

Application No: 20/0657/FH

Location of Site: Blocks A, B, and C Hurricane Way and Terlingham Forum, Hawkinge.

Development: Change of use of use and conversion of office blocks A, B and C to 23 residential units and associated works, together with public realm improvements at Terlingham Forum.

Applicant: Pentland Homes.

Agent: DHA Planning, Eclipse House, Sittingbourne Road, Maidstone.

Officer Contact: Ross McCardle

SUMMARY

This application seeks planning permission for the conversion of three existing redundant office buildings to 23 residential flats, and for the carrying out of a number of public realm improvements (including new tree planting and formation of footpaths) at Terlingham Forum, Hawkinge. While the Town Council has objected to the scheme on the grounds that they consider there to be a need for commercial units in the village, they have not provided any evidence to support that assertion and the applicant has carried out a robust and extensive marketing exercise proving there to be no demand for the units. The Town Council also state there is a need for the type of residential units proposed in Hawkinge. The application is considered to be acceptable in all respects, and recommended for approval subject to the conditions set out at the end of the report.

RECOMMENDATION:

<p>That planning permission be approved subject to the conditions set out at the end of the report and any others that the Chief Planning Officer deems to be necessary.</p>

1. INTRODUCTION

1.1 The application is presented to Members due to an objection from Hawkinge Town Council on the basis that the submitted marketing report is inaccurate. Their comments are set out in detail at section 5 below.

2. SITE AND SURROUNDINGS

2.1 This application relates to existing buildings and public realm at Terlingham Forum, a relatively new development just off Spitfire Way to the south of Hawkinge.



Terlingham Forum, with the A260 Spitfire Way to the east

- 2.2 Units A, B, and C are recently constructed modern light industrial buildings situated to the west of Hurricane Way, immediately to the southwest of the Lidl store, east of an area of public open space, north of Hawkinge House nursing home, and west of residential dwellings on Juniper Way and Defiant Close.
- 2.3 Block A is to the north of the site. It is a three-storey flat-roofed building with simple, contemporary cladding to the external elevations and a projecting canopy above the entrance. Blocks B and C lie to the south and are of a similar design but only two storeys tall. There are two other similar buildings (blocks D and E) immediately to the west but not within the red line site boundary, and car parking is provided around each of the buildings.



Blocks A, B, and C layout



Blocks A and B (right and centre) with Lidl (left) as viewed from junction of Haven Drive and Hurricane Way



(Left to right) Blocks C, B, and A as seen from junction of Hurricane Way and Defiant Close



View from south. Care home to left, application site centre, flats/retail units to right

- 2.4 The rest of the red line encompasses land to the east of Hurricane Way, around a number of existing multi-storey buildings with retail premises at ground floor and residential flats above, including estate roads, car parking areas, pedestrian footways, and areas of soft landscaping. These buildings have similar external materials to blocks A, B, and C.



Red line site boundary

2.5 The area is generally flat and level, roads are wide, and soft landscaping is gradually establishing itself. Hawkinge itself lies to the north of Folkestone, and close to the A20/M20. The site is located within the settlement boundary of Hawkinge and is within the Kent Downs Area of Outstanding Beauty (AONB).

3. PROPOSAL

3.1 This application seeks planning permission for:

- i) Conversion of blocks A, B, and C from B1/B8 use to a total of 23 residential flats; and
- ii) Public realm improvements at Terlingham Forum.

Residential flats

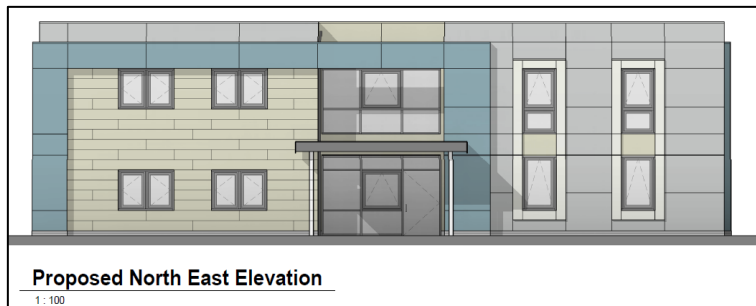
3.2 Block A is proposed to be converted to 12 flats; 10 x one-bed and 2 x two-bed. Block B is proposed to be converted to 7 flats; 4 x one-bed and 3 x two-bed. Block C is proposed to be converted to 4 x two-bed flats. All flats would feature open-plan kitchen / living rooms and separate bathrooms, and all blocks would include an internal communal bin / store room at ground floor level. All flats would exceed the minimum floor space requirements as set by the National Standard (the smallest flats being approximately 44 sqm).

