposition of conditions which are listed below.
- 7.13 The comments of **Kent County Council Archaeology** are awaited and I will update Members at the meeting.

8.0 BACKGROUND PAPERS AND PLANS

The application is accompanied by site location plans, elevations as proposed-drawing no. 2514/10, proposed site plan no. 2514/2, proposed plan no. 2514/3, plans as proposed no. 2514/4B, site plan with highway proposals no. 2514/7, application boundaries no. 2514/9A, 2514/20 dated October 2015; 2514/21 dated October 2015 & 2514/23 dated October 2015.

9.0 APPRAISAL

Principle of Development

- 9.01 The site is not allocated for residential development in the adopted or emerging local plan. The proposal would entail the redevelopment of brownfield land which is encouraged in both local and national policy. It would result in the demolition of the concrete plinth with residential development that is considered will enhance the area. Furthermore, the Council cannot demonstrate a 5-year housing land supply therefore paragraph 49 of the NPPF applies which states, "*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing*

sites.” The Council’s policies relating to housing supply are therefore out of date and the application must be considered in the context of the presumption in favour of sustainable development which is considered below.

- 9.02 The application site lies within the defined urban confines of Sittingbourne. Planning Policy H2 states that planning permission for new residential developments will be granted for sites within the defined built-up areas in accordance with other policies of the Local Plan. All proposals will be expected to make the most efficient use of land and provide a range of house types and sizes appropriate to the location and nature of the site and reflecting the identified need in the locality. The main objective in designing new residential development should be to create more sustainable forms of development in accordance with other policies of the Local Plan. The site is well serviced with facilities and amenities being adjacent to the main Sittingbourne shopping areas and within easy reach of local GP services and main road networks.
- 9.03 It is therefore considered that the principle of the proposed development is acceptable.

Visual Impact & Residential Amenity

- 9.04 The proposed dwellings would be located a sufficient distance from adjacent dwellings (particularly those adjacent to the south-west, – which face Borden Lane – to the rear – north-west – and east), and be oriented in such a way that they would not give rise to unacceptable overlooking nor overshadowing. The distances between the existing neighbouring residential dwellings and the proposed residential building are considered, on balance, to be acceptable and the proposed planted boundary buffers will assist to minimise additional visual and residential impacts upon neighbouring residents in the locality. In terms of noise and activity as a result of the proposed residential use of this site, it is acknowledged that there will be some significant impact, however, on balance, it is considered that the proposal will not have a greater detrimental affect upon the amenities of neighbouring occupiers than the use that was previously on the site when it was owned by the NHS and used as a specialist care home – i.e. the comings and goings of cars, rubbish trucks and emergency services associated with such a use then. Also, the surrounding area is mixed in nature, and not purely residential, with commercial (such as the petrol filling station immediately to the north) and non-residential establishments close by.
- 9.05 Although the building would be larger in terms of its maximum height and its footprint than both the previous building on the site and the prevailing buildings in the vicinity, the impacts on the character and appearance of the area are not considered to be unacceptable. Given the four-storey nature of parts of the building proposed, it is inevitable that there would be some impact upon this character, but on balance it is considered that these will not be so harmful as to be unacceptable.

Design and Landscaping

- 9.06 The scheme put forward is modern by design and has been carefully designed to cater for the needs of its future residents. The built form of the proposal does not attempt to mimic any particular architectural pattern of development in the surrounding area, but, instead poses a strikingly different design with the use of a variety of materials to add to its character, whilst maintaining its practical functions. It is noted that the proposed development will be significantly taller than the previous building which occupied the site and, given that the site is elevated approximately 5metres above the level of London Road – it is anticipated that part of the proposed development will be visible from London Road (albeit it would be set back and behind

the existing petrol filling station). However, it is noted that the application proposes to set the building into the ground by approximately 0.5 metres (a related condition set out below would ensure that this would happen) to help minimise any impact this may have on the general streetscene of London Road, particularly given the mixed nature of the visual display of buildings along this stretch of London Road In addition, the existing and proposed landscaped boundary treatments will further reduce any impacts.

Developer Contributions / Section 106 Issues

9.07 The SPD on developer contribution, which is referred to above, is the starting point for considering this issue. The planning obligations will also need to satisfy the tests set out in the CIL Regulations, and which are replicated at Paragraph 204 of the NPPF. Members will also note the payments requested by 'Kent County Council (Development Contributions Team)' and as set out at Paragraph 7.10 above. The terms also include the provision of one wheelchair-accessible affordable homes as requested by KCC.

9.08 Members will note that the developer contributions sought include:

- Libraries Bookstock – Total £1536.51
- Adult Education – Total £1933.76
- Social Services – Total £1707.52
- Play areas/open space – Total £27577.60
- Affordable Housing seek 30% i.e. 10 units – one of which to be wheelchair adapted – but not restricted by age like the other proposed units

9.09 Members will note that no Primary or Secondary education contribution is required in this case - due to the age restriction of over 55s of the development. Similarly, no Youth contribution is required for this scheme. A monitoring charge of 5% of the sum of all the financial contributions will also be payable, and will need to be included in the Section 106 Agreement and £4000 is sought to used towards the provision of recycling and food waste collection and containers. Therefore the **grand total** of developer contributions sought is **£38,593.16**.

9.10 It is likely that a contribution will also be required to mitigate the potential impact of the new dwellings on the Swale Special Protection Area. I will seek clarification on this point, and update Members at the meeting.

9.11 Therefore, delegation is required by Members, to negotiate and agree an appropriate legal agreement to secure the above contributions, with authority to agree amendments to the sums of monies involved as may be necessary.

