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| 2.2 REFERENCE NO - 20/502880/FULL | | |
| APPLICATION PROPOSAL Demolition of existing buildings and erection of 2no. dwellings including access, landscaping and associated works. | | |
| ADDRESS Queenborough Rowing Club North Road Queenborough Kent ME11 5EN | | |
| RECOMMENDATION Grant subject to conditions | | |
| SUMMARY OF REASONS FOR RECOMMENDATION The development is acceptable in principle and will not cause any unacceptable harm to visual or residential amenities. | | |
| REASON FOR REFERRAL TO COMMITTEE The application has been submitted by the Council | | |
| WARD Queenborough And Halfway | PARISH/TOWN Queenborough | COUNCIL APPLICANT Mr Parker AGENT DHA Planning |
| DECISION DUE DATE 25/08/20 | PUBLICITY EXPIRY DATE 06/08/20 | |

Planning History

SW/07/1002

Renewal of temporary permission for storage of boats.
Grant of Conditional PP Decision Date: 17.10.2007

SW/02/0755

Renewal of SW/97/345 for change of use of vacant land to storage of rowing boats and the erection of a storage building.
Grant of Conditional PP Decision Date: 21.08.2002

SW/97/0345

Change of use of vacant land to storage of rowing boats and the erection of a storage building
Grant of Conditional PP Decision Date: 26.06.1997

SW/88/0595

Outline application for one two storey dwelling
Approved pre 1990 Decision Date: 20.06.1988

1. DESCRIPTION OF SITE

1.1 The application site currently forms Queenborough Rowing Club. It houses a small single storey storage building and outdoor storage area. To the east lies The Old Stable (which was recently granted consent for the erection of a light industrial unit under application 20/501137/FULL), a row of three terraced dwellings and a car park. To the west lies another row of three terraced dwellings and a car park. Queenborough Social Club is situated opposite the site, and was recently granted permission to be converted into nine flats under application 19/5054443/FULL. As such, the street scene is characterised by a mixture of development of varying designs and sizes.

1.2 The site is within the Queenborough Conservation Area.

2. PROPOSAL

- 2.1 The proposal seeks planning permission for the demolition of the existing structure on site and the erection of 2 x two bedroom semi-detached houses. Each would measure approximately 4.1m in width x 11.6m in length. The height to the eaves would be 5.8m, whilst the height to the ridgeline would be 8.2m. The dwellings will have standard gable roofs when viewed from the front, and at the rear, a projecting pitched roof is proposed. The roof design was amended during the course of the application in order to overcome design concerns.
- 2.2 On the ground floor, each property will have a living room, kitchen, dining room and WC, whilst on the first floor will be two bedrooms and a bathroom.
- 2.3 Each rear garden will measure approximately 6.3m in length. No off-street parking is provided as part of the application.

3. PLANNING CONSTRAINTS

- 3.1 Potential Archaeological Importance
- 3.2 Conservation Area Queenborough

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- 4.2 Development Plan: Policies ST3, CP4, CP6, DM7, DM14, DM19 and DM33 of Bearing Fruits 2031: The Swale Borough Local Plan 2017
- 4.3 Supplementary Planning Guidance (SPG): 'Conservation Areas'

5. LOCAL REPRESENTATIONS

- 5.1 Four objections have been received from two neighbouring properties. Their contents are summarised below:
 - The rowing club must be provided with another site – to lose the rowing club which has been based in Queenborough for nearly 30 years would result in the loss of a recreational activity. Will the prospective developer, the Council provide some funds for the relocation?
 - There is a drain run that goes through the site and to build over the drain run is illegal due to the right of access for the sewerage company to obtain access should there be any problems.
 - There is no allowance for parking. I find this alarming that the planning committee insisted that adequate parking be provided for the two proposed developments opposite. The adjacent Old Stable this protocol has not been exerted and I am concerned that this parking provision will also be overlooked with this proposal.
 - SBC parking policy shows the average Queenborough car ownership is 1.22 – the

plot is not big enough to provide 2 dwellings which should have 2.44 parking spaces. The proposal is not in line with Swale parking guidelines.

