



## AGENDA

### PLANNING COMMITTEE MEETING

Date: Thursday, 16 September 2021

Time: 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT\*

Membership:

Councillors Cameron Beart, Monique Bonney, Roger Clark, Simon Clark, Mike Dendor, Tim Gibson (Chairman), James Hall, James Hunt, Carole Jackson, Elliott Jayes (Vice-Chairman), Peter Marchington, Ben J Martin, Richard Palmer, David Simmons, Paul Stephen, Tim Valentine and Tony Winckless.

Quorum = 6

#### RECORDING NOTICE

Please note: this meeting may be recorded and the recording may be published on the Council's website.

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#### Information for the Public

\*Members of the press and public can listen to this meeting live. Details of how to join the meeting will be added to the website after 4pm on Wednesday 15 September 2021.

LINK TO MEETING: To be Added.

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1. Apologies for Absence and Confirmation of Substitutes
2. Minutes

To approve the Minutes of the Meeting held on 19 August 2021 (Minute Nos. 197 - 201) as a correct record.

3. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary Interests (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the meeting while that item is considered.

**Advice to Members:** If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as

early as possible, and in advance of the Meeting.

### **Part B reports for the Planning Committee to decide**

4. Report of the Head of Planning Services

5 - 70

To consider the attached report (Parts 2, 3 and 5.)

The Council operates a scheme of public speaking at meetings of the Planning Committee. All applications on which the public has registered to speak will be taken first. Requests to speak at the meeting must be registered with Democratic Services ([democraticservices@swale.gov.uk](mailto:democraticservices@swale.gov.uk) or Call 01795 417328) by noon on Wednesday 15 August 2021.

### **Issued on Tuesday, 7 September 2021**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Planning Committee, please visit [www.swale.gov.uk](http://www.swale.gov.uk)

**Chief Executive, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

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## SWALE BOROUGH COUNCIL

### PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

**16 SEPTEMBER 2021**

#### Standard Index to Contents

**DEFERRED ITEMS** Items shown in previous Minutes as being deferred from that meeting may be considered at this meeting

**PART 1** Reports to be considered in public session not included elsewhere on this Agenda

**PART 2** Applications for which permission is recommended

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

**PART 4** Swale Borough Council's own development; observation on County Council's development; observations on development in other districts or by Statutory Undertakers and by Government Departments; and recommendations to the County Council on 'County Matter' applications.

**PART 5** Decisions by County Council and the Secretary of State on appeal, reported for information

**PART 6** Reports containing "Exempt Information" during the consideration of which it is anticipated that the press and public will be excluded

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ABBREVIATIONS: commonly used in this Agenda

CDA Crime and Disorder Act 1998

GPDO The Town and Country Planning (General Permitted Development) (England) Order 2015

HRA Human Rights Act 1998

SBLP Swale Borough Local Plan 2017

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## INDEX OF ITEMS FOR PLANNING COMMITTEE – 16 September 2021

- Minutes of last Planning Committee Meeting
- Deferred Items
- Minutes of any Working Party Meetings

### PART 2

2.1	20/503665/FULL	SITTINGBOURNE	86 – 100 West Street
2.2	21/503916/FULL	SHEERNESS	The Clock Tower High Street
2.3	21/503353/FULL	EASTCHURCH	12 Kingsborough Drive

### PART 3

3.1	21/503219/FULL	MINSTER	3 Brecon Chase
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### PART 5 – INDEX

5.1	20/504874/FULL	GRAVENEY	1 New Houses Broom Street
5.2	20/502122/FULL	LYNSTEAD	24 St Paul's Court
5.3	20/501966/FULL	LEYSDOWN	Land adj to 1 Seaview Mews Grove Avenue

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**PLANNING COMMITTEE – 16 SEPTEMBER 2021****PART 2**

Report of the Head of Planning

**PART 2**Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 20/503665/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Demolition of existing car/motorbike sales and repair workshop and erection of a building consisting of 20no. residential flats and 1no. retail unit with associated access and parking.			
<b>ADDRESS</b> 86-100 West Street Sittingbourne, Kent ME10 1AS			
<b>RECOMMENDATION</b> Grant subject to conditions and signing of a suitably worded Section 106 Agreement.			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
The site is in a sustainable location within the built-up area boundary with suitable access to a wide range of services and facilities. The adopted Local Plan directs development towards these areas, and the development will utilise an existing brownfield site. It is considered that the site can accommodate such a development in a manner that will maintain the character of the local area with the benefit of providing additional housing at a time when the Council cannot demonstrate a five-year housing supply. The size of the dwellings are compliant with National Space Standards and all units provide a good standard of accommodation and external outdoor amenity space. No adverse impacts have been identified for the residential amenities of neighbouring properties, and whilst the proposal includes less than one car parking space per dwelling, given this town centre location, it is not considered to prejudice highway safety or convenience, and is consistent with sustainable development. Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions and relevant s106 agreement, the proposal would be in accordance with the development plan.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Call in by Cllr Ghlin Whelan			
<b>WARD</b> Chalkwell	<b>PARISH/TOWN COUNCIL</b>		<b>APPLICANT</b> Mr Tait <b>AGENT</b> Model Projects Ltd
<b>DECISION DUE DATE</b> 26.08.2021		<b>PUBLICITY EXPIRY DATE</b> 02/09/21	
<b>RELEVANT PLANNING HISTORY</b>			
<b>Ref No.</b>	<b>Decision</b>	<b>Proposal</b>	<b>Determination Date</b>
SW/12/1236	GRTEXP	Advertisement Consent for display of 5 metre high illuminated pole sign and illuminated signs to canopy. Non-illuminated signs to car wash and sales kiosk and non-illuminated freestanding	20.11.2012

		directional and information signs.	
SW/89/0944	APP90	ILLUMINATED FASCIA SIGN	26.07.1989

## 1. DESCRIPTION OF THE SITE

- 1.1 The subject site occupies a prominent corner position on the northern side of West Street (A2) at the junction with St Michael's Road. The site is broadly rectangular in shape and measures 46 metres from east to west and has an average width of 26 metres. The total curtilage area of the site is approximately 980m<sup>2</sup>.
- 1.2 The main site comprises of a car/motorbike sales and repair workshop but also includes a smaller vacant taxi control office - a single storey building located at the south eastern corner of the site, fronting West Street. The main service building is also single storey, set back from the highway (A2) by approximately 12 metres. There is a large area of hardstanding to the front forecourt which also accommodates an overhead canopy in a general state of disrepair.
- 1.3 Three vehicle access points currently service the site. There are two double crossovers with access from West Street (A2) and one single vehicle crossover is provided to the west of the site accessible from Fredrick Street.
- 1.4 To the rear (north) the site adjoins a row of terraced dwellings fronting Fredrick Street, and a public car park (Cockleshell Walk) accommodating 102 spaces fronting St Michael's Road. The car park has planning permission for the re-development of the site to provide 62 apartments in a four-storey building comprising a mix of one and two bedroom dwellings (Reference 14/505440/FULL dated 24.05.2017, and which forms part of the permission, covering six sites, for the Spirit of Sittingbourne regeneration project). As Members may be aware, the configuration of St Michael's Road in this location has recently been re-designed in accordance with plans approved under 14/505440/FULL. To the east of the site is the one-way system (St Michael's Road) leading to Sittingbourne Town Centre. Directly opposite the site is a mix of commercial premises and the 'Church of the Sacred Heart' which occupies a central location. To the west, leading out of town there is a combination of commercial premises and residential housing.
- 1.5 West Street is mainly characterised as a mixture of residential developments leading into the main High Street shopping area of Sittingbourne. Residential units in the area are typically two-storey terraced houses, three to four storey residential apartment blocks and residential units above shops. The style, appearance and age of the properties vary on the street and surrounding area. Many of the buildings are brickwork with simple pitched roofs, but there is no fixed architectural style.
- 1.6 The site is located within the Town Centre boundary for Sittingbourne.
- 1.7 The site is outside the Area of High Townscape Value, which includes buildings facing the site on the southern side of London Road and on Hawthorn Road, facing the site on the west side. Members will also note that the site is not close to any Conservation Areas or listed buildings, though Holy Trinity Church (Grade II listed) is located just over 100 metres to the north-east of the site.

## 2. PROPOSAL

- 2.1 The application seeks planning permission for the demolition of the existing car/motorbike sales and repair workshop and the erection of a three and four storey building comprising of 20no. residential flats and 1no. retail unit (Use Class E), including associated vehicle parking and access, refuse and cycle storage provision.
- 2.2 The proposed building is designed over three and four storeys with a flat roof. The development would have a maximum height of 12.3 metres from ground level to the top of the fourth floor. The lift shaft and staircase element add an additional element taking the height to apex 13.75 metres. The main four storey bulk of the development fronts West Street and steps down to three storeys to the rear (north) towards the residential housing of Frederick Street.
- 2.3 The residential accommodation would be located across the four floor levels and would comprise of a housing mix containing 10 x 1 bedroom units, 9 x 2 bedroom units and one 1 x 3 bedroom units with the majority of the units served by private balconies. The floor sizes would vary ranging between 53m<sup>2</sup> and 77m<sup>2</sup> for one bedroom apartments, between 65m<sup>2</sup> and 84m<sup>2</sup> for two bedroom apartments and 94m<sup>2</sup> for the three bedroom apartment. All in excess of the requirements as set out within the National Space Standards.
- 2.4 The commercial premises (Use Class E) would be located on the ground floor and would benefit from a separate front and rear access. The commercial space would have a floor area of 77m<sup>2</sup>.
- 2.5 The proposed vehicle point would utilise the existing access on Hawthorn Road and the two existing access points from West Street would be removed. There would be a total of fifteen (15) car parking spaces. The development would provide pedestrian access from the front (West Street) and the western side (Hawthorn Road) and cycle storage is accommodated on the ground floor.

## 3. SUMMARY INFORMATION

	Existing	Proposed (indicative proposals)	Change (+/-)
Site Area (ha)	0.098ha	0.098ha	None
No. of Storeys	1	3/4	+ 3
Parking Spaces	8	15	+ 7
No. of Residential Units	None	20	+ 20
No. of Affordable Units	None	2	+ 2

## 4. PLANNING CONSTRAINTS

- 4.1 Potential Archaeological Importance

## 5. POLICY AND CONSIDERATIONS

- 5.1 National Planning Policy Framework (NPPF) 2021: Paras 8 (Three dimensions of sustainable development); 10, 11, 12 (Presumption in favour of sustainable development);

47 (Determining applications); 60, 63, 65, (Delivering a sufficient supply of homes); 81 (Building a strong, competitive economy); 93 (Promoting healthy and safe communities); 104 (Promoting sustainable transport); 112, 113 (Considering development proposals); 119 (Making effective use of land); 126, 130, 134 (Achieving well-designed places); 152, 153 (Meeting the challenge of climate change, flooding and coastal change); 168, 169 (Planning and flood risk); 174 Conserving and enhancing the natural environment; 180, 182 (Habitats and biodiversity); 185 (Ground conditions and pollution).

- 5.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017 (adopted): Policy ST 1 Achieving sustainable development in Swale; Policy ST 3 The Swale settlement strategy; Policy ST 5 The Sittingbourne Area Strategy; Policy CP1 Building a strong, competitive economy; Policy CP2 Promoting Sustainable Transport; Policy CP 3 Delivering a wide choice of high quality homes; Policy CP4 Requiring good design; Policy CP7 Conserving and enhancing the natural environment – providing for green infrastructure; Policy Regen 1 Central Sittingbourne. Policy DM 2 Proposals for main town centre uses; Policy DM 6 Managing Transport Demand and Impact; Policy DM 7 Vehicle Parking; Policy DM8 (affordable housing); Policy DM 14 General Development Criteria; Policy DM 19 Sustainable Design and Construction; Policy DM21 (drainage / flooding); DM28 (biodiversity); DM29 (trees and hedges); and DM36 (Area of High Townscape Value).

5.3 Swale Vehicle Parking Standards SPD 2020

This Supplementary Planning Document provides advisory guidance in respect of car parking provision and suggests 1 space per unit in town centre locations. However, notes 1 and 2 of the SPD do advise that lower provision should be considered for areas with good accessibility by sustainable travel modes and where measures such as Controlled Parking Zones are in place, both of which apply in this instance.

- 5.4 The Council has commenced work on a Local Plan Review and this document was subject to a Borough-wide consultation earlier in 2021. Work on this document is on-going, though as it is an early stage, significant weight cannot be afforded to its policies in the determination of this planning application.
- 5.5 Developer Contributions SPD.

## 6. LOCAL REPRESENTATIONS

- 6.1 A planning notice was advertised in the local press on 03/09/2020 and a site notice was displayed at the site on 17/09/2021.
- 6.2 Seven letters of representation from six households were received following the public consultation. Comments are summarised below:
- The height is imposing.
  - Impact upon residential amenity, specifically overlooking
  - Whether there is adequate parking for each flat.
  - Even with the controlled issuing of parking permits there are existing parking problems along Frederick Street.
  - Development would give rise to increased parking demand.
  - There are no yellow lines surrounding the site to restrict parking thus resulting in displacement parking.

