

REFERENCE NO - 16/506081/FULL			
APPLICATION PROPOSAL			
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).			
ADDRESS Site At St Michael's Road Spirit Of Sittingbourne Site 4, Block B Sittingbourne Kent ME10 3DU			
RECOMMENDATION - That delegated powers are given to officers to grant planning permission, subject to a) the completion of a Section 106 agreement (or other arrangement as advised by Legal Services) to control the phasing of the development as part of the wider regeneration proposals in the town, b) the formal grant of planning permission 14/505440/FULL (the implementation of which this application is dependent upon), and subject to the planning conditions listed below.			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL			
The development is in accordance with adopted and emerging Development Plan policies and would not have unacceptable planning implications.			
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 as authority is required to enter into a legal 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 14/09/16	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
14/505440/FULL	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 and the creation of a new public square in Sittingbourne Town Centre, in front of the railway station.	Pending Decision – resolution to grant subject to completion of a S106 agreement and other minor revisions.	Not yet issued
SW/10/1415	Tesco Spenhill. Part of proposed wider redevelopment of town centre and land at Milton Creek together with SW/10/1419 and	Members resolved to approve, but	28/05/13

	SW/10/1420. The scheme as amended envisaged approximately 2000 square metres of retail space in the form of two extensions to the northern side of the Forum. On parts of Sites 4 and 5 of 14/505440.	application subsequently withdrawn.	
SW/03/0754	Permission for use of part of Forum car park for a Friday market.	Permission granted	18/08/03
SW/96/0512	Permission to remove decked car park and extend The Forum to provide 1388 square metres of additional retail space. Adjacent Sites 4 and 5.	Permission granted	18/12/96

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 for which Members have resolved to grant permission under application 14/505440/FULL. 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 on site 4 – which is the parcel of land bordered by the railway station to the north, the Forum and car park to the south, the former Globe and Engine PH to the east and The Fountain Pub and Station Street to the west. This site also includes the station car park / drop-off area, St Michaels Road and the roundabout.
- 1.03 This application relates specifically to a limited parcel of land within site 4 which essentially wraps around the area of the Block B building in the original scheme – the details of which are elaborated in the section below.

2.0 PROPOSAL

- 2.01 The original scheme for site 4 incorporated a reconfiguration of St Michael’s road to move it further north towards the train station, the erection of two buildings containing restaurants, a cinema and leisure facilities, and creation of a public square on land to the south of the realigned road between the town centre and the station. The Block A building would incorporate 5 restaurant units at ground level and a cinema complex above. Block B would incorporate a restaurant at ground level with a D2 (assembly and leisure) facility at first floor level – possibly for use as a gym.
- 2.02 This application now before members seeks an alternative development for the Block B building. The application proposes a building containing 1 x restaurant unit of smaller size (375 sqm) at ground floor level, with the remaining ground floor and upper floors occupied as a hotel. The building would be arranged over four storeys, with the upper three floors containing 63 bedrooms and a reception area at ground level.
- 2.03 The proposed building would be L shaped in design, with the two longest elevations measuring 34 metres (north elevation) and 25 metres (west elevation) in length. The

building would stand at 17 metres in height at its highest point on the north and east facing corner of the building, dropping to 14.75m for the remainder of the building.

- 2.04 The building has been designed in a contemporary style, with the use of coloured aluminium seam cladding proposed on upper floors. This would be the same style cladding as shown on the drawings for the original scheme for use on both Blocks A and B within site 4.
- 2.05 The proposed development would be sited in essentially the same location as the original Block B building, albeit that due to changes in the shape of the footprint, there would be some minor differences in the footprint of the two schemes. The proposed building would be sited, at its closest point, some 15.5 metres from the Forum building, 22 metres from the former Globe and Engine PH, and 50 metres from the railway station building. Taking into account the highway changes under the original scheme, the north east corner of the proposed building would be set back around 6 metres from the pavement edge, and the north elevation of the building would be some 24 metres from the proposed crossing point to the railway station on the realigned road.
- 2.06 The original Block B building would be a lozenge shape with elevations of 25-30 metres in length, and a height of 11.2 metres. Due to the lozenge shape, the gap between Blocks A and B in the original scheme, which would serve as a pedestrian thoroughfare through the site, widens towards the north from a minimum of 8.4 metres to a maximum of around 18 metres.
- 2.07 The relationship between the two blocks as proposed under this application would change, as Block B would no longer taper away from Block A in the same manner and would more directly face this building. The gap between the two buildings would be between 8.8 and 9.2 metres. A more modest widening effect between the two buildings has been incorporated into the scheme at pedestrian level by cutting in the north west corner of the building at a 45 degree angle on the ground floor.
- 2.08 The scheme does not propose any on-site car parking, and would rely on existing and proposed town centre car parking spaces to serve it.

