PLANNING COMMITTEE – 10 MARCH 2016 PART 1

Report of the Head of Planning

PART 1

Any other reports to be considered in the public session

1.1 REFERENCE NO - 14/505440/FULL		
APPLICATION PROPOSAL Proposed mixed use development - on six parcels of land - of 215 residential apartments (use class C3), 3158 sq m of retail space (use class A1), A 308 space multi storey car park, 1713 sq.m cinema (use class D2), 2320 sq.m ground floor restaurant units (use class A3), first floor D2 use and the re-alignment of St Michael's road with amendments to the road network and the creation of a new public square in Sittingbourne Town Centre, in front of the railway station.		
ADDRESS Spirit Of Sittingbourne Regeneration Site Identified On Site Location Plan (drg Number: 14.35.100 Revision PO) Sittingbourne Kent ME10 3DU		
RECOMMENDATION: Approve subject to signing of Section 106 agreement, conditions as set out below and resolution of other matters as set out below.		
SUMMARY OF REASONS FOR RECOMMENDATION: The Development is in accordance with Development Plan policies and would not have unacceptable planning implications.		
REASON FOR REFERRAL TO COMMITTEE: To agree an amendment to draft condition (37)(cinema and restaurant operating hours) and to amend / clarify the matters delegated to officers by the Planning Committee (when the application was considered at the meeting on 16 March 2015), and to update Members on progress with key matters.		
WARD St Michaels	**PARISH/TOWN COUNCIL: N/A**	**APPLICANT** The Spirit Of Sittingbourne LLP **AGENT** Mr Alastair Cracknell

MAIN REPORT

1.0 BACKGROUND

1.01 Members will recall that this development was considered at the Special Planning Committee meeting held on 16 March 2015. My report to that meeting is attached as Appendix 1. The minute of the meeting is also attached, as Appendix 2, and the resolution reads as follows:

"That application 14/505440/FULL be delegated to officers to approve subject to conditions (1) to (43) in the report; additional and amended conditions (28) and (44) as tabled; the application being referred to the Secretary of State; the Highways Agency holding objection being lifted, and to impose such further conditions as reasonably required by them and to seek the developer contribution totalling £50,000 for highway improvements to the Key Street roundabout; securing further details in the form of scaled drawings, showing the raised platform and metal enclosing feature to the

northeast corner of the public square, and any conditions required to seek further details in respect of finishing material; amended and additional plans to address the outstanding design points in the committee report; the satisfactory resolution of the position and arrangement of the drop-off area for Sittingbourne train station in consultation with KCC Highways and Network Rail amended conditions as required to refer to amended plans, and to carry out other fine-tuning of conditions as required; and a Section 106 Agreement, to include items as set out in the report and as tabled in the letter from Spirit of Sittingbourne LLP, has been entered into."

1.02 Since the meeting progress has been made to address the matters delegated to officers, notably:

(i) Highways England (formerly the Highways Agency) have withdrawn their holding objection, and the S106 agreement will include a contribution of £50, 000 towards improvements to the Key Street junction of the A2 with the A249 (which forms part of the strategic road network);
(ii) The Department for Communities and Local Government have written to advise that the Secretary of State does not wish to call the application in;
(iii) The S106 is being negotiated and the applicant's lawyers have provided a first draft;
(iv) The applicant has instructed architects to produce amended plans to address the "*outstanding design points in the Committee report*" and which are referred to in the Committee resolution.

1.03 The application is being reported back to Committee now in order, and as set out above, to agree an amendment to draft condition (37)(cinema and restaurant operating hours) and to amend / clarify the matters delegated to officers by the Planning Committee (when the application was considered at the meeting on 16 March 2015).

2.0 CONSULTATION RESPONSES (UPDATE)

2.01 The comments received since the application as first reported to Committee from Highways England, Kent County Council (with respect to developer contributions) and the Council's Environmental Protection Team Leader are dealt with elsewhere in the report.

2.02 Two new consultation responses have also been received from third parties since the application was first reported to Planning Committee. New issues (in addition to those summarised in the original Committee report) are raised as follows:

- Concern is expressed that existing car parks in the town centre may be closed before a new car park is provided; if this happens, there would be an adverse impact on the shopping environment in the High Street.

3.0 APPRAISAL

3.01 **Condition (37)** – the wording of the condition in the report Members considered in March 2015 was as follows:

"*The use of the cinema and restaurants (both within Block A and Block B) hereby permitted shall be restricted to the hours of 0700 to 2400 on any day.*

Reason: *In the interests of the amenities of the area*."

3.02 It has subsequently been advised that the prospective cinema operator requires later opening hours, until 0300.

3.03 The applicant has provided a letter that clarifies what is sought and provides a justification for it. An extract reads as follows:

> *"I understand that the present permitted hours run between 07:00 and 24:00 on any day. Although we would expect that, our normal operating hours would fall between these hours. There will be occasions when we would consider it appropriate to open outside of these times.*
>
> *For example, many cinemas operate late show performances on Friday and Saturday nights. These shows will often start between 11pm and midnight. If the feature is a long running film, for example the recent Star Wars and James Bond movies, these are close to three hours in length. This then leads to a finish time of towards 3am.*
>
> *It would not be expected that during weekday evenings, that movies would run after midnight, however we would like the flexibility to participate in opening late show previews. Again, Star Wars is a good example where moviegoers across the UK went to special screening at one minute past midnight on Friday mornings. The fans see the kudos in being the first to see the latest releases!*
>
> *We fully understand that, as licensees, we have an obligation to ensure that our audiences respect the neighbourhood and local community and we would react to any complaints or issues caused by any late running that occurred at the cinema.*
>
> *In light of this information, may I please request that the cinema permitted hours are extended on a regular basis to 3am following Friday and Saturday evening screenings and that, on no more than 12 occasions per year, that the cinema be permitted to open until 3am following any other day of the week (excluding Sundays)."*

3.04 Members will note the proximity of the proposed cinema and restaurants to the existing dwellings on Station Street, which will face the rear of the cinema and restaurants. This part of the development is known as Site 4 and Members will note paragraphs 1.14 to 1.18 of the original report – where this site is described – and paragraphs 2.22 to 2.30 – where the development proposed on Site 4 is explained (see Appendix 1).

3.05 Condition (37) was imposed in order to prevent the operation of the cinema and restaurants at night from potentially impacting unacceptably on residential amenity.

3.06 I have very carefully considered the potential implications of the proposed late opening for residential amenity.

3.07 I have also consulted the Environmental Protection Team Leader, and an extract from his initial response reads as follows:

> *"As you may recall, my initial concern was the possibility of up to a couple of hundred people exiting the cinema at anti-social hours perhaps affecting Station Street residents. It now appears that this is a common feature of many cinemas, especially at the weekend and particularly when long 'blockbuster' films are shown. It is common for these films to be screened from 23.00/24.00 onwards.*

Coupled with the fact that I am told there are some licensed premises nearby that are open at these sorts of times and potentially generating anti-social noise, the effect of such numbers would be reduced. Consequently, I raise no objection to this proposal."

3.08 He subsequently provided a further response, following correspondence about whether a planning condition (s) should be imposed in respect of the number of screens able to operate after midnight and / or potentially limiting the number of people that could visit the cinema after midnight:

"*Your latest thoughts seem to make perfect sense. The clinching fact from my perspective is the location of the exit, being away from residential properties. I agree that it is highly unlikely that all these screens would be open at once at these hours.*

An attempt to impose any condition restricting numbers I agree would be unenforceable, therefore I have no problems with your latest thoughts."

3.09 In the light of the above, and noting that the entrance / exit to the cinema will be on the south-eastern corner of the building – and therefore not adjacent to existing dwellings – I consider that it is acceptable to amend the proposed operating hours for the cinema. As set out below, conditions (45) and (46) will govern the operation of the cinema, which will be able to operate until 03.00 on any Friday night / early Saturday morning and on any Saturday / early Sunday morning, but will be restricted to a maximum of twelve 03.00 finishes on Sunday to Thursday evenings in any year.

3.10 With regard to the **Section 106 Agreement**, Members will note the paragraphs in the original Committee report (namely 9.61 to 9.69 and 7.15 to 7.18) that deal with this.

3.11 The contributions sought for opens space and wheeled bins remain unchanged (see Paragraphs 7.17 and 7.18 respectively of the original report). The monitoring fee will be **£23,847.68**.

3.12 With regard to the contributions sought by Kent County Council, initially £282,614 had been sought (as set out at Paragraph 7.16 of the original Committee report). However, KCC have re-considered their requirements as a result of this scheme and now seek as total of **£190,175.09** to be divided between:

- Sittingbourne Hub project (£73,269.17);
- Primary education (£56,663.04);
- Secondary education (£56,635.20); and
- Youth Services (£3,607.68)

3.13 In addition, authority is sought to add an additional item, namely a footpath from the eastern end of the proposed multi-storey car park to the High Street, between Numbers 48 and 50. The path would be designed and implemented by the Council, but paid for by the developer. The current estimate of cost is **£64,818.83**.

3.14 With regard to other aspects of the Section 106 agreement where there is an update since the original Committee report, as reported verbally at the Committee in March 2015, a Travel Plan is not required.

3.15 With regard to "claw-back", see Paragraph 9.67(i) of the original report. This related to a possible payment, if the profit margin on the development exceeded an agreed threshold, to be spent on off-site affordable housing provision. I understand that potential "claw-back" of surplus profit is to be dealt with under the Development

Agreement between the Council and the developer. As such, a "claw-back" mechanism will not be included in the Section 106 agreement.

3.16 With regard to the proposals for **'public realm'** at Site 4 - which includes the proposed square in front of the entrance to the railway station – as set out in the extract from the minute of the meeting on 16th March 2015 (see Paragraph 1.01 above), authority has been delegated to officers to secure "…*further details in the form of scaled drawings, showing the raised platform and metal enclosing feature to the north-east corner of the public square*…" The applicant would like this matter to be dealt with by planning condition instead. I consider that this is reasonable, and condition (12) below has been amended accordingly.

3.17 As set out at Paragraph 1.02 (iv) above, and further to the original Committee resolution, I am awaiting the formal submission of **amended plans to address the outstanding design points.** However, the applicant has submitted plans for informal comment and has identified some other changes that they would like to make to the proposals, particularly for the apartments proposed on Sites 1, 2 and 3.

3.18 With regard to Sites 1, 2 and 3, delegated authority is sought to agree amendments – at such time as amended plans are formally submitted – to:

(i) The amount and disposition of car parking provision, including the omission of visitor car parking to the front of Site 1;
(ii) The mix of 1- and 2-bedroom apartments;
(iii) The floor areas of the apartments proposed; and
(iv) Changes to the number of apartments proposed.

3.19 In due course, draft condition (2) below – and those other conditions that refer to specific drawings - will need to be updated to refer to the new plan numbers as a result of these amendments.

3.20 The design of the **passenger drop-off area for Sittingbourne train station** was one of the matters delegated to officers to resolve, in conjunction with Network Rail and KCC Highways and Transportation. Discussions are on-going with both organisations, and the passenger drop-off area will now be provided as part of the re-configuration of the existing Network Rail car parking area just to the east of the railway station, and outside the site boundary for this planning application.

3.21 The delivery of this area by the developer will be secured as part of the land agreements with Network Rail and South east trains under the land swap, rather than being tied into the planning permission.

4.0 CONCLUSION

4.01 I consider that the amendments described above – namely to planning conditions (including additional ones), Section 106 items, arrangements for Public Realm on Site 4, the apartments on Sites 1, 2 and 3 and the passenger drop-off area for train station passengers – are acceptable.

4.02 The proposed development is acceptable, and as set out above, Members' authority is sought to resolve the outstanding points and to enter into the Section 106 Agreement.

5.0 RECOMMENDATION – that planning permission be granted subject to conditions as set out below, the negotiation of the Section 106 agreement (including the updates set out above) and the agreement of amended drawings to address the design points,

including delegation to agree reasonable amendments to conditions and the wording of the Section 106 agreement as required.

CONDITIONS

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

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

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

General	14.25.101 P0; PBA highway drawings: 27744_5502_011 A (Pages 1 and 2), _011 A (Site 3), _011 B (Site 4), _011 A (Site 5), _011 A (Site 6), /016.
Site 1	14.35.110 P3, .111 P2, .112 P2, .113 P2
Site 2	14.35.120 P2, .121 P2, .122 P2, .123 P2
Site 3	14.35.130 P2, .131 P2, .132 P2, .133 P2
Site 4	13003B_101 H, _102 E, _103 F, _104 C, _105 B, _106 B, _108 C, _110 F
Site 5	13003C-102 Rev F, -106, -107, _108 Rev A, _109 rev A, -110 rev A.
Site 6	13003A_102 Rev D, _103 Rev B, -104 Rev C, _105 Rev A, _106 Rev B, _107 Rev A, _108, _109

Reasons: In the interests of proper planning and for the avoidance of doubt.

Pre Commencement

(3) No development shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. *The approved Statement shall be adhered to throughout the construction period.* This shall include details relating to:

(i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;
(ii) The loading and unloading and storage of plant and materials on site;
(iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
(iv) The control and suppression of noise including arrangements to monitor dust emissions from the development site during the construction phase;
(v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;

(vi) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
(vii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site;
(viii) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking; and
(ix) The timing of the proposed works to the public highway that will directly affect traffic movements and/or require traffic management measures, which shall be programmed such that no works take place during the month of December and the first week of January and over the Easter long weekend.

Reasons: To ensure the development does not prejudice conditions of residential amenity and highway safety and convenience through adverse levels of noise and disturbance during construction.

(4) No development shall take place on each site until full details of the method of disposal of foul and surface waters – to be drained using SUDS systems unless demonstrated not to be feasible, and to ensure that there is no surface water drainage on to the public highway - have been submitted to and approved by the Local Planning Authority for that site. The approved details shall then be implemented before the first use of the development hereby permitted on that site.

Reasons: In order to prevent pollution of water supplies, in the interests of sustainable drainage, and to ensure that surface water does not discharge on to the public highway.

(5) Notwithstanding the proposed phasing as set out on Phasing Plan V2, a phasing plan for the delivery of the six sites and the associated highway works shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. The development shall then be implemented strictly in accordance with the approved phasing scheme.

Reason: In the interests of ensuring that the development is carried out in a co-ordinated manner.

(6) No development shall take place on any of the six sites, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable for the particular site which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

(7) No development shall take place on a particular site until full details of both hard and soft landscape works for that particular site 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 (which shall include indigenous and berry-bearing species), noting species, plant sizes and numbers where appropriate, size of tree pits, measures to prevent tree vandalism, trellis / wiring system for climbing plants on the multi-storey car park, means of enclosure, hard surfacing materials, and an implementation programme.

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

(8) Notwithtstanding the details set out in the 'Ecological Enhancement Proposals (February 2015)' draft document, full details of proposed ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority for each site before development is commenced. The agreed measures shall then be implemented in full for that site before it is first used / occupied. The agreed measures shall be retained in perpetuity.

Reason: In the interests of protecting and enhancing biodiversity.

(9) No development shall take place until details of the lighting columns, the type and luminance of the lighting units with glare shields and details of lux levels both inside and outside the site have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in full accordance with the approved details.

Reasons: In the interests of residential amenity and minimising disturbance to bats.

(10) No development on Sites 1, 2 or 3 shall commence until such time as a minimum of 55 temporary car parking spaces have been provided and are available for public use on Site 6. This provision shall be in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority, and shall be retained until such time as the multi-storey car park on Site 4 is completed and open to the general public.

Reason: In the interests of ensuring that sufficient public car parking provision is available in Sittingbourne.

(11) No development on Site 4 shall commence, until any necessary Traffic Regulation Orders to allow two-way traffic movements on Station Street, to the south of Site 4, and the High Street and West Street, to the south-west of Site 4 have been made and any highway works required as a consequence have been fully implemented.

Reasons: In the interests of highway safety.

(12) No development shall be commenced on Sites 4 or 5 until a detailed scheme setting out full details of the raised platform and metal enclosing feature to the north-east corner of the public square, paving, street lighting, bins, seating and signage for those sites has been submitted and approved in writing by the Local Planning Authority

Reasons: In the interests of visual amenity.

13) Prior to the commencement of development on Sites 1, 2, 3 or 4, details of the external finishing materials to be used on that particular site shall be submitted to and approved in writing by the Local Planning Authority and the construction on that particular site shall then be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

14) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be 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 scheme, 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. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To protect groundwater which is highly vulnerable at this site due to the Principle Aquifer and being situated within a source protection zone 1. There is also a requirement to comply with the NPPF, paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

(15) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: To protect groundwater and comply with NPPF.

(16) 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.

(17) No development shall take place on the sites for which noise mitigation is required (namely Sites 1,2, 3 and 4) until a noise mitigation scheme of measures has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be incorporated in the development and retained in perpetuity.

Reason: In the interests of ensuring that unacceptable noise impacts do not result from the development.

(18) Adequate precautions - in accordance with a scheme of measures that shall first have been submitted to, and approved in writing by, the Local Planning Authority - 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 and convenience.

(19) No development shall take place until a tree protection plan and arboricultural method statement in accordance with the recommendations of BS 5837:2012 have been submitted to and approved in writing by the local planning authority. The method statement shall detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and shall take account of site access, demolition and construction activities, foundations, service runs and level changes. It shall also detail any tree works necessary to implement the approved scheme.

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

(20) Notwithstanding the information set out in the 'Sustainability Report' and the 'Energy Statement', details of the package of on-site renewable energy generating measures to be incorporated in the development and the other sustainable design and construction measures proposed for the development hereby approved shall be submitted to and approved by the Local Planning Authority before any part of the development is commenced. And the agreed measures shall be fully implemented for each of the buildings before the particular building is first used. The installed measures shall then be retained in perpetuity.

Reason: In the interests of maximising the use of on-site renewable energy and sustainable development.

(21) Details of the proposed refuse and recycling storage arrangements for each of the buildings hereby approved shall be submitted to and approved by the Local Planning Authority before the development is commenced, and the agreed provision shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reasons: In the interests of visual and residential amenity and to encourage recycling.

(22) Details in the form of cross-sectional drawings showing the existing Ordnance Survey Datum heights through each of the six sites (or such other information as may be agreed to by the Local Planning Authority) and of the proposed site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development on each of the six sites shall be completed strictly in accordance with the approved levels.

Reasons: In order to secure a satisfactory form of development having regard to the sloping nature of the sites

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

Reasons: In the interests of highway safety and residential amenity.

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

Reasons: In the interests of highway safety.

(25) The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture for each site shall be laid out and constructed in accordance with details that shall first have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and public amenity.

(26) Prior to first residential occupation of Site 1(shown on drawing number 14.35.110 P3), the pedestrian - cycle link from St Michael's Road to Laburnum Place, between the two development blocks on Site 1, shall be provided in accordance with full details that shall first have been agreed in writing by the Local Planning Authority.

Reason: In the interests of encouraging sustainable transport.

(27) None of the developments hereby approved shall be first occupied until details of covered cycle parking for that site have been submitted to and approved in writing by the Local Planning Authority. The space and the shelters shall then be retained for the purpose of cycle parking in perpetuity.

Reason: In the interests of encouraging the use of non-car modes of travel.

Post Commencement:

(28) The retail floorspace hereby approved on Site 6 shall not be sub-divided into more than four individual retail units. Each individual retail unit shall be a minimum of 510 square metres gross floorspace.

Reasons: In order to protect the vitality and viability of Sittingbourne town centre and other centres.

(29) The development on Sites 5 and 6 shall be finished using facing materials as specified on the relevant drawings hereby approved.

Reason: In the interest of visual amenity.

(30) 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: The site is located in a highly sensitive location with regards to groundwater in that it is underlain by a principal aquifer and located in Source Protection Zone 1. To ensure any possible land contamination related to historic site activities is addressed in line with current planning guidance on sustainable development.

(31) No mechanical ventilation, filtration equipment, air conditioning, heating, ventilation or refrigeration equipment shall be installed on the buildings hereby approved on Site 4 until full details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residential properties.

(32) 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.

Reasons: The discharge of clean roof water to ground is acceptable within Source Protection Zone 1 provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. The method of discharge must not create new pathways for pollutants to groundwater or mobilise contaminants already in the ground.

(33) Piling or any other foundation designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

Reasons: Unless appropriate managed piling on land affected by contamination may introduce pathways by which contamination can penetrate and pollute the aquifer.

(34) The cinema building (Part of Block A) on Site 4 (shown on drawing 13003B_110 F) hereby approved shall be used for the purpose of leisure and assembly falling within Use Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reasons: In the interests of the amenities of the area and highway safety and convenience.

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

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

(36) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:-

Monday to Friday 0900-1700hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

(37) The use of the restaurants (both within Block A and Block B) hereby permitted shall be restricted to the hours of 0700 to 2400 on any day.

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

(38) The use of the retail units, on Site 6, hereby permitted shall be restricted to the hours of 7 am to 11pm on weekdays and Saturdays, and 1000 to 1700 on Sundays.

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

(39) All hard and soft landscape works shall be carried out in accordance with the approved details. The works approved for each site shall be carried out prior to the first beneficial occupation of any part of the development on that particular site 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.

