

2.6 REFERENCE NO - 18/503267/FULL			
APPLICATION PROPOSAL Erection of building consisting of 2no. one bedroom flats.			
ADDRESS 3 High Street Queenborough Kent ME11 5AA			
RECOMMENDATION GRANT PLANNING PERMISSION subject to the views of the Environmental Health Manager, to the conditions below and to the securing of a SAMMS contribution.			
SUMMARY OF REASONS FOR RECOMMENDATION The development would not harm visual or residential amenity, or highway safety/convenience, and would preserve or enhance the special character of the Queenborough Conservation Area, whilst not causing harm to the setting of nearby listed buildings.			
REASON FOR REFERRAL TO COMMITTEE Town Council objection			
WARD Queenborough And Halfway	PARISH/TOWN COUNCIL Queenborough	APPLICANT Mr S Latham AGENT Michael Gittings Associates	
DECISION DUE DATE 03/09/18		PUBLICITY EXPIRY DATE 10/08/18	
17/503335/FULL	Erection of two bedroom bungalow with car parking	Refused	06.11.2017
SW/10/0687	2 storey 3 bedroom detached dwelling with garage and parking space.	Withdrawn	16.07.2010

1. DESCRIPTION OF SITE

- 1.1 The site comprises of a rectangular shaped plot of land located within the Queenborough Conservation Area. It has a depth of 21 metres and width ranging between 7.4 to 10.1 metres at its widest point. The site contains a timber shed and a small greenhouse structure and is enclosed with a timber fence.
- 1.2 A terrace of grade II listed properties that front the High Street lies to the north of the site, and to the south a pair garages set back from the road. The commercial premises known as Trafalgar Court which is clad in timber weatherboarding lies further beyond the pair of garages. Across West Street to the east of the application site is a further area of undeveloped land. Swale House and the adjacent Swale Cottages, all grade II listed buildings lies adjacent to the water front. A strip of land runs between the northern boundary of the application site and the rear boundary of the listed buildings fronting the High Street.
- 1.3 The surrounding area is urban in character and comprises predominantly residential properties, although there a collection of small scale commercial premises on West Street. There is a considerable variety in the scale, form, style and material, as well as the building heights and roofline within this part of the Queenborough Conservation Area.
- 1.4 The site is located within flood zone 3.

2. PROPOSAL

- 2.1 The application proposes erection of a detached two-storey building to provide 2no. 1 bedroom flats. The building is set back from the road, finished with a gable ended pitched roof and clad in dark stained timber boarding. The building would measure 9

metres deep, 6.9 metres wide, 5.5 metres to eaves and 7.8 metres to the ridge of its roof.

2.2 The submission proposes replacement of the existing timber fence along the front boundary with a brick wall, which incorporates a pedestrian entrance gate for each flat. The plan indicates provision of ground cover planting at the front of the building together with a thin strip of planting running along the southern boundary. Each flat would be provided with a refuse bin storage at the front part of the site with cycle storage provision located at rear .

2.3 The ground floor would accommodate an open planned lounge/kitchen area, bedroom and bathroom. A separate entrance and staircase leads to the first floor flat, which would have an open planned kitchen and lounge, bedroom and bathroom.

3. PLANNING CONSTRAINTS

3.1 The application site is within the defined boundaries of Queenborough Conservation Area

3.2 The site is defined by the Environment Agency as falling within Flood Zone 3

3.3 The site is recognised as being of potential Archaeological importance

4. POLICY AND CONSIDERATIONS

4.1 **The National Planning Policy Framework (NPPF):** Paragraphs 8 (three dimensions of sustainable development); 10, 11 (presumption in favour of sustainable development); 47 (Determining applications); 54, 55, 56, 57 (planning conditions and obligations); 61 (delivering sufficient supply of homes); 124, 127, 128, 130, 131 (good design); 174, 175, 176, 177 (Biodiversity); 189, 190, 191 and 192 (Proposals affecting heritage assets).

4.2 **National Planning Practice Guidance (NPPG):** Design.

4.3 **Development Plan: Bearing Fruits 2031:** The Swale Borough Local Plan 2017 – Policies ST1 (Delivering sustainable development in Swale); ST2 (Development targets for jobs and homes 2014-2031); ST3 (The Swale settlement strategy); ST4 (Meeting the Local Plan development targets); CP2 (Promoting sustainable transport); CP3 (Delivering a wide choice of high quality homes); CP4 (Requiring good design); DM7 (Vehicle parking); DM14 (General development criteria); DM19 (Sustainable design and construction); DM21 (Water, flooding and drainage); DM32 (Development involving listed buildings); and DM33 (Development affecting a conservation area).

