

PLANNING COMMITTEE – 9 JANUARY 2020**PART 3**

Report of the Head of Planning

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

REFERENCE NO - 18/506274/FULL		
APPLICATION PROPOSAL Redevelopment of workshops and offices with change of use to C3 residential creating 4 no. 2 bed Flats with amenity space, bicycle storage and parking. (Resubmission of 17/505382/FULL) (Resubmission of 17/505382/FULL)		
ADDRESS 19 Albany Road Sittingbourne Kent ME10 1EB		
RECOMMENDATION Refuse however an appeal has been submitted against non determination of this application and it cannot now be formally determined by the Council. Members must therefore decide how they would have determined the application had an appeal not been submitted. This will inform the Council's case at the appeal.		
SUMMARY OF REASONS FOR RECOMMENDATION Harm to visual and residential amenity, lack of SAMMS payment		
REASON FOR REFERRAL TO COMMITTEE Appeal against non-determination submitted		
WARD Homewood	PARISH/TOWN COUNCIL	APPLICANT Structural & Weld Testing Services Ltd AGENT John Burke Associates
DECISION DUE DATE 28/01/19	PUBLICITY EXPIRY DATE 02/10/19	
RELEVANT PLANNING HISTORY (including relevant history on adjoining sites)		
App No	Summary	
17/505382/FULL	Redevelopment of workshops and offices into 7 No Flats (2x2 Bed-3P & 5x1 bed-2P) with amenity space, wheelie bin and cycle storage, visitor parking and landscape detail. Refused Decision Date: 21.12.2017	
15/506402/PAPL	Redevelopment of workshops and offices into 7 No Flats	
SW/95/0603	Change of use from office to single dwelling with associated works - refused	
SW/92/0603	Shared home to accommodate 8 people with disabilities – withdrawn	
SW/85/0248	Alterations and extension to existing offices – approved	

1. DESCRIPTION OF SITE

- 1.1 The site is located in the built-up area boundary of Sittingbourne and lies within a designated area of High Townscape Value. It is located on a prominent location east

of Albany Road at the corner junction with Avenue of Remembrance It is rectangular in shape and occupies a site area of 0.044 Ha.

- 1.2 The site is currently in use as workshops and associated office provision for 'Structural Steel and Weld Testing Services Ltd'. Currently the business comprises of a single storey office development fronting Albany Road with the provision of two off street parking spaces also fronting Albany Road. The commercial work shops are located to the rear of the site and include a two storey building with an L-shaped footprint which abuts the sites southern and eastern boundary of the site. A small open yard is retained within the centre of the site.
- 1.3 The site is bounded to the north by a small area of green open space and a number of tall trees. These trees are a continuation of the trees along the southern side of the Avenue of Remembrance. The trees immediately adjacent to the site are not protected by TPO's.
- 1.4 To the east is Borden Grammar School set within large open playing fields. Further north lies the Police Station, Kent County Court and the Telephone exchange.
- 1.5 Due west is predominantly residential comprising of semi-detached and terrace properties along Park Road and William Street and, larger detached properties/flat conversions situated along Nativity Close beyond.

2. PROPOSAL

- 2.1 The application seeks planning permission for the redevelopment of the existing workshop and associated offices to residential use creating 4 x 2 bedroom units with amenity space, bicycle storage, and vehicle parking.
- 2.2 In terms of the development, the proposal involves the demolition of the existing two storey 'L-shaped' workshop/office building to the rear and its replacement with 1 x 2 bedroom detached and two x 2 bedroom semi-detached two storey houses. The existing single storey office building fronting Albany Road would be converted to provide a 1 x two bedroom self-contained unit.
- 2.3 The detached house would be located at the eastern end of the site, and would measure 4.8m deep, 9.2m wide, with a height to eaves of 5.1m and a ridge height of 7.3m.
- 2.4 The semi-detached houses would have a combined footprint of 13.5m wide, 6.2m deep, with an eaves height of 4.9m and a ridge height of 7.6m.
- 2.5 The detached single storey unit would be L shaped, with maximum dimensions of 12.4m wide, 8.9m deep, an eaves height of 2.7m and a maximum ridge height of 5.2m
- 2.6 Each two storey unit would have amenity space to the front, behind the existing brick wall fronting Avenue of Remembrance. The single storey unit would have no amenity space, and would instead have two parking spaces to the front, and cycle storage to the rear.
- 2.7 In an attempt to work with the agent to achieve a more acceptable development within this location the proposal has been revised numerous times. The final revisions (No's 1 of 2, STR-0619-01 Rev B & No. 2 of 2, STR-0619-01 Rev B) show the

reduction in the number of dwellings from 7 units to 4 x two bedroom units including internal re-figuration and the removal of high windows within the south and east elevations.

