

2.3 REFERENCE NO - 22/504274/FULL		
PROPOSAL Erection of 187no. residential units (Use Class C3), 260sqm of commercial floorspace (Use Class E), 104sqm of community floorspace (Use Class F2) and associated infrastructure, car and cycle parking, landscaping, public realm and access.		
SITE LOCATION Land At Sittingbourne Mill, Mill Way, Sittingbourne, Kent ME10 2GZ		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to a S106 legal agreement and appropriate planning conditions with further delegation to the Head of Planning /Head of Legal Services (as appropriate) to negotiate the precise wording of the S106 agreement and planning conditions, including adding or amending such planning conditions as may be necessary and appropriate.		
APPLICATION TYPE Large Major Dwellings		
REASON FOR REFERRAL TO COMMITTEE: Councillor Whelan advised that if provision is not made for at least 10% affordable housing and 50% of units with parking, they wish the application to be heard at committee. In addition, that application site partly includes Council owned land.		
Case Officer Joanna Russell		
WARD Chalkwell	PARISH/TOWN COUNCIL N/A	APPLICANT Essential land (Sittingbourne NO 5) Ltd AGENT Eutopia Homes
DATE REGISTERED 13.12.2022		TARGET DATE 26.06.2024
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - Flood Risk Assessment and Drainage Strategy ref 22631-HYD-XX-XX-RP-FR-0001-P05 Area Schedule – unit mix Contamination Assessment ref PRA.212211.01R.02_SJC Ecological Impact Assessment document number 13738-30-R02-01 Energy and Sustainability Statement dated July 2022 Financial Viability Assessment dated August 2022 Noise impact Assessment dated July 2022 Design and Access Statement Transport Assessment dated July 2022 Tree Survey and Arboricultural impact Assessment dated June 2022 Heritage and Archaeology Statement Response to comments (acoustics) ref HT: 29667/PTM2 Infrastructure assessment Odour Screening Assessment dated August 2023 Travel Plan dated June 2024 Transport Note dated August 2023 Transport Note-further information for national highways Transport Note – further information for national highways dated June 2024 Air Quality Assessment dated September 2023		

Dust Technical Note dated August 2023
Additional acoustic information email dated 16.10.23
Transport Vision dated June 2024

All drawings submitted
All representations received

The full suite of documents submitted pursuant to the above application are available via the link below: -

INCLUDE WEB LINK

[22/504274/FULL | Erection of 187no. residential units \(Use Class C3\), 260sqm of commercial floorspace \(Use Class E\), 104sqm of community floorspace \(Use Class F2\) and associated infrastructure, car and cycle parking, landscaping, public realm and access. | Land At Sittingbourne Mill Mill Way Sittingbourne Kent ME10 2GZ \(midkent.gov.uk\)](https://midkent.gov.uk/22/504274/FULL)

1. SITE LOCATION AND DESCRIPTION

- 1.1 The application site is located within the urban centre of Sittingbourne and is allocated within the Local plan as part of the Central Sittingbourne Regeneration Area.
- 1.2 The application site is within an area identified in the Sittingbourne Town Centre and Milton Creek Supplementary Planning Document. This is a Masterplan which forms part of the Local Development Framework for Swale Borough Council and is the context for deciding planning applications for new development in the town centre and Milton Creek.
- 1.3 Part of the site is under the ownership of the Council. This part is occupied by the Mill Skate Park which is a publicly accessible community asset. The Dolphin Sailing Barge Museum, also on Council land, is a heritage-based boatbuilding and cultural site.
- 1.4 The majority of the site is covered by concrete hardstanding and scrub vegetation. It is currently surrounded by fencing and is not publicly accessible.
- 1.5 The Site is bound by Milton Creek to the north, Sittingbourne Retail Park to the south and the Redrow Crown Quay site the east.
- 1.6 To the west of the skate park is the Sittingbourne & Kemsley Light Railway company, a specialist light railway organisation, who operate the site as a tourist attraction.
- 1.7 The site is accessed from The Wall which is connected to Mill Way, linking to the A249 and M2.
- 1.8 The whole of the site is within flood zone 2, and is partially in flood zone 3, and sits in close proximity to the St Pauls Air Quality Management Area (AQMA).

2. PLANNING HISTORY

- 2.1 The Site forms part of the wider Paper Mill Masterplan area which was granted planning permission on 08.02.2012 (Ref. SW/11/0159) for:

Hybrid application seeking; outline planning permission (Phases 3,4 & 5) for up to 1,200sqm of leisure use floorspace, 250sqm of community floorspace, 150 residential units, in buildings ranging from 2 to 4 storeys in height, together with car and cycle parking; and incorporating detailed planning permission (Phase 1) for a retail food store of 6,682sqm, petrol filling station of 72sqm together with associated landscaping, car and cycle parking & full landscaping detail for new parkland areas (Phases 2 & 3).

- 2.2 Subsequently reserved matters approval was given on 03.11.2017 under application ref 17/501894/REM for:

Reserved Matters for approval of details relating to the appearance and landscaping of the proposed dwellings relating to outline planning permission SW/11/0159 for a mixed use development including 150 residential units

- 2.3 This related only to the western element of the original hybrid permission and did not include the current application site.

3. PROPOSED DEVELOPMENT

- 3.1 The application seeks full planning permission for the erection of 187no. residential units (Use Class C3), 260sqm of commercial floorspace (Use Class E), 104sqm of community floorspace (Use Class F2) and associated infrastructure, car and cycle parking, landscaping, public realm and access.

- 3.2 The proposed development comprises 187 new homes including the following dwelling mix:

- 8 x Studio Flats
- 80 x 1 Bedroom Flats
- 78 x 2 Bedroom Flats
- 11 x 3 Bedroom Flats
- 10 x 3 Bedroom Town Houses

- 3.3 The proposed density of the scheme is 112 dwellings per hectare and the scale of the scheme is as follows:

- Block A – Ground + 6 Storeys
- Block B (Town Houses) – Ground + 2 Storeys
- Block C – Ground + 5 Storeys
- Block D – Ground + 8 Storeys

- 3.4 The tallest point is Block D which is located furthest away from sensitivities and marks the corner with Milton Creek. The low-rise houses are located behind the barge museum.

- 3.5 A flexible commercial space (Use Class E) measuring approx. 315m² (GEA) and a community unit (Use Class F2) measuring approx. 130m² (GEA) is proposed at the ground floor of Block D.
- 3.6 Vehicular and pedestrian/cycle access to the site will be via The Wall and servicing activity will be undertaken to the rear of the site. It is proposed that a new shared footway / cycleway, with a width of 3m, is provided which connects the site and Barge Museum to The Wall and then onwards to the existing infrastructure adjacent to the B2006. This would route via the entrance to the Sittingbourne and Kemsley Light Railway, with the gates being relocated to the rear of the shared path. This new path is proposed entirely within the land in the applicant's control or that they have a right of access across. It connects to the western end of the main site access linking to the footways that run adjacent to the site access road.
- 3.7 It is proposed that 95 car parking spaces will be provided on the site as follows:
- 79 residential spaces;
 - 2 Blue Badge spaces;
 - 8 visitor spaces; and
 - 6 spaces for the Barge Museum.
- 3.8 The scheme will also facilitate the delivery of a new pedestrian and cycle route connecting Sittingbourne town centre to the future park and public right of way being created at the Northern Phase, Regent Quay, via the waterfront.
- 3.9 The scheme will deliver a total of 270 cycle parking spaces for residents and visitors within the site's private residential area. An additional 26 spaces are also proposed in the publicly accessible space for visitors to the waterside.
- 3.10 Cycle parking for the flatted accommodation will be provided in individual bike stores within the blocks. For the three storey houses the cycle parking will be provided within the housing units.
- 3.11 20% of parking spaces will be dedicated EV charging spaces and all parking spaces will have access to EV charging points.
- 3.12 All apartment buildings feature a Bio Solar roof system that maximises both PV and biodiverse areas.
- 3.13 The scheme includes proposals to improve a wider area of land in Council's ownership and outside of the Applicant's ownership. This area of land extends 0.77 hectares and is located directly adjacent to the Applicant's ownership boundary.
- 3.14 The landscaping scheme focuses on the creation of a pedestrian dominated public environment and includes the introduction of native and coastal planting flora. Areas for play and gathering seek to reinforce a strong sense of community and identity on site.

