

REFERENCE NO - 16/505982/FULL			
APPLICATION PROPOSAL			
Erection of two detached buildings comprising (i) two A1 retail units and (ii) an A3/A5 drive-thru restaurant, and associated parking (Alternative development to site 6 under application 14/505440).			
ADDRESS Depot Eurolink Way Sittingbourne Kent ME10 3HH			
RECOMMENDATION - That delegated powers are given to officers to grant planning permission, subject to the completion of a S106 agreement to control the implementation and phasing of the development as part of the wider regeneration project in the town, no adverse comments from Kent County Council Highways with regard to the revised layout, to resolution over the ability to comply with BREEAM standards and subject to the formal issue of planning permission 14/505440.			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL			
The development is not wholly in accordance with adopted and emerging Development Plan policies. However as part of the wider package of regeneration works across the town centre and likely significant economic benefits that would arise from this, together with the fallback position of application 14/505440 for retail development on this site, the overall planning balance is that permission should be granted subject to some restriction on the retail goods sold as set out in the planning conditions below.			
REASON FOR REFERRAL TO COMMITTEE			
Due to the significance of the development as part of the wider Spirit of Sittingbourne project, and because the development would take place on land owned by Swale Borough Council as part of a development partnership with the Spirit of Sittingbourne, and for authority to enter into a Section 106 agreement.			
WARD Chalkwell	PARISH/TOWN COUNCIL	APPLICANT The Spirit Of Sittingbourne LLP AGENT Goddard Planning Consultancy	
DECISION DUE DATE 03/11/16	PUBLICITY EXPIRY DATE 28/09/16	OFFICER SITE VISIT DATE Various from August to November	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/505540	Proposed mixed use development - on six parcels of land - of 212 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	Pending Decision – resolution to grant subject to completion of a S106 agreement	Not yet issued

	and the creation of a new public square in Sittingbourne Town Centre, in front of the railway station.		
SW/80/0050	New Council Depot	Approved	25/03/80
16/506081	Detached four storey building comprising ground floor restaurant space (use class A3) and 63 bedroom hotel (Alternative development to site 4, Block B under application 14/505440/FULL).	Under consideration within this agenda	

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 Members will be well aware of the “Spirit of Sittingbourne” development proposals which span across six sites and which Members have resolved to grant permission under application 14/505440. The application has not been formally granted to date, as there are outstanding matters which remain to be completed. For the purposes of this committee report, I shall refer to it as the “original” scheme.
- 1.02 This application seeks to make revisions to the original scheme for a retail park on site 6 – known as the Depot or “big box” site, located on the junction of Milton Road and Eurolink Way and immediately to the north of the railway line. This site was formerly used by Biffa as a waste transfer centre and contains two buildings surrounded by hard-standing. Much of the site boundary with both Milton Road and Eurolink Way is enclosed by tree and shrub growth of various species.
- 1.03 The site measures 1.044 hectares. Land levels vary across the site, with a rise in level of around 1 metre from north to south, and 2 metres from west to east. Due to these differing levels within the site and surrounding area the site is elevated by around 1.5 metres above Milton Road on the west boundary, and this reduces to a difference of around 0.5 metres on the eastern boundary of the site with Eurolink Way.
- 1.04 The Sittingbourne retail park lies to the north of the site on the opposite side of Eurolink Way, and the Morrisons supermarket is located further to the west on the opposite side of Milton Road.

2.0 PROPOSAL

- 2.01 The original scheme for the site provided a total of 3158 sqm of retail space contained within 4 units of approximately 8.6 metres in height, together with 105 parking spaces. The approved scheme included a planning condition to restrict the type / nature of goods sold from the site, as well as a restriction on the minimum size of the units.
- 2.02 This application seeks to reduce the quantum of retail floor space to 2421 sq.m. and introduce an A5 food takeaway facility on the site (167 sq.m.) , together with design and layout changes and an increase in car parking to 135 spaces. The retail floor space would be split between two units.
- 2.03 Members will no doubt be aware from local media that the applicant is in discussion with the Food Warehouse, Home Bargains, and Costa Coffee to occupy the proposed units. The application details and drawings include reference to these companies,

although Members will be aware that a planning permission runs with the land and would not restrict occupation to these companies only.

- 2.04 The application seeks an unrestricted retail use for the proposed units, i.e. free from the same or similar conditions imposed under the original scheme that restrict the nature of goods that can be sold from the premises. The conditions in question – namely numbers (28) and (44) from the report to committee on 10th March 2016 for 14/505440/FULL are discussed at paragraph 9.03 below.
- 2.05 The proposed changes in layout are partly in response to the revised quantum of floor space now proposed, but also involves a re-siting of the retail buildings. These units would have main frontages facing into the site and towards the main bulk of car parking in the centre of the site. As a result, the service yard for both retail units would be adjacent to the railway line and also to Milton Road, and the side elevation of unit 1 would face onto Eurolink Way.
- 2.06 The proposed retail units would measure approximately 56 metres in length, up to 48 metres in depth, and 9 metres in height. The plans also show that the site would be levelled, and as a result the retail units would be sited approximately 2-2.5 metres above the level of Milton Road and also the level of Eurolink Way to the west side of the site.
- 2.07 Due to the siting changes to re-orientate the main face of the building and create a greater amount of car parking in the centre of the site, the proposed retail units would be sited much closer to Eurolink Way than the original scheme. Unit 1 would be sited around 5 metres from the boundary of the site with Eurolink Way, whereas the units in the original scheme would be sited around 25 metres from this boundary. As a result of this, the proposed units would also occupy a greater length along Milton Road than the approved scheme, although the building would be sited slightly further from the boundary with Milton Road, at around 6.5 metres minimum compared to 4 metres under the original scheme.
- 2.08 The proposed takeaway unit would be sited on the eastern side of the site and would include a drive-through facility. It would measure around 5.25 metres in height, 16 metres in length and 11 metres in depth. At this point, the floor level of the unit would be just under 1 metre higher than pavement level at Eurolink Way.
- 2.09 Soft landscaping would be accommodated primarily on the north and west boundaries of the site, adjacent with Milton Road and Eurolink Way. This includes proposals to retain the existing landscaping along much of the length of Milton Road.

