

REPORT SUMMARY

REFERENCE NO - 15/502912/FULL			
APPLICATION PROPOSAL Demolition of existing warehouse buildings and development of 162 houses and 80 flats (including 24 flats for over 55's), with accesses off Cooks Lane and King Street, public open space (including play area), ancillary parking and landscaping.			
ADDRESS Milton Pipes Gas Road Milton Regis Sittingbourne Kent ME10 2QB			
RECOMMENDATION Grant subject to conditions and the signing of an appropriately worded Section 106 agreement for developer contributions, the further views of the Environment Agency, Environmental Health and Greenspaces Officer on the amended plans and the possible receipt of further information from the developer on the viability of the site.			
SUMMARY OF REASONS FOR RECOMMENDATION The application is in general conformity with the emerging Development Plan, and given the Council's current position re: five year supply of housing land, there are overriding justifications for approval.			
REASON FOR REFERRAL TO COMMITTEE This is a major planning application that would not deliver all required developer contributions and as such should be fully considered by Members.			
WARD Milton Regis	PARISH/TOWN COUNCIL	APPLICANT Biffa Waste Services Ltd AGENT SLR Consulting Ltd	
DECISION DUE DATE 08/07/15	PUBLICITY EXPIRY DATE 08/07/15	OFFICER SITE VISIT DATE September 2015	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/503378/FULL	Change of use from B2 to Sui Generis comprising relocation of Biffa's vehicle depot and to use the site as a vehicle depot for the parking of empty waste collection vehicles and staff vehicles, use of part of existing building to provide a vehicle maintenance workshop, location and use of a two storey portable cabin office, bin storage, welfare unit, store unit, vehicle wash area and fuel storage area.	Approved.	01/09/2015

Whilst there is other planning history related to this site, none is directly relevant to the determination of this planning application.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located to the north-west of the centre of Sittingbourne, on the western side of Mill Way – the B2005. The site is 4.2ha in area, with the majority being covered in hard standing and commercial buildings, relating to the previous

use of the site - the site has historically been used for commercial purposes, being operated by 'Milton Pipes' who manufacture concrete pipes for the construction industry.

- 1.02 The site is bounded by Milton Regis High Street to the north and west, which is a conservation area containing a number of listed buildings. Many of these buildings back on to the site, and directly overlook it. Immediately to the north and west of the site are residential properties that date from the mid twentieth century, as well as a small number of commercial properties.
- 1.03 To the south of the site is a petrol filling station (and small associated shop) and to the east lies Mill Way, which has a larger number of commercial entities further eastwards (as well as the track for the Sittingbourne and Kemsley Light Railway).
- 1.04 There are currently no direct views into the site, as it has significant (self-seeded) tree planting along the boundary, as well as security fencing. There are significant level changes both within the site, and to its exterior, with the land levels rising significantly as one moves northwards. The changes in level internally are near 6 metres from south to north.
- 1.05 The site is a draft allocation within the emerging 'Bearing Fruits' Local Plan document that has been through the examination process but has not yet been adopted.

2.0 PROPOSAL

- 2.01 This full planning application proposes the erection of 242 residential properties, which consist of the following:

2 Bedroom House	78
3 Bedroom House	64
4 Bedroom House	13
1 Bedroom Flat	51
2 Bedroom Flat	36
Total	242

- 2.02 As set out above, the application was significantly amended from that first submitted. Initially the development was very much an inward looking development, with back gardens that abutted the highways. This was sought to be amended, in order to create a more open feel to the development, with the provision of private drives along the Mill Way frontage.
- 2.03 This proposal would see the provision of a number of dwelling houses along this frontage, but these would be set back some 16 metres from the edge of the public highway, providing sufficient distance from the road to prevent noise and disturbance, whilst also creating a greener corridor along this stretch of road.
- 2.04 Internally the development would be of a relatively high density (approximately 57dph), making the most efficient use of this brownfield site, whilst also responding to the relatively tight knit development within the High Street, and the otherwise relatively self-contained nature of the site.
- 2.05 A number of the units proposed within the development would be for occupation for the over 55's only. This would be secured by condition, given the impact that this would have upon potential S106 contributions.

The Planning Statement

- 2.06 The planning statement outlines the applicant's position and highlights the merits of the development, and where appropriate adherence to the development plan.

Contaminated Land Assessment

- 2.07 The executive summary as set out within the submitted contamination land assessment sets out that there is a significant level of potential contamination within the site that would have significant costs to remediate. The remediation costs are set out within the application at in excess of £1.2m, which are significant for a site of 4ha.
- 2.08 The summary sets out a number of key recommendations that should be undertaken prior to any development taking place within the site. These include the remediation of sources within the gasworks area, including the removal of the tar tank and associated oily waters and tars. It also sets out further detailed qualitative risk assessments that would assess the significance of other contaminants within the site.

Transport Assessment

- 2.09 This document sets out the potential impact of this development upon the existing highway network, as well as commenting on the sustainability of the site, and its relationship with the public transport network. In summary it states:
- 2.10 *'Vehicular access into the southern part of Site A will be from King Street, approximately 80m north of the Mill Way (B2005)/ Prentis Quay/ King Street/ St Pauls Street (B2006) roundabout. The operation of this roundabout junction has been assessed on site and using ARCADY. It was recognised on site that in the evening peak period queuing occurred on the Mill Way (S) arm of the roundabout. The ARCADY assessment details that the inclusion of the development traffic will not affect the junction in the morning, it will continue to operate satisfactorily. During the evening period the junction will continue to operate with the Mill Way (S) arm close to capacity. The relative increase in traffic on this arm due to the development will not be significant. As such it is concluded that the development will not have a detrimental impact on the junction.'* (para. 7.4, page 41 of Transport Assessment).
- 2.11 *'A vehicular access to the northern part of Site A will be provided from the existing access onto Cooks Lane. The operation of this junction has been assessed using PICADY, and this details that it can comfortably accommodate traffic from the proposed residential development.'* (para. 7.5, page 41 of Transport Assessment).
- 2.12 The Transport Assessment also confirms that there are good links to existing public transport, and that pedestrians would have safe means of entering and leaving the site. There are no significant existing highway safety concerns to this proposal. Indeed, it states that *'analysis of the pedestrian and cycle infrastructure and bus services in the vicinity of the site confirms that there are good opportunities for residents to use these modes of transport.'* (para. 7.9, page 42 of Transport Assessment)