3.15 The proposed development includes the following open space typologies:

- Area of ecological enhancement – 2,609m²
- Brown roofs – 1,138m²
- Growing area/allotment – 402m²
- Roof terraces- 530m²
- Play area – 193m²
- Pocket parks – 381 m²
- Seating areas – 174m²
- Skate park – 592m²

3.16 The landscaping strategy includes the provision of:

Public Realm Area:

- A pedestrian and cycle route;
- A workshop/growing area;
- Two seating areas;
- An area of Ecological Enhancement;
- A popup stall;
- Bird hides;
- A storage unit/workshop for small craft;
- A heritage trail and display boards;
- Railings along the water's edge.

Private Residential Area:

- Two pocket parks;
- A play area; and
- Two roof terraces.

4. CONSULTATION

4.1 One round of consultation has been undertaken, during which letters were sent to neighbouring occupiers; a notice was displayed at the application site and the application was advertised in the local newspaper. Full details of representations are available online.

4.2 Four letters of objection from separate addresses were received. Concerns/comments were raised in relation to the following matters: -

Comment	Report reference
Questions what the benefit will be to the local community, the local roads and the retail park.	The principle of the proposal is discussed at para 7.11 and the benefits weighed up in para 7.134-7.143
Access concerns – unclear, whether the proposed access is sufficient or wide enough and that it makes use of a current a service road	This has been concluded to be acceptable by KCC Highways. See para 7.83-7.84
Concern about pedestrian access	Para 7.86

Detrimental impact on traffic congestion	National Highways have raised no objection. See para 7.85
Parking concerns – insufficient parking proposed and this will impact on the retail park	Para 7.82-7.84
Air quality statement not comprehensive	Para 7.92-7.94
Noise generated by the retail park will detrimentally impact on occupiers of the proposal.	Para 7.126-7.127
Ecological Impact Assessment is not comprehensive.	Para 7.60
The metal bridge at the end of The Wall is a health and safety hazard.	This is not a material planning consideration.

4.3 Five notifications of neither objection or support from separate addresses were received. Concerns/comments were raised in relation to the following matters:

Comment	Report reference
<p>Sittingbourne Society raised concerns about the following:</p> <ul style="list-style-type: none"> • 3 parking spaces for the barge museum would be insufficient • Museum building may be overwhelmed by the development • Ground conditions are unstable • Flooding dangers on site • The development might conflict with the retail site 	<p>The existing car park is to be retained Para 7.120</p> <p>This would be managed through the building regulations. Para 7.109-7.111</p> <p>This has been assessed throughout with regard to noise (para 7.127), odour (para 7.129), parking and highways (para 7.83-7.85)</p>
How will emergency services gain access	This will be via the vehicular access into the site.
Insufficient parking	Para 7.83-7.84
Access through retail park is unacceptable	Para 7.84
<p>Concerns about impact on Creek:</p> <ul style="list-style-type: none"> • Would like to see 106 contributions be spent on improving the quality of the creek environment. • Concern about overshadowing of the wharf and increased use of opposite bank of the creek 	<p>The application as a whole will achieve this. Public realm improvements contribution detailed at Para 7.17</p> <p>Ecological impact acceptable. Lighting controlled by condition. Para 7.64-7.65</p>
Question level of Biodiversity net Gain claimed.	Para 7.63
Small scale community works should be retained.	Skate park and barge museum are retained,

A management body and long term funding agreement should be put in place for the community use of the site.	Not a material planning consideration.
Public part of the site should be run as a community design project.	Para 3.5
Barge building and boat repair should be protected uses at the wharf.	Not protected through policy
Section 106 contribution should be directed to navigation improvements.	106 contributions can only mitigate against the impact of the development.
Tram and crane rails should be retained as heritage remains.	Para 7.31

- 4.4 Sittingbourne and Kemsley Light Railway made 3 sets of comments in response to the initial consultation, and then in response to the submission of additional information. The comments made in the three representations (dated) are as follows:

Comment	Report reference
<p>Sittingbourne and Kemsley Light Railway Ltd (SKLR)</p> <p>14.10.22</p> <ul style="list-style-type: none"> Support the development of the site in a sympathetic manner but they have serious concerns over the impact of the development on the operation of the light railway because accessible access to the SKLR station from its car park is via step free access within the application site, and this access is not shown on the submitted plans. The proposed new vehicular access to the development would cut through the accessible access route. The proposal does not provide sufficient pedestrian access along the vehicular access point from The Wall. The proposal provides insufficient parking, which will result in overspill into the SKLR car park. 	<p>Para 7.86</p> <p>Para 7.86</p> <p>Para 7.86</p> <p>Para 7.82-7.84</p> <p>Para 7.85</p>

<ul style="list-style-type: none"> • Unacceptable level of congestion and impact on visitors to the railway. <p>14.1.24</p> <ul style="list-style-type: none"> • In response to the submission of further transport information which provided for ongoing pedestrian access between their car park and station, SKLR advise that they appreciate the recognition of the need to ensure ongoing pedestrian access between the SKLR car park and Sittingbourne Viaduct Station, but the proposed means by which this would be achieved does lead to further questions and other existing concerns. • Insufficient information is provided to demonstrate how the 3m wide pedestrian /cycle route can be made and how it can join the access road. • It is not clear how access to the station can be restricted when the pedestrian access will be open 24/7. • The revision does not address the lack of a suitably wide pavement along the west side of the access road. • Continued concern about how resident and visitor parking will be prevented in the SKLR car park. <p>10.9.24</p> <ul style="list-style-type: none"> • Previous concerns have not been addressed. 	<p>Para 7.86</p> <p>This is a matter for the railway to manage.</p> <p>Para 7.83</p> <p>This is a matter for the railway to manage</p>
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5. REPRESENTATIONS

5.1 **KCC Highways** – further to the revision of access and the provision of additional information, no objection raised subject to the imposition of conditions.

5.2 **National Highways** - raise no objection subject to the imposition of conditions.

- 5.3 **KCC Flood and Water Management** – raise no objection subject to further considerations at the detailed design stage which can be dealt with through the imposition of conditions.
- 5.4 **SBC Affordable Housing Manager** – understands that an independent assessment of the applicant's viability confirms that the scheme cannot viably include affordable housing and that the 19 affordable homes (10% as per DM8) will not be delivered on the development site.
- 5.5 **SBS Heritage** – agrees with the conclusion of the submitted Heritage Statement that there would be no material indirect heritage impacts to the range of identified designated and non-designated heritage assets nearest to the application site area. No objection subject to the imposition of conditions.
- 5.6 **SBC Urban Design Manager** – supports the proposal and recommends approval subject to the imposition of conditions.
- 5.7 **KCC Ecology** – raise no objection subject to the imposition of conditions.
- 5.8 **KCC Minerals and Waste** – no objection.
- 5.9 **SBC Climate Change Officer** – no objection.
- 5.10 **SBC Active Travel Officer** – supportive of the proposal and raises no objections.
- 5.11 **KCC Economic Development** – request contributions towards infrastructure provision.
- 5.12 **Southern Water** – provide information to be added as informatives and request imposition of a condition.
- 5.13 **Environment Agency** – raise no objection subject to imposition of conditions.
- 5.14 **Kent Police** – no objection subject to the imposition of conditions.
- 5.15 **NHS** - request contributions towards the healthcare implications of the development.
- 5.16 **SBC Environmental Health** – No objection subject to the imposition of conditions and securing the Air Quality Mitigation payment through a 106 agreement.
- 5.17 **KCC Archaeology** – no objection subject to the imposition of a condition.
- 5.18 **SBC Greenspaces Officer** – no objection subject to the imposition of conditions.

6. DEVELOPMENT PLAN POLICIES

6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 –**

ST1	Delivering sustainable development
ST3	The Swale settlement strategy
ST5	The Sittingbourne Area Strategy
CP2	Promoting sustainable transport
CP3	Delivering a wide choice of high-quality homes
CP4	Requiring good design
CP6	Community facilities and services to meet local needs
CP7	Conserving and enhancing the natural environment
CP8	Conserving and enhancing the historic environment
Regen 1	Central Sittingbourne Regeneration Area
DM 6	Managing transport demand and impact
DM 7	Vehicle parking
DM 8	Affordable housing
DM 14	General development criteria
DM 19	Sustainable design and construction
DM 20	Renewable and low carbon energy
DM 21	Water, flooding and drainage
DM 28	Biodiversity and geological conservation
DM 29	Woodlands, trees and hedges.
DM 32	Development involving listed buildings
DM 33	Development affecting a conservation area
DM 34	Scheduled Monuments and archaeological sites

6.2 **Supplementary Planning Guidance/Documents**

KCC Developer Contributions Guide.
 Swale Parking Standards (2020).
 Swale Borough Council's Noise and Vibration Planning Technical Guidance (2020).
 Planting on new development – a guide to developers.
 Air Quality Technical Guidance (2021)
 A Heritage Strategy for Swale (2020)
 Sittingbourne Town Centre and Milton Creek Supplementary Planning Document.

