

2.4 REFERENCE NO - 20/505156/FULL & 20/505157/LBC		
APPLICATION PROPOSAL Conversion of listed building into 18 residential apartments (Use Class C3) including internal and external changes, landscaping and car parking, and demolition of existing outbuildings and construction of 4 single storey residential units (Use Class C3).		
ADDRESS Former Sittingbourne Adult Education Centre College Road Sittingbourne Kent ME10 1LF		
RECOMMENDATION Grant planning permission and listed building consent subject to the conditions listed below and the signing of a suitably worded Section 106 agreement to secure the required mitigation. Authority is also sought to amend the wording of the Section 106 agreement and the wording of conditions as may reasonably be required.		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal will bring back an attractive Grade II Listed Building into use and enhance its external visual appearance, whilst also providing vital residential accommodation, at a time when the Council does not currently have five years of housing land supply. The delivery of this scheme (subject to conditions and the appropriate S106 Agreement being signed) would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development. The applicants have agreed the total amount of s106 contributions and off-site affordable housing contribution being sought by the Council.		
REASON FOR REFERRAL TO COMMITTEE There were 4 objections leading to the Ward Councillors being briefed. Councillor Roger Truelove commented that although the number of responses is quite small, this is a significant development and he would like this to go to committee.		
WARD Homewood	PARISH/TOWN COUNCIL: None.	APPLICANT Wildwood Limited AGENT Frankham
DECISION DUE DATE 25/08/21		PUBLICITY EXPIRY DATE 02/06/21

Planning History

The Grade II Listed building has been altered over several decades, most notably the infill extension at the rear of the building. Planning permission and listed building consent was not granted for these works, although it is likely that they were carried out before the building was listed (1987).

14/505144/TPO - Crown lifts to give 6m height clearance over road and reduce back poplar overhanging crown by 4m to clear road - *Not Proceeded With*

TP/14/0038 - Removal of deadwood from T1, T2, T4, T6, T7, T8, T9 & T11, remove broken branch from T10 and fell T3 (blackthorn) & T5 (horse chestnut). *Grant of Consent for TPO on the 22.04.2014*

SW/94/0254 – Listed Building Consent for disabled WC facility and refurbishment of ladies toilets – *LBC Granted*

SW/03/1312 - Listed Building Consent for proposed internal platform lift to west wing to provide access from ground to second floor. Cutting through two floors and encasing lift with fire proof partition - *Granted LBC*

87/1936 - The provision of a standard timber mobile classroom - *No Objection on the 11.04.1989*

03/2127 - A consultation with Maidstone Borough Council by Kent County Council for construction and forming of a new building front, to allow more light into the building to provide a more attractive front to the building, also to allow a more useable teaching area. In addition to this the redevelopment of the front entrance will also be included in the form of a ramped approach, so to provide a disabled access, as shown on dwg nos 330030/003/101/001, 330030/003/101/002 and 330030/003/101/003 received on 07.11.03 -*No Objection on the 24.11.2003*

99/1652 - Conservation area consent for the demolition of the adult education centre, as shown on dwg no. 594 FMN 113 Rev A received on 20.10.99. – *granted on the 06.12.1999*

1. DESCRIPTION OF SITE

- 1.1 The current site consists of a grade II listed building, formerly in use as a school and then an adult education centre. It is, however, now vacant. The building, which is three storeys (and contains a basement) is sited within large grounds (measuring 1.9hectares) which extend to the west. There are several poor-quality, single storey, outbuildings on the north-west part of the site.
- 1.2 The listed building and the associated outbuildings immediately are sited within the built confines of Sittingbourne, although the land to the west (approximately 0.3 hectares of which is within the application site) falls outside of such confines and within an important countryside gap. There are a number of mature trees along the site boundaries and two trees close to the hall itself (a lime tree and western red cedar).
- 1.3 The Grade II listed building started out its existence (in 1878) as the Barrow School (a grammar school), named after its founder, William Barrow. It later became known as Borden Grammar School before being purchased by Kent County Council for use first as the Kent Farm Institute (from C.1930 until the 1960s when it was used for teacher training) and then the Sittingbourne Adult Studies College from 1979, prior to its closure in 2017.
- 1.4 The building was listed in 1987 and has a detailed list description and summary history of the building which has been useful to the understanding and assessment of the significance of this building in the light of the proposed conversion scheme (see: <https://historicengland.org.uk/listing/the-list/list-entry/1067533>).
- 1.5 The site is surrounded by residential development to the north (Hever Place & College Road) and the south (Graylings Court). Beyond the western part of the site lies an open agricultural field and allotments. These fields are also classified as being an Area of High Landscape Value.
- 1.6 To the east of the site is College Road, which is where the site is accessed from. There are two access points: one which is closed and another which is open, adjacent to the entrance to Graylings Court.

2. PROPOSAL

- 2.1 Full planning permission and listed building consent is sought for the conversion of a Grade II listed building into 18 residential apartments (Use Class C3) and the demolition of existing outbuildings and their replacement with 4 single storey residential units (Use Class C3) comprising a terrace of four dwellings to be located in a line towards the rear (north-west boundary of the site), behind the listed building . Planning permission and listed building consent is also sought for internal and external changes to the listed building, landscaping improvement works and new car parking. (NB: the original

application sought 5 bungalows, but, following officer design advice, have reduced the number down to 4).

2.2 The residential mix for the converted building would be:

- 1 x 1 bedroom apartment
- 12 x 2 bedroom apartments
- 4 x 3 bedroom apartments; and
- 1 x 4 bedroom apartments.

2.3 The single storey dwellings would comprise 1 x 1 bedroom dwellings and 3 x 2 bedroom dwellings.

2.4 No on site affordable housing is proposed.

2.5 The car parking would be:

- 33 car parking spaces in full
- 4 would be visitor spaces
- 3 would be disabled bays; and electric vehicle charging points will be provided for each of the residential units (Secured via condition).
- 26 cycle parking spaces: 18 for the flatted accommodation and 8 for the bungalows
- The Cycle parking will be provided within a secure and covered structure, located at the rear of the building.

2.6 The access arrangements would comprise of the following :

- The site will be accessed from College Road using the existing entrance.
- The refuse vehicle would enter the site using the main entrance and leave using the alternative original access point. Therefore, the refuse collect points are provided between these two points.

2.7 The proposed internal works are described in the supporting Planning Statement as being:

“Where possible, existing entrances and staircases have been incorporated into the scheme, and the sub-division of the space into the residential apartments has sought to use the existing walls and windows and to minimise any unnecessary alterations to the building. In addition, historic features such as fireplaces will be retained.

The main interventions to the listed building are the conversion of the main hall to a residential apartment including the insertion of a mezzanine floor accessed via a new staircase and raised floor, the infilling of the headmasters courtyard and replacing an existing single storey infill with a more contemporary design.”