- Lack of sufficient turning space within the site giving rise to restricted parking specifically for removals vehicles.
- Proposal requires adequate visibility splays.
- Query regarding the use class of the commercial premises and relevant parking.
- Proposal would obscure advertising hoarding.
- Insufficient cycle parking.
- Practicability of the roof garden and associated health and safety concerns.
- Concern regarding the location of the tree shown in the drive of Fredrick Street.

6.3 **Cllr Ghlin Whelan** raised various concerns regarding the amount of parking, 4 storey height of building, accessibility, separation from public space. The application was called into Planning Committee on these grounds.

6.4 **The Sittingbourne Society:** Initially, the Sittingbourne Society had no objections to the application hoping the provision of affordable housing will help to relieve pressure on greenfield sites on the town's periphery (01.09.2021).

Following receipt of the revised plans the following response was received (03.04.2020):

Our earlier letter said we had no objections to the above planning application. We note however that the subsequent revision of the plans includes a reduction in parking spaces to 15. In our view this is inadequate for 20 dwellings and will exacerbate the problems which already exist for residents in the area. We hope therefore that the Council will refuse permission until adequate parking space has been found for the occupants of the premises.

*Officer comments: I note the reduction in one parking space (originally 16) which was necessary to meet the minimum dimensions specified in the parking standards, as requested by KCC Highways. Supplementary Planning Document provides advisory guidance in respect of provision and suggests 1 space per unit in town centre locations though as discussed elsewhere in this report lower provision may be accepted in certain circumstances.*

## 7. CONSULTATIONS

7.1 **Southern Water** raise no objection, subject to conditions regarding foul and surface water sewerage disposal and the public water supply main (15.09.2020, 20/01/2021 & 09.04.2021).

7.2 **Environmental Health Manager** raises no objection (16.09.2020) subject to consultation with the Environment Agency, and conditions regarding air quality mitigation measures, land contamination and remediation works.

7.3 **KCC Highways and Transportation** the scheme was amended to address initial concerns (14/10/2021). Revised plans were submitted and KCC raised no objection to the amended plans (19.01.2021) subject to an amendment to the parking layout and requirements sought by condition. This includes conditions securing the operatives' and construction vehicles loading, off loading and turning on site and associated parking arrangements, disposal of surface water, works to guard against the deposit of mud and similar substances, cycle parking facilities, provision and retention of vehicle parking spaces; access, electric charging points and visibility splays. A further re-consultation was carried out on the revised parking

layout D.PR.0.13 Rev B and KCC confirmed no objections or further comments required (16.04.2021).

7.4 **Environment Agency** raises no objection (18.09.2020 & 15.01.2021) subject to a remediation strategy to deal with the risks associated with contamination of the site in respect of the development; a verification report; no drainage systems other than with written consent of the Local Planning Authority; no piling or other foundation designs using penetrative methods.

7.5 **Natural England** comment (14.09.2020 & 15.04.2021) subject to the appropriate financial contribution being secured (namely £253.83 for each dwelling), Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site on the coastal Special Protection Areas and Ramsar Sites. However, due to the People Over Wind ruling by the Court of Justice of the European Union, Natural England advise that the measures to avoid or reduce the likely harmful effects from the development may need to be formally checked and confirmed via an Appropriate Assessment. It is for the Council to decide whether an Appropriate Assessment is required and Natural England must be consulted.

An Appropriate Assessment has been carried out and Natural England have confirmed they raise no objection, subject to the standard financial contribution.

7.6 **KCC Economic Development** requested contributions (07.09.2020) updated 11/01/2021 & 06.04.2021.

- Primary Education - £1,700 per applicable flat (total £ 17,000 towards a new 2FE Primary School construction to serve North Sittingbourne)
- Primary Land - £506.56 per applicable flat (total £5,572.16 towards a new 2FE Primary School construction to serve North Sittingbourne)
- Secondary Education - £1,294 per applicable flat (total £14,234.00 towards the new Secondary School construction upon land off Quinton Road, NW Sittingbourne policy MU1)
- Secondary Land - £658.93 per applicable flat (total £7248.23 towards the new Secondary school site acquisition upon land off Quinton Road, NW Sittingbourne)
- Community learning - £16.42 per dwelling (total £328.40 towards additional equipment and classes at Sittingbourne Adult Education Centre)
- Youth Service - £65.50 per dwelling (total £1,310 towards additional equipment and resources at Sittingbourne Adult Education Centre)
- Library Bookstock- £55.45 per new dwelling (total £1,109 towards additional services, resources and stock at Sittingbourne Library)
- Social Care - £146.88 per dwelling (total £2,937.60 towards specialist care accommodation within Swale Borough)
- Waste - £183.67 per dwelling (total £3,673.40 towards MRF and additional capacity at the

HWRC & WTS in Sittingbourne)

- A condition regarding high speed fibre optic broadband connection
- All homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)

7.7 **NHS Kent and Medway Clinical Commissioning Group (CCG)** request the following contributions:

General practice – £12304.80 toward refurbishment, reconfiguration and/or extension of Local Road Medical Centre, Milton Regis Medical Partnership, The Meads Medical Practice and/or Grovehurst Surgery.

7.8 **SBC Affordable Housing Manager** raises no objection (02.09.2020) subject to the provision of two affordable flats summarised as follows:

- The development is located within Sittingbourne where Planning Policy DM8 requires 10% of the total number of homes to be delivered as affordable housing with the tenure split as 90% affordable/social rented and 10% as intermediate/shared ownership.
- It is likely to be difficult for the developer to secure a housing association due to the very low number of affordable homes required however, Swale's affordable Housing Manager will assist with this when the time arises.

7.9 **SBC Greenspaces Manager** raises no objection (17/04/2020) subject to a contribution towards local play/fitness facilities.

*“We would seek contributions to increase play and formal sport capacity/provision in central Sittingbourne as identified in the current open spaces and Play Strategy 2018-2022. Play £446.00 per dwelling and formal sport £593.00 per dwelling.*

7.10 **Kent Police** raise concerns (16.09.2021 & 30.03.2021) to the application for the following reasons and note concern with the lack of parking and parking allocation. Areas of concern also include lack of visibility for residents to see their parked car, lack of access control to vehicle entry of the parking area; lack of secure bike storage; bin storage must be fenced, lit and lockable gate, doorsets and windows must meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+, access control to each floor, use of roof garden for non-residents.

7.11 **KCC Biodiversity Officer** raises no objection (28.01.2021, 28.01.2021, 08.04.2021) subject to a condition to be included requiring the submission of an ecological enhancement plan.

7.12 **Upper & Lower Medway IDB** raises no objection (20.01.2021 & 06.04.2021). The site in question is not within the Lower Medway IDD but is within a catchment of an IDB interest. We will support the recommendations of KCC SuDs team on this matter.

7.13 **Environmental Contract Manager** raises no objection (17.12.2021) and provided the following advice:

*We would ask for 1 x 1100ltr bin for refuse and 1 x 1100ltr bin for recycling plus 1 x 140ltr food bin per 5 units regardless of the number of bedrooms, so ideally I would suggest 4 x 1100ltr refuse bins and 4 x 1100 recycling bins plus 4 x 140ltr food bins for the 20 flats on*

*the West Street development.*

*Communal properties suffer badly with contamination so I would suggest if at all possible if the developers can factor in 2 separate bin stores, one for refuse and one for recycling.*

- 7.14 **KCC Surface Water Drainage** raises no objection subject to safeguarding planning conditions (16.07.2021)
- 7.15 **KCC Archaeology** raises no objection subject to safeguarding planning conditions (17.05.2021)
- 7.16 **Climate Change Officer** raises no objection (01.07.2021)

## **8. APPRAISAL**

### **Principle of Development**

- 8.1 The site is located within the built confines of Sittingbourne which is the main borough Urban Centre. It is identified as the most sustainable location within the settlement hierarchy as set out in Policy ST3 of the Local Plan (2017). The site is an existing brownfield site, identified for housing regeneration as part of the Local Plan Policy Regen 1 Central Sittingbourne: Regeneration Area. In this regard Paragraph 9 stipulates:

*“Redeveloping sites predominantly for housing in the eastern and western gateways to the regeneration area, especially at Cockleshell Walk, Fountain Street, West Street, Dover Street, Bell Road and East Street, as identified by the Strategic Housing Land Availability Assessment, or at other suitable sites which are in accordance with Policy CP 3”*

- 8.2 As such, the principle of residential housing in this location is considered acceptable. Furthermore, the site is in an appropriate and sustainable location with good access to local facilities, transport links and schools, where good use should be made of available land. It is also important for Members to note that the Council are currently unable to demonstrate a 5-year housing land supply. As a result of this, I am of the view that the benefits of addressing this shortfall, upon a site within an existing built-up area boundary should be given additional weight.
- 8.3 Turning to the loss of the existing commercial premises/employment location, the Council has a preference for a mixed use development to provide residential development of a suitable type and scale above commercial premises (Policy Regen 1, B, pa 3). In this regard, a commercial unit has been proposed on the ground floor which would provide a good provision of floor space (77m<sup>2</sup>). The premises would be served by its own access from the street, also with rear access for potential loading/unloading. Given this, a suitable provision of commercial provision has been maintained for the benefit of the local community as well as visitors, consistent with the aims of policy CP1 of the adopted Local Plan (2017)
- 8.4 As such, I consider the principle of development to be acceptable given that it is consistent with the aims of the Local Plan (2017) as adopted, as set out above. The relevant material considerations are considered in detail below.

### **Visual Impact**

- 8.5 West Street is mainly characterised as a mixture of residential developments leading into the main high street shopping area of Sittingbourne. Residential units in the area are typically two-storey terraced houses, three to four storey residential apartment blocks and residential units above shops. The style, appearance and age of the properties vary on the street and surrounding area. Many of the buildings are brickwork with simple pitched roofs, but there is no fixed architectural style.
- 8.6 The proposed scale and bulk of development is significantly larger than the existing arrangement. The total curtilage area of the site is approximately 980m<sup>2</sup> and the proposed building footprint would cover approximately 498m<sup>2</sup> on ground level which is 51% of the site area. The proposed development is designed over a combination of three and four storeys with a flat roof height of 12.3m to the roof ridge. The lift shaft and staircase element add further height to 13.75m at the apex.
- 8.7 The Sittingbourne Town Centre and Milton Creek SPD states *'The scale of the development should respond to the surrounding buildings and thus primarily be three storeys, though opportunities exist for taller buildings on corner plots and adjacent to the railway line'*. The site is located on a double corner plot. Moreover, Members will note that the development has been designed to a scale and height that corresponds to the residential scheme approved to the rear (north) of the site at Cockleshell Walk car park, for the re-development of the site to provide 62 apartments (Ref: 14/505440/FULL dated 24.05.2017). In addition, there is existing four storey development at the corner junction immediately opposite the site at 'Wingate Court', and which also features a pitched roof adding to its bulk. As such, I consider that the proposed residential development would sit comfortably on the site being of an appropriate scale and siting and within context of the wider street-scene.
- 8.8 Turning to design, the development features a number of elements that would break up the bulk of the building, avoiding a monolithic appearance. The use of brick work with corner details to match the local vernacular and harmonise with the proposed development to the rear (Ref 14/505440/FULL) has been used in the proposal. The quality of the architectural treatment and choice of materials would assist in integrating the proposal within its surroundings allowing for it to reasonably assimilate within the context of its setting to sit comfortably on the site and within the wider street-scene, consistent with the aims of policies CP4 and DM14 of the Local Plan (2017).
- 8.9 As such, it is reasonable to conclude that a block of flats comprising 20 dwellings can be accommodated on the site, without a harmful impact on visual amenity or the character of the wider area.

### **Residential Amenity**

- 8.10 On residential amenity, Policy DM14 advises that development should respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not create loss of sunlight, overshadowing, overlooking or result in excessive noise, activity or vehicular movements or visual intrusion.
- 8.11 The main neighbouring residential development is located to the rear (north) along Frederick Street and comprises predominately of two storey terraced housing. The proposed blocks

of development to the rear of the site adjacent to Frederick Street would be located over three stories and as a result, I consider creates a successful step change between the two sites to minimise dominance. Moreover, due to the layout of Frederick Street which runs approximately north to south and consideration to the separation distance between the two built forms of development, I have no concerns that the proposal would result in loss of light, loss of outlook or sense of enclosure to these properties.

