

2.10 REFERENCE NO - 22/500641/FULL		
APPLICATION PROPOSAL		
Construction of one additional storey to the existing building to provide 9no. residential units, the replacement of all existing windows at first and second floor level and the repair/repainting of rendering.		
ADDRESS Bank House Broadway Sheerness Kent ME12 1TW		
RECOMMENDATION – Delegate to GRANT planning permission , subject to payment of the SAMMs contribution and subject to no adverse comments from the Environment Agency.		
SUMMARY OF REASONS FOR RECOMMENDATION:		
The application proposal is considered to meet the requirements of the Swale Local Plan 2017. In addition, although concerns have been raised as to the lack of parking associated with the development, the site is centrally located within Sheerness and benefits from easy access to public transport. Bicycle storage facilities are also to be provided as part of the proposed scheme in order to encourage the use of sustainable transport.		
REASON FOR REFERRAL TO COMMITTEE		
Sheerness Town Council have raised an objection to the proposed development.		
WARD Sheerness	PARISH/TOWN COUNCIL Sheerness Town Council	APPLICANT Grantley Property Investments Limited AGENT Edwards Planning Consultancy
DECISION DUE DATE 13/05/22	PUBLICITY EXPIRY DATE 17/03/22	

RELEVANT PLANNING HISTORY

21/506242/PNMA - Prior notification for the change of use from Commercial, Business and Service (Use Class E) to 10 no. self-contained flats (Use Class C3). For its prior approval to: Transport impacts of the development, particularly to ensure safe site access; Contamination risks in relation to the building; Flooding risks in relation to the building; Impacts of noise from commercial premises on the intended occupiers of the development; Where the building is located in a conservation area, and the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area; The provision of adequate natural light in all habitable rooms of the dwellinghouses; The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and where the development involves the loss of services provided by a registered nursery, or a health centre maintained under section 2 or 3 of the National Health Service Act; The impact on the local provision of the type of services lost. - Prior Approval Granted

Decision Date: 14.01.2022

1. DESCRIPTION OF SITE

- 1.1 Bank House is a three-storey commercial building located on a corner plot on the busy road junction. The building façade extends along sections of both the Broadway and Trinity Road. The building has a flat roof and its design features large glazing panels along each elevation. The ground floor units are in retail and other commercial uses. It is understood that part of the ground and first floors of the building are used as a martial arts training studio and a fitness centre (Class D2) and that the remainder of the first floor is in office use. The second floor of the building is comprised of three vacant self-contained office units and consent was recently granted for their conversion to residential use via the permitted development prior approval process under application ref: 21/506242/PNMA. There is a private carpark to the rear of the building which is accessed via Trinity Road.
- 1.2 The property is centrally located within the town centre and within the Sheerness Mile Town Conservation Area, and it lies within the built-up area boundary of Sheerness. Trinity Church to the west of the site is a Grade II listed building.

2. PROPOSAL

- 2.1 The application proposal relates to the addition of a new floor to the building to facilitate the creation of 9 residential units. The new proposed storey will comprise of a mansard roof extension and will add approximately 2.8 metres to the height of the building. The proposed works also relate to the replacement of all of the existing windows at first and second floor level and to the repair/repainting of the external render to the building. The development proposal also allows for the erection of a secure bicycle shed within the rear car park.

3. PLANNING CONSTRAINTS

Sheerness Mile Town Conservation Area
Flood Zones 2 and 3
EA Flood Warning Area
SSSI Impact Risk Zone
Within the setting of a Grade II Listed Church

4. POLICY AND CONSIDERATIONS

- 4.1 National Planning Policy Framework 2021
- 4.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017:
- ST1 Delivering sustainable development in Swale
 - ST3 The Swale Settlement Strategy
 - ST6 The Isle of Sheppey Area Strategy
 - CP3 Delivering a wide choice of high-quality homes
 - CP4 Requiring Good Design
 - CP8 Conserving and enhancing the historic environment
 - DM7 Vehicle parking
 - DM14 General development criteria

- DM19 Sustainable design and construction
- DM28 Biodiversity and Geological Conservation
- DM32 Development involving listed buildings
- DM33 Development affecting a conservation area

4.3 Swale Borough Council Parking Standards 2020

4.4 Sheerness Mile Town Conservation Area Appraisal

5. LOCAL REPRESENTATIONS

5.1 One local representation has been received, neither objecting to nor supporting the proposal, but asking for clarity on how the proposed works will impact parking as any scaffolding may impact where people can park.

