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| <b>2.3 Reference No – 15/508661/FULL</b>   |   |  |
| <b>APPLICATION PROPOSAL</b>  |   | <b>Ref No 15/508661/FULL</b>                                       |
| Demolition of existing 3 x four storey block of flats and erection of 40 affordable dwellinghouses with associated parking and landscaping   |   |  |
| <b>ADDRESS</b> Ceres Court, Eagles Close, Sittingbourne, Kent ME10 3RJ   |   |  |
| <b>RECOMMENDATION</b> – Application Permitted  |   |  |
| <b>SUMMARY FOR REFERRAL TO COMMITTEE</b>   |   |  |
| The application is in conformity with the Local Plan and contrary representations sufficient to necessitate reporting to the Planning Committee have not been received but Member authority is required to enter into the S106 agreement |   |  |
| <b>WARD</b><br>Murston   | <b>PARISH/TOWN COUNCIL</b>  | <b>APPLICANT</b> Amicus Horizon Limited<br><b>AGENT</b> Fullerlong |
| <b>DECISION DUE DATE</b><br>8/4/16   | <b>PUBLICITY EXPIRY DATE</b><br>18/12/16  | <b>OFFICER SITE VISIT DATE</b><br>22/01/2016                       |
| <b>RELEVANT PLANNING HISTORY</b>   |   |  |
| <b>App No</b>  | <b>Summary -</b>  |  |
| SW/05/1369   | Change of use of existing car park to a fenced court area for ball games, including landscaping works – Approved 19 <sup>th</sup> December 2005 |  |
| SW/04/0375   | Communal garden – Approved 11 <sup>th</sup> May 2004  |  |

**1.0 DESCRIPTION OF SITE**

- 1.1 Ceres Court is a post war development and appears to date from the 1960s and comprises 3 No. four storey flat blocks providing 78 flats. The flats are a mix of 30 No. bedsits, 30 No. one bed flats and 18 No. three bedroom maisonettes units.
- 1.2 The flat blocks are served by a communal open space which includes a more recent multi-use games area and outdoor gym equipment for use by residents.
- 1.3 The site is located on level ground but is elevated from the neighbouring housing development to the north. The site is enclosed on the northern boundary by a 1.5 metre high brick wall and a grassed bank which falls away from the northern boundary to Gorse Road. Gorse Road a cul-de-sac provides access to Murston Junior School, which shares the western boundary of the site. A footpath connects the site to a footpath on the south of Gorse Road, which is used regularly to access the school.
- 1.4 The flat blocks are accessed from Eagles Close, a two branched cul-de-sac, which is accessed from Portland Avenue.
- 1.5 The flat blocks have now been vacated and are boarded up and empty. The surrounding area is residential and is characterized by mainly two storey houses to the north, south and east. To the west of the site is Murston Junior School and playfield.

## 2.0 PROPOSAL

- 2.1 The proposal is for the demolition of the existing 3 No. four-storey blocks of flats and erection of 40 No. two storey dwellinghouses with associated parking and landscaping. The houses will comprise a mix of one two and three bedroom houses each with their own private amenity space.
- 2.2 The applicant, Amicus Horizon, stat that the dwellings will be 100% affordable based on 75% affordable rent and 25% shared ownership. The proposed accommodation schedule is summarised as follows:

### Affordable Rent Shared Ownership

6 x 3 bedroom units providing 87 sq. m  
 2 x 3 bedroom units providing 93 sq. m (wheelchair accessible units)  
 14 x 2 bedroom units providing 84 sq. m  
 6 x 3 bedroom units providing 96 sq. m  
 2 x 3 bedroom units providing 100.8 sq. m

**Total: 30 units**

### Shared Ownership

4 x 1 bedroom units providing 65.9 sq. m; and  
 6 x 2 bedroom units providing 84 sq. m