(40) Upon completion of the approved landscaping scheme for each site (and the street tree scheme for St Michael's Road), any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within ten 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 the next planting season, unless otherwise agreed.
Reason: In the interests of the visual amenities of the area, and in recognition of the important role of tree and shrub planting in this development.

(41) The trees shown on the plans hereby approved as "existing trees to be retained" shall be retained and maintained. Any trees removed, dying, being severely damaged or becoming seriously diseased within ten years of the date of this permission shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.
Reason: In the interests of visual amenity.

(42) The multi-storey car park (MCP) hereby approved shall not be first used until a scheme of street tree planting for St Michael's Road - on the section between the MCP and the junction with Crown Quay Lane – has been submitted to and approved in writing by the Local Planning Authority and the agreed tree planting has been completed.

Reason: In the interests of visual amenity.

(43) The area shown on the submitted plans as car parking and turning space, on each of the six sites, 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) Order 1995 (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 dwelling(s) hereby permitted.

Reasons: 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.

(44) Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended) (or an Order revoking or re-enacting that Order) no more than 50% of the retail floorspace hereby approved on Site 6, shall be used for open comparison sales. The remaining retail floorspace shall be used for the sale of the following goods: furniture; carpets and flooring coverings; DIY; gardening and leisure; car and cycle products and accessories; pets and pet accessories; homeware and soft furnishings; home textiles; electrical goods; convenience goods and domestic appliances.

Reason: To protect the viability and vitality of Sittingbourne town centre and other centres

(45) The use of the cinema (within Block A on Site 4) hereby permitted shall be restricted to the hours of 0700 to 0300 on any Friday (early Saturday morning) or Saturday (early Sunday morning) and on all other days the cinema shall close at 2400, except on twelve occasions per annum – records of which shall be made available to the Local Planning Authority on request – when the cinema will be permitted to operate until 0300.

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

(46) The premises shall be used for the purpose of a cinema and for no other purpose, including any other purposes in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

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

COUNCIL'S APPROACH:

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

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

In this case the application was found to be acceptable, and presented to Members with a recommendation to approve subject to resolution of outstanding issues.

INFORMATIVES

1) As the construction of the development may affect breeding birds, which are protected under the Wildlife and Countryside Act, all works must either be carried out outside the bird breeding season (March to August inclusive) or in conjunction with an ecologist.

2) The applicant should enter into formal agreements with Southern Water in respect of providing the necessary sewerage infrastructure and connection to the water supply in order to service the development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. www.southernwater.co.uk.

3) Traffic Regulation Orders for converting parts of Station Street and West Street to two-way traffic, revisions to parking bays and proposed banned manoeuvres will need to be concluded before the planning consent can be implemented.

4) Stopping-up Orders of various areas of highway have not yet been confirmed and will be essential before the planning permission can be implemented.

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

6) Planning permission does not convey any approval for construction of works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

Case Officer: James Wilson

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.

APPENDICES

Appendix 1 – report to Planning Committee on 16 March 2015
Appendix 2 – minute of meeting on 16 March 2015

APPENDIX 1

Special Meeting of Planning Committee – 16 March 2015

SPECIAL MEETING OF PLANNING COMMITTEE – 16 MARCH 2015

Report of the Head of Planning

REFERENCE NO - 14/505440/FULL		
APPLICATION PROPOSAL Proposed mixed use development - on six parcels of land - of 215 residential apartments (use class C3), 3158 sq m of retail space (use class A1), a 308 space multi storey car park, 1713 sq.m cinema (use class D2), 2320 sq.m ground floor restaurant units (use class A3), first floor D2 use and the re-alignment of St Michael's Road with amendments to the road network and the creation of a new public square in Sittingbourne Town Centre, in front of the railway station.		
ADDRESS Spirit Of Sittingbourne Regeneration Site Identified On Site Location Plan (drg Number: 14.35.100 Revision PO) Sittingbourne Kent ME10 3DU		
RECOMMENDATION – GRANT OF PLANNING PERMISSION subject to conditions as set out below, the signing of a suitably-worded s106 agreement, amended plans and additional plans and documents to address the unresolved issues as described in this report, the Highways Agency and Kent Highways Services raising no objection and further conditions as requested by them, additional information in respect of the retail implications and additional conditions if required; and referral to the Secretary of State.		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL See conclusion at 10.0 to 10.4 below.		
REASON FOR REFERRAL TO COMMITTEE: significance, third party objections and requirements for a Section 106 Agreement		
WARD St Michaels and Chalkwell	**PARISH/TOWN COUNCIL**	**APPLICANT** The Spirit Of Sittingbourne LLP **AGENT** Mr Alastair Cracknell
DECISION DUE DATE 26/02/15	**PUBLICITY EXPIRY DATE** 6/03/15	**OFFICER SITE VISIT DATE:** Various during December 2014 to March 2015

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites). The six sites and adjoining land have considerable planning history and I consider that the following warrants specific mention:

App No	Proposal	Decision	Date
SW/13/0635	2A and 2B Frederick Street (rear of Site 1) – planning permission granted for conversion into five flats, including demolition of outbuildings. Not implemented. Rear of Site 1.	Permission granted	5/9/2013
SW/95/0712	Wingate Court and Anselm Close, West Street / Ufton Lane (adjacent Site 1) – a development of 64 dwellings - the flat block facing West Street has a ridge height of 16 metres and an eaves height of 11.4 metres. Now implemented. Adjacent to Site 1.	Permission granted	19/4/1996
SW/11/0159	Mixed use development, including a supermarket (of 6682 square metres) and housing, on former papermill site and wharf site. Note proximity of main site to Sites 2, 3 and 6 of proposed development. Only the supermarket element has been implemented to date.	Outline planning permission granted – partly implemented	8/2/2012

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		with supermarket constructed.	
SW/10/1415	Tesco Spenhill. Part of proposed wider re-development of town centre and land at Milton Creek together with SW/10/1419 and SW/10/1420. The scheme as amended envisaged approximately 2000 square metres of retail space in the form of two extensions to the northern side of the Forum. On parts of Sites 4 and 5.	Members resolved to approve, but application subsequently withdrawn.	28/5/2013
SW/10/1419	To the north-east of Site 6. Retail development including a 13,420 square-metre supermarket and 8,545 square metres of comparison retail floor space on land at Milton Creek, north of Eurolink Way.	Members resolved to approve, but application subsequently withdrawn.	28/5/2013
SW/10/1420	Pedestrian and cycle bridge over Eurolink Way, to connect developments proposed under SW/10/1415 and SW/10/1419. To the north of Site 5.	Outline planning permission granted	12/7/2011
SW/98/0212	Sittingourne Retail Park, opposite Site 6, planning permission granted for retail units and a restaurant. Various subsequent permissions have also been granted, including for two further restaurants.	Permission granted.	29/9/1998
SW/80/0050	Princes Street Depot – Site 6 – development of a new depot building with a total floor area of 3164 square metres. The permission was implemented and the building on Site 6 remains in situ.	Permission granted.	25/3/1980
SW/96/0512	Permission to remove decked car park and extend The Forum to provide 1388 square metres of additional retail space. Adjacent Sites 4 and 5.	Permission granted.	18/12/1996
SW/06/0618	20 flats on land at Church Street, Sittingbourne. Now built, and which extends to a height of approximately 13 metres where it faces Site 2.	Permission granted.	29/6/2006
SW/03/0754	Permission for use of part of Forum car park for a Friday market.	Permission granted.	18/8/2003

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MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The 'report summary' set out at the start of this report includes a broad description of the proposed development, including the fact that the development is proposed across six sites. Taking each site in turn, the current uses and other key features of the six parcels of land are as follows:

1.02 *Site 1* - this parcel of land – which broadly equates to the Cockleshell Walk public car park - measures 0.36 hectares (or 0.89 acres). The site - which accommodates 'circa 102 car parking spaces - is predominantly hard surfaced and features a fall of approximately two metres from the southern end (close to the junction of West Street and St Michael's Road, the A2) and the northern point (the grassed area just south of the railway lines).

1.03 The site measures 158 metres from north to south and has a typical width of 30 metres. To the rear (west), it adjoins the rear gardens of dwellings on the east side of Frederick Street and three properties on Laburnum Place (namely numbers 40, 39 and 38). This housing is two-storey terraced. At the southern end, the site adjoins the car sales / motorbike dealer, Sittingbourne Service Station, and Swale Cabs taxi business (86, West Street), which feature several single storey buildings. Members will also note the outbuilding just behind the south-west corner of the site.

1.04 To the south-east, Members will note the part four-storey housing, Wingate Court, which extends to a ridge height of 16 metres (with the eaves to the front measuring 11.4 metres).

1.05 There is an existing public path (not a formal public right of way) running through the northern part of the site, and connecting the area to the town centre and, to the west / north-west, to Charlotte Street and the proposed housing on the former paper mill site (see SW/11/0159, described above).

1.06 On Pages 23 and 24 of the Design and Access Statement, the applicant sets out the key features of the site and surrounds graphically, and with photos showing some key features.

1.07 *Site 2* - this parcel of land measures 0.32 hectares (or 0.78 acres) – with typical dimensions of 86 metres (east to west) by 36 metres (north to south) - and is the Spring Street public car park and a wooded area immediately to the west (approximately 18 metres by 43 metres), and which is described and analysed in the applicant's Arboricultural Survey. The land provides public car parking for 72 vehicles. The vehicular access (also an exit) is from St Michael's Road, on the south side, with a second vehicular exit point on the east elevation, opposite the Water Palace Chinese restaurant. The site is characterised by distinct changes in levels, including – according to the applicant – a fall of approximately three metres from east to west.

1.08 Immediately to the north is the railway, which sits on an embankment that is intermittently wooded in this vicinity. To the south are a mix of building forms sat close to St Michael's Road with a range of residential and non-residential uses (such as ISP educational use) and ranging in height from single storey (the Holy Trinity Parish Hall) to the 4.5 storey apartments facing the south-east corner of Site 2.

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1.09 On Pages 25 and 26 of the Design and Access Statement, the applicant sets out the key features of the site and surrounds graphically, and with photos showing some key features.

1.10 *Site 3* - this parcel of land measures 0.35 hectares (or 0.87 acres) – measuring a maximum of 76 (east to west) by a maximum of 66 metres (north to south) - and occupies the majority of an island of land enclosed by public roads, Milton Road to the north, Dover Street to the south and St Michael's Road to the south-west; the Fountain Street cul-de-sac cuts through the site. Much of the land parcel is hard surfaced and in commercial use, as a car rental business, while the southern part of the site is grassed and features a single, substantial tree. Three existing buildings would be removed to accommodate the proposed development. Two further substantial trees are located on the northern boundary and are prominent features of Milton Road.

1.11 There are north-south and east-west (via Fountain Street) pedestrian routes across the site. Although the site is not characterised by particular changes in levels, Members will note that Milton Road is at a lower level than the site and that St Michael's Road is also lower lying than the adjoining part of this land parcel.

1.12 Members will note that the site immediately adjoins the Water Palace Chinese restaurant (to the north-west) and the Fountain Public House and the commercial property, 35 Station Street, to the east. The former has a residential address, 52a Dover Street, at upper levels.

1.13 On Pages 27 and 28 of the Design and Access Statement, the applicant sets out the key features of the site and surrounds graphically, and with photos showing some key features.

1.14 *Site 4* - this parcel of land measures 1.08 hectares (or 2.66 acres), and measures a maximum of 120 metres from east to west and 134 metres from north to south. The predominant land uses are public car parking – 30 spaces immediately in front of the railway station and 64 spaces that form part of The Forum car park – public highway, St Michael's Road (including the large roundabout) and a stretch of Station Street that provides access to the public car parking; the area also features taxi ranks and several bus stops. Members will note that some of The Forum car parking (known as the Tesco car park) falls outside the application site and although the access to it will be affected, 98 spaces will be retained.

1.15 The Forum car park is also used for a market on Fridays, the planning permission for which I refer to above, and the proposed re-development of this area would necessitate its re-location.

1.16 The site is not characterised by changes in level and features only a limited number of trees and very limited grassed / shrub planting areas. As with each of the six sites, the implications for existing trees are set out in the applicant's Arboricultural Survey (October 2014).

1.17 This site occupies a key location, being the arrival / departure area for the railway station and a hub for public transport generally, including buses and taxis; the site adjoins retail, pub / restaurant and other commercial uses (and limited residential) to south, east and west. Some of these existing buildings are substantial, including The Forum (a maximum of approximately ten metres in height, where it adjoins Site 4) and Wilkinsons (approximately 15 metres tall, where it adjoins Site 4).

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1.18 On Pages 29 and 30 of the Design and Access Statement, the applicant sets out the key features of the site and surrounds graphically, and with photos showing some key features.

1.19 *Site 5* - this parcel of land measures 0.44 (or 1.08 acres), measuring a maximum of 148 metres along its frontage with St Michael's Road and a maximum of 40 metres from north to south (at the eastern end, where the multi-storey car park is proposed). The Station Street car park (22 spaces) would be re-developed and a section of the existing Station Street would be removed, together with a line of trees fronting St Michael's Road and some larger trees immediately adjoining the northern elevation of The Forum. The submitted details suggest that one of the two large trees, described as Zelkova, on the land adjacent to St Michael's Road would be retained, but 'T12', closest to the proposed multi-storey car park, would be removed.

1.20 The existing pedestrian access to the northern side of The Forum would be retained.

1.21 On Pages 31 and 32 of the Design and Access Statement, the applicant sets out the key features of the site and surrounds graphically, and with photos showing some key features.

1.22 *Site 6* – this parcel of land measures 1.044 hectares (or 2.5 acres) – with maximum dimensions of 94 metres (north to south) by 166 metres (east to west) - and is known as the Princes Street Depot. The land is currently used by Biffa as a waste transfer centre, and has two buildings on it together with some hard-standing. As set out in the Arboricultural Survey, much of the site boundary with both Milton Road and Eurolink Way is enclosed by tree and shrub growth of various species and with a height of approximately seven metres.

1.23 The 'Existing Site Plan' (13003A_101 revision A) shows some variations in site level, with these typically between just over 14 metres AOD and just under 12 metres AOD. This plan also shows that the single vehicular access point is from Eurolink Way, opposite the service entrance to the Sittingbourne Retail Park.

1.24 The site adjoins the railway station (immediately to the south) and to the west and north lie retail land uses, respectively the Morrisons supermarket and the Sittingbourne Retail Park. There is a difference in levels of approximately two metres between the track level (15.5 metres) and the southern part of the site (13.5 metres).

1.25 On Pages 33 and 34 of the Design and Access Statement, the applicant sets out the key features of the site and surrounds graphically, and with photos showing some key features.

1.26 The relative positions of the six sites to one and other are shown, among other places, on the 'Proposed Masterplan' (14.35.101 revision P0).

1.27 Members will note that, according to the Transport Assessment (November 2014), a total of 260 car parking spaces will be removed to accommodate the proposed development. In addition, the 30 Network Rail car parking spaces immediately in front of the station would also be removed.

1.28 The application sites are located in Chalkwell Ward (Sites 1, 2 and 6) and St Michael's Ward (Sites 3, 4 and 5).

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2.0 PROPOSAL

2.01 As noted above, the planning application is described as follows:

"*Proposed mixed use development - on six parcels of land - of 215 residential apartments (use class C3), 3158 square metres of retail space (use class A1), a 308 space multi-storey car park, 1713 square metres cinema (use class D2), 2320 square metres ground floor restaurant units (use class A3), first-floor D2 use and the re-alignment of St Michael's Road with amendments to the road network and the creation of a new public square in Sittingbourne Town Centre, in front of the railway station.*"

2.02 The various supporting documents, which I introduce below, give the full detail about what is proposed, and in the following paragraphs I set out what is envisaged on a site-by-site basis.

2.03 *Site 1* – this land parcel would be re-developed to provide 62 apartments in a mix of one and two-bedroom dwellings. As set out on Page 62 of the Design and Access Statement, there would be 21 one-bedroom and 41 two-bedroom dwellings and these would range in size from 48 to 55 square metres GIFA (gross internal floor area) for the one-bedroom units and from 63 to 74 square metres (GIFA) for the two-bedroom dwellings

2.04 The dwellings, which would be spread across two blocks and would address Michael's Road, would have 37 car parking spaces (which equates to 0.60 spaces per dwelling). This does not include the nine on-street spaces. This parking, which would be located outside the red edge site boundary, would be interspersed with street trees. As illustrated on the 'Proposed Ground Floor Plan' (14.35.110 revision P3), this would be predominantly at the rear of the buildings, though Members will note that nine spaces are shown just to the north of the northernmost apartment block (which would be the smaller of the two), served by an existing access from St Michael's Road. A total of three disabled car parking spaces are shown. The applicant is committed to providing one cycle parking space per dwellings for this site, and sites 2 and 3. So 62 spaces will provided, and Members will note the condition to secure this below.

2.05 The main vehicular access would be slightly to the north of the existing access to the public car park, between the northern and southern blocks of apartments.

2.06 The 'Proposed Ground Floor Plan' drawing also shows that existing vehicular access for some of the dwellings on the east side of Frederick Street (which face Site 1) – and for refuse collection – is included in the proposed design. No public car parking would be provided on Site 1 though.

2.07 The larger, southern block would have a footprint of 76 metres – parallel to St Michael's Road – by 14.6 metres, which includes a 5.6 metres rear projection for the lift columns and stairwells. The main part of the upper floors (not the stairwells) would have a deeper projection, over-hanging the rear car parking.

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2.08 The block, which would be flat-roofed, would measure a maximum of 12.4 metres in height (compared to the ridge height of the adjacent Wingate Court, which is 16 metres). It would be divided between 12 distinct sections and have four main doors on the front and a further four on the rear. All of the upper-floor apartments – 36 in total – would have balconies on the St Michael's Road elevation. The eight ground-floor units would have terraced areas facing the road frontage, served by eight further doors.

2.09 The main living areas for all 44 apartments in this block would face St Michael's Road, while the rear facing windows would serve bedrooms, bathrooms and the stairwells.

2.10 The smaller, northern block would have a footprint of 38 metres – addressing St Michael's Road - by nine metres in depth, with the lift stairwell projecting by a further 5.8 metres. The block would accommodate 18 apartments. The southern part of the building would follow the same front and rear alignment as the southern block, but the northern part would project slightly to the east, broadly following the line of St Michael's Road, and would be less deep.

2.11 Two main doors are shown to the front – together with two further doors to paved areas also at the front – and three further doors at the rear. The 14 upper-floor apartments would have balconies facing St Michael's Road, while two of the eight ground-floor units would have paved areas as mentioned above.

2.12 The height of this block would be consistent with the southern block, with the height ranging between 12.2 metres and 12 metres. Similarly, and as with the southern block, the building would have six distinct sections, breaking-up the bulk of the elevation.

2.13 *Site 2* – this land parcel would be re-developed to provide 88 apartments in a mix of one and two-bedroom dwellings. As set out on Page 62 of the Design and Access Statement, there would be 48 one-bedroom and 40 two-bedroom dwellings and these would range in size from 51 to 52 square metres GIFA (gross internal floor area) for the one-bedroom units and all of the two-bedroom dwellings would be 69 square metres GIFA.

2.14 As shown on the 'Proposed Ground Floor Plan' (14.35.120 revision P1), the block would address St Michael's Road, but would not be perpendicular to it. Instead, it would be slanted to the south-west. The ground floor level would be raised up from the public road, with steps leading to four main entrances. The line of the frontage would also be stepped, with four discernible sections, each with two dwellings fronting St Michael's Road. The front of the building would measure approximately 70 metres and the projection from front to rear, at ground floor level, would be a maximum of 15.6 metres.

2.15 Members will note that car parking for 46 cars (including three disabled bays, and which equates to 0.52 spaces per dwelling) is to be provided to the rear, and some of this provision would be in the form of under-croft spaces. 88 cycle parking spaces are to be provided.

2.16 No public car parking would be provided on the site.

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2.17 The building would accommodate 8 apartments on the ground floor (each with an outdoor sitting area), and 16 on each of the first, second, third and fourth floors, with 8 apartments on the fifth and sixth floors, The upper floor dwellings would each have a balcony. The building – which would be flat-roofed - would extend to a maximum height of 22.2 metres, at the south-west corner, where it would be seven storey and where the prevailing ground level is at its lowest. The eastern end of the development would be five-storey, and the height where the building faces Dover Street, opposite the Water Palace, would be 15 metres.

2.18 Members will note that some of the existing trees on the site would be removed to accommodate the building and associated car parking and that street-trees are proposed along the front of the site and on the corner, turning into Dover Street.

2.19 *Site 3* – would re-developed to provide 65 apartments (each of which would either have a balcony or – at ground-floor level – a paved outdoor space), consisting of 51 one-bedroom units and 14 two-bedroom units. Car parking – totalling 26 spaces, including two disabled spaces, and which equates to 0.4 spaces per dwelling – is proposed at the front, off Fountain Street, and at the rear, towards Milton Road. 65 cycle parking spaces will be provided.

2.20 The footprint would measure a maximum of 69 metres, from east to west, by a maximum of 16 metres, from north to south.

2.21 The building, which would be part four- (at the western end, facing Site 2) and part five-storey (at the eastern), would have a maximum height of 14.2 metres, and would be flat-roofed.