Heritage Statement

- 2.13 The applicant has submitted a heritage statement with the application on the basis of the site's proximity to both the Conservation Area and a number of listed buildings. This statement set out the following:

- 2.14 *‘Overall the proposed development would preserve the significance of Milton Regis High Street Conservation Area as it would positively respond to the significance and special interest of the conservation area. There would be no direct effect on fabric within the conservation area and the scheme would remove a component within its setting (the buildings on the application site) which does not positively contribute to the character and appearance of the conservation area.’ (para. 6.2, page 24 of Heritage Statement)*
- 2.15 *‘As such the proposed development is considered to be in accordance with the NPPF and local planning policy, including Saved Policies E1, E14 and E15. The development is also in accordance with emerging Local Plan Policies CP4, CP8, Dm14, DM32 and DM34 and guidance contained within Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (English Heritage, 2015).’ (para. 6.4, page 24 of Heritage Statement)”*

3.0 SUMMARY INFORMATION

	Proposed
Site Area	4.2ha. (including 0.3ha to the east of Cooks Lane).
Net Floor Area	N/A
Parking Spaces	313 spaces
No. of residential units	242
No. of affordable units	6% (15 units)

4.0 PLANNING CONSTRAINTS

- 4.01 The site is not significantly restricted in terms of planning constraints, being ‘white land’ within the existing local plan, and land proposed for housing within the emerging local plan. There are however listed buildings (and a conservation area) to the north and west of the site, although these are very much as separate entities, and detached from the site due to their orientation, and also the changes in land levels.
- 4.02 A small portion of the site is located within flood zone 2 (according to the Environment Agency Flood Map) with the access point within flood zone 3.
- 4.03 There are no public rights of way that would be affected by this proposal.

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 In this instance the status of the emerging Local Plan is a key consideration in the determination of the planning application. This section will therefore first highlight the relevant emerging policies before moving onto the national planning policy position.
- 5.02 In addition, the 2008 local plan remains a material consideration in the determination of the application, and will be assessed accordingly.
- 5.03 The Local Authority have already determined a number of planning applications having given weight to the emerging draft Local Plan (Bearing Fruits), and I am satisfied that given the level of examination given to the proposed policies, this is a sound approach to take. For this reason significant weight will be afforded to these policies.

Background to the Site/Emerging Allocation

- 5.04 The Strategic Housing Market Assessment (herein referred to as the SHMA) that has been undertaken has identified that the Borough needs to accommodate significant housing growth over the plan period. However, the Council are not seeking to meet the objectively assessed need by virtue of the significant constraints, in terms of infrastructure, AONB designation, and also significant question marks over deliverability.
- 5.05 Given these constraints, it becomes all the more necessary for brownfield sites within the urban area (and therefore sites most likely to be able to utilise existing infrastructure) to deliver significant yields. This site has a draft allocation, and can be developed at a high density to reflect its sustainable location.
- 5.06 The site specific **Policy A10** states that planning permission will be granted for 190 dwellings at Milton Pipes, Mill Way, Sittingbourne, subject to the following criteria being met:
1. Be led by an integrated landscape strategy that will include a substantial landscaped edge to Mill Way that will include street trees and open space with the objective overall of achieving a net gain in biodiversity and minimising impacts on European wildlife habitats;
 2. Achieve a design and layout that enhances the quality of the environment in Mill Way and St. Paul's Street and safeguards the views and setting of the Milton Regis Conservation Area;
 3. Enhance pedestrian and cycle links to the town centre, adjoining residential areas and to Milton Creek, including making a contribution toward the provision of the proposed landmark footbridge to the Crown Quay Lane housing allocation (Policy A9);
 4. Achieve for a mix of housing in accordance with Policy CP3, including provision for affordable housing and Gypsies and Travellers in accordance with Policies DM8 and DM10;
 5. Undertake a transport assessment and implement any highway and other transportation improvements arising from the proposed development;
 6. Assess impacts upon and ensure that air quality objectives are not compromised; and
 7. Provide infrastructure needs arising from the development.
- 5.07 The supporting text to this policy states that some 2.8 ha of public open space is likely to be required, including 0.5 ha of parks and gardens, 0.2 ha of amenity greenspace, 2 ha of natural & semi natural greenspace and 0.1 ha of allotments. Contributions will be required to enhance sport and formal play facilities in the area. As this site lies close to the Milton Creek, the Saxon Shore Way and the Country Park linkages should be made to these important assets in accordance with the CLG and Greening the Gateway Kent and Medway Green Cluster Study for Milton Creek. For example, public access to the creek side should be enhanced and further connectivity provided by a contribution toward the proposed landmark footbridge from the northern bank of the creek to the development site at Crown Quay Lane (Policy A9). A Habitats Regulations Assessment may be required to examine issues relating

to recreational pressures on European wildlife habitats and may require a financial contribution toward measures across the North Kent Marshes as required by Policy CP7 and DM29.

