

2.3 REFERENCE NO - 17/504179/FULL		
APPLICATION PROPOSAL		
Proposed new build of 2no. A1 Retail units with 3no. 1 bed self contained flats over as amended by drawing no. 102 D received 5 December 2017		
ADDRESS 152-154 Station Road Teynham Sittingbourne Kent ME9 9SX		
RECOMMENDATION - GRANT subject to conditions and to outstanding representations (closing date 26 December 2017)		
SUMMARY OF REASONS FOR RECOMMENDATION		
Proposed development is acceptable in principle and would not cause significant harm to the amenities of the area.		
REASON FOR REFERRAL TO COMMITTEE		
Councillor Bowen requests that the planning application is reported to the Planning Committee.		
WARD Teynham And Lynsted	PARISH/TOWN COUNCIL Teynham	APPLICANT Mr Hari Johnston AGENT
DECISION DUE DATE 11/01/18	PUBLICITY EXPIRY DATE 26/12/17	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
App No	Proposal	Decision
17/504141/FULL	Temporary relocation of retail unit during refurbishment	PENDING CONSIDERATION
SW/12/1610	Proposed new build of 2 no. A1 retail units with 3 no. 1 bed self-contained flats over.	GRANTED
SW/12/0002	New build of 2 no. retail A1 Units with 3 x 1 bed self-contained flats over	REFUSED

1.0 DESCRIPTION OF SITE

- 1.01 The application site is currently occupied by a single storey building incorporating two retail units comprising a retail shop and a hairdressers. The site is situated on the corner of Station Road with Lower Road/The Crescent. It is surrounded predominately by residential properties and is opposite the village’s mainline railway station.
- 1.02 Planning permission was granted in 2013 (SW/12/1610) for an identically designed development to the one being considered here but this was not implemented and now the permission has expired.
- 1.03 An application for temporary planning permission (17/504141/FULL) to relocate the retail unit during construction works is currently pending consideration and is likely to be determined before the meeting under delegated powers.
- 1.04 The site lies within the designated built-up area of Teynham and does not fall under any specific designation.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for two A1 retail units at ground floor with three no.1 bed self-contained flats at first floor and in the roof space.
- 2.02 The three one bedroom flats would be located at first floor (two flats) and within the roofspace (one flat) of the building. Each flat would have one parking space located in the courtyard to the rear of the building. Access would be located off Lower Road/The Crescent via the existing site access. The other existing access of Station Road would be closed off and a small pedestrian way would be created at that point.
- 2.03 Stairs positioned to the rear of the new retail units would provide access to the new flats. The enclosed refuse storage area would be positioned adjacent to the stairs and a covered cycle shelter for 3 bicycles would be located in the southern corner of the site.
- 2.04 An amended drawing has been received after discussions with the applicant regarding concerns raised by Kent Highways about parking, bin and cycle storage. The car parking spaces have been re-positioned so that they are perpendicular to the proposed building and the bin and cycle storage areas are closer to the access to the flats. The amended drawing 102D has addressed these issues and Kent Highways have no further objection to the proposal.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.0383	0.0383	+0
Approximate Ridge Height (m)	3.8	9.3	+4.5
No. of Storeys	1	2	+1
Non-residential Floorspace sq m	93	122	=29
Parking Spaces	3	3	+0
No. of Residential Units	0	3	+3

4.0 PLANNING CONSTRAINTS

- 4.01 None

5.0 POLICY AND OTHER CONSIDERATIONS

Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies CP3, CP4, DM7, DM14 and DM15

6.0 LOCAL REPRESENTATIONS

- 6.01 Ten representations have been received from local residents, all raising objection, summarised as follows:
- The three first floor windows on the front elevation will result in loss of privacy of my home
 - Parking is already a problem in the area
 - The height of the proposed building is much higher than surrounding buildings and will therefore be imposing and not in keeping with the existing properties and the area

- It would spoil the rural community village
- Traffic will increase
- Highway problems during the construction period
- Proposed access would be unsafe
- Proposed three parking spaces will be insufficient
- The development appears to utilise the walls of the existing shop (hairdressers) for support and no permission has been sought
- This is a village not a town
- Extra parking pressure from vehicles for the flats and the retail units would create chaos on the corner of Station Road
- Conditions imposed on the application approved in 2013 have not been actioned
- Question the need for one bedroom flats within the village which usually appears to attract families

6.02 One local resident has responded to the amended drawing stating that they still object. Parking issues along Station Road and Lower Road/The Crescent will remain with safety issues for pedestrians crossing the road at this junction.

