

<b>2.2 REFERENCE NO - 17/503778/FULL &amp; 17/503779/LBC</b>			
<b>APPLICATION PROPOSAL</b> Conversion of existing building into 4 self contained flats and storage area. New windows to be installed in new first floor kitchens.			
<b>ADDRESS</b> 124 East Street Sittingbourne Kent ME10 4RX			
<b>RECOMMENDATION</b> Grant planning permission and listed building consent subject to conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal would provide 4 residential units in a sustainable location without causing unacceptable harm to residential, visual or highway amenity. The proposal would also protect the special architectural features and historic interest of the listed building.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Recommendation is contrary to the views of Councillor Sarah Aldridge			
<b>WARD</b> Roman	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Ashvin Properties LTD <b>AGENT</b> Mr Ken Crutchley	
<b>DECISION DUE DATE</b> 28/09/17	<b>PUBLICITY EXPIRY DATE</b> 08/09/17		
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
None			

**THIS REPORT RELATES TO TWO SEPARATE APPLICATIONS BUT THEY ARE REPORTED TOGETHER AS THE PROPOSAL IS SEEKING BOTH PLANNING PERMISSION AND LISTED BUILDING CONSENT FOR THE SAME PROPOSAL AT THE SAME PROPERTY. EACH APPLICATION SHOULD BE DETERMINED ON IT'S OWN MERITS.**

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.01 The application site comprises a link detached two storey listed building with a small amount of amenity space to the front of the building and private amenity space to the rear. The site lies within approximately 100m from the boundary of Sittingbourne town centre.
- 1.02 The surrounding area is comprised of a mixture of residential and commercial properties.

**2.0 PROPOSAL**

- 2.01 This application seeks planning permission and listed building consent for the conversion of the existing residential property into 4 self contained 1 bedroom residential units. The previous use of the property appears to be as a House in Multiple Occupation.

2.02 The proposal includes the insertion of two windows on the eastern flank elevation of the building. No other external changes are proposed to the building.

2.03 The ground floor will be comprised of a 1 bedroom studio flat, a 1 bedroom flat and a storage area. The first floor will be comprised of 2 x 1 bed flats. The flats will provide habitable floor area as follows:

Ground Floor 1 bedroom flat – 43sqm of habitable floorspace

Ground Floor 1 bedroom studio flat – 25sqm of habitable floorspace

First floor, 2 x 1 bedroom flats - 34sqm and 40.5sqm of habitable floorspace

2.04 The internal alterations include the bricking up of one existing doorway and the insertion of a new doorway within an existing wall.

### 3.0 PLANNING CONSTRAINTS

3.01 Grade II listed building.

### 4.0 POLICY AND OTHER CONSIDERATIONS

4.01 The National Planning Policy Framework (NPPF):at paragraph 131 states that *“In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.”*

4.02 Paragraph 132 goes onto state that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.”*

4.03 Paragraph 134 says that *“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 of the proposal, including securing its optimum viable use.”*

4.04 ST3, CP4, CP8, DM14, DM16 and DM32 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

4.05 Supplementary Planning Guidance regarding Listed Buildings and The Conversion of Buildings into Flats & Houses in Multiple Occupation.

## 5.0 LOCAL REPRESENTATIONS

5.01 A site notice was displayed close to the site and neighbouring properties were sent a consultation letter. 6 responses were received objecting to the application on the following grounds:

- The proposal is not providing any parking facilities and the surrounding roads have no capacity remaining;
- The storage area of the proposal should be converted to parking spaces.

## 6.0 CONSULTATIONS

6.01 Cllr Sarah Aldridge stated the following:

*“Conversion of existing building into 4 self contained flats. As far as the application form states, no provision made for parking.*

*Parking in this area is a serious concern for residents and I am concerned on where residents from the 4 flats are supposed to park.”*

## 7.0 BACKGROUND PAPERS AND PLANS

7.01 Application papers and correspondence relating to planning reference 17/503778/FULL & 17/503779/LBC.

## 8.0 APPRAISAL

### **Principle of Development**

8.01 The application site lies within the built up area boundary and approximately 100m to the east of the Sittingbourne town centre boundary and the Central Sittingbourne Regeneration area. As such, the principle of residential development in this location is acceptable in principle subject to amenity considerations and the impact upon the listed building's special architectural or historic interest.

### **Visual Impact and impact upon the listed building**

8.02 The proposed external alterations to the property are limited to the insertion of two windows into the flank elevation of the property. Due to the close proximity of the adjacent property views towards the flank elevations are extremely limited and as such I do not believe that this would give rise to any significant harm to visual amenities.