- 8.12 Notwithstanding this, I acknowledge the relationship within No2 Frederick Street being the closest property and which is currently subdivided into flats. I also acknowledge two windows which are located within the side flank wall of No.2. In this regard, a distance of 10.6m would be retained between properties at its closest point and I consider this to be sufficient mitigation in the reduction of amenity impact allowing still for a sufficient level of outlook. Moreover, the main bulk of the proposed development is street facing that allows all the residential units to have east-south-west facing windows with the main internal circulation spaces located to the rear, north facing flank and therefore the proposal does not give rise to overlooking opportunities to Frederick Street due to the absence of windows on the relevant parts of the north-facing elevation.
- 8.13 With regard to the residential impact upon the surrounding neighbouring properties fronting West Street, the new layout allows for the building to be situated hard up against the front boundary of the site drawing the bulk of development closer to the buildings on the opposite side of West Street which generally comprises of a mix of residential and commercial premises including a church, all of various heights. A separation distance of approximately 15m would be retained between properties and this would go some way to reduce dominance and to ensure that sufficient levels of outlook are maintained. Moreover, although at four storeys in height the proposed development would sit higher than the adjacent properties, the development site is located to the north and would not therefore adversely impact upon existing levels of daylight. I note that the development would introduce new windows and balconies at an elevated level giving rise to overlooking opportunities however this is the situation for the front forward facing windows only and in a higher density, town centre locations this relationship is generally regarded as acceptable.
- 8.14 With regard to the residential amenity of future residents, all of the units are of a sufficient size to meet the minimum gross internal floor areas for 1/2/3 bedroom units as set out in the Nationally Described Space Standard. The units provide a logical layout with access to good natural source of light and ventilation and there are no north facing windows. Each dwelling has access to a private balcony or communal space, external refuse storage facilities and cycle storage. As such, I am satisfied that a good level of accommodation has been achieved.
- 8.15 The application has been supported by a Preliminary Risk Assessment due to the site's existing use and matters concerning contamination. The Environmental Health Manager has reviewed the submitted information and advises that a phase 2 intrusive investigation will need to be carried out, and that the sampling proposals within the report are acceptable. Due to the sensitivity of the ground water in the area, I was advised to seek the comments of the Environment Agency who is satisfied with the proposal as presented is acceptable, subject to safeguarding planning conditions.

- 8.16 Turning to Air Quality, the proposed building is significantly taller than the existing buildings on the site as well as being located closer to the road (West St/A2). This has the potential to create an air quality 'street canyon effect', which is of concern as sensitive receptors are being introduced into this new layout. The area is not a designated AQMA (nor is located close to one) and is currently compliant with Air Quality objectives, however, monitoring is on-going and this has scope to change, particularly as traffic can be idling at the crossing and give way outside the proposed new build. This development would therefore warrant an Air Quality Assessment whereby the Environmental Health Manager is satisfied that this can be dealt with by condition.
- 8.17 Taking the above into account, it is considered, subject to safeguarding planning conditions the development would not cause adverse amenity impacts to a degree that would warrant a refusal.

### **Access, Highways and Parking**

- 8.18 The site will have pedestrian accesses from the front (West Street) and the two existing vehicle access points that currently front West Street would be removed. An additional pedestrian access would be provided from the western side fronting Hawthorn Road at the same location as the main vehicle access. There are no highway safety concerns arising from the location of the pedestrian and vehicle access points and KCC Highways and Transportation have raised no objection in this regard.
- 8.19 Turning to parking, I know that the main objections to this proposal (which are summarised above at paragraph 6.2) relate to the number of available parking spaces whereby only 15 are provided. I also note the reduction in one parking space (originally 16) which was necessary to meet the minimum dimensions specified in the parking standards, as requested by KCC Highways. The Supplementary Planning Document provides advisory guidance in respect of provision and suggests 1 space per unit in town centre locations. However, notes 1 and 2 of the SPD do advise that lower provision should be considered for areas with good accessibility by sustainable modes and where measures such as Controlled Parking Zones are in place. Both of these apply to this location, and as such I consider that the lower provision than the advisory 20 would accord with Swale's adopted Parking Standards SPD.
- 8.20 In addition, turning to accessibility I also draw Members' attention to the site's town centre location within walking distance to the High Street of Sittingbourne Town Centre, located immediately east of the site, estimated at approximately 2 minutes average walking pace. Beyond the High Street to the north is Sittingbourne Train Station that provides local and national links located only 400m from the site estimated at approximately 6mins average walking pace. The suitability of the site for reduced parking is further enhanced by the availability of the local bus network again within walking distance to 'Sittingbourne bus hub' which provides links with Faversham, Sheerness and Maidstone.
- 8.21 In addition, I draw Members' attention to an Appeal (APP/V2255/A/11/2156675) on a neighbouring road 'William Street' within close proximity to the subject site. The proposal was for '*Demolish existing garage and erection of a 2 storey side extension and 1st floor rear extension to enable the conversion of property to four self-contained residential flats*'. (The

similarity here is the lack of parking provision, though the appeal scheme has no dedicated parking). In this regard the Planning inspector stated in her decision dated 19<sup>th</sup> October 2011'

*"I do not doubt the Council's assertion that there is a high level of parking demand in the area. It is also referred to by local residents. However, the development would provide additional dwellings in a sustainable, edge of town location, within walking distance of the shops, public amenities, services and public transport. In that context, it would not be essential for the occupiers of the flats to own a car, although it is likely that some will do so. The Council does not refer to any particular policy requirement for parking spaces. The appellant observes that Kent County Council's parking standards for an edge of town location do not set a minimum requirement. In the particular circumstances of this site, I do not find the absence of provision for dedicated vehicle parking to be conclusive or to amount to conflict with policy.....While the proposal is likely to have some effect on local residents in terms of ease of access to on-street parking close to their homes, that effect would not be sufficient for the development to be unacceptable."*

- 8.22 I am satisfied that the details provided demonstrate that the cycle storage system can be accommodated within the proposed store room, and will cater for the number of cycles (20) required by the adopted parking standards.
- 8.23 KCC Highways and Transportation outlined that dwellings with private off-street car parking should have an electric vehicle (EV) charging points installed and this should be subject to a planning condition. This has been provided under condition 29 below.

### **Affordable Housing**

- 8.24 Policy DM8 requires 10% of the total number of homes on this site to be delivered as affordable housing. This equates to 2 affordable homes. When the policy requirement of the 90%-10% tenure split is applied to these 2 flats, this would be rounded up to deliver 2 affordable rent tenure homes. The Affordable Housing Manager notes that in a block with 20 other open market homes this may not be acceptable for a Housing Association to deliver. It is more likely, that if a housing association is secured for the site that they would choose to deliver these to flats as shared ownership due to the low number of affordable units.
- 8.25 The provision of two affordable units (affordable rent or shared ownership) on site would comply with Policy DM8, which requires 10% affordable housing for sites in Sittingbourne, and will be secured by a S.106 legal agreement.

### **Sustainable design and Construction**

- 8.26 The Council has declared a Climate Change and Biodiversity Emergency, and this is a material planning consideration. However, I note that Swale's Climate Change Officer has been consulted and is satisfied with the information as submitted.

Notwithstanding this, conditions have been incorporated to this application to ensure that the development incorporates sustainable measures. Condition (10) (which relates to achieving at least a 50% reduction in Carbon Emission Rates) is a pre-commencement condition, and Members will note that the applicant has agreed to this pre-commencement condition and as such it is included. Condition (11) is seeking a water consumption rate of no more than 110 litres per person per day in the interests of water conservation and sustainability which is

considered reasonable for new developments. A condition requiring details of an electric charging points is included at condition (29).

### Ecology

- 8.27 As Members will be aware, the Council seeks developer contributions on any application which proposes additional residential development within 6km of the Special Protection Area (SPA). The application site is within 6km of the SPA, and as such the Council seeks a mitigation contribution of £253.83 for each new dwelling. The proposal will result in a net gain of 20 dwellings which will result in a financial contribution of £5076.60. The agent has set out that they are willing to agree to paying the contribution once development commences on site. As such the contribution will be secured by either a s106 agreement or unilateral undertaking, rather than an upfront financial contribution. An appropriate assessment is included later in the report.
- 8.28 Members are referred to Biodiversity net gain provision under policy DM24 of the emerging draft plan, which aspires to a 20% net gain in biodiversity for new development. The Council has commenced work on a Local Plan Review and this document was subject to a Borough-wide consultation earlier in 2021. Work on this document is on-going but at an early stage and therefore significant weight cannot be afforded to its policies in the determination of a planning application. However, a Green Roof has been incorporated into the design and, KCC Biodiversity are satisfied with the proposal subject to a safeguarding condition 32) for an Ecological Enhancement Plan to be submitted within 3 months of works commencing on site and given that this is a policy which relates only to an emerging plan, sufficient measures have been taken.

### Developer Contributions

- 8.29 Members will note from the consultation responses received above that in line with normal procedures for a development of this size, it would generate a requirement for financial contributions to deal with additional demand on local infrastructure. The contributions requested are as follows:

Primary Education	£1,700 per applicable flat	Total	£ 17,000.00
Primary Land	£506.56 per applicable flat	Total	£ 5,572.16
Secondary Education	£1,294 per applicable flat	Total	£ 14,234.00
Secondary Land	£658.93 per applicable flat	Total	£ 7,248.23
Community Learning	£16.42 per applicable flat	Total	£ 328.40
Youth Service	£65.50 per applicable flat	Total	£ 1,310.00
Library Bookstock	£55.45 per applicable flat	Total	£ 1,109.00
Social Care	£146.88 per applicable flat	Total	£ 2,937.60
Waste	£183.67 per applicable flat	Total	£ 3,673.40
		Sub total	£ 53,412.79
Greenspaces Manager		Total	£ 20,780.00
General practice (NHS CCG)		Total	£ 12,305.80
		Sub total	£ 86,497.59

Environmental Contract Manager has requested - 4 x 1100ltr refuse bins and 4 x 1100 recycling bins plus 4 x 140ltr food bins for the 20 dwellings at the cost of £948.20 per 5 flats.

£ 948.20 x 4      Cost   £3,792.80

Affordable Housing Manager has, development is located within Sittingbourne where Planning Policy DM8 requires 10% of the total number of homes to be delivered as affordable housing with the tenure split as 90% affordable/social rented and 10% as intermediate/shared ownership.

A 5% monitoring / admin fee will also be payable      Cost   £4,409.88

Total Developer Contributions:      £94,700.27

- 8.30 The above developer contributions have been worked out on the basis of a net gain of 20 dwellings as the site and it is considered that they meet the relevant tests for planning obligations.
- 8.31 It is also considered that a Section 106 Agreement is the best mechanism for addressing the SAMM contribution (of £253.83 per dwelling or £5076.60 in total), the details of which are set out under the subheading 'The Conservation of Habitats and Species Regulations 2017'.
- 8.32 The education land contributions included above will only need to be paid if land for the schools at NW Sittingbourne are not provided by the developer of that site (Persimmon Homes) at nil cost, and the wording of this agreement will need to reflect this position.

## 9. CONCLUSION

- 9.1 The site is in a sustainable location within the built-up area boundary with suitable access to a wide range of services and facilities. The adopted Local Plan directs development towards these areas, and the site will utilise an existing brownfield site. It is considered that the site can accommodate such a development in a manner that will enhance the character of the local area (introducing a high quality new development) with the benefit of providing additional housing at a time when the Council cannot demonstrate a five-year housing supply. The size of the dwellings are compliant with National Space Standards and all units provide a good standard of accommodation and external outdoor amenity space. No adverse impacts have been identified for the residential amenities of neighbouring properties, and whilst the proposal is presented with an under provision of parking, given this town centre location, it is not considered to prejudice highway safety or convenience to a degree that would warrant a refusal. Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions and relevant s106 agreement, the proposal would be in accordance with the development plan.

## 10. RECOMMENDATION

GRANT Subject to the following conditions and the signing of a suitably worded s106 agreement. Delegated authority is also sought to amend the wording of conditions and the draft s106 agreement as may reasonably be required.

### CONDITIONS to include

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:

Proposed Location Plan D.PR.0.1.1B; Proposed Block Plan D.PR.0.1.2B; Proposed Car Parking Spaces D.PR.0.1.3B; Proposed Car Par Entrance D.PR.0.1.4B; Proposed 3D View 1 D.PR.1.1B; Proposed 3D View 2 D.PR.1.2B; Proposed 3D View 3 D.PR.1.3B; Proposed 3D View 4 D.PR.1.4B; Proposed 3D View 5 D.PR.1.5B; Proposed 3D View 6 D.PR.1.6B; Proposed Street View 1 D.PR.1.7B; Proposed Street View 2 D.PR.1.8B; Proposed Street View 3 D.PR.1.9B; Proposed Ground Floor Plan D.PR.2.1B; Proposed First Floor Plan D.PR.2.2B; Proposed Second Floor Plan D.PR.2.3 B; Proposed Third Floor Plan D.PR.2.4B; Proposed Roof Garden D.PR.2.5B; Proposed Roof Plan D.PR.2.6.B; Proposed Front Elevation D.PR.3.1B; Proposed Side (Left) Elevation D.PR.3.2B; Proposed Rear Elevation D.PR.3.3B; Proposed Side (Right) Elevation D.PR.3.4B; Proposed Section 1 D.PR.4.1B; Proposed Section – Roof Terrace D.PR.4.2B; Proposed Roof Garden 3D 1;D.PR.5.1B; Proposed Roof Garden 3D 2 D.PR.5.2B

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

3. No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been 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 approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
  - i. A site investigation, based on the findings of the PRA submitted with this application, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - ii. A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
  - iii. A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (3). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean; Any changes to these components require the express consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework

5. Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

6. If, during construction/demolition works, evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;
  - a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
  - b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
  - c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

7. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

8. Piling or any other foundation designs using penetrative methods shall not be permitted

other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwater. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

9. The dwelling(s) hereby approved shall be constructed and tested to achieve the following measure:

At least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended);

No development shall take place until details of the measures to be undertaken to secure compliance with this condition have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

10. The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

11. No development beyond the construction of foundations shall take place until details have been submitted to and approved in writing by the Local Planning Authority demonstrating how the development will meet the principles of 'Secure by Design'. The development shall then be completed strictly in accordance with the approved details.