3.3 Alterations to the elevations are proposed to facilitate the conversion, including very minor changes to windows (including insertion of obscure-glazing), but the overall scale, form, and mass of the buildings will remain as existing. Internally the buildings will be subdivided through insertion of partition walls.

3.4 Parking provision for the flats would be accommodated within the existing parking courts surrounding the buildings, and an area of outdoor amenity space is proposed to the west and north of block A and south of block C.



Block A frontage



Block B frontage



Block C frontage



Proposed layout, showing communal open space to south of Block C

Public realm

3.5 A number of works are proposed to enhance the existing development:

- Additional / increased planting and soft landscaping;
- Resurface the existing public space between blocks 1 and 2, and introduce shade and seating;
- Reconfigure parking area layout to give priority to pedestrians and link existing pedestrian spaces to create a single defined public space;
- Reconfigure parking area adjacent to blocks 3 and 4 to provide a flexible public space for parking and outdoor public uses;
- Installation of public art;
- Pedestrian connection to the Mayfly pub, on the adjacent site to the north;
- Pedestrian link to Lidl;
- New public seating;
- New cycle parking;
- New footpath connection to the nursing home; and
- Tree planting to define southern edge of the site and screen the parking areas from dwellings.

3.6 The works are shown in considerable detail on the submitted drawings, and page 8 of the submitted Design & Access Statement provides a proposed layout with explanatory key, as set out below.



Proposed layout (see key on next page)

Key to Proposals	
1.	New pedestrian entrance
2.	Newly resurfaced informal public space with shade and seating
3.	Reconfigured parking area
4.	Newly resurfaced area for pedestrian level access to connect external spaces
5.	Newly resurfaced flexible public space for use as parking, occasional marketplace and gatherings
6.	Focal public art, and pedestrian connection to Mayfly public house
7.	New seating and secure cycle parking
8.	New pedestrian access to converted office/residential buildings
9.	Reconfigured external areas adjacent to Blocks A, B and C for private amenity space
10.	Reduced parking areas - additional shared amenity/landscaping areas
11.	New path connection from retirement village

Layout key

4. RELEVANT PLANNING HISTORY

- 4.1 Application ref. Y10/0738/SH granted planning permission for mixed-used development the wider site.
- 4.2 That permission was then amended under application ref. Y15/1035/SH which granted planning permission for a mixed-use development comprising 2366sqm of B1/B8 commercial space in five blocks, 47 residential dwellings, and associated parking, access, and landscaping.

5. CONSULTATION RESPONSES

- 5.1 The consultation responses are summarised below.

5.2 Consultees

Hawkinge Town Council objects to the application:

“Although there was divided opinion on this application the majority of members opposed this application.

There is still a need for commercial units in this area based on evidence provided by Pentland and an unproven statement that they are not needed.

We felt that the impact on any new residents within blocks A to C would be affected by a commercial undertaking only a short distance away.

Some felt that if residential units were to be permitted, they should only be aimed for first time buyers or rented both at a reduced cost.

Residential units of this type for first time buyers are desperately needed in Hawkinge.”

The Environment Agency has no comments.

The Council's contamination consultant recommends imposing the standard contamination condition, as the change in use and provision of private amenity areas may change the conceptual model.

KCC Highways have no comments save their standard non-protocol response and standard informative.

KCC Ecology have no objections.

KCC Archaeology has no comments.

Southern Water has suggested that the exact position of sewers across the site needs to be established before work is carried out, but the proposed works are largely above ground and within the context of a recently-developed area. They do, however, confirm that they can provide foul drainage for the development, subject to a formal connection application outside of the planning process.

The Council's senior Economic Development specialist has reviewed the application in regards the marketing exercise carried out by the applicant, further to the Town Council's objection. Following receipt of clarification in regards the way in which the units were marketed he has no objections. He has suggested that there could be an increased demand for shared office space in future due to the impacts of Covid-19, but I have advised him there is no policy basis on which to justify requesting a further marketing period, given the lengthy marketing exercise carried out thus far.