7. ASSESSMENT

7.1 This application is reported to the Committee at the request of Cllr Whelan, and also includes land within the ownership of the Council.

7.2 The application has been the subject of an Appropriate Assessment (AA) under the Habitats Regulations. The AA, concludes that these impacts can be mitigated.

7.3 The main considerations involved in the assessment of the application are:

- The Principle of Development
- Size and Type of Housing
- Affordable Housing
- Heritage
- Archaeology
- Character and Appearance
- Ecology
- Transport and Highways
- Air Quality
- Community Infrastructure
- Open Space
- Flood Risk, Drainage and Surface Water
- Contamination
- Living Conditions
- Sustainability / Energy

Principle

- 7.4 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 7.5 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.
- 7.6 Local plan policy ST1 seeks to deliver sustainable development in Swale with Policy ST2 of the Local Plan setting out development targets for jobs and homes in the Borough. Policy CP2 of the Local Plan highlights that development should minimise the need to travel for employment and services and facilitate sustainable transport.
- 7.7 Policy ST3 of the Local Plan sets the Swale settlement strategy and along with Policy ST5 identifies that Sittingbourne will provide the primary urban focus for growth, where development will support town centre regeneration and underpin the town's role as the principal centre.
- 7.8 Local Plan Policy Regen1 identifies the site as within an allocation that should support the objective of consolidating and expanding Sittingbourne's position as the main retail, business, cultural, community and civic centre for the Borough.
- 7.9 The application site sits within an area identified in the Sittingbourne Town Centre and Milton Creek Supplementary Planning Document (SPD). This is a Masterplan which forms part of the Local Development Framework for Swale

Borough Council. The vision for the document is to enhance the retail offer of the locality with new and improved public spaces and buildings of architectural excellence, provide new wide ranging and high quality services, leisure and cultural facilities and attractions, establishing the town as a leading centre for learning and skills, building on and enhancing its unique local character and heritage, built form and the rediscovery of Milton Creek and creating a vibrant new community and lifetime neighbourhood at Milton Creek.

- 7.10 The proposal is for a mixed use development of housing, commercial and community uses interspersed by a variety of open spaces and public realm enhancements that centre on the creek and its heritage.
- 7.11 In light of the above policy support, the application site is in a sustainable and accessible location that has been identified as appropriate for the development proposed. On this basis, the principle of the proposal would accord with Local Plan Policies ST1, ST2, ST3, ST5, CP2 and Regen1, the Sittingbourne Town Centre and Milton Creek SPD, and the NPPF.

Size and Type of Housing

- 7.12 The NPPF recognises that to create sustainable, inclusive and diverse communities, a mix of housing types, which is based on demographic trends, market trends and the needs of different groups, should be provided.
- 7.13 The Local Plan requires the mix of tenures and sizes of homes provided in any particular development to reflect local needs. The Local Plan requires developments to achieve a mix of housing types, which reflect that of the Strategic Housing Market Assessment
- 7.14 The Council's Housing Market Assessment (HMA) was prepared in 2020, i.e. more recently than the Local Plan, and after the introduction of the standard method for calculating the objectively assessed need. As such officers have considered the proposed mix against that set out in the HMA.
- 7.15 The application proposes the following mix of units:
- 8 x Studio Flats
 - 80 x 1 Bedroom Flats
 - 78 x 2 Bedroom Flats
 - 11 x 3 Bedroom Flats
 - 10 x 3 Bedroom Town Houses
- 7.16 The HMA identifies that between 2022 and 2038, there will be a need for all sizes of owner occupied and private rented accommodation in the Borough, with a greater emphasis on 2 and 3 bedroom accommodation.
- 7.17 On this basis, the proposal would accord with Policy CP3 of the Local Plan 2017 and the NPPF.

Affordable Housing

- 7.18 The NPPF sets out the requirement for setting appropriate affordable housing levels for new development based on up-to-date evidence. Through Policy DM8, the Local Plan requires 10% of affordable housing from developments in Sittingbourne Town.
- 7.19 Policy DM8 of the Local Plan provides that in exceptional circumstances, where an applicant can demonstrate that providing the full affordable housing provision would result in the scheme becoming unviable, a reduced requirement may be considered.
- 7.20 The applicant has provided viability evidence to show that owing to the costs of remediating the site, providing high quality public realm space and implementing effective flood alleviation measures which will be of wider public benefit, it is not viable to make a contribution towards affordable housing on the site.
- 7.21 This has been independently assessed by the Council's viability consultant who concludes that the level of provision would not result in an economically viable scheme as required by the NPPF.
- 7.22 The Council's Affordable Housing Manager accepts that the applicant's viability assessment has been independently assessed for the LPA and confirms that this scheme cannot viably include affordable housing and that the 19 affordable homes (10% as per DM8) will not be delivered on the development site.
- 7.23 On this basis, the proposal would fail to accord with Local Plan Policy DM8 although satisfactory information has been submitted and assessed to evidence why this is the case. This will be weighed in the planning balance (set out below) in consideration of the acceptability of the proposal.

Heritage

- 7.24 The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.
- 7.25 The application site does not include any designated heritage assets nor is it situated within any Conservation Areas; however, it is within 500m of the following heritage assets:
- Grade II Listed Church of the Holy Trinity;
 - Milton Regis Conservation Area;
 - Sittingbourne Conservation Area; and
 - The non-designated Kemsley Light Railway Viaduct.

- 7.26 A Heritage Statement is submitted with the application which assesses the significance on these and the subsequent impact of the proposal on significance through changes to their setting.
- 7.27 The statement concludes that the application site does not make any particular contribution to the significance of the Listed Building and Conservation Areas through setting. The non designated Light Railway Viaduct, on the other hand, has a historic relationship to the application site through their previous associations with the Sittingbourne Paper Mill; however, their original functions associated with the mill no longer exist. Therefore, the application site is only considered to contribute to the significance of the Light Railway Viaduct through their shared historic associations, rather than in terms of any visual connection.
- 7.28 There would be very limited intervisibility between the identified assets, and there would not be any negative impact on the significance of the designated heritage assets. The design of the buildings takes into account the former industrial character of the site and its surroundings. The proposals therefore will result in 'no harm' to the significance of the Grade II Listed Church of Holy Trinity, Sittingbourne Conservation Area, Milton Regis Conservation Area and non-designated Kemsley Light Railway Viaduct.
- 7.29 SBC Heritage has considered the submission and advised that they agree with the conclusions set out in the supporting Heritage Statement that there would be no material heritage impacts to the range of identified designated and non-designated heritage assets nearest to the application site area. Appropriately worded planning conditions are recommended for high-quality construction materials and associated detailing to ensure an appropriately high standard of design for the development.
- 7.30 The site lies in an area with a rich industrial heritage (including for maritime related uses) at the head of Milton Creek. Reference is made in the supporting information about the provision of heritage information boards linked to a heritage trail to make the most of placemaking opportunities. This is welcomed and will be secured through condition.
- 7.31 Consultee comments relating to the maritime heritage of the creek side are also noted, and further details of hard landscaping and a heritage scheme will be required through condition to enhance this element of the proposal through, for example sensitive treatment of the crane tramway track and provision of mooring posts.
- 7.32 With the suggested conditions, the proposal would accord with Local Plan Policies CP8, DM32 and DM33 of the Local Plan, and the provisions of the NPPF.
- 7.33 In considering the impact of this proposal upon designated heritage assets, officers have had regard to the Council's obligations pursuant to the Planning (Listed Building and Conservation Areas Act) 1990.

Archaeology

- 7.34 The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.
- 7.35 Policy DM34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.
- 7.36 The proposed development is in an area that is archaeologically sensitive and there is potential for deeply buried archaeological deposits associated with the early use of the Creek and its banks to survive within the site. In addition, there may be remains of the tidal mill and any earlier similar structures buried within the site. The excavations for the former tidal pond and works for the later wharf and industry on the site may have disturbed earlier deposits but there remains potential that significant remains could still survive on the site and given waterlogged conditions could be well preserved. Remains of the industry would themselves be of archaeological interest as well.
- 7.37 New development ground excavations are likely to have an impact on buried archaeological remains and deposits of geoarchaeological interest. More detailed study and evaluation is needed to fully model impacts of the development. The area of the former mill buildings is proposed for ecological enhancement so impacts may be less significant in that area and more manageable in terms of mitigation measures. The Barge Museum and the tracks are to be retained which is welcomed.
- 7.38 There is potential for the development to affect archaeological remains. Potential impacts of the scheme on archaeology can be appropriately addressed through further assessment, evaluation and mitigation that can be secured through a condition.
- 7.39 Taking this into account, subject to the imposition of a condition, the proposal would accord with Local Plan Policy DM34 and the NPPF.