3.0 SUMMARY INFORMATION

	“Approved”	Proposed	Change (+/-)
Site Area (ha)	737sqm	737 sqm	
Approximate Height	11.2m	17m / 14.75m	+ 3.55 – 5.8m
Approximate Eaves Height (m)	11.2m	17m / 14.75m	+ 3.55 – 5.8m
Approximate Depth (m)	25m	25m	
Approximate Width (m)	30m	34m	
No. of Storeys	2	4	+2
Net Floor Area	1156 sqm	2350 sqm	+ 1194 sqm
Parking Spaces*	0	0	0

* Members should note that although no parking spaces are proposed within site 4, the package of developments across the six Spirit of Sittingbourne sites includes the development of a 308 space multi-storey car park in site 5, adjacent to site 4.

4.0 PLANNING CONSTRAINTS

Within built up area of Sittingbourne

Source Protection Zone

SSSI Impact Risk Zone

The proposed building would be sited around 60 metres to the north of the Sittingbourne Conservation Area

The site falls within a designated regeneration area and the defined Town Centre boundary under the Emerging Plan.

MOD Thurnham MOD Safeguarding Directive Thurnham

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

- 5.01 The NPPF has, at its core, a presumption in favour of sustainable development (Para 14) and it defines three dimensions to this term (Para7):
- *“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.”*
- 5.02 The NPPF sets out 12 core planning principles (para 17), including –
- Planning should be genuinely plan-led
 - It should enhance and improve places in which people live
 - It should proactively drive and support sustainable economic development
 - It should always seek high quality design
 - It should promote the vitality of main urban areas
 - It should encourage the effective use of previously developed land
 - Promotion of mixed use developments
 - Directing development to sustainable locations with travel choices
- 5.03 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.”*
- 5.04 Paragraph 23 seeks to promote the growth and management of town centres, including –
- Recognising town centres as the heart of a community and supporting their viability and vitality.
 - Defining town centres and making clear which uses will be allowed in such locations
 - Promoting competitive centres
 - Allocation of a range of sites to meet the scale and type of uses needed in town centres
 - Ensuring that town centre uses are directed to centres, and applying a sequential test for those that are not. A hotel is defined as a main town centre use in Annexe 2 of the NPPF.

- 5.05 Promoting sustainable transport and scrutinising developments that generate significant amounts of movement to determine whether opportunities for sustainable transport modes have been taken up (Paragraphs 29 and 32) .
- 5.06 Requiring good design (paragraph 58)
- 5.07 Promotion of social interaction and creating health inclusive communities, including provision of safe and accessible environments, high quality public space, and clear and legible pedestrian routes (Paragraph 69).

The Swale Borough Adopted Local Plan (2008)

- 5.08 Area Action Plan 7 (AAP7) sets out a strategy for Sittingbourne town centre. The overall aim of the policy is to consolidate and expand Sittingbourne's position as a retail, business, cultural, community, education and civic centre for multi-purpose visits. The policy also states that development will be required to comply with Policy B27. Planning permission will be granted for proposals that (inter-alia) maintain and enhance retail provisions in the core shopping areas whilst introducing uses that provide greater vitality, viability, diversity, activity and colour.
- 5.09 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..*"
- 5.10 Policy B4 seeks to permit retail and leisure development within the town centre area action plans.
- 5.11 Policy B5 states that permission will be granted for the development of new tourist attractions and facilities, The pre-amble to this policy states that existing hotel provision in the Borough is very limited and results in trade being lost to places such as Rochester and Maidstone.
- 5.12 The following policies from the SBLP 2008 are also applicable: SP1, SP2, SP3, SP4, SP6 and SP7 (strategic policies), TG1 (Thames Gateway), E1 (general development criteria), E14 (development affecting listed buildings), E15 (Development affecting a Conservation Area), E19 (high quality design), B2 (providing new employment), U1 (servicing development), T1 (safe access to development), T2 (highway improvements), T3 (parking for new developments), T4 (cyclists and pedestrians), T5 (public transport), T7 (town centre parking).