3.0 SUMMARY INFORMATION

	Proposed scheme	“Original scheme”	Existing site
Site Area (ha)	1.044 ha	1.044ha	1.044ha
Approximate Ridge Height (m)	9m	8.6m	9.8m
Approximate Eaves Height (m)	8.5m	8.4m	8.5m
Approximate Depth (m)	48m max	72m max	45m
Approximate Length (m)	56m max	46m max	49m
No. of Storeys	one	one	one
Net Floor Area	2,588 sqm	3,217 sqm	2373 sqm
Parking Spaces	134	105	Not marked

4.0 PLANNING CONSTRAINTS

Within built confines of Sittingbourne
 The town centre boundary line runs immediately to the south of the railway line
 Within a Proposed Regeneration Area
 Groundwater Source Protection Zone

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)(2012)

- 5.01 The following paragraphs are considered to be of particular relevance to this development.
- 5.02 The NPPF has at its core the presumption in favour of sustainable development, and paragraph 7 sets out the following three dimensions to this term:
- “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.”
- 5.03 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... “ .
- 5.04 Paragraph 12 states that the NPPF “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.”
- 5.05 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...”
- 5.06 Paragraph 17 defines a set of core planning principles, including promoting the vitality of our main urban areas, making effective use of brownfield land, and focusing significant development in locations which are or can be made sustainable..
- 5.07 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.”
- 5.08 Paragraph 23 sets out that planning policies should be positive towards the management and growth of town centres over the plan period, should recognise town centres as the heart of the community and pursue policies to support their vitality and viability. Suitable sites should be allocated to meet the scale and type of development needed in town centres. Appropriate edge of centre sites should be allocated for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites are not identified, policies should identify other accessible locations that are well connected.

- 5.09 Paragraph 24 states that a sequential test should be applied to planning applications for main town centre uses [which include retail and drive-through restaurants] that are not in an existing centre and are not in accordance with an up-to-date Local Plan.
- 5.10 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 centres and where the development would not accord with an up-to-date Local Plan. 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.
- 5.11 Paragraphs 56 to 68 attach importance to good design. Paragraph 56 states 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.” 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.”
- 5.12 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”.
- 5.13 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.”
- 5.14 Paragraphs 203 to 206. refer to the use of planning conditions and obligations.
- 5.15 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.

The Swale Borough Local Plan (2008)

- 5.16 The following policies of the SBLP (2008) have been ‘saved’ and are of relevance.
- 5.17 The site is located in Area Action Plan 8 which covers the Milton Creek area and adjoins the Town Centre Area Action Plan (AAP7) to the south of the railway). AAP8 allocates the land for a mixed use development comprising at least 1000 new homes, retail and leisure development. It specifies that development will take place in accordance with an overall master plan, in line with Policy B27, will complement / link with the town centre, and will require development to be of the highest design standard.
- 5.18 Policy B27 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.*”
- 5.19 Policy B4 seeks to control the location of new retail development. It states that such development will only be permitted for allocated sites or the town centre Area Action

Plans. Elsewhere and beyond town centre locations, an impact assessment will be required to demonstrate that town centres would not be undermined.

- 5.20 The following policies from the SBLP 2008 are also applicable: SP1, SP2, SP3, SP6 (strategic policies), TG1 (Thames Gateway), E1 (general development criteria), E10 (trees and hedges), E11 (biodiversity), E12 (biodiversity sites), E19 (high quality design), B1 (retaining employment), B2 (providing new employment), 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).

The emerging “Bearing Fruits” Local Plan (with Proposed Main Modifications)

- 5.21 The local plan is currently subject to main modifications following the examination in public earlier this year. A further examination will take place early next year, after which the plan will form the adopted development plan for the Council. Despite the current unadopted status of the plan, it has been tested through the examination process and weight can be given to the policies contained within it.
- 5.22 Policy Regen 1 is the main policy pertaining to Sittingbourne town centre and brings forward those elements of previous policy (notably from AAP8 and B27 of the adopted Local Plan, which are still relevant and is in accordance with the NPPF. Consequently, there are not any significant unresolved objections to this policy and significant weight should be applied to it, 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, Bell Road 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;*
- 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.*
- 9. Ensure that, through both on and off site measures, any significant adverse impacts on European sites through recreational pressure will be mitigated in accordance with Policies CP7 and DM28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy; and*
- 10. Provide infrastructure needs arising from the development, including those matters identified by the Local Plan Implementation and Delivery Schedule, in particular those relating to transport, libraries and health*

- 5.23 Members will also note the supporting text on Pages 235 (paragraph 6.7.24 onwards) to 239 in relation to this policy.
- 5.24 Policy DM2 sets out that main town centre uses should be located within existing town centres. Any edge of town or out of town proposals must demonstrate, via an impact assessment, that the development would not undermine the viability and vitality of existing centres, prejudice the provision of other land uses, and should be well located to the road network and accessible by public transport, pedestrians and cyclists.
- 5.25 Policy ST5 sets out that developments should ensure the vitality of Sittingbourne town centre by enhancing its retail offer and attractiveness to secure local spending and jobs, and provide improved spaces, better north-south links, and buildings of architectural excellence.
- 5.26 The following policies are also relevant: ST1 (delivering sustainable development in Swale), ST3 (settlement strategy), ST4 (meeting development targets), CP4 (requiring good design), CP7 (natural environment and green infrastructure), DM1 (town centre vitality and viability), DM6 (managing transport demand), DM7 (vehicle parking), DM14 (general development criteria), DM19 (sustainable design and

construction), DM20 (renewable and low carbon energy), and DM21 (water, flooding and drainage).