- 5.08 The matters set out within this policy are fully considered within the main body of the report.
- 5.09 A key consideration in the determination of this application relates to the level of affordable housing that would be provided should it be approved. **Policy DM8 (Affordable Housing)** states that for development of ten or more dwellings and where a need to provide affordable housing has been determined as appropriate, provision will be made in accordance with the levels set out. For the Sittingbourne urban area this is set at 10% for developments of this scale.
- 5.10 In addition, **Policy CP3** relates to the delivery of high quality homes within the Borough. These sets out a number of key objectives including meeting the specific housing need within the Borough, and the market area.
- 5.11 There are a number of other key policies within the emerging Local Plan that need to be considered within the determination of this application. These include:
- ST1 (Sustainable Development)
 - ST2 (Development Targets for Jobs and Homes)
 - ST3 (Settlement Strategy)
 - ST5 (Sittingbourne Strategy)
 - CP2 (Sustainable Transport)
 - CP4 (Design Quality)
 - CP6 (Community Facilities)
 - CP8 (Historic Environment)
 - DM7 (Vehicle Parking)
 - DM17 (Open Spaces)
 - DM19 (Sustainable Design)
 - DM21 (Flooding/Drainage)
 - DM28 (Ecology)

Swale Borough Local Plan (2008)

- 5.12 All of the policies set out below are considered to be consistent with the objectives of the NPPF, and can be given appropriate weight accordingly.
- 5.13 The site falls within the Sittingbourne Town Centre area action plan (**Policy AAP7**) which seeks to support the objective of *'consolidating and expanding Sittingbourne's position as a retail, business, cultural, education and civic centre for multi-purpose visits.'* The policy does not set out specific uses for any of its elements, but seeks to promote the vitality and viability of the town centre, and its periphery.
- 5.14 In addition to this, **Policy SP1** outlines the Council's approach to sustainable development, and to meeting the needs of its population. This sets out a number of criteria that need to be achieved in order to make any development acceptable. These include making best use of previously developed land, ensuring that proper and timely provision is made for social infrastructure, and to seek to reduce the reliance upon the private car (amongst other matters).
- 5.15 Other policies within the local plan that are relevant include:

- SP2 (Environment)
- SP3 (Economy)
- SP4 (Housing)
- SP7 (Transport)
- E19 (Design Quality)
- H2 (Providing New Housing)
- T1 (Highways)
- T2 (Highway Improvements)
- C2 (Housing Developments and the Provision of Community Services)
- C3 (Open Space and Residential Development)

National Planning Policy

- 5.16 Given the age of the existing local plan, and the current status of the emerging Local Plan, a key consideration in the determination of this planning application would be the guidance as set out within the National Planning Policy Framework (herein referred to as the NPPF) and the National Planning Practice Guidance (NPPG).

The National Planning Policy Framework (NPPF)

- 5.17 The NPPF sets out the Government's position on the planning system, explaining that '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. In 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:
 - (a) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework taken as a whole; or
 - (b) Specific policies in this Framework indicate development should be restricted.
- 5.18 At Paragraph 47 it states that "*planning authorities should meet local housing needs and identify five year housing land supply with an additional 5% buffer*". Paragraph 49 states "*that housing application should be considered in the context of the presumption in favour of sustainable development*" and that "*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.*"
- 5.19 *Within the NPPF, paragraphs 47 to 55 then seek to significantly boost the supply of housing and housing land, in order to meet the needs of the growing population.*
- 5.20 It is clear from the document that the government see the delivery of housing as a key component of local plan making and decision taking; particularly within a sustainable location such as this.

6.0 LOCAL REPRESENTATIONS

6.01 Neighbouring occupiers were notified of the application and to date, 6 neighbour letters have been received. There were two letters of objection, two letters of support, and two letters raising issues but not expressing a view either for or against the proposal. The main concerns raised within these letters were:

- Impact on residential amenity – overshadowing and loss of light.
- Increased traffic and congestion.
- Loss of perimeter trees.

6.02 In addition to the letters set out above, 2 neighbours support the proposals but suggest trees along the border of the properties should be maintained.

7.0 CONSULTATIONS

7.01 **Southern Water** were consulted and raised no objections to the proposal, but did raise concern that a public foul and surface water sewer crosses the site, although the exact location of this is not known at present. Should this need to be diverted, which would be at the applicant's cost, there are five specific criteria that would need to be adhered to. These are:

- The 300mm diameter foul sewer requires a clearance of 3metres either side of the sewer to protect it from construction works and to allow for future access for maintenance.
- The 225mm diameter surface water sewer requires a clearance of 3 metres either side of the sewer to protect it from construction works and allow for future access for maintenance.
- No development or new tree planting should be located within 4 metres either side of the centreline of the public combined sewer;
- No new soakaways should be located within 5metres of a public sewer;
- All other existing infrastructure should be protected during the course of construction works.

Southern Water would require a condition to be imposed upon any planning permission that would require the full details of drainage works to take place across the site prior to any works taking place.

7.02 **Lower Medway Internal Drainage Board (IDB)** confirms the proposed site is situated outside of the IDB's district and provided that surface water runoff is not increased, raise no objection to the application.

7.03 **Highways England** confirms the proposed development will not be detrimental to the safe operation of the A249 and as such raise no objection to the application.

7.04 **Environment Agency** initially objected to the application due to lack of information provided relating to the risk of flooding to the site. The submitted Flood Risk Assessment (FRA) acknowledges that the site is affected by Flood Zone 3, however does not include any mitigation for proposed residential properties located within this area. To overcome the objections the Environment Agency suggested that the developer should submit an amended FRA which covers the deficiencies highlighted and demonstrates that the development will not increase risk elsewhere and where

possible reduces flood risk overall. Accordingly the applicants submitted an updated FRA in July 2015.

The Environment Agency have now viewed the FRA. Their full comments are, however awaited. Members will be updated at Committee should any new concerns be raised.

The Environment Agency were also consulted on the contamination issues, and raised no objections to the proposal subject to the completion of the proposed reports and mitigation as set out within the application documents.