Reason: In order to secure a satisfactory form of development having regard to the nature of the site and the need to minimise the opportunities for crime and anti-social behaviour.

12. No development beyond the construction of foundations 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 existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure (including for the roof garden as shown on drawing D.PR.2.5B), hard surfacing materials, and an implementation programme. 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.

13. 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.
15. Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.
16. Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF

17. No demolition/construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Reason: In the interests of residential amenity

18. Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- Measures to minimise the production of dust on the site during demolition and construction works
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives

- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works

Reason: In the interests of residential amenity and road safety

19. The development shall not be commenced until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:
- An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.
  - An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development.

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter.

Reason: In the interests of residential amenity

20. Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and any relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. This shall include a scheme for sound insulation between the retail and residential units. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of residential amenity.

21. Details of any mechanical ventilation system that will be installed shall be submitted to and approved by the Local Planning Authority and upon approval shall be installed, maintained and operated in a manner which prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Reason: In the interests of residential amenity.

22. Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended 2020) (or any order revoking and re-enacting that Order with or without modification) the use of the ground floor commercial premises hereby permitted shall only be used for the purpose of 'Class E' (commercial, business and service uses), and for no other purpose whatsoever and shall at all times maintain an active and open shop frontage with visibility to and from the premises and the street.

Reason: To enable the local planning authority to maintain control over any future use of the premises in the interests of the amenities of the occupiers of neighbouring properties and to ensure adequate parking and servicing is available for alternative uses.

23. There shall be no servicing of the commercial premises and no deliveries or collections associated with the unit between 1900 and 0700 hours Mondays to Saturdays or at any time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity.

24. During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority, to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

25. Prior to the works commencing on site details of parking for site personnel / operatives /visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Reason: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents.

26. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

27. As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

Reason: In the interests of amenity and road safety.

28. No building shall be occupied or the approved use commenced until space has been laid out within the site in accordance with the approved drawings for cycles to be parked.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

29. The area shown on the submitted layout as vehicle parking and turning space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the development hereby approved is first occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

30. The vehicular access details shown on the approved plans shall be completed prior to the occupation of any buildings hereby approved, and the access shall thereafter be maintained.

Reason: In the interests of highway safety.

31. No dwelling/building shall be occupied or the approved use commenced until Electric Vehicle Charging facilities have been provided for each of the dwellings hereby approved in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure the provision and retention of electric vehicle charging facilities in the interest of reducing greenhouse gas emissions.

32. Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the access footway level shall be provided prior to the commencement of any other development in this application and shall be subsequently maintained.

Reason: In the interests of highway safety.

33. The development hereby permitted shall not be occupied until the off-site highway works to remove the redundant vehicle crossovers around the application site frontage have been carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

34. Within 3 months of works commencing on site an ecological enhancement plan (including details of the specific biodiversity net gain that will be achieved, and of the maintenance arrangements) must be submitted to the Local Planning Authority for written approval. The plan must demonstrate how the green roof will incorporate plants and features which will benefit biodiversity. The plan must be implemented as approved and thereafter maintained in accordance with the agreed arrangements.

Reason: In the interest of bio-diversity and climate change

35. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Conceptual SuDS Strategy produced by Innervision Design Ltd (June 2021) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

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

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

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

37. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

38. No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason : To ensure that due regard is had to the preservation in situ of important archaeological remains.

## INFORMATIVES

**Southern Water:**

A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Waters New Connections Services Charging Arrangements documents which has now been published and is available to read on the website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

**KCC Highways:**

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

**Environmental Health:**

Adequate and suitable measures shall be carried out for the minimisation of asbestos fibres , during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

**Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.**

This Appropriate Assessment has been undertaken without information provided by the applicant. The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 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.

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. The proposal thus has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England (NE) advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also 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.

The recent (April 2018) judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, *"it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."* The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group (NKEPG).

NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the (NKEPG) and that such strategic mitigation must be in place before the dwelling is occupied. Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured by either s106 agreement or unilateral undertaking on all qualifying developments) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

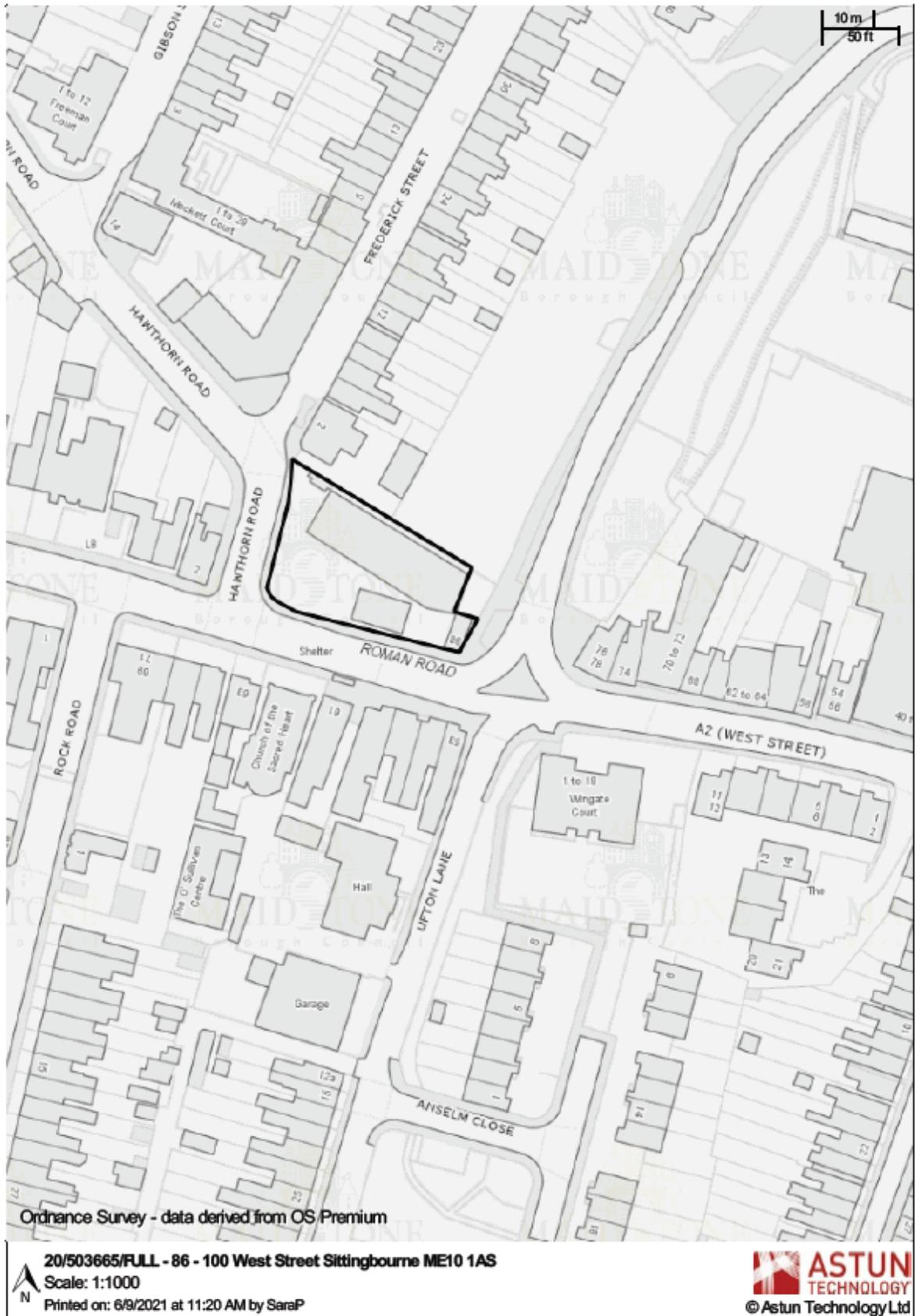
### **The Council's approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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.



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<b>2.2 REFERENCE NO - 21/503916/FULL</b>		
<b>APPLICATION PROPOSAL</b> Full restoration of the clock feature, internal operating equipment and cast-iron structure, including reinstatement of original lanterns with LED lighting.		
<b>ADDRESS</b> The Clocktower High Street Sheerness Kent ME12 1AG		
<b>RECOMMENDATION</b> Grant, subject to conditions		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Council application		
<b>WARD</b> Sheerness	<b>PARISH/TOWN COUNCIL</b> Sheerness Town Council	<b>APPLICANT</b> Swale Borough Council <b>AGENT</b> Capital Projects Team
<b>DECISION DUE DATE</b> 28/09/21		<b>PUBLICITY EXPIRY DATE</b> 16/09/21

**Planning History**

21/502786/LBC

Listed Building Consent for restoration of clock feature, internal operating equipment and cast-iron structure, including reinstatement of original lanterns with LED lighting.

Approved Decision Date: 23.07.2021

**1. DESCRIPTION OF SITE**

- 1.1 The Grade II listed coronation memorial clock (clocktower) sits at the junction of Broadway and High Street and is located within Sheerness Mile Town conservation area.
- 1.2 The clocktower dates from 1902 and is currently owned and managed by the Borough Council. A detailed condition survey by a specialist clockmaker and clock repair company undertaken in February this year highlighted significant deterioration of this grade II listed structure to the extent that it has been necessary to provide temporary hoardings around the clocktower to protect against a possible partial collapse of the structure.

**2. PROPOSAL**

- 2.1 This application seeks planning permission to restore the cast-iron clocktower to its former glory by a program of extensive works (repair and refurbishment). Members will remember that a listed building consent application for the same works was approved at the July committee. However, given the nature of the works to dismantle and re-erect the building at a later date, planning permission is also required.
- 2.2 These works are estimated to take approximately 5 months and will necessitate the clocktower being dismantled entirely (it is essentially a modular structure with internal workings) and taken to the workshop of the specialist clockmaker and clock repair company, Smith of Derby where the full programme of works (as set out on page 9 of the supporting statement) will be carried out.

2.3 The works are briefly summarised below:

- Full restoration program of the clock feature and internal operating equipment.
- Reinstate original lanterns with LED lights.
- Reinstate original colour scheme of Green, Yellow and Gold
- Upgrade existing clock mechanisms and bell toller.

### **3. PLANNING CONSTRAINTS**

3.1 Conservation Area Sheerness: Mile Town

3.2 Environment Agency Flood Zone 3

3.3 Grade II Listed Clocktower

### **4. POLICY AND CONSIDERATIONS**

4.1 National Planning Policy Framework (Feb. 2019): Chapter 4 (Decision making), Chapter 12 (Achieving well designed places) and Chapter 16 (Conserving and enhancing the historic environment)

4.2 Planning Practice Guidance on each of the above topics including Historic England's Good Practice in Planning Advice Note Series: - Note 2: Managing Significance in Decision-Taking in the Historic Environment (Mar. 2015)

4.3 Bearing Fruits 2031: The Swale Borough Local Plan 2017 (the adopted Local Plan): Policy CP4: Requiring good design, Policy CP8: Conserving and enhancing the historic environment, Policy DM14: General development criteria, Policy DM32: Development involving listed buildings and Policy DM33: Development affecting a conservation area

4.4 Supplementary Planning Guidance entitled 'Listed buildings' and 'Conservation Areas'.

### **5. LOCAL REPRESENTATIONS**

5.1 I have not received any representations from neighbours either supporting or objecting to the proposal.

5.2 The newspaper consultation is due to expire on 16/09/21 and any comments will be reported to the committee at the meeting.

### **6. CONSULTATIONS**

6.1 Historic England state that they do not require notification.

6.2 The SBC Conservation Officer supports the application.

### **7. BACKGROUND PAPERS AND PLANS**

7.1 Application plans and documents for 21/503916/FULL & 21/502786/LBC.

## 8. APPRAISAL

### Principle of Development

- 8.1 As set by the Town and Country Planning (Listed buildings and Conservation Areas) Act, there is a duty placed upon the Council to preserve the building, its setting and its features of architectural and historical interest. The clocktower is noted to have deteriorated to a poor condition and as such the principle of restoring and repairing this important asset is acceptable.