2.8 The floor areas of the 18 apartments and the bungalows are:

- FLAT 1 130m² 3BED
- FLAT 2 105m² 2BED
- FLAT 3 85m² 2 BED
- FLAT 4 90m² 2 BED
- FLAT 5 185m² 4 BED
- FLAT 6 90m² 2 BED
- FLAT 7 100m² 3 BED

- FLAT 8 95m2 2 BED
- FLAT 9 72m2 2 BED
- FLAT 10 87m2 2 BED
- FLAT 11 120m2 3 BED
- FLAT 12 95m2 2 BED
- FLAT 13 108m2 3 BED
- FLAT 14 110m2 2 BED
- FLAT 15 65m2 1 BED
- FLAT 16 89m2 2 BED
- FLAT 17 95m2 2 BED
- FLAT 18 92m2 2 BED

2.9 A more detailed description of development is set out in the Design and Access and Heritage Statements, respectively.

3. PLANNING CONSTRAINTS

3.1 Grade II Listed Building and partially inside the Important Local Countryside Gap

4. POLICY AND CONSIDERATIONS

- 4.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017: ST1 Delivering sustainable development in Swale; ST2 Development targets for jobs and homes 2014-2031; ST4 Meeting the Local Plan development targets; ST5 The Sittingbourne Area Strategy; CP3 Delivering a wide choice of high quality homes; CP4 Requiring good design; CP6 Community facilities and services to meet local needs; CP8 Conserving and enhancing the historic environment; DM7 Vehicle parking; DM8 Affordable Housing; DM14 General development criteria; DM19 Sustainable design and construction; DM20 Renewable and low carbon energy ; DM21 Water, flooding and drainage; DM25 Local Countryside Gap / Separation of Settlements; DM28 Biodiversity and geological conservation ; DM29 Woodlands, trees and hedges; DM32 Development involving listed buildings
- 4.2 The 'Local Plan Review (LPR) is currently in preparation and the consultation period concluded on the 30th April 2021.
- 4.3 In effect, and because the LPR has not been through an examination in public, there is very limited weight that can be given to it; because the extent and nature of any objections (or whether any objections are made by Statutory Consultees) to policies and allocations is not yet known. This will probably not become clear until Autumn 2021.
- 4.4 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 34 (developer contributions); 67 (identifying land for homes); 73 (maintaining a supply of housing sites); 102 (transport); 127 (achieving well designed places); 165 (sustainable drainage systems); 170 (local and natural environment); 175 (biodiversity).
- 4.5 National Planning Practice Guidance (NPPG): Air quality; Appropriate assessment; Climate change; Consultation and pre decision matters; Determining a planning application; Historic environment; Housing supply and delivery; Natural environment; Noise; Open space, sports and recreation facilities, public rights of way and local green space; Planning obligations; Transport evidence bases in plan making and decision taking; Travel Plans, Transport Assessments and Statements; Use of planning conditions'.

4.6 Supplementary Planning Guidance:

Developer Contributions (2009); Parking Standards (2020).

5. LOCAL REPRESENTATIONS

5.1 Letters of objection from 4 separate addresses have been received, each raising a number of concerns, which have been summarised below:

- Loss of light and overshadowing.
- Right to light.
- Overlooking/loss of privacy.
- Visual amenity
- Adequacy of parking/loading/turning
- Highway safety.
- Traffic generation.
- Noise and disturbance resulting from use.
- Smells.
- Loss of trees.
- Effect on listed building and conservation area.
- Layout and density of building.
- Design, appearance, and materials.
- Landscaping.
- Road access.
- Nature conservation, including the woodpeckers that have been there over 20 years, bats, stag beetles and birds of prey.
- Archaeology
- *Site Entrances*- the proposed site entrance would generate a negative impact on highway safety, and safety to residents living on Grayling Court.
- Concerns over use of two access points, one via Grayling Court and one direct from College Road, and the intention to use Grayling Court as a one way 'in' entry
- Traffic risk to children using Grayling Court
- Concerns that Grayling Court become an overflow car park
- Restricted visibility due to the proximity of the bend leading to Minterne Avenue/ Riddles Road, the bus stop and potential over-flow parking outside the public house all increase the risk of accidents happening and could affect the safety of residents of Grayling Court, including children of school age, as they enter and leave our road. (Parking outside the public house, and potentially tall vehicles in the car park, can also negatively impact visibility to the junctions at times.)
- Suggest that the access off College Road may be used as the main access (entrance and exit) to the site. This entrance already exists (the address indicates that this may have been the historical entry). It could be widened to make access/exit easier and it is further away from the junctions of Minterne Avenue, Riddles Road, Grayling Court
- The building should be retained as an education centre or transferred into a new school or nursery.

5.2 Letters of support from two separate addresses have been received: Their reasons for supporting the scheme are below

- A positive step for a property that would otherwise fall further into disrepair
- It would be nice to see the Grade 2 Listed Building (the old College Site) being preserved and put to a useful purpose, rather than seeing it laying empty and being derelict, where damage and vandalism has been caused since it closed.

5.3 Neutral letters have been received from two separate addresses:

- Would like for Grayling Court and the application site to remain separate so the impact on the residents of Grayling Court, in particular their children is minimal.
- A secure and definitive boundary fence needs to be erected to give a clear divide between the college site and Grayling Court private green. If this is not done it will invite trespassers onto this area and impact on the safety of residents and their children.
- They would suggest this boundary fencing is a wooden or metal 6 ft fence with mature hedges/trees planted on the side of Grayling Court green. They also ask that this fence is extended to the boundary of 12 Grayling Court to block off any access from the field next to the old adult education centre and would invite the developers to cover his cost.
- Given that there is a pre-existing entrance/exit on College Road, they request that the entrance on Grayling Court is fenced off to provide a clear and definitive boundary to the two sites.
- There is also no footpath on Grayling Court so pedestrians would be forced to walk in the road round parked vehicles. Moving the entrance from Grayling Court to College Road would be much safer as footpaths already exist in this location.
- They really embrace the plans to sympathetically restore and internally remodel the former college building which is an asset to the area and is part of recent local History, but would ask the developer to install high quality strong, screening, fencing to all boundaries, in addition planting of bushes and shrubs on the College side (and possibly on the Grayling side) that further enhance security and reduce the transfer of noise.
- Wish existing boundary planting and trees to be retained
- Traffic, Safety, Parking, disturbance – they note that Highways have accepted the proposal for the through flow of traffic with 2 accesses on to College Road and this is helpful. But in planning traffic flow consideration needs to be given to the proximity of the Beauty of Bath PH and the traffic this generates at busy times.
- A one-way system of in one access and out the other may help.
- Overlooking, Loss of Tress, Landscape features, loss of Privacy, disturbance - the side windows of a neighbouring property has a clear line of sight into the windows of the development and possibly the bungalows and likewise towards us from the College site. This is partly shielded by trees in the Summer, and they request that these are not removed. In fact, they request that they are added to. (which will also help define the boundaries and enhance security).
- The access road for the bungalow parking also passes close to a house and garden in Graylings Court this will generate more noise and disturbance - additional planting should be considered to act as a screen and reduce disturbance, and the layout planned to keeping parking places as far as possible from the boundary.

6. CONSULTATIONS

- 6.1 KCC Archaeology: The archaeologist has reviewed the proposals along with the County's own records on the Kent Historic Environment Record.