Supplementary Planning Documents

- 5.27 The Sittingbourne Town Centre and Milton Creek SPD was adopted in 2010 and sets out a masterplan for the regeneration of the town centre and Milton creek area. The SPD involved major expansion of the town centre towards the railway line and over it, including a bridge connection. Such proposals for the town centre have largely not materialised to date.
- 5.28 As set out above, the emerging local plan policy (Regen 1) sets out a revised approach for the development of the Town centre, based on latest evidence and likelihood of implementation, and this has resulted in proposals for a smaller scale form of regeneration.

6.0 LOCAL REPRESENTATIONS

None received

7.0 CONSULTATIONS

Kent Highways

Original comments

- 7.01 The general concept of (the approved) scheme and its impact on the highway network has been accepted, and the changes to the highway layout associated with it are to be finalised through the detailed design stage of the Section 278 Agreement. The Transport Statement (TS) submitted in support of this revised scheme therefore assesses the difference between the previously proposed retail only use of the site, and that of a smaller retail element and A3/A5 drive-thru restaurant now being planned.
- 7.02 TRICS analysis has been used to predict the vehicular trip attraction associated with the site, and this has suggested that the current proposal is likely to generate 3 less vehicle movements on the highway network during the weekday AM peak hour, 9 less during the PM peak, and 3 less during the Saturday peak hour compared against the previous scheme. I am happy that the methodology used to identify the traffic impact is appropriate, and as the net traffic effect would be less than had been accepted before, I would not have any concern over the traffic volumes associated with the new proposal.
- 7.03 The parking provision now proposed would equate to an amount totalling 86% of the maximum suggested by the relevant standards, which is an increase from the former scheme that was only to provide 66% of the maximum. This would therefore allow more availability for parking on the site than has previously been accepted, and is nearer the permitted maximum number that would be allowed.
- 7.04 As before, the vehicular access into the development would be revised from the existing arrangement that served the former depot, to include an island that would physically prevent right turn vehicle movements out of the site, and accommodate pedestrian crossing facilities. This ensures that pedestrians would not have to cross a

wide junction mouth all in one go, instead being able to take refuge between each traffic stream.

- 7.05 However, the new proposal does invariably change the internal layout of the development, and I have the following comments to make in respect of matters that need further consideration:
- The direct pedestrian route that had been made available between the development and the zebra crossing on Milton Road adjacent to the Morrison's superstore has been replaced with a flight of steps leading onto Eurolink Way. This results in a more tortuous and less direct route to link the development with the town centre, particularly as the introduction of steps will prevent wheelchair users and pushchairs from taking advantage of it. I would like to see the flush route provided along similar lines to what had previously been agreed.
 - There is no direct pedestrian route between the proposed Drive-Thru unit and the main retail buildings, where previously a central corridor had been provided along the desire line. Pedestrians are unlikely to divert up to the junction crossing point.
 - Vehicles entering the development could encounter vehicles with minimal warning emerging from the parking spaces adjacent to the drive-thru lane. A speed restraint feature should be located north of these parking spaces to slow traffic. It might be possible to incorporate this with a pedestrian crossing point to address item 2 above, perhaps using a raised table.
 - There is insufficient turning space at the end of the drive-thru car park to turn a vehicle around if all the parking bays are in use. An 8m by 8m area for this purpose would normally be sufficient.
 - I note that the service yard is not large enough to provide vehicle access as far as the service door for Unit 1, so goods will have to be transferred over a fairly long distance between the delivery vehicle and this door. Whilst not ideal, I accept that this will not have any bearing on the operation of the public highway, and the operator of that retail unit will have no choice but to manage deliveries in that manner. Provided they are comfortable with that forced arrangement, this should not be an issue.

Further Comments

- 7.06 The applicant has submitted an amended layout plan which seeks to address the points raised by Kent Highways. The A5 takeaway unit has been re-orientated and the access to the drive-thru element of this proposal has been amended to reduce the likelihood of problems with queuing traffic. A pedestrian route has been provided through the development. Comments on these amendments are awaited from Kent Highways, and will be reported to Members at the meeting.

The Environment Agency (summarised)

- 7.07 No objection, subject to the application of planning conditions relating to contamination and protection of controlled waters.

Kent County Council Flood and Water Management (summarised)

- 7.08 No objection subject to a condition to require details of a sustainable drainage scheme to be submitted.

Southern Water (summarised)

- 7.09 Advise that, following an initial desk top study, Southern Water currently cannot accommodate the needs of the application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to the NPPF. Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system. Should the LPA be minded to approve the application, Southern Water would request a condition to require a drainage strategy to deal with the means of foul disposal. Re surface drainage, any SuDS will need to include arrangements for long term management and maintenance, and will not be adoptable by sewerage undertakers.

Lower Medway Internal Drainage Board

- 7.10 The site of this proposal is outside of the IDB district and is unlikely to affect IDB interests provided that surface water runoff is appropriately managed. Details of site drainage, and its future maintenance, should be agreed with KCC's drainage and flood risk team.

Network Rail (summarised)

- 7.11 No objection provided that the development does not encroach / undermine / affect the safety or operation of Network Rail land. All buildings should be sited at least 2 metres from the boundary with Network Rail to avoid maintenance issues.

UK Power Networks

- 7.12 No objection

Natural England (summarised)

- 7.13 No objection but point towards the use of NE standing advice on protected species, and the process for notification in relation to the Swale SPA / Ramsar / SSSI.

Kent Police

- 7.14 Advise that the applicant should contact Kent Police to discuss crime prevention. If no contact is made, Kent Police suggest that a condition be included as part of the planning approval to ensure crime prevention is addressed effectively.

Kent County Council Rights of Way team

- 7.15 Do not wish to make comment.

SBC Economy and Community Services Manager

- 7.16 The application seeks to improve and extend the current retail offer as well as the 'dwell time' of those wishing to spend leisure and recreation time in the area facilitating economic growth, creating jobs and retaining expenditure in the local economy. The current proposal will have both community and visitor appeal as it adds value and provides choice within the limited infrastructure in and around Sittingbourne.