**Total: 10 units**

- 2.3 The design of the scheme is based on a contemporary design of terraced and semi-detached houses with a combination of facing brickwork and weatherboarding to the elevations and dual pitched roofs over covered in roof tiles.
- 2.4 The units are arranged around a central communal amenity area. A one way vehicle 'loop' is proposed through the site to reduce traffic speeds and to provide a safe pedestrian route through the site.
- 2.5 The houses are arranged symmetrically either side of the entrance into Ceres Court, continuing the layout/pattern of the existing houses in Eagles Close but bringing forward the building line to signify the entrance and create opportunity for variation in architectural treatment. The creation of this 'gateway' is assisted by the orientation of the entrance to these properties, which face the site entrance.
- 2.6 One parking space will be provided for each 1 and 2 bed dwelling while the 3 bedroom dwellings will benefit from two spaces. 9 visitor spaces will also be provided throughout the site. A total of 64 car parking spaces are proposed. Members will note that the existing development has 20 car parking spaces. Cycle parking will be provided within the curtilage of each dwelling.
- 2.7 Amenity space is provided in the form of individual front and rear gardens to the houses, whilst a communal area of open space will be provided centrally. Further incidental landscaping and open space pockets are included, and trees within the site will also offer visual relief and improved visual amenity.

- 2.8 The existing multi use games area is to be retained and refurbished and existing outdoor gym equipment is to be relocated. The scheme also includes new play provision for younger children.
- 2.9 The applicant has confirmed that the amenity/games areas and open space area will be managed and maintained by Amicus Horizon Limited.

The applicant has advised that they are not intending that the road within the site to be adoption by the Highway Authority.

### **3.0 PLANNING CONSTRAINTS**

- 3.1 The application site is located within the built up area of Sittingbourne and within an established residential area.

### **4.0 POLICY AND OTHER CONSIDERATIONS**

#### **4.1 Adopted Swale Borough Local Plan 2008**

The following policies are relevant to the determination of the application:

Policy E1 - General development Criteria  
 Policy E9 - Protecting the Quality and Character of the Borough's landscape  
 Policy E19 - Achieving High Quality Design and Distinctiveness  
 Policy H2 - Providing for New Housing  
 Policy H3 – Providing for Affordable Housing  
 Policy T3 - Vehicle Parking for New Development

#### **4.2 Bearing Fruits 2013**

The emerging Local Plan Bearing Fruits 2013 is at an advanced stage and accordingly it is considered to be a material consideration and weight can be given to the relevant policies.

The following policies are considered to be relevant to proposal:

ST1 - Delivering sustainable development in Swale  
 CP3 – delivering a wide choice of quality homes  
 CP4 – requiring Good Design  
 DM7 – Vehicle parking  
 DM8 – Affordable Housing  
 DM14 – General development Criteria  
 DM 19 – Sustainable Design and Construction  
 DM20 – Renewable and low carbon energy

#### **4.3 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)**

The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) make clear that the overarching principle of the NPPF is a clear presumption in favour of sustainable development. In terms of determining applications this means approving development proposals that accord with the development plan without delay and granting permission in cases where the development plan is absent or out of date providing the development is in accordance with the policies contained within the NPPF (paragraph 14).

The NPPF also seeks to build a strong and competitive economy, supporting a prosperous rural economy and conserving and enhancing the natural and historic environment. Sustainable development is made up of a combination of economic, social and environmental factors and that the role of the planning system is to contribute to the achievement of sustainable development.

Local Authorities are advised to respond positively to opportunities for growth and should contribute to building a strong, responsive and competitive economy.

In promoting a healthy economy, the government states its commitment to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Importantly planning authorities are encouraged to consider the effective use of land by re-using land that has been previously developed (brownfield land) provided that it is not of high environmental value.

Delivering a Wide Choice of High Quality Homes, the NPPF requires that new residential development should be considered within the context of the presumption in favour of sustainable development. New developments should provide an adequate mix, size, type, tenure and range of housing, as well as seek to meet local affordable housing requirements.

Promoting Sustainable Transport: Transport Assessments/ Statements should seek to reduce the reliance on the use of private cars, and instead promote the use of more sustainable modes of travel such as walking and cycling.

The NPPF seeks to promote good design and states that the Government attaches great importance to the design of the built environment, a key aspect of sustainable development that is indivisible from good planning, which should contribute positively to making places better for people.