### Impact on the listed building

- 8.2 As the building in question is Grade II listed, particular care must be taken to ensure the building is protected or enhanced by any alterations or development. The clocktower functions as a significant and striking local historic landmark at the heart of Sheerness town centre, where it combines with the formal, grade II listed buildings on Broadway (dating from c. 1830) to create an architectural composition of note and one of the most memorable elements of the Sheerness Mile Town Conservation Area.
- 8.3 The submitted heritage statement enables an understanding of the clocktower's significance, and provides details of the advanced state of decay that the clocktower is in. The proposals would result in a full restoration of the tower, which would preserve and enhance its heritage significance and communal value.
- 8.4 The Council's Conservation Officer is in full support of the scheme and considers that the proposed works would secure the conservation of this important landmark and enhance the quality of the wider Conservation Area. The repair and restoration works will be carried out carefully and to an exacting standard which will result in the clock looking and functioning as good as new.

### Residential and visual amenity

- 8.5 There will be no increase in scale of the clocktower, it is simply reinstating what is currently in situ, with a small alteration to re-instate lanterns on the tower and a change in the external colour which would revert to the original colours for the tower. There will be no additional impact on residential amenity.

## 9. CONCLUSION

- 9.1 Taking into account all of the above, I am of the view that the proposal would preserve and enhance the listed building, its setting and its features of architectural and historical interest and is essential to prevent the further damage and potential loss of this heritage asset. I do not consider that there are any other planning issues, and therefore I recommend that planning permission should be granted.

## 10. RECOMMENDATION

GRANT Subject to the following conditions:

### CONDITIONS to include

- (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 permitted shall not be carried out otherwise than in complete accordance with the following drawings and details: 9200000230 Dimension Drawing, 9200000229 Rev 2 Proposed Elevations, the Schedule of works contained on Page 9 of the Design, Access and Heritage Statement.

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

- (3) Details of the paint colour (including RAL code) to be applied to the exterior of the clocktower shall be submitted to and approved by the Local Planning Authority prior to any repainting of the structure.

Reason: To preserve the character and appearance of the listed structure and wider conservation area.

### INFORMATIVES

- (1) It is advised that advice is sought from the specialist company carrying out the works on an appropriate maintenance regime (including cleaning) for the clock.

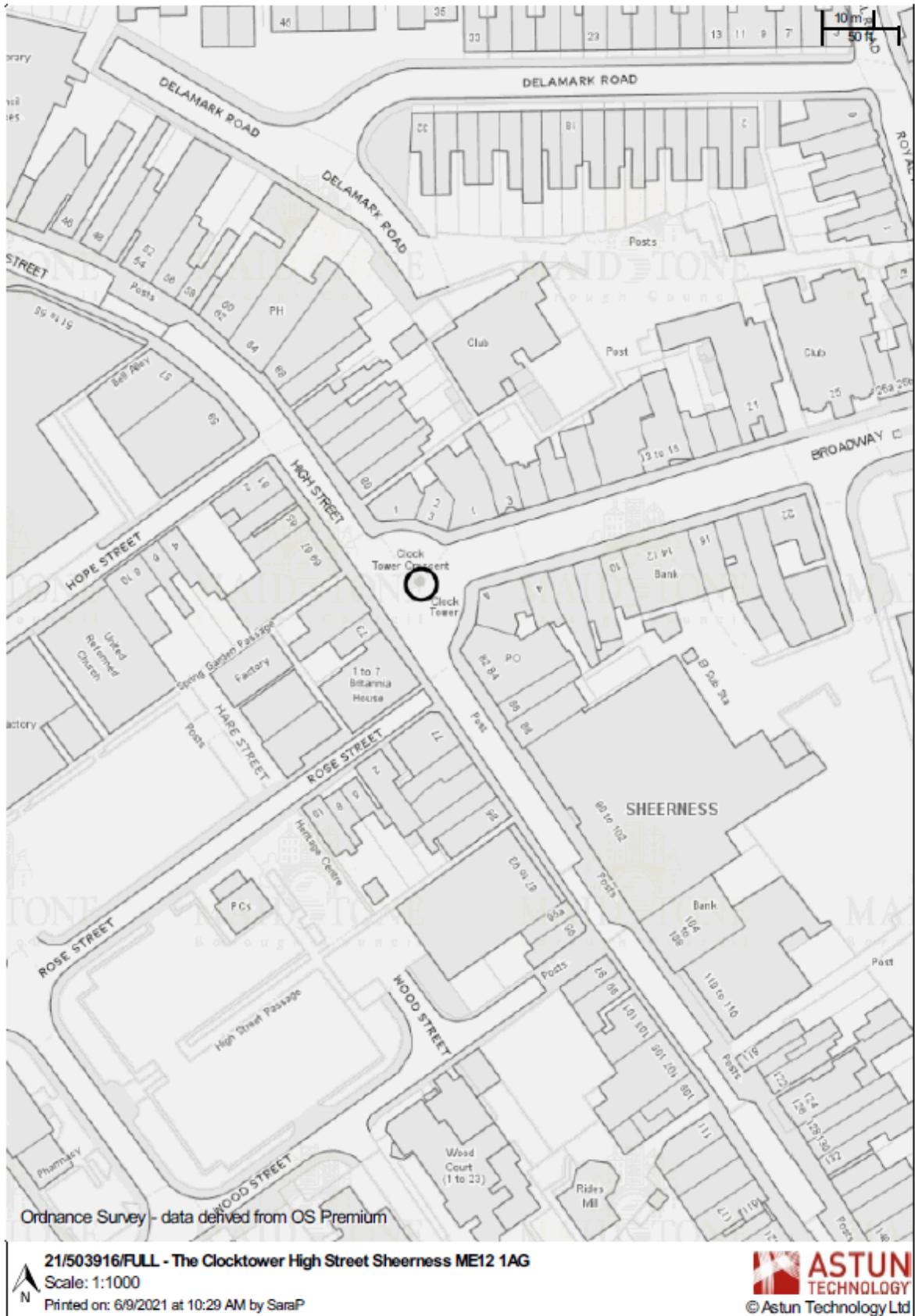
### The Council's approach to the application

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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.



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<b>2.3 REFERENCE NO - 21/503353/FULL</b>			
<b>APPLICATION PROPOSAL</b> Proposed first floor extension with two front dormers and rear Juliet balcony.			
<b>ADDRESS</b> 12 Kingsborough Drive Eastchurch Sheerness Kent ME12 4DN			
<b>RECOMMENDATION</b> - Grant subject to conditions			
<b>REASON FOR REFERRAL TO COMMITTEE</b>  Parish Council objection			
<b>WARD</b> Sheppey East	<b>PARISH/TOWN</b> Eastchurch	<b>COUNCIL</b>	<b>APPLICANT</b> Mr & Mrs Henstock <b>AGENT</b> Woodstock Associates
<b>DECISION DUE DATE</b> 18/08/21		<b>PUBLICITY EXPIRY DATE</b> 29/07/21	

**Relevant Planning History**

None.

**MAIN REPORT****1.0 DESCRIPTION OF SITE**

- 1.01 The application property is a detached four-bedroom house with a double garage. The garage is linked to the house by a single storey bay.
- 1.02 The house is set at the end of a cul-de-sac, a branch of Kingsborough Drive. Kingsborough Drive is part of a sizeable area of relatively new residential development near Kingsborough Farm. The residential development is to the west of the settlement of Eastchurch and to the east of Minster. In general terms the residential development is bounded by the B2231 to the south and Plough Road to the north.
- 1.03 To the east of the application property is the rear garden of a house at 6 Carey Close. To the south is 10 Kingsborough Close and 14 Kingsborough Close is to the west. The rear boundary of the application property is adjacent to Plough Road, to the north.

**2.0 PROPOSAL**

- 2.01 The proposal is essentially to add a first floor above the garage and above the single storey element of the house which links the main body of the house with the garage. The first-floor extension would have two dormer windows on the west elevation set above the garage doors, and a Juliet balcony and a window on the north elevation facing into the garden of the application site.
- 2.02 The footprint of the built form would be unchanged.
- 2.03 The external walls of the extension would have a finish of hanging tiles matching those of a front gable to the house. The roof of the extension would be tiled to match existing roofing tiles.

2.04 Above the garage the proposal would create a very large bedroom with bathroom en-suite. Above the linking single-storey bay the proposal would create a dressing area. The house would remain a four-bedroom property; an existing bedroom would be altered to form access to the proposed dressing area and become a laundry room measuring some 3.3m by 2.0m.

### 3.0 PLANNING CONSTRAINTS

Within built confines as defined by Proposals Map of the Local Plan.

### 4.0 POLICY AND OTHER CONSIDERATIONS

4.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017

Policy ST1 - Delivering Sustainable Development in Swale  
 Policy CP4 - Requiring Good Design  
 Policy DM14 - General Development Criteria  
 Policy DM16 - Alterations and Extensions

4.2 The National Planning Policy Framework (NPPF)

4.3 Supplementary Planning Documents:  
 “Designing an Extension” A guide for householders

### 5.0 LOCAL REPRESENTATIONS

	COMMENTS RECEIVED	OFFICER RESPONSE
Parish Council	The Planning Committee of Eastchurch Parish Council objects to this application. The creation of an upper level over the garage will be detrimental to the visual impact of the street scene. The height of the room will impact on the privacy of the adjoining rear garden.	Visual impact and affect to privacy of neighbours are considered below.
Residential Objections Number received: 1	<ul style="list-style-type: none"> <li>- The building will overshadow my garden and property losing evening sunshine.</li> <li>- The back window will remove privacy I have within my garden.</li> <li>- Light pollution risk from down lighters if installed in the soffits of the roof at the back of the building which will ruin my enjoyment of the night sky. The light pollution is the biggest concern I have about this application.</li> </ul>	Impact to neighbours is considered below.
Residential Support Number received: 1	<ul style="list-style-type: none"> <li>- Can't see there being any issues with the development of the garage extension. All good from my point of view</li> </ul>	

## **6.0 CONSULTATIONS**

6.01 Not applicable.

## **7.0 BACKGROUND PAPERS AND PLANS**

7.1 Application papers and drawings referring to application 21/503353/FULL.

## **8.0 APPRAISAL**

### **Principle of Development**

8.01 The site is located within the built confines as defined in the Local Plan where extensions to properties are acceptable in principle, subject to detailed design and impact considerations.

### **Visual Impact**

8.02 The NPPF refers to how achieving sustainable development involves an environmental role. This environmental objective involves protecting the built environment.

8.03 Policy ST1 requires development proposals to achieve good design through reflecting the best of an area's defining characteristics.

8.04 Policy CP4 requires all proposals to be of a high quality of design appropriate to its surroundings. The policy requires, at point 8, design appropriate to the context in respect of materials, height, and massing.

8.05 Policy DM14 requires development proposals to accord with adopted Supplementary Planning Documents and Guidance; reflect the positive characteristics and features of the site and locality; and be both well sited and of a scale, design, appearance, and detail that is sympathetic and appropriate to the location.

8.06 Policy DM16 states that planning permission will be granted for extensions provided they are of an appropriate design and quality which responds positively to the style and character of the building being extended and maintain or enhance (where applicable) the character of the street scene.

8.07 SPG Supplementary Planning Guidance (SPG) titled "Designing an Extension" refers, at 3.0, to how the Council is concerned with the appearance of the extension in relation to the house itself and to the local area. It is stated that extensions should respect or reflect the character and appearance of the existing building.

8.08 The roof to the first-floor extension above the garage would have a pyramidal form and have a maximum height of 7.5m. The roof to the first-floor extension above the linking element would have a maximum height of 6.5m. The roof to the house as existing has a maximum height of 7.7m. The garage and linking element splay out from a front corner of the house and this arrangement would follow for the extension. Given this and the lower height to the proposed roof above the linking element, it is considered that the proposal would appear subservient to the main house.

8.09 The proposal would be seen in the street scene in the context of a two-storey house with gables on the plot to the south, at 10 Kingsborough Drive. Notwithstanding the comment of the Parish Council, it is considered that the proposal would have an

acceptable appearance in the street scene. A gap of 2 metres would be maintained to the side boundary in accordance with the Council's SPG.

- 8.10 Glimpses of the rear elevation can be seen from Plough Road, which is beyond the rear boundary of the property. However, due to a combination of Plough Road being at a lower level, partial screening by trees and a screen fence and the depth of the rear garden (some 20m), the rear elevation of the house can barely be seen from Plough Road.

### **Residential Amenity**

- 8.11 The occupier of 6 Carey Close has raised concerns regarding light pollution, loss of privacy, and overshadowing.
- 8.12 A comment from a neighbour refers to down lighters in the soffits. However, no reference to external lighting can be found in the application documentation, and such works would not normally fall under planning control. Given the setting of the site within a housing estate, I do not consider lighting to be a significant planning concern.
- 8.13 The window on the rear elevation and the Juliet balcony would face toward the north and would not directly overlook any neighbouring properties.. The rear garden of 6 Carey Close is to the east. Although the very rearmost part of the rear garden of 6 Carey Close may be visible from the proposed windows this view would be essentially the same as that from existing first floor windows to the application property. The Juliet balcony and even more so the proposed rear window would be set further to the north than the area immediately behind the rear elevation of 6 Carey Close; there would be no overlooking of the area immediately behind the rear elevation of 6 Carey Close.
- 8.14 No other neighbour would be overlooked by the proposed fenestration to the rear elevation.
- 8.15 The proposed first floor extension and its roof would be orientated to the northwest of the rear elevation of 6 Carey Close. There would be a minimum distance of some 10m between the first-floor extension and the nearest point of the house at 6 Carey Close. It is considered on balance that any loss of indirect light or loss of outlook to the occupiers of 6 Carey Close would not be so great as to reasonably justify refusal of the application.
- 8.16 No other neighbour would lose light or outlook from the proposal.