8.03 The host property is a 19<sup>th</sup> Century grade II listed building. The building has been subdivided internally and having undertaken a site visit it appears that the property has been in use as a House in Multiple Occupation (HMO). Over the course of time, the front of the building has been rendered, the original floorplan has been lost and an extension to the rear has significantly altered the rear elevation. As a result of these changes, currently the most notable features of the listed building are the location of the stairwell, the layout of the two front rooms, the chimney breast and the fireplaces. The proposed works will not impact upon any of these features. Therefore, as there has already been so much harm caused to the listed building by virtue of the works that have previously taken place it is my view that the proposal would not give rise to any serious additional harm. As a result I am of the view that

what is left of the buildings special architectural or historic interest will not be significantly harmed by the proposals.

### **Residential Amenity**

- 8.04 The additional windows proposed in the side elevation face onto the flank wall of the adjacent property, No.126. I note this property has a window in its flank elevation however it is located high up in the elevation and appears to serve the loft space. Therefore, as the proposed windows are at first floor level and the gap between the properties is limited to approximately 1m, due to the difference in levels between the windows I do not believe that they would give rise to opportunities for harmful levels of mutual overlooking. In addition to this the property is not being extended and as such I take the view that the impact upon the residential amenities of the surrounding occupiers would not be unacceptable.
- 8.05 In terms of the future occupants of the units, I have assessed the floorspace provided against the requirements of the Council's SPG, The Conversion of Buildings into Flats & Houses in Multiple Occupation. The proposal is to convert the units into 4 x 1 bedroom units (one of the units will be a studio flat with a combined bedroom and living area). The units are all in excess of the floorspace requirements as set out in the SPG. Furthermore, the property is served by a garden of 22m in depth and 9m in width. As a result I am of the view that the proposal would provide suitable living conditions for the amenities of future occupiers of the development.
- 8.06 The proposal includes a storage area at ground floor level of a relatively generous size. In my view this could comfortably accommodate storage of bicycles for example and as such I have included a condition which requires the occupants of the flats to have access to the storage room in perpetuity.

### **Highways**

- 8.07 As shown by the comments received by the Ward Councillor and local residents there is a concern in this area regarding the availability of parking. The property does not benefit from any off road parking and fronts onto a part of East Street which has double yellow lines on both sides of the highway.
- 8.08 As set out above the site lies approximately 100m outside of the town centre and as such in my view would be designated as an edge of centre location. Policy DM7 (vehicle parking) sets out that until such a time that a Swale Vehicle Parking SPD has been adopted the Council will continue to apply the extant Kent County Council vehicle parking standards. The Council has not yet adopted a parking SPD. The details contained within the *Kent Design Guide Review: Interim Guidance Note 3, 20<sup>th</sup> November 2008 – Residential Parking* divides areas into four categories – town centre, edge of centre, suburbs and rural. There is a clear distinction that can be made between town centre / edge of town centre areas and suburbs / rural areas in that *maximum* parking standards are applied to the former. The result of this is that developments within the town centre / edge of town centre, as is the case with this site, would be acceptable if no parking was proposed. In this case as the development is in line with the County parking standards it is therefore compliant with the Council's adopted policy and I take the firm view that a lack of parking in this case should not warrant a reason for refusal.
- 8.09 I also give weight to the previous use of the site which having undertaken a site visit appears to be as a HMO. Although there is no planning history related to this (the change of use from a single dwelling to HMO can be undertaken under permitted

development) I consider that the quantity of people occupying the property, and the consequent possible car ownership could fall as a result of this proposal.

- 8.10 I note that one of the comments received suggested using the storage area as parking space. However, the storage area forms part of the ground floor of the existing building and therefore I do believe that it would be realistic to remove this element and retain the first floor above, nor to carry out such works without significant harm to the listed building. In any case, such works would not provide significant off street parking.

### **Impact upon SPA and Ramsar Sites**

- 8.11 I have for completeness set out a Habitat Regulations Assessment below. This confirms that whilst mitigation could be provided by way of developer contributions, this is not considered appropriate for developments under 10 dwellings. The cost of mitigation will be met by developer contributions on developments over 10 dwellings. In view of this it is not considered that the development will have a harmful impact on the special interests of the SPA and Ramsar sites.