5. LOCAL REPRESENTATIONS

5.1 **Local Residents:** Representations have been received from one local resident raising the following (summarised) issues:

- Overlooking and loss of privacy
- Overshadowing and loss of views
- Lack of parking provision
- Harm to visual appearance of building and streetscene

5.2 **Queenborough Town Council:** Raises objection to the proposal on the following grounds:

Having previously objected to application 17/503335/FULL in 2017 relating to the same site for a two bedroom bungalow as being unsuitable for the Queenborough Conservation Area and built behind a listed building, Councillors noted the new submitted application for flats.

Councillors feel this new application would furthermore impact on the neighbouring listed buildings, number 5 High Street Queenborough would be overlooked by the proposed side elevation, the height of the planned building would also shadow neighbouring properties.

Councillors commented that the design style would bare no enhancement to the neighbouring heritage assets within the Queenborough Conservation area, the site being behind listed buildings along the High Street numbers 3 to 9.

Parking is already a problem in the area, especially at weekends, parking is inadequate for the proposed application.

6. CONSULTATIONS

- 6.1 **Environment Agency:** No objection subject to finished ground floor levels being set no lower than 5.46m AOD.
- 6.2 **KCC County Archaeologist:** Raises no objection to the proposals subject to conditions on archaeological watching brief
- 6.3 **KCC Highways and Transport:** it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.
- 6.4 I am awaiting comments from the **Environmental Health Manager** and will update Members at the Meeting.

7. BACKGROUND PAPERS AND PLANS

- 7.1 The scheme is accompanied by the following documents: Plans/Drawing number: 2415/3/- (Elevations & Window Detail), Plans/Drawing number: 2415/2/B (Plans & Elevations) Plans/Drawing number 2415/5/- (Street Elevation) and Design and Access Statement.

8. APPRAISAL

- 8.1 The site lies in the built up area of Queenborough, where development is acceptable as a matter of principle. The main issues for consideration are visual impacts, impacts upon residential amenity, heritage impacts, together with the likely impacts on parking highway safety.

Visual Impact

- 8.2 The application site is located within a mixed streetscape that has a variety of house types, scale and age with differing set-backs from the road. The proposed building would be set back from the road and as such it would not appear overbearing or visually harmful when seen in the context of the streetscape. The height of the building would be consistent with neighbouring development.
- 8.3 The design draws on the prevailing character within the street, and would complement development in the vicinity. Facing materials would include dark stained timber boarding and dark stained timber doors and natural slate which would help assimilate

the building within its surrounding. I note the objection of the Town Council regarding design. However – in my view the design is acceptable.

- 8.4 The proposal includes a low brick wall that incorporates a separate entrance for each flat. The design and height of the wall is appropriate for the location and would help define the perimeters of the site whilst maintaining a semi-open appearance.
- 8.5 Although the location of the bin storage would be prominent in views from the street, they would have brick-faced enclosures with a flat, hinged treated timber top and open sides that would prevent them from appearing intrusive. The scheme includes some planting to the frontage and a planted strip along the southern boundary that would help soften the appearance of the development in the street.

Residential Amenity

- 8.6 The proposal would secure an acceptable residential environment for future residents. The outdoor amenity area retained for future occupiers although small is adequate for the type of accommodation proposed. The proposed flats would be one bedroom only and are therefore unlikely to be occupied by families. For this reason and considering that the site is within walking distance of a number of open spaces, the provision of amenity space proposed is acceptable.
- 8.7 Members will have noted the objections of the Town Council with regard overlooking and the refusal of the previous scheme. That sought permission for a bungalow, with rear facing windows which would have overlooked and been overlooked by the dwellings to the rear. The current proposal has been designed to avoid this, with no rear facing windows proposed. The south facing flank windows serving bedrooms would not overlook any dwelling, and the north facing openings would be required to be obscure glazed by condition, addressing potential overlooking. Given the separation distances between the new house and existing neighbouring properties and the scale, design and siting of the building and conditions proposed, I am satisfied that it would not overshadow or result in a significant loss of light or outlook to any adjacent dwelling. It is not considered that the two additional dwellings here would result in an unacceptable increase in noise and disturbance to the occupiers of existing properties.