- Two houses are too much for the size of the site, the dwellings will be so small.
- The elevations are incorrect with respect to The Old Stables, a single storey industrial unit was recently approved, the developer realised the two houses being proposed were simply so small.

6. CONSULTATIONS

- 6.1 Environmental Health – There are potential areas of contamination with 50m of the development and therefore a contaminated land condition is requested. In addition, standard hours of construction and dust suppression conditions are recommended.
- 6.2 KCC Highways – Development does not meet the criteria to warrant involvement from the Highways Authority.
- 6.3 Natural England – Mitigation required.
- 6.4 County Archaeologist – *“The proposed development is located in an area that is archaeologically sensitive being within the rear of properties that formed the original planned medieval town at Queenborough. The site has been relatively undeveloped other than with some structures in the 19th century and the rowing club. Though no archaeology is presently known on the site there is good potential for significant archaeological remains associated with the original town and its development to be found on the site. Given the potential impact of the development on buried archaeological remains it would be appropriate to make provision for a programme of archaeological work in any forthcoming consent.”*
- 6.5 KCC Minerals and Waste – No objection.
- 6.6 Queenborough Town Council support the application.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Plans and documents relating to 20/502880/FULL.

8. APPRAISAL

Principle of Development

- 8.1 The site lies within the built up area boundary of Queenborough and comprises a brownfield site where the principle of residential development is acceptable.
- 8.2 The site is an existing community facility currently used as a rowing club. With regard to the principle of the change of use from a rowing club to two residential dwellings, the loss of the existing community facility needs to be carefully considered. Policy CP6 of the Local Plan seeks to “...safeguard existing community services and facilities where they are viable or can be made so unless replacement facilities can be provided without leading to any shortfall in provision”. Having reviewed the supporting information submitted with the application, it is evident that thought has been given to relocating the

rowing club to another site within Queenborough, and a suitable site has been found for the club, approximately 30m east of the development site. The proposed site is owned by Swale Borough Council and is currently vacant, although has been used for boat storage in the past. It is of a larger scale and therefore will provide more space for the rowing club, and is also located closer to the public car park to the east which can be used by visitors.

- 8.3 Taking this into account, I believe a viable site has been found for the relocation of the rowing club, and as such, the proposal will not result in the loss of this important community facility. As such, I do not consider there to be a policy objection to the proposal in this regard.

Visual Impact

- 8.4 The application building lies within the Queenborough Conservation Area and therefore has the potential to impact the character and appearance of the Conservation Area.
- 8.5 There are 2 rows of terraced dwellings, one either side of the application site. As set out above, this part of the road also features an empty plot to the west of the site which was recently granted approval for the construction of an industrial unit. As such, I consider the road to be of mixed development, of varying designs and sizes. That being said, the dwellings within the road have a similar character to them, and I take the view that the design of the dwellings proposed would comfortably sit with them. Overall, I consider the proposal to be of an appropriate scale in keeping with the surroundings. Proposed materials include grey slates and tan brickwork. I include a condition below ensuring specific material details are provided for approval. I also impose conditions ensuring all windows and doors are of timber construction and requesting the submission of joinery details.
- 8.6 It is therefore considered in overall terms that the effect of the proposal on the setting of the Conservation Area would be neutral, and would pass the statutory test of preserving the character and appearance of the area.

Residential Amenity

- 8.7 No. 3 Hogarth Mews lies to the west of the site. The proposed dwellings will project roughly 1.9m forwards of this neighbouring property. Taking into account there is a gap of approximately 4m between the proposed dwelling and No. 3, I do not envisage this forward projection will have significant amenity impacts to this property. The proposed dwellings also project 1.6m to the rear of No. 3, however again, due to the gap of 2m between the new dwellings and No. 3, I do not have serious concerns here.
- 8.8 To the east lies The Old Stable, which is currently a vacant plot of land. The site was previously in light industrial use, and in recent years, has had an application for two dwellings approved under application 16/507467/FULL, and more recently, application 20/501137/FULL granted approval for the erection of a light industrial unit. Building work has not yet begun on site, and given the industrial nature of the neighbouring site, I do not believe the proposal will have unacceptable amenity impacts to this site. Members will note that Environmental Health do not raise objection in this respect.