Character and appearance

- 7.40 The NPPF attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.
- 7.41 As outlined above and shown in the submitted plans, the residential units would be arranged across buildings ranging from 3-9 storeys in height and in an architectural style that reflects the creekside context. A range of open space typologies will be created. Given the risk of flooding, residential accommodation is appropriately located above ground level, with ground level given over to other uses including car and cycle parking.

- 7.42 The proposal has undergone an extensive pre-application process where officers have scrutinised and challenged design decisions. Matters raised regarding the assumptions, narrative and approach of the proposals have been tested and changed, resulting in a refined development with clear function and identity.
- 7.43 The addition of commercial, community and residential uses would consolidate and augment the existing cultural uses on the site and other uses within the immediate vicinity creating a complementary cluster of attractions. Their distribution across the site would serve to maximise topographic changes, line key routes and public spaces and provide natural surveillance where necessary.
- 7.44 The layout has been arranged as three apartment blocks of varying scales and a row of terraced houses, separated by non-vehicular routes. Vehicular access and circulation are to the south, with public open space including pedestrian and cycle routes to the northern creek side. The approach is a rational subdivision of a broadly linear site which ensures good permeability through the blocks and connectivity and integration with the surrounding streets. The subdivision of the site also establishes a scale of block and streetscape that is responsive to the wider area. In addition to the creek side open space, there would be a series of 'pocket' parks created that would benefit from southerly orientation which, together with balconies, should provide good amenity space for the development's residents.
- 7.45 A range of heights are proposed across the site that will be stepped and staggered through the development. The two end buildings, blocks A & D would bookend the development with increased heights rising up to 7-9 storeys. The distribution of height helps to create a hierarchy of buildings across the site, with the gateway and landmark buildings (A&D) forming key focal points. The transition to lower heights of the town houses have been sensitively considered. This proposed height and its variation through the site is considered to be responsive to the site and wider context where a wide range of heights are evident.
- 7.46 The proposed massing is well-modulated with a variety of block forms, lengths and heights which adds a degree of diversity without undermining the principles of continuity or harmony. This variety in the block-form is especially important along the creek side, where the rhythm of blocks and breaks enliven this urban edge while providing a level of consistency and order to the streetscape.
- 7.47 The form and elevational treatment proposed comprises a simple palette of materials, repeating window patterns, balconies and a range of decorative brickwork features which would give the buildings a wharfside aesthetic rooted in Sittingbourne's character and history. It is appreciated that the Design and Access Statement examines the architectural design and character of existing wharf buildings to explain the design response proposed. The careful attention to elevation, bay and façade analysis is a real strength of the proposal and demonstrates that the design approach responds positively to the context.

- 7.48 The apartment block facades are articulated through the arrangement of bays, decorative brickwork, balconies and legible entrances with vault style openings. The interplay of these features together with colour and texture of materials would provide visual interest, depth and character. Elevations are designed to provide active frontages on all sides, particularly on upper floors where flooding is less of an issue. Windows and balconies would provide natural surveillance across the site and help create a rhythm and structure to the architectural design. The design and variation in these buildings across all facades is well managed and of high design quality. Similarly, the design and materiality of the town houses respond positively to the maritime history of the area.
- 7.49 Given the reliance of brick to express volume and character of the wharfside buildings it is crucial that the physical and aesthetic qualities of these materials have a richness and variety in the surface colour and texture so samples of materials and construction design details – particularly decorative brickwork, windows, entrances, balconies, eaves, commercial unit frontage etc - would be required by condition.
- 7.50 In terms of landscaping, a range of hard and soft landscaping, including the use of living roofs, is provided across the scheme that will help reinforce character and support biodiversity with new habitat space for local wildlife. Also proposed is a series of new public open spaces including dedicated play spaces and pocket parks which provide variation across the scheme. The design and access statement and accompanying plans provide details of the hard and soft landscaping strategy including the proposed material and species palette and play and furniture to be used across the site. The indicative details provided are accordant with the character of the site and further details can be required by condition.
- 7.51 Overall, the proposed development is an acceptable design response that would enhance the site and surroundings with additional design details to be provided by condition. On this basis, the proposal would accord with local and national planning policy providing a high quality and locally responsive design for the site.

Trees

- 7.52 The NPPF recognises the contribution of trees to the intrinsic character and beauty of the countryside. The Local Plan requirement is recognised through Policy DM29 of the Local Plan.
- 7.53 A Tree Survey and Arboricultural Impact Assessment accompanies the application. It identifies that there are no protected trees on site and that 5 low category C trees will be removed to facilitate the development. This will be mitigated against through new tree planting as shown in the soft landscaping proposals and Tree Strategy for the site. This incorporates a range of native and near-native tree species which will be planted as street trees, feature trees and ornamental trees.

- 7.54 A plan of proposed planting locations for trees accompanies the submission.
- 7.55 The proposed tree removal is considered acceptable and will be sufficiently mitigated against through the new and appropriate planting. As such the proposal would accord with local and national policy in this regard.

Ecology

- 7.56 The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by Policies CP7 and DM28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.
- 7.57 Under the Natural Environment and Rural Communities Act (2006), the authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions for the purpose of conserving and enhancing biodiversity. Furthermore, the National Planning Policy Framework states that 'the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible'. The NPPF states that 'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for then planning permission should be refused.'
- 7.58 National planning policy aims to conserve and enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments.
- 7.59 Local Plan Policy DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 7.60 Ecological survey information has been submitted with the application. KCC Ecology have assessed this and advised that sufficient information has been provided.
- 7.61 The site supports a 'good' population of common lizard and slow worm. All suitable habitat within the development area will be lost and reptile translocation has been proposed. The receptor site, which currently supports 'low' populations of slow worm and common lizard, will also be subject to scrub clearance and grassland creation. The receptor area is included within the red-line boundary on the site plans.
- 7.62 The proposed education and birdwatching area, was used as a reptile receptor site as part of a previous application for the Barge Museum development (15/501934/FULL). Natural England Standing Advice advises that repeat

translocation of animals is to be avoided. However, KCC Ecology has advised that animals will have dispersed since 2015 and note that the population size has increased beyond that which could be supported by the original receptor. They agree that the proposed Area of Enhancements provides a more suitable receptor area, including some connectivity to wider areas of suitable habitat. As detailed within the Ecological Impact Assessment (EclA) report, significant habitat creation and enhancement will be required for this area to support both the low population that is already present and the good population to be translocated. These habitat works will need to precede the start of the translocation by several months for sufficient suitable habitat to establish. KCC Ecology advise that a reptile mitigation strategy is submitted, to be secured by condition.

- 7.63 With regard biodiversity enhancement, the application was submitted a significant amount of time before the statutory BNG condition became applicable. KCC Ecology have advised that the submitted scheme demonstrates a include a good range of biodiversity enhancement measures, particularly the brown roof habitats. However, the number of bat and bird boxes are low for a development of this size and additional opportunities should be included within the new buildings for bats and priority bird species. Additional boxes for a range of bat and bird species should also be provided on suitable trees within the area of enhancements. There will be a considerable loss of scrub habitat throughout the site, including 50% of existing scrub within the area of enhancements. Whilst the proposals result in a net gain in terms of habitat units, there will be a net loss of scrub habitat and the impact on breeding and foraging birds requires further consideration within the LEMP. On this basis, it is recommended that a condition be imposed requiring submission of a Landscape and Ecological Management Plan.
- 7.64 To ensure the lighting of the site would not have an unacceptable impact on nature conservation, a lighting design strategy should be required by condition.
- 7.65 Subject to the imposition of conditions, and SAMs payment, the ecological impacts of the proposal would be acceptable and accord with national and local planning policy.

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017

- 7.66 This Appropriate Assessment (AA) has been undertaken alongside a shadow assessment submitted by the applicant.
- 7.67 The proposal therefore has potential to affect the abovementioned site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.
- 7.68 In considering the European site interest, Natural England (NE) advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advise that the

proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites.