5.2 However, as parking is restricted on the road adjacent to the building by existing barriers and double yellow lines, it is not considered that scaffolding on the building is likely to impact parking.

6. CONSULTATIONS

6.1 **Sheerness Town Council** – Object to the proposal owing to the lack of parking provision and the resultant impact upon the amenity of local residents.

6.2 **Historic England** – No comment

6.3 **Environment Agency** – Awaiting comments

6.4 **Kent County Council Highways Team** – No objection

6.5 Initial comments:

6.6 *'The proposed development does not include the provision of any parking spaces. Given its central location with access to location facilities and the provision of parking restrictions in the vicinity, this would not be a reason to object to the proposal. A bicycle storage area has been indicated, however this needs to be fully enclosed and secure. In addition its current position is abutting a car parking space, which reduces the amount of space allowed for a vehicle to park here (to allow for the car doors to be opened). It should be sited so as to allow a sufficient gap between the car parking space and the unit itself.'*

6.7 The agent has since amended the plans in relation to the cycle store to make the structure fully enclosed and has amended the location to allow a sufficient gap between the car parking space. Kent County Council Highways team have since confirmed that the revisions to the bicycle store design and location are acceptable.

6.8 **Natural England** – No objection, subject to the appropriate financial contribution being secured.

6.9 **Swale Borough Council Conservation Officer** – No objection, subject to conditions

- 6.10 **SBC Environmental Health Team** – No objection, subject to conditions relating to the hours of construction and to the control of any dust during demolition or construction works on site

7. **BACKGROUND PAPERS AND PLANS**

- 7.1 Please refer to the existing and proposed plans provided. A Planning Statement, Heritage Statement and Flood Risk Assessment have also been provided.

8. **APPRAISAL**

8.1 Principle of Development

- 8.2 Policy ST3 of the Swale Local Plan 2017 supports development within the urban confines of towns and local centres in the borough. The policy states that development will not be permitted on countryside land which falls outside of the defined built-up area boundaries unless the development proposal is supported by national policy and the development would contribute to protecting and enhancing the landscape setting.

- 8.3 Bank House is centrally located within Sheerness and the site lies in close proximity to high street. In this particular location, the principle of extending an existing building through the addition of a new floor is supported in policy terms, subject to the proposal meeting the requirements set out below.

8.4 Impact on Heritage and Wider Character and Appearance

- 8.5 Policy DM32 of the Swale Local Plan 2017 states that proposals that affect a designated heritage asset, or its setting, will be permitted only where the building's special architectural or historic interest, and its setting and any features of special architectural or historic interest which it possesses, are preserved.

- 8.6 Policy DM33 of the Swale Local Plan 2017 states that new development within, or adjacent to, a conservation area is expected to be both of an appropriate use, of a very high standard of design, and to respond positively to the grain of the historic area by preserving or enhancing the character or appearance of the place. In addition, buildings or features which make a valuable contribution to the character of a conservation area individually, or as part of a group, should be conserved, and that their demolition should only be permitted in exceptional circumstances, subject to the submission and approval of a detailed plan for redevelopment.

- 8.7 Policy CP4 of the Swale Local Plan 2017 requires development proposals to be of high-quality design and to be in keeping with the character of the area. It states that particular regard should be paid to the scale, height, materials, detailing, mass, bulk, articulation and site coverage of any future proposals.

- 8.8 The subject property is located within the Sheerness Mile Town Conservation Area and it is located within the setting of Holy Trinity Church, a Grade II listed building.