Environmental Health Manager

- 7.17 No objections subject to conditions relating to contamination, and construction works.

Tree Consultant

- 7.18 In general the landscaping details as shown on drawing no V13003A-L01B by Vector Design Concepts appears reasonable and uses a good mix of native and non-native stock. The introduction of trees within the main car parking area to the front of units 1 & 2 is welcomed although as discussed the successful establishment of these tree will be down to ensuring the planting pits are sufficient enough to provide adequate rooting volume as the trees mature. Therefore, I would like to see further details on the size and construction of the tree pits to be used within the hard surfaced areas.

Kent County Council Ecology

- 7.19 No objection regarding impacts on protected species, but advise that the detailed mitigation and enhancement measures must be implemented as a condition of the planning permission. Advise that consideration should be given to the impacts of the wider development on the Swale SPA, Ramsar and SSSI.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The application has been submitted with full drawings, including site plan, elevation plan, floor plan, section plan, and Computer Generated Images (CGI) of the site. In addition, the following documents have been submitted with the application – Planning, Design and Heritage Statement, Transport Assessment, Economic Benefits Assessment / leaflet, Retail Addendum note, Air Quality Assessment, Arboricultural Survey, Archaeological Assessment, Contamination Assessment, Flood Risk Assessment, Heritage Impact Assessment, Landscape Review, Ecological Appraisal, Noise and vibration Assessment, Surface and Foul Water Assessment, Utilities Assessment. Some of these documents are the same as those submitted for the original application. Others are specific to this development.

9.0 APPRAISAL

Principle of Development

- 9.01 The principle of developing the site as a retail park is clearly established under the approved scheme, subject to the conditions imposed on the development. The current scheme differs insofar that the quantum of retail floor space has been reduced, and a food takeaway facility has been added. The applicant also seeks unrestricted retail use for the units, whereas the approved scheme included a planning condition to restrict the type and nature of goods to be sold from the site, and a second condition to prevent sub-division and to impose a minimum unit size of 510sqm gross floor space. It is important to consider the likely effects of these revisions on the existing town centre.

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

- 9.02 Members will note from Section 5 above that the regeneration of Sittingbourne town centre is a key local strategic policy within both the adopted and emerging local plan. Both policies AAP8 of the adopted plan and Regen 1 of the emerging plan seek to enhance retail choice and provision through development proposals and to provide additional comparison retail space, subject to compliance with linked policy DM2 (emerging plan) (and B4 of the adopted plan) which in turn seek to protect the vitality and viability of the town centre. The policies specify that developments for main town

centre uses outside of existing centres must demonstrate, through a retail impact assessment, that the vitality and viability of a centre would not be undermined. This is consistent with the test in paragraphs 26 and 27 of the NPPF.

- 9.03 The original application across the six sites (14/505440) included a retail impact assessment to demonstrate the likely impacts on Sittingbourne town centre arising from the proposals for retail development on the Depot site. The Council employed a specialist retail consultant to appraise the original scheme and concluded that the retail impact would not result in significant adverse impacts upon the town centre, subject to the imposition of two planning conditions that would restrict the size and type of goods sold from the retail units.

Condition 28 of the original scheme prevents the subdivision of the floor space in the approved scheme to no more than 4 units, and requires each individual unit to be a minimum of 510sqm floor space. The effect of this condition is to prevent the creation of a number of smaller retail units that could, in turn, appeal to retailers in smaller premises in the High Street to relocate to.

Condition 44 of the original scheme restricts the sale of goods from the site. It specifies that “No more than 50% of the retail floor space hereby approved on site 6 shall be used for open comparison sales. The remaining retail floor space 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.” For the benefit of Members, “comparison” goods are essentially those items not found in typical supermarket type retailing – which in itself is known as “convenience” retailing.

- 9.04 The current application seeks planning permission for an unrestricted retail operation on the site. The applicant has submitted an addendum to the original retail impact assessment submitted under 14/505440 to support this, and in turn the Council has employed the same retail consultant as for the approved scheme for advice.
- 9.05 The application site falls to be in excess of 300 metres from the town centre and is considered to be an “out of centre” site for the purposes of retail impact. The key issues for the development of such sites are as follows –

Are there any more preferable sites in or at the edge of the town centre to accommodate the development (known as “the sequential test”)?

- 9.06 In this respect, the Council’s retail consultant has revisited and reviewed a range of alternative sites, including the Forum centre, the Bell Centre and No’s 39-49 East Street (the former Focus site which was previously reviewed is now occupied by Lidl), and advises that these are either unsuitable or unavailable for larger format retail floor space. On this basis, the depot site is considered to satisfy the sequential test insofar that there are no better placed and preferable sites available to develop.

Would the proposal have a significant adverse effect on the vitality and viability of the town centre (the impact test)?

- 9.07 The addendum sets out the applicant’s position that the turnover from the site would be less than the original scheme, given the reduction in retail floor space proposed, and that consequently trade diversion from the town centre would be less.