There is a general background potential for archaeology in this area with regular findings of prehistoric, Roman and medieval artefacts by detectorists in nearby fields. Little archaeological investigation has taken place in the immediate proximity to the site but investigations in the fields north of Borden and west of this have identified a Roman villa estate and aerial photographs of the fields prior to the development of the housing estates to the east do show the presence of prehistoric monuments. The former centre itself is of heritage interest and is a Listed Building. The buildings were constructed in 1878 with the opening of Barrow's boys School, a boarding school. This eventually became the Borden Grammar School, a farm institute and eventually the adult education college. Part of the early history is covered by Helen Allison in her book on the William Barrow's Charity. The history of the site is of local heritage interest.

The submission includes a Heritage Statement by Cogent Heritage that provides a good account of the built heritage together with photographs. In terms of the treatment of the built heritage Swale Borough Council's conservation team should advise on what is appropriate. I would however recommend that if permission is granted for conversion and demolition works that provision is made for some additional building recording adding to / drawing on the work already done through the following condition. Members will note Listed Building condition 1 below.

- 6.2 The Environmental Protection Team Leader - recommends that any planning approval granted be subject to conditions relating to hours of construction; Code of Construction Practice being submitted to the Local Planning Authority and agreed in writing; electric vehicle charging point (1 per residential unit and a minimum of two visitor spaces or 10% of the total visitor provision (whichever is greatest)) should be provided with passive charging provisions suitable for future conversion and contaminated land.

- 6.3 Historic England: No comments received.

- 6.4 Kent Police There is a carbon cost for crime and new developments give an opportunity to address it.

Secure By Design is a police initiative to improve the security of buildings and their immediate surroundings to provide safe places to live, work, shop, and visit. Applicants can apply to attain awards to demonstrate that they have incorporated designing out crime and crime prevention measures. Independently certificated products that meet recognised security standards have been responsible for consistently high reductions in crime as verified by numerous independent academic research studies of 87% reduction in burglaries in new homes and 61% Reduction in burglary in major refurbishment schemes nationwide.

If this application is to be approved, then the following points below are site specific and designed to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. A planning condition is requested to ensure that these are addressed.

1. The routes to the side and rear elevation require securing with lockable gates for protection to those potentially vulnerable elevations.

2. A plan for boundary and divisional treatments including lockable gates is required.
3. The Communal parking area should be designed so that it is close to homes with “active” ground floor e.g. lounge or kitchen windows overlooking it and for small numbers. The use of allocated parking spaces and clearly signed rule setting for visitor spaces reduces the opportunity for conflict. Management should ensure that they are not used for ASB or fly-tipping leading to cars parked in other areas e.g. vision splays, pavements, communal areas, and front garden spaces.
4. The proposed planting of trees will further reduce natural surveillance. To help address vehicle crime, the proposed trees should be sited elsewhere.
5. Cycle storage areas require lighting and full access control. We strongly advise SBD and Sold Secure standard cycle storage that has passed testing as they offer additional security that helps prevent damage to cycles.
6. It remains common practice for bike thefts to be significantly under reported. Once bikes are stolen or damaged, the official store becomes neglected as cycles get stored elsewhere. We recommend security should be provided for Motorbikes, Mopeds, Electric bikes and similar. Ground or wall anchors can help provide this.
7. A lighting plan should be approved by a professional lighting engineer e.g. a Member of the ILP or the SLL to help avoid conflict and light pollution.
8. Any new external doorsets should meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. PAS 24: 2012 for ADQ has been superseded.
9. Any new windows on the ground floor or potentially vulnerable e.g. from flat roofs should also meet PAS 24: 2016 UKAS certified standard.
10. If approved, site security is required for the construction phase. There is a duty for the principle contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

Kent Police welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

This information is provided by Kent Police Designing Out Crime Officer (DOCO's) and refers to situational crime prevention. This advice focuses on Crime Prevention Through Environmental Design (CPTED) and Community Safety regarding this specific planning application.

- 6.5 KCC Highways and Transportation - The development will utilise the existing accesses from Graylings Court and College Road. The parking spaces shown on the proposed site plan meet the required parking standards and the layout is acceptable. The Highways Officer is pleased to note the provision of cycle storage. The officer also requests that electric vehicle charging points (1 per residential unit and a minimum of two visitor spaces or 10% of the total visitor provision (which ever is greatest)) should be provided with passive charging provisions suitable for future conversion should also be provided. Consequently, subject to appropriate conditions, she raises no objection on behalf of the local highway authority.

- 6.6 Natural England - Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Swale Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

However, their advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017

NB: An Appropriate Assessment has been sent to Natural England confirming the applicants commitment to paying the financial contribution of £253,360 per dwelling (£5,573.92)

- 6.7 NHS: They have requested £17,100 (equating to £777 per dwelling) towards extensions to London Road Medical Centre and Chestnuts Surgery.
- 6.8 KCC Flood Risk Officer - Having reviewed the information submitted the Flood Risk Officer is generally satisfied that the method for dealing with surface water, namely via infiltration to ground, does not increase the risk of flooding. On this basis, and, subject to conditions, he has no objection to the application.
- 6.9 Southern Water - Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavor to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for large developments our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24-month period:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required).

- Detailed design, including land negotiations.
- Construction.

Southern Water hence requests the following condition to be applied:

“Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.”

Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul flow will be no greater than the existing contributing flows.

Southern Water requires a formal application for any new connection to the public surface water sewer to be made by the applicant or developer.

- 6.10 SBC Housing – notes that the scheme viability has been independently assessed by the Council’s viability consultant and is happy to accept the sum of £114,139, which is considered to be reasonable for one unit of affordable housing in lieu of delivery on site.
- 6.11 KCC Ecology - Commented that the information set out in the non-technical surveys, assessing it against the aerial photos, provide a good understanding of the ecological interest of the site and it’s likely that appropriate mitigation can be implemented. Therefore, the KCC Ecologist would suggest that potential harm to protected species is not a reason for refusal.

In terms of costs associated with the proposal: The development includes proposals for new dwellings within the zone of influence (6km) of The Swale Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Swale Borough Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full ‘appropriate assessment’ is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the North Kent SAMMS there is a need for an appropriate assessment to be carried out as part of this application. I deal with this issue in the ‘appraisal’ section below.

- 6.12 Scotland Gas Network: No comments received
- 6.13 Waste Management: £3,284.7 (or £149 per dwelling) is requested to allow for the provision of the appropriate food, general refuse, and recycle bins required for a development of this scale.
- 6.14 Greenspace Manager As detailed in the Swale Open Spaces and Play Area Strategy, we would seek contributions for off-site play area and fitness plus formal sports.

The contributions would be at a level identified in the Strategy:

Formal Sports - £593.00 per dwelling (or £13,046 in total)

Play and Fitness - £446.00 per dwelling (or £10,252 in total)

The play and sports contributions would be allocated to King Georges Playing Field, Sittingbourne to increase the capacity and quality of facilities to meet increased demand.