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

- 5.13 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, subject to it being found sound, 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.
- 5.14 Policy Regen 1 of the plan 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

- 5.15 Policy ST3 of the emerging plan sets out the role of Sittingbourne as the primary urban focus for growth and for development to support town centre regeneration.
- 5.16 Policy ST5 sets out a strategy specific to the Sittingbourne area. Criteria 2 seeks to ensure the vitality of the town centre. This includes -
- Enhancing retail offer and attractiveness to secure local spending and jobs, provide improved spaces, better north-south links and buildings of architectural excellence.
 - Providing a wider range of services and facilities
 - Enhancing local character and the built environment
 - Adding to the mix of uses in the town centre
- 5.17 Policy CP1 seeks to build a strong, competitive economy in the Borough, including safeguarding / widening sustainable tourism potential.
- 5.18 Policy DM3 sets out the Council approach in respect of proposals for main town centre uses, and states that such uses should, unless demonstrated otherwise, be located within town centres.
- 5.19 The following policies are also relevant: ST1 (delivering sustainable development in Swale), ST4 (meeting development targets), CP2 (promoting sustainable transport), CP4 (requiring good design), CP5 (health and wellbeing), DM1 (vitality of town centres), DM2 (town centre uses), DM6 (managing transport demand), DM7 (vehicle parking), DM14 (general development criteria), DM17 (open space), DM19 (sustainable design and construction), DM20 (renewable and low carbon energy), and DM21 (water, flooding and drainage).

Supplementary Planning Documents

- 5.20 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.
- 5.21 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

- 6.01 A site notice has been displayed on site, and 86 notification letters have been sent to surrounding properties.
- 6.02 To date, one letter has been received in response, from The Sittingbourne Society. The comments are summarised as follows –
- No objection in principle to a new hotel.

- Concern that no parking is being made for guests and staff.
- This will place strain on the proposed multi storey car park and surrounding car parks, as there will be conflicts in use of the spaces between guests who have not left the hotel and commuter / town centre workers.
- As a result this could lead to more parking in surrounding residential areas.

7.0 CONSULTATIONS

Kent Highways (summarised)

- 7.01 The Transport Assessment submitted with the application sets out that the proposed development would generate a maximum requirement of 136 car parking spaces, compared to 113 spaces generated by the approved scheme. (*Officer note – Members should be aware that these figures relate to the difference in parking requirements in relation to Block B only*). KCC consider that this maximum increase of 23 spaces can be absorbed in public car parks, noting the proximity to such car parks and the new multi storey complex to be built. In addition, KCC recognise that peak demand for the proposed use would be overnight, out of the busy period for town centre parking that occurs during the central part of the day. In addition, KCC note that custom will also be drawn from business travellers utilising train services.
- 7.02 TRICS analysis identifies that the proposed development would be likely to generate an additional 14 vehicle movements on the highway network during the weekday AM peak, a reduction by 4 during the PM peak, and an additional 19 during the Saturday peak hour, compared against the former scheme. It is considered that this would have an insignificant impact on the highway network.
- 7.03 As already accepted with application 14/505440/FULL, the building would be serviced from the proposed new bus stop arrangement adjacent to the Forum, and the A2 highway realigned around the railway station to make room for the wider “Site 4” development. This also included the partial stopping up of Station Street to sever its connection to St Michael’s Road. It will be expected therefore, that whatever highway changes were secured as part of the larger regeneration scheme will still need to be secured in order for this latest application to proceed.
- 7.04 Consequently, KCC would have no objections to the proposed development subject to adequate conditions being put in place to secure the expected highways works and other relevant issues previously identified for the former scheme.

Highways England (summarised)

- 7.05 Offer no objection to the application, as the scale of trips generated by the development compared to the original scheme would be unlikely to materially impact upon the strategic highway network.

Network Rail Summarised)

- 7.06 Comment that “This is part of a wider Spirit of Sittingbourne scheme that Network Rail have been involved in as it requires land transfer swaps in order to make the identified area shown as a clearance on the plan into public realm. The proposal that we have seen do mention a hotel being built and we have no significant concerns or comments at this point.”

Environmental Health (summarised)

- 7.07 The Environmental Protection Manager advises that they would not normally be particularly concerned about the proposed uses, and raises no objection regarding noise, air quality or land contamination, subject to conditions.

Kent Police (summarised)

- 7.08 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.