- 7.05 **Natural England** were consulted and raised no objection to the proposal. They suggest the proposal is not necessary for the management of the European sites subject to appropriate financial contributions being made to strategic mitigation, and remediation of the site being undertaken to the satisfaction of the Environment Agency (EA), the proposal is unlikely to have a significant effect on these sites, and can therefore be screened out from any requirement for further assessment.
- 7.06 **UK Power Networks** were consulted and raised no objection.
- 7.07 **Kent Police** were consulted and suggested a condition relating to security, crime prevention and community safety.
- 7.08 **Kent County Council Archaeology** were consulted and raised no objection but suggest a condition for a programme of archaeological work should be attached to the permission if the application is granted, to ensure that features of archaeological interest are properly examined and recorded.
- 7.09 **Kent County Council** were consulted on this application and requested that the following contributions be provided:
- (1) A contribution of £393,099.84 towards primary education.
 - (2) A contribution of £392,906.70 towards secondary education.
 - (3) A contribution of £54,934.00 towards library book stock.
 - (4) A contribution of £14,623.26 towards community learning.
 - (5) A contribution of £12,913.12 towards adult social care.
 - (6) A contribution of £9,095.14 towards youth services.
- 7.10 **Kent County Council Ecology** were consulted and raised no objections to the proposal subject to contributions being made to the mitigation of the impacts upon the SPA, SSSI and Ramsar sites nearby. These contributions are set at £223.00 per dwelling.
- 7.11 **Kent Highways Services** were consulted and raised no objection to this proposal.
- 7.12 **The Council's Housing Manager** was consulted on the application and raised no objections to the proposal subject to the applicant providing 30% affordable housing within the site, in accordance with the adopted development plan. Further discussions have taken place with the Housing Officer on the basis that 10% is the emerging Policy. However, the officer is of the view that it is for the planning application to conclude the impact of viability in accepting any reduced provision.
- 7.13 **The Council's Environmental Protection Manager** was consulted on this application, and initially raised no objections to the proposal on the basis of the impact of noise to the rear gardens of the properties backing on to Mill Way. The

scheme has now been amended, and it is recommended that a further noise report be submitted prior to any works taking place on site to ensure that suitable noise mitigation can be provided for future residents.

- 7.15 **The Council's Greenspace Manager** was consulted on this application and his comments are awaited on the amended plans. Members will be updated at Planning Committee as to his view on this application.

8.0 BACKGROUND PAPERS AND PLANS

- 8.1 The following plans have been submitted as part of this planning application, and are for determination:

- 004 Rev A (site location plan);
- 005 (existing site plan);
- 006 (existing site – demolition plan);
- 008 Rev F (proposed site plan);
- 009 (site cross sections AA and BB);
- 019 Rev B (proposed site cross section AA);
- 021 Rev B (proposed flats plans and elevations);
- 022 Rev A (proposed flats plans and elevations);
- 023 Rev C (proposed flats plans and elevations);
- 026 Rev B (proposed house types);
- 027 Rev B (proposed house types);
- 028 Rev A (proposed house types);
- 029 Rev B (typical cul-de-sac layout);
- 030 Rev A (proposed site sections);
- 031 Rev A (proposed site sections);
- 032 Rev A (cross section);
- 033 Rev A (typical cul-de-sac street elevations);
- 034 Rev A (internal road street elevations);
- 035 Rev A (Mill Way street elevations);
- 036 Rev A (Mill Way street elevations);
- 037 Rev A (Main Road street elevations);
- 038 (Main Road street elevations);
- 039 (existing utilities plan);
- 50090/001 (landscape masterplan);
- 50090/002 (landscape masterplan Mill Way);
- 50090/003 (landscape masterplan green corridor);
- 50090/004 (landscape masterplan north and west);
- 50090/005 (landscape masterplan northern apartment).

9.0 APPRAISAL

- 9.01 I consider that the key material considerations in assessing this application are as follows:

- The Housing Land Supply Position
- The Principle of the Proposed Development and the Draft/Emerging Local Plan Allocation
- Highways Impacts
- Heritage Impacts
- Biodiversity/Ecological Impacts

- Affordable Housing/Financial Contributions

Housing land Supply and Delivery

The objectively assessed need for housing (OAN)

9.02 Swale Borough Council have had a Strategic Housing Market Assessment Update and Development Needs Assessment (2013) undertaken by National Lichfield and Partners. This was then updated by the Council's 2015 Strategic Housing Market Assessment which was undertaken by Peter Brett Associates (PBA). This fully considers the housing need of the Borough, and is the most up-to-date evidence base that the local authority has on this matter. This assessed the Council's OAN, and has indicated that a completion rate of 776 dwellings per annum (dpa) would be required to meet the Council's housing need for the plan period. The Council accepts this recommendation, and the overall OAN of 13,192. The purpose of this report is not to debate this figure, but rather to demonstrate how this proposal complies with it.

The 5-year supply of housing land

9.03 The Borough Council are currently unable to demonstrate a five year supply of housing, with their latest annual monitoring report showing that the Council have a 4.13 year supply of housing land when assessed against their objectively assessed need, or 82.63% of their requirement. For this reason, any proposal here should be fully assessed in accordance with the requirements of the NPPF and the remaining local plan policies, as well as the emerging Local Plan policies.

9.04 The NPPF is very clear in that it promotes the delivery of new housing within sustainable locations. Whilst the presumption in favour of brownfield sites is no longer explicit within the document, the government has made it clear that planning policy should be very much in favour of the redevelopment of previously developed land, and are seeking to introduce incentives accordingly.

9.05 Given that this is a draft allocation, the proposed site would form part of the Council's strategic need, but would also help meet any immediate need that they have. Whilst the contribution to the housing land supply should not be an overriding reason to grant planning permission, as an allocated site within the emerging Local Plan, this proposal would make a strong contribution to both the immediate housing need and also the Council's strategic need over the plan period, and significant weight should be afforded accordingly.

Employment Land (loss of)

9.06 The Borough Council have identified that this land is no longer required for employment purposes. The Council have a long, and successful track record of delivering development upon their employment land both within the vicinity, and further afield. The loss of this land, within a sustainable location for new properties is not therefore considered to be contrary to either planning policy or the objectives of the Council.

Principle of Development and Draft Allocation

9.07 In this case the principle of the development and whether this proposal should be supported ahead of the adoption of the Local Plan is a prime material consideration. The site was not allocated within the adopted Local Plan (2008) although it does fall within the Land Around Milton Creek Area Action Plan (AAP8). It is not considered

that the redevelopment of this site for residential purposes conflicts with that policy designation. Policy AAP8 does not explicitly promote purely residential uses, but does promote the area for up to 1,000 new homes across the whole APP area. The spread of retail or leisure here would be unlikely to come forward, and as such the objective of visual betterment should be considered as a genuine benefit.