6.15 KCC Economic Development: Request developer contributions towards primary education, secondary education, libraries community learning, youth services, social care and waste and an informative regarding broadband connection as set out in the tables overleaf:

	Per 'applicable' flat (x18)	Per 'applicable' House (x4)	Total	Project
Primary Education	£1700.00	£6800.00	£56,100.00	Towards a new 2FE Primary School construction to serve North Sittingbourne
Secondary Education	£1,294.00	£5,176.00	£42,702.00	Towards the new Secondary School construction upon land off Quinton Road, NW Sittingbourne policy MU1

	Per Dwelling (x22)	Total	Project
Community Learning	£16.42	£361.24	Contributions requested towards additional equipment and resources at Sittingbourne Adult Education Centre
Youth Service	£65.50	£1,441	Contributions requested towards additional resources for the Youth service in Sittingbourne
Library Bookstock	£55.45	£1,219.9	Contributions requested towards additional resources, services and stock for the local Library service including the mobile Library attending Bobbing
Social Care	£146.88	£ 3,231.36	Towards Specialist Care accommodation in Swale Borough
All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)			
Waste	£183.67	£4,040.74	Towards additional capacity at the HWRC & WTS in Sittingbourne
Broadband:	Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in		

	<p>accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.</p> <p>Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF.</p>
<i>Highways</i>	<i>Kent Highway Services will respond separately</i>

7. BACKGROUND PAPERS AND PLANS

- 7.1 The application has been supported by a significant number of drawings, assessments, and reports. These include the following:

Application Form and Notices; Site Location Plan; Existing and Proposed Drawings, Elevations and Sections; Design and Access Statement; Heritage Statement; Planning Statement; Fabric Condition and Listed Building Survey Report; Transport Statement; Ecological Report comprising Extended Phase 1 Habitat Assessment & Bat Scoping Assessment; Bat Survey Report – Emergence Survey; Arboricultural Report; Flood Risk Assessment and Drainage Strategy and Viability Assessment.

8. APPRAISAL

Principle of Development

- 8.1 Part 2 of Policy CP6 of the Local Plan seeks to safeguard existing community services and facilities where they are viable or can be made viable, unless replacement facilities can be provided without leading to a shortfall in provision.
- 8.2 The lawful use of the site is as a former educational college, a community facility. However, the building has been vacant for a number of years and the previous occupier, Sittingbourne Adult Education College, has re-located to another location in Sittingbourne, close to the town centre. This means that converting the building into residential accommodation would not result in the shortfall of community facility provision, and the building is unlikely to revert back to this type of use.
- 8.3 Moreover, given the vacant nature of a heritage asset, the shortage of housing in England and the lack of a five-year supply in Swale (together with the under provision of affordable housing), and the residential nature of the location, the principle of the proposal is acceptable, subject to meeting all the relevant policy requirements.

Five Year Land Supply

- 8.4 The Council cannot currently demonstrate a five-year housing land supply. The current supply is 4.6 years. In this regard, Paragraph 11.d (known as the 'tiled balance') of the NPPF is triggered.
- 8.5 Paragraph 11.d makes it clear that relevant policies relating to the supply of housing should not be considered up to date if the Council cannot demonstrate a five-year supply of deliverable housing sites, and that there should be a presumption in favour of sustainable development, unless:

“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”

or

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole” (paragraph 11.d.(ii))”.

**the list includes heritage assets*

- 8.6 This development would bring about a number of benefits that would outweigh the less than substantial harm to the listed building.

Countryside Gap

- 8.7 The role of Policy DM25 is to ensure that the individual character and setting of certain settlements in the Borough are retained. To achieve this, Local Countryside Gaps have been defined on the proposals map, and one of these gaps lies to the west of this site.

- 8.8 Policy DM25 is a very precise policy and states that:

“Within these gaps, unless allocated for development by the Local Plan, planning permission will not be granted for development that would undermine one or more of their purposes.”

- 8.9 Similarly, Criterion 5 of Policy ST3 of the Local Plan states that *“at locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.”*

- 8.10 The applicants, aware of this policy, when proposing to demolish the modern buildings on the north western part of the site, decided to keep the replacement bungalows on the modern buildings foot print, so as to avoid any encroachment into the Local Countryside Gap. When considering these policies, it is understandable why they took this approach.

- 8.11 However, following site visits, officers hold the view that it would be more beneficial when taking into account all the relevant considerations to realign the new-build bungalows so that there is a slight encroachment into the Local Countryside Gap (consisting of 14 sqm (2m at the south western end reducing down to 0.2m in the middle of the bungalows) We requested that the applicants make amendments to the scheme to allow for this and the amendments/modest encroachment can be seen on plan 3229 -005 -Rev i.

- 8.12 Our view is that the re-alignment of the bungalows results in a much improved-visual relationship between the listed building and the new build element without compromising the function of the Important Local Countryside Gap. The existing, modern, Portacabins, were at an odd angle that undermined the setting of the listed building, and by realigning the replacement bungalows so that they are parallel with the listed building, there will be a more regular and visually square-on relationship. It will also allow for a more functional and attractive landscaped garden in-between.

8.13 I am pleased to note that the applicants have responded to our advice and realigned the bungalows (as well as reducing the number of bungalows from 5 down to 4). This is a significant improvement on what is there now and on the original proposal. I also believe that this element of the proposal would not undermine the purpose of the gap and would, instead, enhance the intrinsic value and landscape setting of the Local Countryside Gap by tidying up this part of the gap, in line with the policies DM25 and Criterion 5 of Policy ST3 of the Local Plan and the objectives of the NPPF.

Design, Conservation and Heritage Considerations

8.14 The NPPF confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies relevant to design and conservation are set out in the Local Plan 2017 (policy C8) and paragraphs 189 to 207 of the NPPF.

8.15 The revised NPPF (paragraphs 197) states that:

“In determining applications, local planning authorities should take account of:

a) desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) desirability of new development making positive contribution to local character and distinctiveness.”

8.16 And paragraph 199 of the 2021 NPPF adds:

“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

8.17 Paragraph 201 of the NPPF goes on to explain that where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use.

Impact on the fabric of the listed building

8.18 The historic fabric of the former Adult Education Centre has already been significantly altered, both through the installation of partition walls, screens, a non-original early 20th century chimneypiece to one of the rooms, and an infill extension to the rear.

8.19 The sensitive new development will ensure the future of the building is secured. This is a welcomed benefit of the scheme, particularly given the current economic climate and future uncertainty of historic buildings.

Impact on the setting of the listed building

- 8.20 The proposed four bungalows within the grounds of the Former Sittingbourne Adult Education Centre have been designed to appear sensitive to both the scale and visibility of the listed building. All the new buildings would be set away from the listed building to avoid physical connection and to maintain a sufficient setting, both to avoid harm to the existing fabric and also to allow the scale and character of the building to remain clearly apparent and uncompromised.
- 8.21 The main building has previously been altered to the rear in the form of a modern infill extension in-between the cross wings. Whilst it is not an attractive addition, I think it would be unreasonable, financially, to insist the owner loses existing floor space that has been in place for decades, certainly prior to the building being listed.
- 8.22 I am also of the view that there is an opportunity to improve the appearance of the infill extension. It is on this basis that I asked the applicant to replace the existing fenestration of the infill extension with windows that replicate those of the host building. The applicants have made this amendment and I am satisfied that this is a significant improvement on the current situation.
- 8.23 In short, the proposal enhances the setting of, and the appearance of the listed building and complies with Policy CP8, DM14 and DM32 and in accordance with Government policy in the NPPF.