Southern Water (summarised)

- 7.09 Advise that public sewers are located within the site and request a condition to require measures to divert drainage apparatus. Also 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 Local Planning Authority 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 (summarised)

- 7.10 No objection.

Environment Agency (summarised)

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

Kent County Council Ecologist

- 7.12 Site 4 has limited potential to impact upon protected species, and no objection is raised in this respect. The site falls within 3km of the Swale SPA, Ramsar and SSSI, and may result in a negative impact on the designated sites due to an increase in recreation. Recommend that further consideration is given to this, in liaison with the SBC representative on the North Kent Environmental Planning Group.

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 front and rear elevations. In addition, the following documents have been submitted with the application – Planning Statement, Design and Access statement, Transport Assessment, Economic Benefits Assessment / leaflet, 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 As set out in the policy section above, the regeneration of Sittingbourne town centre forms a key component of both the adopted local plan (AAP7) and the emerging plan (Regen1), and is reflected in the decision by the Planning Committee to resolve to grant permission for the development over six sites under application 14/505440/FULL.
- 9.02 This application seeks to amend the development within site 4 and specifically to Block B. The revised scheme would reduce the quantum of floor space available for restaurant provision (from approx. 475sqm to 375sqm, remove the proposed first floor D2 (assembly and leisure) facility, and would provide for a hotel within a revised building over four floors.
- 9.03 Key policies contained within both the adopted and emerging local plans seek to consolidate and enhance the role of Sittingbourne as the principal town in the Borough through promotion of a multitude of uses in the town centre, whilst maintaining the vitality and viability of the retail function of the town. A hotel is defined as a main town centre use, and both the NPPF and emerging policy DM3 seek to secure such uses first and foremost in existing centres. As well as being a main town centre use in its own right, a hotel development has added benefits insofar that guests will be likely to use facilities in the town centre such as shops and restaurants, and will therefore provide an economic benefit, which in turn will help strengthen the town centre and add to the vitality and viability of the town. Policies B5 of the adopted plan and CP1 of the emerging plan provide support for new tourist facilities.
- 9.04 In this respect, the proposed development for a mixed restaurant and hotel development would be an appropriate town centre use, it would be consistent with the aims of the regeneration of the town centre, and it would help strengthen the vitality and viability of the town centre through linked spending, as well as improving tourist facilities in the Borough. Whilst the proposal would reduce the amount of floor space proposed for restaurant use, this is a small reduction and the wider development of site 4 would still provide for 6 no restaurant units within Blocks A, and B. In my opinion, this would still maintain a healthy supply of restaurant units so as not to materially affect the role of site 4 in providing eating facilities to complement the town centre and cinema facility, and enhance the evening time offer in the town. The development would in itself create jobs and investment in the town, and would provide modern leisure / tourism and eating facilities, capable of drawing custom that may presently go outside the Borough.
- 9.05 As such, I am satisfied that the provision of a restaurant and hotel facility in this sustainable town centre location would be fully in accordance with the adopted and emerging development plan, and the NPPF.

Scale / Design of Block B and impact upon character and appearance of surrounding area

- 9.06 Site 4 is arguably the key component of the entire town centre regeneration scheme, given its gateway location between the train station and the High Street, the nature

and scale of the proposed developments to provide a cinema complex, restaurants and now a hotel facility, and significant highway changes to provide a public square.