6.03 The amended drawing has been the subject of re-consultations, and the deadline for comments is now 26 December 2017. This report is subject to the receipt of additional comments which will be reported at the meeting.

7.0 CONSULTATIONS

7.01 Teynham Parish Council does not object to the application but do have several concerns about the details, commenting as follows:

- Three parking spaces for three flats are not enough – there could easily be a demand for six spaces. The flats, plus an additional retail unit will make the existing problem at this busy junction worse
- The proposed development is large and should not overpower properties in the area
- Are Fire Regulations complied with by having just one entrance to the flats?
- What are the arrangements for the party wall with 152/154 and any common or shared services such as water and sewerage
- There is insufficient space for storage of refuse bins – three refuse bins are shown on the plan, presumably for the residents of the flats. The one remaining would be insufficient for the waste generated by a food mini-market

7.02 The Environmental Health Manager raises no objection subject to conditions.

7.03 Kent Highways and Transportation objected to the plans originally submitted for the following reasons:

- The rear parking area does not offer convenient access and egress and likely to result in under-utilization of the parking area and lead to additional parking on the highway
- The location of the bin storage area is likely to conflict with other users of this space and is at the upper limit of the distance that refuse operatives should be expected to walk to collect the bins, resulting in unnecessary waiting of the refuse freighter on the highway
- Cycle storage should be closer to access to the flats to improve security

These matters have been addressed in the amended scheme and they have no further objection.

8.0 BACKGROUND PAPERS AND PLANS

8.01 Application papers and plans for application SW/12/1610 and 17/504179/FULL

9.0 APPRAISAL

Principle of Development

9.01 The application site lies within the built-up area boundary where the principle of development is accepted. The main considerations in this case concern the impact upon residential, visual and highway amenity.

9.02 Within the built-up area there is a general presumption in support of development which reflects the positive characteristics and features of the site and locality; protects and enhances the natural built environment; is well sited and of a suitable scale, design and appearance; provide safe vehicular access and does not have a detrimental impact on the surrounding amenity. The scheme was previously approved and, despite the fact that Kent Highways and Transportation have now asked for different parking etc arrangements, it is otherwise the same scheme.

9.03 Taking the above into consideration I am of the opinion that the proposed development is well suited to this prominent corner site and will not have a detrimental impact on the surrounding area. I therefore consider the principle of the development is acceptable and meets the criteria of policies.

Visual Impact

9.04 The approved scheme under SW/12/1610 was the subject to design negotiations before approval and this application retains the improvements negotiated then. These changes went some way to improving the design of the proposed building by adding two bay windows on the elevation to Lower Road/The Crescent with arch details over the windows to make this a more architecturally interesting design. In addition to this, three well-proportioned dormer windows at first floor level have resulted in a more interesting elevation on the Station Road elevation.

9.05 Taking into account that the previously approved application was considered to be well designed and in keeping with the area, I consider that this proposal remains acceptable. The proposal was considered an improvement to the existing situation and makes a positive contribution to the character of the area. I support this view subject to conditions below.

Residential Amenity

9.06 I note the concerns raised by the properties in Lower Road/The Crescent which are directly opposite the site in relation to loss of privacy and overlooking. However, no alteration has been made to the design of the previously approved scheme where it was concluded that its impact on the surrounding residential amenity was limited. There would be a separation distance of 18m between the bay window and the front windows of no's.1 and 2 Railway Cottages. The Council does not operate a policy of minimum window to window distances in relation to front windows and I do not

consider that the proposed flats will create a loss of privacy sufficient to cause harm to the amenity of these residents.

- 9.07 Additionally, it is claimed that neighbours will lose light from the height of the building, but due to the distances involved I do not consider this to be a degree to significantly affect their amenity.
- 9.08 I note local concern with regards to problems arising from the construction period, but note that this can be dealt with by imposing conditions. I have added conditions in relation to lighting, hours of opening and hours of construction and dust suppression details to ensure that any potential impact on the amenity of the area is reduced.
- 9.09 I note that the development does not propose any amenity space. This was considered unnecessary in the previous application as all the flats will only have one bedroom and as such unlikely to attract families. I continue this view.