Residential Amenities

- 8.24 The National Planning Policy Framework (the Framework) identifies, as a core planning principle, that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.25 Policy DM14 is in line with this core planning principle and makes clear that development should provide good levels of amenity: it specifies that development should cause no significant harm to amenity and other sensitive uses or areas. This includes consideration of overlooking which should not unduly prejudice the operation of adjoining land through negative impacts on privacy.
- 8.26 Given the significant separation distance (approximately 15m) between the proposed residential units in the Listed Building and the flank elevation of the closest neighbouring property on Grayling Court, the proposal is unlikely to result in the loss of daylight/sunlight, privacy or overbearing impact on the occupiers of that property.
- 8.27 When the application originally came in, I was concerned about overlooking issues between one of the bungalows and 12 Hever Place. I raised this concern with the applicants. The applicants responded positively to this issue and have removed that bungalow and pulled the remaining four bungalows further away from the common boundary line. I note the neighbours' concerns, but I am satisfied that their amenities will not be unduly impacted upon by this development.

Amenity of future occupiers

- 8.28 All of the new residential accommodation is bigger than the space standards set out in the Department for Communities and Local Government's (DCLG's) Technical Housing Standards -Nationally Described Space Standard". Moreover, each of the flats and bungalows would benefit from true dual aspect, with windows on opposite sides of their blocks, enabling natural cross-ventilation and good levels of amenity for their occupants. This excellent level of provision of spacious, dual aspect, residential accommodation, is

welcome, and weighs positively in the final balance of planning considerations relevant to this application.

Affordable Housing

- 8.29 The Council is acutely aware that housing delivery is a top planning priority for England, and the Council shares the Government's objective of increasing housing delivery. House prices is one of the most significant issues facing the South East and there is also a significant need for affordable housing in Sittingbourne: it experiences homelessness and a reliance of temporary accommodation, which continues to increase across the Borough.
- 8.30 Therefore, it is of critical importance that affordable housing, where viable, is delivered as part of all major residential developments in Sittingbourne, either on-site or through an off-site contribution. This approach is in line with the Government policy set out in paragraph 62 of the NPPF. This paragraph states that *“(w)here a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:*
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and*
 - b) the agreed approach contributes to the objective of creating mixed and balanced communities.*
- 8.31 Paragraph 64 of the NPPF also makes it clear that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. In this instance, 10% affordable home ownership would not exceed the level of affordable housing in Sittingbourne and would, instead, contribute to reducing the shortfall in affordable housing provision.
- 8.32 This need for affordable housing in Sittingbourne is why Policy DM8 of the adopted Local Plan requires residential development with 11 dwellings or more in 'Sittingbourne Town (which this site would be classified as) to ensure that 10% of the total units are affordable. Of the total number of affordable units, the Council would seek an indicative target of 90% affordable/social rent and 10% intermediate products.
- 8.33 In line with Government guidance, there is policy provision in the Local Plan that allows for a reduced amount of affordable housing to be delivered if the viability of a scheme would be compromised: Sub-section C of Policy DM8 states that where an applicant can demonstrate that providing the full affordable housing provision would result in the scheme becoming unviable, a reduced requirement may be considered and will be subject to a legal agreement to ensure that full provision of affordable housing.
- 8.34 During the course of the application, the applicants made the case that Vacant Building Credit (VBC) should be applied in this instance, which would reduce the affordable housing provision/off-site contribution from 2 units down to 1 unit.
- 8.35 The NPPF addresses VBC in just one paragraph in the whole document: paragraph 64. This paragraph states that:

“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”.

8.36 The policy intention and practical application of VBC is set out in the Planning Practice Guidance (‘PPG’):

“The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.”

8.37 Although the NPPF/PPG do not set ‘criteria’, they pose a number of questions:

1. There must be a building.
2. It must be vacant.
3. The building must not be abandoned.
4. The floorspace of the vacant building should be calculated.
5. Whether the building has been made vacant for the sole purposes of redevelopment.
6. Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

8.38 The Calculation for working out the VBC is:

*(Difference between proposed and existing floorspace / proposed floorspace) * policy requirement of affordable housing provision.*

8.39 The worked calculation for this scheme is:

*Proposed Scheme (GIA) – 1,978 sqm. - Existing Buildings (GIA) – 1.140 sqm/ 1,978 sqm * 10% affordable housing = 4.24% affordable housing requirement*

8.40 I accept that the VBC formula should be applied to this application because:

1. There is a building
2. It is vacant
3. It has been vacant for 4-5 years which is not long enough to constitute an abandoned building
4. The building was made vacant when the Adult Education Centre relocated to other premises in Sittingbourne, which means it was *not* contrived to become vacant for the purposes of this re-development proposal
5. There are no extant planning permissions associated with this site

8.41 On this basis, the affordable housing percentage has been reduced from 10% down to 4.24%, which equates to an affordable housing requirement of 0.93 units.

- 8.42 As affordable housing, for reasons set out in the sub-section below, cannot be provided on site, the applicants are willing to provide an off-site contribution: they offered an off-site affordable housing contribution of £105,086. Their calculation for doing this was:

“The larger 2 bedroom bungalows are 82 per sqm and this generates a gross contribution of £112,996. With this adjusted pro rata to provide 0.93 of a unit it equates to a contribution in lieu of on-site provision of £105,086 towards affordable housing.”

- 8.43 I sought the advice of an independent Viability Consultant who had been instructed by the Council to establish the viability of the scheme (more of which in the ‘other matters; chapter of this report). His conclusion was that the applicant’s offer was too low, as was their forecast sales price for the bungalow. His opinion was that the appropriate off-site affordable housing contribution should be **£114,139**.

- 8.44 The applicants have accepted our consultant’s suggested figure and it will be secured through a S106 Agreement.

Off-site Affordable Housing

- 8.45 The applicants, in their Planning Statement, presented the case that no Registered Provider would take on affordable housing units on site. The applicants have since, following requests from officers, submitted evidence to confirm that Registered Providers (RPs) would not be willing to take on 1 or 2 affordable housing units if they were delivered on this site.

- 8.46 The evidence comprises letters/emails sent to seven RPs on the 28th April 2021 and follow up emails on the 12th May 2021. To date, only two RPs have replied: Hyde Group and MHS Housing. Hyde Group replied to confirm that they would not wish to manage 2 affordable units on this site. Specifically, they wrote:

“Unfortunately, the scheme is too small for our current requirements and as such (they) will not be of any interest”.

- 8.47 Similarly, MHS Homes, also wrote back stating:

“Thank you for bringing this opportunity to our attention. On this occasion the site would not be suitable for MHS Homes being a refurbishment where we cannot meet the design and quality standards required.”

- 8.48 The lack of response from the other RPs, coupled with the negative responses from Hyde Group and MHS Housing, also reflects the advice that I have been given from the Council’s Affordable Housing officer. She advised me that her department are finding that RPs in Swale are currently not taking on affordable housing unless there are at least 20 affordable housing units in the development.

- 8.49 The Council’s viability consultant also confirmed to me that demand for 1 leasehold affordable units from an RP is likely to be “non-existent”.

- 8.50 For these reasons, I am prepared to accept the off-site affordable housing contribution of **£114,139** in-lieu of on-site provision. It is a contribution which would help deliver affordable housing units elsewhere in the Borough.

8.51 Therefore, this aspect of the proposal accords with the NPPF objectives of meeting housing need and of providing mixed and balanced communities. It is also compliant with Local Plan policy DM8.