In March 2015, the NPPF incorporated nationally described space standards, which deals with internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal floor area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling heights.

The challenge of climate change is considered in Chapter 10 of The NPPF, which contains a set of broad-based policies to seek to address this in new development. The move to a low carbon future is supported and local planning authorities should plan for new development in locations and ways that reduce greenhouse gas emissions.

The NPPF also places significant emphasis on the issue of development viability. Its fundamental premise is that plans should take into account market signals such as land prices and housing affordability (para. 17). The NPPF goes on to make clear that "Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking". Furthermore, "to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable" (para.173).

**5.0 LOCAL REPRESENTATIONS**

5.1 197 neighbouring properties have been consulted but no representations have been received.

**6.0 CONSULTATION RESPONSES**

6.1 **Strategic Housing and Health Manager:** Fully supports the scheme to re-develop the site to provide 40 dwellings and advises that the accommodation schedule proposed accurately reflects what has previously been agreed.

6.2 **Environmental Protection Team Leader:** No objection subject to a condition to require the submission of a contaminated land assessment prior to the commencement of the development; a condition to control the hours of construction work and a condition to require the submission of a programme for the suppression of dust during demolition and construction works.

6.3 **Greenspace Manager:** Confirm that we would not seek any additional play contribution in relation to this scheme, just the relocation of the ball court and existing fitness equipment as part of the construction.

6.4 **Contract and Procurement Team:** The requirements for waste receptacles for the above planning application are as follows:

- 1 x 180ltr Green wheeled bin for refuse per dwelling at a cost of £39.50 per bin
- 1 x 240ltr Blue wheeled bin for recycling per dwelling at a cost of £39.50 per bin
- 1 x 23ltr Food bin per dwelling at a cost of £5 per bin
- 1 x 5 ltr Kitchen Caddy per dwelling at a cost of £1 per bin

Total for 40 dwellings = £3400

6.5 **Environment Agency:** We have assessed the application as having low environmental risk. Therefore we have no comments to make.

6.6 **Kent Police:** Kent Police were consulted and advise that the scheme is broadly acceptable but suggest that a meeting with the applicant to ensure that the opportunity to design out crime is not missed.

The applicant has met with Kent Police and it would appear that in light of the discussions it seems that the drawings do not need to be amended as such, but key points were identified and the applicant has confirmed that most of the measures which Kent Police Crime Prevention Design Advisor was seeking as good and endorsed design practice, had already been absorbed into the applicant’s employer’s requirements and are included in the Contractors scope and pricing for the tender of the construction of the development.

Appropriate measures to minimise the risk of crime can be secured by condition.

6.7 **Kent County Council Highways and Transportation:** Raise no objection subject to minor amendments and an extract from their response reads as follows:

*“The application has been submitted with the benefit of pre-application advice being given early on in the design process, and I am pleased that the submitted layout reflects the guidance that was provided at the time. The parking provision is in*

*accordance with the Kent County Council standards adopted by Swale Borough Council, and is generally located appropriately for the associated dwellings to avoid on-street parking that would otherwise be more convenient to the residents.*

*I concur with the Transport Assessment that has been prepared for this application, in respect to the impact on the highway network, as I do also consider that the traffic generation of the development proposals would not be materially different than the extant residential use of this site. Consequently, the proposals would not give rise to any concerns regarding the capacity of the local roads and access through Eagles Close to accommodate the level of traffic from these 40 new dwellings.*

*The only concern relates to the layout. Vehicular access to some of the parking spaces may be difficult to manoeuvre in or out of and would request that the following amendments be made to address this:*

- (i) The parking courtyard in the far north eastern corner of the site, in front of plots 26 to 29, does not have sufficient turning space for the end spaces outside plots 27 and 28. It is normally expected that an additional 1m length of access aisle is provided so that vehicles can manoeuvre in or out of these difficult spaces, as shown on page 87 of The Kent Design Guide.*
- (ii) Similarly, the far south eastern parking area also suffers from the same manoeuvring difficulty for the end space opposite the side of plot 33. Furthermore, access to all the three spaces is restricted, as a 6m turning aisle is normally required in front of the parking spaces. Here, the width of the aisle is less than 4.5m.*
- (iii). As with (i) and (ii) above, the end parking space opposite plot 7 does not have the additional 1m aisle length to cater for manoeuvring in or out of the space.*