The Council's Environmental Protection Specialist does not consider that the nearby commercial premises will have a significant adverse impact on the occupiers of the proposed flats but has recommended the condition below to ensure appropriate acoustic mitigation is installed if necessary.

5.3 **Local Residents Comments**

None received.

5.4 Responses are available in full on the planning file on the Council's website: <https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6. **RELEVANT PLANNING POLICY**

6.1 The Development Plan comprises the Shepway Core Strategy Local Plan (2013) and the Places and Policies Local Plan (2020).

6.2 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.

6.3 The relevant development plan policies are as follows:

Shepway Local Plan Core Strategy (2013)

DSD (delivering sustainable development), SS1 (spatial strategy), SS2 (housing and economy), SS3 (place shaping and sustainable settlements), SS4 (priority centres of activity strategy), SS5 (District Infrastructure Planning) CSD1 (balanced neighbourhoods), CSD2 (district residential needs).

SS1 and SS3 direct new residential development to the defined built up areas and sustainable urban locations within the borough, while SS2 sets out how the Council will meet its housing and employment requirements through delivery of target numbers of units/floor space. The loss of commercial floor space proposed by this application therefore needs to be weighed against providing additional housing within a sustainable urban location.

SS4 states that development will be allowed in priority centres of activity where it does not result in a net loss of on-site B class uses. Hawkinge is identified as a District Centre where its purpose is to accommodate appropriate development to maintain its mix of uses and improve vitality, viability and public realm.

CSD1 sets out the requirements for affordable housing provision, stating that developments of 15 or more dwellings will provide 30% on-site affordable housing.

CSD2 sets out the Council's aim of meeting housing requirements for specific target groups, and states that 50% of the housing provision should be three-bed or more by 2026.

Places and Policies Local Plan

HB1 (quality places through design), HB2 (cohesive design), HB3 (internal and external space standards), HB8 (alterations and extensions), E2 (existing employment sites), E8 (Provision of fibre to the premises), C1 (creating a sense of place), C3 (open space provision), C4 (children's play space), T2 (parking standards), T5 (cycle parking), NE2 (biodiversity), and NE5 (light pollution).

HB1, HB2, HB8, and C1 require developments to be of an appropriate standard in terms of scale, design, layout, etc. and to contribute positively towards creating a definitive sense of place to enable the local community to flourish, rather than simply a collection of attractive buildings.

HB3 ensures all new residential development accords with the minimum floor space standards set out by the Nationally Described Space Standard.

E2 seeks to ensure that existing employment uses are protected (my emphasis in **bold**):

*Existing employment sites are protected for business purposes under classes B1 and B8. **Proposals to fully or partly redevelop existing employment sites for alternative uses will be permitted provided that it is demonstrated that:***

- 1. The existing or former employment use is no longer appropriate in terms of neighbouring uses or impacts on the natural environment; or*
- 2. **The site or premises has been subject to sustained marketing over a 12 month period prior to the submission of the planning application but the site or premises has remained unlet or unsold for all appropriate types of B class employment use and no reasonable offers have been received;***
- 3. It does not prevent or limited opportunities for any remaining land left undeveloped coming forwarded for employment purposes;*
- 4. Any established businesses are relocated to appropriate alternative premises within the local area; and*
- 5. **The site is unviable for redevelopment for an alternative employment use.***

In addition, proposals should demonstrate that the proposed new use does not undermine neighbouring employment uses or their future development.

Policies C3 and C4 seek to ensure that appropriate provision is made for open space and play equipment to serve new developments, often through the collection of proportionate financial contributions.

The PPLP was adopted by the Council on 16.09.20 after a formal Inspection and review process. It is therefore a material consideration and carries full weight.

Core Strategy Review Submission draft (February 2020)

SS1 (spatial strategy), SS2 (housing and economy), SS3 (place shaping and sustainable settlements), SS4 (priority centres of activity strategy), SS5 (District Infrastructure Planning), CSD1 (balanced neighbourhoods), CSD2 (district residential needs).

The requirements of the above policies in the emerging Core Strategy are similar to what is set out within the adopted Core Strategy.

SS1 and SS3 direct new residential development to the defined built up areas and sustainable urban locations within the borough, while SS2 sets out how the Council will meet its housing and employment requirements through delivery of target numbers of units/floor space. The loss of commercial floor space proposed by this application therefore needs to be weighed against providing additional housing within a sustainable urban location.