Developer Contributions

8.52 The use of planning obligations to address the impact of development and ensure they are acceptable in planning terms is well established in legislation and national, regional, and local planning policy. The NPPF and Swale Borough Council's Local Plan both recognise the importance of addressing the impacts of development and having effective mitigation in place to ensure that development can be accommodated sustainably.

8.53 The Council is keen to ensure that new development (particularly much-needed housing) continues to be delivered, as detailed in its Local Plan and the emerging Local Plan Review. However, new development of this scale and size, which adds to the residential population, places significant additional pressure on the local environment, infrastructure, and public facilities. The Local Plan and Local Plan Review not only sets out plans for the delivery of development but also provides the basis on which development can be delivered sustainably, and in a way that respects environmental limits and resident's quality of life.

8.54 In line with this, the Bearing Fruits Local Plan sets out requirements to ensure that new development is delivered sustainably, and the Council's Developer Contributions SPD (2009) details requirements required from new development to mitigate impacts associated with development. The level of contribution is based on up-to-date costs provided by Kent County Council, Swale Borough Council, and the NHS.

8.55 Excluding the off-site affordable housing contribution, the total contribution required to mitigate the impacts of this development is **£152,320.94**

8.56 The applicant has agreed to this amount and agreed the following Heads of Terms being included in a Section 106 Agreement attached to any planning permission for the proposed development:

- A contribution of £114,139 towards the provision of off-site affordable housing in Swale.
- A contribution of £56,100 towards a 2FE Primary School on the North West Sittingbourne allocation.
- A contribution of £42,702 towards the construction and capacity of a new secondary school (at NW Sittingbourne).
- A contribution of £17,100 towards extensions to London Road Medical Centre and Chestnuts Surgery
- A contribution of £22,858 towards King Georges Playing Field, Sittingbourne
- A contribution of £3,284.7 towards domestic bins
- A contribution of £361.24 towards Community Learning
- A contribution of £1,441 towards Youth Services
- A contribution of £1,219.90 towards Library Bookstock
- A contribution of £3, 213.36 towards Social Care
- A contribution of £4,040.74 towards Waste
- £253.360 per residential unit to mitigate impacts on the Special Protection Areas.
- Council's monitoring fees (5% of the sum of the financial contributions).

Highways

8.57 Policy DM14 of the local plan requires all development proposals to achieve safe vehicular access, convenient routes and facilities for pedestrians and cyclists, enhanced public transport facilities and services, together with parking and servicing facilities in accordance with the standards set out in Swale Borough Council Parking Standards SPD May 2020. The relevant requirements for this scheme can be found in Appendix A of the SPD, which requires there to be:

- 1 car parking space per 1 and 2 bed flat
- 1 to 2 car parking space per 1 and 2 bedroom houses
- 2 to 3 parking spaces per 3 bed houses
- 3 parking spaces per 4 bed houses

8.58 This equates to a minimum requirement of 24 residential parking spaces

8.59 The applicants are providing 33 car parking spaces, 29 for the 22 residential units, which satisfies the requirement of the Swale Borough Council Parking Standards May 2020. In the objection letters from neighbours, I noted that some concern was raised about the prospect of the neighbouring Graylings Court becoming an overflow car park for visitors. However, the parking provision on site is generous and would mean that the proposal is unlikely to unduly impact on Graylings Court.

8.60 The cycle parking standards for new developments are set out in Appendix E of the SPD and, for residential developments, the standards are:

1. Cycle parking provision should normally be provided within the curtilage of the residential dwelling. Where a garage is provided it should be of a suitable size to accommodate the required cycle parking provision.

2. Parking provision should be provided as a secure communal facility where a suitable alternative is not available.

8.61 Cycle parking is to be provided within a secure and covered structure, located close to the main building. This element of the proposal satisfies the cycle parking criteria.

8.62 I note that several residents have – as set out above - raised concerns over the use of both access points to and from the site. However, the site does have two access points and I think it would be unreasonable to restrict them to the use of just one access point, particularly when KCC Highways and Transportation have raised no objections to the use of both access points. I also think that it is unlikely that the vehicle movement of this scheme would be as high as the lawful use of an adult education centre.

8.63 Moreover, KCC Highways and Transportation have raised no objection to the proposal, subject to conditions being attached (in the event of approval) that will also secure electric vehicle charging points and a Construction Management Plan.

Ecology

8.64 The NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity, where possible. Local planning authorities are required to conserve and enhance biodiversity when determining planning applications and take opportunities to incorporate biodiversity in and around developments.

- 8.65 Policy DM28 also requires that development proposals will conserve, enhance, and extend biodiversity, provide for net gains in biodiversity, where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 8.66 Protected Species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration.
- 8.67 Although there are a number of protected species on site, including bats, slow worm and Stag beetles the County's ecologist feels that a condition will allow for appropriate measures such as bat, bird, hedgehog (which while not a protected species are considered to be endangered) and invertebrate boxes and Ibstock Eco-habitat for Swifts, which will not only mitigate the impacts of the development but also lead to ecological enhancements.
- 8.68 The Ecologist is, however, of the view that Developer Contributions will need to be provided due to the increase in dwellings within the zone of influence of a Special Protection Area, which could, potentially, result in harmful impacts on the SPA and Ramsar sites due to increased recreational disturbance. Natural England have reached the same conclusion. The contribution required, at **£253.360** x per residential unit, amounts to **£5,508**. The applicant has agreed to pay this contribution, which will be secured via a S106 Contribution.

As noted above (see paragraph 6.7), an Appropriate Assessment (which is attached as **Appendix 1** to the report) has been sent to Natural England. It is anticipated that, by the time of committee, they will raise no objection to the Appropriate Assessment and receiving the payment of the standard tariff of **£253.360** per dwelling. Members will be updated at Planning Committee.

- 8.69 Therefore, this aspect of the proposal accords with Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF.

Biodiversity Net Gain

- 8.70 With regard to Biodiversity Net Gain, the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity, where possible. Local planning authorities are required to conserve and enhance biodiversity when determining planning applications and take opportunities to incorporate biodiversity in and around developments.
- 8.71 Policy DM28 also requires that development proposals will conserve, enhance and extend biodiversity, provide for net gains in biodiversity, where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 8.72 To this end, the Council would be keen to ensure that all opportunities to incorporate measures to enhance biodiversity are designed into the proposals.
- 8.73 An Arboricultural report, dated 24/09/20, confirms that, although the re-development will result in the loss of one lime tree (not with a TPO attached to it) 34 new trees will be planted around the site along with landscape enhancements.
- 8.74 The proposal complies with the NPPF and Policy DM28 of the local plan.

Open Space

- 8.75 Greenspaces play a vital role in calming urban environments and providing an escape from high population density. They provide opportunities for leisure and exercise with a range of associated health benefits and have an important cooling effect in urban areas. This is particularly important in densely developed urban areas where some residents, who live in flatted accommodation, have limited or no garden space and limited indoor space.
- 8.76 The Local Plan places great emphasis on the value of open spaces and their role in providing a good quality environment. Policies CP7 (Conserving and Enhancing the Natural Environment) requires new development to “protect the integrity of the existing green infrastructure network”.
- 8.77 This policy is reinforced by Local Plan Policy DM17 (Open space, sports, and recreation provision) which states that:
- “proposals for residential and other developments as appropriate will:*
- 1. Safeguard existing open space, sports pitches and facilities in accordance with national policy, having regard to the Council's open space assessment and strategy and facilities planning mode”*
- 8.78 Policy DM17 also seeks to ensure that new residential developments provide adequate levels of open space and, where that is not feasible, contributions should be provided to improve and increase the capacity of existing spaces.
- 8.79 The Council's Greenspaces Manager has requested a contribution of **£22,858** towards King Georges Playing Field, Sittingbourne. The applicants have agreed this contribution and it will be secured by s106 Agreement. Members will also note that the development will include various outdoor areas for the benefit of residents.