Highways

- 9.10 I note local concerns that in the main are referring to inconsiderate parking on the corner of this junction. Though, there may be potential for on-street parking, it was concluded in the previous application that this development would not create an increase on the existing situation. I believe this is still the case and I consider appropriate amendments have been made to the scheme to address highway issues. Unfortunately the use of this corner with inconsiderately parked vehicles are not issues that can be considered during the determination of this application.
- 9.11 Additionally concern is raised about parking provision. Members will note that the amended drawing shows three parking spaces, one for each flat which is what the current parking standard for a one bed flat in a rural area requires (IGN3 from KCC). The proposed access is existing and as such I am of the view that there will not be a detrimental impact on highway safety.
- 9.12 I have consulted Kent Highways and Transportation who now raise no objection to the amended drawing subject to conditions 7 and 11 in relation to bicycle storage, closure of the existing access of Station Road and permanent retention of the vehicle parking spaces.

Other Matters

- 9.13 Local concern makes reference to harm to the rural character of the village. I note that the previous application was supported in terms of its design and location, and as such not considered detrimental to the surrounding area. I do not see there are any reasons for refusal here.
- 9.14 I note local concern regarding fire precautions, but this matter will be controlled under building regulations. Party wall agreements are a private issue between neighbours.
- 9.15 With regards to local concern about provision for waste generated by the retail unit, its removal is likely to be carried out by a private operator therefore there is no identifiable harm in this respect.

10.0 CONCLUSION

- 10.01 The previously approved application leads me to consider that this proposal is acceptable in principle. I have taken into account the potential impact of this proposal

on residential and visual amenity, and to the comments and objections of local residents. However, as the overall scale, design and layout of the proposed development remains the same as previously considered I am of the view that planning permission should be granted.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

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

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

- (2) The development hereby approved shall be carried out in accordance the following approved drawings:

01; 102D; 103B; 104B and 105A

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

- (3) Prior to the commencement of development, details in the form of samples of external finishing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- (4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting schedules of plants, noting species (which shall be native species and a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (5) No development shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

- (6) Reason: In the interest of promoting energy efficiency and sustainable development

- (7) The existing access adjacent to 150 Station Road as shown on submitted drawing No. 100 '*Floor Plans as existing*' shall be completely closed off to vehicles prior to the first occupation of any accommodation hereby permitted..

Reason: In the interests of highway safety.

- (8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

Reason: In the interests of the amenities of surrounding occupiers.

- (9) Before any development takes place, constructional details at a scale of 1:5 of the roof eaves and verges, shop front, dormer windows and brick arches shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

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

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

Reason: In the interests of residential amenity.

- (11) The areas shown on drawing 102 D as car parking and covered bicycle spaces 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 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular or bicycle access thereto; such land and access thereto shall be provided prior to the occupation of the flats and retail unit hereby permitted.

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

- (12) The opening hours of the retail units hereby permitted shall be restricted to the hours of 06.00 and 23.00 any day.

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

- (13) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (14) Upon completion of the approved landscaping scheme, any trees or shrubs that are 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 Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

(15) No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- A statement of why lighting is required, the proposed frequency of the use and the hours of illumination.
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
- Details of the number, location and height of the lighting columns or other fixtures.
- The type, number, mounting height and alignment of the luminaries.
- The beam angles and upwards waste light ratio for each light.
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties.

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

Council's approach to the 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:

- 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 applicant/agent was advised of minor changes required to the application and these were agreed.

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

HABITAT REGULATIONS ASSESSMENT

This HRA has been undertaken without information provided by the applicant.

The application site is located approximately within 6km of The Swale Special Protection Area (SPA) which is a European designated site 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. 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 and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites and can therefore be screened out from any requirement for further assessment.

It is the advice of NE 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) and; 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 of 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 would cost substantially 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, the North Kent Councils have yet to put in place the full measures necessary to achieve mitigation across the area and there are questions relating to the cumulated impacts on schemes of 10 or less that will need to be addressed in on-going discussions with NE. 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 single dwellings upwards 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 what is acceptable to officers as a common route forward. Swale 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, 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.