- 9.07 The proposed development for Block B would, at 4 storeys, be greater in height and scale than the original scheme for Block B (which would have a maximum height of 11.2m). It would be located between the existing Forum building and the proposed cinema complex, and would be taller in height than the Forum, but lower than the proposed cinema complex – and would create a stepped effect in height between buildings. It would add to the stock of existing and proposed larger scale buildings in the immediate area, which includes the existing Wilkinson's building (at around 14.5 metres height), the proposed multi storey car park to the east (17.4-18.8 metres high), and the cinema complex (18.6m)
- 9.08 The proposed building would front the new public square and would be a visual focal point from the train station. The public square would provide an appropriate setting to what is arguably the principal elevation of the building. In addition, due to the realignment of the road, the east facing elevation would be prominent in views along the (realigned) St Michaels Road. In my opinion, a building of the height and scale proposed would be appropriate given this location and setting.
- 9.09 The contemporary design of the building would follow the design approach for the cinema complex, and the mix and quality of external materials will be crucial to delivery of a high quality building. As shown on the drawings, the building would include a mix of coloured vertical seam cladding and horizontal aluminium bands, punctured by a series of metal framed windows with powder coated panels on the upper floors, with a combination of brickwork and large glazed windows on the ground floor. I am of the opinion that the use and mix of material as shown on the plans would be capable of delivering a good quality aesthetic appearance to the building, that would complement the proposed cinema complex and multi storey car park building – and the main cladding material is the same as shown for Blocks A and B under the original scheme. It is fair to say that existing large buildings in the area, namely the Forum building and the Wilkinson's building, offer bland and uninteresting elevations from the perspective of the station and St Michaels Road. The proposed development, together with other proposed buildings within the regeneration scheme would have the potential to lift the quality of design in the area to the south of the station, and in turn enhance the character and appearance of the area.
- 9.10 The change in footprint compared to the approved Block B building together with the increase in height of the building would alter the visual relationship with the cinema complex building (Block A). At its closest point, the proposed building would be separated by 9.1 metres from Block A, and given the height of the two buildings, this would result in more of an enclosed character to the passage between these buildings, compared to the original scheme. The appearance and functioning of this space between the buildings is particularly important as it would provide a key pedestrian route through the development, as well as a key frontage to the proposed restaurants. This would be managed in part by cutting back the ground floor elevation on the north east corner of the building, so at pedestrian level there would be a greater appreciation of space. In addition, Block A cuts away from Block B to the south, and widens the space between the buildings at this point. It is also important to note that as this route would accommodate the main entrances and shopfronts to the restaurant units in block A and B, as well as the cinema and hotel facility, that this would provide an active frontage with such activity related to the units extending late into evenings. This would act to provide visual interest to the elevations of both buildings, as well as human activity, and should create an attractive environment for

people to pass through notwithstanding the more enclosed character of the area between Blocks A and B.

- 9.11 The proposal would be sited around 60 metres to the north of the Sittingbourne High Street Conservation Area, which is primarily focused upon the history and quality of buildings fronting the High Street (which forms part of a Roman road). Some views of the proposed building may be gained from certain vantage points within the conservation area, such as Berry Street. These would be seen against the context of the existing car park, and Forum building, and the approved cinema complex building. In my opinion, any such views would be limited and would not be harmful to the setting of the conservation area, given the distance involved and other built form. As such I do not consider there would be any conflict with policies E15 of the adopted plan or DM33 of the emerging plan.
- 9.12 Taking the above into account, I am satisfied that the development would be of appropriate quality in terms of design and scale. This would be in accordance with the design criteria contained within policies E1, E15, E19 and AAP7 of the adopted plan, and policies ST5, CP4, Regen1 and DM14 of the emerging plan.

Residential Amenity

- 9.13 The proposed development for Block B appears to be immediately surrounded by other commercial and non-residential buildings. The closest residential buildings would be those to the west on Station Street which would be screened from the development by the cinema complex building. There may also be residential units above some commercial units on the High Street. However these are some 80 metres from Block B and given this considerable distance I do not consider that any harm to amenity would arise. In this respect, there would be no conflict with policies E1 of the adopted plan or DM14 of the emerging plan.

Highways

- 9.14 Policies T1 and T2 of the adopted plan and policy DM6 of the emerging plan seek to ensure that new developments can be accommodated within the existing highway network and that any necessary highways improvements arising from development are secured in order to make proposals acceptable.
- 9.15 In this instance, the original scheme for the development across 6 sites has been subject to a detailed analysis regarding impact on the highway network, and the scheme has been found acceptable subject to the implementation of highways realignment works and improvements. The majority of localised highways alterations are concentrated within site 4. The application currently before members does not seek to alter any of the agreed highways changes and improvements to be secured under the original scheme.
- 9.16 The supporting Transport Assessment submitted with the application sets out the difference in likely trip rates between the original scheme and the proposed development. From the data supplied, the total amount of daily trips generated by the proposal over a 24 hour period would be almost identical to those generated under the original scheme for Block B, taking into account the removal of the D2 facility, introduction of the hotel facility and reduction in floor area of the restaurant facility within the block. It has been calculated that there would be a difference in how these highways movements would be spread over a 24 hour period compared to the uses

within the original Block B building - the proposal has been calculated to add a further 14 trips to the local highway network during the AM peak hour (8am-9am), and a reduction in 4 trips during the PM (17:00-18:00) peak. An additional 19 trips have been calculated for the Saturday peak hour (12:00-13:00). KCC Highways advise that these differences would have an insignificant impact on the highway network.