Heritage Impact

- 8.8 The application site is located within the Queenborough Conservation Area and in close proximity to the grade II listed buildings that front the High Street. It is therefore necessary to consider the impact on the setting and historic significance of these heritage assets. The application is accompanied by a heritage statement which sets out the heritage value of the Conservation Area and the neighbouring grade II listed buildings, together with the anticipated impact of the proposal on their historic significance and features of special interest.
- 8.9 In my view, the net effect of the development would be a neutral effect, whilst in relation to the setting of the listed buildings, a very low level of harm to their setting would arise (falling into the less than substantial harm category in NPPF terms).
- 8.10 There are benefits to be derived from developing this vacant parcel of land in question, which includes provision of two residential units and some, albeit limited, economic benefits. Moreover, the scheme will make a windfall contribution towards the provision of smaller housing units within the Borough. Overall, the public benefits of the proposal are such that they are considered to outweigh the less than substantial harm to the heritage assets when assessed against the relevant guidance in the NPPF.

Highways

- 8.11 No off street parking provision is made within this scheme and whilst objections have been raised on the grounds of lack of parking, the site is located in a sustainable location, within walking distance of local facilities, near a bus route and the mainline railway. In the circumstances, provision of off street parking is not necessary within this scheme. KCC Highways and Transport does not raise any objection to the proposal on parking and highway safety grounds. Therefore a planning objection by members on these grounds is very unlikely to be sustained at appeal.

Landscaping

- 8.12 The application site is constrained and provides very limited opportunities for landscaping. Nonetheless, there is potential for an appropriate landscaping scheme, which would be secured by condition.

Impact on SPA and Ramsar Sites

- 8.13 I have for completeness set out an Appropriate Assessment below. Since this application would result in an increase in residential accommodation on the site, impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development there is no scope to provide on site mitigation and therefore off site mitigation is required by means of developer contribution at the rate of £239.61 per dwelling. The Agent has provided written confirmation that the applicant would be willing to pay this mitigation fee, which will be secured by way of a unilateral undertaking.

Other Matters

- 8.14 The planning issues raised by Queenborough Town Council and the local residents have been addressed in of this report.
- 8.15 There was one objection from a neighbour stating that their views would be interrupted by the new development. As Members will be aware, this is not a material planning consideration.

9. CONCLUSION

- 9.1 The proposal represents an acceptable windfall development which for the reasons set out above, will not result in any significant material harm to the character, appearance and visual amenity of the locality generally. The proposals would cause very limited harm to the setting of the nearby grade II listed buildings and none to the Queenborough Conservation Area, and any harm that does arise is considered to be outweighed by the public benefits (albeit limited) that the development gives rise to. It does not raise any overriding parking or highway safety issues. The amenities of occupiers of neighbouring residential properties would not be harmed by it.
- 9.2 I therefore recommend that, subject to the views of the Environmental Health Manager, and to the SAMMS contributions being secured, that planning permission is granted.

10. RECOMMENDATION

GRANT Subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: 2415/3/- (Elevations & Window Detail); 2415/2/B (Plans & Elevations); 2415/5/- (Street Elevation) and Design and Access Statement.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (3) No development beyond the construction of foundations shall take place until details in the form of samples of external finishing materials to be used in the construction of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include ridge tiles, bricks for the brick plinth and walls, and any feature bricks, and a sample section of weatherboarding (supplied in the proposed dark-stained finish). The works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and to preserve or enhance the character of the conservation area.

- (4) 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, hard surfacing materials, and an implementation programme.

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

- (5) No development beyond the construction of foundations shall take place until the following details of the proposed building have been submitted and approved in writing by the Local Planning Authority:

- (a) 1:1 or 1:2 vertical section of the eaves and verge detailing for the building,
- (b) 1:5 part plan section through the front elevation of the building, clearly showing the profile of the projecting and recessed elements of the elevation (3 sections to be provided: 1st including through the doors at ground floor level, 2nd at first floor level, and 3rd through the glazing and associated framing in front of the internal vaulted ceiling area),
- (c) 1:1 or 1:2 plan section of the corner junctions of the building (not showing the rainwater downpipes),
- (d) 1:1 or 1:2 plan section of the vertical feature band on the flank elevations of the building'
- (e) 1:1 or 1:2 vertical section of the junction between the brick plinth and weatherboarding, and
- (f) 1:1 or 1:2 vertical section through the steps to the front doors, and the associated threshold.

Reason: In the interest of visual amenity and to preserve or enhance the character of the conservation area.

- (6) No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The construction method statement shall provide for:
- a) the parking of vehicles for site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;

- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from the construction works; and
- g) the construction working hours.

The approved construction method statement shall be adhered to throughout the construction period for the development.

Reason: In the interest of residential and visual amenity.

- (7) Notwithstanding the details shown on the submitted drawings, the rainwater goods to be used shall be of cast aluminium supplied in a black colour-coated finish, and the details of the specific rainwater goods to be used (in the form of a manufacturer or supplier's colour brochure and associated technical information) shall first have been submitted to, and approved in writing by the Local Planning Authority before the relevant works commence. The scheme shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to preserve or enhance the character of the conservation area.