### **9.0 CONCLUSION**

- 9.01 The extension, though of some significant size, would relate well to the main body of the house and appear subservient.
- 9.02 The proposed rear fenestration would principally look toward Plough Road and not materially overlook any neighbour. There would be no significant loss of amenity to occupiers of any neighbouring property.

**10.0 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 with the approved drawings  
 HE/21/119.09, site location plan and block plans  
 HE/21/119.01, existing ground floor plan  
 HE/21/119.02, existing first floor plan  
 HE/21/119.03, existing front and rear elevations  
 HE/21/119.04, existing side elevations  
 HE/21/119.05, proposed ground floor plan  
 HE/21/119.06, proposed first floor plan  
 HE/21/119.07, proposed front and rear elevations  
 HE/21/119.08, proposed side elevations

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

- (3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing house in terms of type, colour and texture.

Reason: In the interests of visual amenity.

- (4) No window or other opening shall be inserted, placed or formed at any time in the east facing first floor wall hereby permitted.

Reason: To prevent the overlooking of adjoining properties and to safeguard the privacy of their occupiers.

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

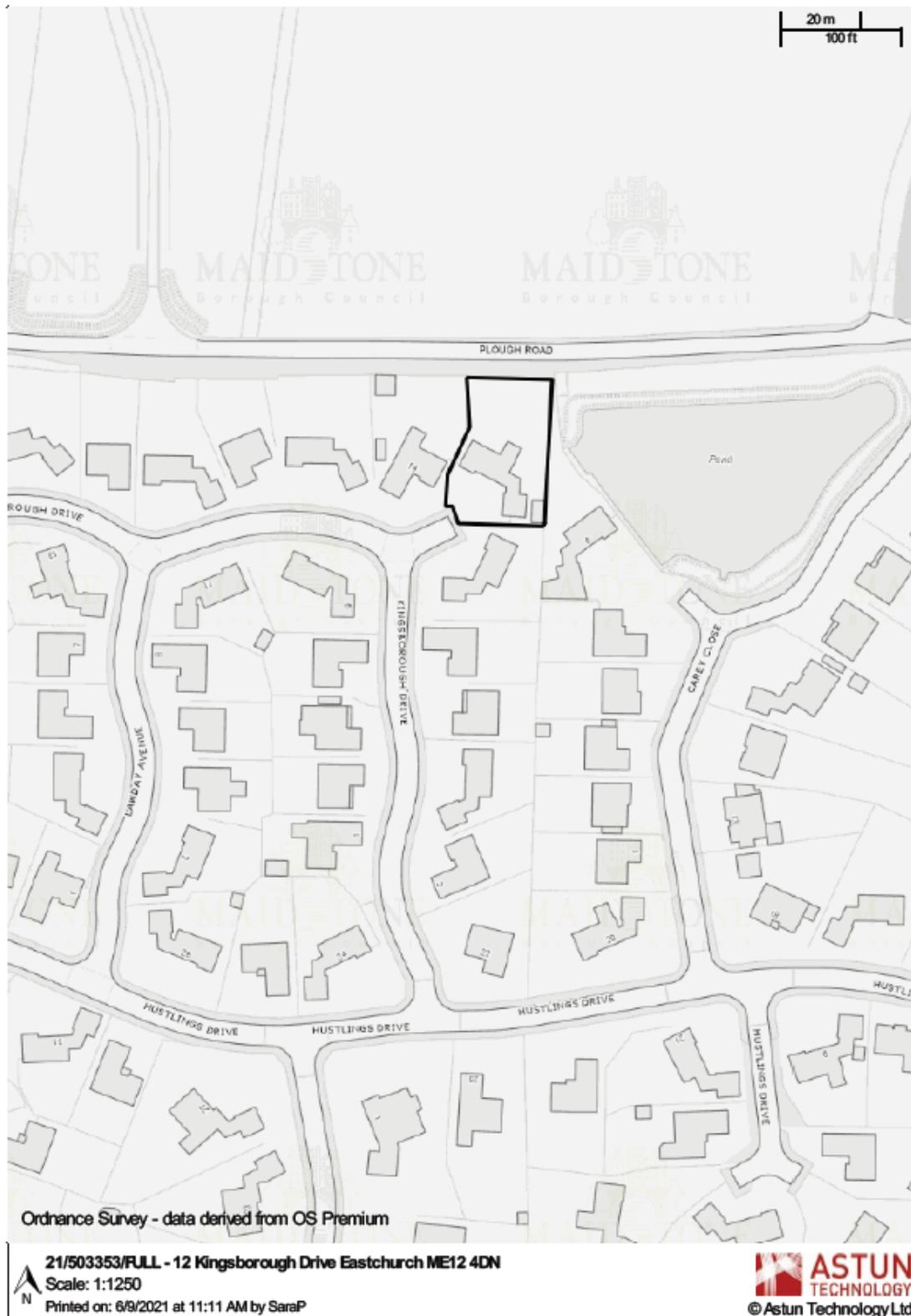
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**The Council's approach to the application**

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- 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.

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



**PLANNING COMMITTEE – 16 SEPTEMBER 2021****PART 3**

Report of the Head of Planning

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

<b>3.1 REFERENCE NO - 21/503219/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Erection of a side extension to existing detached garage together with a new roof to create first floor with insertion of 2 dormer windows to provide annexe (Resubmission to 20/505910/FULL).			
<b>ADDRESS</b> 3 Brecon Chase Minster-on-sea Sheerness Kent ME12 2HP			
<b>RECOMMENDATION</b> Refusal			
<b>SUMMARY OF REASONS FOR REFUSAL</b>			
The previous reason for refusal has not been sufficiently addressed, and the proposal remains unacceptable in terms of bulk, scale and visual impact.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Support from Minster Parish Council			
<b>WARD</b> Minster Cliffs	<b>PARISH/TOWN COUNCIL</b> Minster-On-Sea	<b>APPLICANT</b> Mr Cyrrous Loghmani <b>AGENT</b> Deva Design	
<b>DECISION DUE DATE</b> 01/09/21		<b>PUBLICITY EXPIRY DATE</b> 23/08/21	
<b>Relevant Planning History</b>			
<b>Ref No:</b>	<b>Description</b>	<b>Decision</b>	<b>Determination date</b>
20/505910/FULL	Erection of a side extension and 2no. dormer windows to existing garage to create an annex.	Refused	07.04.2021
SW/01/1224	Detached garage to the front of property.	Approved	04.02.2002
SW/89/1165	Two storey extension	Approved	21.09.1989
SW/88/1012	Lounge and bedroom extension	Approved	07.09.1988
SW/78/0628	Extension over existing garage	Approved	30.08.1978
SW/75/1132	Erection of house	Approved	22.12.1975

**1. DESCRIPTION OF SITE**

1.1 The subject site is located on the southern side of Brecon Chase and comprises of a rectangular plot that contains a detached two storey dwelling. The original property has been

modified by a number of later extensions and has a detached garage which sits forward of the principal elevation and which is also the subject of this application. There is vehicle access and associated hardstanding to the front of the property and a large amenity provision to the rear.

- 1.2 The site is located on a slope and the house sits below road level, within the built-up area of Minster, with the wider area comprises predominantly of residential housing.

## 2. PROPOSAL

- 2.1 Planning permission is sought for the enlargement of the existing double garage located within the front forecourt of the property, comprising of a side extension; enlargement of the roof from hip to a part gable extension; increase in ridge height; installation of two dormer windows within the front (east) elevation and associated conversion into a residential annex.
- 2.2 This is a revised proposal of an application previously refused at Planning Committee on 7<sup>th</sup> April 2021 (Planning reference 20/505910/FULL). The reason cited for refused reads as:

*The proposed development by reason of its scale, height, bulk and location would constitute an excessive, unduly prominent and unsympathetic addition that would fail to appear subordinate to the original dwelling. As such, the enlarged garage would be detrimental to the character and appearance of the dwelling and would affect the visual amenity of the locality as a whole, contrary to policies CP4 and DM14 of the adopted Swale Borough Local Plan 2017.*

- 2.3 This revised scheme incorporates some small changes to the original scheme. The revisions are as follows:

- Reduction in the ridge height from 6m to 5.5m
- Introduction of a 1.8m high 'Robin Red' shrub hedge
- Replacement tree 'Yew' to the side boundary fronting Brecon Chase

- 2.4 The existing garage has a footprint 6m x 6m square and a dual pitch roof. It has an eaves height of 2.3m reaching to 4.4m at the roof's apex. The garage would be extended by 3.7m on the northern side drawing the development closer to the highway, Brecon Chase. The roof ridge would be raised to accommodate additional habitable accommodation within the roof space with the height of the building being raised from its current height of 2.2m (eaves) and 4.4m (ridge), to 2.6m at the eaves and 5.5m at the roof apex.

- 2.5 Two dormers would be inserted within the new front roof slope. The existing garage would be retained on the ground floor and the development currently proposed would be used as an annex.

- 2.6 The application is supported by a Design and Access Statement from which I take the following comments:

*The overall height of the proposed annex has been reduced from the original scheme by approximately 800mm to help with making the structure even more subordinate to the existing main dwelling. This still leaves a workable head height to the first-floor area.*

*There is a tree close to the north elevation which leans hazardously towards the garage. It has a misshapen growth pattern and will need to be removed. We propose to replace this tree with a native tree such as English Yew. This would provide cover of the Annex from the streetscene and also some privacy for the annex.*

This tree along with a new hedge line will not only provide mutual site screening but create a plethora of feeding and nesting areas for all kinds of wildlife. We would be happy to make this landscaping scheme a condition for planning approval as it will also help to ground and balance the proposal as a whole.

### **3. PLANNING CONSTRAINTS**

3.1 None

### **4. POLICY AND CONSIDERATIONS**

4.1 The National Planning Policy Framework (NPPF): paragraphs 8 (dimensions to sustainable development), 11 (presumption in favour of sustainable development)

4.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017, Policy ST1 Delivering sustainable development in Swale, Policy ST3 The Swale settlement strategy, Policy ST5 The Sittingbourne area strategy, Policy CP3 Delivering a wide choice of high quality homes, Policy CP4 Requiring good design, Policy DM7 Vehicle Parking, Policy DM14 General development criteria, Policy DM19 Sustainable Design and Construction

4.3 Swale Borough Council Parking Standards 2020

### **5. LOCAL REPRESENTATIONS**

5.1 Minster Parish Council (MPC) supports the application subject to the provision of adequate parking. Comments as follows:

*Minster-on-Sea Parish Council's support is subject to the provision of adequate parking and the existing site lines not being impeded upon.*

5.2 One letter of representation received neither objecting or supporting the application, comments as follows:

*I would like confirmation of the planned off-road parking for the building work that would avoid restricting access to house drives.*

### **6. CONSULTATIONS**

6.1 Historic England – no objection (03.08.2021)

6.2 KCC Highways – Does not meet the criteria to warrant involvement (11.08.2021)

6.3 Environmental Health – No objection, subject to safeguarding condition relating to 'Hours of construction' (13.08.2021)

### **7. BACKGROUND PAPERS AND PLANS**

7.1 Existing garage floor plan DC/765

- 7.2 Proposed block plans and elevations DC/714; Proposed floor plans and elevations DC/716; Proposed front elevation and street view; Design and Access Statement; Supporting document 1 (trees); Supporting document 2 (Robin Red hedge)

## **8. APPRAISAL**

### Principle of Development

- 8.1 The application site lies within the built-up area of Minster, within a residential area and sustainable location accessible by public transport. The principle of minor development within these locations is generally regarded as acceptable and in accordance with accords with Policy ST3 of Bearing Fruits 2031 – The Swale Borough Local Plan (adopted 2017).

### Visual Impact

- 8.2 The existing garage is located within the front forecourt of the property against the western side boundary. From the public highway there is a sharp decline south resulting in the eaves of the garage sitting at approximately the same height as the highway. As a result, the bulk of the garage is largely out of view on the approach along Brecon Chase. When standing at the entrance of the site looking down, the ridge of the garage appears lower and generally subservient to that of the main property.
- 8.3 The garage would be extended at the northern end drawing the built form of development closer to the highway. In addition, the ridge height would be increased by approx. 1 metre and would result in a larger and bulkier roof profile. I acknowledge a slight reduction in the height of the ridge compared to the previous scheme, however I am of the opinion that the change is minimal and not sufficient to alleviate previous concerns raised in relation to scale, height, bulk and location and, in my opinion, the proposal remains to constitute an unduly prominent addition that would harm the character and appearance of the streetscene and would affect the visual amenity of the locality as a whole, contrary to policies CP4 and DM14 of the adopted Swale Borough Local Plan 2017
- 8.4 Furthermore, while I acknowledge the introduction of revised landscaping to the front of the site namely a 1.8m high 'Robin Red' shrub hedge and a replace tree (English Yew), this type of landscaping/hedgerow would take time some years to mature and. I am of the view that the building would still be unacceptable in scale and impact, and that whilst landscaping can be used to soften and mitigate the impact of development, it should not be used to screen unacceptable development.

