

2.6 REFERENCE NO - 19/505469/FULL		
APPLICATION PROPOSAL		
Conversion of existing dwelling to create 2no. one bedroom flats with erection of single storey infill side extension. Demolition of existing garage and erection of 2no. one bedroom flats and 1no. cycle store.		
ADDRESS 74 Unity Street Sittingbourne Kent ME10 1HX		
RECOMMENDATION Grant subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
The proposal is located within the built-up area boundary of Sittingbourne where the principle of infill development is generally supported. The size of the units are compliant with relevant policy and SPG and all units provide a good standard of accommodation. Whilst it is acknowledged that the proposal is car free, this is outweighed by the sustainable town centre location and the sites accessibility to bus and rail routes. No adverse impacts have been identified for the amenities of neighbouring properties.		
REASON FOR REFERRAL TO COMMITTEE		
Application called into Planning Committee by Cllr Simon Clark		
WARD Homewood	PARISH/TOWN COUNCIL	APPLICANT Mr Gerald Sait AGENT Woodstock Associates
DECISION DUE DATE 31/12/19	PUBLICITY EXPIRY DATE 02/03/20	
PLANNING HISTORY		
No planning history		

1. DESCRIPTION OF SITE

- 1.1 The subject site is located on the western side of Unity Street, a short distance from the junction with Connaught Road. It is roughly rectangular in shape and occupies an area of approximately 0.023 Ha.
- 1.2 The site itself comprises of 1 x two storey end of terrace dwelling and 1 x double fronted garage with access via a vehicle crossover leading directly from Unity Street. Unity Street is an unclassified residential access road which is located within Sittingbourne's Controlled Parking Zone (CPZ)
- 1.3 With regard to the surrounding development, the area is characterised by high density, low rise residential development. It is bounded to the north by rows of Victorian terraced houses. Immediately to the rear fronting Ufton Lane is a two storey detached house and immediately opposite the site is Park Road comprising of semi-detached dwellings.
- 1.4 The site is located within a highly sustainable town centre location within walking distance (maximum of 707m) of Sittingbourne High Street, Sittingbourne Train Station and Sittingbourne Bus Hub to the north.

2. PROPOSAL

- 2.1 Planning Permission is sought for the conversion of an existing dwelling to create 2 x one bedroom flats following the demolition of an existing single storey side extension; and the demolition of the existing single storey double garage to provide a two storey maisonette comprising of 2 x one bedroom flats.
- 2.2 The conversion of the existing property at No.74 would result in two flats, No's 1 & 2. Unit 1 would be located on the ground floor and comprise of one double bedroom, separate lounge, kitchen and bathroom. Access would be obtained direct from Unity Street and the unit would provide a total floor area of 55m².
- 2.3 Unit 2, also part of the conversion of No.74 would be located on the first floor comprising of one double bedroom, separate kitchen and bathroom. Access would be direct from Unity Street and the flat would provide a total floor area of 46m²
- 2.4 In addition to the conversion, the existing double garage would be demolished and replaced with a two storey residential building containing a further two units (Units 3 & 4). The development would have a width of 6.2m following the existing building line of the garage, and a length of 8.2m. There would be a single storey extension to the rear measuring 3.3m x 3.4m. The height and roof profile would replicate the built form of Unity Street with an eaves height of 5.5m reaching to 9m at the roofs apex.
- 2.5 Unit 3, would be located on the ground floor and comprise of one double bedroom, open plan lounge and kitchen and small shower room. It would provide 51m² of living space with access direct from Unity Street.
- 2.6 Unit 4 would provide a one bedroom duplex living arrangement. The open plan lounge and kitchen would be located on the first floor while the double bedroom and shower room would be located within the roofspace. Access would be from Unity Street and the flat would provide a floor area of 59m²
- 2.7 The site is located within a Controlled Parking Zone with restricted parking during working hours. No parking is proposed with this scheme, however the existing unit, No 74 Unity Street has two parking permits.
- 2.8 The scheme has been revised since the first submission. Amendments include removal of two front dormer windows, general reconfiguration of the units to provide sufficient floor space and the removal of a single storey side extension to no 74.