Waste

- 8.80 Revised plan 3229 005 Rev i identifies the provision and location of the storage and collection points for the council's three bin refuse/recycling system for apartments.
- 8.81 Following an objection from the Council's arboriculturist (due to proximity to trees), the applicants have amended the proposal to locate bin storage areas so that they are away from existing trees. The Council's arboriculturist is now happy with the location of the bin storage.

Sustainable Drainage System

- 8.82 Policy DM21 (Water, flooding and drainage) sets out the policy requirements including the need for site specific Drainage Strategies for major development such as this proposal. Criterion 4 of policy DM21 (Water, flooding and drainage) sets out when considering drainage implications of development proposals will “include, where possible, sustainable drainage systems to restrict runoff to an appropriate discharge rate, maintain or improve the quality of the receiving watercourse, to enhance biodiversity [by incorporating open features such as ponds, swales and ditches] and amenity and increase the potential for grey water recycling. Drainage strategies (including surface water management schemes) for major developments should be carried out to the satisfaction of the Lead Local Flood Authority”.

- 8.83 Criterion 5 sets out that proposals should “integrate drainage measures within the planning and design of the project to ensure that the most sustainable option can be delivered”. Paragraph 165 of the NPPF states that “Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate”.
- 8.84 Kent County Council Drainage reviewed the submission document are, subjected to conditions, satisfied that the method for dealing with surface water, namely via infiltration to ground, does not increase the risk of flooding. Therefore, the proposal accords with Paragraph 165 of the NPPF and Policy DM21 of the Local Plan.

Sustainable Construction and Climate Change

- 8.85 Policy DM 19 of the Local Plan sets out a range of sustainable design and construction measures that development proposals should, where appropriate, incorporate them into their scheme. Along with the relevant parts of the NPPF, there is a clear requirement within local policy for proposals to demonstrate how this will be achieved.
- 8.86 In addition, the Council has declared a Biodiversity and Climate Change Emergency, and the Council are keen to see the use of renewables within developments
- 8.87 The Council requires a reduction of at least 50% compared to the CO2 emissions standard that would be achieved by a scheme complying with the current Building Regulations, and officers are unlikely to be able to support a scheme that falls short of this level unless a compelling justification has been provided.
- 8.88 The applicants have made the case that because of the historic nature of the listed building, it will not be feasible to achieve this target. They are, however, willing to incorporate measures into the conversion of the listed building process to reduce water and energy consumption. They intend on incorporating similar measures in the build single storey dwellings, as well as high performance glazing and highly efficient gas boilers.
- 8.89 I accept the historic nature of the building will mean that a 50% reduction in CO2 emissions is unlikely to be achieved, but that the adoption of sustainable techniques (methods to reduce water and energy consumption) will be secured via condition (x)
- 8.90 In respect of electric vehicle charging points, the Council’s Parking SPD states that for residential uses with on plot parking, each space will have an active charging point, with the remainder to be provided as passive spaces. I have included a condition to ensure that this is provided and I am of the view that this deals acceptably with this matter.
- 8.91 On this basis, and noting the inherent environmental benefit of converting an existing building to residential use (compared to building those dwelling from scratch having demolished an existing structure), the proposal accords with the NPPF and policy DM19 of the Local Plan.

Other Matters

- 8.92 I note that Kent Police, in point 4 of their comments (see paragraph 6.5 above), have expressed concern about the layout of the tree planting on the grounds that they will further reduce natural surveillance. Their view is that, to help address vehicle crime, the proposed trees should be sited elsewhere. Whilst I appreciate their concern and the suggestions they have made, a balance needs to be struck, and I am of the view that the planting of the trees softens the impact of the development and would make the site

more attractive, whilst also improving the biodiversity, which is why I support the proposed trees.

- 8.93 Points 1 (lockable gates), 2 (boundary treatment & lockable gates), 3 (communal parking area & management), 8 (doorsets standards), 9 (new window standards) and 10 (construction phase security) in the Kent Police comments sit outside the planning process, but points 5 (cycle storage lighting), 6 (security for bikes) and 7 (lighting plan) have been secured by conditions 19, 20 and 21.
- 8.94 The applicants submitted a viability report with their application. This was independently assessed by Pathfinder DC, who concluded that the proposal is viable. Whilst there was a difference in opinions over the sale costs of the housing the applicants have agreed to pay the required amount of off-site affordable housing and developer contributions.
- 8.95 Regarding foul drainage, Southern Water's comments about wanting the development to connect with Southern Water's infrastructure in paragraph 6.10 are noted. Their requirements fall under other legislation, and not the planning process. Therefore, the developer will need to make an appropriate payment to Southern Water (outside the planning process), which Southern Water will then use to upgrade local infrastructure, (as may be required to accommodate this development).

9. CONCLUSION

Planning

- 9.1 A key objective of planning is to bring forward development that is appropriate and in the right place. This is made clear in the National Planning Policy Framework (NPPF), which states that there should be a presumption in favour of sustainable development.
- 9.2 The site is well-placed for a redevelopment of this scale – it is a sustainable and accessible Brownfield site in a residential area.
- 9.3 The proposal will bring back an attractive Grade II Listed Building into use and enhance its external visual appearance (with knock-on benefits in terms how the local area is perceived), whilst also providing vital residential accommodation, at a time when the Council does not currently have five years of housing land supply. The delivery of this scheme (subject to conditions and the appropriate S106 Agreement being signed) would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development.

Listed Building Consent

- 9.4 The proposal would arguably result in less than substantial harm to the significance of the listed building and its setting. The NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (para.196).
- 9.5 In this instance, the public benefits constitute the reuse of a vacant listed building (to deliver housing in a sustainable location) and improvements to the building itself (including removal of previous unsympathetic additions to both the exterior and the interior) its setting. The sensitive new development will ensure the future of the building is secured, particularly given the current economic climate and future uncertainty of historic buildings.

10. RECOMMENDATION A

GRANT planning permission subject to the signing of a suitable worded Section 106 agreement and to the following conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).

- 2) The development hereby approved shall be carried out in accordance with the following approved drawings and information: Drawing Numbers 3229 -002 Rev F; 3229 -003 Rev E; 3229 -009; 3229 -010; 3229 -011; 3229 -012; Rev 3229 -04 Rev B; 3229 -005 Rev i; 3229-007 Rev F; and 3229-12 Rev A; 3229 008 Rev D Design and Access Statement; Heritage Statement; Planning Statement; Fabric Condition and Listed Building Survey Report; Transport Statement; Ecological Report comprising Extended Phase 1 Habitat Assessment & Bat Scoping Assessment; Bat Survey Report – Emergence Survey; Arboricultural Report; Flood Risk Assessment and Drainage Strategy

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

- 3) A sample panel of brickwork shall be constructed on site, before the construction of the bungalows commences, to demonstrate the proposed brick, bond, mortar mix, profile and finish proposed for the new bungalows. The development shall then be built out in accordance with such details as shall first have been agreed in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Reason: To ensure that historic building features are properly examined and recorded.