2.22 *Site 4* – the area immediately to the south of the Railway Station would be re-developed, with the highway network re-configured – to accommodate a public square, a block comprising five restaurants and seven cinema screens (known as Block A) and a second building (Block B), which would accommodate two restaurants at ground floor and space (585 square metres) on the first floor for a further bar / restaurant (Unit 9). Members will note condition (11) below, which is required in order to provide two-way vehicular access to the site, via Station Street and West Street, for taxis and service vehicles. The inter-relationship between this development and the existing buildings in the vicinity (all of which would be retained) is shown on drawing 13003B_110 Revision B, 'Proposed Site Plan'. Pages 72 to 81 of the Design and Access Statement deal, in detail, with Site 4.

2.23 Members will note that, among other changes, the alignment and design of St Michael's Road would be significantly altered in order to accommodate this new development. In particular, the existing roundabout would be removed and replaced with a set of traffic signals, while a new roundabout would be constructed just to the south-east of the station entrance.

2.24 It is also worth noting that – although 64 car parking space will be removed - some of the existing car parking would be retained, namely 97 spaces as shown on drawing 13003B_110 Revision F.

2.25 Block A would, as noted above, accommodate five restaurant units at ground floor – with a combined floor area of 1844 square metres – and some ancillary areas, including the entrance (described as Unit 6) for the cinema use, which is on the upper floors. The building footprint would measure 82 metres in length, aligned approximately from north to south, and 29 metres from front to rear, aligned

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approximately east to west, at the southern end. At the northern end, Unit 1 (which faces the railway station) would be 25 metres in depth.

2.26 At the upper levels (described as 'Ground Cinema Level' and 'Projection Level') the seven cinema screens would range in size from 72 seats (Screen 7) to 255 seats (Screen 1). An external terrace area, at the south-east corner of the 'Ground Cinema Level' is also proposed. The cinema would have a total floor area of 2952 square metres.

2.27 Block A would be flat-roofed and measure 16.6 metres at the southern end and 18.6 metres at the northern end, facing the railway station. The Block would sit a minimum of nine metres to the east of the facing buildings on Station Street, namely 25 to 29, Station Street, which is a three-storey building with a shop at ground floor. The gap between the two buildings would, however, typically be 16 metres.

2.28 Block B, which would be sited just to the east of Block A and which would enclose the southern side of the proposed square would have a footprint with maximum dimensions of 22.2 metres (north to south) and 31.6 metres (east to west). The building would be flat-roofed and measure 11 metres in height.

2.29 The proposed public square would be a key component of the re-development of Site 4 and indeed the entire re-development, and would extend east from the front of Block A) (Unit 1) for a distance of 32 metres to the proposed 'landscaped seating and sculptural form' (which would provide raised seating and a landscaped enclosure for the eastern side of the square). The north-south dimension of the square would be a maximum of 31.2 metres, from the front (north) elevation of Block B to the pedestrian crossing point on St Michael's Road in front of the railway station.

2.30 Tree planting for Site 4 is shown indicatively on the submitted plans and is explained in the Design and Access Statement and in the Landscape Report (October 2014).

2.31 *Site 5,* which adjoins the eastern side of *Site 4* just to the east of the east elevation of Block B, would accommodate a hard surfaced area of public realm, including some street trees, a new bus lay-by and a pedestrian link (minimum width approximately 2.5 metres) between Blocks A and B and the proposed square and the proposed multi-storey car park, which is proposed immediately to the north of the eastern end of The Forum (in particular, the unit that accommodates the Tesco supermarket).

2.32 The area linking the MSC to Site 4, which includes an extended service yard for The Forum, would measure 84 metres by 22 metres (north to south). Members will note that the two mature trees on the St Michael's Road frontage are shown to be retained.

2.34 The multi-storey car park would accommodate 308 spaces, which would be divided across the five levels as follows:

2.34.1 32 spaces on the ground floor consisting of seven disabled spaces, seven parent / child spaces, eight 'car charging spaces', ten and other spaces. Two waiting bays and facilities for bikes and motor bikes are also proposed.

2.34.2 69 spaces (including three disabled spaces) are proposed on each of the first, second, third and fourth floors. 276 spaces in total, including 12 disabled spaces.

2.34.3 The proposal does not include any cycle parking spaces.

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2.35 The building would have a footprint – approximately rectangular – measuring 38 metres from north to south at the western end and 36.6 metres at the eastern end, and 58.2 metres in length, fronting St Michael's Road. The vehicular entrance would be on the eastern end, at the southern end of the elevation; there would be pedestrian entrances on the east elevation and on the west elevation, at the north-west corner of the building.

2.36 The west elevation of the building would adjoin The Forum and covered pedestrian access, measuring 3.3 metres in width, into the shopping centre would be provided, allowing direct covered access from MSC and for pedestrians coming from Site 4 or elsewhere.

2.37 The building, the northern elevation of which would sit immediately on the rear of the pavement to St Michael's Road, would be flat-roofed and extend to a height of 17.4 metres at the north-east corner (though part of the east elevation would extend to 18.8 metres, or 32 metres AOD) and 16.2 metres at the north-west corner.

2.38 *Site 6* - the existing buildings would be cleared and replaced with two single-storey buildings to provide a total of 3158 square metres of retail space (gross internal), to accommodate four large-format retail units.

2.39 105 car parking spaces are proposed - including seven disabled spaces – and these would be located to the front and side (east) of larger building [to accommodate Units 1 (929 square metres), 2 (696 square metres) and 3 (510 square metres)] and in front (to the west) of Unit 4, a detached building measuring 1021 square metres.

2.40 The proposal for Site 6 does not include provision of cycle parking

2.41 Servicing areas and staff parking are proposed along the southern end of the site, to the rear of the two buildings.

2.42 The larger building - which would be aligned parallel to the southern site boundary and would extend close to the west site boundary, with Milton Road – would measure 73 metres in length (east to west) and 45.4 metres from north to south.

2.43 The smaller building, Unit 4, would have a square footprint, measuring 33 metres along each elevation. The rear (east) elevation has been amended to improve the appearance of the building in views from Eurolink Way.

2.44 The buildings would have a typical height of 8.6 metres, with the canopy at six metres.

2.45 The buildings would be designed to accommodate the future provision of mezzanine floors.

2.46 The landscaping details are limited at this stage, and the plans and Arboricultural Survey suggest that the existing perimeter planting will be removed and that new tree planting could be provided to parts of the site boundary and intermittently within the car park.

2.47 The vehicular access position would remain as existing, and a pedestrian access would be provided from Milton Road.

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2.48 The application is supported by a suite of documents that includes the following:

- Design and Access Statement (February 2015);
- Planning Statement (January 2015);
- Transport Assessment (November 2014);
- Daylight Report – Site 1 (January 2015);
- Daylight Report – Site 2 (January 2015);
- Daylight Report – Site 3 (February 2015;
- Daylight Report – Site 4 (November 2014)
- Sustainability Report (January 2015);
- Statement of Community Involvement (SCI)(February 2015)
- Energy Statement (January 2015);
- Economic Benefits Statement (EBS)(January 2015);
- Ecological Appraisal (October 2014)
- Ecological Enhancement Proposals (DRAFT)(February 2015);
- Arboricultural Survey (October 2014);
- Heritage Statement (October 2014);
- Landscape Report (October 2014);
- Bat Inspection Survey Results (November 2014);
- Desktop Contamination Assessment (February 2015);
- Viability Report (4 December 2014);
- Development Appraisal (December 2014);
- Landscape and Visual Impact Assessment (October 2014);
- Retail Impact Assessment (including sequential assessment)(October 2014);
- Noise Impact Assessment (October 2014);
- Air Quality Assessment (October 2014); and
- Flood Risk Assessment

2.49 The applicant has provided a table summarising the parking situation, existing and proposed, and it is attached as Appendix 1.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	Total of 3.48 hectares (or 8.6 acres). See above for site-by-site split.	As existing.	0
Approximate Building Height (m)	There are no buildings on Sites 1, 2, 4 and 5. The buildings on Sites 3 and 6 are two- and single-storey respectively.	See full details above.	NA
No. of Storeys	Applies only to Sites 3 and 6 – see above.	Maximum of seven (on Site 2), but see details above.	Maximum of +7, on Site 2.

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Gross Floor Area	2704 square metres on Plots 3 and 6 only.	17, 605 square metres in total	14901 square metres
Parking Spaces	See appraisal at 9.49 to 9.54 below.	308 (in the MSC); 50 (Site 1); 46 (Site 2); 26 (Site 3); 97 (retained adjacent to Site 4) and 105 (Site 6). In total: 510 commercial spaces and 122 residential. Grand total of 632 car parking spaces.	See appraisal at 9.49 to 9.54 below.
No. of Residential Units	0	215 1- and 2-bedroom apartments, See above for split between Sites 1, 2 and 3.	+ 215
No. of Affordable Units	0	0	0

4.0 PLANNING CONSTRAINTS

4.1 *Listed Buildings / Non-designated Heritage Assets* – there are none of either within any of the six sites; the submitted Heritage Statement deals with the listed buildings and non-designated assets in the vicinity of the six sites;

4.2 *Conservation Area (there is a statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990).* None of the application site is located in a Conservation Area (CA), but Members may well be aware that much of Sittingbourne High Street is designated as a CA.

4.3 TPO – no trees covered by Tree Preservation Orders would be affected by any of the development proposed on the six sites. There would though be significant potential implications for trees and Members will note the submitted 'Arboricultural Survey (October 2014)', which deals with the issue in detail. Members will also note the corresponding section of the 'Appraisal' below.

4.4 Air Quality Management Areas (AQMAs) – Members will note that there are two designated AQMAs in the vicinity of the development sites, namely on East Street (to the east of Sittingbourne town centre) and on St Paul's Street (to the north-west of the town centre).

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4.5 Flood Zones – all six sites are located within the Environment Agency designated Flood Zone 1, meaning that there is a low risk of flooding from rivers or the sea. This issue is though considered further in the 'Appraisal' below.

4.6 The Core Shopping Area (CSA) (Policy B3 of the Swale Borough Local Plan 2008) and the Secondary Shopping Area (also Policy B3) are set out on Inset Map (Sheet 2B) of the SBLP 2008. Members will note that CSA includes both sides of the High Street running east from the junction with Station Street, all the units in The Forum, Wilkinsons' frontage with Station Street and the entrance facing north, towards the railway station.

4.7 Members will also note the areas identified as Secondary Shopping Area (SSA), notably High Street west of the junction with Station Street and part of West Street, as far as the junction with Dover Street.

4.8 Allocated Site – part or all of each of the six sites, with the exception of Site 2, are allocated in the adopted SBLP 2008. Members will also note that the emerging Local Plan, namely Bearing Fruits 2031 (Publication Version, 2014), includes Policy Regen 1, which addresses the prospective regeneration of the 'central Sittingbourne area', which includes the six sites the subject of this planning application. Members will note, among other things, the plan at Figure 6.7.1, which shows an earlier version of the layout for which planning permission is now sought. The text of the policy – taken from Pages 160 and 161 of the Plan – is set out in full below. I deal fully with allocated sites in section five below.

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 Members will note that the application documents deal with national and local planning policies in both the Design and Access Statement (pages 36 and 37) and the Planning Statement (page 10 onwards).

5.02 National Planning Policy Framework (NPPF)(2012)

5.021 The following paragraphs are considered to be of particular relevance to this development.

5.022 The NPPF has at its core the presumption in favour of sustainable development, and there are, it is suggested, three dimensions to this term: economic, social and environmental.

5.023 **Paragraph 7** suggests the following roles for the planning system:

- *"An economic role – contributing to building a strong, responsive and competitive economy…*
- *A social role – supporting strong, vibrant and healthy communities…; and*
- *An environmental role – contributing to protecting and enhancing our natural, built and historic environment."*

5.024 **Paragraph 9** states that *"…pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life… "*.

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5.025 The NPPF (see **Paragraph 12**) "*…does not change the statutory status of the development plan as the starting point for decision making…development that accords with an up-to-date Local Plan* [in this case, the saved policies of the Swale Borough Local Plan 2008] *should be approved, and…development that conflicts should be refused unless material considerations indicate otherwise.*"

5.026 **Paragraph 14** states that "*at the heart of the NPPF is the presumption in favour of sustainable development…for decision-taking this means: approving development proposals that accord with the development plan without delay…*"

5.027 **Paragraph 17** states that the "*…conservation of heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations…*" is a core planning principle "*which should underpin decision taking*".

5.028 **Paragraph 18** *states that "the Government is committed to ensuring economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meet the twin challenges of global competition and of a low carbon future."*

5.029 **Paragraph 24** states that a sequential test should be applied to planning applications for main town centre uses [which include retail] that are not in an existing centre and are not in accordance with an up-to-date Local Plan. As noted above, a dedicated report has been submitted in support of the application.

5.0210 **Paragraph 26** requires the provision of an impact assessment where more than 2500 square metres of retail or office space is proposed outside of town centre and where the development would not accord with an up-to-date Local Plan. And **Paragraph 27** advises that where an application fails the sequential test or is likely to have an adverse impact on town centre vitality and viability or planned investment it should be refused.

5.0211 **Paragraph 47** sets out, among other things, the need for the Local Planning Authority to meet the "*full, objectively assessed needs for market and affordable housing…*" in their area and the need to "*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%...*"

5.0212 **Paragraph 49** stipulates, among other things, that "*housing applications should be considered in the context of the presumption in favour of sustainable development.*"

5.0213 **Paragraph 50** sets out criteria to aid the delivery of "*…a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities…*"

5.0214 **Paragraphs 56 to 68** address 'requiring good design', and **Paragraph 56** asserts that "*Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*"

5.0215 **Paragraph 61** states: "*…requiring good design goes beyond aesthetic considerations. Therefore…decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.*"

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5.0216 **Paragraph 63** asserts that "*…great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in an area.*"

5.0217 **Paragraph 69** planning decisions should aim to create places that are safe and accessible and promote meetings between members of the community who might not otherwise come into contact with each other.

5.0218 **Paragraph 73** deals with high quality open spaces and opportunities for sport and recreation, and Local Plan policies for their provision should be based on robust and up-to-date assessment of the need for them.

5.0219 **Paragraph 93** refers to the key role that planning plays in, among other things, "*…supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.*"

5.0220 **Paragraph 96, 2nd bullet** states that in determining planning applications, local planning authorities should "*take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption*".

5.0221 **Paragraph 100** stipulates that "*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary making it safe without increasing flood risk elsewhere.*"

5.0222 At **Paragraph 109** it states, among other things, that "*…the planning system should contribute to and enhance the natural and local environment by…minimising impacts on biodiversity and delivering net gains in biodiversity where possible.*"

5.0223 **Paragraph 125** deals with light pollution and advises that "*…decisions should limit the impact of light pollution…on local amenity, intrinsically dark landscapes and nature conservation.*"

5.0224 **Paragraphs 126 to 141** deal with 'conserving and enhancing the historic environment'.

5.0225 **Paragraph 129** requires local planning authorities to "*identify and assess the significance of any heritage asset that may be affected (including by development affecting the setting of a heritage asset) and to take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*"

5.0226 **Paragraphs 132 and 134** sets out that "*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*"

5.0227 **Paragraphs 186 and 187** relate to decision taking and require, among other things, local planning authorities to approach the matter "*in a positive way*" and to "*look for solutions rather than problems*".

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5.0228 The determination of applications is covered at **Paragraphs 196 to 198**, and **Paragraph 197** instructs local planning authorities to "*…apply the presumption in favour of sustainable development.*"

5.0229 The use of 'planning conditions and obligations' is addressed at **Paragraphs 203 to 206**. To a large extent, these paragraphs advocate the approach set out in the Community Infrastructure Levy (CIL) Regulations (2010), and in particular, Regulation 122 (2), and the NPPG guidance on the use of conditions in planning permissions.

5.0230 Members will note that **Paragraph 204** states the following:

"Planning Obligations should only be sought where they meet all of the following tests:
_ Necessary to make the development acceptable in planning terms;
_ Directly related to the development; and
_ Fairly and reasonably related in scale and kind to the development."

5.0231 However, **Paragraph 205** adds a new onus on taking account of changes in market conditions and being *"…sufficiently flexible to prevent planned development from stalling."*

5.0233 **Paragraph 216** advises that decision takers can also give weight to relevant policies in emerging plans according to:

- the stage of preparation;
- the extent to which there are unresolved objections; and
- the degree of consistency between the emerging plan to the policies in the NPPF.

5.03 The National Planning Practice Guidance (NPPG) sets out national planning guidance on a number of topics, and I make specific reference to the guidance on retail and town centre vitality and viability in the appraisal section below.

5.04 Swale Borough Local Plan (2008)

5.041 The following policies of the SBLP (2008) have been 'saved' and relate specifically to one or more of the six sites and are considered to be relevant here:

5.042 Sites 1 to 5 inclusive fall within Area Action Plan 7, Sittingbourne Town Centre, which in turn requires proposals to comply with **Policy B27** and the requirement for a Masterplan (which was subsequently adopted, and Members will note paragraph 5.061 below). Among other things, **AAP7** states the objective of

"…expanding Sittingbourne's role as a retail, business, cultural, community, education and civic centre for multi-purpose visits."

5.043 Site 6 is located in Area Action Plan 8. **AAP8** covers land adjoining AAP7 to the north, and extending up to and across the head of Milton Creek to Mill Way and Milton Regis. Like AAP7, the action plan refers to the need for Masterplan, and to comply with Policy B27 and is focused on the delivery of significant urban regeneration, clearly aimed at the creation of a new district on under-utilised land to the north of the town centre. Housing, retail and leisure are among the potential new land uses referred to.

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5.044 As mentioned above, **Policy B27** is also pertinent. The policy – which covers parts of Sites 4 and 6, and all of Site 5 – allocates land for 'retail, leisure and residential development' with the aim, among other things, of *"the new retail and leisure development to the north of the railway is integrated with the town centre.."*

5.045 Part of Site 1 is covered by **Policy H5 (1).39**, which allocates the southern part of the site and the commercial use adjoining to the south for a total of 18 dwellings; with 50% to be affordable. The total area of the allocation is 0.22 hectares.

5.046 **Policy E18** – Area of High Townscape Value – adjoins Site 1 – and includes land at Ufton Lane and London Road. The supporting text – see Page 49 – "*…encourages a high standard of design*".

5.047 Part of Site 3 is covered by **Policy H5 (1).33**, which envisages 12 dwellings on 0.23 hectares, and their provision as 100% affordable dwellings.

5.048 **Policy B14** (new employment sites) applies to parts of Sites 4 and 5.

5.049 Members will note, as referred at paragraph 4.6 above, the relationship between the Core Shopping Area (**Policy B3**) and Sites 4 and 5. I also note the relationship between the boundary of the Secondary Shopping Area (Policy B3) in West Street and Site 1.

5.0410 Members will note that the conservation areas, which are addressed by **Policy E15**, include Sittingbourne High Street. The extent of which is set out in the submitted Heritage Statement (October 2014) and on Page 38 of the Design and Access Statement (February 2015).

5.0411 The following policies from the SBLP 2008 are also applicable: **SP1, SP2, SP3, SP4, SP6** and **SP7** (strategic policies), **TG1** (Thames Gateway), **E1** (general development criteria), **E10** (trees and hedges), **E11** (biodiversity), **E12** (biodiversity sites), **E14** (development affecting listed buildings), **E19** (high quality design), **B1** (retaining employment), **B2** (providing new employment), **B4** (new retail development), **H2** (providing for new housing), **H3** (affordable housing), **H5** (specific housing allocations, particular parts of which are referenced above), **H6** (housing within existing built-up areas), **U1** (servicing development), **U3** (renewable energy), **T1** (safe access to development), **T2** (highway improvements), **T3** (parking for new developments), **T4** (cyclists and pedestrians), **T5** (public transport), **T6** (maximising the use of railways…), **T7** (town centre parking), **C2** (new housing and provision of community services), and **C3** (open space and new housing).

5.0412 Members will note that **Policy T7** (town centre parking) requires, among other things, "*…the Borough Council to maintain an adequate level of car parking within town centre areas.*"

5.05 Bearing Fruits 2031 (Publication Version, 2014)

5.051 This emerging Local Plan follows a number of stages of consultation, and is likely to be submitted for independent examination later in 2015 before adoption either late in 2015 or early 2016.

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5.052 Further to Paragraph 4.8 above, **Policy Regen 1** is the main policy pertaining to Sittingbourne town centre and brings forward those elements of previous policy (notably from AAP7, AAP8 and B27 of the adopted Local Plan, see Paragraphs 5.042, 5.043 and 5.044 above) which are still relevant and is in accordance with the NPPF. Consequently, there are not expected to be significant unresolved objections to this policy and significant weight should be applied to this policy, which reads as follows:

"A regeneration area for central Sittingbourne, including its town centre, is shown on the Proposals Map. Within this area proposals which support the objective of consolidating and expanding Sittingbourne's position as the main retail, business, cultural, community and civic centre for the Borough, will be permitted.