3. PLANNING CONSTRAINTS

- 3.1 Ground water source protection zone

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF): Paragraphs 8, 11, 117, 118, 124, 128, 130 and 131 are relevant.
- 4.2 National Planning Practice Guidance (NPPG)
- 4.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017

Policy ST1	Delivering sustainable development in Swale
Policy ST3	The Swale settlement strategy
Policy CP3	Delivering a wide choice of high quality homes
Policy CP4	Requiring good design
Policy DM6	Managing Transport Demand and Parking
Policy DM7	Vehicle Parking
Policy DM14	General development criteria
Policy DM19	Sustainable design and construction

4.4 Supplementary Planning Guidance (SPG): ‘Designing an Extension: A Guide for Householders’

4.5 SWC Draft Parking Standard 2019

5. LOCAL REPRESENTATIONS

5.1 In total 18 letters of objection were received. Summary of objections as follows:

- Overdevelopment
- Impact upon appearance of streetscene
- Loss of privacy due to overlooking from first floor windows
- Elevated noise levels due to communal amenity space
- Loss of light due to single storey rear extension
- Impact on highways as area is located within a controlled parking zone
- Parking congestion
- Loss of existing garages and associated vehicle parking spaces
- Highway safety/construction
- Hours of construction
- Air/dust
- Noise and disturbance
- Other matters - Lack of neighbour notification

6. CONSULTATIONS

6.1 Environmental Health raise no objection subject to conditions

Standard air quality planning conditions relating to the boiler emissions. Standard construction hours and dust suppression conditions to protect the amenity of neighbouring residential properties during the construction phase.

6.2 KCC Highways - scheme does not warrant the involvement of KCC

Suggested informative

6.3 Natural England raise no objection

Subject to SPA mitigation (SAMMS) payments being made

7. BACKGROUND PAPERS AND PLANS

7.1 SA/19/131/02 Existing floor plans

SA/19/131/03 Existing elevations

SA/19/131.01A Location and Block Plans

SA/19/131.04A Proposed Floor Plans

SA/19/131.05A Proposed Elevation and Section AA

8. APPRAISAL

- 8.1 The application site lies within the built up area of Sittingbourne where the principle of minor infill residential development is accepted. The main issues relate to the impact upon the character and appearance of the local area and the streetscape, together with the impact upon residential amenity, parking and highways safety, landscaping and matters relating to ecology.

Principle of development

- 8.2 The site is within an established built-up area boundary, in a residential area, and development here is in accordance with Policy ST3 of Bearing Fruits 2031 – The Swale Borough Local Plan 2017. As such, the principle of development here is acceptable.

Visual Impact

- 8.3 The principal objective of policy CP3 of the adopted local plan is to deliver a wide choice of high quality homes within the borough. The policy requires that residential densities are determined by the context and the defining characteristics of an area. Considering the demolition of the garage and subsequent residential replacement in terms of its scale and height, the building would appear as a logical addition generally reflective of the proportions of the adjacent neighbouring properties along Unity Street. The fenestration details, window and door proportions and choice of materials are also consistent with the appearance of the streetscene. The existing dwelling No 74 would be converted, however only minimal changes are proposed the external appearance of the building. As such, I am of the opinion that the built form of development here is appropriate to its setting and would not detract from the appearance of the area.

Residential Amenity

- 8.4 Turning to residential amenity, the rear building line of the garages would be extended to align with the main building line of No 78. which in my opinion would have minimal impact. A single storey rear element is proposed which would be set off of the shared boundary by 1.2m and which would have a height of 3m and a depth of 3.3m. Whilst I acknowledge the increase of development closer to the boundary, based on the separation distance and measurements I am of the opinion that it would have minimal impact on sunlight or increased overshadowing and a refusal could not be sustained in this regard.
- 8.5 With regard to the loss of privacy, the addition of a first floor level above the garage would give rise to overlooking opportunities onto the rear garden of No. 78. However, this type of overlooking is common within a terrace of this type and I do not consider it to be increased to a level that could sustain a refusal in this regard. Furthermore, given the nature of the existing development along the shared boundary the proposal would

not give rise to adverse amenity concerns to No. 72 over or beyond the existing situation and is therefore acceptable.

- 8.6 In relation to the suitability of the units for future residential use, Units 1 & 2 would require the conversion of an existing dwelling with an original floor area of 136.7m² which is of a size considered suitable for conversion. In terms of the new floorspace for units 1 & 2, SPG The Conversion of Buildings into Flats & Houses in Multiple Occupation is set out below:

Unit No.	Number of bedrooms	Number of persons	Proposed	SPG Requirement	Compliant
Unit 1	1 bedroom	2p	55.83m ²	29m ²	Yes
Unit 2	1 bedroom	2p	46.27m ²	29m ²	Yes

Units 3 & 4 are new build dwellings and therefore are required to be compliant with Departments for Communities and Local Government: Technical Housing Standards – Nationally described space standards as set out below:

Unit No.	Number of bedrooms	Number of persons	Proposed	Standards Requirement	Compliant
Unit 3	1 bedroom	2p	51m ²	50m ²	Yes
Unit 4	1 bedroom (duplex)	2p	59.76m ²	58m ²	Yes

- 8.7 Based on the information above all units are compliant with policy. Furthermore all units provide reasonable outlook, sunlight, ventilation and privacy and overall would provide a good standard of accommodation. I therefore have no concerns in this regard.

