

**PLANNING COMMITTEE – 9 NOVEMBER 2017****PART 3**

Report of the Head of Planning

**PART 3**Applications for which **REFUSAL** is recommended

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| <b>3.1 REFERENCE NO - 16/505002/FULL</b>   |  |  |  |
| <b>APPLICATION PROPOSAL</b><br>Demolition of existing structure and erection of a three storey, two bedroom dwellinghouse.   |  |  |  |
| <b>ADDRESS</b> 70 High Street, Blue Town, Sheerness, Kent, ME12 1RW  |  |  |  |
| <b>RECOMMENDATION</b> That the Council would have refused planning permission for the application had an appeal against non-determination not been submitted to the Planning Inspectorate.                       |  |  |  |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b><br>The proposal would give rise to unacceptable risk to human life as a result of the flood risk, not outweighed by the benefits of the scheme. |  |  |  |
| <b>REASON FOR REFERRAL TO COMMITTEE</b><br>An appeal has been submitted against the non-determination of this application. This is to determine what the Council's decision would have been.                     |  |  |  |
| <b>WARD</b> Sheerness  |  | <b>PARISH/TOWN COUNCIL</b><br>Sheerness  | <b>APPLICANT</b> Michael Morgan<br><b>AGENT</b> KCR Design |
| <b>DECISION DUE DATE</b><br>16/08/16   |  | <b>PUBLICITY EXPIRY DATE</b><br>12/05/17 |  |
| <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>  |
| SW/07/0181   | Two houses to replace existing store (outline) | Withdrawn                                | 02/04/07   |

**1.0 DESCRIPTION OF SITE**

- 1.01 70 High Street is a single storey workshop/store situated on a small, triangular shaped plot in Blue Town. It is in a bad condition and has a poor visual appearance in the street scene. The site falls within a conservation area and there are a number of listed buildings within its vicinity, though none directly adjacent or opposite.
- 1.02 The surrounding area is mixed in use, including dwellings, a heritage centre and a public house. Opposite the site is the walled off Sheerness dockyard. The design of many buildings within the area is of the historic and traditional nature often seen within designated heritage locations.

**2.0 PROPOSAL**

- 2.01 The proposal seeks planning permission for the demolition of the existing workshop/store and its replacement with a three storey dwelling.

- 2.02 It would have a maximum depth of 7m and a maximum width of 5m. It would measure 7.9m in height to the eaves with a ridge height of 9.2m. It would be of a design (and use of materials) to mimic the adjacent three storey buildings to the west.

### **3.0 PLANNING CONSTRAINTS**

- 3.01 Conservation Area Sheerness: Royal Naval Dockyard and Bluetown
- 3.02 Environment Agency Flood Zone 3

### **4.0 POLICY AND OTHER CONSIDERATIONS**

- 4.01 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).
- 4.02 Development Plan: Policies CP 4, DM 1, DM 2, DM 7 and DM 14, DM 19, DM 21, DM 32 and DM 33 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017".

### **5.0 LOCAL REPRESENTATIONS**

- 5.01 None received

### **6.0 CONSULTATIONS**

- 6.01 KCC Highways & Transportation have no comments to make
- 6.02 The Environment Agency objects to the proposal (discussed below)

### **7.0 BACKGROUND PAPERS AND PLANS**

- 7.01 The application is supported by a Heritage Statement, Design & Access Statement and a Flood Risk Assessment.

### **8.0 APPRAISAL**

- 8.01 The site is within the defined built up area boundary in which the principle of development is acceptable subject to the other relevant policy considerations outlined below.

#### **Residential amenity**

- 8.02 The new dwelling would be set no further forwards or rearwards than its neighbours and there are no dwellings directly to its north, east or south. I consider there would be no significant harm in terms of overbearing, overshadowing or overlooking issues.
- 8.03 There would be some private amenity space provided, which albeit small, would be of a similar size to that provided for other dwellings in this area. I consider the proposal would provide acceptable living space for its future occupiers.
- 8.04 Had I been minded to recommend approval, I would have recommended a standard hours of construction condition, to ensure the prevention of unacceptable noise nuisance. I consider the proposal acceptable in terms of residential amenity.