A. Development within the area will proceed in accordance with, or complement, a master plan to be prepared to support the development agreement between the regeneration partners and will accord with the key objectives of:
1. Providing additional comparison retail space and uses which provide greater vitality, viability, diversity and activity;
2. Supporting the creation of a station square and bus train interchange with associated improvements to the station itself;
3. Providing for a cinema and performance venue within the town centre area identified in Policy DM2;
4. Providing for a redeveloped and enhanced civic quarter focused on Central Avenue, Roman Square and Avenue of Remembrance to include civic offices and services, health centre, housing and further education facilities;
5. Reducing the visual dominance of St Michael's Road through traffic calming and environmental enhancement;
6. Providing for suitable car parking that will support existing and new uses and be in accordance with an overall parking strategy for the centre;
7. An integrated landscape strategy for the area as a whole that secures improvements in the public realm, green spaces and the pedestrian environment. Proposals will implement a green grid structure with street tree planting in key streets;
8. An Health Impact Assessment to enable an integrated approach to be adopted across the regeneration area in accordance with Policy CP4; and
9. Redeveloping sites predominantly for housing in the eastern and western gateways to the
regeneration area, especially at Cockleshell Walk, Fountain Street, West Street, Dover Street and East Street, as identified by the Strategic Housing Land Availability Assessment, or at other suitable sites which are in accordance with Policy CP3.

B. All development proposals will:
1. Accord with Policies DM1 and DM2 to maintain and enhance the retail offer of the primary shopping areas, whilst introducing uses there and elsewhere within the town centre which achieve greater vitality, viability and diversity of services and facilities, alongside buildings of architectural excellence. Where town centre vitality and viability is not harmed, other sites able to achieve similar objectives will be permitted within the regeneration area defined by this policy;
2. Maintain or enhance key non-retail uses which underpin the retail and community functions of the town centre for both day and night time economy;
3. Provide for residential development of suitable type and scale above commercial premises, or as part of mixed use developments, or on other suitable sites;
4. Maintain and increase office floorspace provision above commercial premises within the town centre area, or where sites are not available, within the regeneration area;

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5. Redevelop visually poor areas with buildings of innovative and sensitive design to create new townscape areas, which are of sustainable design and construction in accordance with Policy DM20;
6. Retain, enhance and create new open spaces and green spaces which should include tree planting (including street trees);
7. Provide public spaces, squares and public art, alongside improved lighting and street furniture; and
8. Improve north south links to facilities north of the railway and Eurolink Way via Milton Road and Crown Quay Lane."

5.053 Members will also note the supporting text on Pages 156 (paragraph 6.7.24 onwards) to 159 of Bearing Fruits.

5.054 The following policies are also relevant: **ST1** (delivering sustainable development in Swale), **ST3** (settlement strategy), **ST4** (meeting development targets), **ST5** (strategy for the Sittingbourne area), **CP3** (delivering housing), **CP4** (requiring good design), **CP5** (health and wellbeing), **CP6** (community facilities and services), **CP7** (natural environment and green infrastructure), **DM1** (town centre vitality and viability, **DM2** (town centre uses), **DM6** (managing transport demand), **DM7** (vehicle parking), **DM8** (affordable housing – 10% requirement in Sittingbourne town), **DM10** (gypsy and traveller sites), **DM14** (general development criteria), **DM17** (open space), **DM19** (sustainable design and construction), **DM20** (renewable and low carbon energy), and **DM21** (water, flooding and drainage).

5.056 The strategy for Sittingbourne (**Policy ST5**) is obviously of particular importance here and Members will note that it reads as follows

"*Within the Sittingbourne area, the town is the principal urban centre and focus for the main concentration of developments in and adjacent to the town. Development proposals will, as appropriate:*

1. Increase the supply and quality of employment provision at 'Existing Strategic Employment Sites' or at allocations or within the town centre regeneration area where the need for office floorspace can be additionally met. Unanticipated needs that cannot be met at these or other existing employment sites, will be permitted at locations close to the A249 in accordance with Local Plan policies;

2. Ensure the vitality of Sittingbourne town centre, as appropriate, by:
a. enhancing its retail offer and attractiveness to secure local spending and jobs, securing
improved spaces, better north-south links and buildings of architectural excellence;
b. providing a wider range of services, including transport, education, health, leisure and cultural facilities;
c. enhancing secondary areas of the town within West Street, Dover Street, Cockleshell Walk and East Street;
d. enhancing local character, heritage and the built environment, working with the grain and
focus of the A2 or aiding the rediscovery of Milton Creek;
e. safeguarding and expanding the network of urban green space and street trees; and
f. adding to the mix of uses within the town centre to increase its vitality and viability.

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3. Support, as required, improved connections to the A249 and M2 from west Sittingbourne and the completion of the Sittingbourne Northern Relief Road to the A2;

4. Provide housing/mixed uses within the Sittingbourne town centre regeneration or other sites within urban and village confines, or where indicated by proposed allocations;

5. Create, where appropriate, mixed use and healthy communities and address disparities and housing market variances between communities north and south of the A2 through high quality design, new facilities and new jobs as appropriate;

6. Maintain the individual character and separation of important local countryside gaps around Sittingbourne and to the east of Rainham in accordance with Policy DM25;

7. Reduce levels of deprivation in the most deprived wards and facilitate as required, increased capacity in infrastructure and services;

8. Manage recreational pressures arising from development proposals to safeguard international biodiversity sites and, where possible, achieve net gains in biodiversity and natural/semi-natural greenspace at development sites, especially within allocations to the north west and east of the town and Milton Creek;

9. Include assessments of noise and other disturbances to enable control of any adverse effects on Include assessments of noise and other disturbances to enable control of any adverse effects on wintering SPA birds on Milton Creek, The Swale SPA and the Swale Ramsar site.

10. Improve the condition and quality of landscapes in the area, especially those in poor condition and ensure that development is appropriate to landscape character and quality, especially within landscape designations and areas with low or moderate capacity to accommodate change;

11. Avoid the loss of high quality agricultural land in accordance with Policy DM31;

12. Are consistent with local air quality action plans for Newington High Street, St. Paul's and East Street;

13. Conserve and enhance the historic and special interests of the town, coast, its rural area and landscapes; and

14. Are appropriate to the level of risk from climate change, flooding and coastal change, especially where subject to Policy DM 23 on Coastal Change Management."

5.057 Members will also note two of the paragraphs (from page 56) that support Policy **ST5**, and these read as follows:

"*4.3.41 The Council is now part of a development partnership with the group 'Spirit of Sittingbourne' which is set to deliver further regeneration in and around the town centre. Economic conditions and changing priorities have necessitated a scaling back and a re-focus of attention on the main town centre and Policy Regen 1 has redefined the boundaries to the regeneration area for a mix of retail, leisure, civic facilities and new housing. Within the town centre boundary, the Council will bring greater flexibility to the consideration of uses at the outer edges of the primary*

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shopping area and in the secondary shopping area to take advantage of opportunities that may arise during this time of economic difficulty for the centre.

4.3.42 To promote sustainable transport we are focusing on improving the quality of bus journeys, in particular the accessibility and facilities for passengers in central Sittingbourne. Within the town centre, major proposals will provide a central focus for bus and rail services in the vicinity of the station, which has been boosted by the award of £2.5M the South East Local Economic Partnership local growth fund.

Central Sittingbourne regeneration will also contribute to improvements to the highway network and traffic management within the town centre. A bus quality partnership will aim to improve public transport conditions and services at the town and in its centre, alongside additional routes to new developments and better walking and cycling routes."

5.058 In support of **Policy DM8** on affordable housing, Members will note that Paragraph 7.3.7 of the preamble to it, includes the following:

"*Viability is most affected by unfavourable economic circumstances in the housing market areas of Sheppey, Sittingbourne and Iwade and hence a lower percentage* [10%] *of affordable housing will be sought in these areas compared to other areas of the Borough* [30% in Faversham and 40% in all other rural areas]."

5.06 Supplementary Planning Documents:

5.061 Sittingbourne Town Centre and Milton Creek (Adopted September 2010)

5.062 The document has chapters dealing with discrete areas within the town centre and adjoining areas, and in this instance the Western Gateway (page 80 onwards – relates to Sites 1 and 2), Town Centre Core and Station Gateway (page 62 onwards – relates to Sites 3, 4, 5 and 6), and Milton Creek (page 74 onwards – also relates to Site 6).

5.063 The SPD also gives advice on topics such as sustainable design and construction (see Chapter 7, 'the Green Charter'), landscaping (including the value of introducing semi-mature street trees into existing streets) and treatment of public realm (pages 59 and 60), and 'density, grain, height and scale' (pages 49 to 51).

5.07 The SPD 'Developer Contributions' (2009): Members will note not only the sections setting out the developer contributions that should generally be sought in respect of housing development, but also the Council's approach to dealing with applications where the financial viability of a proposed development has a bearing on the capacity of the development to support the payment of contributions and / or the provision of a percentage of affordable housing. In particular, Members will note Paragraphs 8.2 to 8.6.

5.08 Interim Guidance Note 1 – Residential Parking (November 2008): on Page 7, the document encourages Local Planning Authorities to develop parking policies "*…offering the opportunity to provide a range of solutions, including developments with low or even zero parking provision.*" The guidance table for residential parking suggests that in town centres the provision should be a maximum of 1 space per dwelling.

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6.0 LOCAL REPRESENTATIONS

6.01 The application was initially advertised by the posting of nine site notice and an advertisement in a local paper and the direct consultation of 813 addresses in the vicinity of the six development sites.

6.02 In response to this consultation, the following representations were received:

FORTY-EIGHT (from FORTY-FIVE addresses) **objections**, including one received via the local Member of Parliament:

The issues raised are summarised as follows:

- The changes to the highway layout – including the removal of the roundabout by the railway station and the construction of a traffic-light controlled junction – will cause additional traffic congestion (particularly when the M2 is closed or when rail replacement buses are in operation) and could worsen emergency service's response times;
- Significant amounts of new development will also add to traffic congestion;
- Northern Relief Road should be completed before any of this development first operates;
- The car parks to be re-developed are needed particularly for users of amenities close to them – such as doctors' surgeries;
- Plans need to re-considered and commuters put first, particularly by not reducing long-stay car parking provision and drop-off areas at the station, which may prove to be inadequate;
- Loss of short-stay car parking is short sighted;
- Location of the multi-storey car park (MSC) would add to traffic congestion;
- Loss of several surface level parks will add to demand at other town centre car parks, and deprive west end of town of car parking;
- Council could make better use of the money they plan to spend on the Multi-Storey Car Park (MSC) – for example, to purchase and re-develop derelict land elsewhere in Sittingbourne;
- MSCs can be dangerous and unpleasant – this one is likely to be too cramped and with too few spaces;
- MSC should be priced for long-stay use;
- The existing bus facilities and the temporary ones should not be reduced;
- May not be sufficient space for taxis;
- Insufficient provision for cyclists;
- Concern is expressed about the proposed closure of St Michael's Road, which "*needs to be kept open as an essential throughfare…*";
- Timing of consultation is cynical attempt to "*bury*" the proposals "*in Christmas trade and holidays*";
- Location of the 'plaza' is inappropriate (and appears to be too big), and will be subject to traffic pollution – air and noise – and may attract uses that would "*not be a positive contribution…*";
- Level of consultation is insufficient [the posting of nine site notice, advertisement in local press and 813 letters sent to people living / businesses close to development sites] and residents should have received paper copies of plans;
- Pre-application community engagement was not of sufficient quality;
- Not enough time is given for people to consider all the submitted documents;
- Concern is expressed about implications for existing High Street retailers;
- "*Regeneration of the Forum is unacceptable*";

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- Proposed retail development is not needed and will contribute to the on-going 'cynical strangling of the High Street' and will '*all but the independent shops*';
- Regeneration should not be at the expense of existing High Street or Sittingbourne Retail Park (SRP)retailers;
- Existing housing development adjacent to the Morrisons supermarket [for which planning permission was granted under reference SW/11/0159] should be completed – and other vacant sites such as the Bell Centre re-developed - *before* further housing development is brought forward
- Sittingbourne economy will be damaged as shoppers will go to other destinations where car parking spaces can be guaranteed, and new development may become a "white elephant";
- A different mix of new development would be more appropriate;
- Housing is not a primary feature of town centres;
- Proposed development does not reflect wishes of local people; and
- Councillors should listen to local people's concerns;
- Application must be judged on planning merits only;
- Council has already "*wasted Council tax money on aborted plans and agreements*" to regenerate the town;
- Social and economic benefits are questioned;
- Should the development be located elsewhere in the town – perhaps north of the railway lines;
- Development is unlikely to improve people's perceptions of Sittingbourne
- Aquifer under some of the sites could be adversely impacted by development;
  Gas and water infrastructure could be damaged by development;
- Existing noise pollution will be exacerbated;
- The views of the Design Panel [who considered the proposals at the pre-application stage] have not been fully addressed;
- The Transport Assessment contains "*glaring errors*", particularly in respect of existing car parking provision and its assessment of the roads in the vicinity of the SRP, which are under-pinned by a "*flawed traffic assessment*";
- Size of cinema is "excessive" and location is wrong;
- Elements of the scheme may not be properly accessible for elderly, children or mobility impaired;
- Large amount of plans and supporting documents are difficult for the lay person to fully understand;
- If the weekly market is relocated, some stall holders may be deterred from operating in Sittingbourne;
- The attempt to regenerate the town is applauded

Specific Concerns about Proposed Apartments

- Car parking provision for the proposed apartments may be insufficient (also described as "*totally unrealistic*"), and based on '*naïve*' assumptions about car ownership – adding to existing car parking problems in the area;
- Would the bus stop in front of Site 1 be re-located?
- Narrowing the carriageway in front of Site 1 could result in traffic flow problems;
- Dwellings in Frederick Street and Laburnum Place will be over-shadowed by development on Site 1 – "*would lose a substantial amount of morning sunlight and daylight all year round*";
- Apartments will over-look existing dwellings – "*both in gardens as well as kitchens and bedrooms*";
- How will refuse bins be serviced?
- Television reception may be harmed;

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- Construction process may harm residential amenity and impact on the structure of nearby dwellings;
- Is a four-storey development [on Site 1] appropriate / consistent with previous local planning decisions?
- Scale and design of development on Sites 1 and 2 is "*totally out of keeping with surrounding properties*";
- Surprised a building of such size is being considered for Site 1;
- Pile driving could damage existing dwellings;
- Development will result in the area being "*vastly over-populated*";
- Arrangements for rear access to facing dwellings in Frederick Street need to be clarified;
- Housing may soon resemble "*a poorly maintained slum*"

6.03 Councillor Truelove, who is one of the ward councillors for the Chalkwell Ward, has submitted a detailed consultation response, which includes the following:

This application, which is said to be going to the Planning Committee of Swale Borough Council in March, will require members to set aside any corporate and political ambitions to take the Spirit of Sittingbourne project forward and to consider the planning issues alone. In that endeavour, members will want to pay particular attention to the views of the public, notwithstanding the somewhat understated approach to gleaning those views. Members should also consult the professional views offered by the South East Design Panel in August 2014. I have requested that planning officers make these latter views available to members in their reports prior to the planning meeting. It is also the case that opposition members on the planning committee will want to set aside party objections to the business case for this project and like majority group members focus only on the planning issues. The public may think it untoward if opinions and votes are only offered on party political lines.

I would like to offer views on 6 elements in the application.

1. As a Borough representative for people currently living in the vicinity of the Cockleshell Walk and Spring Street car parks, I can only say that the residential developments proposed for these two sites will have a severe adverse effect on my residents. The properties, varying in size from 4 storeys to 7 storeys will overshadow properties in Frederick Street to an unacceptable degree. This has been very well expressed by residents from that area in other submissions. In terms of design the properties will not fit in with the immediate environment. The impact will be incongruous. I am far from convinced that these developments
will be accompanied by sufficient footpaths to allow for pleasant and comfortable access around this part of the town. The effect of 215 new households in this area will add substantially to the heavy traffic flows through this part of the town. I am not totally convinced either that the access to the rear of Frederick Street will really be protected.

2. The developments at Cockleshell Walk and Spring Street will have an impact on car parking systems around the town. The loss of these facilities is said to be compensated by the use of a new Multi storey car park. I frankly doubt whether this will be seen as a convenient alternative, either by commuters or by town centre users, especially those wanting to access services at the west end of the town. Close to the existing Cockleshell Walk Car park, there are two GP surgeries, a dentist, a Catholic Church, an Islamic centre and a range of shops. There will also be a Lidl Supermarket in the near future. None of those wanting to reach these services will see the Multi

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Storey, positioned as it is intended to be, as an alternative. Close by to Cockleshell Walk are two areas of Residents' Parking, initiated by the Borough Council, one in the Frederick Street area and one involving Burley Road, Rock Road, Epps Road and Ufton Lane to the south of the London Road. It was always the intention that the impact of Residents Parking in these streets would be alleviated by the greater use of Cockleshell Walk and with this in mind funding was used to upgrade and improve the car park there. The outcome of residential development will be to push short term visitors into this whole area, blocking up the roads that have Residents Parking schemes and thus reducing the value of the schemes to over 500 local properties.

3. The principal claim behind this application is that it will create a new attractive and vibrant centre to the town, embracing the area from the Railway station to the High Street. A key part of this claim is the public open space near to both the station and to St Michaels Road. It is a worthy vision and with further thought it may well be realised. However, as it stands, I do not believe it achieves this aim. The public square is far too close to the heavy traffic on the St Michaels Road. The routes available from the station to the High Street are not comfortable or pleasant. I really doubt whether the desire to create a sense of place and connectivity can be achieved whilst such a large proportion of east west Sittingbourne traffic is using St Michaels Road.

4. Apart from the problems which I believe commuters are going to experience with long stay parking, I also have to say that the arrangements for dropping off and picking up train users are likely to be grossly inadequate and will lend to considerable irritation amongst a large section of our community.

5. From a wider perspective, I believe that Sittingbourne needs to make much better use of its underused and under developed land. There is derelict and wasted land all around the town. That is why it is bizarre to be using land that is being used for functional car parking for residential development. With this in mind, I welcome the use of land for the 4 Retail units to the north of the station. However, it also has to be said, that because of poor to non-existent connectivity, this will have little economic impact on the town, other than to most likely draw footfall away from the existing High Street. For a variety of reasons, I cannot accept the argument that this development plan will increase footfall in the High Street.

6. I appreciate that the aim of this investment is to improve the economic potential of Sittingbourne. I am afraid I am not convinced that this is the case. I understand that the granting of planning permission could accelerate the process of drawing in investment capital and the pursuit of a partner operator for the cinema. There has to be doubts about the market for a Multi-screen cinema and for the long term commitment of a reliable operator. To make sense of this first stage of the Spirit of Sittingbourne project, a much more comprehensive plan for the existing High Street needs to be brought forward.

I am therefore objecting to this current application in its present form on the following grounds

(a) The residential developments at Cockleshell Walk and Spring Street impose unacceptable restraints on the amenity and lifestyle of existing residential properties in the area;
(b) The application will result in a reduction of quality in the town's car parking services;
(c) The plan does not achieve the intended improvement in the sense of place and connectivity in the town centre because of the intimidating presence of St Michaels Road traffic and the poor connections to the High Street;

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(d) The application will present particular problems for rail users and their families;
(e) The economic benefits of the development are asserted but not substantiated. There is too little focus on the development of the existing High Street and parts of the development may prove not to be as deliverable as claimed in the application."

In addition a petition containing 34 names / addresses has been received in opposition to the proposed development. The reasons for objecting are included in the above summary. Members will note that some of the signatories have also objected individually.

6.04 FIVE letters of **support** (including letters from Kent Invicta Chamber of Commerce and Locate in Kent) have been received, and the issues raised are summarised as follows:

- The proposal will bring great benefits (including for "*retail and social life*") to Sittingbourne and the surrounding areas, especially for future generations;
- The development will bring new employment, both locally and linked to other major developments in north Kent;
- Development will improve perceptions of Sittingbourne;
- The new dwellings will place the heart back into the town centre and benefit all categories of residents;
  Understands concerns about road layout (especially for lorries), but notes that the NRR has reduced traffic flow on St Michael's Road and that competing the road through to Bapchild, it will be further reduced. Closure of M2 would cause congestion;
- Benefits of the cinema and retail would outweigh occasional traffic congestion;
- Is there a need for the new shops?
- Will sufficient car parking be provided?
- Local people and businesses will benefit;
- Pleasing to see that "*Swale are doing something proactive and positive to bring us back on the map*";
- Transport hub centred on the station will be enhanced;
- Have the changes to the highway layout been "*well thought through*", both in terms of impacts during the construction period and for the long-term?

6.05 FIFTEEN letters making **observations** have been received, and these are summarised as follows:

6.051 A letter on behalf of DS Smith Paper Ltd:

Refers to DS Smith-owned land between Sites 1 and 2, and expresses view that this scheme should not interfere with access to their land; "*no objection provided the existing track will be retained within the overall masterplan*"

6.052 A letter from Chalkwell coach hire and bus tours making comments summarised as follows:

- Implications for bus network have not been understood;
- Scheme prioritises walking and cycling but gives no prominence to buses;
- No thought to need to improve bus provision as the area is developed;
- Proposed bus stop only has space for two buses and may not allow room for buses to overtake – consequently buses may back-up on to St Michael's Road;

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- Layout may result in more buses using the High Street;
- Will the new bus stop near the proposed roundabout cause a blockage for large vehicles using St Michael's Road?
- Mobility impaired customers may be disadvantaged by loss of 'bus area' in front of the station;
- Scheme may increase potential conflict between pedestrians and vehicles;
- 'Kiss and ride' at the station could increase due to development and add to conflict with bus traffic;
- Does scheme allow sufficient space for rail replacement buses to operate efficiently / conveniently from the station?
- New bus stops need to be high quality;
- Amended plans should be provided to address these issues.

