

<b>2.11 REFERENCE NO - 21/500204/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of existing public house and erection of a mixed-use building providing a micro pub (54 square metres) and 7 no. flats with associated parking, amenity space and cycle storage.		
<b>ADDRESS</b> Old House At Home 158-162 High Street Sheerness Kent ME12 1UQ		
<b>RECOMMENDATION</b> – GRANT subject to receipt of a SAMMS payment.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The proposed scheme will provide 7 residential units in a sustainable location and allows for the retention of a public house on the site through the creation of a micropub on the ground floor. The development proposal is considered to meet the requirements of the local plan policies and has the support of a number of the consultees.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Objection from Sheerness Town Council		
<b>WARD</b>  Sheerness	<b>PARISH/TOWN COUNCIL</b>  Sheerness Town Council	<b>APPLICANT</b> Mr M McAllister <b>AGENT</b> Kent Design Partnership
<b>DECISION DUE DATE</b> 20/04/21		<b>PUBLICITY EXPIRY DATE</b> 08/02/22

**RELEVANT PLANNING HISTORY**

SW/85/0173 – Demolition of two cottages adjoining public house and construction of new bar toilet and cellar extension and alterations to car park - Approved pre 1990  
Decision Date: 08.05.1985

**1. DESCRIPTION OF SITE**

- 1.1 The proposed development site is a part single-storey and part two-storey detached public house which is currently vacant. The building was previously operating as ‘The Old House at Home’ public house. However, I am advised that the business closed as a consequence of the Covid-19 pandemic. The existing building is located on a corner plot, although historically it was part of a collection of buildings along the High Street prior to the building of the current road system around the town that is now in place. The building has been constructed in yellow brick and is partially clad in horizontal shiplap cladding. The two-storey element of the building has a dual pitched roof with parapet to the façade of the building and the single-storey element has a flat roof design. The building benefits from an associated car parking area.
- 1.2 The site is centrally located along Sheerness High Street, within the built-up area boundary of the town and within the town centre.

## **2. PROPOSAL**

- 2.1 The development proposal relates to the demolition of the existing public house to facilitate the erection of a mixed-use development. The scheme was originally for a commercial unit with 12 flats on the upper floors but the scale of the development has been reduced during the application process.
- 2.2 The proposed scheme in its amended form is comprised of a three storey building housing a micropub on the ground floor and 7 flats on the upper floors (1 x studio flat, 2 x 1 bedroom flats and 4 x 2 bedroom flats). The design of the scheme also allows for a gated car parking area to the rear of the site with associated undercroft parking and hard and soft landscaping works.

## **3. PLANNING CONSTRAINTS**

- 3.1 The site constraints are as follows:

Primary Shopping Frontage - DM1  
Town Centre Boundary - DM2  
Flood Zones 2 and 3  
Built-up area boundary - Sheerness  
SSSI Impact Risk Zone

## **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
  - DM1 Maintaining and enhancing the vitality and viability of town centres and other areas
  - DM2 Proposals for main town centre uses
  - DM7 Vehicle parking
  - DM14 General development criteria
  - DM19 Sustainable design and construction
  - DM28 Biodiversity and Geological Conservation
  - 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 Three local representations have been received.

- 5.2 One of the representations objects to the proposal on the grounds that the existing building is historic and should be preserved.
- 5.3 One of the representations neither objects to nor supports the proposal but comments that the flat roof design and modern appearance of the proposed replacement building may not be appropriate.
- 5.4 The final representation expresses support for the proposal due to the provision of new units with parking in a central location and welcomes the more modern design approach.

## 6. CONSULTATIONS

- 6.1 **Sheerness Town Council** – Object to the proposal on the grounds that the proposal will result in the loss of an historic building which will impact the character of the conservation area. In addition, concerns have been raised as to the design of the new building, which is considered to be out of character with the surrounding area. Further concerns have also been raised as to whether the scheme has the potential to put pedestrians at risk.
- 6.2 **Kent County Council Highways Team** – No objection, subject to conditions relating to a construction management plan, visibility splays and parking.
- 6.3 **Kent Police** – No objection, subject to conditions relating to crime prevention.
- 6.4 **Kent County Council Flood Risk Officer** – No objection, subject to conditions relating to drainage
- 6.5 **Southern Water** – Southern Water records show the approximate position of water mains in the immediate vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water, before the layout of the proposed development is finalised. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Various informatives to be added.
- 6.6 **Natural England** – No objection, subject to the appropriate financial contribution being secured.
- 6.7 **Environment Agency** – No objection, subject to condition
- 6.8 **Kent County Council Ecology Team** – No objection, subject to conditions relating to biodiversity enhancements on the site and subject to the payment of the relevant SAMMs contribution.
- 6.9 **Kent County Council Archaeology Team** – No objection - If the Council is minded to permit the demolition of the building, archaeological conditions are recommended.
- 6.10 **Kent County Council Development Contributions** – As the scale of the development has been reduced, developer contributions are no longer required.