- 7.69 The recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.” The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.
- 7.70 However, in view of the scale of the development it is considered that it, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to appropriate mitigation measures.
- 7.71 Notwithstanding the above, NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG), and that such strategic mitigation should be in place before dwellings are occupied.
- 7.72 Due to the scale and location of the development it is not considered that there is scope to provide on-site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.
- 7.73 Based on the correspondence with Natural England, it is concluded that off-site mitigation is required. The mitigation payment would be incorporated into a legal agreement as detailed in the ‘Community Infrastructure’ section of this report.
- 7.74 In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures can be implemented within the SPA from collection of the standard SAMMS tariff and this will ensure that these impacts will not be significant or long-term. It is considered that any adverse effect on the integrity of the SPA can be satisfactorily addressed through mitigation measures.

Transport and Highways

- 7.75 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should: ‘*Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.*’

- 7.76 The NPPF also states that: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
- 7.77 Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.
- 7.78 Vehicular and pedestrian/cycle access to the site is shown via The Wall with servicing activity taking place to the rear of the site. A new 3m shared footway/cycleway is proposed which would connect The Wall to the site and the Barge Museum and then onwards to the B2006 via the light railway with the gates being relocated to the rear of the shared path. It would connect to the western end of the main site access linking to the footways that run adjacent to the site access road.
- 7.79 A walking/cycling route is also proposed around the perimeter of the site that connects the site and Barge Museum to routes to the northeast. It is proposed that a wayfinding strategy will be introduced within the site to inform residents and visitors of the route and connections on to the wider England Coast path.
- 7.80 The application is accompanied by a travel plan which includes measures that will be implemented to promote sustainable transport behaviour and minimise the transport impacts of the development. This outlines the following measures:
- Suitable disabled access and provision.
 - Appointing a travel plan coordinator
 - Provide new residents with a travel brochure detailing transport provision in the locality.
 - Walking and cycling initiatives.
 - Reducing need to travel initiative.
 - Car club provision.
- 7.81 As detailed above, a total of 95 car parking spaces are proposed on the site, in addition to a total of 270 cycle parking spaces for residents and visitors and 26 spaces in the publicly accessible space for visitors to the waterside.
- 7.82 The parking spaces will be allocated to specific units which would be sold with the property and therefore residents will be aware of the arrangements before purchasing. The restricted parking on and off the site will encourage residents with low car ownership to move to the site. A private management company will be responsible for managing parking spaces and enforcing parking within the site.
- 7.83 KCC Highways have raised no objection to the proposal. They advise that the development is located in a central location with good links to public transport including Sittingbourne railway station and bus links. The proposed 3m path which connects the site and Barge Museum to The Wall and then onwards to the existing infrastructure adjacent to the B2006 and routes past the entrance

to the Sittingbourne and Kemsley Light Railway will mitigate the need for residents and visitors passing directly through the retail park.

- 7.84 Although the objections about parking pressure on the retail park, and suitability of the access provision are noted, both KCC Highways and National Highways are satisfied that the arrangements are sufficient and would not cause harm to highway safety.
- 7.85 National Highways are satisfied with the impact on the wider strategic network. Locally, although the area does suffer from traffic congestion, it is highly accessible by alternative means of transport, and the site is located within a sustainable location within easy reach of services and facilities.
- 7.86 The improved pedestrian links to and within the site would be of benefit to its accessibility to both the town centre and development to the south east of the site. Detail of the footpath and connections to the adopted highway can be required by condition.
- 7.87 On the basis of the above, and subject to the imposition of conditions, the transport and highways impact of the proposal would accord with local and national planning policy.

Air Quality

- 7.88 The importance of improving air quality in areas of the borough has become increasingly apparent over recent years. Legislation has been introduced at a European level and a national level in the past decade with the aim of protecting human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollution.
- 7.89 The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new/existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, inter alia, unacceptable levels of air pollution. It also requires the effects of air pollution and the potential sensitivity of the area to its effects to be taken into account in planning decisions.
- 7.90 The Planning Practice Guidance on Air Quality states that *'whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation.....'*
- 7.91 The Local Plan at Policy DM6 sets out that development proposals will integrate air quality management and environmental quality into the location and design of, and access to development and in so doing, demonstrate that proposals do not worsen air quality to an unacceptable degree.

- 7.92 The applicant has undertaken an Air Quality Assessment in support of this proposal (by Miller Goodall dated 7th September 2023 (report reference no. 102834-2). This sets out mitigation measures that can be included in the development also summarises the Damage Cost Assessment contributions that will be required to mitigate against impact from the proposal (£22,220 for NOx and £28,322 for PM). This has been reviewed by the Environmental Health who advise that these should be secured through a legal agreement and conditions.
- 7.93 In addition, a 'Dust Technical Note' dated 23rd August 2023 has been submitted. This reviews dust generated by nearby commercial/industrial premises and assess the impact on future occupants of the proposed development. The methodology and findings of this report are accepted – that operational dust from the existing commercial premises in the vicinity will not be detrimental.
- 7.94 In light of the above, subject to the imposition of conditions and securing damage costs through a legal agreement, the air quality impact of the proposal is acceptable and in accordance with Local Plan policy and the NPPF.

Community Infrastructure

- 7.95 The National Planning Policy Framework attaches importance to ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities. This is reflected in policies CP5 and CP6 of the Local Plan, which set out that provision shall be made to accommodate local community services, social care and health facilities within new developments.
- 7.96 As with any planning application, the request for financial contributions needs to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (which were amended in 2014). These stipulate that an obligation can only be a reason for granting planning permission if it is:
- Necessary
 - Related to the development
 - Reasonably related in scale and kind
- 7.97 The following financial contributions have been sought by KCC County Council and Swale Borough Council to mitigate the impact of the development upon services, these contributions are all for specific capital projects which have been identified and assessed by Officers to comply with the Regulations (as amended).

Education	£181 900 towards Primary education £54 201.39 towards Primary land £138 458 towards Secondary education £70 505.87 towards Secondary land
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Libraries	£10 369.15
Adult Social Care	£27 466.56
Community learning	£3 070.54
Youth Services	£12 248.50
Health care	£121 680 towards general practice
Refuse	£34 346.29
Air Quality Damage Cost Assessment contributions	£22,220 for NOx and £28,322 for PM
Travel Plan provision	Bikeability scheme, bicycle and walking groups and car club provision
Swale Bin provision	£42 901.80
SAMs	£61 386.49
Formal open Space provision	£133 362.79
Public realm maintenance	£54 165

7.98 For the purposes of the s106, the accompanying plan to the s106 will need to exclude the Council owned land as the Council cannot enter into a legal agreement with itself.

Open Space

7.99 Policy DM17 of the Local Plan sets out that new housing development shall make provision for appropriate outdoor recreation and play space, including urban parks, children's play areas, open space for sport, allotments or community gardens proportionate to the likely number of people who will live there. This space should be fully accessible all year round and therefore is generally not appropriate for Sustainable Urban Drainage Systems such as stormwater ditches.

7.100 Detail of the open space provision on site is as follows:

- Area of ecological enhancement – 2,609m²
- Brown roofs – 1,138m²
- Growing area/allotment – 402m²

- Roof terraces- 530m²
- Play area – 193m²
- Pocket parks – 381 m²
- Seating areas – 174m²
- Skate park – 592m²

7.101 Swale Greenspaces Officer has advised that although the open space provision does not meet the requirements for the different typology open space provision contained in DM17 of the Local Plan, it is recognised that the proposal provides significant investment in the public realm and that there is a balance to be made in this regard.

7.102 The proposed landscaping is good quality with appropriate tree, shrub and planting species and can be managed through conditions. The surface treatment is also of good quality design and the furniture generally appears appropriate. Details of this can be required by condition. Consideration needs to be given to how to define the skatepark boundary from wider public open space. In addition, the boundary of the skatepark with the access road to the south needs strengthening to avoid conflict with vehicles. This can be achieved through the use of conditions regarding hard landscaping and furniture.

7.103 There are no details relating to future management and maintenance of the landscape/open space within the development. This can be required through condition. A contribution is required for the provision of formal open space and for the maintenance of the new public realm. This has been incorporated into the infrastructure section above. Subject to this and the other detailed conditions, the proposal would accord with Policy DM17 of the Local Plan and the NPPF.

Flood Risk, Drainage and Surface Water

7.104 The NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. This is reflected in policy DM21 of the Local Plan.

7.105 In preparing the Sittingbourne and Milton Creek masterplan, the Borough Council applied the sequential test. It was concluded that given the fact that there is a need for town centre regeneration identified by the adopted Local Plan, the ability for the Borough Council to reasonably locate the regeneration elsewhere at lesser risk of flooding does not exist. The NPPF is clear at para 172 that where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. On this basis therefore, the sequential test has been satisfied.