Other Matters (including car parking and vehicular access)

9.12 In terms of highway impacts, the proposed development includes adequate off-street parking provision, in accordance with the Local Authority's parking standards. In addition 4 parking spaces would be provided at the site for the benefit of the residents of nos 77,79 ,81 and 83 London Road. The proposed principle vehicular access to the parking area from London Road has been amended to provide safer access to and from the site – not only for cars, but also for refuse trucks and emergency vehicles as necessary. Additionally, cycle parking and storage has been provided within the curtilage of the site. In terms of the general landscaping of the site, and as detailed within the report, it is considered to be of vital importance to the general setting of the proposed development within its surrounding area. As such,

landscaping details will be conditioned to provide details in writing, to be assessed by the Local Planning Authority prior to the commencement of any works to the site. This will include both detailed 'green' and other boundary treatments, as well as, being expected to provide details on the general surface treatment of the communal areas of the application site – such as the proposed car parking areas.

10.0 CONCLUSION

10.01 Having considered the comments from consultees and local residents, it is considered that the proposed development would, be acceptable in principle. The impact of the proposal on the neighbouring residential properties has been carefully assessed as being on balance acceptable. It is acknowledged that the new development would be substantial in terms of both the proposed massing, its footprint and that the proportion of the site to be built upon is much greater than was the case with the previous building. Nevertheless the general design and appearance of the proposed flats would be acceptable – despite the significant bulk of the proposed building for this area - the scale, bulk and detailed design would be acceptable in my opinion. In addition, the layout and window position of the proposed dwellings would ensure that there is no undue impact upon the surrounding residents. In general, it is considered that the residential use of this site would have no significant detrimental affect by way of noise and disturbance and general amenities of neighbouring properties and their residents. It is therefore recommended that planning permission be granted subject to appropriate conditions, the outstanding comments being received and the signing of a suitably-worded Section 106 agreement.

11.0 RECOMMENDATION – GRANT Subject to the signing of a suitably-worded Section 106 agreement, clarification of whether a developer contribution is required to mitigate the impact on the SPA, the further comments of KCC Ecology, the comments of KCC Archaeology and the following conditions:

CONDITIONS to include

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

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

- 2) The development hereby permitted shall not be carried out other than in complete accordance with the details shown on drawings proposed-drawing no. 2514/10, proposed site plan no. 2514/2, proposed plan no. 2514/3, plans as proposed no. 2514/4B, site plan with highway proposals no. 2514/7, application boundaries no. 2514/9A, 2514/20 dated October 2015; 2514/21 dated October 2015 & 2514/23 dated October 2015.

Reasons: For the avoidance of doubt.

- 3) Prior to the commencement of development hereby approved, details and samples of external finishing materials (including the colour of the weatherboarding) to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity

- 4) No development shall take place until details have been submitted to the Local Planning Authority and approved in writing, which sets out what measures have been undertaken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

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

- 5) 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), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity, and to ensure that such matters are agreed before work is commenced.

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

Reason: In the interests of the visual amenities of the area.

- 7) The development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details, which shall have been fully implemented before any flat is first occupied.

Reason: To ensure appropriate foul and surface water drainage at 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 0800 - 1800 hours, Saturdays 0900 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

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

Reason: Development without adequate provision for the parking of cars is likely to lead to car parking inconvenient to other road users and in a manner detrimental to highway safety and amenity.

- 10) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To protect controlled waters, the protection of human health.

- 11) No infiltration of surface water drainage into the ground at the site 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. The development shall be carried out in accordance with the approval details.

Reason: To protect controlled waters, the protection of human health.

- 12) 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.

Reason: In the interests of amenity and road safety.

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

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

- 14) No flat shall be occupied or the approved use commenced until space has been laid out within the site in accordance with the details shown on the application plans for cycles to be securely sheltered and stored.

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

- 15) Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out without the prior permission in writing of the Local Planning Authority.

Reason: In the interests of the amenities of the area

- 16) Prior to the commencement of the development hereby approved, details of the external boundary treatment to be used on the development 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 retained unless otherwise agreed to in writing by the Local Planning Authority.

Reason: In the interests of visual amenity

- 17) The access details shown on the approved plans shall be completed prior to the first occupation of any flats hereby approved, and the access shall thereafter be maintained in perpetuity.

Reason: In the interests of highway safety and amenity.

- 18) The flats hereby permitted shall not be occupied until the visibility splays shown on the submitted plan within the site frontage have been provided with no obstruction to visibility at or above a height of 0.6m above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety and amenity.

- 19) Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

Reason: In the interests of residential amenity.

- 20) 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.

- 21) All trees to be retained must be protected by suitable fencing of a height not less than 1.2m at a distance as specified in Table 1 or Figure 2 of BS 5837 (1991) 'Trees in Relation to Construction' before any equipment, machinery or materials are brought on to the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the area fenced in accordance with this condition and the ground levels within those area shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reasons: To safeguard the existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

- 22) 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.

- 23) No development shall take place until full details of the existing site levels and the proposed finished floor levels (in the form of cross-sectional drawings through the site) of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in strict accordance with the approved details.

Reason: In the interests of residential and visual amenity.

- 24) The flats hereby approved shall be occupied only by persons of 55 years of age or older.

Reasons: In the interests of ensuring that the development provides the specialist, age-restricted accommodation that is proposed.

- 25) Details at a scale of 1:10 of the proposed windows and doors (and frames) on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reason: In the interests of the character and appearance of the area

INFORMATIVES

1. **Southern Water**

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Limited at Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH, or 'southernwater.co.uk'

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 changes required to the application and these were submitted for consideration.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.