- 9.08 As set out above, the NPPF (paragraph 49) is clear insofar as relevant policies for the supply of housing should not be considered up to date if the Council is unable to demonstrate a five year supply of housing land. The Council do not have this five year supply of housing land and as such significant weight should be given to the deliverability of housing at this point in time. Given this requirement, and given the relatively well advanced stage of the emerging Local Plan (and draft allocation) I am of the view that it is appropriate to support the principle of development within this site.

Urban Design

- 9.09 The design has been significantly amended since the first submission of the application, as it was felt that the first iteration was not of the desired quality to warrant the approval of planning permission. Within this supporting text for the draft allocation policy, it states that:
- 9.10 *'Given the site's prominent location on the approaches to the town centre, high quality development that enhances the frontage will be required, whilst respecting the adjacent conservation area, including views of the roof-scape of the buildings there. Development will be led by an integrated landscape strategy, which will provide a structure for the site that will include open space and street tree planting that will require development to be set back from Mill Way. Given the current previously developed state of the site, through use of landscaping and open space, it should be possible to achieve a net gain in biodiversity overall.'*
- 9.11 Whilst the existing site is very much contained behind existing boundaries, and is currently in no way outward looking, this has come about from the previous use of the site as a commercial yard, and manufacturing place. The proposal, to utilise the site for residential purposes will bring about a significant change to the character and appearance of the locality, and the design rationale was therefore sought to respond accordingly.
- 9.12 There are significant sensitivities within the locality of the site, and as such the development has been carefully designed to ensure that the proposal would not detract from the historic setting of a number of the surrounding buildings. The site is very much self-contained, by virtue of the changes in levels, and the manner in which it has been historically used. The scale of the buildings, and their orientation is such that the development would not appear as overbearing, and would not 'tower' above any existing properties. This, together with the use of materials that would articulate the buildings, and break up their mass will ensure that the development is not of a form that would detract from its surrounds.
- 9.13 The initial scheme submitted turned its back on to Mill Way, however it was felt that this was an inappropriate design response to the this sensitive site, and would do little to create a more pleasant environment along the highway. Furthermore, draft policy A10 requires for the provision of street trees and open space along this boundary, and with the provision of rear gardens and close boarded fencing along here, this would not be achieved. As such, negotiations took place that have seen the properties re-orientated so that they face onto Mill Way, but are served by a narrow

service road between it and the new dwellings. Whilst this does not necessarily provide useable 'open space' it does allow for an enhancement of ecology and certainly in terms of the quality of the soft landscaping provision along this boundary.

- 9.14 The opening up of this road frontage will also have a significant benefit to the character of the area, with a softer and more open aspect along this well used highway. This accords with the aspirations of the draft policy in terms of providing a greener corridor and also enhancing pedestrian and cycle links – certainly the northern path would be a more attractive route into the town once the development is completed than at present.
- 9.15 The properties that would front on to Mill Way would be predominantly terraced (although there is one pair of semi-detached properties) with car parking provision to their front. Whilst the provision of a significant level of visible car parking is not always desirable, in this instance, it is considered to be acceptable, given the softening that would be provided by the landscape buffer along the edge of Mill Way. I propose that a condition be imposed that requires the provision of tree planting (at suitable intervals) along this key route.
- 9.16 Whilst the majority of the properties along this road frontage are two storey dwellings, it is also proposed that a three storey apartment block be provided at the junction of Mill Way and Cooks Lane. Initially this was proposed at the southern end of the site, but it was felt that there was insufficient space to accommodate a building of this scale, without it appearing as cramped. The building now would be set back some 16 metres from the edge of the highway, and would enable a good level of soft landscaping to be provided along the road frontage once more. Car parking for this flatted element would be provided to the west, which would be out of view for those outside of the application site.
- 9.17 Internally, the proposal seeks to ensure that the majority of the properties front on to all internal streets or open spaces, to provide for natural surveillance where possible. Again, the internal layout was amended in order to address some concerns raised with regards to a lack of permeability and road hierarchy. These amendments are considered to respond to the concerns raised. This would also ensure that there are no blank elevations fronting on to key open spaces, or road frontages.
- 9.18 The individual design of the buildings is considered to be of a standard that would enhance the character of the area, with the roofscape being of a varied character, with a strong rhythm generated along the Mill Way frontage in particular. The flat blocks would be well articulated, and would not appear as dominant or incongruous within the locality. These would also be given sufficient space to provide adequate soft landscaping provision that would ensure that they don't appear as cramped within their setting.
- 9.19 It is regrettable that the majority of car parking spaces would be to the front of the properties, however this is brought about by the applicant making best use of the brownfield site within this sustainable location. This is clearly a balance, but in this instance I am of the view that the overall benefits of the development would outweigh any dis-benefits brought about by this parking arrangement.
- 9.20 It is therefore considered that the design of the proposal is of a good standard and that there would be no detriment to the character and appearance of the locality. As such, it is considered that the development accords with the objectives of the local plan and the NPPF and would not detrimentally impact on the adjoining Conservation area or the nearby Listed Buildings.

Highways

- 9.21 The application has been assessed by Kent Highways Services, and Highways England. The highway authorities have raised no objections to the proposal, and are content that the proposed plans would not result in any significant concerns in terms of parking provision or highway safety. Members will note that 313 spaces are to be provided within the development which is considered to be acceptable for this location.
- 9.22 Access to the site would be obtained from the eastern end of the site from Cooks Lane, and would also utilise the existing access from the roundabout at the western end of the site. Both accesses are considered to be acceptable and to provide the appropriate sightlines etc. to ensure that would be no detriment to highway safety.
- 9.23 The internal road layout has also been assessed, and no concerns are raised, although conditions are requested that would ensure that no development would take place in the existing car parking areas. With regards to parking provision, it is considered that there would be sufficient car parking provision within the site and that there would be no additional strain placed upon the surrounding road network. In any event, there are existing traffic controls along Mill Way that would prevent any on street parking, and should any take place along Cooks Lane or within the surrounding area, this is unlikely to give rise to any highway safety concerns. The car parking area that would be lost to the north of Cooks Lane is only used informally at present, and as such its loss does not require to be mitigated elsewhere. Again, the level of parking within this element of the site is considered acceptable.
- 9.24 It is proposed that details of cycle storage be required by condition, in order that this be delivered in accordance with the requirements of KCC highways.
- 9.25 The application is accompanied by a transport assessment which sets out that the surrounding highway network is able to accommodate the proposed residential growth without any severe harm (the test as set out within paragraph 32 of the NPPF).
- 9.26 For this reason, it is considered that the proposal would result in any significant harm to highway safety, and as such no objections are raised.