- 8.9 There would be no windows in the flank elevations. The windows to the rear would be sited roughly 21m at first floor level away from those in the High Street behind. The windows to the front would be set no further forwards than the neighbouring terrace. As such I have no serious concerns in terms of overlooking.
- 8.10 The floorspace provided within the dwellings is in accordance with the National Space Standards. The proposed rear gardens would be smaller than the 10m generally considered acceptable to provide decent private amenity space. However, having looked at the size of the gardens within the area, many are just as small. Additionally, Queenborough Park is within close vicinity of the site meaning that open green spaces are readily accessible from here. In this case, I consider the size of the gardens to be acceptable, and that they would not harm the amenity of future occupiers.

Highways

- 8.11 The recently adopted SBC Vehicle Parking Standards SPD sets out that in town centre locations, one parking space for a two bedroom dwelling is advised, however it is possible to provide a lower provision here if the site is in a sustainable location. In my view, the site is in a highly sustainable location, close to the train station (8 minutes walk), bus stops and shops. I also note the presence of two free car parks at either end of the road, one of which is quite large. Unrestricted parking is also available on the road to the front of the site. Taking into account the above, I believe a nil parking provision is acceptable here. I note neighbours concerns regarding the lack of off-street parking, however as set out above, I do not believe the lack of dedicated parking provision here to be unacceptable.

SPA Payment

- 8.12 I have for completeness set out an Appropriate Assessment below. Since this application will result in a net increase in residential accommodation on the site, impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development there is no scope to provide on site mitigation and therefore off site mitigation is required by means of developer contributions at the rate of £250.39 per dwelling. The applicant has paid the mitigation fee for the development via the SAMMS payment form.

Other Matters

- 8.13 The county archaeologist considers it possible that archaeological remains may be encountered during the proposed groundworks and recommends that provision is made for an archaeological watching brief. I have included this in a condition below.
- 8.14 Environmental Health has requested a contamination condition is imposed. I believe this will adequately address any potential contamination at the site and included this condition below. I also include conditions relating to hours of construction and dust suppression in order to protect neighbouring amenities during the construction of the development.

9. CONCLUSION

9.1 As set out above, the development is acceptable in principle, and due to the relocation of the rowing club, will not result in the loss of a community facility. The dwellings are of an acceptable design and will sit comfortably in the streetscene in my opinion. They are set an adequate distance away from surrounding residential properties and therefore I do not envisage there will be any unacceptable impacts to residential amenity. No parking is provided as part of the application, but taking into account the sustainable location of the site, I believe this is acceptable. As such, I recommend planning permission is granted.

10. **RECOMMENDATION** - Grant subject to the following conditions:

CONDITIONS

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) 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 that dwelling 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.

(3) 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.

(4) The commencement of the development shall not take place until a programme for the control and suppression of dust during the construction & demolition phase has been submitted to and approved in writing by the Local Planning Authority. The programme shall include monitoring & mitigation details in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition & Construction. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity.

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

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- (6) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interests of preserving or enhancing the character and appearance of the Conservation Area.

- (7) Notwithstanding the submitted details, the windows and doors provided in the new dwellings will be of timber construction.

Reason: In the interests of preserving or enhancing the character and appearance of the Conservation Area.

- (8) No development beyond the construction of foundations shall take place until detailed drawings at a suggested scale of 1:5 of all new external joinery work and fittings together with sections through glazing bars, frames and mouldings 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 interests of preserving or enhancing the character and appearance of the Conservation Area.

- (9) 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.

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

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

- (11) 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.

- (12) 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 ensure any land contaminated is adequately dealt with.

- (13) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:-
Monday to Friday 0730 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of local amenity.

- (14) The development hereby permitted shall be carried in accordance with the following approved plans: DHA/14318/04 Rev B, DHA/14318/05 Rev B, DHA/14318/06 Rev B and DHA/14318/07 Rev A.

Reason: For the avoidance of doubt and in the interests of proper planning.

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.

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 dwellings are 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/>).