7.106 The masterplan identifies that in terms of exception testing for development in areas at higher risk of flooding, the regeneration area provides substantive regeneration and sustainability benefits sufficient to outweigh flood risk. These include a significant upgrade in the environmental quality of the Milton Creek area, and developing housing and other facilities in a sustainable central

location close to high speed travel links and town centre facilities. In addition to this, the site represents previously developed land. In order to pass the exception test, planning applications will need to be accompanied by a flood risk assessment and demonstrate that development will be safe without increasing flood risk elsewhere.

7.107 The application is supported by a detailed site-specific Flood Risk Assessment which includes a flood strategy.

7.108 The proposed flood strategy includes:

- No residential uses at ground floor;
- The first floor of residential accommodation will start at 7.5 AOD, well above the 200-year tidal event of 6.35m AOD (in 2115 climate conditions);
- A waterproof flood defence wall;
- Flood resistant and resilient measures for the ground floor units;
- A walkway at first floor providing safe egress in a flood event; and
- Adoption of flood warning and emergency response procedures.

7.109 Kent County Council as Lead Local Flood Authority have considered the submission and raised no objection to the proposal in terms of flood risk. They have made comments for consideration as part of the detailed design stage and recommended that conditions be imposed requiring that a detailed drainage scheme been submitted for approval.

7.110 The Environment Agency (EA) have raised no objection to the proposal on flood risk grounds but do require additional detail about the proposed flood wall. This can be required by condition.

7.111 On this basis therefore, the flood impact of the proposal accords with national and local planning policy and subject to the imposition of conditions is acceptable.

Contamination

7.112 The NPPF states that local planning authorities should ensure that the site is suitable for its new use taking account of various matters, including pollution arising from previous uses.

7.113 A contamination report is submitted with the application. However, this only applies to the land owned by the applicant. It does not cover land owned by SBC or others that is covered by the development. Environmental Health advise that this will need to be addressed through condition.

7.114 The report concludes that further investigation is required including gas and ground water monitoring. Environmental Health advise that the proposed scope of the further investigation appears to be satisfactory.

7.115 The Environment Agency (EA) have also considered the proposal and advised that the previous use of the proposed development site presents a medium risk

of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon Principal aquifer within a Source Protection Zone 1.

- 7.116 The EA state that the reports submitted in support of this planning application provide them with confidence that it will be possible to suitably manage the risk posed to controlled waters by the development. Further detailed information will be required before built development is undertaken.
- 7.117 On this basis, there is no objection to this element of the proposal subject to the imposition of conditions and recommended by Environmental Health and the EA. The proposal is in accordance with Local Plan policy and the NPPF.

Living Conditions

Existing residents

- 7.118 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.119 The application site is not located in close proximity to any residential use such that there would be any impact in terms of loss of privacy, daylight, sunlight or overshadowing. The site is surrounded by commercial uses including a retail park to its North.
- 7.120 In the area surrounding the Barge Museum, development sits at its lowest height on the site with the housing and lower level apartment blocks sitting adjacent to the museum. This is a satisfactory relationship that would not give rise to unacceptable overshadowing impact.
- 7.121 The relationship between the proposed units and the retail park would be acceptable given that the new development would predominantly face towards the creek side, and that at the point of the shared boundary, the retail uses face away from the site with only subservient elevations pointing towards it with a service road and landscaping in between. In this regard, there would be no detrimental overlooking or overshadowing impact from the proposal.

Future residents

- 7.122 New development is expected to offer future occupiers a sufficient standard of accommodation and to have regard to the Government's minimum internal space standards for new dwellings.
- 7.123 The application is accompanied by a unit compliance statement (within the Design & Access (D&A) statement) which demonstrates that all units will accord with the national space standards in all regards.
- 7.124 The application is accompanied by an access statement (within the D&A statement) which contains an explanation of inclusive design measures to be

incorporated within the scheme and gives details of how current standards are met. The information outlines the design rationale, where appropriate, and explains how a good standard of accessibility is to be achieved. The assessment includes parking, external areas in the immediate vicinity of the building, approach, entrances and common parts, residential and commercial accommodation.

- 7.125 The D&A statement includes measures to ensure that the design and detailing of the site would accord with secured by design measures. This includes wider considerations such as the design and layout of the public realm and more detailed measures such as the specification for lighting, self closing and locking bike stores and internal access and security measures for each residential block. Details of lighting of the site will be required by condition. An informative will be placed on any planning permission regarding the implementation of secured by design principles.

Noise

- 7.126 Given the location of the site in close proximity to commercial uses, a detailed noise assessment has been undertaken and submitted with the application. This includes noise mitigation measures. Environmental Health have assessed the submission and advise that they have no objection in this regard subject to the imposition of a condition to require implementation of the mitigation measures and the carrying out of a post completion noise survey. In addition, it would be appropriate to condition the proposed new commercial space to prevent any detrimental impact on new occupiers from its operation.
- 7.127 On this basis, the noise impact of the local surroundings on the occupation of the development can be sufficiently mitigated against and is acceptable in accordance with Local Plan policy and the NPPF.

Odour

- 7.128 Given the site is in an urban location, close to sewage works, a waste site and commercial uses, Environmental Health requested that an odour screening assessment be carried out. This has been completed and accompanies the application. It assesses the odour impact on the basis of FIDOL (Frequency, Intensity, Duration, Offensiveness and Location) and the source-pathway-receptor methodology, in accordance with the Institute of Air Quality Management 'Guidance on the assessment of odour for planning' 2018.
- 7.129 The screening assessment concludes that the risk of odour impact is insignificant. Environmental Health have considered the submission and advised that they raise no objection on this basis. This impact is therefore considered acceptable in this regard.

Sustainability / Energy

- 7.130 Policy DM19 of the Local Plan requires development proposals to include measures to address climate change.

- 7.131 The application advises that all residential units will reduce C)2 emissions by 67% against part L, exceeding the target of 50% for new dwellings. A condition should be imposed on any planning permission to ensure details are provided (prior to the construction of any dwelling) setting out the materials and measures to be used to increase energy efficiency and thermal performance and reduce carbon emissions and construction waste and reduce carbon emissions by 50% for new dwellings compared to current regulations (Building Regulations Part L1a 2013).
- 7.132 A condition will also be imposed requiring the commercial elements of the proposal to meet BREEAM very good standard or equivalent as a minimum.
- 7.133 Further conditions should be imposed on any planning permission to control excessive water consumption. Subject to the conditions, the application would comply with Policy DM19 of the Local Plan and the NPPF.

Planning Balance and Conclusion

- 7.134 The application site is located within the confines of Sittingbourne which is identified as the primary urban focus for growth. The site is allocated in Local Plan Policy Regen1 which seeks to support the objective of consolidating and expanding Sittingbourne's position as the main retail, business, cultural, community and civic centre for the Borough; and within the Sittingbourne Town Centre and Milton Creek SPD area.
- 7.135 The application site is in a sustainable and accessible location that has been identified as appropriate for mixed use development as proposed. The principle of the proposal along with the enhancement of the creek area and the creation of a high quality area of public realm would accord with Local Plan Policies ST1, ST2, ST3, ST5, CP2 and Regen1 of the Local Plan and the NPPF
- 7.136 The proposal would bring forward development of a high-quality appearance that would improve the quality of the locality and its interaction with the creek area, and would not result in harm to nearby designated and non-designated heritage assets.
- 7.137 The proposal would result in an acceptable standard of living accommodation for future occupiers and would assimilate into its immediate setting. Conditions will secure appropriate amenity in terms of noise impact.
- 7.138 Flooding impact has been found to be acceptable subject to the imposition of detailed conditions, and the applicant has undertaken to enter into a legal agreement to make contributions to mitigate against wider infrastructure and ecological impacts of the proposal.
- 7.139 Contrary to the requirements of Local plan Policy DM8, the proposal has demonstrated that in light of the benefits that the scheme will bring to the locality as described above, it is not viable to provide a policy compliant provision of 19 affordable units. The scheme does however provide a range of unit sizes including a number of studio homes.

- 7.140 Swale is unable to provide a deliverable 5 year supply of housing. Paragraph 11 of the NPPF states that at the heart of the Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.141 In this instance, subject to the imposition of conditions and a legal agreement setting out infrastructure and ecological mitigation payments, there are no other identified adverse impacts of the proposal.
- 7.142 When weighed against the provision of 187 homes in a high quality, locally responsive development that additionally makes commercial, community and public realm provision with sensitively designed open space in an sustainable and accessible location that is identified as the primary focus for growth in the Borough and is subject to a specific regeneration allocation, the lack of 19 affordable homes does not represent an adverse impact that significantly outweighs the benefits.
- 7.143 On this basis therefore, it is recommended that subject to the imposition of conditions and the signing of a S106 agreement, permission is granted for the proposal.