## **9.0 CONCLUSION**

- 9.01 The application site lies within a sustainable location and would provide four residential units without in my view giving rise to any significant harm to residential or visual amenities. Due to the very limited structural works that are proposed I also believe that what is left of the special architectural and historic interest of the listed building would be preserved.

- 9.02 I recognise that there is local concern regarding car parking provision in the surrounding streets. However, in this case, I have applied the County parking standards as required by policy DM7 of the adopted Local Plan and consider that the proposal complies with these requirements. As a result of this I take the view that the proposal would not give rise to serious harm to highway safety or amenity. On the basis of the above I recommend that planning permission is granted.

- 10.0 RECOMMENDATION – GRANT** Planning permission and listed building consent subject to the following conditions:

For Planning Application ref 17/503778/FULL only

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

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

- 2) The development hereby approved shall be carried out in accordance with the following drawings: 170409 Rev 001; 170410 Rev 001 and 170412 Rev 001 (all received 26/9/2017).

Reason: For clarity and in the interests of proper planning.

- 3) The storage area as shown on drawing 170409 Rev 001 (received 26/9/2017) shall be made available for use by the occupants of the residential units hereby approved and shall be kept available in perpetuity.

Reason: In the interest of residential amenities.

For Listed Building Consent application Ref 17/503779/LBC only

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

Reason: In pursuance of Section 18 of the Listed Building Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) None of the existing three fireplaces (two within the ground floor front rooms and one within the first floor front room) shall be replaced or removed from the building.

Reason: In the interests of the special architectural and historic interest of the listed building.

### **Habitats Regulations Assessment**

This HRA has been undertaken without information provided by the applicant. The application site is located approximately 3km south-west of The Swale Special Protection Area (SPA) and Ramsar site and 5.6km south-east of Medway Estuary and Marshes Special Protection Area and Ramsar site both of which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. The proposal therefore has potential to affect said site's features of interest.

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 61 and 62 of the Habitat Regulations require a Habitat Regulations Assessment. NE also advises 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 and can therefore be screened out from any requirement for further assessment. It goes on to state that when recording the HRA the Council should refer to the following information to justify its conclusions regarding the likelihood of significant effects; financial contributions should be made 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); the strategic mitigation will need to be in place before the dwellings are occupied.

In terms of screening for the likelihood of significant effects from the proposal on the SPA features of interest, the following considerations apply:

- Due to the scale of development there is no 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 birds by cats.
- Based on the correspondence with Natural England, I conclude that off site mitigation is required. However, the Council has taken the stance that financial contributions will not be sought on developments of this scale because of the practicalities of securing payment. In particular, the legal agreement may cost more to prepare than the contribution itself. This is an illogical approach to adopt; would overburden small scale developers; and would be a poor use of Council resources. This would normally mean that the development should not be allowed to proceed, however, NE have acknowledged that the North Kent Councils have yet to put in place the full measures necessary to achieve mitigation across the area and that questions relating to the cumulated impacts on schemes of 10 or less will need to be addressed in on-going discussions. This will lead to these matters being addressed at a later date to be agreed between NE and the Councils concerned.
  - Developer contributions towards strategic mitigation of impacts on the features of interest of the SPA- I understand there are informal thresholds being set by other North Kent Councils of 10 dwellings or more above which developer contributions would be sought. Swale Council is of the opinion that Natural England's suggested approach of seeking developer contributions on minor developments will not be taken forward and that a threshold of 10 or more will be adopted in due course. In the interim, I need to consider the best way forward that complies with legislation, the views of Natural England, and is acceptable to officers as a common route forward. Swale Borough Council intends to adopt a formal policy of seeking developer contributions for larger schemes in the fullness of time and that the tariff amount will take account of and compensate for the cumulative impacts of the smaller residential schemes such as this application, on the features of interest of the SPA in order to secure the long term strategic mitigation required. Swale Council is of the opinion that when the tariff is formulated it will encapsulate the time period when this application was determined in order that the individual and cumulative impacts of this scheme will be mitigated for.

Whilst the individual implications of this proposal on the features of interest of the SPA will be extremely minimal in my opinion as this is a development of four residential units, cumulative impacts of multiple smaller residential approvals will be dealt with appropriately by the method outlined above.

For these reasons, I conclude that the proposal can be screened out of the need to progress to an Appropriate Assessment. I acknowledge that the mitigation will not be in place prior to occupation of the dwellings proposed but in the longer term the mitigation will be secured at an appropriate level, and in perpetuity.

#### **The Council's approach to this application:**

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

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