6.053 Sittingbourne Retail Park make the following comments:

- Support applicant's objective of "*regeneration including SBC's depot site off Eurolink Way* [Site 6]";
- However, have highway concerns and look forward to discussing with applicant.

6.054 TWELVE other letters have also been received and comments made are summarised as follows:

- Very supportive of cinema, retail provision, consolidation of car parking into the MSC;
- Concern about changes to road layout – will areas in front of Station and Site (Cockleshell Walk car park) operate satisfactorily, particularly for HGVs and given proposed traffic lights and small roundabout in front of Station?
- Will the A2 through Sittingbourne continue to exist and, if so, will it be two-way?
- Concern about traffic management across whole scheme;
- Insufficient provision for bus and train users (including the lack of an entrance to the northern side of the railway station, from Site 6);
- Uncertainty about specific bus stop provision;
- Concern about pedestrian links from MSC to High Street facilities and between all the sites and the town centre;
- Local infrastructure (including GP surgeries, schools) may not be able to cope with the number of new residents;
- Missed opportunity to build new roads between new housing sites and St Michael's Road;
- Air quality is likely to deteriorate as a result of the development;
- Will there be sufficient car parking, including for users of Trinity Hall (opposite Site 2)?
- What age group are flats intended for? Will a 24-7 care manager be provided?
- What provision will the development make for sustainable design and construction, including rain water harvesting
- Are retailers lined-up for the units on Site 6? If so, which ones?
- Concern that during construction period, particularly for the MSC, existing shops could lose business as customers may be deterred by disruption / lack of car parking space;
- MSC should be located to the north of the railway line, not as proposed;
- Perceived lack of car parking may deter potential users of Sittingbourne town centre;
- If retailers lose custom, they should be compensated;

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- Has an "impact study" been done to establish how the vitality and viability of the High Street might be affected? [Members will note that the application is accompanied by a Retail Impact Assessment];
- MSC should be built in first phase;
- Insufficient car parking for proposed apartments;
- Not clear about the order / phasing of the parts of the development;
- Concerned that all six parts of the development may not be implemented;

6.06 Following the receipt of amended plans and additional plans / documents, further consultation with third parties was carried out (with a closing date of 6 March), and responses as summarised below have been received.

6.061 TWO further letters of objection have been received, as of 5 March. The issues raised are as summarised as at Paragraph 6.02 above with new issues raised as follows: the plans have not been amended significantly, and our initial concerns remain.

7.0 CONSULTATIONS

7.01 English Heritage raise no objection; they note the relationship to the High Street Conservation Area (and the concentration of listed buildings there) but consider that:

"…the proposed development is unlikely to have a major effect on the setting of the Conservation Area and the listed buildings within the town."

AND:

"…this application does still present opportunities for enhancement of the historic core of the town, such as improvements to the permeability and north-south connections. We suggest that you should also seek to ensure that the proposed development reflects the identity of local surroundings and materials and reinforces local distinctiveness, all in accordance with Section 7 of the NPPF [namely paragraphs 56 to 68 about 'requiring good design']."

7.02 South East Trains have raised concerns about the scheme, which are as follows:

- *"The proposed disabled parking is not accepted or the loss of the cycle parking from this location, which would conflict with pedestrian access to and from the car park*
- *Road entry / exit was to be closed off and changed to rear of car park with new widened entrance, which must cater for road/rail vehicles accessing the Permanent Way access point to the train tracks.*
- *More parking spaces incorporated at the area from current council owned land*
- *The proposed location of the drop off area is not accepted or convenient to passengers*
- *Yet to see clear details of the interchange outside the station entrance area and the green area discussed*
- *More station land appears to being taken at the front for the development than envisaged*
- *Pavement area immediately outside the station to be widened 600m but not detailed on plans*
- *Walking route out of car park to be gradient compliant "*

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7.021 The points are being considered by the applicant and I will update Members at the meeting.

7.03 Network Rail raises no objection: "*Network Rail supports the proposed development in principle, subject to the number of station car parking spaces not being reduced and access to the car park being re-directed…* [AND] *South Eastern Trains, the Train Operating Company…support Network Rail's position*."

7.04 The Council's Climate Change Officer has commented on the initial submission and, subsequently, on the amended Sustainability Report and Energy Statement (both dated January 2015), and although she has no fundamental objection to any part of the proposals, amended documents to address her detailed queries are awaited. I deal with these matters in the 'Appraisal' section below, and hope to be able to update Members at the meeting.

7.05 The Highways Agency (HA) have a holding objection to the application, which relates to the possible adverse impact of additional traffic arising from the development on the A249, specifically traffic flow and road safety on the junction with the A2 at Key Street. The HA consider that a financial contribution should be made by the applicant towards a scheme of improvements to this junction. I discuss this issue below (at Paragraph 9.48), and hope to be able to update Members at the meeting.

7.06 Kent Highways Services have been closely involved in negotiations (both prior to the planning application being submitted and since the submission) with the applicant and their highway consultants about the proposed development and its potential implications for traffic flow and road safety on the local highway network.

7.061 Although KHS "*…do not object to the principle of the scheme*", they do have "*significant issues…that still need to be resolved and therefore…register a holding objection…*" They go on to raise detailed points in respect of each of the six development sites and the highway network in the vicinity of them as well as a number of general matters. It is important that all of the matters raised by KHS are properly addressed at this stage, and I hope to be able to update Members on this issue at the meeting.

7.07.1 Kent Police raises no objection. They note that the applicant discussed the proposals with them at the pre-application stage, and that the Design and Access Statement deals specifically with crime prevention and refers to Secure by Design.

7.08 Sittingbourne Society object to the application and their comments are summarised as follows:

- In general, the proposals are "*the best of many different schemes we have seen in the past*". However, they raise concerns as follows:

- Discrepancies between application and public consultation documents – in job forecasts; leisure visitor numbers; and car parking demand;
- Concerns about changes to highway layout, particularly in front of the Station and in front of Site 1;
- Errors in applicant's car parking analysis and limited amount of additional car parking provision;

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- Phasing of work is critical – multi-storey car park should be provided first and the highway works should proceed construction of any buildings;
- Seems to be little in the development that will benefit the High Street;
- Transport Assessment is based on "*false assumptions*"; and
- "*Unacceptable levels of air pollution*" could occur at certain times, particularly in the vicinity of the public square.

7.081 In response to re-consultation on the amended / additional information, the Sittingbourne Society have provided a further consultation response, which notes that issues in the 'Stage 1 Road Safety Audit' "echo concerns raised" by them (see above). Members should not be expected to make a decision on the application until all highway safety points have been addressed.

7.09 Following receipt of the amended EBS and SCI, the Economic Development Manager has commented on the application and is supportive of it, stating that the development "*should bring a number of economic benefits to the town*". Attention is also drawn to the following:

- Direct creation of 330 full time equivalent (FTE) construction jobs
- Direct creation of an estimated 230 FTE jobs in the operation of the commercial premises;
- Improve the non-food retail and leisure offer, clawing back trade;
- Increased footfall to the 'local centre'; and
- Introduction of new 'economically active' population into the town.

7.10 The Council's Environmental Health Manager raises no objection subject to conditions, having considered the potential implications of the development in respect of air quality, land contamination and noise, in particular. I have recommended a number of conditions below as requested by him.

7.11 Kent County Council Ecology raise no objection to the application, but they suggest that the scheme needs to be amended in respect of tree retention and ecological enhancements. I discuss these points in the 'Appraisal' below.

7.12 Natural England have not been consulted on this application, because of the nature and location of the proposed development (all of which would be outside the statutory consultation zone).

7.13 The Environment Agency raises no objection, subject to the imposition of planning conditions in respect of ground /groundwater contamination, infiltration of surface water and piling design. Members will note that these conditions are included below.

7.14 Southern Water – raise no objection subject to a condition in respect of foul and surface water drainage details being agreed before development is commenced and two corresponding informatives. These are all set out below.

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7.15 Housing Services have responded to consultation. They recognise that there is a need for all types and tenures of affordable housing across the Borough, and therefore would normally request the delivery of 30% affordable housing (as required by Policy H3 of the adopted Local Plan) as part of this development. However, they understand that the viability of the development may well not allow for this provision and, in particular, that it may not be possible to provide any affordable housing at all in this instance.

7.16 Kent County Council (Developer Contributions) have requested a total contribution of £282, 614 to be spent on a combination of contribution towards primary school places, land for a new primary school, secondary school places, adult education, "youth" services, libraries, and social services. They also requested that the affordable housing element includes four wheelchair accessible dwellings

7.17 The Council's Green Spaces Manager raises no objection, and has requested a contribution of £861.80 per dwelling, amounting to a total of £185, 287. This would be used to improve the quality and capacity of existing park and play facilities at town centre sites.

7.18 The Council's Senior Contracts and Monitoring Officer has commented on the wheelie bin requirement for the Sites 1, 2 and 3, and states:

"We like to allow one 1100 litre bin for refuse and one 1100 litre bin for recycling per 4 units, regardless of bedroom numbers, if space allows. The cost for an 1100 litre bin is £435.37." The total amount required would be £47,019.

7.19 The Council's Head of Service Delivery has provided a response which provides comments in respect of 'taxi provision', 'parking provision' and 'highway layout'.

7.191 In respect of implications for public car parking, he comments as follows:

"Public parking provision for the regeneration proposals is detailed in the Sittingbourne Town Centre Car Parking Strategy with the proposed multi storey car park providing the short stay parking capacity and Crown Quay Lane and Albany Road car parks changed to long stay car parks to meet long stay parking demand. In order to meet parking demand it is important that development of the existing car parks does not commence until the multi storey car park is completed and operational.

I have some concerns regarding the level of provision for residential parking for the proposed development of 0.7spaces/dwelling. The immediate area adjoining the residential development is covered by a residents parking zone which would restrict residents of the proposed development from parking in these roads. However, if parking provision within the development does not meet demand then residents of the proposed development may park in the Chalkwell Road area adding to the parking problems for existing residents."

7.192 In respect of taxis, he comments as follows:

"It is important to maintain at least the existing number of taxi rank spaces outside Sittingbourne Rail Station in order to meet demand. The current station rank can accommodate ten taxis.

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The location of the rank immediately outside the station entrance is excellent and there appears to be a provision for ten taxis shown on drawing 14.35.101. However, with a total length of the taxi rank at 50m this is only allowing 5m/taxi which seems very tight and between 5.5m and 6m should be allowed for each vehicle making the total length required of 55 to 60m. Can the space provided be increased to a length of at least 55m?

The drawings show the taxi rank at the rear of The Forum retained but the detail in this area is not clear. The existing arrangement that can accommodate 12 taxis should be retained. In addition it would be good if provision could be made in the dead end section of Station Street to accommodate a feeder rank."

7.193 In respect of the proposed changes to the highway layout, he comments as follows:

"I assume that Kent Highways will be commenting on the highway proposals for the development, however, there are some aspects of the proposals that will impact on the environmental enhancement works and layby parking provision previously carried out by the Borough Council.

With Station Street being made into a two-way road it will be necessary to widen the carriageway which will require the removal of the layby alongside the public house in the first section of the road. This is not shown on the application drawings. Also as the High Street is closed to traffic on Saturdays the section of West Street from Park Road to Station Street would also need to be made two-way again with associated changes to the paving and layby parking to widen the carriageway.

Kent Highways would also need to be consulted regarding the changes that would then be necessary to the Park Road/West Street junction."

7.20 Health and Safety Executive have 'no comments to make' on the application. Members will also note that the application has been subjected to a PADHI+ assessment, which confirms that there is no objection from a health and safety point of view.

7.21 Kent County Council Archaeology raises no objection subject to the imposition of a condition requiring the implementation of a programme of archaeological work.

7.22 Medway Council raise no objection.

7.23 Maidstone Borough Council were consulted about the planning application, but have not responded.

8.0 BACKGROUND PAPERS AND PLANS

8.1 As noted above, the application is supported by a full set of detailed plans and a list of documents, as described at Paragraph 2.48 above.

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9.0 APPRAISAL

Principle of Development

9.01 As explained above, this application proposes the re-development of six sites spread across Sittingbourne Town Centre and locations immediately to the north and west. The sites are all brownfield land and all fall within the defined built-up area. Furthermore, the proposed uses are all – as noted above – amongst those proposed for the anticipated re-development of Sittingbourne under the adopted Local Plan (see 5.04 above – in particular, see AAP7 and AAP8), the subsequently-adopted SPD Masterplan for Sittingbourne (see 5.06 above), and in the emerging Local Plan, Bearing Fruits (see 5.05 above). The latter is arguably the key document in this regard – despite not having been formally adopted – and Members will note that the wording of the two key policies in this context, namely **Regen 1**, which sets out the Council's vision for the regeneration of central Sittingbourne (see 5.052) and **ST5** (see 5.062), which sets the context for this regeneration, including Sittingbourne's key role as the main urban centre in the Borough and as a potential location for mixed use regeneration, including – among other things – new housing, retail and leisure uses.

9.02 It is clear that both policies are informed by the requirements of the NPPF (see 5.02 above) generally and, in particular, in respect of the need to deliver sustainable economic development. Members will note that **Paragraphs 7 and 14** of the NPPF make this a clear priority. It seems to me, furthermore, that the proposed re-development will amount to an important early step towards delivering the strong, responsive economic that the NPPF seeks at a local level, and it is hoped that it can be a catalyst for subsequent waves of regeneration across the town and indeed the Borough.

9.03 This economic regeneration must be balanced against social and environmental considerations, and certainly must not be at their expense. With regard to the former, Members will have noted above the significant employment benefits that are likely to stem directly and indirectly from both the construction of the development and its subsequent operation. From an environmental point of view, it is important to note the proximity of the development sites to the town's central public transport facilities, which are centred on the railway station and to main shopping and civic amenities, which are clustered along the High Street and in adjoining areas (such as Central Avenue). As such, the location of the six development parcels must be considered to be highly sustainable; not only will existing facilities benefit from the provision of the proposed mix of uses (for example, the public transport operators will benefit from new customers), but the proposed development will enjoy easy pedestrian and cycle access to the town's amenities.

9.04 It is also worth emphasising that, in accordance with both **Regen 1** and **ST5**, the development will regenerate three sites on the western gateway to the town (namely, Sites 1, 2 and 3). Members will note the relevant passage in **Regen 1**, which reads as follows:

"Redeveloping sites predominantly for housing in the eastern and western gateways to the regeneration area, especially at Cockleshell Walk, Fountain Street, West Street, Dover Street and East Street…"

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9.05 I consider the regeneration of these areas to be a key benefit of this development and, although mindful of the objections to the planning application, particularly the cluster of responses from residents of Frederick Street and Laburnum Place, that following the re-development of these sites, there will be a significant improvement in terms of their visual appearance and the general perceptions of them.

9.06 With all of the above in mind, I conclude that the proposed development is acceptable in principle. The following discussion appraises the development in terms of the acceptability or otherwise of the details.

Implications for town centre vitality and viability, and general retail impacts

9.07 A key issue here is the impact of the proposed retail development component of the scheme on the vitality and viability of the existing town centre, notably the implications for the High Street and The Forum as retail areas. I fully describe the proposed retail at 2.38 to 2.47 above, but in summary Members will note that a total of 3158 square metres of retail space (gross internal) is proposed in the form two buildings which would accommodate a total of four large format units for the sale of 'comparison' goods (ie not supermarket type retailing, which is known as 'convenience' retail).

9.08 For comparison, Members will note that the supermarket on the land immediately to the west of Site 6 (as approved under SW/11/0159) has a gross internal floor area of 6682 square metres.

9.09 To assist with the assessment of these implications, the Council has instructed specialist retail consultants to appraise the Retail Impact Assessment submitted by the applicants. The following discussion reflects both the views of our consultants and my own professional opinion.

9.10 Site 6 is not allocated for any particular form of development in the Swale Borough Local Plan 2008. Members will though note that Policy **Regen 1** of Bearing Fruits 2014 envisages a range of uses, including retail. Furthermore, I have concluded that the proposed redevelopment would comply with Policy B1 of the Local Plan in terms of employment development. The retail element of the proposal must be assessed on its own merits, having regard to the policies of the Development Plan together with relevant Government guidance – in particular, the relevant paragraphs in the NPPF (including Paragraphs 24, 26 and 27, which I refer to above, and Annex 2) and the corresponding guidance in the NPPG.

9.11 In order to properly consider the merits of the scheme, it is appropriate at the outset to consider whether the development amounts to an edge of centre or out of centre development. This will set the policy context in which the site should be considered.

9.12 Edge of centre locations are defined in the SBLP as locations "*within easy walking distance of a town centre*". A more refined definition is provided in Annex 2 to the NPPF, which states that for retail purposes, edge of centre is:

"a location that is well connected to and within easy walking distance (i.e..up to 300 metres) of the primary shopping area. For all other main town centre uses, this is likely to be within 300 metres of a town centre boundary. In determining whether a site falls within the definition of edge-of-centre, account should be taken of local circumstances. For example, local topography will affect pedestrians' perceptions of

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easy walking distance from the centre. Other considerations include barriers, such as crossing major roads and car parks, the attractiveness and perceived safety of the route and the strength of attraction and size of the town centre. A site will not be well connected to a centre where it is physically separated from it by a barrier such as a major road, railway line or river and there is no existing or proposed pedestrian route which provides safe and convenient access to the centre."

9.13 The proposed retail floor-space falls just beyond 300 metres from the town centre, and north of the rail line, and as such it must be considered to be out of centre.

9.14 The key issues for Members to consider in respect of the retail element of this scheme are:

1) Are there any preferable sites located elsewhere in Sittingbourne?
2) Would the proposal have a significant detrimental impact on the existing edge of centre/town centre stores?
3) Would the proposal have a detrimental impact on the vitality and viability of the core shopping area of Sittingbourne town centre;
4) Would the proposal prejudice the implementation of the development set out in the Sittingbourne Town Centre and Milton Creek SPD or the corresponding development envisaged under **Regen 1** and **ST5** of Bearing Fruits;

9.15 The applicants have considered a range of alternative sites, including the Forum Centre and adjacent land, the Bell Centre, land in East Street (numbers 39 to 49 – former bus depot site) and the former Focus Site at West Street (which is now being re-developed as a Lidl supermarket). They conclude, for various reasons, that these sites are either not suitable or available, or are not sequentially preferable to the application site. I do not intend to repeat their reasoning here – the Retail Impact Assessment is available for Members to view should they so wish, and I fully concur with their conclusion.

9.16 With regard to (2) above, I conclude, like our retail consultant, that the forecast levels of trade diversion and impact on the retail catchment area would not be 'significantly adverse'.

9.17 With regard to (3) above, this important issue is considered in detail in our retail consultant's report and the key conclusions are as follows:

"Against this background we conclude that the proposed retail scheme will, depending on the tenant mix and the extent to which it attracts new retailers to the town centre:

1) Help to 'claw back' some shopping trips and comparison goods retail expenditure that is currently 'leaking' out of the town and Borough to larger stores and shopping facilities in neighbouring centres (e.g. Canterbury and Maidstone);
2) Have the potential to generate linked trips, increased footfall and expenditure across the town centre, to the benefit of existing shops, businesses and facilities;
3) Increase customer choice and competition to the benefit of existing shoppers to Sittingbourne, as well as attracting some shoppers and visitors who do not currently visit the town centre; and

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4) Help to increase Sittingbourne Town Centre's market share of comparison goods shopping in the face of strong competition from other neighbouring centres and stores, as well as the growing threat of internet shopping."

9.18 It is my view, in the light of the report from our retail consultants, that the retail provision proposed here will not materially weaken the prospects of re-development coming forward on other sites in and around the town centre. Instead, it has the potential – in conjunction with the other components of this development – to act as a catalyst for such regeneration, sending out a positive signal that the area is an attractive and viable place for inward investment and improving general perceptions of Sittingbourne. I am also mindful that the proposed cinema and restaurants in particular could result in significantly increased footfall on the High Street, with obvious potential benefits for its vitality and viability.However, it is possible that the retail space proposed could have an adverse impact on the vitality and viability of the core shopping areas, and I have sought further justification from the applicants, particularly in respect of the potential migration of existing retailers from High Street units to the new development, and also in respect of the possible use of mezzanine floors to increase the amount of retail space provided on Site 6. I expect to have this information before the meeting, and will update Members, including in respect of the possible need for additional planning conditions.

Visual Impact / Urban Design / Tree and Landscaping Implications

9.19 These issues are critical to the success or otherwise of the proposed development. Accordingly, the application is supported by a Design and Access Statement, a Landscape Report, and Arboricultural Survey and other supporting documents all of which, among other things, make the case for the development in terms of how the buildings (and, importantly, the spaces they will create and the existing ones that will be re-defined by them) will look and function and how they might impact upon existing buildings and land uses.