- 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 demolition/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 amenity.

- 7) Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- Measures to minimise the production of dust on the site during demolition and construction works - mitigation of dust shall be in accordance with the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'
- Adequate and suitable measures for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive shall be employed. Any redundant materials removed from the site shall be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Measures to prevent the transfer of mud and extraneous material onto the public highway
 - (a) Parking and turning areas for construction and delivery vehicles and site personnel
 - (b) Timing of deliveries
 - (c) Provision of wheel washing facilities
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans (ref 3229 - 005) prior to the use of the site commencing.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans (ref 3229 - 005) prior to the use of the site commencing.
- Provision and permanent retention of electric vehicle charging points prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved charge point model list

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Reason: In the interests of amenity and sustainable development.

- 8) Prior to the use of the development hereby permitted commencing, each of the on plot resident parking spaces shall be fitted with active charging points; with the remainder provided as passive charging spaces.

Reason: In the interests of sustainable development and encouraging sustainable modes of travel.

- 9) If during construction/demolition works evidence of potential contamination is encountered which was not previously identified, 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.

Reason: In the interests of amenity.

- 10) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy dated 14th October 2020 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):
- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
 - appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 11) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- 12) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 13) Details of bird and bat nesting boxes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

The details shall include the exact location, specification, and design of the habitats. The boxes / bricks shall be installed within the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The nesting boxes shall be installed strictly in accordance with the details so approved, and shall be maintained as such thereafter.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policy DM28 of the local plan

- 14) Notwithstanding the provisions of Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no new windows or dormer windows (other than those expressly authorised by this permission), shall be constructed on the bungalows (as identified on drawing number 3229 005

Rev i) without the granting of specific planning permission:

Reason: To protect the visual amenity of the neighbourhood and the amenities of future occupants in accordance with policy DM14 of the Local Plan 2017

- 15) Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the four bungalows (as identified on drawing number 3229 005 Rev i) is not permitted without the granting of specific planning permission:

Reason: In order to safeguard the character and appearance of the area and the amenities of future occupiers in accordance with policy DM14 of the Local Plan 2017.

- 16) Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or Order revoking and re-enacting that Order with or without modification) no hard surfacing of the frontages to the bungalows approved for landscaping.

Reason: In the interests of visual amenity ensuring that front gardens are retained as attractive landscape elements

- 17) Prior to the construction of any 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 interests of energy efficiency and lowering carbon emissions.

- 18) Prior to the commencement of development, a scheme of biodiversity enhancement measures must be submitted to the Local Planning Authority, to be agreed in writing. The scheme of biodiversity enhancement measures shall be carried out in accordance with the approved details prior to completion of the flats in the listed building and/or the completion of the bungalows (whichever comes first).

Reason: In the interests of biodiversity

- 19) Details of a lighting strategy for the development site shall be submitted, setting out the general distribution and design guidelines for all installations in the development, including the cycle storage areas. The Lighting Strategy shall also include information about potential light spill on to the surrounding area and shall be submitted to and approved by the Local Planning Authority, in writing, before the development is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied.

Reason: To help avoid conflict and light pollution.

- 20) Prior to the commencement of development, detailed plans that show accessible cycle and secure storage space shall be submitted to and approved in writing by the Local Planning Authority and implemented thereafter in accordance with such

approval.

Reason: To ensure that satisfactory and secure facilities for the parking of cycles are provided

- 21) Prior to the commencement of development, detailed plans that show the provision, including ground or wall anchors, is made for the security of Motorbikes, Mopeds, Electric bikes.

Reason: To ensure that satisfactory and secure facilities for the parking of cycles are provided

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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.

RECOMMENDATION B

GRANT Listed Building Consent subject to the following conditions

- 1) Before the relevant work begins, details in respect of the following (for both the listed buildings and the new bungalows) shall be approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details for example:
 - a) detailed drawings at [1:20 or 1:50] of all proposed windows and doors including a 1:2 or 1:5 section drawing of the proposed glazing bars.
 - b) samples of all external materials and surface finishes including bricks and roofing materials
 - c) detailed drawings of the following:
 - all proposed external flues, vents, downpipes and any other external pipework
 - leadwork details
 - the eaves of the new bungalows

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) A sample panel of brickwork shall be constructed on site to demonstrate the proposed brick, bond, mortar mix, profile and finish proposed for the new bungalows.

Reason: To ensure that special regard is paid to protecting the special

architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 3) Before work begins, steps shall be taken to protect the following interior features from damage or theft and shall remain in place for the duration of the construction/alteration work hereby permitted. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority:
- Historic staircases
 - balustrades/handrails;
 - Historic fireplaces/chimney-pieces;
 - Historic doors and architraves which are proposed to be retained and reused;

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990

- 4) Before any works commence on site, a schedule of all historic architectural features/fixtures to be retained shall be submitted to the Local Planning Authority and shall be adhered to as part of the listed building consent.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 5) All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest, integrity and setting of the listed building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 6) Any new facing brickwork required on the listed buildings shall match the original brickwork in respect of dimensions, colour, texture, face bond and pointing unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 7) Before work begins, a schedule and annotated plan showing the full extent of alteration works to existing windows shall be approved in writing by the Local Planning Authority and the work agreed carried out in full. (LBC 01).

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 8) All new rainwater goods (gutters, downpipes, hopperheads and soil pipes) on the listed buildings shall be constructed of cast-iron. Aluminium rainwater goods would be acceptable on the new bungalows.

Reason: To ensure that special regard is paid to protecting the special

architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 9) No cleaning of masonry, other than low pressure (20-100 psi) surface cleaning using a nebulous water spray is authorised by this consent without the prior approval of the Local Planning Authority. Before work begins, any other cleaning proposals must be approved in writing and carried out strictly in accordance with those details. At the commencement of the cleaning, a test panel shall be undertaken in an inconspicuous position and the method recorded to the approval of the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES

1. This Listed Building Consent relates solely to the plans, drawings, notes and written details submitted with the application, or as subsequently amended in writing and referred to on this decision notice. Any variation of the works or additional works found to be necessary before work starts or while work is in progress [or required separately under the Building Regulations, by the County Fire Service or by environmental health legislation] may only be carried out subject to approval by the Local Planning Authority. Unauthorised modifications, alterations, or works not covered by this consent may render the applicant, owner(s), agent and/or contractors liable to enforcement action and/or prosecution.
2. Listed Building Consent is required for any [abrasive cleaning/sand-blasting] of any part of this building. The carrying out of such work without consent may render the applicant, owner(s), agent and/or contractors liable for enforcement action and/or prosecution.
3. Any re-pointing of the listed buildings shall be undertaken using a lime mortar which matches the historic pointing in terms of colour, texture and profile. If in doubt, the Local Planning Authority should be consulted. Cement render, cement pointing and weather-struck profiles are wholly inappropriate on listed buildings and should not be employed on any of the listed buildings 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.