Ecology

- 9.27 The application site is located 1.6km southwest of the Swale Special Protection Area (SPA) and Ramsar site, and as such Natural England have commented on the application with regards to the impacts upon these designated nature conservation sites. Natural England raise no objections to the proposal, however do identify that the application does not contain a Habitat Regulations Assessment (HRA). Under the provisions of the Habitat Regulations, SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, insofar as these would be significant having regard to the objectives of this Article. The proposal therefore has potential to affect said site's features of interest.
- 9.28 In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations

61 and 62 of the Habitat Regulations require a Habitat Regulations Assessment. NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites and can therefore be screened out from any requirement for further assessment. It goes on to state that when recording the HRA the Council should refer to the following information to justify its conclusions regarding the likelihood of significant effects; financial contributions should be made to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG); the strategic mitigation will need to be in place before the dwellings are occupied.

9.29 Natural England have written to all local authorities who are directly impacted by these requirements (on 17 August 2015) setting out their advice on these matters. It sets out that Local Authorities should seek to implement a policy that would set out how likely recreational disturbance impacts on overwintering bird interest from new residential development within the local plan will be avoided through strategic mitigation. Clearly, at present the Borough Council do not have such a policy. In this instance, Natural England advise authorities to consider an interim policy, or similar mechanism to ensure suitable funds are provided for an overarching mitigation strategy to be provided.

9.30 I am also mindful of the Council's own Habitat Regulations Assessment Screening, which was compiled in April 2015, and assesses this site as part of the local plan. Within this document it states that there are:

'no specific HRA implications (beyond the general contribution to recreational pressure associated with all housing within 6km of The Swale SPA/Ramsar site).

Milton Pipes, Mill Way is located 2.1km from The Swale SPA/Ramsar site. This distance is too great for construction/operation of the site development to result in a Likely Significant Impact on the SPA/Ramsar site, other than through the aforementioned pathway of recreational pressure applicable to all housing within 6km of the SPS/Ramsar site. This policy includes the provision of green space within the development.'

9.31 In terms of screening for this application, the likelihood of significant effects from the proposal on the SPA features of interest, the following considerations apply:

- Due to the scale of development there is some scope to provide on-site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance which are recreational disturbance including walking, dog walking (particularly off the lead), and predation birds by cats. The open space within the development would be publically available, which would be an improved 'offer' to the current situation. It is however, unlikely to be a 'destination' for use as open space, and the impact upon the designated areas is unlikely to be significant in this respect.
- Based on the correspondence with Natural England, I conclude that off-site mitigation is required. The Council has taken the stance that in such instances financial contributions can be sought in order for strategic mitigation to be provided.

9.32 For these reasons, I conclude that the proposal can be screened out of the need to progress to an Appropriate Assessment. I acknowledge that the mitigation will not be

in place prior to occupation of the dwelling proposed but in the longer term the mitigation will be secured at an appropriate level and secured in perpetuity.

- 9.33 The Council has a statement of common ground with Natural England in support of the Local Plan which sets out the confirmed points of agreement between the two parties with respect to the emerging policies and evidence base. This suggests a tariff of £223.00 per dwelling. Should this contribution be paid, I am therefore satisfied that the impact upon this designated site would be mitigated and that no significant harm would occur.
- 9.34 In addition the applicant has submitted an ecological report that states that the site contains no protected species. This report has been independently assessed by KCC Ecology who have raised no objections to this proposal.
- 9.35 Initially no bat survey had been provided, and this subsequently followed and was submitted to the Council. This surveyed all of the buildings within the application site, which identified that there was little or no activity within the site, and that none of the buildings were used for roosting or for breeding. As such, there are no objections raised on the basis of the impact upon ecology.

Flood Risk

- 9.36 The applicant has submitted a flood risk assessment with the application which is required by virtue of the size of the site, and also is location within both zone 2 and 3. This flood risk assessment sets out that the site is at medium risk to fluvial and tidal flooding, for the areas within zone 2 and 3. Flood zone 3 lies within the south western most corner of the site, and clips the access road into the development, and flood zone 2 skirts along the Mill Way frontage. The Flood risk assessment sets out that within these areas the internal floor levels will need to be carefully considered prior to the commencement of development to ensure that there are no habitable rooms that would be inundated in extreme flooding events.
- 9.37 The report sets out that there are no historical records of the site flooding, apart from a very small area within the south west of the site. There is a significant area of developed land that would need to flood before any waters reached the application site, from flooding from the Creek.
- 9.38 The proposal would actually bring about a reduction in hard surfacing, and so in terms of surface water drainage there would be an overall benefit to the area. It is also proposed that where possible soakaways/infiltration is provided to aid with surface water flooding.
- 9.39 For these reasons, it is considered that there would be a low risk of flooding within the site, and the development would not exacerbate the risk of flooding to more vulnerable sites elsewhere. For these reasons, no objection is raised to the proposal on flood risk grounds.

Heritage

- 9.40 As the site is adjacent to the conservation area and a number of listed buildings, the applicant has submitted a heritage statement which addresses the impact of the proposal upon these heritage assets.
- 9.41 Milton High Street has a number of listed buildings within it, and forms part of the Milton Regis Conservation Area. The proposed development would be set down at a

significantly lower level than the majority of the listed buildings, and the relationship between the two would therefore be rather disjointed. Members should note however that the Council's Conservation Officer raises no objection to the proposal on this basis.