Emerging policy CSD1 differs from the adopted policy in that it requires developments of 15 or more dwellings to provide a minimum of 22% affordable housing on site. Emerging policy CSD3 steers away from explicitly requiring three-bed units to a more balanced approach, requiring a split of 1/2/3/4+ bed dwellings across both private and affordable tenures, weighted towards 2 and 3-bed units.

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Following changes to national policy, a further consultation was undertaken from 20 December 2019 to 20 January 2020 on proposed changes to policies and text related to housing supply. The Core Strategy Review was then submitted to the Secretary of State for independent examination on 10 March 2020.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

- 6.4 The following are also material considerations to the determination of this application.

Government Advice

National Planning Policy Framework (NPPF) 2019

- 6.5 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF).

The NPPF generally supports the provision of new residential dwellings within sustainable urban locations, subject to amenity considerations. It also aims to resist the loss of employment uses unless justifiable.

With particular regard to affordable housing (as required by emerging and adopted Core Strategy policy CSD3) NPPF para. 63 sets out that *“to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.”* Footnote 28 then clarifies that the “proportionate amount” is *“equivalent to the gross floor space of the existing buildings.”*

(I have clarified this particular point with my colleagues in Planning Policy and firmly established that, because this current application does not propose any additional floor space, there is no additional floor space beyond the *“gross floor space of the existing buildings”* on which to justify the provision of affordable housing as part of this development.)

7. APPRAISAL

7.1 In light of the above the main issues for consideration are:

- a) Principle of development and marketing exercise
- b) Design and amenity
- c) Public realm improvements
- d) Parking and highways
- e) Ecology
- f) CIL and s.106 contributions

a) Principle of development and marketing exercise

7.2 Provision of new dwellings within this very sustainable urban location is acceptable in principle, and Officers have no concerns in that regard.

7.3 Loss of the approved (but currently vacant, never having secured any tenants or buyers as set out below) B1/B8 units is resisted by policy SS4 of the Core Strategy and policy E2 of the PPLP unless it can be demonstrated that they are not viable or not required. In this regard the applicant has carried out an extensive marketing exercise stretching back to December 2018.

7.4 The submitted Marketing Reports explains that units A, B, and C have been advertised for sale and rent – through both a reputable commercial agent and a local estate agent – since 4.12.2018. The property particulars were placed on a variety of named websites (Rightmove, etc.), sent directly to the agent’s

database of prospective interested parties, and advertised directly through local estate agents. As a result a number of viewings were arranged, an offer received on unit E4 was received but not progressed, and after limited interest a revised marketing brochure and website was launched in November 2019 with no further enquiries. The Report concludes:

“Therefore, in conclusion, the site presents well and is situated in a good position for new and existing businesses in the local area. Hawkinge, is not known as a commercial hotspot although has a strong local demographic. The site has now been marketed for a considerable amount of time with few serious interests in taking the units. None of the interest has materialised into any firm offers at an acceptable level. Whilst election concerns, Brexit and current circumstances along with the shell and core nature may have some limited effect on the interest these are not considered to be overriding factors.”

- 7.5 The Town Council questioned this evidence, stating, as above, that “there is still a need for commercial units in this area based on evidence provided by Pentland and an unproven statement that they are not needed.” In response to this the applicants have provided a further statement in regards marketing / compliance with policy E2. It states (my emphasis in **bold**):

*“As discussed, the submitted Marketing Report confirms **the premises have been marketed for a considerable period of time**, with limited serious interest or reasonable offers received. Since the publication of this report and given the current pandemic and lockdown - we have discussed further with both Sibley Pares and local estate agent Bridger Bell to confirm if there have been any changes to the market or interest within these buildings. **Bridger Bell have confirmed that within the past 3 months there have been no enquiries, no viewings, no interest and in their view no prospect of a change in circumstances. Sibley Pares have confirmed whilst they have had a few general enquires in the past 3 months, these have not materialised into any formal offers being received.** From their point of view there has been no increase at all in terms of interest. Both Sibley Pares and Bridger Bell suggest that in the market in general **large industrial and large retail units appear to be of interest, but not office buildings.** As such, as per the Marketing Report and latest evidence, it is clear that despite considerable marketing and a robust marketing strategy, there is no demand for these units in this location for office purposes.”*

- 7.6 A robust and extensive marketing exercise has been undertaken, and Members will note that it spans significantly longer than the required 12 months (December 2018 to present). Officers have no reason to doubt the report, provided as it is by reputable local chartered surveyors, and no evidence to dispute their assertions.
- 7.7 While the Town Council’s objection is noted they have not provided any evidence to support their position, or to demonstrate why they consider the Marketing Report to be “unproven.”