- 9.08 The retail consultant has highlighted concern over the potential impact of an open and unrestricted A1 retail use from the site. In particular, that a number of branded comparison goods retailers (including Argos, Boots, New Look, WH Smith), that form key anchor stores in the town, trade from smaller format units and could seek to relocate to the site if an open A1 use was granted. It is advised that the loss of even one of these anchor stores would represent a significant adverse impact upon the vitality and viability of the town centre.
- 9.09 The Council's retail consultant has also considered the retail impact on the basis that two named operators are now proposed for the retail units (Home Bargains and The Food Warehouse). On the basis of trading assumptions for these named operators, the consultant has highlighted that a greater diversion of trade in convenience retailing may occur from the town centre, primarily as a result of the Food Warehouse operation.
- 9.10 The likely impact on the town centre's convenience goods turnover is considered by the retail consultant to be high and "significantly adverse". Furthermore, much of this impact is considered to fall "like for like" on the existing Iceland store, as the Food Warehouse is part of the Iceland group and will sell a similar range of food. Concern is raised that the existing Iceland store would close in the town centre if the Food Warehouse is permitted as one of the two operators identified for the application site.
- 9.11 In response to the advice given by the Council's retail consultant, the applicant has highlighted that the overall impact on both comparison and convenience goods turnover within the town centre would be between 3.5% and 5%, and should be considered well below a level that could be regarded as "significantly adverse". In addition, that the Iceland store makes only a limited contribution to the overall turnover of the town centre (less than 1%), that the health of the town centre is not underpinned by this store, and that there is no evidence that the store will close as a result of the proposed development. However the Council's retail consultant has provided this advice based on the specific characteristics of Sittingbourne town centre, including vacancy rates and the fall in retail offer beyond the core shopping area, particularly towards the eastern end of the High Street, and on this basis he considers these percentage figures in trade diversion to be "adverse".
- 9.12 As Members will appreciate, there are conflicting views from the respective consultants and it is difficult to reach a firm conclusion on possible future impacts of a development. Nonetheless, I share the concern raised by the Council's retail consultant that an open A1 use could lead to one or more of the established and key retail operators within the town relocating to the site. In addition, I am concerned that a current named operator for the development could adversely affect the convenience shopping offer in the town, with particular risk to the Iceland store in the event that the Food Warehouse opens on the application site, given its company connection to Iceland and similarities in products sold. There is no certainty that the Iceland store would close, and the applicant has advised that Iceland have a lease on the existing premises that expires in 2019. The Food Warehouse has also submitted a letter to explain the differences in the operation of this business compared to an Iceland store. Nonetheless this risk that the Iceland store could close, as highlighted by the Council's retail consultant, must be considered together with the possible effect of losing a retail operator that does encourage shoppers into the east side of the High Street.
- 9.13 Whilst a key objective of policy Regen 1 is to provide additional comparison retail space and uses (subject to compliance with DM2 of the plan), the conclusions from the Council's retail consultant are that the development would be likely to result in

adverse impacts on the existing town centre that would not accord with the above development plan policies or with the NPPF, and in turn the above policies of the emerging plan.

The A5 Takeaway unit

- 9.14 The proposal also includes the provision of an A5 takeaway hot food facility, currently shown to be occupied by Costa Coffee. The retail impact addendum submitted with the application sets out that this component of the scheme does not require the same assessment as the retail units, that it would serve visitors to the retail park and passing trade, and would not compete with the town centre. No objection to this element of the scheme has been raised by the retail consultant and overall I am satisfied that this would be unlikely to have an adverse impact upon the town centre.

Material considerations

- 9.15 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance, I have identified three main material considerations as outlined below.

i) Benefits of the wider regeneration scheme

- 9.16 Whilst the impact assessment has been based on the current turnover of the town centre, it is important to also consider the likely impacts of the wider regeneration scheme and the positive effect this may have on the town centre. This is an important material consideration acknowledged and highlighted by the retail consultants for both parties. The Council's retail consultant has advised that *"the application forms part of the wider multi-million pound regeneration of Sittingbourne town centre. In March 2015 the Council resolved to grant planning permission for phase 1 of the wider Masterplan scheme, which includes the £59m phase 1 town centre regeneration project for a new 8-screen cinema and restaurants (officer note – this now includes a proposal for a hotel development)we understand that the scheme will bring around £250m into Sittingbourne over the next 10 years and create around 700 new jobs. This is an important material consideration for the Council as part of its decision-taking on this application."*
- 9.17 The supporting information submitted with the application sets out a number of economic benefits arising from the overall package of regeneration works, including –
- Creation of 223 jobs (including 100 from the retail development).
 - Creation of 330 construction jobs and 230 indirect construction jobs.
 - Total leisure expenditure of £1.3 million per annum generated by the scheme based on the 212 new flats proposed.
 - Construction GVA (Gross Value Added) equating to £38.8 million over a 40 month period
 - GVA generated by residential population of £10.5 million per annum
- 9.18 In addition, Members will appreciate that the cinema, restaurant and hotel development will in itself draw existing residents into the town with subsequent likely knock-on benefits for the town centre. It is intended to increase consumer choice, to attract new shoppers and retailers to the town, and claw back trade currently "leaking out" of the town to other centres and facilities. This is an important material consideration that needs to be taken into account in the overall planning balance of the scheme. These developments would, as both a direct result of the package of

regeneration works and likely knock-on benefits to the town, serve to meet a number of the criteria contained within Policy Regen 1 of the emerging plan, including the provision of a cinema, station square and a multi storey car park, as well as the enhancement of St Michaels Road and a reduction in the dominance of this road.

- 9.19 The original scheme for the retail park has been marketed and the applicant submits that interest has been limited, based on the layout of the development (see later section) and the restriction on open A1 use. Whilst the current scheme has potentially secured three potential end-users, I understand that this process has not been without difficulties. I also understand that the retail element of the scheme provides a funding stream that would help finance other elements of the wider scheme, and that if the retail development did not emerge, then the delivery of the wider regeneration scheme would be at risk.