8. **CONDITIONS**

TIME

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.

PLANS

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

D3182 FAB 00 XX DR L 1001 PL01 Landscape masterplan
21029 03305 Rev PL Proposed site section
21029 03000 Rev PL1 Proposed site plan
21029 03100 Rev PL1 Proposed ground floor – site
21029 03101 Rev PL1 Proposed first floor plan – site
21029 03102 Rev PL1 Proposed second floor plan – site
21029 03103 Rev PL1 Proposed third floor plan – site
21029 03104 Rev PL1 Proposed fourth floor plan – site

21029 03105 Rev PL1 Proposed fifth floor plan – site
21029 03106 Rev PL1 Proposed sixth floor plan – site
21029 03107 Rev PL1 – Proposed seventh floor plan – site
21029 03108 Rev PL1 – Proposed eighth floor plan – site
21029 03109 Rev PL1 – Proposed roof plan – site

21029 03301 Rev PL Block A section sheet 1
21029 03302 Rev PL Sections sheet 2
21029 03303 Rev PL Sections sheet 3
21029 03304 Rev PL Sections sheet 4

21029- 03217 Rev PL Indicative wider context buildings sheet 1
21029- 03218 Rev PL Indicative wider context buildings sheet 2
21029- 03219 Rev PL Indicative wider context buildings sheet 3

21029 03213 Rev PL Town House elevations
21029 05TH401 Rev PL Town house 3B 01 floorplan
21029 03TH100 Rev PL Proposed terraced housing ground floor
21029 03TH101 Rev PL Proposed terraced housing first floor
21029 03TH102 Rev PL Proposed terraced housing second floor

21029 03214 Rev PL Block A bay studies
21029 03205 REV PL Block A elevation sheet 1
21029 03206 Rev PL Block A elevation sheet 2
21029 03207 Rev PL1 Block A elevations sheet 3
21029 03208 Rev PL1 Block A elevations sheet 4

21029 03A100 Rev PL1 Block A proposed ground floor
21029 03A101 Rev PL1 Block A proposed first floor
21029 03A102 Rev PL1 Block A proposed second floor
21029 03A103 Rev PL1 Block A proposed third floor
21029 03A104 Rev PL1 Block A proposed fourth floor
21029 03A105 Rev PL1 Block A proposed fifth floor
21029 03A106 Rev PL1 Block A proposed sixth floor
21029 03A107 Rev PL1 Block A proposed roof plan

21029 03215 Rev PL Block C bay studies
21029 03209 Rev PL Block C elevations sheet 1
21029 03210 Rev PL1 Block C elevations sheet 2
21029 03211 Rev PL1 Block C elevations sheet 3
21029 03212 Rev PL1 Block C elevations sheet 4

21029 03C100 Rev PL1 Block C proposed ground floor
21029 03C101 Rev PL1 Block C proposed first floor
21029 03C102 Rev PL1 Block C proposed second floor
21029 03C103 Rev PL1 Block C proposed third floor
21029 03C104 Rev PL1 Block C proposed fourth floor
21029 03C105 Rev PL1 Block C proposed fifth floor
21029 03C106 Rev PL1 Block C proposed roof

21029 03216 Rev PL Block D bay studies
21029 03201 Rev PL Block D elevations sheet 1
21029 03202 Rev PL Block D elevations sheet 2
21029 03203 Rev PL Block D elevations sheet 3
21029 03204 Rev PL Block D elevations sheet 4

21029 03D100 Rev PL1 Block D proposed ground floor
21029 03D101 Rev PL1 Block D proposed first floor
21029 03D102 Rev PL1 Block D proposed second floor
21029 03D103 Rev PL1 Block D proposed third floor
21029 03D104 Rev PL1 Block D proposed fourth floor
21029 03D105 Rev PL1 Block D proposed fifth floor
21029 03D106 Rev PL1 Block D proposed sixth floor
21029 03D107 Rev PL1 Block D proposed seventh floor
21029 03D108 Rev PL1 Block D proposed eighth floor
21029 03D109 Rev PL1 Block D proposed roof

21029 05401 Rev PL Apartment type 1B-01 Studio
21029 05411 Rev PL Apartment type 1B-01 1 bed 2 person
21029 05412 Rev PL Apartment type 1B-02 1 bed 2 person
21029 05413 Rev PL Apartment type 1B-03 1 bed 2 person
21029 05433 Rev PL Apartment type 1B-04 1 bed 2 person
21029 05415 Rev PL Apartment type 1B-05 1 bed 2 person
21029 05421 Rev PL Apartment type 2B-01 2 bed 4 person
21029 05422 Rev PL Apartment type 2B-02 2 bed 4 person
21029 05423 Rev PL Apartment type 2B-03 2 bed 4 person
21029 05424 Rev PL Apartment type 2B-04 2 bed 4 person
21029 05426 Rev PL Apartment type 2B-05 2 bed 3 person
21029 05431 Rev PL Apartment type 3B-01 3 bed 5 person
21029 05432 Rev PL Apartment type 3B-02 3 bed 6 person

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

MATERIALS

- 3 No development shall take place above foundation level until details of the external finishing materials to be used including sample panels, have been submitted to and approved in writing by the Local Planning Authority, and the development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

4. No fans, louvres, ducts, meter boxes or other similar apparatus shall be installed externally on any building without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity.

SUSTAINABILITY

5. No development shall take place above foundation level until details of the measures to be undertaken to achieve at least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended) for the development of the 20 new dwellings has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

6. No residential units shall be occupied until details of measures to achieve a water consumption rate of no more than 110 litres per person per day, the rate for that unit(s) have been implemented in accordance with details submitted to and approved in writing by the Local Planning Authority. The measures shall be retained thereafter.

Reason: In the interests of water conservation and sustainability.

7. Prior to occupation of the development details of electric Vehicle charging points shall be submitted to an approved in writing by the Local Planning Authority. The charging points shall be installed in accordance with the approved details prior to the first use of the development hereby granted. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wi-Fi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved charge point model list:
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Reason: In the interest of sustainable transport and address climate change.

BREEAM

8. The non-residential units hereby approved shall achieve a Very Good BREEAM UK New Construction Version 6.1 rating including maximising energy and water efficiencies under the mandatory energy and water credits. A final certificate shall be issued to the Local Planning Authority for approval in writing within 6 months of the first occupation of the building(s) to certify that at a Very Good BREEAM UK New Construction Version 6.1 rating has been achieved.

Reason: To ensure a sustainable form of development

SECURED BY DESIGN

9. Prior to first occupation of the dwellings, the development hereby permitted shall incorporate measures to minimise the risk of crime and details of such measures to accord with the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) following the guidance set out in the Secured by Design in accordance with details submitted

to and approved in writing by the Local Planning Authority. They shall be thereafter retained.

Reason: In the interest of security, crime prevention and community safety

REFUSE

10. Prior to first occupation of the development, details of refuse storage arrangements including provision for the storage of recyclable materials for the site shall be submitted to and approved in writing by the Local Planning Authority. Refuse storage arrangements shall thereafter be provided on site in accordance with the approved details prior to occupation of the non-residential unit or residential building to which they relate and shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling.

COMMERCIAL

11. No deliveries shall be taken at or despatched from the commercial units outside of the hours of 9.00 and 18.00 and not at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

12. No activities in connection with the commercial units hereby permitted shall be carried out outside the hours of 07.00 and 23.00.

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

13. No plant (including ventilation, refrigeration, and air conditioning) shall be installed unless details 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. The scheme shall include an acoustic assessment which demonstrates that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

Reason: In the interests of visual and aural amenity.

14. All musical equipment and/or electrically amplified sound associated with non-residential uses shall be installed, maintained and operated so as to prevent the transmission of noise and/or vibration to any adjacent premises.

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

SUDS

15. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate appropriate management of surface water (minimum attenuation for climate adjusted 30 year event) against the climate adjusted 200 year tide locking events.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

16. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of the NPPF.

FLOOD RISK

17. No development shall take place until details of the proposed flood wall showing a plan of the alignment of the wall, confirmation of the height in mAOD, and a selection of cross sections through the wall / site has been submitted to an approved in writing by the Local Planning Authority.

The submission shall include details of how the wall will tie into high ground / flood defences at the site boundaries, and how the proposed wall will prevent 'back door' flooding where the wall could be outflanked by flood water. The proposed flood wall should have no openings or doors / gates within it which would introduce unacceptable risk of breach and could result in flooding to the site.