- 7.8 While the Council's Economic Development specialist suggests current circumstances (Covid-19) may potentially generate interest in shared working spaces he does not disagree with the content or conclusions of the submitted evidence. (It should be noted that there is no policy basis on which the Council could justifiably require the applicant to delay determination of this application for a further 12 months to explore potential impacts of shared working / home working (as a result of Covid-19) on the level of interest.)
- 7.9 Furthermore, in response to questions by the ED officer, the applicants have submitted comments from the marketing agents to confirm that the units were marketed at price reflective of the local market and offered for a variety of flexible tenures, including sale rent, or part-lease. I am firmly of the opinion that the applicants have carried out a thorough and extensive marketing exercise – in accordance with the requirements of PPLP policy E2 – and there is no justification to require them to submit further evidence in this regard.
- 7.10 I would also note that the Town Council has not submitted any evidence to support their assertion that the marketing is not satisfactory or that there is any demand for these units.

b) Design and amenity

- 7.11 External changes to the existing office buildings are very minor (such as the insertion of obscure glazing in bathrooms) and as such Officers have no concerns with regards to the design and do not consider it would have impact upon the AONB, meeting the objective of conserving it.
- 7.12 The proposed flats would provide a good standard of amenity for future occupants. Internal floor spaces are in excess of the minimum national requirements, room sizes and layouts are sensible, and there would be a good amount of natural lighting.
- 7.13 Officers did raise the question of whether it would be possible to provide balconies for the flats with the applicants, but this would require significant structural intervention to tie them into the frames of the existing buildings and is therefore not realistically possible. A small amount of on-site outdoor amenity space is provided, but is not significant. The site does, however, sit immediately adjacent to a large existing public open space which runs from Haven Drive to Corbett Road, and which is easily accessible to all residents of the proposed flats. Due to this very particular site circumstance it is considered that the level of outdoor amenity space is acceptable and that the lack of private amenity space would not result in any significant harm to future amenity.



Open green space adjacent to the flats (approximately circled in red)

- 7.14 External, timber-fenced bin store areas are already in place, and there is a small service room within each block that can provide cycle storage.
- 7.15 It is not considered that the development would give rise to any serious amenity concerns for existing residents.

c) Public realm improvements

- 7.16 These are relatively low-key interventions that seek to improve the layout and soft landscaping, and to provide pedestrians with a better environment through which to navigate to various parts of the wider development.
- 7.17 New pedestrian footways, additional planting, enhanced open space, and improved links to neighbouring uses (Lidl and the pub) will be a significant and tangible benefit to the local community, and would serve to improve the character and appearance of the wider area to the benefit of the village as a whole.
- 7.18 I have no serious concerns on this part of the scheme, and consider the proposals would contribute positively to the character and appearance of the wider area.

d) Parking and highways

- 7.19 The public realm improvements will reconfigure the parking layout, but parking provision remains in accordance with adopted guidance. Parking for the proposed flat conversions is to be provided within the existing parking areas around the buildings, with 47 spaces shown on the submitted masterplan. This is well in excess of the minimum required to serve the proposed dwellings (1 space per dwelling), and it should be noted that the site lies in an inherently sustainable location immediately opposite to local shops and services. I also note that KCC Highways do not object and I therefore do not have any serious concerns.
- 7.20 The road network, junctions, visibility splays, etc. remain as existing and I have no serious concerns in regards this aspect either.

e) Ecology

- 7.21 Conversion of the flats would not give rise to any additional concerns over and above those associated with the development as existing. The public realm works propose additional soft landscaping and an area of existing car park to the south of Block C is to be converted to soft landscaping as part of the provision of outdoor amenity space and in that regard this would be an ecological gain for the wider site.
- 7.22 I note that the KCC Ecologist has no objections.