*The above issues appear to be easily resolvable with some minor adjustments. Consequently, provided these amendments are made, I would have no objections to the proposals in respect of highway matters subject to conditions being attached to any permission granted as specified”.*

The above matter has been discussed with the applicant and it is considered these matters can be addressed through minor alterations to the parking layout and without the need for any changes to the layout of the houses. Accordingly a condition is proposed to require details of the parking layout to be submitted and approved before the development commences.

**6.8 UK Power Networks:** No objection

**6.9 Natural England:** *“Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which The Swale SPA and Ramsar has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site’s conservation objectives.1*

*In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which The Swale SSSI has been notified.*

*We therefore advise your authority that this SSSI does not represent a constraint in determining this application”.*

#### 6.10 **Kent County Council Drainage:**

*“No objection to this application subject to confirmation that the proposed re-use of the existing soakaways can be demonstrated to be viable.*

*We would therefore recommend that the following conditions are attached to the grant of any planning permission:*

*(i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall duration and intensities up to and including the climate change adjusted critical 100year storm) can be accommodated and disposed of within the curtilage of the site.*

*(ii) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:*

- i) a timetable for its implementation, and*
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.*

*Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.*

*(iii) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this may be given where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.*

*Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework”.*

#### 6.11 **KCC Ecology** advise:

*“The Preliminary Ecological Appraisal has been submitted in support of this application. It is disappointing to note that the desktop data search was restricted to only reptiles and amphibians; it is good practice for all notable and protected species data to be sought to inform conclusions regarding the potential for ecological impacts to arise.*

*The potential for reptiles, breeding birds and hedgehogs to be present on the site and affected by the proposed development is identified in the Preliminary Ecological Appraisal. Mitigation recommendations in respect of potential impacts to hedgehogs and breeding birds are provided in the report; we advise that the implementation of these measures should be secured by condition, if planning permission is granted.*

*With regards to reptiles, a specific reptile survey is recommended in the report but does not appear to have been carried out. We advise that the reptile survey must be carried out, with the results and any necessary mitigation proposals submitted to inform the determination of the application, ensuring appropriate regard to Government guidance and planning policy.*

*The proposed development site is within the strategic mitigation zone for The Swale SPA. It is not entirely clear what the current level of residential use of the site is, as compared to that proposed and we advise that if the proposed development will result in an increase in properties then a contribution to the strategic mitigation will be necessary to avoid the need for a Habitats Regulations Assessment.*

*One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”. In addition to ensuring that appropriate mitigation for identified ecological impacts is implemented, Swale BC should seek to secure ecological enhancement measures within the proposed development, if planning permission is granted.*

*Enhancement recommendations are provided in the Preliminary Ecological Appraisal and we advise that some or all of these could be appropriate; the detailed specifications should be secured by condition, if planning permission is granted”.*

The matter of the impact on ecology is discussed below in paragraph 7.6.

- 6.12 **KCC Community Services:** *“As the development seeks to reduce the number of households from 78 to 40, KCC will not be requiring any contributions towards: Community Learning, Youth service and Libraries.*

*However, as 78 flats (majority (60) being 1 bedroom and below the County Education ‘applicable’ threshold of 56sqm GIA) are being replaced by 40 houses above the County Education ‘applicable’ threshold, the proposed houses generate a higher number of school pupils in occupation, than the existing flatted development.*

*The calculated net increase in the number of Primary & Secondary pupils in occupation upon the site under the proposed development, based upon adopted Pupil Product ratios is as follows:*

*Primary Education: 40 Applicable houses 11.2 18 Applicable flats 1.26 9.94 pupils*

*Secondary Education: 40 Applicable houses 8 18 Applicable flats 0.9 7.1 pupils*

*Primary Education: (9.94 pupils) £8,432.00 £83,814.08 Towards Phase 1 expansion of Murston Primary School*

*Secondary Education (7.1 pupils) £11,799.00 £83,772.90 Towards Phase 2 extension of Sittingbourne Academy*

*Adult Social Care: Delivery of 1 Wheelchair accessible Home as part of the affordable housing”.*

Therefore a total developer contribution of £167,586.98 is required.