- 9.42 Furthermore the form and in particular height of the buildings within the site are such that they would not have a significant impact upon the listed buildings, nor the conservation area. Indeed, the more attractive use and the opening up of the site is actually considered a benefit to the character of the area, and thus the conservation area. I am therefore of the view that no harm will be caused to these heritage assets.

Air Quality

- 9.43 The application is accompanied by an air quality assessment that addresses the potential impact of the development upon air quality. The report acknowledges that the scheme has the potential to cause air quality impacts during the construction and operational phases, which may include dust emissions from construction works and vehicle exhaust emissions. These impacts were fully assessed and the findings range from slight adverse to negligible at sensitive receptor locations within the vicinity of the site. The overall significance of potential impacts was determined to be 'slight adverse' in accordance with current guidance.
- 9.44 The Environmental Protection Team Leader has raised no objections to the proposal on air quality issues. Conditions are suggested for the construction phase to mitigate the impact of dust to ensure that air quality is not adversely impacted by this proposal.

Affordable Housing

- 9.45 The Council's existing adopted local plan requires for the provision of 30% affordable housing on developments of this scale. Members are also aware in the emerging Local plan, recently the subject to public examination, included Policy DM8 which acknowledges the viability issues within the Sittingbourne area and the up-to-date evidence base indicates that a 10% affordable housing requirement would be viable, and any more would be likely to render a schemes undeliverable.
- 9.46 The applicant has submitted a viability appraisal which indicates that they consider that only 6% affordable housing can be provided within the site for the scheme to work. This disparity has come about by virtue of the proposed build costs associated with the development particularly in relation to abnormal costs associated with the required remediation of this heavily contaminated site and in having to deal with the physical constraints of the site in terms of construction.
- 9.47 This policy has now been through the examination, and has been met with no significant resistance from either developers, or other interested parties. Given that this application seeks to ensure that the development adheres to all other. This is a strategic site, with its own policy which needs to be given weight. Whilst the emerging Local Plan (in terms of affordable housing provision) has yet to be adopted for the purposes of Development Management, I am of the view that this development will bring about a significant portion of the authority's housing need and as such should accord with the Council's strategic vision as best it can.
- 9.48 Deliverability is a key component of the NPPF, and should be given significant weight both in the plan making process as well as decision making on individual applications. Whilst the demand for affordable housing within the Borough is high,

this needs to be balanced against the necessity to see houses 'delivered' and the Council's evidence base and subsequent policy respond to this.

- 9.49 Subsequent to the completion of this work, a further meeting has been held with the applicants, who have expressed concern with regards to the continuing costs of maintaining this site, and the impacts that this has had on the viability of the proposal. Given that the requests for financial contributions are relatively high, they have expressed concern that the overall viability of the scheme is indeed in question. On this basis, they have requested an opportunity to re-visit the viability, and to submit further information for assessment. This information has not been made available prior to the completion of the report, and as such, Members will be updated on this matter at the Committee meeting. Should the viability demonstrate that there have been additional costs, not previously known of, then the matter of affordable housing/contributions will be re-assessed accordingly.

Heads of Terms

- 9.51 Any requests for contributions need to be fully scrutinised, in accordance with Regulation 122 of the Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets the following requirements:

It is

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

- 9.52 Significant requests have been made by Kent County Council for primary school contributions to mitigate the additional demands placed upon the existing local primary schools by virtue of this development. This request is fully evidence based, and is considered to meet the tests set out above. I am therefore of the view that it would be appropriate to seek contributions for this purpose.
- 9.53 The County has also requested significant contributions for secondary school enhancements to the existing provision within the town. Initially contributions were sought for a new school provision to the north of the town but given the viability concerns of delivering this site, these were subsequently amended. This would however see substantial contributions provided to upgrade existing schools (TBC) within the town in order to mitigate the impact of the development. Given the number of family homes that would be provided within the development, I am of the view that it is appropriate to request contributions for this purpose.
- 9.54 Other contributions are sought including those for libraries, adult education, youth services and social care. Again, all of these have been evidence based, and accord with the requirements of the CIL regulations. However should viability issues arise this may suggest that these additional items may need to be reconsidered in light of the need to bring forward residential development , particularly on a brownfield site.
- 9.55 The applicant has submitted a full viability appraisal with the planning application, which demonstrates that the costs of redeveloping the site, in the manner that it proposed would result in the inability to provide the usual level of affordable housing, as set out above. The information submitted indicates that all contributions can be provided if a lesser amount (6%) of affordable housing is delivered through the S106

agreement. This is obviously a careful balancing exercise, but in this instance, it is considered that meeting all financial contributions, but only seeing a 4% drop in the affordable housing numbers (a loss of 9 affordable units) would in this instance be acceptable. Due to the late receipt of this most up-to-date report, officers will further analysis the findings, and should there be further amendments to the contributions paid, Members will be updated at the Planning Committee meeting.

Residential Amenity

- 9.56 The application site is located to the rear of some existing properties within the High Street and Hall Close, however, these are set at a higher level than much of the development proposed within this site. With regards to the main site, it is considered that all proposed properties are set a sufficient distance from the existing buildings to ensure that there would be no significant loss of light, overlooking, or creation of a sense of enclosure.
- 9.57 It is proposed that a three storey flatted development be provided within the south-west corner of the application site. Again, I am satisfied that this would have sufficient separation from the existing buildings, and their amenity space to ensure that there would be no significant overshadowing, or the creation of a sense of enclosure. However, I would recommend that any windows within the western elevation (at first floor or above) be provided with obscure glazing in order that no direct overlooking to these properties takes place.
- 9.58 With regards to the flatted development within the north-eastern parcel of land, this would be set well into the ground, and as a result there would be no direct overlooking of the neighbouring properties, or any other detrimental impact to residential amenity.