ii) The fall-back position

- 9.20 The original planning application was submitted in relation to the Depot site with no named end-users – and this was acknowledged by the Council's retail consultant at the time. In resolving to grant planning permission for the original scheme, two conditions will limit the extent of retail operations allowed from the site, as set out in general terms in paragraph 9.03 above.
- 9.21 The original scheme would permit a total floor area of 3158sqm of retail floor space. The restrictions on use prevent more than 50% of this floor space to be used for open comparison sales. The remaining 50% is restricted to the goods specified in paragraph 9.03, including convenience goods. Members should note that this list of specified goods is not restricted by an upper limit and that, for example, if one or more convenience goods retailers sought to occupy the entire floor space of the original scheme, this would not be in conflict with the conditions imposed. I consider that Home Bargains and The Food Warehouse could, theoretically, occupy the units within the original scheme and not be in conflict with the restrictions on the size of the units or the nature of goods sold.
- 9.22 The current application is for a smaller quantum of retail floor space, at 2421 sqm. The two proposed units would occupy floor areas of 1,024sqm and 1,397 sqm respectively. If the same conditions for the original scheme were applied to the current application, then the two named operators would be able to operate within these parameters.
- 9.23 As planning permission is fundamentally granted to run with the land in question, and not to an individual or organisation (except in very special circumstances), I believe it is an important material consideration to highlight that a convenience goods retailer (including The Food Warehouse) could occupy the approved development and comply with the terms of this planning permission. It is normally held to be unreasonable for a Local Planning Authority to seek to impose stricter conditions than those which already exist on a development, unless there is particular justification to do so. Although the Council's retail consultant has highlighted the potential impact of The Food Warehouse on the Iceland store in the town centre as a named operator under this application, the benefit of this knowledge was not available under the original scheme. Nonetheless, I consider that it would prove difficult for the Council to justify that the current scheme should be refused, as a material fall-back position exists which could result in the same type of occupation and impact.

iii) Need for open A1 use

- 9.24 The application seeks to avoid any limitation on open A1 use on the basis that this has been restrictive in attracting suitable funders for the scheme. However the latest supporting information submitted by the applicant does not provide firm evidence of this. It states that there is a preference from funders to have an open consent, but also sets out that the scheme has identified tenants for 100% of the development, and that some restriction on A1 use may be possible. On the basis of this information, I do not consider that a wholly unrestricted A1 use, whilst preferable to a developer, is the only way in which this scheme can be delivered.

Conclusion on retail impact

- 9.25 The Council's retail consultant has advised that an unrestricted A1 use would be likely to cause significant adverse impacts on the town centre. Whilst the economic benefits of the wider regeneration scheme are substantial and can be given substantial weight as a material consideration, I do not consider that the case provided by the applicant demonstrates that the scheme can only be delivered through an unrestricted retail use. An unrestricted use would create a significant risk that one or more key comparison retail stores that anchor the town centre could relocate to the application site. On this basis, I would advise Members against granting permission on this basis.
- 9.26. The Council's retail consultant has raised concern that the proposed convenience operator would be likely to adversely impact upon convenience retailing in the town centre, and particularly the Iceland store. This again raises a risk that an anchor store could be lost from the town centre. As above, the economic benefits of the wider regeneration scheme are substantial and can be given substantial weight as a material consideration. In addition, there is a fall-back position that a convenience store can operate from the site under the original scheme – and in my opinion this has to be given significant weight. Taking these two material considerations together, I consider these would outweigh the policy conflict identified. I would conclude on this basis that permission should be granted with a restriction on the type of goods sold from the units as set out in the conditions below, and Members will note condition (22) in particular.

Visual Impact /character and appearance of area

- 9.27 Policies AAP8 of the adopted plan, and Regen1 and ST5 of the emerging plan, together with design policies E19 of the adopted plan and CP4 of the emerging plan specifically seek for development to be high quality / of the highest design standards.
- 9.28 The existing site is a former industrial premises of typical poor and utilitarian design design historically associated with such units. The main building on the site is set back from the road boundaries, but due to its size and scale it is readily visible from Eurolink Way, although less so from Milton Road due to existing screening.
- 9.29 The details of the proposed development and comparison with the original scheme is set out in section 2 above. The proposed buildings (as the "big box" name would suggest) are typical of retail parks, being of warehouse style proportions and appearance.
- 9.30 The layout of the development has been revised from the original scheme, due to the operational requirements of the named tenants, which effectively requires a greater amount of car parking space within the site and reconfiguration to provide two larger units, with main entrances and frontages facing into the site and towards the car

parking area. In comparison with the original scheme, such reconfiguration would result in some unfortunate impacts. As a result of the layout now proposed, the scheme now essentially “turns its back” on Milton Road, and the side elevation facing Eurolink Way is of a lower architectural standard and interest than the original scheme, which had a main frontage facing this road. In addition, the building would also be sited much closer to the junction of these roads compared to the original scheme, and would therefore be of greater visual presence, accentuated by the change in levels between Milton Road in particular and the application site. The new layout has also resulted in the removal of the pedestrian ramped access route via Milton Road into the development (which is discussed in greater detail later).

- 9.31 My officers have sought to resolve these differences but the current named tenants have stringent design requirements in terms of the size and siting of the units, and I am advised that that this layout cannot be changed, as the tenants would not accept this and would withdraw from the scheme. The applicant has attempted to add more interest to the elevations of the building, and has introduced a false shopfront feature on each corner of Eurolink Way, using a combination of glazing, timber panels and brickwork. In addition the application now seeks to retain much of the existing mature landscaping on the Milton Road frontage. However the closer siting of the retail units to the roads and the use of secondary / rear elevations to face these roads means that the buildings would be bulky, prominently located and with a lower standard of articulation and interest than would be expected if the main shopfronts faced such roads.
- 9.32 In my opinion, the revised configuration, layout and design has lead to a less well integrated scheme with the rest of the town centre and the Morrison’s store opposite. Whilst to some extent this can be attributed to the ‘viability’ of the development as part of the wider regeneration scheme, it is disappointing that a higher quality design has not been secured. In response, the applicants have attempted to add more design interest to what are essentially bland prominent frontage designs and as mentioned earlier further discussions are taking place to improve the frontage design through further small scale changes.
- 9.33 The A5 takeaway unit would be sited on the east side of the site and would be single storey in height, and of relatively modest proportions. The building would be set back around 10 metres from the road frontage, with a belt of intervening landscaping. I do not consider that this small scale building would cause any harmful visual impact on the surrounding area.
- 9.34 The applicant has made it clear that commercial interest in the retail park as per the original design has been very limited, and that the named tenants would only occupy the site if the current layout and design is accepted by the Council. Whilst I consider that the layout and design are functional rather than inspiring, it is recognised that the ability to deliver this project, and in turn the wider regeneration scheme, does rely on securing tenants and funding this retail development. Given the poor quality appearance of the existing site, it could be argued that the proposed development would not be materially harmful to the character and appearance of the area compared to existing. However, taking all factors into account, including the benefits of the wider regeneration scheme, I would conclude that the scheme should not be refused on design and layout grounds.