9.20 As with all aspects of the planning application, the process of developing the scheme began well before the submission of the planning application in November 2014. A key aspect of the pre-application stage was the assessment of an earlier version of the development now proposed by the South East Regional Design Panel, in August 2014. Their full letter is attached as Appendix 2 to this report. Members will note, in addition, that their summary of the Panel's findings reads as follows:

"The Panel applauds the Council's commitment to regenerating Sittingbourne and commends the vision it shares with its development partners. The aim of providing new leisure uses to complement the High Street whilst also boosting the town centre population is surely the right one. We also welcome the long-held ambition to improve the setting of the railway station and transform the experience of arriving in the town.

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Regrettably, however, we have strong concerns about the effectiveness of the proposed strategy. We think that without a more radical approach, the traffic on St Michaels Road will still be an intimidating presence and we have doubts about the attractiveness of the walking routes between the station, the car park and the High Street. We wonder if there is too much public space, and we fear that too much is resting on the future of third-party land (the Tesco car park) for the project to succeed from the start. We also have doubts about some aspects of the housing, although we recognise the architectural development is still at an early stage.

We recognise the long gestation of the project and the creative thinking, not least the architectural input, evident in the emerging design. However, we recommend that the team steps back to re-examine the fundamental design moves - how people will walk around the area, the relationship of the built form to the character of Sittingbourne and how the public realm will be used and enjoyed - to ensure that the key structural elements of the town are in the right place. Combined with the commitment to intensification and the infilling of gap sites, we believe a positive outcome can be achieved."

9.21 Members will also note that the Design and Access Statement includes a section – on Pages 40 to 54 dedicated to 'design development', and this is invaluable in terms of understanding the process through which the proposals have been developed into the scheme now before Members.

9.22 I will evaluate the quality of the proposed development in terms of visual appearance / urban design on a site-by-site basis.

9.23 *Site 1* – the development which I describe at 2.03 to 2.12 above is the result of considerable design evolution, including the introduction of street trees to the front, which are now integrated into the St Michael's Road carriageway – which would be reduced to a single (4.8-metre-wide) lane of traffic to increase the space available for the tree planting and to improve the environment for residents of the dwellings and pedestrians. As described above, the development on this site is now in two blocks. The buildings also feature a number of design elements that will break-up the bulk of the buildings, to avoid creating a monolithic appearance.

9.24 I am mindful of the predominantly residential character of the area and that it includes a mix of building heights and styles, and consider that the proposed buildings on Site 1 will complement this mix, being of an appropriate scale and siting. The quality of the architectural treatment and landscaping will arguably be such that the development will enhance the character and appearance of the area.

9.25 *Site 2* – Members will note the description of development at paragraphs 2.13 to 2.18 above. The character of this site is quite different from that of Site 1 on account of its distinct topography, the proximity to the railway (immediately to the north) and the substantial buildings that face the site, immediately to the south. Consequently, the proposed development is also quite different: a more substantial building is proposed, with the higher part of the building on the western end of the site and the slightly less substantial part of the building at the eastern end, facing Dover Street. The building does though share some architectural features with that proposed on Site 1, and this – together with the use of street trees at the front – will help to create a sense that the blocks are part to a wider regeneration scheme.

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9.26 Although the building will be of a height that is not typical of Sittingbourne, I do not consider that it will necessarily have an unacceptable impact upon the character and appearance of the area. I am, however, seeking improvements to the design of both flank elevations, because they are currently rather bland. I am particularly concerned about the flank elevation that would face Dover Street, because it will be a prominent part of the street-scene. I will update Members at the meeting.

9.27 *Site 3* - Members will note the description of development at paragraphs 2.19 to 2.21 above. I note that the proposed building would feature a variety of facing materials and that the scale of the elevations is broken-up by a combination of the fact that parts of the front and rear elevation are recessed and that there is a variation in storey heights between the four-storey element at the Dover Street end and the five-storey component at the eastern end, adjacent to the Fountain Public House. Subject to the retention of the mature tree to the front and one of the large trees at the rear, and additional landscape planting, I consider that the proposed building is acceptable in urban design terms.

9.28 I am though awaiting amended plans to address a number of minor matters relating to this parcel of development.

9.29 *Site 4* – the proposed development is described at Paragraphs 2.22 to 2.30 above, and is arguably the key part of the entire scheme, given that includes the cinema building, restaurants and significant changes to the road and car parking layout in order to provide a new public square.

9.30 The introduction of these elements has the potential to deliver important improvements to the appearance and functionality of this key part of the town centre, replacing the current car-dominated arrangement (where pedestrians are forced to endure an environment that lacks legibility and is generally unpleasant to pass through). I consider that this development will significantly improve this situation, providing a substantial place dedicated to pedestrians and significantly improving the appearance of the area - by introducing two new buildings, a planned scheme of hard and soft landscaping, and clearer, more direct pedestrian links between the railway station, the main bus stops and the High Street.

9.31 However, significant concerns remain, notably in respect of the links to the High Street (from the southern side of Site 4), which rely upon land outside the application site (and the Council's control) and which are currently relatively illegible and do not encourage pedestrian use. Secondly, I consider that the area between the rear of the cinema building (Block A) and the facing buildings on Station Street is not currently designed to a sufficient standard. The applicant has amended the rear elevation of Block A, which helps slightly by introducing more windows among other changes. However, the area requires further attention in order to ensure that the layout of the area works as well as possible; in particular, the landscaping and surface treatment proposed needs to be improved. Thirdly, the supporting documents suggest an intention to deal with the hard and soft landscaping of the public square and other parts of this site to a high standard. However, the information provided to date is insufficient to demonstrate that this will genuinely be the case.

9.32 The Council is working – in parallel with assessing this application - to address the issue of the quality of the pedestrian links to the High Street (outside the application site), including working with the land owner in an effort to secure the removal of the toilet block, which currently blocks one of these connections, and the re-positioning of the bus shelter in the High Street immediately to the south of the toilet block, which

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also makes the pedestrian link less user-friendly. I do not propose that the resolution of these matters or other improvements to pedestrian links be tied to this planning application, but am of the view that every effort should be made to ensure that the quality of these pedestrian links is maximised and the improvements are delivered in parallel with this re-development, in the event that planning permission is granted.

9.33 With regard to the two other matters raised in 9.32, I am awaiting additional and amended details and hope to be able to update Members at the meeting.

9.34 *Site 5* - the development has been amended to address initial concerns and would be as described at 2.31 to 2.37 above. In particular, the cladding on the three elevations that will be visible from public vantage points – notably St Michael's Road – would now be a mix of timber 'cladding planks' and mesh cladding; and the apparent bulk of the west elevation would be further broken-up by a substantial glazed section. In a similar way, the east elevation – which includes the vehicular entrance to the building – would also feature a section of climbing plants on wires. Members will also note the tree planting that is proposed adjacent to the east elevation and in the area between the MSC and Site 4.

9.35 Whilst an MSC will typically be a substantial building and they can frequently be somewhat bland and imposing in appearance, all reasonable measures need to be incorporated in the design, and tree planting maximised, in order to minimise adverse visual impacts. In this instance, I consider that the range of facing materials proposed and the above-mentioned tree planting, together with the possible retention of one of the two mature existing trees, are all helpful in this regard. However, I remain concerned that the development proposed, which would range in height from 16.2 to 18.8 metres, would be likely to have a very pronounced and adverse visual impact on what is a prominent route through the town (as well as being quite close to the railway line). I consider that the situation could be enhanced if street trees (the use of which is advocated in the SPD Masterplan adopted for the town, see 5.061 to 5.063 above) were introduced to one or both of the pavements / verges along St Michael's Road, between the eastern end of the MSC and the Crown Quay Lane junction. I will raise this important issue with the applicant and update Members at the meeting.

9.36 *Site 6* – the proposed re-development of this site is described at paragraphs 2.38 to 2.47 above. The layout and architectural treatment of the buildings are considered to be complementary to the retail development on adjacent sites. The latter will give a high-quality, modern appearance. However, it is important that the development is complemented by appropriate soft landscaping. Part of the solution is to retain the existing perimeter planting (particular to Milton Road) and to augment it with new perimeter planting to Eurolink Way (in addition to that proposed within the car park). The amended layout plan acknowledges the former point, but the drawing needs to be amended to strengthen this commitment and to add indicative planting along Eurolink Way. I am concerned that the proposed access arrangements, while sensibly designed to encourage access on foot and to link with the existing pedestrian crossing to Milton Road, will result in the removal of much of the existing vegetation fronting Milton Road. To ensure that this area has a pleasant, well-landscaped appearance, it is important that as much as possible of the existing vegetation is retained and that the new tree planting is to a high standard. I hope to have amended plans addressing these points to present at the meeting.

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Residential Amenity

9.37 I consider that only the developments on Sites 1, 2, 3 and 4 give rise to potentially material impacts on residential amenity; Sites 5 and 6 would not adjoin, or be sited close to, existing dwellings, and as such they are not included in this part of the appraisal. I will consider the potential impacts arising from Sites 1 to 4 on a site-by-site basis.

9.38 *Site 1* – many of the objections to this application (which are summarised above at paragraphs 6.02, 6.04 and 6.05) relate to the proposed re-development of this site, and much of the concern relates to the implications for residential amenity as a result of loss of light and sunlight, over-looking and the idea that the development could be oppressive. Generally, these concerns are raised by residents of Frederick Street and Laburnum Place, which both adjoin Site 1. I have carefully considered these issues and, among other things, had regard to the study submitted with the planning application that deals specifically with the implications of the two buildings for daylight, sunlight and over-shadowing of adjacent dwellings, namely the 'Daylight Report – Site 1 (January 2015)'. I am also mindful of the design development process (described in the Design and Access Statement) that has culminated in the scheme now before Members, and note the description of the layout on Page 63 of that document. I note, in particular, that each of the apartments would be set out with the living space at the front with balconies / ground floor amenity space facing St Michael's Road (rather towards the dwellings at the rear).

9.39 I also note that the main rear elevation of the southern block would be 30 metres from the typical rear elevation line of the facing dwellings, in Frederick Street. The block has, as described above, four lift / stairwells, which each project further to the rear (see paragraph 2.07 above). I agree with the applicant's assessment that this is an acceptable arrangement in terms of residential amenity, both for existing residents of the area and for the prospective residents of this block.

9.40 With regard to the northern block, the relationship with Frederick Street would be very similar to that of the southern block and, accordingly, I consider it to be acceptable. However, this block would be located much closer to the short terrace of dwellings at Laburnum Place, numbers 40 to 38. The applicant has amended the scheme, by re-aligning the proposed positions of some of windows at upper floors in an attempt to alleviate potential over-looking, whilst this is helpful it does not address the anticipated adverse impact that would result from the proximity of the building to Laburnum Place as a result of its bulk. I consider that the northern section of the block needs to be reduced slightly in terms of the proposed footprint, and have requested an amended plan showing this. I will update Members at the meeting.

9.41 *Site 2* – the dwellings proposed on this site would face a mix of residential and non-residential uses that lie on the southern side of St Michael's Road. The block is set well away, however, from the dwellings at Frederick Street and Laburnum Place that I refer to above. The minimum separation between the proposed flats and the existing ones that would face it would be 12 metres (at the eastern end of the site frontage). I also note that the new block would not be perpendicular to the road frontage, which reduces the scope for over-looking. I consider that this relationship would be acceptable, and that the building would be acceptable overall in terms of potential implications for residential amenity.

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9.42 *Site 3* – the proposed building would be sited alongside several existing buildings. These are generally in commercial use. I am though concerned that the residential unit on the upper floors of the Chinese restaurant building could be significantly over-looked by a number of the rear (towards Milton Road) facing dwellings at the western end of the proposed flat block. The applicant has already amended the proposal (angling a number of windows to reduce direct over-looking) in an attempt to address this, but further amendment is required. I will update Members at the meeting.

9.43 *Site 4* -the rear elevation of Block A (cinema and restaurants) would face the existing buildings on the western side of Station Street. The mix of existing uses includes a number of flats at upper floors (ie on the first and second floors). The level of light, sun-light and outlook enjoyed by east-facing rooms to these units would clearly be affected by the development of the proposed cinema building (which I describe at Paragraphs 2.25 to 2.27 above), which at the closest point (where Unit 4 faces the northern end of the terrace at Station Street) would be separated by 11.5 metres. Elsewhere the separation is typically 16 metres. As noted above (at Paragraph 2.48), the application includes a 'Daylight Report' dedicated to the development on Site 4. The report, which also includes an assessment of the implications for sun-light and over-shadowing levels, concludes that while there would be a "*noticeable…reduction in day-lighting*" and "*a reduction in the number of probable sunlight hours*", the reductions would be below the thresholds in the BRE guidelines. With this in mind, I conclude that the impacts would fall within acceptable limits, and certainly do not necessitate the re-positioning of the building or a reduction to its massing.

Noise / Air Quality

9.44 The proposed development has the potential to impact adversely on existing communities in the vicinity of the six sites as a consequence of noise, both during the construction period and as a result of the on-going operation of the finished developments. The application therefore gives careful regard to these possibilities in the Noise Impact Assessment submitted in support of it. As noted above, the The Environmental Health Manager has considered this issue, and concludes that, provided appropriate conditions are put in place, there will not be unacceptable impacts as a result of noise. Members will note that conditions are recommended below to ensure that the proposed mitigation (see Pages 18 and 19 of the above-mentioned report) is incorporated in the development, that construction hours and the hours when piling can take place are controlled and that the operating hours for the cinema and the restaurants are all properly controlled.

9.45 The application is supported, as noted above, by an Air Quality Assessment. This has been scrutinised by The Environmental Health Manager, who while mindful of the existence of two AQMAs in the vicinity of the six proposed development sites and of the fact that there are a number of other substantial developments proposed in the Sittingbourne area concludes that *"…I have no objections to the proposal from an air quality perspective."*

Highways

9.46 This development has the potential to have highway implications both for the strategic (trunk road / motorway) network, which are the responsibility of the Highways Agency (HA), and on the local road system, which is maintained by Kent Highways Services (KHS).

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9.47 With regard to the local road network, and as mentioned at Paragraphs 7.06 and 7.061 above, KHS have been closely involved with the development of the scheme now before Members, and as also mentioned above, while they support the principle of what is proposed, there are a number of detailed points that still need to be addressed in order for them to be able to lift their holding objection. The applicant's highway consultants are, I understand, preparing further amended plans and I will update Members at the meeting.

9.48 With regard to the strategic network, Members will appreciate that for Sittingbourne this refers to the A249 (to the west of the town) and the M2 (to the south). Members will also note the comments of the HA at Paragraph 7.05 above. Their concern that the development could result in a modest adverse impact on the operation of the A249 junction with the A2 at Key Street has resulted in the submission of a holding objection. A limited scheme of improvements to the roundabout their will address this issue, and KHS already have a draft scheme in mind to deal with this and to accommodate any other additional traffic at the junction as a result of the various other developments proposed in the Sittingbourne area in the draft Local Plan, Bearing Fruits 2031. I understand that once agreement has been reached with the HA as to what proportion of the estimated £350, 000 total cost of this project should be attributed to the current planning application and the applicant has agreed to pay this amount, the holding objection will be lifted. I hope to be able to update Members at the meeting.

Public Parking

9.49 This application would, if approved, have pronounced implications for the public car parking provision in and around the town centre, and as set out above the two public car parks at Cockleshell Walk (Site 1) and Spring Street (Site 2), see paragraphs 1.02 and 1.07 above respectively, would be re-developed. In addition, the development of Site 4 would result in the loss of a further 64 public car parking spaces (see paragraph 1.14 above). On Site 5, the 22 existing spaces would be removed to accommodate the proposed Multi-storey car park. Amounting to 260 car parking spaces in total. In addition, the station front car parking, 30 long-stay spaces belonging to Network Rail, would be removed and replaced with spaces in the St Michael's Road car park. As noted above, a statement dealing with car parking has been provided by the applicant and it is attached to this report as Appendix 1.

9.50 As described at paragraph 2.34 onwards, the application includes the provision of a multi-storey car park, which would have 308 car parking spaces.

9.51 I am mindful that neither KHS or The Head of Service Delivery (see paragraph 7.19 above) object to the idea of replacing the existing car parks as described above with a single MSC to be located on Site 5. The MSC would be located in a position accessible to the High Street, the railway station and other town centre amenities as well as to the development proposed on other five sites, but particularly to the cinema / restaurants and square proposed on Site 4. It is also worth emphasising that the development proposed on Sites 1 to 4 and Site 6 would benefit from very good pedestrian access to the train station and bus stops in the town centre. As such, public transport is readily available as an alternative to using a car and parking in one of the town centre car parks.

9.52 Although as noted above (see paragraph 6.0 onwards) a number of the objections to this planning application relate to the implications for the location and amount of public car parking that will be available in and around the town centre, and it is clear

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that there will be a degree of disruption and inconvenience for some people who are used to using the car parks that are to be re-developed (particularly Site 1), I am firmly of the view that the proposed new car parking provision will be sufficient in terms of the number of spaces proposed and in terms of the location of the MSC, and in accordance with Policy T7 of the adopted Local Plan (which I refer to at paragraph 5.0412 above). In reaching this view, I have given weight to the very sustainable town centre location of the development proposed. Furthermore, the potential adverse impact that will be experienced by some current users of the car park on Site 1 is certainly not sufficient in my view to justify the amendment of the proposed development, to include some public car parking, for that site.

9.53 I discuss the proposed phasing of the development below, but specifically with regard to car parking there is clearly a need for the MSC to be delivered as an early phase of the proposed development, and Members will note the submitted phasing plan on Page 42 of the Design and Access Statement and that the intention is to deliver the MSC as part of Phase 1.2 (the same phase as the housing on Sites 1 and 3 and the highway works in Site 4 (in front of the train station). This suggests that the Cockleshell Walk construction would start, necessitating the closure of that public car park, before the opening of the MSC. I understand that analysis, in the 'Sittingbourne Town Centre Car Parking Strategy', of the current and historical usage of this public car park suggests that to off-set this lost capacity in the period before the provision of the MSC, 55 temporary public car parking spaces would need to be provided. The applicant accepts the need to make this provision, and intends to provide it in the form of a temporary car park on part of Site 6, needed to cope with peak demand for long stay parking. I have included a condition below to ensure that is made available before the car park on Cockleshell Walk is closed.

Private Parking

9.54 The amount of car parking proposed for the three residential sites is set out at paragraphs 2.04, 2.15 and 2.19 above. I am mindful that the level of provision is relatively low, at less than one space per dwelling, but this development differs from many housing schemes in the Borough in that it will benefit from a highly sustainable location, close to main public transport facilities and range of shops and other services typical of a town centre location. I also note that KHS raise no objection to the level of car parking proposed for the three residential sites and that it would accord with the relevant guidance, namely 'Interim Guidance Note 1 – Residential Parking (November 2008)', which I refer to at 5.08 above. I consider that the proposed level of car parking for Sites 1, 2 and 3 is acceptable.

Sustainable Design and Construction

9.55 The application is accompanied by a 'Sustainability Report' and an 'Energy Statement' and these, together with the section of the Design and Access Statement dealing with Energy Efficiency (see Page 88), set out the applicant's vision in terms of ensuring that the development is genuinely sustainable both in terms of its design and construction.

9.56 The Design and Access Statement explains that: "*Code for Sustainable Homes and BREEAM will not be achieved by virtue of viability reasons, however the applicant is committed to creating a development that minimises its impact upon the natural environment.*"

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9.57 As noted at Paragraph 5.063 above, the SPD Masterplan for Sittingbourne includes a chapter devoted to sustainable design and construction. The SPD seeks (at 7.3 of the Green Charter) to achieve a "*minimum of Code Level 4*" for housing and BREEAM "*at least excellent*" for non-residential development, unless compelling "*practicality or viability grounds*" are presented to justify building to a lower standard. As such, it is disappointing that the applicant is not proposing to build any of the development to any level of the BREEAM or Code for Sustainable Homes standards. However, the viability document submitted with the application shows that this standard cannot be achieved in this instance.

9.58 Members will also have noted, at paragraph 7.04 above, the comments of the Climate Change Officer, who has no fundamental objection to any part of the proposals. Amendments have though been requested to the reports referred to at paragraph 9.55 above, and I will update Members at the meeting.

9.59 Members will also note the condition below that requires the submission and approval of package of sustainable design and construction measures.

Archaeology

9.60 Members will note that the County Archaeological Officer raises no objection, subject to the imposition of standard condition AR1, requiring that no development takes place until an agreed programme of archaeological works - in accordance with an agree written specification and timetable - has been implemented. Such a condition is included below.

Developer Contributions / Section 106 Agreement

9.61 The application is supported by a Viability Report, which appraises the likely development costs and the revenues expected to be generated by the six parcels of development. The Council has instructed independent consultants to evaluate the Viability Report and a final report has now been received.

9.62 The report concludes that the development is "technically non-viable" even without factoring in the developer contributions that would normally be sought for a development of this type and scale, namely the contributions sought by KCC and Swale Borough Council. As discussed above (at paragraph 9.48), a contribution may also need to be made to the improvement of the Key Street roundabout.

9.63 The following paragraph from the report's conclusion is key:

> *"I can advise (based on my appraisal analysis) that if one were to include these s106 costs, the actual developer profit reduces to circa 12% on GDV and therefore it could be suggested that these additional costs render the scheme non-deliverable. It is really a question for the developer as to when the scheme becomes non-deliverable (i.e. to what level must developer profit reduce for the Applicant to say that they cannot proceed?). In technical terms, these s106 contributions cannot be viably afforded."*

9.64 The report goes on to advise that if a requirement for affordable housing at either 30% (adopted Local Plan) or 10% (Bearing Fruits publication draft) were to be imposed the developer profit reduces to 4.2% on Gross Development Value or 10.2% on GDV respectively. Members will note that both figures are well below the standard 20% profit margin that is the accepted minimum percentage required in order for a development to be considered viable.

