

2.3 REFERENCE NO - 19/503530/FULL			
APPLICATION PROPOSAL			
Proposed development of 8no. new dwellings, comprising of 7no. three bedroom and 1no. four bedroom houses with associated parking and new access road.			
ADDRESS Woodcombe Sports And Social Club Church Road Sittingbourne Kent ME10 3RT			
RECOMMENDATION Grant subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION			
The proposal entails development within the built up area boundary which is acceptable as a matter of principle. The loss of a minor sports provision, in a sustainable town centre location where alternative sports facilities of this type are widely available is considered to be out weighed by the wider benefits presented, and more specifically, the provision of housing supply given that the Council is currently unable to demonstrate a 5-year supply of housing. All matters relating to visual and residential amenity, Environmental Health and Highways have been reasonably addressed.			
REASON FOR REFERRAL TO COMMITTEE			
Called in by Cllr Hall			
WARD Murston	PARISH/TOWN COUNCIL	APPLICANT Mr Gary Hirons AGENT Mark Carter Design	
DECISION DUE DATE 23/09/19		PUBLICITY EXPIRY DATE 14/10/19	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/05/0143	Changing rooms and groundkeepers store	Grant of Unconditional PP	17.03.2005
SW/99/0429	Renewal of Planning Permission SW/96/303 for siting of metal storage container.	Grant of Renewal of PP	
SW/95/1057	REFURBISHMENT OF TENNIS COURTS AND PROVISION OF CRICKET PRACTICE NET	Grant of Conditional PP	
SW/87/0087	NEW CLUB ENTRANCE PORCH	Approved pre 1990	19.03.1987

1. DESCRIPTION OF SITE

- 1.1 The subject site is located within the built-up area boundary of Sittingbourne situated on the west side of Church Road. The main access point utilises an existing single lane vehicle access with a grass verge either side which leads around to the rear. The

access road is bounded by Woodcombe Sports Social Club to the north and a two storey end of terrace dwelling to the south, No 93 Church Road.

- 1.2 The site comprises of two sections, the existing access and proposed new main approach into the site that is roughly dogleg in shape and which leads to a larger rectangular shape area to the rear which forms part of the Woodcombe Sports Club, currently a neglected double tennis court. The total area of the site is 0.14ha.
- 1.3 The site is bounded to the north by Woodcombe Social Club and further north west the area is characterised by a number of small industrial estates accessible via Castle Road which runs parallel to Church Road to the west. The industrial character continues south west of the site where a number of small industrial estates are also accessible from Banham Drive that leads onto Church Road.
- 1.4 To the north east there is a large expanse of open recreation space marked by football pitches and beyond this at a distance of approximately 300m is Central Park Stadium which holds frequent speedway events.
- 1.5 To the south west of the site, the area is predominantly residential in form comprising of small rows of two storey dwellings, constructed of brick with pitched roofs and rear amenity spaces

2. PROPOSAL

- 2.1 The proposal involves the erection of eight (7 x three bedroom and 1 x four bedroom), two storey, residential dwellings together with vehicular parking and associated hardstanding, rear amenity space and landscaping.
- 2.2 It is intended to use the existing access point described which currently serves the dwellings located along Church Road. This would lead to a new access and hard surfaced area that would provide a central forecourt and vehicle turning area within the forecourt.
- 2.3 The properties would be traditional in design, comprising of two storey dwellings with dual pitch roofs. They would be constructed in a brick with large dark grey windows together with a dark tiled pitch roof. Each dwelling would have a width of 6m and a length of 9.4m. They would have a relatively low rise height with an eaves of 5.3m reaching to a ridge height of 8.3m.
- 2.4 There would be one row of seven (7) x 3 bedroom dwellings, comprising of one small staggered terrace of five dwellings and a pair of semi-detached dwellings, this built form of development would sit parallel to the south western boundary. The proposal also includes (1) x 4 bedroom detached dwelling. This would sit directly across from the terrace against the north eastern boundary.
- 2.5 Of the eight dwellings, seven would benefit from rear garden areas of approximately 10m in length, the detached dwelling would have a length of 9.1m which has been extended through the course of this application. Each property would also benefit from 2 vehicle car parking spaces and there is a provision of 3 additional visitor car parking spaces. A total of 6 electric charging points are also proposed.

3. PLANNING CONSTRAINTS

No planning constraints identified

4. POLICY AND CONSIDERATIONS

- 4.1 National Planning Policy Framework (NPPF): Paras 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).
- 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); ST5 (The Sittingbourne Area Strategy); 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).