- 9.17 In terms of car parking, and as noted above, the proposed development would generate a maximum requirement for 136 car parking spaces, compared to 113 spaces for the original scheme. Members will note the advice from KCC Highways that parking can be absorbed in the town centre car parks (existing and proposed), and that the likely demand for hotel parking would peak overnight, outside of the peak demand for town centre car parking. Members should also note that the sustainable location of the site within the town centre and opposite a train station would provide other transport options and should mean that parking demand is less than the maximum requirements set out above.
- 9.18 Members will note that the Sittingbourne Society has raised some concern regarding the potential strain on town centre car parks. However this concern is not shared by KCC Highways, and I agree that the nature of peak demand for parking in relation to the hotel and restaurant (i.e evenings / overnight) would be unlikely to conflict with peak demand from shoppers / commuters / town centre workers (during the day). The erection of the multi storey car park as part of the original scheme would offset the existing parking facilities that would be lost through development across the 6 sites.
- 9.19 The application details set out that the developer is in discussion with the Council to allow hotel guests to park in the multi-storey car park. This arrangement falls outside of the control of this planning application, but would help allay any concerns that long-stay commuter / town centre worker parking would be affected – as the multi storey car park would otherwise operate as a short stay parking facility.
- 9.20 On the basis of the above and taking into account advice from KCC Highways and Highways England I consider that, provided the highways works are undertaken in accordance with the original scheme and that the multi-storey car park is delivered (both of which would be also controlled under the original scheme), the development would not result in any unacceptable highways or parking impacts. In this respect, the development would comply with the above development plan policies.

Noise / Air Quality

- 9.21 The likely noise impacts relating to this development would be from plant and equipment used in the restaurant and hotel. The Environmental Health Manager does not object to the application on noise grounds, and I consider it would be appropriate to impose planning conditions to require details of plant and equipment, so that the location and noise outbreak from such units can be controlled.
- 9.22 In terms of air quality, the original application was submitted with an air quality assessment and no objection was raised by the Environmental Health Manager from an air quality perspective. Given that the impacts on air quality arising from the scheme would be traffic based, and that likely traffic generated by the proposal would be very similar to the traffic generated by the uses for Block B in the original development, I would conclude that the proposal would not give rise to any unacceptable air quality impacts. The Environmental Health Manager does not object to the application.

- 9.23 Policy E1 of the adopted plan and policy ST5 of the emerging plan contain criteria that seek to ensure that developments do not result in unacceptable noise or air quality impacts, and based on the above I do not consider that the proposal would be in conflict with the above policies.

Other Matters

- 9.24 Ecology - the development of the site would not give rise to any direct ecological impacts on protected species. The site does fall within the impact risk zone for the Swale Special Protection Area (SPA), Ramsar and SSSI and a hotel development would draw visitors into the local area. However, it is considered that any impacts would be low, based on the short-stay nature of customers to the hotel (typically less than 2 days), the position of the hotel within the town (rather than a hotel / tourist facility much closer to The Swale,) and that hotel users will not bring pets – dogs being a primary source of disturbance to birds within the designated area. On this basis, I do not consider that the development would be in conflict with policy DM28 of the emerging plan.
- 9.25 Archaeology – site 4 lies within an area with potential for Roman activity and the County Archaeological officer had recommended a condition for a programme of archaeological work across the six sites under the approved 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
- 9.26 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. The applicant has provided supporting information to demonstrate that compliance with the “very good” standard is not viable under the current application. I understand that the scheme has still been designed to meet the BREEAM “good” standards and in this instance I consider this to be appropriate to ensure a form of sustainable construction given the acknowledged viability issues.
- 9.27 Members will be aware that this application would effectively replace Block B under the original scheme for Block B as now proposed. Whilst it is technically a “stand-alone” application, the ability to deliver this proposal does rely on the implementation of the original scheme. 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.
- 9.28 In this respect, this application can only be approved following the formal grant of planning permission 14/505440/FULL, and my recommendation to grant permission is also on this basis.
- 9.29 The list of recommended planning conditions does naturally overlap with many of those relating to the approved scheme. If granted, it will be for the developer to determine whether, for the purposes of Block B, they will implement this scheme or the approved scheme. The remainder of the development across the six sites will, in either scenario, be subject to control under the original planning permission, including the remainder of site 4 which is not subject to control under this planning permission.