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9.65 I conclude that the development viability would not support the payment of developer contributions or the provision of a percentage of the housing as "affordable".

9.66 However, in this case the developer has indicated a willingness to make the provision of a proportion of the developer contributions. Negotiations are continuing and I seek delegated authority in consultation with the Chair of Planning and the relevant Ward members to agree a s106 on this basis.

9.67 I also seek delegated authority to incorporate the following other matters into the s106 agreement: (i) a claw-back mechanism for deferred contributions on completion of the residential development; (ii) s278 agreement for works to public highway; (iii) travel plan; and local labour and apprentiship measures, which I discuss below.

9.68 With regard to use of local labour, I consider that the legal agreement should include clauses to require that reasonable endeavours are used to achieve the use of 50% labour from Kent during construction phase, with 20% from Swale; 10% supply chain contractors from Swale; and for the operational phase, the use of 60% local labour from Kent with 30% from Swale. There should also be quarterly monitoring during construction phase, changing to annual from end user occupation.

9.69 With regard to the provision of apprentiship places, five should be provided during the construction phase, plus providing apprenticeship placements for relevant local work-based training providers for instance, Swale Skills Centre and Carillion Training Centre.

Phasing

9.70 As mentioned above, the application is accompanied by a phasing plan and Members will note that the applicant wishes to implement the development of the six parcels in four phases as follows: the first substantive phase (1.2) would include the housing on Sites 1 and 3, highway works in front of the railway station and the multi-storey car park; the second phase (1.3) for Site 4, the cinema / restaurants and public square; third phase (1.4) the large format retail units; and finally the fourth phase (1.5) the housing on Site 2.

9.71 I consider that this phasing plan is reasonable. However, it may be possible for the cinema, restaurants and public square to be provided earlier in the overall programme, rather than it being provided after the development of two of the three housing sites. I have therefore suggested condition (5) below in order to accommodate this possibility. In addition, the applicant may wish to make other changes to the phasing and the condition provides a mechanism for the Council to control this.

Flood Risk

9.72 As noted at Paragraph 4.5 above, all six of the development sites are in Flood Zone 1, meaning that there is a low risk of tidal and river flooding. As set out at Paragraph 7.13 above, the Environment Agency raise no objection, having noted the low flood risk. Members will also note that a drainage condition, to cover foul and surface water implications, is included below.

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Ecology

9.73 KCC Ecology agree with the applicant's conclusion that there is limited potential to impact upon protected species, and no additional information is required in this regard.

9.74 Members will have noted above that the application is supported by an Ecological Appraisal and a report setting out the proposed measures to preserve existing ecology and, where possible, enhance it on each of the six proposed development sites. As also noted above, KCC Ecology raise no objection, though they did suggest that the proposed package of ecological enhancements (dated February 2015) needs to be improved and that the application could be amended to increase the proportion of the existing trees are retained. The details submitted have been amended, including changes to the proposal for Site 6, and I consider that the measures proposed (which include bat and bird boxes on four of the six sites, and the use of native tree species throughout) are acceptable. Condition (8) is though included below to control the detail of the proposed measures, to ensure that the agreed measures are provided before the relevant part of the development is first occupied / used and to ensure that the measures are retained in perpetuity.

9.75 A further condition, number (9) below, is recommended to ensure that the scheme of external lighting is designed and implemented in a manner that minimises potential impacts on bats.

9.76 I have also considered the potential for the scheme to impact upon the Swale Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC), which all relate to the ecological value of the Swale waterway and adjoining land. This issue was considered by the applicant, who concluded that there would be a very slight increase (0.1%) in the number of recreational visits to the designated areas and that the "*…recreational impact is likely to negligible.*" KCC Ecology agree with this conclusion and consider that no additional information is required to address the issue. I therefore conclude that there will not be a material impact on these designated areas and, among other things, that an Appropriate Assessment is not required.

Other Matters, including re-location of the Friday market and of waste transfer use from Site 6

9.77 In parallel with bringing forward this planning application, consideration is given by my colleagues to the re-location of the existing market, which currently takes place on a Friday, and to the re-location of the waste transfer operation from Site 6 to a location elsewhere in the Sittingbourne area.

9.78 I understand that the proposal is to re-locate the market to the High Street (between the Central Avenue junction and the Station Street junction) and that the market could operate on both Fridays and Saturdays. The Council's Town Centre Regeneration Officer is working closely with stall holders and town centre retailers on this project. Bringing the market to the High Street could be seen as a benefit.

9.79 With regard to the waste transfer activity on Site 6, I understand that the operator has secured the use of an alternative site.

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10.0 CONCLUSION

10.1 Members will have noted above that this substantial application includes development on six separate parcels of land. A mix of residential and commercial uses, comprising a cinema, restaurants a multi-storey car park and four large format retail units is proposed. A full description of the proposal is given at paragraphs 2.0 to 2.48 above.

10.2 The national and local planning policy context are set out at 5.0 to 5.08 above, and Members will note, among other things, the relevant policies in both the adopted Local Plan and in the emerging Bearing Fruits 2031, Publication Version (see, in particular, Policy Regen 1 at paragraph 5.052 above) and the advice in the SPD for Sittingbourne Town Centre (see paragraphs 5.061 to 5.063 above).

10.3 Members will also note the consultation responses as set out above at 7.0 to 7.24 above, which have obviously contributed significantly to my appraisal of the material considerations, which is set out at paragraphs 9.0 to 9.81 above. Members will note that I have considered the material considerations under the following headings: principle (paragraphs 9.01 to 9.06), retail impacts (9.07 to 9.18), visual impact / urban design (9.19 to 9.36), residential development (9.37 to 9.43), noise / air quality (9.44 and 9.45), highways (9.46 to 9.48), parking (9.49 to 9.54), sustainable design and construction (9.55 to 9.59), archaeology (9.60), development contributions / s106 (9.61 to 9.69), phasing (9.70 to 9.71), flood risk (9.72), ecology (9.73 to 9.76), and other issues (9.77 to 9.79). I also note the various responses received from third parties, which are set out in section 6 and which include a large number of objections as well comments in support and a number of observations neither in opposition or expressing support.

10.4 I have taken a rounded view of all of the above and conclude that the development proposed is acceptable, and indeed that the development is likely to result in substantial benefits in terms of job creation, inward investment in Sittingbourne, the capture or retail and leisure custom that would otherwise go outside the Borough, and improvements in general perceptions on the town. Accordingly, and subject to the outstanding points that I identify above being satisfactorily addressed, I recommend that planning permission should be granted.

11.0 RECOMMENDATION – GRANT PERMISSION subject to conditions as set out below, the signing of a suitably-worded s106 agreement, amended plans and additional plans and documents to address the unresolved issues as described above, the Highways Agency and Kent Highways Services raising no objection and further conditions as requested by them, additional information in respect of the retail implications and additional conditions if required; and referral to the Secretary of State. Delegation is sought in accordance with paragraph 9.68 above, conditions as set out below and further conditions as required.

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.

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

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

General	14.25.101 P0; PBA highway drawings: 27744_5502_011 A (Pages 1 and 2), _011 A (Site 3), _011 B (Site 4), _011 A (Site 5), _011 A (Site 6), /016.
Site 1	14.35.110 P3, .111 P2, .112 P2, .113 P2
Site 2	14.35.120 P2, .121 P2, .122 P2, .123 P2
Site 3	14.35.130 P2, .131 P2, .132 P2, .133 P2
Site 4	13003B_101 H, _102 E, _103 F, _104 C, _105 B, _106 B, _108 C, _110 F
Site 5	13003C-102 Rev F, -106, -107, _108 Rev A, _109 rev A, -110 rev A.
Site 6	13003A_102 Rev D, _103 Rev B, -104 Rev C, _105 Rev A, _106 Rev B, _107 Rev A, _108, _109

Reasons: In the interests of proper planning and for the avoidance of doubt.

Pre Commencement

(3) No development shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. This shall include details relating to:

(i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;
(ii) The loading and unloading and storage of plant and materials on site;
(iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
(iv) The control and suppression of noise including arrangements to monitor dust emissions from the development site during the construction phase;
(v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
(vi) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
(vii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site;
(viii) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking; and
(ix) The timing of the proposed works to the public highway that will directly affect traffic movements and/or require traffic management

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measures, which shall be programmed such that no works take place during the month of December and the first week of January and over the Easter long weekend.

Reasons: To ensure the development does not prejudice conditions of residential amenity and highway safety and convenience through adverse levels of noise and disturbance during construction.

(4) No development shall take place on each site until full details of the method of disposal of foul and surface waters – to be drained using SUDS systems unless demonstrated not to be feasible, and to ensure that there is no surface water drainage on to the public highway - have been submitted to and approved by the Local Planning Authority for that site. The approved details shall then be implemented before the first use of the development hereby permitted on that site.

Reasons: In order to prevent pollution of water supplies, in the interests of sustainable drainage, and to ensure that surface water does not discharge on to the public highway.

(5) Notwithstanding the proposed phasing as set out on Phasing Plan V2, a phasing plan for the delivery of the six sites and the associated highway works shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. The development shall then be implemented strictly in accordance with the approved phasing scheme.

Reason: In the interests of ensuring that the development is carried out in a co-ordinated manner.

(6) No development shall take place on any of the six sites, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable for the particular site which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

(7) No development shall take place on a particular site until full details of both hard and soft landscape works for that particular site 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 (which shall include indigenous and berry-bearing species), noting species, plant sizes and numbers where appropriate, size of tree pits, measures to prevent tree vandalism, trellis / wiring system for climbing plants on the multi-storey car park, means of enclosure, hard surfacing materials, and an implementation programme.

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

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(8) Notwithtstanding the details set out in the 'Ecological Enhancement Proposals (February 2015)' draft document, full details of proposed ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority for each site before development is commenced. The agreed measures shall then be implemented in full for that site before it is first used / occupied. The agreed measures shall be retained in perpetuity.

Reason: In the interests of protecting and enhancing biodiversity.

(9) No development shall take place until details of the lighting columns, the type and luminance of the lighting units with glare shields and details of lux levels both inside and outside the site have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in full accordance with the approved details.

Reasons: In the interests of residential amenity and minimising disturbance to bats.

(10) No development on Sites 1, 2 or 3 shall commence until such time as a minimum of 55 temporary car parking spaces have been provided and are available for public use on Site 6. This provision shall be in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority, and shall be retained until such time as the multi-storey car park on Site 4 is completed and open to the general public.

Reason: In the interests of ensuring that sufficient public car parking provision is available in Sittingbourne.

(11) No development on Site 4 shall commence, until any necessary Traffic Regulation Orders to allow two-way traffic movements on Station Street, to the south of Site 4, and the High Street and West Street, to the south-west of Site 4 have been made and any highway works required as a consequence have been fully implemented.

Reasons: In the interests of highway safety.

(12) No development shall be commence on Sites 4 or 5 until a detailed scheme setting out full details of paving, street lighting, bins, seating and signage for those sites has been submitted and approved in writing by the Local Planning Authority

Reasons: In the interests of visual amenity.

13) Prior to the commencement of development on Sites 1, 2, 3 or 4, details of the external finishing materials to be used on that particular site shall be submitted to and approved in writing by the Local Planning Authority and the construction on that particular site shall then be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

14) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
1. A preliminary risk assessment which has identified:

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- § 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 scheme, 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. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To protect groundwater which is highly vulnerable at this site due to the Principle Aquifer and being situated within a source protection zone 1. There is also a requirement to to comply with the NPPF, paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

(15) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: To protect groundwater and comply with NPPF.

(16) 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.

(17) No development shall take place on the sites for which noise mitigation is required (namely Sites 1,2, 3 and 4) until a noise mitigation scheme of measures has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be incorporated in the development and retained in perpetuity.

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Reason: In the interests of ensuring that unacceptable noise impacts do not result from the development.

(18) Adequate precautions - in accordance with a scheme of measures that shall first have been submitted to, and approved in writing by, the Local Planning Authority - 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 and convenience.

(19) No development shall take place until a tree protection plan and arboricultural method statement in accordance with the recommendations of BS 5837:2012 have been submitted to and approved in writing by the local planning authority. The method statement shall detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and shall take account of site access, demolition and construction activities, foundations, service runs and level changes. It shall also detail any tree works necessary to implement the approved scheme.

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

(20) Notwithstanding the information set out in the 'Sustainability Report' and the 'Energy Statement', details of the package of on-site renewable energy generating measures to be incorporated in the development and the other sustainable design and construction measures proposed for the development hereby approved shall be submitted to and approved by the Local Planning Authority before any part of the development is commenced. And the agreed measures shall be fully implemented for each of the buildings before the particular building is first used. The installed measures shall then be retained in perpetuity.

Reason: In the interests of maximising the use of on-site renewable energy and sustainable development.

(21) Details of the proposed refuse and recycling storage arrangements for each of the buildings hereby approved shall be submitted to and approved by the Local Planning Authority before the development is commenced, and the agreed provision shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reasons: In the interests of visual and residential amenity and to encourage recycling.

(22) Details in the form of cross-sectional drawings showing the existing Ordnance Survey Datum heights through each of the six sites (or such other information as may be agreed to by the Local Planning Authority) and of the proposed site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development on each of the six sites shall be completed strictly in accordance with the approved levels.

Reasons: In order to secure a satisfactory form of development having regard to the sloping nature of the sites

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

Reasons: In the interests of highway safety and residential amenity.

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

Reasons: In the interests of highway safety.

(25) The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture for each site shall be laid out and constructed in accordance with details that shall first have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and public amenity.

(26) Prior to first residential occupation of Site 1(shown on drawing number 14.35.110 P3), the pedestrian - cycle link from St Michael's Road to Laburnum Place, between the two development blocks on Site 1, shall be provided in accordance with full details that shall first have been agreed in writing by the Local Planning Authority.

Reason: In the interests of encouraging sustainable transport.

(27) None of the developments hereby approved shall be first occupied until details of covered cycle parking for that site have been submitted to and approved in writing by the Local Planning Authority. The space and the shelters shall then be retained for the purpose of cycle parking in perpetuity.

Reason: In the interests of encouraging the use of non-car modes of travel.

Post Commencement:

(28) The four retail units hereby approved shall not be sub-divided, and shall not be less than 510 square metres (Unit 3), 696 square metres (Unit 2), 929 square metres (Unit 1) and 1021 square metres (Unit 4) in floor area.

Reasons: In order to reduce the potential for the intensification of use of the site and in the interests of protecting the vitality and viability of Sittingbourne High Street.

(29) The development on Sites 5 and 6 shall be finished using facing materials as specified on the relevant drawings hereby approved.

Reason: In the interest of visual amenity.

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(30) 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: The site is located in a highly sensitive location with regards to groundwater in that it is underlain by a principal aquifer and located in Source Protection Zone 1. To ensure any possible land contamination related to historic site activities is addressed in line with current planning guidance on sustainable development.

(31) No mechanical ventilation, filtration equipment, air conditioning, heating, ventilation or refrigeration equipment shall be installed on the buildings hereby approved on Site 4 until full details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residential properties.

(32) 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.

Reasons: The discharge of clean roof water to ground is acceptable within Source Protection Zone 1 provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. The method of discharge must not create new pathways for pollutants to groundwater or mobilise contaminants already in the ground.

(33) Piling or any other foundation designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

Reasons: Unless appropriate managed piling on land affected by contamination may introduce pathways by which contamination can penetrate and pollute the aquifer.

(34) The cinema building (Part of Block A) on Site 4 (shown on drawing 13003B_110 F) hereby approved shall be used for the purpose of leisure and assembly falling within Use Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reasons: In the interests of the amenities of the area and highway safety and convenience.

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

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

(36) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:-

Monday to Friday 0900-1700hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

(37) The use of the cinema and restaurants (both within Block A and Block B) hereby permitted shall be restricted to the hours of 0700 to 2400 on any day.

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

(38) The use of the retail units, on Site 6, hereby permitted shall be restricted to the hours of 7 am to 11pm on weekdays and Saturdays, and 1000 to 1700 on Sundays.

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

(39) All hard and soft landscape works shall be carried out in accordance with the approved details. The works approved for each site shall be carried out prior to the first beneficial occupation of any part of the development on that particular site 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.

(40) Upon completion of the approved landscaping scheme for each site (and the street tree scheme for St Michael's Road), any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within ten 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 the next planting season, unless otherwise agreed.
Reason: In the interests of the visual amenities of the area, and in recognition of the important role of tree and shrub planting in this development.

(41) The trees shown on the plans hereby approved as "existing trees to be retained" shall be retained and maintained. Any trees removed, dying, being severely damaged or becoming seriously diseased within ten years of the date of this permission shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.
Reason: In the interests of visual amenity.

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(42) The multi-storey car park (MCP) hereby approved shall not be first used until a scheme of street tree planting for St Michael's Road - on the section between the MCP and the junction with Crown Quay Lane – has been submitted to and approved in writing by the Local Planning Authority and the agreed tree planting has been completed.

Reason: In the interests of visual amenity.

(43) The area shown on the submitted plans as car parking and turning space, on each of the six sites, 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) Order 1995 (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 dwelling(s) hereby permitted.

Reasons: 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.

COUNCIL'S APPROACH:

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

In this case the application was found to be acceptable, and presented to Members with a recommendation to approve subject to resolution of outstanding issues.

INFORMATIVES

1) As the construction of the development may affect breeding birds, which are protected under the Wildlife and Countryside Act, all works must either be carried out outside the bird breeding season (March to August inclusive) or in conjunction with an ecologist.

2) The applicant should enter into formal agreements with Southern Water in respect of providing the necessary sewerage infrastructure and connection to the water supply in order to service the development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. www.southernwater.co.uk.

3) Traffic Regulation Orders for converting parts of Station Street and West Street to two-way traffic, revisions to parking bays and proposed banned manoeuvres will need to be concluded before the planning consent can be implemented.

4) Stopping-up Orders of various areas of highway have not yet been confirmed and will be essential before the planning permission can be implemented.

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

6) Planning permission does not convey any approval for construction of works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

Case Officer: James Wilson

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

APPENDIX 1 – Car Parking Statement

APPENDIX 2– South East Regional Design Panel – letter dated 18 August 2014

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Spirit of Sittingbourne

Parking Arrangements

(1) Current Car Parking*

Location	Spaces	Type		Disabled	Parent	Cycle	M/bike
Cockleshell	102		LS	6	0	0	0
Spring Street	72		LS	0	0	0	0
Forum	162	SS		6	0	2	4
Station Street	22	SS		2	0	0	0
Station Forecourt (Network Rail)	30		LS	5	0	106	(Incl)
St. Michael's Road E^	107		LS	1	0	0	0
Total	495	184	312	20	0	108	4+

*Correct at 02 March 2015 (Jeff Kitson, Parking Services)
^ Not in planning application area

(2) Proposed Replacement Car Parking

Location	Spaces	Type		Disabled	Parent	Cycle	M/bike
Site 4 Station change (Network Rail)	43		LS	5	-	106	(Incl)
Site 5 MSCP**	308	SS		19	7	0	0
Forum	98	SS		6	0	2	4
St. Michael's Road E^	83		LS	1	0	0	0
Total	532	406	126	31	7	108	4+

** Size allows Swale the option to possibly determine a mixed arrangement of SS & LS parking, if future circumstances require
^ Not in planning application area

(3) Proposed Overall Regeneration Car Parking

Location	Spaces	Type		Disabled	Parent	Cycle	M/bike
Site 1	36	(Resi)		3	-	62	0
Site 2	46	(Resi)		3	-	88	0
Site 3	26	(Resi)		0	-	65	0
Site 4 Station change	43		LS	5	-	106	(Incl)
Site 5 MSCP	308	SS		19	7	0	0
Site 6^^	105	SS		7	-	0	
Forum	98	SS		6	0	2	4
St. Michael's Road E^	83		LS	1	0	0	0
Total	745	511	126	44	7	323	4+

^^Location for 55 temporary transition public car parking spaces during construction of MSCP
^ Not in planning application area

Site 4 Station Change: 2 overall gain after changes 41 lost (30 from Forecourt, 11 from within c/park)
43 provided (11 within car park, 32 within St. Michael's c/park)
(Only 24 actually lost from existing St.M c/park layout)
St. Michael's Car Park: Reconfiguration of spaces as part of land swap arrangements with Network Rail / South Eastern

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South East Regional **Design Panel**

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Mr Alastair Cracknell
Quinn Estates
77 Bekesbourne Lane
Littlebourne
Canterbury
Kent, CT3 1UZ

18 August 2014

Dear Mr Cracknell

SPIRIT OF SITTINGBOURNE (Phase one)

Thank you for asking the Regional Panel Swale to review the new masterplan for the centre of Sittingbourne. Panel members visited the site before their meeting on 11 August and were grateful for Guy Hollaway's presentation of the proposals. It was also helpful to understand the planning context from Jim Wilson of Swale Borough Council.