- 8.9 With regards to the potential impact of the proposed works upon the character and appearance of the streetscene in the context of the wider Conservation Area, the

Conservation Area Appraisal for Sheerness Mile Town highlights the importance of the public green space around Holy Trinity Church. However, the verdant character of the public space opposite Bank House and the associated important views towards the listed church will not be impacted by the proposed works. The appraisal also highlights the lack of uniformity between the buildings located close to the junction between the Broadway and Trinity Road. The appraisal states that '*Beyond the junction of Broadway with Trinity Road, the buildings are somewhat different in character with more variety in their type, size and design.*'

- 8.10 Bank House is located in a predominantly commercial area where the surrounding buildings are varied in their architectural design and scale. As a consequence of the lack of uniformity in the street, it is considered that there is potential to carry out modest changes to the height and appearance of the building without significantly or negatively impacting the Conservation Area setting. Although the addition of a mansard roof extension to Bank House will increase the height of the building, the increase to the bulk and scale of the building should not appear excessive in the context of the wider streetscene, which includes several taller buildings (for example, Ravelin House), and would strengthen the local townscape on this prominent corner plot. The mansard extension would replace the existing flat roof and, in my opinion, would improve the appearance of the building and enhance the wider character and appearance of the conservation area. The building will maintain the same footprint and the degree of separation between the existing building and the listed church will remain unchanged.
- 8.11 With regards to the potential impact of the proposed works upon the setting of the designated heritage asset, the special interest of the listed church lies in the fact that it is considered to be a fine example of an urban church building of its time. The building has also retained many original features, including its galleries, which are considered to make an important contribution to the character of the building. The verdant character of the land around the building is a key feature contributing to the setting of the building. The proposed works will not impact the verdant space around the building and will not significantly impact the views towards the church building. Accordingly, the setting of the listed building will remain largely unaffected.
- 8.12 I have consulted with the Conservation Officer, who has confirmed that the proposal will conserve and enhance the character of the Conservation Area and will not harm the significance of the listed church. As a consequence, there is no objection to the proposal on heritage grounds, subject to conditions relating to the windows and to the proposed construction materials. I consider that the conditions requested are reasonable and these will be added to any future consent.
- 8.13 With regards to the associated external works to the building, the works to renew and repair the external render and the replacement of the existing windows of the building on the first and second floor will smarten the appearance of the building. The size and design of the replacement windows are considered to be acceptable. The use of appropriate materials as suggested by the Conservation Officer can be secured via condition and will help to enhance the existing character of the building. The proposed bicycle store is to be located within the carpark of the building and it will not be widely visible from public vantage points. It is to be appropriately sited, set back from the existing parking spaces and enclosed to ensure an adequate level of security.

8.14 In light of the above, the proposal is not considered to harm the visual amenity of the area and it is considered to conserve and enhance the character of the Conservation Area and the setting of the listed building. It is therefore in accordance with policy requirements.

8.15 Impact on Amenity

8.16 Policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight, in an unreasonable loss of privacy, in an unreasonable loss of outlook or in excessive noise or odour pollution.

8.17 With regards to the potential for the proposal to result in excessive overshadowing, owing to the nature of the development, the proposal is unlikely impact neighbouring access to daylight or sunlight in a negative manner. The existing building is detached and set back from the nearest neighbouring residential properties. In addition, the scale would not increase significantly, given the building is already set over three floors.

8.18 With regards to the potential impact of the proposed works upon neighbouring privacy, the building is sited in a central urban location where a certain degree of overlooking is to be expected. The nearest adjoining properties to Bank House are the Community Church and the Doctor's Surgery so neither of the buildings in closest proximity to Bank House are in residential use. The privacy of those residents living at the nearest residential properties along Broadway (Ravelin House), Trinity Road and Strode Crescent are unlikely to be significantly impacted by the proposed works as the proposed windows serving the new floor to the building are mainly aligned with the existing windows of the building. The relationship and views afforded from the windows will thus be similar to those afforded by existing windows at second floor level. As prior approval was recently granted for the conversion of the second floor of the building to residential use, the potential for overlooking from the units within the mansard roof extension and those which are to be created at second floor level are considered to be similar to the previously approved scheme and will not be unduly harmful to neighbouring privacy. Although two windows are proposed along each of the flank elevations, they will face directly onto the flank wall of the doctors surgery and on to the roof of the Community Church so are not considered to be unduly harmful to neighbouring privacy. The proposed rooflights are also acceptable and will not afford any significant or harmful views to neighbouring properties.

