

<b>2.6 REFERENCE NO - 20/501348/OUT</b>		
<b>APPLICATION PROPOSAL</b>		
Outline application for the erection of a residential development (All matters reserved except access).		
<b>ADDRESS</b> Land Rear Of 17 & 17A Station Street Sittingbourne Kent ME10 3DU		
<b>RECOMMENDATION</b> Grant, with all matters reserved with the exception of access		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b>		
The proposal is acceptable with regards to the relevant policies of the development plan: Bearing Fruits (2031), government guidance in the NPPF and all other material planning considerations		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
Application on behalf of Swale Borough Council		
<b>WARD</b> Chalkwell	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Swale Borough Council <b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 15/05/20		<b>PUBLICITY EXPIRY DATE</b> 10/06/20
<b>PLANNING HISTORY</b>		
<b>Ref No.</b>	<b>Description</b>	<b>Decision</b>
SW/94/0110	CONVERSION OF REAR GARDEN TO AN INTERNAL PRIVATE CAR PARK Grant of Conditional PP Decision Date:	
SW/85/1158	CHANGE OF USE OF EX RESIDENTIAL ACCOMMODATION TO OFFICE USE 2nd AND TOP FLOOR Approved pre 1990 Decision Date: 12.02.1986	
SW/79/1208	CHANGE OF USE FROM RESIDENTIAL TO OFFICES Approved pre 1990 Decision Date: 25.10.1979	

## 1. DESCRIPTION OF SITE

- 1.1 The subject site at 17-17A Station Street comprises a four storey building previously used for office accommodation (Citizens Advice Bureau), with a large rear garden area which is currently fully paved and was formerly used for car-parking ancillary to the office use
- 1.2 This application relates to the car-parking area as set out above, located to the rear of the site and is currently accessible from Pembury Street between a block of flats to the south at No's 1-11 Station View Court and a three storey town house Kember Place to the north.
- 1.3 Both of the adjoining buildings are relatively new. Pembury Street is essentially a residential street and some of the rear gardens of the Station Street properties appear to have been subject to largely residential 'back-land' development in the past.

- 1.4 The site is located within Sittingbourne Town Centre with the High Street approximately 90m south of the site and Sittingbourne railway station 130m to the north.

## **2. PROPOSAL**

- 2.1 This application seeks outline planning permission, with all matters reserved for future consideration (except for means of access), for the erection of one residential dwelling within the existing car park of the vacant office building, formerly the Citizens Advice Bureau.
- 2.2 Indicative plans have been provided showing that the property will be a detached building, three storeys in height approximately 5m in width and between 10m and 12m in length, with an eaves height of 8.2m and a ridge height of 10.9 with gardens in excess of 10m in depth.
- 2.3 The floor plans indicate that the dwelling would have a total area of 116m<sup>2</sup> and the internal layout would provide (kitchen etc) with three bedrooms and would be suitable for 6 person occupancy. The rear garden would be 10m deep.
- 2.4 The dwelling would have a dedicated drive to the front off of Pembury Street to provide off street parking suitable for two parked vehicles with a parking area of 5m x 3m each

## **3. PLANNING CONSTRAINTS**

- 3.1 No planning constraints are identified.

## **4. POLICY AND CONSIDERATIONS**

- 4.1 The National Planning Policy Framework (NPPF): Paragraphs 8, 11, 117, 118, 124, 128, 130 and 131 are relevant.

National Planning Practice Guidance (NPPG)

Bearing Fruits 2031: The Swale Borough Local Plan 2017

Policy ST1	Delivering sustainable development
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

## **5. LOCAL REPRESENTATIONS**

- 5.1 One letter received raising objection on the following grounds:
- The three storey portion of the property extends beyond the rear wall of Kember Place, Pembury Street, which will suffer from reduced light on all three levels. This could be resolved by making the three storey portion of the property shorter with the one storey rear extension being longer than the current plans

- There are windows at the side of the proposed development that will indirectly overlook the gardens of Kember Place and 19 Station Street.
- The rear windows on the upper two floors of the proposed development are large and will directly overlook the gardens of both Kember Place and 10 Station Street and also overlook the conservatory and rear bedrooms of 19 Station Street, significantly reducing privacy.

## 6. CONSULTATIONS

6.1 Kent Highways and Transportation advise that the development does not qualify for a response from them.

6.2 Environmental Health Manager – No objection, subject to conditions

## 7. BACKGROUND PAPERS AND PLANS

7.1 DHA\_14320-01 Site Location Plan, DHA\_14320-02 Existing Site Layout, DHA\_14320-03 Illustrative Proposed Site Layout Plan, DHA\_14320-04 Outlined Proposed Floor Plans, DHA\_14320-05 Outline Proposed Elevation and Section Plans, DHA\_14320-06 Existing and Illustrative Proposed Street View.

## 8. APPRAISAL

### Principle of Development

8.1 The site of the proposed residential unit is located within the build up area boundary of Sittingbourne, where the principle of residential development is acceptable. 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 available of land.

### Access, Highways, Parking

8.2 As noted above, the application is seeking outline consent, with details of access being sought at this stage. Means of access is being proposed from Pembury Street between a block of flats no's 1-11 Station View Court and a three storey town house, Kember Place. Pembury Street is an unclassified Road as identified in Kent County Council Highways Gazetteer.

8.3 The proposal would utilise the existing vehicle crossover that has a width of 6m and no other changes are proposed to the existing situation. Two off street parking spaces would be provided side by side within the front forecourt measuring approximately 5m x 3m each.