5. LOCAL REPRESENTATIONS

- 5.1 Councillor Hall, one of the Ward Members, called the application in to Planning Committee.
- 5.2 The Council received 5 letters of **objection**, all of which objected to the application. Summary of objections on the following grounds:
- Highway safety – concealed bends, pedestrian hazard
 - Incorrect existing parking arrangements
 - Visual amenity – materials out of keeping
 - Neighbouring amenity – loss of privacy, increased footfall, noise
 - Insufficient refuse storage facilities – associated smells
 - Environmental impacts – air quality
 - Flood risk – associated pressure on main sewage system
- 5.3 In addition to the objections as set out above, a petition was also received on 22nd January 2020 which contained a total of 140 signatures. The reasons of objection sited on the petition was for more green spaces and less toxic spaces.
- 5.4 KCC Highways: **No objection**, subject to conditions
- 5.5 Environmental Health: **No objection** subject to conditions
- 5.6 Natural England: **No objection**, subject to SAMMS Payment

Officers comments: A payment of £250.39 per dwelling has been received. A total of £2003.12.

6. BACKGROUND PAPERS AND PLANS

- 6.1 Existing, proposed plans and elevations 3149-008 Rev B, 3149-009 Rev A, 3149-010 Rev A, 3149-012 Rev A, 3149-014; Vehicle Tracking T-2019-081-01 Rev 02, Design and Access Statement

7. APPRAISAL

Principle of Development

- 7.1 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).
- 7.2 It is considered that the positive impacts of the development in terms of its sustainable location comply with both the environmental and social objectives of sustainable development. The proposal would also help contribute towards the Borough's housing land supply and whilst the proposal is a relatively small provision it will make a positive contribution when the extent of the existing housing deficit is considered.
- 7.3 The proposal would result in the loss of two tennis courts. Policy CP6 stipulates that Councils should safeguard existing community services where they are viable or where they can be made so. The tennis courts have not been in use for a number of years and the hardstanding is in a state of disrepair. It is stated that the sale of the land would provide financial security for the future of the club. In this instance, the loss of a small fraction of Woodcombe Sports and Social Club to release funds to be reinvested in the wider business is considered a gain for the district as a whole.
- 7.4 As such, the loss of a minor sports provision, in a sustainable location where alternative sports facilities of this type are available, are considered to be outweighed by the wider benefits presented, and more specifically, the provision of housing and thus consistent with the aims of policies ST3 and CP3 of the Local Plan (2017).

Visual Impact

- 7.5 I consider the development to be of a good architectural quality and of a height and scale which respects the local residential character along Church Road and south east of the site. The dwellings are traditional in design, comprising of two storeys dwellings with dual pitch roofs. They would be constructed in a brick with large dark grey windows together with a dark tiled pitch roof. The choice of materials and appearance of the fenestration would assist in integrating the proposal within its surroundings allowing for it is reasonably assimilate within the context of its setting, consistent with the aims of policies CP4 and DM14 of the Local Plan (2017)

Residential Amenity

- 7.6 The site is rectangular in shape with the access at one end which is adjacent to a row of existing houses of Church Road. The layout is based on the continuing line of the exiting terrace houses along the long length of the site facing towards the existing open space of the sports club and therefore no direct overlooking would occur.

- 7.7 In terms of proximity no. 101 Church Road is the closest dwelling to the site. In this instance the first plot is stepped back from no. 101 with a distance of 4.8m retained between properties. Due the siting of the new dwelling and separation distance between properties, the proposal would not result in loss of light, overshadowing, sense of enclosure or loss of privacy and is therefore acceptable in this regard.
- 7.8 I acknowledge concerns raised regarding the potential impact upon no. 97 Church Road specifically the relationship between this dwelling and the site access. I note that this is an existing vehicle access, however I acknowledge the use will be intensified as a result of the development.
- 7.9 A footpath 1.8m would be introduced along the existing northern boundary of no.97 drawing vehicles away from the boundary. Furthermore, in terms of location the site is within close proximity of a large industrial area to the west and Woodcombe Social Club to the north, and is serviced by Church Road. This is not a rural setting and when consideration is given to the type of use classes within close proximity of the site, the increase in vehicle movements can be reasonably accommodated, in my opinion.
- 7.10 On amenity for future residents, the proposed internal living space for the 7 x 3 bedroom dwellings would be 92m² and for the 1 x 4 bedroom dwelling would be 128m². The Department for Communities and Local Government: Technical Housing Standards stipulates the provision for a two storey, 3 bedroom x 4 person occupancy to be 84sqm and 4 bedroom x 6 person occupancy to be 106m². As such the size of accommodation provided satisfies the national requirement for new build properties.
- 7.11 The dwellings would provide a good source of outlook, sunlight and ventilation and suitable levels of privacy given that no direct overlooking would occur. Each dwelling would be provided with a usable rear garden area with a length varying from 9.1m to 10.3m which I consider to be a suitable size provision for family accommodation of this scale.