8.19 With regards to the potential impact of the proposal upon neighbouring outlook, the new floor to the building is set back from neighbouring windows and it is unlikely to significantly or harmfully impact neighbouring outlook.

With regards to the amenity of future occupiers, the floorplans provided indicate that the proposed residential units will meet minimum space requirements and will be accessed in a similar manner to the existing upper floors of the building via the internal staircases. All of the habitable rooms of the properties will have access to adequate levels of natural light and the units will have access to bicycle storage and refuse storage facilities on

site. Though the proposed units have no access to outside amenity space, in this location it is not unusual for flats in central urban locations to have limited or no outside space.

8.20 Parking/Highways

8.21 Policy DM7 states that parking requirements in respect of any new proposed developments should be in accordance with adopted vehicle parking standards.

8.22 The Council's parking standards SPD states that where units of this size in this location are proposed, 1 space per unit is advised, although lower provision should be considered for areas with good accessibility and availability of other sustainable transport modes and/or where effective mitigation measures are in place or proposed.

8.23 In this case, no parking has been proposed. However, the site is centrally located in the town centre and provides excellent access to all modes of public transport and local facilities. In addition, as part of the proposed works, the applicant is to provide a secure cycle store to further encourage the use of sustainable transport. I have consulted with KCC Highways team, who have confirmed that in this location they do not object to the absence of parking.

8.24 Paragraph 111 of the NPPF states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*. Whilst the comments of the town council are noted, I do not consider that the lack of parking in this case would be likely to have a 'severe' impact upon the surrounding road network and consider that the site is well located to justify no parking provision for the units. The proposal is therefore considered to be adequate in its current form.

8.25 Flood Risk

8.26 Policy DM21 of the Swale Local Plan 2017 relates to water, flooding and drainage. The policy states that when considering the water-related, flooding and drainage implications of development, development proposals should accord with national planning policy and planning practice guidance and avoid inappropriate development in areas at risk of flooding and in areas where development would increase flood risk elsewhere.

8.27 The policy states that site specific flood risk assessments should be carried out to the satisfaction of the Environment Agency and, where relevant, the Internal Drainage Board. These assessments should include details of new flood alleviation and flood defence measures to be installed and maintained by the developer. The policy also sets out other requirements and states that within areas at risk of flooding, a suitable flood warning and emergency plan which has been approved by the relevant emergency planning regime should also be submitted.

8.28 The site is located within flood zones 2 and 3. The risk of flooding in this location is based upon the site's proximity to the coast. As residential schemes are classed in the 'more vulnerable' category of development, ordinarily the applicant would be obliged to provide details of flood resilient construction techniques. However, given that the application relates to accommodation on the fourth floor of the building, the flooding of

the units is deemed unlikely and the staircase accesses to the upper floors are existing and already in use. As a consequence, additional measures are not deemed to be required in this instance.

8.29 I am awaiting comments from the Environment Agency regarding the flood risk. However, in view of the high-level nature of the development, the risk of flooding is considered to be negligible and no adverse comments are expected.

8.30 Biodiversity

8.31 Policy DM28 of the Swale Local Plan 2017 states that any new proposed development should conserve, enhance and extend biodiversity, provide for net gains in biodiversity where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.

8.32 The site lies within 6km of the Medway Estuary and Marshes Special Protection Area (SPA), a European designated site which has been afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

8.33 SPAs are protected sites classified for the prevalence of rare and vulnerable birds and for regularly occurring migratory species on the site. Article 4(4) of the Birds Directive (2009/147/EC) requires steps to be taken by the relevant authorities to avoid activities on the site which are likely to result in pollution or in the deterioration or disturbance of bird habitat. Accordingly an appropriate assessment is required to establish the likely impact of the development-please see the appropriate assessment attached to the report below.

8.34 The agent for the applicant has confirmed that he would be prepared to make the standard financial contribution in this regard to mitigate against the potential harm to the SPA in accordance with the current agreement in Natural England and this will be collected prior to determination, subject to the approval of the proposed scheme.