10.0 CONCLUSION

10.01 The proposal to replace the approved Block B building would facilitate the provision of a substantial hotel and restaurant facility in the town. The sustainable location of the site next to the train station and within the town centre boundary would fully accord with the adopted and emerging local plan and the NPPF, and would make a significant contribution to the package of wider town centre regeneration schemes for Sittingbourne. Whilst the building would be taller and greater in scale than the original Block B development, I consider the scheme to be appropriate in design terms and capable of delivering a high quality development to lift the character and appearance of a key part of the town. I would conclude that the development would accord with the adopted and emerging development plan and would provide, both in isolation and in combination with the approved scheme, social, economic and environmental benefits that would represent sustainable development under the NPPF.

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, and subject to the formal issue of planning permission 14/505440, the implementation of which this development is dependant upon.

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: 13003B_100E, 13003-105H, 13003B_108K, 13003B-110M, 13003B-112, 13003B_155B, 13003B-157B, 13003B_158A, 13003B_159

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 residential 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 any measures to divert public sewers and water mains, 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 full details of the method of disposal of surface waters – to be drained using SUDS systems unless demonstrated not to be feasible, and to ensure that there is no surface water drainage on to the public highway - have been submitted to and approved by the Local Planning Authority. The approved details shall then be implemented before the first use of the development hereby permitted

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

- (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 on shall commence, until any necessary Traffic Regulation Orders to allow two-way traffic movements on Station Street, to the south of the site, and the High Street and West Street, to the south-west of the site have been made and any highway works required as a consequence have been fully implemented.

Reasons: In the interests of highway safety

- (8) 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.

- (9) 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 species), noting species, plant sizes and numbers where appropriate, size of tree pits, measures to prevent tree vandalism, any means of enclosure, hard surfacing materials, and an implementation programme.

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

- (10) Prior to the commencement of development, samples of the external finishing materials to be used in the construction of the building shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following –
- i) Two joined, full size cladding panels (to include a curved junction section and a cut to the same length sample of the profiled dark metal banding product and a curved section of the coping material to be used for the building); and
 - ii) A two square metre sample of the brickwork to be used to form the base level of the building (the sample to specifically show the bricks, brick bond, mortar colour, mortar joint thickness and mortar profile to be used.

The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

- (11) Prior to the commencement of development, part vertical and plan sections to a scale of 1:1 or 1:2 of the following construction details of the building shall be submitted to and approved in writing by the Local Planning Authority.
- i) window junction
 - ii) Overhang of element of building between ground floor and 1st floor (vertical section only)

The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

- (12) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
1. A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors ; potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

- (13) 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.

- (14) 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.

- (15) 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.

- (16) 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.

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

Reasons: In the interests of highway safety.

Post commencement

- (18) The proposed refuse and recycling storage arrangements for the development hereby approved and as shown on the approved plans, shall be completed prior to first use of the development and shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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

- (19) 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.

- (20) 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 amenities of nearby residential properties.

- (21) No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the Local Planning Authority, 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.

- (22) 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.

- (23) 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.

- (24) 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.

- (25) The use of the restaurant hereby permitted shall be restricted to the hours of 0700 to 2400 on any day.

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

- (26) 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.

- (27) Upon completion of the approved landscaping works, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within ten years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within the next planting season, unless otherwise agreed.

Reason: In the interests of the visual amenities of the area, and in recognition of the important role of tree and shrub planting in this development.

- (28) The building hereby approved shall be constructed to BREEAM 'Good' Standard or an equivalent standard and prior to the use of the building the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved unless otherwise agreed in writing by the Local Planning Authority.

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

INFORMATIVES

- 1) You are advised that this planning permission relates only to the development of Block B in the area shown outlined in red on drawing 13003B_159. The remainder of the development within Site 4 (as shown outlined in blue on the plan) will be subject to the terms and conditions of planning permission 14/505440.
- 2) The applicant should enter into formal agreements with Southern Water in respect of providing the necessary sewerage infrastructure and connection to the water supply in order to service the development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. www.southernwater.co.uk.
- 3) Traffic Regulation Orders for converting parts of Station Street and West Street to two way traffic, revisions to parking bays and proposed banned manoeuvres will need to be concluded before the planning consent can be implemented.
- 4) 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.
- 5) 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.
- 6) 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".

The Council's Approach to this Application

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; ; 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.