**Visual amenity**

- 8.05 The site falls within a conservation area and is close to some surrounding listed buildings. There is a duty placed upon the Council to ensure the character and appearance and the setting of these areas and buildings are preserved or enhanced.
- 8.06 The dwelling would be of a replica period design similar to the existing pair of semi-detached buildings immediately to the west. It would be set down and back from these which would, in my view, respect their original form.
- 8.07 I originally had some specific design concerns in relation to the side elevation and the way it followed the slanted boundary of the plot with no fenestration to break up its bulk. It was suggested that this eastern flank elevation be stepped in from the boundary to give it a more traditional form and allow some fenestration to be inserted.
- 8.08 Amended plans were received in line with this recommendation. In my view, when taking into account the extremely poor condition and appearance of the existing building, I consider the proposal would now be a visual improvement in the street scene and would enhance the character and appearance of the Conservation Area and the setting of the nearby Listed Buildings. I consider the proposal acceptable in terms of visual amenity, but had I been minded to recommend approval, I would have included joinery and materials conditions.

**Parking**

- 8.09 There would be no provision for additional off-street parking. I consider this to be an edge of centre location, which according to the Kent Vehicle Parking Standards; would normally be expected to provide 1 off-street parking space. However in this case, the High Street features predominantly on-street parking already and many of the properties in the area do not have their own on curtilage parking. However I do not consider that the on street parking this situation has reached saturation point. As such, I do not believe the proposal would give rise to significant harm to highway safety/convenience or visual amenity in terms of parking.

**Impact of the change of use**

- 8.10 The Local Plan considers that the loss of employment sites should be acceptable only when not viable or suitable for the area. In my opinion, the existing workshop/storage unit occupies a very small, awkwardly shaped plot and does not amount to a viable employment unit, further demonstrated by the fact that it is currently vacant. Furthermore, although the area in general is mixed in use, there are a number of dwellings adjacent to the site. I consider the unit's replacement with a residential dwelling would be an appropriate use in this case.

**Flood Risk**

- 8.11 The site falls within Flood Zone 3 and proposes the introduction of a more vulnerable use (residential accommodation). In such cases, a Flood Risk Assessment (FRA) is required. No such assessment was originally submitted and the Environment Agency objected to the proposal for this reason.
- 8.12 Following this, an FRA was submitted and the Environment Agency re-consulted. The Environment Agency responded to the detail in the FRA and stated that the site is shown to have a flood risk to a potential depth of 2.1m when climate change is

taken into account in the 1 in 200 year event. As such, it is considered that residential development at ground floor level here is unacceptable and the Environment Agency maintained their objection.

- 8.13 To overcome this objection, it was recommended that either the ground floor levels of the building would need to be raised or all residential accommodation would need to be moved to first floor level and above, with a less vulnerable use at ground floor level. No such amendment was received and an appeal against non-determination submitted in the meantime. As such, it is considered that the proposal would give rise to unacceptable risk to human life, which is not outweighed, in my view, by the benefits of the visual improvement of the site and the provision of an additional dwelling in a sustainable location.

## **9.0 CONCLUSION**

- 9.01 Taking into account all of the above; I recommend that Members resolve that the application would have been refused as a result of the flood risk if an appeal against non-determination not been submitted.

- 10.0 RECOMMENDATION** – That had an appeal against non determination not been submitted to the Planning Inspectorate that planning permission would have been refused for the following reason:

- (1) The proposal would introduce more vulnerable residential accommodation into an area of Flood Zone 3 which is at risk of flooding to a depth of 2.1m when climate change is considered in the 1 in 200 year event. As such, it would give rise to significant and unacceptable risk to human life not outweighed by the benefits of the proposal. The proposal would therefore be contrary to policies DM 14 and DM 21 of “Bearing Fruits 2031: The Swale Borough Local Plan 2017” and to the advice of paragraphs 99 and 100 of the National Planning Policy Framework.

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council’s website.