Conclusion

- 9.59 This is a site that the Council have identified as being suitable for residential use, through their emerging Local Plan, with draft policy A10 setting parameters for development.
- 9.62 As with many applications, there are a number of benefits and dis-benefits to this proposal that need careful consideration, and an assessment of the weight that these should be accorded. In this instance, the provision of a good number of houses within the site, within a sustainable location, and as a draft allocation carries significant weight. The applicant however, has made it clear that the costs of developing this site are significant, and this would result in the failure to meet the affordable housing requirement, and some of the financial contributions that are being sought as part of this development. These contributions are only sought if they are necessary, and as such their 'non-provision' is a concern.
- 9.63 Nevertheless, central government has been strong in their desire to see local authorities support sustainable development, and in particular the delivery of housing growth (and the provision of affordable housing) is acknowledged as very much a priority.
- 9.64 For the reasons given above, I am of the view that this application is now acceptable, and as such, recommend that Members give this proposal favourable consideration, and grant delegated powers to approve, subject to the imposition of suitable

safeguarding conditions, and the completion of a suitable legal agreement and subject to the outcome of any further viability assessment.

RECOMMENDATION

To Give the Head of Planning DELEGATED POWERS TO APPROVE subject to the completion of a suitable S106 legal agreement ,together with the imposition of the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission:

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby approved shall be carried out in accordance with the following approved drawing:

004 Rev A (site location plan); 005 (existing site plan); 006 (existing site – demolition plan); 008 Rev F (proposed site plan); 009 (site cross sections AA and BB); 019 Rev B (proposed site cross section AA); 021 Rev B (proposed flats plans and elevations); 022 Rev A (proposed flats plans and elevations); 023 Rev C (proposed flats plans and elevations); 026 Rev B (proposed house types); 027 Rev B (proposed house types); 028 Rev A (proposed house types); 029 Rev B (typical cul-de-sac layout); 030 Rev A (proposed site sections); 031 Rev A (proposed site sections); 032 Rev A (cross section); 033 Rev A (typical cul-de-sac street elevations); 034 Rev A (internal road street elevations); 035 Rev A (Mill Way street elevations); 036 Rev A (Mill Way street elevations); 037 Rev A (Main Road street elevations); 038 (Main Road street elevations); 039 (existing utilities plan); 50090/001 (landscape masterplan); 50090/002 (landscape masterplan Mill Way); 50090/003 (landscape masterplan green corridor); 50090/004 (landscape masterplan north and west); 50090/005 (landscape masterplan northern apartment).

Grounds: For the avoidance of doubt and in the interests of proper planning.

- (3) No development shall take place until written details and/or samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance of the development.

- (4) No development shall take place until details of all fencing; walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of the properties by existing and prospective occupiers.

- (5) No development shall take place until details of the refuse storage on site have been submitted to and approved in writing by the Local Planning Authority. The approved

facilities shall be provided before the first occupation of the development, and maintained thereafter.

Reason: As no such details have been submitted, and in the interests of amenity.

- (6) The development shall not commence until details of the colour of the external finish of the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained.

Reason: In the interests of visual amenity.

- (7) The approved details of the parking/turning areas shall be completed before the development takes place, and shall thereafter be kept available for such a use. No development whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users to the detriment of highway safety.

- (8) No development shall take place until details of the means of access to the site, including the road width; kerb radii, visibility splays and details of finishing materials have been submitted to and approved in writing by the Local Planning Authority.

Reason: As no such details have been submitted and in the interests of highway safety and visual amenity.

- (9) All planting, seeding or turfing comprised in the approved details of the landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory setting and external appearance to the development.

- (10) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include:

- (a) Notwithstanding the details submitted to date, the provision of tree and low shrub planting along the 'Mill Way' road frontage;
- (b) The use of a range of natural flowering and berry bearing species of trees;
- (c) Areas of grassland to be managed as rough grassland – adjacent to the proposed tree planting along Mill Way; and
- (d) The provision of bird and bat boxes within the development.

together with indications of all existing trees upon the land and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

Reason: No such details have been submitted and in the interests of visual amenity.

- (11) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the landscape management shall be carried out in accordance with the approved plan over the period specified.

Reason: To ensure satisfactory maintenance and management of the landscaped area.

- (12) All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in relation to Construction – Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto 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 areas protected in accordance with this condition.

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

- (13) No development shall take place until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of the kerb-stones/crossing points have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure a high quality external appearance to the development.

- (14) No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area.

- (15) No development shall take place until details of foul and surface water drainage have been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of avoiding pollution and flooding.

- (16) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses

- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean; Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of public safety and pollution prevention.

(17) The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

(18) No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

(19) No development shall take place until the applicant has secured and had implemented 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.

Reason: To enable the recording of any items of historical or archaeological interest.

(20) The development hereby permitted shall be carried out in accordance with the requirements of the Flood Risk Assessment.

Reason: In the interests of flood prevention.

(21) 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.

Reason: To protect groundwater.

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

Reason: In the interests of highway safety.

- (23) No works or ancillary operations 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. Deliveries to the site and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

Reason: In the interests of residential amenity.

- (24)No burning of waste or refuse shall take place on site during construction works other than that agreed in writing with the Local Planning Authority.

Reason: In the interest of residential amenity.

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

Reason: In the interests of highway safety.

- (26)No development shall take place until wheel washing facilities have been provided on site and these shall be retained for the duration of the construction period.

Reason: In the interests of highway safety.

- (27) No external lighting shall be constructed at the site other than those on private domestic dwellings or in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be designed in a matter that minimises impact on neighbouring residential amenity and bats.

Grounds: In order to prevent potential harm to neighbouring residential amenity and local bat population.

- (28)No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the hours of 0900 and 1700 hours (Monday to Friday).

Grounds: In the interests of residential amenity.

(29) No development shall take place until a programme for the suppression of dust during the 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.

Grounds: In the interests of residential amenity.

(30) The proposed flats as shown within the submitted documentation within the Cooks Lane area, and the flatted development adjacent to the High Street shall be provided for and occupied by persons of 55 years of age or over, together with a spouse or partner of 50 years of older if applicable, or other persons as may be agreed with the Local Planning Authority in writing.

Grounds: In the interests of secure proper development of the area, and to ensure that appropriate mitigation is in place for any impact upon local infrastructure.

INFORMATIVES

(1.) The applicant is advised to consider the contents of the Environment Agency's letter 10th June 2015.

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.

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.