- 6.13 **Kent Wild Life Trust:** No response.
- 6.14 **Lower Medway Internal Drainage Board:** Confirm that *“this site is located outside of the Lower Medway IDB’s district and, provided that details of the proposed SuDS are agreed in direct consultation with KCC’s drainage and flood risk management team, IDB interests should not be affected by this proposal”*.
- 6.15 **Southern Water:** Advised *“that a public sewer and water distribution pipe are located on the site. Advise it might be possible to divert the public foul sewer, so long as it would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developers expense to the satisfaction of Southern Water. The developer must advise the local planning authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewer, prior to the commencement of the development”*.
- 6.16 **UK Power Networks:** No objection.

## 7.0 APPRAISAL

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

- The Principle of the Proposed Development:
- Design and Layout:
- Impact on amenity:
- Highways Impacts:
- Ecological Impacts:
- Trees:
- Affordable Housing/Financial Contributions

### 7.2 Principle of Development

The application site lies within an established residential area of Sittingbourne. The redevelopment of this existing flatted housing site to provide an alternative mix of affordable housing is therefore acceptable as a matter of general principle.

The proposal has been the subject of detailed negotiation and discussion with the Borough Council including consultation with the Council’s Strategic Housing and Health Manager. It has been confirmed that the proposal to re-develop the site to provide 40 No. dwellings based on a mix of units accurately reflects what has been agreed with the applicant.

It is understood that the applicant organized and has carried out consultation events with the local school and residents, which culminated in two drop in events during August 2015.

I draw to Members’ attention that this application would normally fall to be determined under delegated powers but in this case authority from Members’ is required to enter into the S106 Agreement.

### 7.3 Design and Layout

The general design concept and the layout of the proposal has been the subject of pre-application consultation with Officers of the Council in June and July 2015 and are considered to be acceptable.

The application proposal seeks to redevelop the existing three residential blocks of social housing, which have inherent features that have served to increase a number of social problems within the area. There are a significant number of bedsits, which are no longer in demand and a number of 3 bed units with no private amenity space.

The current 4 storey flat blocks are not considered to contribute in a positive sense to the appearance of Ceres Court, Eagles Close or the character of the area in general. The development is visible from Gorse Road and the adjoining development to the north and to some extent it is out of keeping with the character of the area which is generally made up of two storey houses. Furthermore the close proximity of the neighbouring house in Eagles Close and Portland Road can be considered to be harmed by the height and the scale of the existing four storey flatted development.

The proposed redevelopment of the site will provide contemporary designed, good quality family housing with good quality landscaped public amenity space and private Amenity space for each dwelling. The introduction of two storey housing will assimilate well and make a positive contribution to the built character of the area and would accord more closely with the grain and pattern of the neighbouring development.

The proposal will result in a reduction in the overall site density and total number of units. This will greatly improve living conditions of the future occupiers of the new homes as well as bringing about a significant improvement of the character of the surrounding environment. Furthermore the proposed range and size of the units will importantly meet the identified need as confirmed by the Council's Strategic Housing and Health Manager.

The contemporary design is clearly different to the style and character of the existing, neighbouring residential development however it is considered that the introduction of a more modern design approach will bring an element of freshness to the area and would sit comfortably with the adjoining existing development.

The design/layout of the scheme arranges the units around a centralised amenity space, which will provide natural surveillance within the site. The existing footpath link to Gorse Road will be maintained, but reconfigured. This will provide a visual and physical connection to the surrounding area and a direct walking link to the nearby Primary School.