Residential Amenity

- 9.35 There are no residential properties in close proximity to the site and as such no residential amenity issues arise.

Highways

- 9.36 Policies T1, T2, T3 and T4 of the adopted plan and policies DM6 and DM7 of the emerging plan seek to ensure that developments do not create unacceptable impacts and that traffic can be accommodated on the highway network, and also that sufficient levels of car parking should be provided, taking into account factors such as accessibility of the development, the availability of public transport and measures to prioritise the needs of pedestrians and cyclists.
- 9.37 Kent County Council Highways and Transportation raise no objection (see paragraphs 7.01 to 7.05 above) to the scheme based on the generation of traffic, as the predicted traffic levels would be lower than the original retail scheme for the site, which was found to be acceptable. The number of parking spaces would increase on site compared to the original scheme, and would provide 86% of recommended maximum standards, in comparison to 66% under the original scheme. Again, no objection is raised on the basis that the parking ratio would be better under the current proposal. Given the close proximity of the site to the town centre and to public transport, I am satisfied that the level of parking is acceptable.
- 9.38 Kent County Council Highways and Transportation have raised a number of points regarding the internal arrangements of the layout, and the applicant has submitted amended plans to address these. This includes the re-siting of the route to the drive-thru within the proposed car park, to avoid potential congestion issues, and provision of a direct pedestrian link between the A5 facility and the A1 units, to improve connectivity between these buildings.
- 9.39 In terms of ease of access for pedestrians and cyclists, the site is located adjacent to the defined town centre boundary in an accessible location, and the package of improvements as part of the wider regeneration scheme would act to reduce the dominance of St Michaels Road and improve pedestrian connectivity between the station and the town centre. This in turn would also improve access to the site from the town centre, albeit that this would be along a busy stretch of Milton Road.
- 9.40 The original scheme includes a pedestrian link into the site from Milton Road via a ramped access, to maximise the connectivity between the town and the site and to encourage pedestrian movement. The current scheme does not include this ramped link due to the siting and layout requirements of the retail operators. Following discussions with officers, a stepped access has been introduced into the site and the junction of Milton Road and Eurolink Way. A ramped access is then provided on Eurolink Way. Whilst it is unfortunate that the revised proposals do not offer the best solution for such access, nonetheless I accept that they do provide pedestrian links into the site at the closest available points, taking into account the siting and layout requirements of the operators.
- 9.41 Overall, I consider the highways impacts to be acceptable and in accordance with the above policies.

Landscaping

- 9.42 The proposal would retain existing landscaping on the boundary of the site with Milton Road, and planning conditions can be applied to protect this during construction. The application also seeks to provide new landscaping on the frontage with Eurolink Way,

as well as planting within the proposed car park. Taking into account the operation requirements of the named tenants in paragraph 9.31 above, I am satisfied that the level of landscaping is acceptable and appropriate conditions are set out below.

Other Matters

- 9.43 Ecology – The site is located within the the impact risk zone for the Swale Special Protection Area (SPA), Ramsar and SSSI. However I do not consider that this development, as an enhancement to the retail offer in the town, would be likely to result in significant additional recreation visitors to The Swale.
- 9.44 Archaeology - The County Archaeological officer had recommended a condition for a programme of archaeological work across the six sites under the original scheme. On this basis, it would be appropriate for a similarly worded condition to be attached to this proposal, and this would accord with policy E16 of the adopted plan and policy DM34 of the emerging plan.
- 9.45 Sustainable construction – Policy DM19 of the emerging plan requires non-residential developments of more than 1000sqm in floor area to achieve BREEAM “very good” standards. Under the original application, the applicant demonstrated that it was not financially viable to achieve the relevant BREEAM standards. It is unclear from the submission whether the same issues arise with the current scheme and I am awaiting further information in this respect. This will be reported to Members at the meeting.
- 9.46 Members will be aware that this application would effectively replace the site 6 development under the original scheme. Whilst it is technically a “stand-alone” application, I am of the opinion that it would be necessary to control the implementation of this permission via a S106 agreement (or other appropriate mechanism as advised by the Council’s legal department) to ensure that it does not take place before the delivery of necessary infrastructure and that it comes forward in an appropriate phase as part of the wider regeneration project. This is important as the original scheme requires site 6 to be used as a temporary car park prior to any development on sites 1, 2 and 3, (for a minimum of 55 spaces) and for this to be retained until the multi storey car park has been completed and is open.

10.0 CONCLUSION AND PLANNING BALANCE

- 10.01 The NPPF makes clear that there is a presumption in favour of sustainable development, and this should be seen as a “golden thread” running through plan-making and decision-taking. Sustainable development is defined as having three dimensions, economic, social and environmental.
- 10.02 As set out in detail above, the proposed development forms part of a package of regeneration proposals across the town which are linked and reliant on each other to be successfully implemented. This is likely to result in substantial economic benefits arising from the wider development, including the proposals for site 6 now under consideration. Against this, there is a risk that site 6 could adversely affect the town centre if an unrestricted A1 use was granted, and that the convenience retailing proposed could also in itself result in adverse impact on the town, contrary to the development plan and NPPF. I have concluded in paragraphs 9.25 and 9.26 that an unrestricted A1 use should not be granted. However when taking into account other material considerations, the balance lies in favour of granting a scheme with restrictions on the type of goods sold from the site, which would allow convenience retailing but to no greater extent than the original scheme.