Development shall only be carried out in accordance with the approved details and retained as such thereafter.

Reasons: Required prior to commencement of development to ensure adequate flood defences are designed in and implemented within the site.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

18. No development or site clearance shall take place until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP will be based on the recommendations in sections 5 and 8 of the EclA report (Logika, 2022) and include the following:

- Risk assessment of potentially damaging construction activities;
- Identification of 'biodiversity protection zones'
- Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and;
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall thereafter be adhered to and implemented throughout the construction period.

Reason: Required before commencement to ensure satisfactory arrangements are made to safeguard biodiversity.

REPTILE MITIGATION STRATEGY

19. No development or site clearance shall take place until a reptile mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall provide the following information:

- a) Translocation methodology and timing;
- b) Location of the reptile receptor site;
- c) Details of any ecological enhancements to improve the receptor site and timing;
- d) Management prescriptions to maintain the receptor site long term.

All works must be carried out in accordance with the approved mitigation strategy.

Reason: Required before commencement to ensure satisfactory arrangements are made to safeguard biodiversity.

LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

20. No development or site clearance shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP will be based on the recommendations on sections 5.1.1.1 of the EclA report (Logika, 2022) and include the following:

- Description of habitats and features to be created, managed and enhanced
- Constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management prescriptions for achieving aims and objectives;
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- Details of the body or organisation responsible for implementation of the plan, and;
- Ongoing monitoring and remedial measures, including reference to BNG targets.

The LEMP will include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: Required before commencement to ensure satisfactory arrangements are made to safeguard biodiversity.

LANDSCAPING

21. No development shall take place above foundation level until a landscape scheme to align with the approved Landscape Masterplan (Ref D3182 FAB 00 xx DRL 1001 PL01) and the details shown in the Design & Access statement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall use predominantly native or near-native species as appropriate and include a plant specification, implementation details including timetable for delivery, a maintenance schedule and a 5-year management plan.

All landscaping shown in the submitted scheme (to include the Area of Ecological Enhancement, play areas, pocket parks, growing and outdoor workshop area) shall be implemented and maintained as approved.

Reason: To ensure the provision of sufficient open space and in the interests of visual impact and amenity of the area and to ensure a satisfactory appearance to the development

HARD LANDSCAPING

22. No development shall take place above foundation level until details of hard landscaping to be used across the site (to reflect the details in the Design & Access statement) and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be maintained thereafter.

Reason: To ensure a satisfactory external appearance and provision for landscaping.

MANAGEMENT OF OPEN SPACE

23. Prior to first occupation of any part of the development herein approved, a plan for the management and maintenance of the on site open space shall be submitted to and approved in writing by the Local Planning Authority. This shall detail the ongoing management of the site including identified roles, responsibilities and financial accountability. The management and maintenance of the open space shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the management and maintenance of the site.

HERITAGE

24. No development shall take place above foundation level until a scheme to maximise placemaking opportunities relating to the maritime heritage of the site are submitted to and approved in writing by the Local Planning Authority. This shall include, but not be limited to:

- Details of a heritage trail including heritage information boards.
- Preservation and treatment of the crane tramway track.
- The provision of mooring posts.
- A timetable for delivery.

The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and the heritage of the site.

ARCHAEOLOGY

25. To assess and mitigate the impacts of development on significant archaeological remains:

- A) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.
- B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.
- C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.
- D) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:
 - a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
 - b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
 - c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.
- E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

The evaluation works outlined Part A of the above condition should involve an initial stage of more detailed desk-based impact assessment taking account of any geotechnical information available. Any geotechnical works should be monitored if undertaken prior to archaeological evaluation. Evaluation should include a programme of archaeological trial trenching, test pit excavation and potentially bore hole works. More detailed walkover survey and recording of any historic features that survive on the site should also be undertaken.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in the interests of the preservation of archaeological remains

PLAY AREA

26. Prior to the installation of any play equipment (as detailed in the Design & Access statement), full details of its location, surfacing, equipment and boundary treatment and a timetable for its delivery shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure the provision of appropriate recreational facilities.

LIGHTING DESIGN STRATEGY

27. No development shall take place above foundation level until a lighting design strategy for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy will show how and where external lighting will be installed, as well as the expected light spill in lux levels, so that it can be clearly demonstrated that areas to be lit will not impact biodiversity. All external lighting shall be installed in accordance with the approved specifications and locations set out in the strategy and be maintained thereafter.

Reason: In the interests of biodiversity.

NOISE MITIGATION MEASURES

28. The noise mitigation measures as detailed in report 'Noise Impact Assessment' by Hann Tucker Ltd dated 25 July 2022 Ref 29667/NIA1 (The Report) shall be implemented by competent persons.

Prior to operation a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the Report.

If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the Local Planning Authority and installed and tested prior to occupation.

The mitigation measures must be retained thereafter.

Reason: In the interests of residential amenity.

AIR QUALITY

29. No development shall take place until the developer has submitted a scheme detailing and where possible quantifying/costing what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The scheme should reference the sums calculated in the Emissions Mitigation Statement undertaken and detailed in section 9 of the Air Quality Assessment undertaken by Miller Goodhall Ltd dated 7th September 2023, Report No 102834-2.

The development shall thereafter be implemented in accordance with the approved details.

Reason: Required prior to commencement of development to ensure adequate mitigation measures can be implemented against air quality impacts.

CONTAMINATION

30. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved in writing by the Local Planning Authority:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and to ensure any land contamination is adequately dealt with.

CONTAMINATION CLOSURE REPORT

31. Prior to first occupation of the development, a Closure Report shall be submitted to and approved by the Local Planning Authority. The closure report shall include full verification details as set out in condition 30. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure any land contamination is adequately dealt with.

UNEXPECTED CONTAMINATION

32. If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved

in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure any land contamination is adequately dealt with.

PILING

33. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater.

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with the National Planning Policy Framework.

CONSTRUCTION MANAGEMENT PLAN

34. No development, site clearance or preparation shall take place until a Construction and Traffic Management Plan has been submitted to and approved by the Local Planning Authority.

The CTMP shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include, but is not limited to:

- An indicative programme for carrying out the works.
- Site hours of operation.
- Numbers, frequency, routing and type of vehicles visiting the site.
- Travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries.

- Sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).
- Temporary traffic management / signage.
- Design and provision of site hoardings.
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s).
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s).
- Measures to manage the production of waste and to maximise the re-use of Materials.
- Measures to minimise the potential for pollution of groundwater and surface water.
- The location and design of site office(s) and storage compounds.
- The arrangements for public consultation and liaison during the construction works.
- Details of how the skate park and its users will be protected from construction and traffic impact.

Thereafter the construction of the development shall proceed in strict accordance with the approved Construction Traffic Management Plan.

Reason: Required prior to commencement of development to ensure that the A249 and M2 Trunk Roads continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and the National Planning Policy Framework (December 2023) and to protect the amenity of nearby users.

PARKING

35. No part of the development shall be occupied until a timetable for the delivery of visitor parking across the site and parking for the Barge Museum has been submitted to and approved in writing by the Local Planning Authority. The provision of these parking spaces shall thereafter be delivered in accordance with the approved timetable and the site plan herein approved and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to it.

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

36. No residential dwelling, community space unit or commercial unit, shall be occupied until the vehicle parking related to the associated residential block, community space unit or commercial unit has been provided in accordance with

the drawings herein approved. The parking shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to it.

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

CYCLE PARKING

37. Prior to first occupation of the development hereby approved full details of the location and type of facilities for parking of cycles and a timetable for implementation (including any phasing) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the Swale Parking SPD (or most recent relevant standard). The cycle parking shall be implemented in accordance with the approved details prior to first occupation and thereafter maintained.

Reason: To promote sustainable travel options

HIGHWAY INFRASTRUCTURE

38. No development shall take place above foundation level until details of the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture has been submitted to and approved by the Local Planning Authority. The works shall thereafter be laid out and constructed in accordance with approved details.

Reason: To ensure the provision of satisfactory highways infrastructure.

TRAVEL PLAN

39. Prior to occupation of the development, a Travel Plan, to reduce dependency on the private car shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: To promote sustainable travel options

BROADBAND PROVISION

40. No development shall take place above foundation level until details have been submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure shall be installed in accordance with the

approved details during the construction phase of the development and prior to occupation, be capable of connection to commercial broadband providers and maintained in accordance with approved details.

Reason: To provide high quality digital infrastructure in new developments as required by the NPPF.