### Residential Amenity

- 8.5 Policy DM14 of the Local Plan (2017) and Supplementary Guidance stipulates that proposals should not impinge upon the amenities of neighbouring properties in terms of elevated noise levels, loss of light, overlooking or sense of enclosure.
- 8.6 Due to the siting of the garage and relationship with neighbouring properties, the only dwelling likely to be affected is No.5 Brecon Chase. This property is a bungalow and due to various on-site ground levels, the bungalow is sunk approximately 1m lower than the front forecourt. There are two detached outbuildings/garage to the front of no.5 which are situated immediately adjacent to the proposed development.

- 8.7 Due to the siting and general relationship between the annex and No 5, there is some concern that the change to the roof profile and raised ridge height could create a sense of enclosure from the closest ground floor the window no.5. However, this window is largely already obscured from the existing structures. Furthermore, due to the northern orientation of the window and the location of the annex due north, any impact upon existing levels of light or overshadowing would be likely to be limited.

#### Highways

- 8.8 The Swale Parking Standards 2020 recommends three parking spaces for the existing property and the proposed annexe. No changes are proposed to the existing parking arrangements and given the size of the existing forecourt, I consider that this is reasonably achievable. No changes are proposed to access and there are no concerns surrounding highway safety.

#### Other matters

- 8.9 The site lies approximately 80m from Minster Abbey. This substantial distance, and the intervening development (including Minster Working Mens Club) lead me to conclude that there would be no impact on this scheduled ancient monument.

### **9. CONCLUSION**

- 9.1 As set out above, the proposed development due to its scale, height, bulk and location would result in an unduly prominent and unsympathetic addition to the detriment of the character and appearance of the streetscene and wider setting, in a manner harmful to the visual amenity of the locality as a whole and the revisions to the scheme are not sufficient to address these concerns.

### **10. RECOMMENDATION – Refuse for the following reason:**

#### **REASON**

- (1) The proposed development by reason of its scale, height, bulk and location would constitute an excessive, unduly prominent and unsympathetic addition that would fail to appear subordinate to the original dwelling. The enlarged garage would be detrimental to the character and appearance of the dwelling and would affect the visual amenity of the locality as a whole, contrary to policies CP4 and DM14 of the adopted Swale Borough Local Plan 2017.

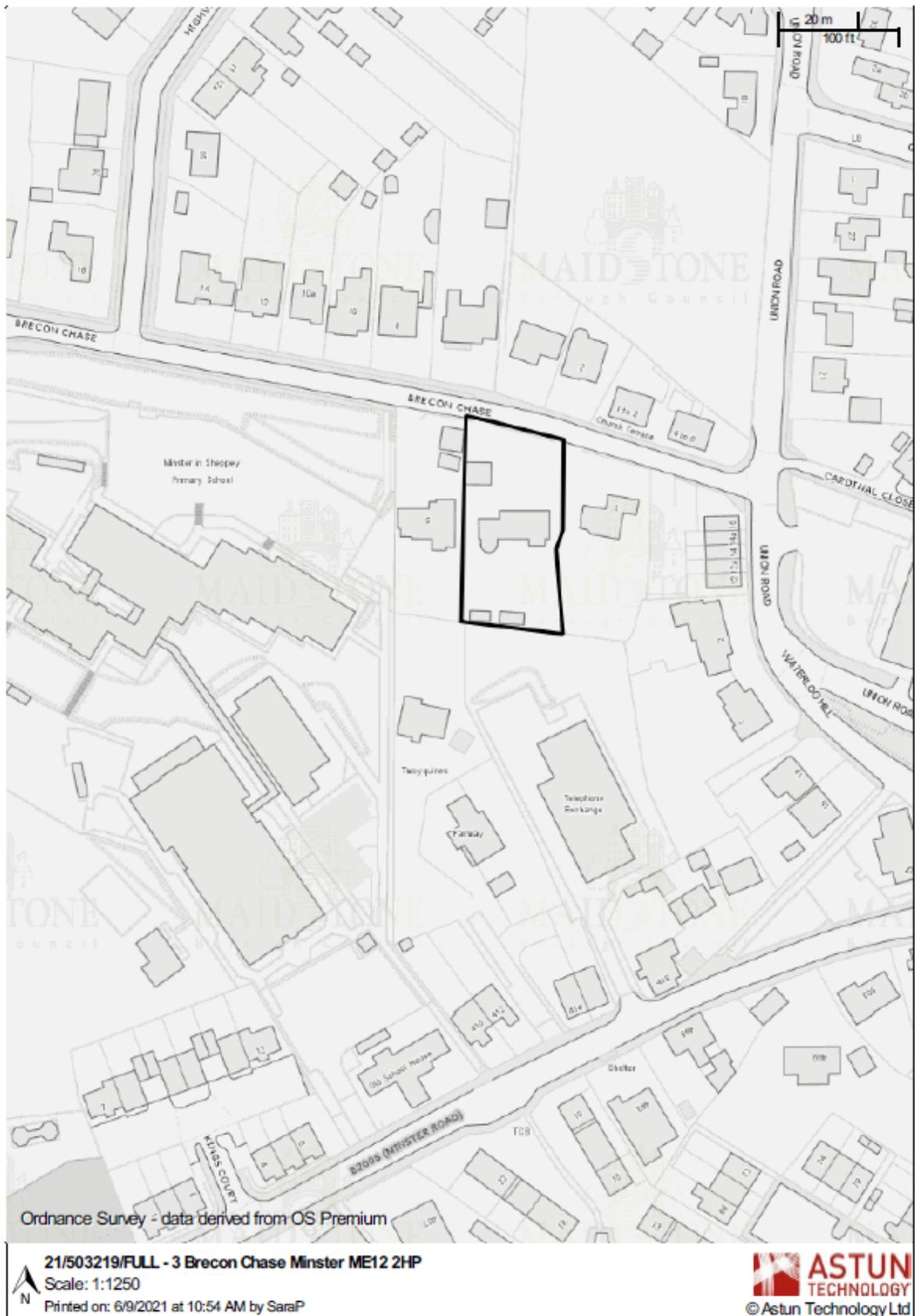
#### **The Council's approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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.



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**PLANNING COMMITTEE – 16 SEPTEMBER 2021**

**PART 5**

Report of the Head of Planning

**PART 5**

Decisions by County Council and Secretary of State, reported for information

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- **Item 5.1 – 1 New Houses Broom Street Graveney**

**APPEAL ALLOWED**

**DELEGATED REFUSAL**

**Observations**

A decision which is significantly larger than the Council's own guidelines would normally permit, and where it would cut off any views to one side of a mid-terraced cottage (with potential for the property on the others side to do the same), but where the Inspector has approved it.

- **Item 5.2 – 24 St Pauls Court Lynsted**

**APPEAL ALLOWED**

**DELEGATED REFUSAL**

**Observations**

A decision to approve a bulky shed which the Inspector acknowledged would be an unconventional arrangement on an area intended to lend itself to the amenities of the area.

- **Item 5.3 – Land adj to 1 Seaview Mews Grove Avenue Leysdown**

**APPEAL ALLOWED**

**DELEGATED REFUSAL**

**Observations**

The Inspector noted that a scheme for a detached family dwelling on the site had been refused and dismissed an appeal in 2019 due to the low standard of outdoor amenity space and overbearing impact of the neighbouring dwelling. However as this revised scheme was for 2 flats, the Inspector considered the level of outdoor space for the flats was less critical than that for a dwelling, and considered the layout of the flats provided acceptable levels of light and outlook.

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## Appeal Decision

Site visit made on 27 July 2021

by **Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

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**Appeal Ref: APP/V2255/D/21/3267472**

**1 New Houses, Broom Street, Graveney ME13 9DW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Jefferys against the decision of Swale Borough Council.
  - The application Ref 20/504874/FULL, dated 10 October 2020, was refused by notice dated 22 December 2020.
  - The development proposed is Erection of a single storey rear extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for erection of a single storey rear extension at 1 New Houses, Broom Street, Graveney ME13 9DW in accordance with the terms of the application, Ref 20/504874/FULL, dated 10 October 2020, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 3) No construction work shall take place on the site other than between the hours of 8am and 6pm Monday to Friday and 8.30am and 1pm on Saturdays. There shall be no working on Sundays or Public Holidays.
  - 4) Prior to occupation of the development hereby permitted the existing boundary fence between 1 and 2 New Houses and the outhouse building at the rear of 2 New Houses, shall be retained, reinstated or replaced with a matching timber fence of the same dimensions.

### Main Issue

2. The main issue is the effect on the living conditions of the residential occupiers of 2 New Houses (No.2) with reference to enclosure.

### Procedural Matters

3. Since Swale Borough Council's (the Council) refusal of the application Ref 20/504874/FULL the Government has published a revised National Planning Policy Framework. Therefore, in line with Planning Practice Guidance, my consideration of the issues of this appeal has been on the basis of the National

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Appeal Decision APP/V2255/D/21/3267472

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Planning Policy Framework (2021) (the Framework) and the Swale Borough Local Plan (2017) (the Local Plan). Neither the appellant nor the Council have indicated that this is prejudicial to their cases.

4. The description of development used for the original application includes explanations justifying the proposal, for clarity I have used the description used in the Council's decision notice.

#### Reasons

5. 1 New Houses (No.1) is one of three terraced cottages forming part of a collection of dwellings on Broom Street, a country lane otherwise surrounded by fields.
6. No.1 has previously been the subject of a two-storey rear extension, and the proposal would replace an existing pergola structure at the rear of the house with a further flat roofed single storey rear extension.
7. The proposed extension has been the subject of a refused application for a larger householder extension under Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
8. The proposed extension that would sit across approximately half the width of the existing cottage and would project a maximum of approximately 4.3 Metres from the rear wall of No.1, resulting in a flank wall along the boundary with the adjoining terraced cottage at 2 New Houses (No.2).
9. Although the proposal would further extend this house in the countryside, its location at the rear would not be apparent in most wider views and would not harm the character of this short terrace of cottages, or the rural character of the local area.
10. The proposed extension would align with a single storey building in the rear garden of No.2, which appears to have been the original coal stores and outhouses for the 3 houses in the terrace, but that now solely forms part of the Property and No.2. This outhouse building forms the rear of what is experienced as an enclosed courtyard at the rear of No.2, with the rest of its rear garden accessed through a covered passage in the outhouse building.
11. At just under 3 Metres tall, the flank wall of the proposal would sit along the boundary with No.2 and would be approximately the same height as the existing pergola structure and boundary fence, which currently forms part of the enclosure of the courtyard at No.2.
12. Notwithstanding that the proposal would replace an open pergola structure with a solidly constructed extension, I find that due to the presence of the existing tall fence and limited height and flat roof of the proposal, it would not add any further undue sense of enclosure to the rear of No.2. Further, the proposal would result in the sense of enclosure in the existing courtyard space, which forms part of the character and charm of the cottage at No.2, remaining very much as currently experienced by its occupiers.
13. The council has drawn my attention to guidance for extensions contained in the Council's Supplementary Planning Guidance 'Designing an Extension - A guide

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Appeal Decision APP/V2255/D/21/3267472

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for Householders', which states that an extension on the boundary with an adjoin property should not have a depth of more than 3 Metres.

14. This guidance is a material consideration to which I have given considerable weight, however guidance needs to be applied to a variety of circumstances. In this instance the presence of the outhouse building at No.2 and the existing sense of courtyard enclosure at the rear of this cottage I have identified, would not justify the depth limit suggested in the guidance. Particularly if the existing fence was to be retained or replaced by a suitable alternative, which could be made the subject of a suitable condition on any approval.
15. For these reasons, I find that the existing sense of enclosure experienced at the rear of No.2 would be unaffected by the proposal, which would not, therefore result in harm of any significance to the living conditions of the occupiers of this cottage. The proposal would therefore accord with Policies CP4, DM14 and DM16 of the Local Plan and Paragraph 130 of the Framework, which, amongst other matters, seek to ensure that development is of good design and protects the amenity of neighbouring residential occupiers.

#### **Other Matters**

16. The Council have raised the issue of an approval resulting in a precedent being set for similar development proposals at neighbouring properties. However, planning proposals are considered on their own individual merits, which is a principle that underpins the planning system, and is one that I have followed in my consideration of this appeal.

#### **Conditions**

17. I have had regard to the conditions suggested by the Council and along with the required condition relating to timing of implementation, I have added conditions relating to plans and materials for clarity. In the interests of visual amenity, I have included a condition relating to the retention or replacement of the boundary fence. As the proposed development would be in close proximity to other dwellings, I have added a condition limiting the times of construction.