3. PLANNING CONSTRAINTS

3.1 Area of High Townscape Value

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 CP1	Building a strong economy
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
Policy DM36	Area of High Townscape Value

4.3 Departments for Communities and Local Government: Technical Housing Standards – Nationally described space standards

4.4 SPG 4 Kent Vehicle Parking Standards

5. LOCAL REPRESENTATIONS

5.1 Two representations objecting to the application have been received. I will summarise their contents below:

- Overdevelopment - High density development
- Highways – impact upon existing parking congestion
- Neighbouring amenity – Overlooking, noise impacts
- Residential amenity – Substandard level of accommodation
- Building control – unsuitable means of escape

5.2 *Officer comments:* During the course of the application the proposal was revised a number of times to address concerns which have been raised. The final revisions (No's 1 of 2, STR-0619-01 Rev B & No. 2 of 2, STR-0619-01 Rev B) show the reduction in the number of dwellings from 7 units to 4 x two bedroom units including the associated internal re-figuration and the removal of high windows within the south and east elevations.

6. CONSULTATIONS

6.1 **KCC Highways and Transportation** have no objection subject to conditions.

6.2 **The Environmental Health Manager** has no objection, subject to a condition in respect of hours of construction.

6.3 **Kent Police** raise a number of issues, which are not material planning considerations.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Application papers and correspondence for this application and those referred to above.

8. APPRAISAL

Principle of Development

- 8.1 The application site lies within the built up area of Sittingbourne where residential development is acceptable in principle.
- 8.2 Policy CP1 seeks to prevent the loss of employment floorspace within the Borough, where appropriately located. In this case, the site lies adjacent to a number of dwellings, on the edge of a residential area. It seems to me that the use of the building is likely to fall within use class B2 (general industry). I am also aware that, in the past, noise complaints have been made to the Council's Environmental Protection Team by local residents. I am of the view that the use of this site for such purposes is not suitable in this location, and as such, I consider its loss as an employment site to be acceptable in principle.

Visual Impact

- 8.3 The site lies in an Area of High Townscape Value. The policy test, set out in Policy DM36 of the Local Plan, is that development should "provide for the conservation or enhancement of the local historic and architectural character, together with its greenspaces, landscaping and trees". I recognise that the shape and location of the site make it difficult to develop, and I am also mindful of the existing building on the site. However, it is a very prominent site in an important location on a significant route around the town centre and a high standard of design is warranted here. On balance, I consider the layout, design and detailing of the scheme to run contrary to that of the area, which is characterised by substantial terraced dwellings fronting the street. I am also concerned that the layout of the dwellings, and their proximity to the trees immediately adjacent to the north of the Avenue of Remembrance will lead to pressure for their removal, due to their impact on the outlook from the dwellings. This would harm the character and appearance of the area.

Residential Amenity

- 8.4 The size of the dwellings have been amended to comply with national space standards. The dwellings would provide a reasonable internal space for future use.
- 8.5 I do though have significant concerns regarding day and sunlight, outlook, privacy within the site and provision of amenity space:

Detached two storey house

The only window serving the rearmost bedroom would be located just over 3m from the blank flank wall of the semi-detached units, as would two of the windows serving the ground floor open plan area. This would give rise to a lack of day/sunlight, and poor outlook.