The northern view of the site is currently dominated by the four storey flatted development which creates an imposing and overpowering impression from the existing two storey housing to the north and is exacerbated by the elevated position of the site. The replacement of the flatted development with two storey housing will result in a marked reduction in scale and mass close to the northern and thus will be more in keeping with the scale of the neighbouring housing. The southern edge of the development will also provide for a much improved aspect to the adjoining two storey housing in Eagles Close.

The level nature of the site will provide the opportunity to create a pleasant central landscape amenity space giving the development a sense of place with an open space with hard and soft landscaping and public seating areas.

The Gorse Road perimeter is separated from opposite housing by the existing landscape amenity area and by significant special separation. It is important that the northern edge of the development is clearly defined. At present this is marked by brick wall approximately 1.2 metres high. It is considered that this should be replaced by a

similar wall rather than timber fencing to provide longevity and therefore a condition is suggested to secure details of the boundary treatment.

Details of the materials proposed for the development include red and buff bricks together with weatherboarding and concrete tiles which are common features in the locality. However, it is considered that precise details of the external finishes to the buildings should be secured by condition.

The overall design approach is considered to present an appropriate balance through introducing a contemporary design and optimising the development potential of this site whilst at the same time respecting the built character of the area and bringing forward new high quality houses to meet an identified need.

#### **7.4 Residential Amenity**

In general terms the design and the layout of the proposal is acceptable and accords with aims of Kent Design.

However, I am concerned that plots 3, 4 9 and 10 will result in overlooking and loss of privacy to the rear private amenity space of numbers 2 and 12 Eagles Close. This matter has been raised with the applicant and I can advise Members that the applicant has submitted amended drawings which adequately address the issue of overlooking to the neighbouring properties.

This has been achieved through a change to the design of the first floor windows at the rear of plots 3, 4, 9 and 10 by the introduction of box bay windows. The front face of the box bay would be fitted with obscure glazing and clear glazing to the returns. This would afford some view to either clear glazed side panels but importantly would prevent directed views to the rear private space of the neighbouring properties. This arrangement will at the same time provide good natural light levels to the bedroom spaces of the new dwellings.

In order to ensure that this arrangement is maintained in perpetuity an appropriate condition is recommended.

#### **7.5 Highway Impacts**

The application has been assessed by Kent County Council Highways and Transportation and it has been confirmed that no objection is raised to the proposal.

It is confirmed that in respect of the impact on the highway network, that the traffic generation of the development proposals would not be materially different than the extant residential use of this site. Consequently, the proposals would not give rise to any concerns regarding the capacity of the local roads and access through Eagles Close to accommodate the level of traffic from these 40 new dwellings.

Pedestrian connectivity to the surrounding areas is maintained, although the proposals do

involve the stopping up of some existing public highway to accommodate the new layout of this development. However, this is acceptable and was discussed during the early engagement between the Highway Authority and the applicant. The proposed layout has been designed to maintain access through the site for car and HGVs, including service vehicles such as the fire appliance and refuse freighter.

Minor changes to the parking layout will be required to ensure proper access to the parking spaces but this can be secured by the suggested condition (4) as set out below.

## 7.6 Ecological Impacts

Member will be aware that this is an urban and managed site with trees and boundary vegetation, areas of mown grass, hard surface roads and footpaths and hard surface play areas. The applicants' Preliminary Ecological Appraisal does, however, identify that the site has high potential to support breeding birds within the trees and the memorial garden and the vegetation offers some potential for slow worms (*Anguis fragilis*) and recommends that a reptile survey looking at presence/absence is carried.

The biodiversity value of the application site has been fully assessed by KB Ecology, on behalf of the applicants and included a desktop study, habitat survey and fauna survey. The assessment concentrated on the recording of the potential presence of any protected, rare or notable species, with specific consideration in respect of bats and badgers and birds.

The assessment concludes that, based on the evidence obtained from the ecological survey work undertaken and with the implementation of the recommendations set out in it, there is no reason to suggest that any ecological designations, habitats of nature conservation interest or any protected species would be significantly adversely affected by the proposals.

KCC Ecology advise that a reptile survey must be carried to inform the determination of the application.

This issue has been raised with the applicant and I will report further to Members on this matter and on the matter of breeding birds at the meeting.