8.4 In addition, the proposed development is located in close proximity to the Sittingbourne Railway Station and local buses. This close proximity will encourage future occupiers to use alternative, sustainable methods of transport where possible.

8.5 It is acknowledged that the proposed redevelopment of the site would result in the loss of the parking area which currently serves 17 & 17A Station Street, however this building is currently vacant. Notwithstanding, this is a Town Centre Location with suitable transport links and a number of accessible public car parks are located within

close proximity of the site and therefore in a prime location where zero parking provision is generally considered acceptable.

### **Visual Amenity**

- 8.6 As set out above, all matters of detail (other than access) are reserved for future consideration should this application be approved. As such, this is largely an issue to be dealt with at the reserved matters stage. Nevertheless, it is reasonable to conclude that one dwelling can be accommodated on the site, without a harmful impact on visual amenity or the character of the wider area.
- 8.7 The indicative plans show a three storey detached dwelling which would infill the area between Station View Court to the north and Kember Place to the south. The indicative height, scale and massing of the proposal is broadly acceptable and would accord with the existing character of the area
- 8.8 The pattern of development in the vicinity of the site is comprised of a mixture of dwelling types and designs, generally ranging between 3 and 4 stories in height and the indicative scheme would be within this range. The development reflects the general character of the surrounding area that comprise of two storey detached and semi-detached properties. There is scope to provide a well detailed development which complements the existing built form.

### **Residential Amenity**

- 8.9 DM14 of the Local Plan states that all development should cause no significant harm to the amenities of surrounding uses or area. The detailed design of the new dwelling would be secured at the reserved matters stage and this will include the design, form and scale of the building including details such as window/door placement and details of boundary treatments.
- 8.10 Whilst the layout and design are matters for future consideration, the application shows an illustrative layout which maintains sufficient spacing between the dwelling and existing neighbouring properties without resulting in a significantly harmful impact upon existing neighbouring dwellings in terms of residential amenity. To the rear of the site along Station Street the properties are considered to be located at a sufficient distance to mitigate loss of outlook and privacy.
- 8.11 In regard to loss of light and overshadowing it is noted that four (4) windows are located on the side elevation of Station Court. According to the planning application SW/07/0449 these windows are secondary windows for the living areas of the flats. However, I do note that the indicative layout shows the dwelling set away from these windows and abutting the side elevation of 55a Pembury Street which has no windows on this elevation.
- 8.12 The illustrative plan (DHA/14320/03) demonstrates that the proposed dwelling is of a sufficient size to meet the minimum gross internal floor areas for a three bedroom three storey townhouse as set out in the Nationally Described Space Standard and a usable garden area to a depth of 10m would be provided.

### **Landscaping**

8.13 Landscaping is a reserved matter. Policy DM14 requires the provision of an integrated landscape scheme that would achieve a high standard of landscaping within the development. No details have been provided in relation to landscaping, however at present the site comprises of previously developed area of hardstanding and no trees or areas of landscaping are identified on site. As such, the future submission of a landscaping scheme will only be a welcomed benefit to the existing situation and I have no concerns in this regard.

### **Sustainable Design and Construction**

8.14 The Council has declared a Climate Change and Biodiversity Emergency, and this is a material planning consideration. To ensure that the final development incorporates sustainable measures relevant conditions will be incorporated into future reserved matters to allow the Council to ensure the scheme is designed in a way that takes steps to minimise the environmental impacts.

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

8.15 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).

8.16 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.

8.17 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.

8.18 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.

8.19 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).

- 8.20 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.
- 8.21 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.
- 8.22 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 organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others.
- 8.23 In the event of an approval, agreement would be required for the applicant to pay the SAMMS contribution of £250.37 per dwelling

## **9. CONCLUSION**

- 9.1 The application site is suitable for development and located within the built up area of Sittingbourne, with good connectivity to local schools and shops, and wider bus, road and rail network. The scheme would have a negligible impact on the highway network and provides a good level of parking within a town centre location. Whilst this application is outline only, an indicative layout and street scene has been prepared to demonstrate how the site can accommodate a sympathetically designed scheme that reflects the design characteristics of the local area and broadly complies with policy. As such, I consider that outline planning permission should be granted, subject to conditions set out below.

## **10. RECOMMENDATION**

GRANT Subject to the following conditions:

### **CONDITIONS to include**

- (1) Details relating to the layout, scale and appearance of the proposed building and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (3) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (4) The details submitted pursuant to condition (1) above shall show adequate land, reserved for the parking or garaging of cars (in accordance with the currently adopted Kent County Council Vehicle Parking Standards) which land shall be kept available for this purpose 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 such land or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling 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.

- (5) All hard and soft landscape works submitted and approved pursuant to condition (1) above 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.

- (6) 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.

- (7) Prior to the construction of the dwelling, details of the materials and measures to be used to increase energy efficiency and thermal performance and reduce carbon emissions and construction waste shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and measures.

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

- (8) No 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 interests of residential amenity.

- (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: To limit the risks associated with contamination of the site in the interests of future residents

- (10) No development shall take place until a scheme to demonstrate that the internal noise levels within the dwelling will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, has been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to the first occupation of any of the dwellings and shall be retained thereafter.

Reason: In the interests of residential amenity.

- (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) No dwelling shall be occupied until Electric Vehicle Charging facilities have been provided in accordance with details to be 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.

### **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.

### **INFORMATIVES**

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.

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.