Semi-detached houses

These houses would be served by an open plan living and kitchen area on the ground floor with two bedrooms and shower room above. All windows would be located on the front principle elevation which has northern orientation which naturally restricts the levels of sunlight. The proximity of the front boundary wall that is situated within 3.5m of the windows would adversely impact upon the outlook, natural sunlight and levels of overshadowing to the detrimental of the living conditions of future occupiers. The private amenity space for both units would be entirely overlooked by the front bedroom window of the detached house, and would in any case be of a substandard size, measuring 6m x 3.5m, and would be overshadowed by the dwellings themselves, and further harmed by the presence of the trees to the front of the site.

Detached single storey dwelling

This dwelling would have all of its bedroom windows facing the two unallocated parking spaces serving the site, giving rise to loss of privacy and noise and disturbance. Furthermore, the proposed cycle parking is located immediately to the rear of this unit and due to the site layout it would be necessary for occupants of other units to pass these windows, and walk through the site in order to access the cycle provision. This curious arrangement means that this dwelling would have no private amenity space at all.

- 8.6 Although the site is located close to the town centre, and close to public amenities including a nearby park, the units are of a suitable size for family accommodation. The lack of adequately sized and appropriately located private amenity spaces is therefore a significant material consideration here.
- 8.7 With regards to impact upon residential amenity, based on the surrounding built form, separation distances to the nearest dwellings, consideration of the existing structures/work premises and the removal of windows as part of the revised scheme, I do not consider the proposal will give rise to any unacceptable impacts to neighbouring amenity with regards to an overshadowing or overbearing impact. I also note the lack of objection from Environmental Health and therefore in my opinion the application would be acceptable in relation to residential amenity.

Highways

- 8.8 I note the large number of objections received from local residents in relation to parking congestion. Two unallocated parking spaces would be retained on site, although as set out above, their location wholly within the curtilage of the single storey dwelling is far from satisfactory. This is though a highly sustainable town centre location, where zero parking provision is considered acceptable. KCC Highways and Transportation do not object, and consider that the conversion of this building from its existing workshop and office use to residential use is unlikely to lead to a material increase in on-street parking. I am satisfied that there are no adverse impacts in relation to the public highway.
- 8.9 Provision is made for cycle parking within the scheme which would promote sustainable modes of transport in accordance with relevant provisions in the revised NPPF. However, this is poorly located in terms of accessibility and potential privacy for the future occupants of the single storey unit.

SAMMS Contribution

8.10 The site lies within 6km of the Swale SPA and a contribution is therefore required to mitigate the potential impacts of the development upon that protected area, in accordance with the Council's standing agreement with Natural England. (Natural England has not commented in respect of this application, but their approach is clear and consistent across the board with residential development, and I see no reason to delay the application to await their standing advice response.)

9. CONCLUSION

9.1 For the reasons set out above, I conclude that the development would have a harmful impact on visual amenity, would fail to conserve or enhance the character of the Area of High Townscape Value, would give rise to a substandard level of residential amenity for occupiers of the dwellings. Had the appeal not been submitted, I would have recommended refusal on this basis, and I recommend that Members resolve that permission would have been refused for the reasons set out below.

10. RECOMMENDATION

That, had the appeal against non-determination not been submitted, planning permission would have been REFUSED for the following reasons:

1. The proposed development, by reason of its layout and design, would fail to positively reflect the character of development in the vicinity, and would harm the visual amenities of the area and fail to conserve or enhance the local historic and architectural character of the Area of High Townscape Value, contrary to Policies CP4, DM14 and DM36 of the Swale Borough Local Plan 2017
2. The proposed development, by reason of its design and layout, would give rise to a lack of daylight/sunlight, poor outlook and lack of privacy, together with noise and general disturbance. The proposed development would therefore give rise to a substandard level of residential amenity for all occupiers of the proposed dwellings, contrary to Policy DM14 of the Swale Borough Local Plan 2017
3. The proposed development will create potential for recreational disturbance to the Swale Special Protection Area. The application submission does not include an appropriate financial contribution to the Thames, Medway and Swale Strategic Access Management and Monitoring Strategy (SAMMS), or the means of securing such a contribution, and therefore fails to provide adequate mitigation against that potential harm. The development would therefore affect the integrity of this designated European site, and would be contrary to the aims of policies ST1, DM14, and DM28 of the adopted Swale Borough Local Plan 2017; and paragraphs 8, 170, 171, and 175 of the National Planning Policy Framework.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 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.