As noted above Natural England have raised no objection to the proposal and further advise if the proposal is undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Swale SPA and Ramsar has been classified. Natural England therefore advises that the Council is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.<sup>1</sup>

In addition, Natural England are satisfied that the proposal, subject to it being carried out in strict accordance with submitted details will not damage or destroy the interest features for which The Swale SSSI has been notified and the SSSI does not represent a constraint in determining this application.

Members will be aware that the Statement of Common Ground which has been drawn up with Natural England in support of the Local Plan sets out an agreement between the Council and Natural England in respect of development proposals that impact on The Swale SPA and Ramsar site and in such cases a tariff of £223.00 per dwelling is set.

In this case, however ever, it is important to note that the site currently comprises 78 residential units. 30 No. studio units, 30 No. one bedroom units and 18 No. three bedroom units (total of 114 bed spaces). The proposed scheme as noted above is for 40 No. units comprising 4 No. one bedroom units, 20 No. two bedroom units and 16 No. three bedroom units (total of 92 bed spaces). In view of the reduction in the total number of units and bedroom spaces compared to the existing situation, it is

considered that in this case there will be no increased impact on the designated SPA and accordingly the developer tariff contribution for mitigation is not required in this case.

## 7.7 Trees

The site includes a number of established trees (46 No.) both within the site and on the boundary adjacent to the site. An Arboricultural Impact Assessment has been carried out (by DF Clark Bionomique Ltd) in support of the proposal and this assesses the importance of trees and the impact the development may have on trees and the effect that retained trees may have on the development.

The report highlights that the tree population within the site is largely confined to the existing central courtyard area, the eastern boundary of the site and adjacent to the existing sports facility. There are also a number of semi mature and mature broadleaf trees outside the footprint area to the north of the site on Gorse Road.

The trees on site comprise mixed broadleaves both within the site and on land to the north next to Gorse Road provide an enhancement to the visual amenity of the site and the immediate surrounding area.

The development proposal includes the removal 13 individual trees to facilitate the proposed development. These are located within central court yards area, on the eastern and northern boundary and next to the multi-use games area.

The removal of the trees will have some impact upon the visual amenity of the site and to a lesser extent on the surrounding area. However, it is considered that on balance, the loss of the trees is not such that would result in serious harm to the character of the area such to justify the refusal of this scheme on this ground alone bearing in mind that the majority of the trees on the site and immediately adjoining the site will be unaffected by the proposal.

The scheme includes new landscaping which will help mitigate the loss of the trees. Full details of the new landscaping, to require the submission of a detailed arboricultural method statement, tree protection measures and ground protection details before the development is commenced can all be secured by the imposition of appropriate conditions. The new trees and soft landscaping will be chosen with an emphasis not only on visual amenity, but also to encourage biodiversity and the use of indigenous species.

## 7.8 Affordable Housing/Financial Contributions

Member will note that this proposal is for 100% affordable housing based on 75% affordable rent and 25% shared ownership. Notwithstanding the terms of the application it is appropriate to require the applicant to enter into a S106 agreement to secure the provision of affordable housing in perpetuity.

With regard to other contributions, Members will note paragraphs 7.3, 7.4, and 7.12 above where requirements for financial contributions are set out. In addition a 5% monitoring charge is payable.

This matter is currently the subject of discussion with the applicant. An up-date on the progress of this will be provided to Members at the meeting.

## 8.0 CONCLUSION

- 8.1 The proposal will provide for the redevelopment of the existing flatted development and provide 40 No. small and family sized residential units within a sustainable location within the urban confines of Sittingbourne.
- 8.2 It is considered that the proposal will bring about a significant improvement to the built character and townscape of this part of Sittingbourne and importantly will bring about an improvement to the living conditions of the future occupiers compared with the existing flatted development. The proposed layout will provide for private amenity space for each unit together with a central landscaped amenity area combining hard and soft landscaping. Parking would be provided for each unit and adequate space would be provided for servicing and access for emergency vehicles.