f) CIL and s.106 contributions

- 7.23 The original development of this site secured contributions of £92,077.44 towards local services (including extension of Hawkinge Primary School and library funding) but this was calculated solely on the basis of the no. of dwellings proposed at the time (47). The current development creates additional dwellings and is therefore liable for CIL at a rate of £57.86 per sqm; the applicant has provided the requisite CIL liability form.
- 7.24 Contributions are also required towards the provision of open space and play equipment, as set out by PPLP policies C3 and C4. These contributions total £36,659.50 and the applicant has entered into a unilateral undertaking (signed and ready to be attached to any grant of permission) which agrees to pay this sum to the Council prior to commencement of development. The funds would be spent on provision of such services in the village.
- 7.25 As set out in the policy section above: in the interest of bringing redundant existing buildings back in to productive use, vacant building credit (VBC) is applied to any existing floor space in accordance with the terms set out by the NPPF. This development provides no additional floor space and there is therefore no requirement for it to provide a proportion of the units as affordable housing, as stipulated by NPPF footnote 28.
- 7.26 While it is unusual for a development of this scale to not have to provide any AH the policy position is very clear in terms of VBC and as such there is no justifiable basis on which to challenge the developer on this aspect.

g) Other

- 7.27 Officers have considered drainage at the site and concluded that there are unlikely to be any additional impacts arising from change of use. Surface water drainage and sewage were considered under the original application for erection of the wider development and this scheme does not significantly alter those considerations.

Environmental Impact Assessment

- 7.27 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Local Finance Considerations

- 7.28 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. There is no CIL requirement for this development.

Human Rights

- 7.29 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

- 7.30 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

Working with the Applicant

- 7.31 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

8. CONCLUSION

- 8.1 While the Town Council's objection is noted the application complies with the requirements of the Council's adopted policies, would bring about considerable public realm improvements, and would not give rise to any unacceptable amenity impacts.
- 8.2 I therefore recommend that planning permission should be approved.

9. BACKGROUND DOCUMENTS

- 9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

10. RECOMMENDATIONS

That planning permission be approved subject to the following conditions:

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

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

2. No development shall take place other than in complete accordance with drawings 29653B 001 rev. P1, 29653B 003 rev P1, 29653B A10 rev. P2, 29653B B10 rev. P2, 29653B C10 rev. P1, and the details set out within the submitted Design & Access Statement (all received 15.04.20).

Reason: For the avoidance of doubt.

3. Prior to first occupation of the flats hereby permitted details to demonstrate that the dwellings hereby permitted shall use no more than 100 litres of water per person per day shall be submitted to and approved in writing by the District Planning Authority. The details shall be implemented as agreed.

Reason: In the interest of sustainable development and minimising water consumption.

4. The materials to be used on the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity.

5. The amenity space shown on the approved plans shall be retained in perpetuity for use by the residents of all the flats.

Reason: In the interests of residential amenity.

6. The internal noise levels of the flats hereby permitted shall not exceed the BS8233 internal noise levels of 35dB (bedrooms and living rooms), and appropriate internal acoustic mitigation shall be installed to ensure such levels are maintained in accordance with details to be submitted to and agreed in writing by the Local Planning Authority prior to first occupation of the flats hereby permitted.

Reason: In the interest of residential amenity.

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

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

Reason: In the interests of residential amenity.

8. The scheme of tree planting and landscaping shown on the submitted plans shall be carried out within 12 months of first occupation of the flats hereby permitted. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the District Planning Authority.

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

9. The car parking spaces shown on the submitted drawings shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position

as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

10. The dwellings hereby permitted shall not be occupied until details have been submitted to and approved in writing by the Local Planning Authority showing installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings within the approved development. The infrastructure shall be installed in accordance with the approved details, be capable of connection to commercial broadband providers and be maintained in accordance with approved details.

Reason: To provide high quality digital infrastructure in new developments.

11. Details of how the development as a whole will reduce carbon emissions by a minimum of 10 percent above the Target Emission Rate, as defined in the Building Regulation for England approved document L1A: Conservation of Fuel and Power in Dwellings, shall be submitted to the Local Planning Authority for approval, in writing, prior to progression of development beyond foundation level, with such details as approved implemented in full and thereafter retained and maintained.

Reason: To support the transition to a low carbon future through the use of on-site renewable and low-carbon energy technologies.