Environmental Impacts

- 7.12 A noise survey has been submitted to demonstrate external noise levels affecting the proposed development site. The report pays particular regard to the acoustic requirements of the residential facades, so as to achieve suitable internal noise levels within the new dwellings. The report has been reviewed by the Council's Senior Environmental Health Officer who is satisfied that the report has sufficiently investigated background, traffic and industrial noise sources that could adversely impact on the site. The assessment is based on noise readings taken on the site and from which current acceptable guidance has been followed, As such, no objection is raised to the proposal in relation to elevated noise levels.

Highways

- 7.13 In terms of highways and related safety concerns, following correspondence and pre-application advice sought directly from KCC Highways, KCC Highways support the application subject to a number of conditions that would be implemented in the event of an approval. Given that KCC Highways support the application I see no reason to

dispute their recommendation and consider the application would not give rise to adverse highway safety concerns.

- 7.14 Suitable manoeuvrability for vehicles and pedestrians has been demonstrated through the provision of Vehicle Tracking Plan no. T-2019-081-01 Rev 02. In addition, The Kent Design Guide Review: Residential Parking states that a dwelling with 3 or 4 bedrooms has a requirement of 2 accessible spaces per dwelling with a minimum size requirement of 2.5m x 5m. Sufficient off street parking has been provided for each unit and a further 3 spaces have been provided for visitor parking.

Landscaping

- 7.15 Policy DM14 requires the provision of an integrated landscape strategy that would achieve a high standard of landscaping scheme within the development. The proposed landscaping scheme, with the introduction of trees and various shrubbery is considered to be an improvement of the existing situation and would soften the visual impact whilst encouraging natural bio-diversity and natural habitat which is encouraged.

Ecology

- 7.16 Since this application would result in a net increase in residential accommodation on the site, impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. An HRA/AA is appended below. 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 contributions at the rate of £250.39 per dwelling. A total payment of £2003.12 has been received.

8. CONCLUSION

- 8.1 The proposal entails development within the built up area boundary which is acceptable as a matter of principle. The loss of a minor sports provision, in a sustainable town centre location where alternative sports facilities of this type are widely available, are considered to be out weighed by the wider benefits presented, and more specifically, the provision of housing supply given that the Council is currently unable to demonstrate a 5-year supply of housing. I consider an additional 8 units can be reasonably accommodated without giving rise to unacceptable impacts to residential or visual amenities. All concerns relating to Environmental and Highway matters are reasonably addressed.

9. RECOMMENDATION

GRANT Subject to the following conditions

CONDITIONS to include

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: 3149-008 Rev B, 3149-009 Rev A, 3149-010 Rev A, 3149-012 Rev A, 3149-014; Vehicle Tracking T-2019-081-01 Rev 02, 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 written details of the materials to be used in the construction of the external surfaces of the new build dwellings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

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. 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 a programme agreed in writing with the Local Planning Authority

Reason: In the interest of the visual amenities of the area.

6. Upon completion of the approved landscaping scheme, any trees or scrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with tree 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 interest of visual amenities of the area and encouraging wildlife and biodiversity.

7. 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 the amenities of occupiers of neighbouring properties.

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

Reason: In the interests of the amenities of the area and highway safety and convenience.

9. 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: In order that the site is appropriately remediated and fit for purpose.

10. The dwellings 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.

11. 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.

12. Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site.

Reason: In the interests of visual amenity.

13. Adequate underground ducts shall be installed before any of the buildings hereby permitted are occupied to enable telephone services and electrical services to be connected to any premises within the application site without resource to the erection of distribution poles and overhead lines, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no distribution pole or overhead line shall be erected other than with the express consent of the Local Planning Authority.

Reason: In the interests of residential amenity

14. The area shown on the submitted plan as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) 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 dwelling(s) hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users

15. No development beyond the construction of foundations shall take place until detailed plans showing the roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed wholly in accordance with the approved details.

Reason: In the interests of highway safety and convenience.

16. No development beyond the construction of foundations shall take place until details of covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These shall be completed prior to the first occupation of any of the dwellings hereby approved, and shall be retained thereafter.

Reason: To encourage the use of sustainable forms of transport.

INFORMATIVES

INFORMATIVE: 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.

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

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.