#### **Conclusion**

18. For the reasons given above the appeal is allowed.

*Victor Callister*

INSPECTOR

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## Appeal Decision

Site Visit made on 17 August 2021

by **L Douglas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021.

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**Appeal Ref: APP/V2255/W/20/3271542**

**24 St Pauls Court, Lynsted ME9 0RE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by James Wooding against the decision of Swale Borough Council.
  - The application Ref 20/502122/FULL, dated 17 May 2020, was refused by notice dated 3 August 2020.
  - The development proposed is "Change of use of land to residential, removal of existing fence, erection of a shed, and associated screening landscaping".
- 

### Decision

1. The appeal is allowed and planning permission is granted for the proposed change of use of land to residential, removal of existing fence, erection of a shed, and associated screening landscaping at 24 St. Pauls Court, Lynsted ME9 0RE in accordance with the terms of the application, Ref 20/502122/FULL, dated 17 May 2020, subject to the attached Schedule of Conditions.

### Preliminary Matters

2. The submitted details refer to part of the appeal site being enclosed within an unauthorised fence which is proposed to be removed. I note that part of the unauthorised fence has since been removed, but its posts remain in place. As both main parties agree the fence is unauthorised and in breach of planning control, it has not affected my reasoning on the main issues.

### Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and highway safety.

### Reasons

#### *Character and Appearance*

4. The appeal site is occupied by an end of terrace house with rear garden within a twenty-first century housing development. To the rear of the garden, which is enclosed by a tall close-boarded fence, is a communal parking area with six spaces. Landscaped areas are located either side of the entrance to the parking area; the northern landscaped area is heavily planted and the southern area is bare. The access drive to the parking area runs along the eastern side of the appeal site, also abutting tall close-boarded fencing which forms the rear boundaries of properties on The Street.
5. The proposed shed would occupy the southern landscaped area and replace a section of the appeal site's rear garden fencing, ensuring it would open directly

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Appeal Decision APP/V2255/W/20/3271542

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into the garden and its rear and side walls would be exposed to the communal parking area and access drive, set behind thin landscaping strips. I note that other, more prominent landscaped areas within the housing development make an important contribution to the pleasant character and appearance of the area. Although the proposal would be an unconventional arrangement which did not form part of the original plan for the housing development, the proposed shed would not appear as a surprising feature, considering its immediate surroundings, which include tall close-boarded fencing.

6. Its size and siting would reflect surrounding boundary treatments in this location, and it would comfortably align with the rear garden fencing of the appeal site and the existing thin landscaping strip skirting the appeal site. It would not be in a prominent position, being at the rear of a small number of residential properties, with no effect on the street scenes that define the wider housing development. In the small, enclosed area within which it would be seen, positioned in line with the rear boundary fencing behind thin landscaped strips, its impact upon its surroundings would be minimal.
7. No details have been provided to describe how the proposed landscaping strips would be planted, or how the shed's exterior would be finished, but these could be required by condition to ensure it would blend satisfactorily with its surroundings. The proposal would not therefore harm the character or appearance of the area and would accord with Policies CP4 and DM14 of the Council's Local Plan<sup>1</sup>. These require, amongst other things, development to be appropriate to its surroundings in respect of materials, scale, height, massing, design and appearance.

#### *Highway Safety*

8. The proposed shed would be sited close to the highway, located on the junction of an access drive and a small communal parking area. A plan titled 'highway safety plan' has been submitted, which shows a visibility splay would be retained from the parking area looking down the access drive, providing a clear view 11m down the access drive from a 2m set back within the parking area. This visibility splay would be retained if the proposed landscaping is of an appropriate specification and maintained, in terms of height. This could be required by condition.
9. Considering the small number of vehicles which would be using the access drive and parking area, and the very low speeds of vehicles due to the short length and narrow width of the access drive, I do not consider it likely that the proposed shed would increase the risk of danger to users of the highway. The Council have claimed that the proposal would limit the visibility of drivers using the parking area, but the evidence demonstrates this would not be the case.
10. The proposal would not therefore harm highway safety, in accordance with Policies CP4 and DM14 of the Council's Local Plan. These require, amongst other things, development to be appropriate to its surroundings and achieve safe vehicular access.

#### **Conditions**

11. It is necessary to attach a condition requiring the commencement of development within the relevant timeframe and a condition identifying the

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<sup>1</sup> Bearing Fruits 2031, The Swale Borough Local Plan (2017)

Appeal Decision APP/V2255/W/20/3271542

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approved plans, in the interests of clarity. The Council have not presented any suggested conditions, but I consider it reasonable and necessary to require the approval of landscaping details and external finishes to the side and rear elevations of the proposed shed, to ensure the proposal would not harm the character or appearance of the area. It would also be reasonable and necessary to attach a condition prohibiting the proposed shed from being used other than for purposes incidental to the enjoyment of the dwelling at the appeal site, to protect the living conditions of nearby residents, who may be affected by any alternative use.

### **Conclusion**

12. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

*L. Douglas*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan dated 14 May 2020, Elevation Plans at 1:100, Elevation Plans at 1:50, Historic Layout Plan, Proposed Layout Plan, Existing Layout Plan, Highway Safety Plan.
- 3) No development shall commence until details of soft landscape works have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use. The completed scheme shall be maintained in accordance with an approved scheme of maintenance.
- 4) No development shall commence until details of the materials to be used in the construction of the external surfaces of the side and rear elevations of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) The building hereby permitted shall not be used at any time other than for purposes incidental to the enjoyment of the dwelling known as 24 St Pauls Court, Lynsted ME9 0RE.

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## Appeal Decision

Site visit made on 16 August 2021

by **Guy Davies BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 August 2021

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**Appeal Ref: APP/V2255/W/20/3263345**

**Land adjacent to 1 Seaview Mews, Grove Avenue, Leysdown ME12 4EA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Cadwell Services Ltd. against the decision of Swale Borough Council.
  - The application 20/501966/FULL, dated 20 April 2020, was refused by notice dated 18 August 2020.
  - The development proposed is 2no. 2 bedroom flats.
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### Decision

1. The appeal is allowed and planning permission is granted for 2no. 2 bedroom flats on land adjacent to 1 Seaview Mews, Grove Avenue, Leysdown ME12 4EA in accordance with the application 20/501966/FULL, dated 20 April 2020, subject to the conditions in the attached schedule.

### Preliminary Matters

2. Although the Council has used a slightly different description on its decision notice, it appears to be incomplete. I have therefore used the description given on the application form.
3. The appellant has made a financial contribution towards measures to mitigate potential harm to the Swale Special Protection Area. The Council has confirmed receipt of the contribution and that as a result no longer wishes to contest its third reason for refusal. I address this subject in more detail under other matters.

### Main Issue

4. The main issue is whether satisfactory living conditions would be created with regards to sunlight, outlook and dominance.

### Reasons

5. The Council has raised detailed concerns on the main issue for two reasons: firstly, the overbearing nature of the neighbouring property on the rear garden area through loss of sunlight and sense of enclosure; and secondly, the poor outlook from the ground floor east facing window serving bedroom 1 to Flat 1.
6. 1 Seaview Mews is the neighbouring 3 storey dwelling which stands close to the flank boundary. It is set further back than the proposed building such that it would span along all the rear communal amenity area. The area would be largely open on its remaining two sides and would be south facing. Although considerably smaller than the gardens of the family houses along Seaview

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Appeal Decision APP/V2255/W/20/3263345

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Mews, it would nevertheless be large enough to provide a private outdoor seating area for the 2 flats and space for storage of domestic paraphernalia such as bins and bicycles. The flank wall of 1 Seaview Mews would be apparent to those occupants using the amenity area, but in my view given the openness of the remaining two sides it would not be so overbearing as to appear oppressive or dominant. The amenity area would receive a good level of daylight and being south facing it would also gain sunlight for most of each day. I therefore do not consider it would be detrimentally overshadowed by the neighbouring building.

7. The east facing window to the rear bedroom of Flat 1 would have a view out over part of the communal amenity area. This view would be limited by the boundary fence, but that is not unusual for ground floor habitable room windows, and I do not consider it would be oppressive. The room would still benefit from light from windows in two elevations, and privacy would be maintained by a planting bed in front of the window. The main living space of the flat, in which occupants would tend to spend most of their time, would have a triple aspect to the front, rear and side. The outlook from the flat when taken as a whole would therefore be acceptable.
8. A proposal for a 2-storey house of a similar size and layout on the site was dismissed on appeal in 2019<sup>1</sup>, the Inspector in that case upholding the reasons for refusal in respect of inadequate living conditions as a result of poor outlook and sunlight. The current appeal differs from that scheme in that it proposes flats as opposed to a family house; and the orientation of the main windows to all habitable rooms at the rear would be to the east. I distinguish the current proposal from the previous scheme on these grounds.
9. Although I acknowledge the benefits of outdoor amenity space for all types of dwellings, it is generally the case that less emphasis is placed on the need for such space for flats when compared to family houses. The appellant has drawn attention to a recent permission on a nearby site which includes flats without any outdoor amenity space<sup>2</sup>. As noted by the Council, the circumstances of this site differ in that it involves a conversion rather than new build and enables the reuse of a vacant building to the benefit of the vitality of the area, but nevertheless it is an example of flats being acceptable with no or little amenity space.
10. Given the built up nature of the central location within Leysdown, where buildings are generally set close to one another with relatively small curtilages, I conclude that the size and useability of the outdoor amenity area proposed would not be out of place or detrimental to the living conditions of future occupants of the proposed flats. The development would, as a result, comply with Policies DM14 and CP4 of the Swale Borough Local Plan 2017, which set out general development criteria and require good design.

#### **Other Matters**

11. The site is located within the zone of influence of the Swale Special Protection Area, designated under the Conservation of Habitats and Species Regulations 2017 for its rare bird populations and migratory feeding grounds. The proposed development could, when taken in combination with other residential

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<sup>1</sup> APP/V2255/W/18/3207600

<sup>2</sup> 20/500631/FULL

Appeal Decision APP/V2255/W/20/3263345

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development, have a significant adverse effect on the ecological value of the Special Protection Area through increased recreational pressure.

12. The Council, in partnership with other bodies, has developed the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy to mitigate the potential harm to the Special Protection Area. The appellant has made a financial contribution to support implementation of the Strategy. I am satisfied that, in the light of the contribution made, the Strategy will adequately mitigate any adverse impact the development might have on the Special Protection Area, such that its ecological integrity would not be compromised.

### Conditions

13. I have considered the conditions suggested by the Council against the tests set out in paragraph 55 of the National Planning Policy Framework. Those conditions which meet those tests have been imposed, subject to minor rewording in the interests of consistency and clarity.
14. In addition to the standard time limit condition, a condition listing the approved plans has been added in the interests of certainty. Conditions relating to energy and water efficiency are necessary in the interests of sustainable construction. While I note the appellant's view that these are matters for the Building Regulations, the Government's approach to technical housing standards<sup>3</sup> does not prevent individual planning authorities from seeking higher standards to those imposed in the Building Regulations on specific themes, including energy efficiency and water consumption, where justified and supported by planning policy, which in this case is Policy ST1 of The Swale Borough Local Plan 2017. However, approval of energy efficiency details does not need to be pre-commencement and I have altered the wording of the condition accordingly.
15. Conditions requiring approval of external materials, and hard and soft landscaping are necessary in the interests of the appearance of the site and character of the area. A condition limiting the hours of construction is necessary in the interests of the living conditions of neighbouring occupants. A condition requiring the provision and retention of space for parking and cycle storage is necessary to avoid additional pressure for off-site parking and to encourage alternative means of transport to the motor car.

### Conclusion

16. The proposed development complies with those policies which are most important for determining the appeal and therefore is in accordance with the development plan when taken as a whole. There are no material considerations that indicate that a decision should be reached other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

*Guy Davies*

INSPECTOR

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<sup>3</sup> Written ministerial statement, 25 March 2015

Appeal Decision APP/V2255/W/20/3263345

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### Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BD/16/132.01A Flats, BD/16/132.02A Flats, BD/16/132.03A Flats.
- 3) No development beyond the construction of foundations shall take place until details of the measures to achieve at least a 50% reduction in the dwelling emission rate compared to the target emission rate required under Part L1A of the Building Regulations 2013 (as amended) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No development beyond the construction of the foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.
- 5) No development beyond the construction of foundations 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, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.
- 6) 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.
- 7) If within a period of five years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement, is removed, uprooted, destroyed, dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the same place.
- 8) 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 0800 – 1800 hours, Saturdays 0800 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.
- 9) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day and shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per day required by the Building Regulations 2015 (as amended) has been given to the Building Control Inspector (internal or external).
- 10) The areas shown on the submitted plan as car parking space and cycle storage shall be kept available for such uses at all times and no permanent

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4

Appeal Decision APP/V2255/W/20/3263345

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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 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 dwellings hereby permitted.

**\*\*\* End of conditions \*\*\***

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