## 9.0 RECOMMENDATION

- 9.1 Subject to the submission of a reptile survey and any further conditions recommended by KCC Ecology with regard to breeding birds that the Head of Planning be given DELEGATED POWERS TO APPROVE this application subject to the completion of a suitable S106 legal agreement that ensures the provision of the following:

- (1) The provision of affordable housing;
- (2) A contribution of £83,814.08 towards primary education.
- (3) A contribution of £83,772.90 towards secondary education.
- (4) A contribution of £3,400 towards refuse/recycling bins.
- (5) A suitable contribution towards the monitoring of the S106 legal agreement.

and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

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

2. Prior to commencement of the development, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed in accordance with the approved materials.

Reason: To ensure a satisfactory appearance to the development.

3. Prior to commencement of the development, written details and samples of the materials to be used in the construction of the hard surface landscaping areas have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed in accordance with the approved materials.

Reason: To ensure a satisfactory appearance to the development.

4. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority details of vehicle parking and turning spaces.

Reason: Development without provision of adequate accommodation for the loading, off-loading and turning of vehicles is likely to lead to such activities inconvenient to other road users and detrimental to highway safety and amenity.

5. The area shown on the plans approved under condition 4 as vehicle parking and turning space shall be paved and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for the loading, off-loading and turning of vehicles is likely to lead to such activities inconvenient to other road users and detrimental to highway safety and amenity.

6. The proposed estate 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, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

7. Before the first occupation of a dwelling / premises the following works between that dwelling / premises and the adopted highway shall be completed as follows:
  - (A) Footways and/or footpaths shall be completed, with the exception of the wearing course;
  - (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
    - (1) highway drainage, including off-site works,
    - (2) junction visibility splays,
    - (3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

8. No development shall take place until details of all fencing; walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority. This shall include the provision of brick wall on the northern boundary of the site and the enclosure of the parking areas of a The development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter.

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

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

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity and to ensure that such matters are agreed prior to the commencement of development.

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

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

11. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

12. No development shall take place until a method statement detailing the materials and construction of the hard surfaces in accordance with the principles set out in the current edition of BS 5837 and other current best practice guidance, has been submitted to and approved in writing by the local planning authority.

Reason: To protect the RPA of retained trees on the site.

13. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of within the curtilage of the site.

(ii) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.



Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

14. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this may be given where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

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

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

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

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

17. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

18. As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and road safety.

19. No dwelling shall be occupied or the approved use commenced until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for cycles to be securely sheltered and stored.

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

20. 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 - 1800 hours, Saturdays 0830 - 1300 hours unless in association with an emergency or with the prior written approval of the District Planning Authority.

Reason: In the interests of residential amenity.

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

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

Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure any contaminated land is adequately dealt with, in pursuance of policies E1-E3 of the Swale Borough Local Plan 2008.

22. No asbestos associated with the demolition of the existing buildings shall remain on the site.

Reason: In the interests of appropriate contamination control and in pursuance of policy E1 of the Swale Borough Council Local Plan 2008

23. The commencement of the development shall not 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 in writing by the District Planning Authority. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the District Planning Authority.

Reason: In the interests of residential amenity.

24. No development shall commence until details of foul and surface water drainage have been submitted to and proved by the Local Planning Authority (in consultation with Southern Water) including details to divert the public sewer and the development shall be carried out in accordance with the approved details.

Reason: in the interests of public health

25. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: for the condition: In the interest of Security, Crime Prevention and Community Safety and in accordance with the guidance within The Kent Design Initiative (KDI) and protocol dated April 2013.

26. The window details shown for the first floor windows at the rear of plots 3, 4, 9 and 10 on drawings (PA) 010 P3, (PA) 011 P2, (PA) 012 P2, (PA) 019 P4 and (PA) 020 P2 shall be installed in accordance with the approved details before the first occupation of the dwellings and be retained and maintained all times thereafter.

Reason: In the interests of the amenity and the privacy of the occupiers of the neighbouring properties.

#### INFORMATIVE

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

The Council's approach to this application:

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

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

The application was the subject of Pre-Application consultation and advice was provided by the Council's Planning Officer.