- 10.03 The proposed development would add to the retail offer within the town, which in turn would provide enhanced choice for shoppers. Although not within the town centre, the site would be generally accessible and well located in relation to the town, albeit that the layout of the development does not provide for the same standard of connections as the original scheme. The wider regeneration works proposed to improve pedestrian access across St Michaels Road would also improve connections between the town and the site.
- 10.04 From an environmental perspective, I have concluded that the layout and design of the scheme would be a step down from the original scheme, in having to respond to the viability issues and site occupant constraints involved. However the scheme would not be so unacceptable that it should be refused, when taking into account the wider benefits of the regeneration proposals for the town.
- 10.05 Overall, I would recommend that any harm or conflicts with the development plan arising from the development are outweighed by other considerations, and that the proposal would represent sustainable development with the balance in favour of granting permission.
- 11.0 RECOMMENDATION** – GRANT PERMISSION, subject to the completion of a S106 agreement to control the implementation and phasing of the development as part of the wider regeneration project in the town, no adverse comments from Kent County Council Highways with regard to the revised layout, to resolution over the ability to comply with BREEAM standards (and if appropriate to the imposition of a condition requiring the buildings satisfy BREEAM “very good” standards), and subject to the formal issue of planning permission 14/505440.

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.

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

- (2) The development hereby approved shall be carried out in accordance with the following approved drawings: 13003A-152R, 13003A-153E, 13003A-154C, 13003A-155K, 13003A-156B, 13003A-157F, 13003A-158A, 13003A-159A

Reason: 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 amenity and highway safety and convenience through adverse levels of noise and disturbance during construction.

- (4) No development shall take place until a drainage strategy, detailing the proposed means of foul disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and timetable.

Reasons: to ensure the provision of appropriate foul drainage and to mitigate against flood risk

- (5) No development shall take place 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 be capable of accommodating the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm). The scheme shall include details of the implementation, maintenance and management of the sustainable drainage scheme, and 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 and compliance with the NPPF.

- (6) 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.

Reasons: In the interest of Security, Crime Prevention and Community Safety

- (7) No development shall take place 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, 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.

- (8) No development shall take place until full details of proposed ecological enhancements for the site have been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall then be implemented in full 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 amenity and minimising disturbance to bats.

- (10) No development shall take place until samples of the external finishing materials to be used in the construction of the units have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

- (11) No development shall take place until drawings of large scale (1:1 or 1:2) sections showing the junctions between the different facing materials on the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

- (12) The existing trees shown for retention on the proposed landscape plan V13003A-L01C shall be protected in accordance with BS5837:2012 – “Trees in Relation to Design, Demolition and Construction”, and the details of such protection measures shall be submitted to and approved in writing by the Local Planning Authority before development commences. The protection measures shall be implemented prior to any works (including demolition) taking place and shall remain in place for the duration of the development, and no development, storage or other activity shall take place within the protected area unless approved by this permission or otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard existing trees, in the interest of visual amenity.

- (13) Before development commences, full details of the size and construction of the tree pits to be used to accommodate soft landscaping within the hard surfaced areas of the development shall be submitted to and approved in writing by the Local Planning

Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure appropriate conditions for new planting are provided, in the interest of visual amenity.

- (14) No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed trees, shrubs and other features, planting schedules of plants (which shall include indigenous/native species), noting species, plant sizes and numbers where appropriate, size of tree pits, measures to prevent tree vandalism, any means of enclosure, details of retaining walls, hard surfacing materials, and an implementation programme.

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

- 15) 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.

- (16) 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 has been 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 the National Planning Policy Framework.

- (17) 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.

- (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) During construction provision shall be made, 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.

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

Reasons: In the interests of highway safety.

Post commencement

- (21) The retail floorspace hereby approved 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 floor space.

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

- (22) 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 in any unit 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

- (23) The development hereby approved shall not be occupied until details of covered cycle parking for that site have been submitted to and approved in writing by the Local Planning Authority, and provided on site. 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.

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

- (24) Before first use of any unit hereby permitted, the pedestrian and vehicular accesses and walkways, parking spaces and servicing areas, and cycle parking as shown on the approved plans shall be completed and available for use.

Reason: To ensure suitable access and parking is provided for the development.

- (25) The area shown on the submitted plans as car parking and turning space, shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) 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.

- (26) 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.

- (27) No mechanical ventilation, extraction/filtration equipment, air conditioning, heating, ventilation or refrigeration equipment shall be installed on the building hereby approved until full details of the design, siting, discharge points and predicted acoustic performance, together with any necessary measures to mitigate against noise, have been submitted to and approved by the Local Planning Authority.

Reason: To safeguard the appearance of the development and the amenities of the area

- (28) 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.

- (29) 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.

- (30) 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.

- (31) 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 0900-1700 hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (32) The use of the retail units hereby permitted shall be restricted to the hours of 07:00 to 23:00 hours on weekdays and Saturdays, and 10:00 to 17:00 hours on Sundays

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

- (33) The approved hard and soft landscape works shall be completed prior to the first use of any part of the building or in accordance with an implementation programme agreed in writing with the Local Planning Authority prior to such use.

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

- (34) Upon completion of the approved landscaping works, any new or retained trees or shrubs that are removed, dying, become severely damaged or become 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.

- (35) Prior to the first occupation of the retail units hereby permitted, full details relating to the use and treatment of the glazed areas in the Eurolink Way elevation of the proposed building (with priority to be given to use as a display window unless demonstrated that this is not practical), shall be submitted to and approved in writing by the Local Planning Authority, and the areas shall be maintained as such thereafter.

To ensure that the glazed areas provide visual interest, to enhance the appearance of the building and visual amenities of the area.

INFORMATIVES

- 1) You are advised that this planning permission relates only to the development of site 6 as part of the Spirit of Sittingbourne regeneration scheme. Sites 1-5 remain subject to control under a separate planning application(s).
- 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) 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.
- 4) 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.
- 5) If Piling is proposed for the development, a Piling Risk Assessment must be submitted, written in accordance with our guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

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.

- 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.