Highways and parking

- 8.8 Regarding parking provision it is noted that the proposal is for a car free development. In this instance, car free schemes are generally supported within highly sustainable town centre locations. The site is located within walking distance to the main high street of Sittingbourne Town Centre located 455m/0.28miles immediately north of the site, estimated at approximately 7 minutes average walking pace. Beyond the high street is Sittingbourne Train Station that provides local and national links at a distance of 707m/0.44miles from the site estimated at approximately 10mins average walking pace. The suitability of the site for car free development is further enhanced by the availability of the local bus network again within walking distance to 'Sittingbourne bus hub' which provides links with Faversham, Sheerness and Maidstone.
- 8.9 Notwithstanding the sustainable location, this area is characterised by high density Victorian terraced housing where off street parking was not a feature and the proposal presented is reflective of this character. The site is located within Sittingbourne controlled parking zone (CPZ) where street parking is restricted to parking permits. In this instance, the Swale Parking Draft Standard 2019 stipulates the 'maximum' provision

of 1 space per 1 to 2 bedroom unit within Town Centre locations. The existing property benefits from two existing permits and as such there is only a 'maximum' uplift requirement of a further two permits. One additional space would become available on the street on the area of the existing dropped curb, further reducing this to one permit. In this regard, I am of the opinion that as car parking is calculated on the 'maximum' provision as set on in the Supplementary Parking Document on parking and the area is located within a town centre location within close proximity to highly sustainable transport links, the lack of one permit can not reasonably be supported to a degree that would warrant a refusal in this instance, in my opinion.

- 8.10 In addition, I draw the Members attention to an Appeal (APP/V2255/A/11/2156675) on an adjacent road 'William Street' approximately 200m from the subject site. The proposal was for '*Demolish existing garage and erection of a 2 storey side extension and 1st floor rear extension to enable the conversion of property to four self-contained residential flats*'. (The similarity here is the lack of parking provision). In this regard the Planning inspector stated:

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

Biodiversity and Sustainability issues

- 8.11 I note the energy efficiency measures proposed by the applicant, and further note that the applicant has agreed to the imposition of a pre-commencement condition requiring energy efficiency levels of 50% above Part L of Building Regulations, and in accordance with Policy DM19 of Bearing Fruits 2031 – The Swale Borough Local Plan 2017. As such. I am confident that these issues have been successfully addressed and that this part of the proposal is acceptable.

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

This Appropriate Assessment has been undertaken without information provided by the applicant. The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated 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.

Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats. The proposal thus has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England (NE) advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites.

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

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

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

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.

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 by means of developer contributions at the rate of £250.39 per dwelling which has been paid by the applicant.

9. CONCLUSION

- 9.1 The proposal is located within the built-up area boundary of Sittingbourne where the principle of infill development is generally supported. The size of the units are fully compliant with relevant policy and SPG and all units provide a good standard of accommodation. Whilst it is acknowledged that the proposal is car free, this is outweighed by the sustainable town centre location and the sites accessibility to bus and rail routes. No adverse impacts have been identified for the amenities of neighbouring properties.

10. 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) No development shall take place other than in accordance with the following approved plans as amended: SA/19/131.01A Location and Block Plans, SA/19/131.04A Proposed Floor Plans SA/19/131.05A Proposed Elevation and Section AA

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 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.

- (4) 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.

- (5) 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 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.

- (6) 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.

- (7) The 2 new build dwellings (Units 3 and 4) 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.

- (8) 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.

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.

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.

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

This Appropriate Assessment (AA) has been undertaken without information provided by the applicant.

The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

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

In considering the European site interest, Natural England 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 solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.

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 the recommendations of the North Kent Environmental Planning Group (NKEPG), and that such strategic mitigation must be in place before the dwelling is occupied.

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.


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

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (which has been secured prior to the determination of this application) 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.

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 (<https://birdwise.org.uk/>).



Ordnance Survey - data derived from OS Premium

 19/505469/FULL - 74 Unity Street Sittingbourne
Scale: 1:709
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TECHNOLOGY
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