9. **CONCLUSION**

9.1 The development proposal is considered to meet the requirements of the local plan policies and will make a valuable contribution to the local housing stock in the area, as well as helping to boost housing delivery in the Borough. Although within a Conservation Area and within the setting of a listed church, the scheme is not considered to be harmful to these heritage assets. Whilst I note that concerns have been raised as to the lack of parking in the area, the scheme is in a central location with excellent access to services and facilities and where parking provision can be relaxed. As a consequence, it is recommended that the application should be approved, subject to payment of the SAMMS contribution and subject to the receipt of no adverse comments from the Environment Agency.

10. RECOMMENDATION

That delegated powers are given to GRANT planning permission, subject to the receipt of no adverse comments from the Environment Agency, payment of the relevant SAMMS contribution, and subject to the following conditions:

CONDITIONS to include the following:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place other than in accordance with the following approved plans:

211130-05A
211130-06
211130-07
211130-08
211130-09
211130-10

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

3. Prior to the commencement of works, further details and samples of facing and roofing materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To conserve and enhance the character of the Conservation Area.

4. The replacement and new windows and external doors as approved shall be constructed in timber and retained as such thereafter.

Reason: To conserve and enhance the character of the Conservation Area.

5. Prior to the commencement of the development, a 1:10 elevation detail and a 1:1 or 1:2 plan and vertical section for each new / and / replacement window type to be used shall first have been submitted and subsequently approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. (please see Informative A, below)

Reason: To conserve and enhance the character of the Conservation Area.

6. Prior to the commencement of the development, a 1:10 elevation detail and a 1:1 or 1:2 plan and vertical section for each new / and / replacement external door type to be used shall first have been submitted and subsequently approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. (please see Informative A, below)

Reason: To conserve and enhance the character of the Conservation Area.

7. Prior to the commencement of the development, details of the colour finish(es) to be used for the painting of replacement and new joinery shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To conserve and enhance the character of the Conservation Area.

8. No demolition or construction works shall take place on the site other than between the hours of 0730 – 1800 from Monday to Friday and 0800 – 1300 hours on Saturdays and no construction or demolition works shall take place at any time on Sundays or on Bank or Public Holidays unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interest of the amenities of occupiers of neighbouring properties

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

Reason: In the interest of the amenities of occupiers of neighbouring properties.

10. The bicycle storage facility shown on the submitted plans shall be provided prior to the occupation of the residential units hereby approved, and thereafter kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude access to the storage facility.

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

11. No development shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

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

12. The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

INFORMATIVES

A. The sections to be provided shall include part of the surrounding masonry or joinery bordering the window or door opening and shall be set out clearly (annotated as necessary) to show the following details, as applicable:

- Depth of reveal
- Window head and cill/sub-cill detailing
- Glazing section (thickness of glass and in case of double glazing, dimension of spacing between the panes of glass)
- Glazing bar profile(s)
- Door frame / window frame
- Weatherboard and threshold detail (for doors only)

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.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Appropriate Assessment

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

SPAs are protected sites classified for the prevalence of rare and vulnerable birds and for regularly occurring migratory species on the site. Article 4(4) of the Birds Directive (2009/147/EC) requires steps to be taken by the relevant authorities to avoid activities on the site which are likely to result in pollution or in the deterioration or disturbance of bird habitat. Accordingly an appropriate assessment is required to establish the likely impact of the development.

In the recent 'People Over Wind v Coillte Teoranta' (ref. C-323/17) ruling by the Court of Justice of the European Union, the Court concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take

account of measures intended to avoid or reduce the harmful effects of the plan or project on that site.

It is acknowledged that the proposed development will increase footfall to the area, which results in potential harm to the SPA. However, the development is sufficiently small scale to ensure that the level of harm is limited. In addition, it is considered that it would be possible to mitigate against the potential harm through either on-site or off-site measures.

In this case, off-site mitigation measures are deemed to be more appropriate. When considering any residential development within 6km of the SPA, the Council seek to secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG). Such strategic mitigation must be in place before the development is occupied. The mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (which will be secured prior to the determination of this application) are considered sufficient to mitigate against any adverse effect on the integrity of the SPA. A fee of £ £275.88 per residential unit will be secured from the applicant towards such mitigation prior to determination, subject to a resolution to approve the scheme.

I have consulted with Natural England, who have advised that the proposal is acceptable, subject to payment of the aforementioned financial contribution.