- (8) Scaled elevational and/or manufacturer or supplier's colour brochure of the cycle store structures to be provided shall be submitted to and approved in writing by the Local Planning Authority before they are installed. Installation shall be carried out in accordance with the approved details before the first occupation of the building.

Reason: In the interest of visual amenity and to preserve or enhance the character of the conservation area.

- (9) Notwithstanding the details shown on the submitted drawings, the wheelie bins for the flats to be stored at the front of the site in brick-faced enclosures with a flat, hinged treated timber top and one open side, the scaled elevational details of which shall have been submitted to and approved in writing by the Local Planning Authority. Installation shall be carried out in accordance with the approved details before the first occupation of the building.

Reason: In the interest of visual amenity and to preserve or enhance the character of the conservation area.

- (10) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and to preserve or enhance the character of the conservation area.

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

Reason: In the interest of residential amenity.

- (12) The roof lights to be used shall be of the conservation type, the specific model and dimensions of which shall be submitted to and approved in writing by the Local

Planning Authority The installation shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to preserve or enhance the character of the conservation area.

- (13) The windows and external doors to be used shall be dark stained timber and no development beyond the construction of foundations shall take place until a 1:10 elevation detail and 1:1 or 1:2 part plan and part vertical section of each window type and of the matching entrance doors, shall first have been submitted to and approved in writing by the Local Planning Authority. The installation shall be carried out in accordance with the approved details

Reason: In the interest of visual amenity and to preserve or enhance the character of the conservation area.

- (14) Finished floor levels of the ground floor at the site shall be set no lower than 5.46m AOD.

Reason: To ensure that the risk of flooding is minimised and inhabitants remain safe in the event of a flood.

- (15) The first floor glazed panelling and window to bathrooms on northern flank elevation of the building shall be glazed in obscure glass and incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level prior to the occupation of either dwelling, and retained/maintained as such thereafter in perpetuity.

Reason: In the interest of residential amenity.

- (16) The gables to the buildings shall be dark-stained to match the finish for the weatherboarding.

Reason: In the interest of visual amenity and to preserve or enhance the character of the conservation area.

- (17) The pedestrian gates to be installed along the front boundary of the site shall be supplied and installed in a black painted finish.

Reason: In the interest of visual amenity and to preserve or enhance the character of the conservation area.

- (18) 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.

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

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

- (20) Notwithstanding provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no solar/PV panels, satellite dishes, hard surfacing (except for that shown on the approved block plan) and the erection or demolition of walls and fences (except for the erection of the walls and fences shown on the approved block plan) shall be undertaken without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of the development and in the interest of safeguarding nearby heritage assets.

- (21) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

INFORMATIVES

1. The sections to be provided in relation to planning condition no. 2 shall include part of the surrounding masonry or joinery bordering the window or door opening and shall be set out clearly (annotated as necessary) to show the following details, as applicable:
 - Depth of reveal
 - Window head and cill/sub-cill detailing
 - Glazing section (thickness of glass and in case of double glazing, dimension of spacing between the panes of glass)
 - Glazing bar profile(s)
 - Door frame / window frame
 - Weatherboard and threshold detail (for doors only)

Note: In relation to the window joinery, the details shall be based on the 'Recessed Window Detail' drawing shown on drawing no. 2415/3/-, where appropriate.

2. Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.

Council's approach to this application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 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.

In this instance;

The applicant/agent was provided with pre-application advice; and

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

Habitat Regulations

Appropriate Assessment under the Conservation of Habitats and Species Regulation 2017

The Appropriate Assessment (AA) have been undertaken without information provided by the applicant.

The site is within 6km south of the Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated site 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.

The proposal therefore has the potential to affect the site's special 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 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 advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites.

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 (AA) solely on the basis of the agreed Strategic Access Management and Monitoring Strategy measures (SAMMS), and needs to progress to consideration under an AA.

However the proposed development is of a very small scale and, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to the conditions set out within the report.

Notwithstanding the above, 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 recommendations of the North East Environmental Planning Group (NKEPG), and that such strategic mitigation must be in place before the dwellings are occupied.

Due to the scale of the development there is no scope to provide on site mitigation such as on site dog walking area or signage to prevent the primary cause of bird disturbance which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.

Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.

In this regard, whilst there is 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 a s106 agreement or unilateral undertaking on all

qualifying developments) will ensure that these impacts would 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.

It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organizations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and other (<https://birdwise.org.uk/>).

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.