SUMMARY

The Panel applauds the Council's commitment to regenerating Sittingbourne and commends the vision it shares with its development partners. The aim of providing new leisure uses to complement the High Street whilst also boosting the town centre population is surely the right one. We also welcome the long-held ambition to improve the setting of the railway station and transform the experience of arriving in the town.

Regrettably however, we have strong concerns about the effectiveness of the proposed strategy. We think that without a more radical approach, the traffic on St Michaels Road will still be an intimidating presence and we have doubts about the attractiveness of the walking routes between the station, the car park and the High Street. We wonder if there is too much public space, and we fear that too much is resting on the future of third party land (the Tesco car park) for the project to succeed from the start. We also have doubts about some aspects of the housing, although we recognise the architectural development is still at an early stage.

We recognise the long gestation of the project and the creative thinking, not least the architectural input, evident in the emerging design. However, we recommend that the team steps back to re-examine the fundamental design moves - how people will walk around the area, the relationship of the built form to the character of Sittingbourne and how the public realm will be used and enjoyed - to ensure that the key structural

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elements of the town are in the right place. Combined with the commitment to intensification and the infilling of gap sites, we believe a positive outcome can be achieved.

We expand on these points below.

BACKGROUND

Sittingbourne is one of Kent's oldest market towns and deserves to be better known. It is however underperforming economically and Swale Council has long-held ambitions for its regeneration. A bridge across the railway line to Milton Creek remains a long-term aim, improving connections with the town centre.

The Swale local plan was adopted in 2008 and a masterplan for the centre of Sittingbourne (the Sittingbourne and Milton Creek Supplementary Planning Document) was adopted in 2010. A new local plan, Bearing Fruits, is in preparation. The current proposals have been prepared as a joint venture between the Council and its development partners, Quinn Estates and Cathedral Group. A second phase of the plan (not the subject of this review) will include the redevelopment of Swale House and the library area to the south of the High Street.

A multidisciplinary design team has been put together under the direction of Guy Hollaway Architects. The Panel has been asked to review the first six sites that together make up the Spirit of Sittingbourne project.

VISION AND PRINCIPLES

We fully support the ambition for intensifying the town centre as a stimulus to commerce and as a way of strengthening the community. A strategy based on leisure uses to complement the High Street shops and boost the evening economy appears sound. In terms of the overall economic impact, it is important that there should be a demonstrable net gain, given the very substantial investment in buildings and public realm. The local authority's dual roles as planning authority and enabler will be critical to ensuring that the plan delivers the maximum benefit. We also see a creative role for the highway authority in helping to solve a difficult environmental challenge.

The distinctive physical characteristics of Sittingbourne seem to have been underplayed in the current thinking – the qualities of the long, ancient high street and pattern of yards and passages leading from it. The Spirit of Sittingbourne project needs to be seen as an overall vision for the town, drawing on its heritage, its spatial qualities and the present uses. If it has not already been done, we think an audit of land uses and some simple techniques like figureground plans, showing the present and proposed footprint of the town's buildings would inform the refinement of the design proposals. A study of historic maps would be a useful resource.

The plan should have a temporal dimension, making it clear which elements will be long-term fixes (the station, the road layout, the housing and perhaps the parking arrangements) and which may be more transient, such as the commercial buildings.

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The plan should anticipate future changes and be able to accommodate them, but without depending on them taking place.

There is an opportunity to draw on the excellent policy development work from recent years, albeit some of it reflects a different economic climate. This consideration of earlier urban studies would strengthen the current proposals.

MOVEMENT AND CONNECTIONS

The present walk between the railway station and the High Street is dispiriting and the team is right to give it priority. An important measure of success will be increased footfall through the new commercial development and onto the High Street.

There are two formidable obstacles; heavy and fast-moving traffic on St Michaels Road which currently is intimidating for pedestrians, and the uninviting and obscure paths to and from the High Street. We do not underestimate the challenge of overcoming these problems but we are not convinced by the proposed arrangements, even with wider pavements and a controlled crossing in front of the station. The team needs to work with partners including Kent Highways to reduce or at very least slow down the traffic on St Michaels Road. There is a need for a much more inviting and legible network of footpaths, not all of which need to be wide or formal. Passages and alleys are one of the delights of Sittingbourne.

We regret that Station Street has been downgraded into a service road, when it could be a lively and inviting route to the High Street. The proposed route to and from the multi-storey car park is overly dependent on the opening hours of the Forum Centre and alternative desire lines, such as to the High Street and to the station should be taken into account. We understand that other sites have been considered, but we wonder whether the multi-storey is in the best place to serve the whole of the town centre.

We see a strong case for a movement framework for Sittingbourne, which needs to look beyond the red line of a planning application and should probably be led by the public authorities. The emphasis should be on walking but the cycle network should also be given prominence, not least as an attractor for the new residents in the town.

Removing the gyratory and reverting to two-way traffic may reduce vehicle speeds and travel distances; the calming effect that would help the residential property that fronts it.

We think it important to preserve the options of a northern station entrance as well as a pedestrian bridge over the railway line, which should be safeguarded in any consent for the 'big box' retail units on site six.

LAYOUT

We see a problem in the treatment of fronts and backs, especially in the cinema and restaurant block, but also in the adjacent lozenge-plan building. We recognise the need for efficient servicing but we wonder if the orientation of the restaurants might be

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reversed, with west-facing restaurants spilling out onto the public realm along Station Street, with servicing from the east.

We believe there is scope for further intensification through development of small parcels on infill sites, perhaps to mask off the backs of the High Street buildings or to tighten the form of the newer roads.

PUBLIC SPACE

St Michael's Road was designed to remove traffic from the High Street and has punched holes in the urban fabric resulting in awkward leftover spaces. The new development offers the chance to heal the scars.

The new square in front of the station seems to be almost on a city scale, rather than that of a country town; a smaller space might function better. The space needs to work on its own terms and not be dependent on the treatment of the edges, but its northeast corner needs to be well screened against traffic noise (perhaps with a wall, or even small pavilions). We welcome the intention to incorporate the weekly market within the public realm proposals.

THE RESIDENTIAL SITES

We recognise the early design stage of the residential proposals but would encourage greater consideration of the design of each individual unit, to ensure that both as individual homes and as apartment buildings, they offer the highest achievable quality of life.

At Site 1 we are concerned about the poor aspect of the ground floor flats, both at the front and the rear. Getting an appropriate relationship with Frederick Street will be important but from our visit we anticipate that the site should be able to accommodate flats up to four storeys. Circulation and especially easy walking into town for all residents in the area will be important.

We recognise the difficulties of accommodating the existing rear access rights to the Frederick Street properties but are unconvinced by the current shared access proposal, which raises concerns about quality and public safety. We question the desire to present the building as a continuous block along the road and suggest that bringing the cores through to the front and/or placing ground floor unit entrance doors on this side might provide more interest and activation to this street.

We recognise the design challenges in providing street level accommodation, particularly with bedrooms on this frontage and encourage the design team to look at ways of defining defensible space as a buffer and of using the site levels to give more separation between the footways and the private units.

Site 2 is quieter and well screened from the railway. We are not persuaded by the angling of the blocks and wonder whether there are other ways of eliminating north facing, single aspect units. We think that there could be a more direct relationship to the

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orthogonal plots and frontages of the buildings across the road. We see no difficulty in accommodating blocks of up to seven storeys but we note from the plans that some flats seem to be overlooked by their immediate neighbours. We are also concerned by the lack of definition of private amenity space for ground floor units and question whether a more efficient site plan could give rise to some communal amenity space.

We agree with the architect that Site 3 may be the hardest to resolve, largely due to the legacy of highways design. We think it would benefit from a simpler plan that might be more efficient, even with an extra core added. We are concerned that serving ten units per floor from one core could lead to security concerns and lack of sense of community. Again, we wonder whether ground floor units could have individual front doors. If this section of St Michael's Road is to become a proper street the development needs to engage positively with the buildings around it.

OTHER CONSIDERATIONS

We commend the ambition to have active uses above the shops, such as a gym or a nightclub. An element of the leisure development might possibly be higher, to include other uses such as residential.

We welcome the early and careful consideration being given to of the façades of the leisure buildings. It is important that the material and aesthetic choices complement and reference the local character so that the contemporary design is rooted in Sittingbourne, rather than imposing a generic multiplex and chain restaurant development on the town.

The "big box" retail units have not been designed yet and although the site will be well screened, the size of the buildings mean that their siting, profile and design will be important. Thought should be given to the path to Milton Road, to improve the connection to the town centre.

We would advise caution in the use of a greenwall as part of the car park exterior. Capital and maintenance costs will be high and its impact and longevity compromised in this location. Climbers may be a more effective long-term treatment.

We appreciate the opportunity to comment at an early stage on this most important project. We would be glad to review the project again as it is taken forward. Please keep us in touch with further progress and do contact me if anything in this letter is unclear.

Yours sincerely

ROBERT OFFORD
Panel Manager

cc Guy Hollaway, Guy Hollaway Architects

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PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Monday, 16 March 2015 from 7.00 - 8.25 pm.

PRESENT: Councillors Barnicott (Chairman), Sylvia Bennett, Andy Booth, Derek Conway, Adrian Crowther, June Garrad, Sue Gent, Harrison (substitute for Councillor Mark Ellen), Mike Henderson, Lesley Ingham, Peter Marchington, Martin McCusker (substitute for Councillor Mick Constable), Bryan Mulhern (Vice-Chairman), Prescott, Ben Stokes, Ghlin Whelan and Tony Winckless.

OFFICERS PRESENT: Peter Bell, Emma Eisinger, James Freeman, Joanne Hammond, Libby McCutcheon and Jim Wilson (Swale Borough Council) and Ruth Goudie (Kent County Council).

ALSO IN ATTENDANCE: Councillors Monique Bonney, Lloyd Bowen, Bowles, Mike Cosgrove, David Jones, Gerry Lewin, Adam Tolhurst, Roger Truelove, Mike Whiting and John Wright.

APOLOGIES: Councillors Mick Constable and Mark Ellen.

562 DECLARATIONS OF INTEREST

No interests were declared.

563 REPORT OF THE HEAD OF PLANNING

REFERENCE NO - 14/505440/FULL		
APPLICATION PROPOSAL Proposed mixed use development - on six parcels of land - of 215 residential apartments (use class C3), 3158 sq m of retail space (use class A1), a 308 space multi storey car park, 1713 sq.m cinema (use class D2), 2320 sq.m ground floor restaurant units (use class A3), first floor D2 use and the re-alignment of St Michael's Road with amendments to the road network and the creation of a new public square in Sittingbourne Town Centre, in front of the railway station.		
ADDRESS Spirit Of Sittingbourne Regeneration Site Identified On Site Location Plan (drg Number: 14.35.100 Revision PO) Sittingbourne Kent ME10 3DU		
WARD St Michaels and Chalkwell	**PARISH/TOWN COUNCIL**	**APPLICANT** The Spirit Of Sittingbourne LLP **AGENT** Mr Alastair Cracknell

The Major Projects Officer outlined the application and provided an overview of the six sites included within the proposal. He reported that Chalkwell Coach Hire had provided further comments which he summarised. He advised that the applicant had addressed these concerns by providing a swept path analysis, which demonstrated that there was sufficient space within the site to cater for longer buses. Kent Police have advised that they do not wish to add to their initial comments. He advised that 25 further letters have been received from third parties, and 2 further objections.

Maidstone Borough Council had raised no objection to the proposal and 22 further letters of support had been received, including from Trenport Investments, Swale Skills Centre and

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Queen Elizabeth's Grammar School raising new issues, which he summarised. One further representation had been received making general observations.

The Major Projects Officer advised that with regard to Developer Contributions, and further to Paragraphs 7.16 to 7.18 on Page 31 and the relevant section of the appraisal, paragraphs 9.61 to 9.69, on pages 44 and 45, the applicant had provided a statement which was tabled.

With regard to the proposed retail floor-space and the potential implications for town centre vitality and viability, and further to Paragraphs 9.07 to 9.18, on pages 34 to 36, the applicant had provided a 'Supporting Statement' in order to justify the approval of the proposed retail space without restrictive conditions, other than condition (28) on Page 53 of the report. The Major Projects Officer considered that a further planning condition was required to control the type of retail permitted on the site and that the wording of condition (28) required amendment. He referred Members to the tabled paper setting out an amended condition (28) and additional condition (44).

The Major Projects Officer reported that an amended Landscape Report, six additional landscape plans, and further amended plans had been received. These plans sought to address a number of points about the architecture and urban design of the developments and the implications for residential amenity. He considered that many of the points raised had not been addressed but the applicant had submitted an explanatory statement, which sought to explain their response to the requested amendments and this response was tabled.

Further to paragraph 9.58, the applicant advised that additional information would not be submitted in respect of sustainable design and construction and energy use. The Major Projects Officer considered that this was disappointing but referred Members to condition (20) which would allow the Council to ensure that each of the six developments incorporated an acceptable package of sustainable design and construction measures.

The Major Projects Officer reported that Kent County Council (KCC) Highways have provided further comments, which were tabled, and had concluded that, if the matters outlined in the letter could be addressed during the detail design, no objection would be raised to the application. Further to the tabled comments from KCC Highways, he drew attention to condition (26) which required the provision of the cycle link through Site 1. With regard to the other points set out in the KCC Highways letter, he advised that these could be dealt with under the s278 agreement that the applicant would require in order to carry out works to the public highway. KCC Highways have also advised that a Travel Plan was not required and the Major Projects Officer therefore recommended that this was not included in the Section 106 Agreement.

The Major Projects Officer referred to the drop-off area in front of station, and advised that the current informal arrangements would not be replicated under these proposals. However, it would be necessary for the development to make provision for passengers to be dropped off and picked-up close to the station entrance. This provision, which would be made on land at the eastern end of the station frontage adjacent to the proposed roundabout, had not yet been designed to a specification agreeable to KCC Highways and Network Rail. As such, the Major Projects Officer sought delegated authority to agree a solution acceptable to these bodies and the Council.

The Major Projects Officer reported that with regard to the implications for the strategic road network, the Highways Agency continued to maintain their holding objection but they had advised that they expected to withdraw it within the next few days and replace it with conditions.

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The Major Projects Officer advised that the Green Spaces Manager had provided further justification for the contribution sought, explaining that it was in-line with the adopted Supplementary Planning Document on developer contributions, and consistent with the amount sought on other recent housing developments. The Head of Service Delivery confirmed that the amended plans addressed the issues raised and he had no further comments.

The Major Projects Officer advised that contrary to Page One of the committee report, application SW/13/0635 had been implemented. He reported that the application included some information about the planted framework and seating area to be provided at the north-eastern corner of the public square. However, he sought delegated authority to secure further details in the form of scaled drawings, showing the raised platform and metal enclosing feature to the northeast corner of the public square, and any conditions required to seek further details in respect of finishing material. He further advised that the cycle parking for Site 4 would consist of provision for 10 cycles on five hoops; details to be agreed pursuant to the hard and soft landscaping condition, which was in addition to the existing provision of 106 cycles at the station.

A letter had been received from the Member of Parliament for Sittingbourne and Sheppey in support of the application which the Major Projects Officer summarised.

Further to Paragraph 6.053 of the report, the planning agent for Sittingbourne Retail Park had commented on the proposals, and his note was tabled. The Major Projects Officer summarised the note and advised that he considered that the points were satisfactorily dealt with by conditions, including the retail conditions now proposed.

With regard to the implications for public car parking provision and, in particular, the loss of spaces from Sites 1, 2, 4 (and the adjoining Tesco car park) and 5, the applicant has undertaken a count of the existing spaces on those sites. This concluded that that the four locations provide a total of 385 spaces, 27 spaces more than the corresponding number in the committee report which was based on Council data. He advised that 98 spaces of the Tesco car park would be retained, giving a total loss of 287 spaces, if this new information was used. However, this would be more than offset by the proposed provision in the multi-storey car park, where 308 spaces would be provided and he considered that the implications for public car parking provision were acceptable.

The Major Projects Officer advised that he sought delegation to approve the application subject to the conditions as outlined on the tabled paper.

The Chairman moved the officer recommendation for approval, which was seconded by Councillor Bryan Mulhern.

Mrs Barbara Cooper, representing KCC, spoke in support of the application.

Mr Hogben, an objector, spoke against the application.

Mr Quinn, the applicant, spoke in support of the application.

The Ward Member made the following comments: the residential developments proposed for Cockleshell Walk and Spring Street would lead to unacceptable intrusion and overlooking which would affect the quality of life of residents in Frederick Street; to make comparisons with Wingate Court was spurious; removal of car parking for businesses in London Road and West Street would be detrimental; Members need to carefully read the strong objections raised by members of the public; concern regarding the lack of drop-off area at the station; Design Panel report was critical of design and land use; there were too

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many loose ends; a detailed response from the applicant which had been tabled was unacceptable; concern about the Highways Agency not removing their holding direction; and this should not be considered based on corporate ambition but on planning grounds.

Visiting Members made the following comments: extensive report; first chance for Sittingbourne to move forward; this was a serious developer with financial backing; owe it to the people of Sittingbourne; this was a large application that had been dealt with fairly; the Planning Team had worked assiduously; the gains were significant for Swale and Kent; need to assess it on balance; this would secure Sittingbourne's future; some aspects of the proposal should be welcomed but parts were still full of holes and missing information; the application should have been considered in sites – not as one large application; was not the last chance, more important to get it right; there were serious transport and parking implications; objections from the public had been received and should be noted; and the application should be deferred to gather further information.

The Chairman congratulated the Planning Team for a detailed report and for the hard work they had put into the application process.

A Ward Member, who was also a Member of the Planning Committee, made the following comments: residents of Frederick Street had raised strong concerns regarding overlooking, especially as their properties were two-storey Victorian terraces, which would be overlooked by four-storey flats; inadequate car parking arrangements and the impact on neighbouring roads which were already difficult to park in; consultation process was fundamentally flawed; South East Design Panel's comments had not been addressed; the developer did not have a good track record in Swale as they had failed to complete the Sittingbourne Mill site, next to Morrisons; Condition 47 did not guarantee that the site will be completed, only that it will commence within three years; where would all the extra visitors going to park, especially as Albany Road and Crown Quay Lane car parks were being reallocated to long-term parking; and the report mentions the completion of the Northern Relief Road, which was contrary to the recent advice received from KCC Highways.

A Ward Member, who was also a Member of the Planning Committee, made the following comments: concerned that less than one parking space per property was inadequate, but recognised that this was in-line with Government policy and KCC Highways had raised no objection; and welcome the chance to see the proposals come to fruition.

A Ward Member, who was also a Member of the Planning Committee, made the following comments: this was an exciting time and an historic evening; endorse the application; and there would be challenges ahead with such a large-scale project.

Members of the Planning Committee made the following comments: need to view it as a single application; Sittingbourne needs this kind of development; have walked site and fully believe it would work; there are problems remaining and it was important to get them right before agreeing the proposals; more objections had been raised which had not been addressed; there were nine items on the tabled response from the applicant which had still not been answered; concerned regarding the impact on Sheerness and Faversham; concerned that north of Sittingbourne would become totally gridlocked; congratulate design team and officers; welcome proposals regarding solar panels and ask that any further suitable spaces for solar panels be explored; urge officers to ensure that the green spaces and tree and shrub planting was implemented; high quality materials and good attention to detail; would have a positive impact on Sheerness and Faversham; was unacceptable that the developers were not meeting the Council's policy on 30% affordable housing provision; the Council was handing the developers land and paying for the multi-storey car park but not receiving social housing in return; this was a once in a lifetime opportunity; a lot of people would shop locally; unacceptable to have so many tabled papers; discussion should

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be based on planning grounds; there were a number of outstanding issues; local people desperately need social housing; concerned about the number of delegations to officers; and the application should be deferred.

The Head of Planning advised that the delegations to officers related to very detailed issues in an advanced state of resolution and if any significant concerns arose it would be reported back to the Planning Committee.

In accordance with Council Procedure Rule No. 20 a recorded vote was requested and voting was as follows:

For: Councillors Richard Barnicott, Sylvia Bennett, Andy Booth, Derek Conway, Adrian Crowther, June Garrad, Sue Gent, Lesley Ingham, Peter Marchington, Bryan Mulhern, Colin Prescott and Ben Stokes. Total equals 12.

Against: Councillors Angela Harrison, Mike Henderson, Martin McCusker, Ghlin Whelan and Tony Winckless. Total equals 5.

The motion was therefore agreed.

RESOLVED: That application 14/505440/FULL be delegated to officers to approve subject to conditions (1) to (43) in the report; additional and amended conditions (28) and (44) as tabled; the application being referred to the Secretary of State; the Highways Agency holding objection being lifted, and to impose such further conditions as reasonably required by them and to seek the developer contribution totalling £50,000 for highway improvements to the Key Street roundabout; securing further details in the form of scaled drawings, showing the raised platform and metal enclosing feature to the northeast corner of the public square, and any conditions required to seek further details in respect of finishing material; amended and additional plans to address the outstanding design points in the committee report; the satisfactory resolution of the position and arrangement of the drop-off area for Sittingbourne train station in consultation with KCC Highways and Network Rail; amended conditions as required to refer to amended plans, and to carry out other fine-tuning of conditions as required; and a Section 106 Agreement, to include items as set out in the report and as tabled in the letter from Spirit of Sittingbourne LLP, has been entered into.

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee/Panel