## 7. BACKGROUND PAPERS AND PLANS

Please refer to the existing and proposed plans provided.

## 8. APPRAISAL

### 8.1 Principle of Development

- 8.2 Policy ST3 of the Swale Local Plan 2017 promotes and encourages new development within established settlements. Sheerness is a Tier 2 settlement and expected to form the secondary urban focus (after Sittingbourne) for growth.
- 8.3 Policy DM1 of the Swale Local Plan 2017 seeks to protect primary and secondary shopping frontages through the retention of retail uses in key shopping areas. The policy allows for the limited introduction of other uses in town and local centres where they will enhance the primary retail function.
- 8.4 The policy states that where a property is located within a defined primary shopping area, the Borough Council will permit non-retail uses where they are considered to a) maintain or enhance the primary retail function of the area by adding to the mix of uses to help maintain or increase its overall vitality and viability, especially where providing a service or facility for residents or visitors currently lacking or under-represented in the town centre, or by increasing pedestrian activity in the immediate locality; b) do not result in a significant loss of retail floorspace or the break-up of a continuous retail frontage; c) do not lead to a concentration of non-retail frontage; and d) do not result in the loss or erosion of a non-retail use that underpins the role, functioning, vitality and viability of the area.
- 8.5 Policy DM2 of the Swale Local Plan 2017 states that planning permission will be granted for main town centre uses, taking into account the scale and type of development proposed in relation to the size, role and function of the centre.
- 8.6 The site is located centrally within Sheerness, where the principal of redeveloping an existing building is supported in policy terms, subject to it meeting other local plan policy requirements.
- 8.7 With regards to the suitability of the proposed development, the existing building was formerly in A4 (now sui generis) use as a public house and it is understood that the upper floor of the building was previously in residential use (most likely as accommodation associated with the pub). As the ground floor of the new proposed building is to be used as a micropub and the upper floors of the new proposed building are to be in residential use, the site will remain in mixed use and the use class at ground floor level will remain unchanged.
- 8.8 Likewise, the retention of a pub facility at ground floor level would maintain the vitality of the town centre, and encouragement is given to mixed use schemes with residential accommodation on upper floors in sustainable urban locations, which adds to the vitality of an area. Occupants would have immediate access to a range of services and facilities and sustainable transport choices.

- 8.9 In light of the above, the principle of the development proposal is considered to meet the requirements of Policies ST3 and DM1 of the Swale Local Plan 2017.
- 8.10 Impact on Heritage Assets and character and appearance of area
- 8.11 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.
- 8.12 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.
- 8.13 The application site is not within a conservation area, and is approximately 35 metres from the boundary of Sheerness Mile Town Conservation Area. The subject property is not listed or locally listed. However, in view of the age of some parts of the building, which are believed to date from the early 19<sup>th</sup> century, the building could potentially be regarded as a non-designated heritage asset under the NPPF. The significance of the site is derived from its age and its former use as a public house within the local community. Whilst the core of the building displays some historic interest, other elements of the building are more modern and of generally poor design.
- 8.14 The proposal would result in the total loss of the existing building. This would include its historic core which has some interest. However the building is not nationally or locally listed, is not in a conservation area, and has been subject to various internal and external alterations including a complete change to its original setting by virtue of the road construction to the south. It is a relatively intimate building in scale and I do not consider that its loss would adversely affect the setting of the nearby conservation area. The Council's conservation officer does not consider that the building makes a significant contribution to the character and appearance of the area and has low significance overall as a heritage asset. On this basis, I do not consider that there is justification to resist the demolition of this building in principle.
- 8.15 The replacement building will occupy a prominent corner position and should be of sufficient design quality and strength to reflect this. The proposals have been amended during the course of the application, to reflect a scale of development appropriate to this location. The proposed building would have a central section of three storeys in height incorporating a curved frontage at the road junction finished in yellow stock bricks. Each wing of the building would then include a small set back at second floor level and partial cladding with powder coated aluminium. The building would drop to two storeys at the end of each wing, both again finished in yellow stock bricks. The proposed new building incorporates pedestrian access points set within decorative archways on both the High Street and Trinity Way and a gated vehicular access. The building is considered to be of

good quality design that addresses both road frontages in a positive way. The increased height of the proposed replacement structure will be in keeping with the taller three storey properties along sections of the High Street, and the reduction in the height of the building on Millenium Way manages the relationship with the adjacent age UK building in a positive way.

- 8.16 The enclosure of the car parking area also introduces better definition between the public and private space along the High Street and includes a small communal area of outside space for the benefit of future residents, which is to be landscaped using native plant species. The proposed flats are in accordance with minimum space requirements. Adequate provision has also been made for parking, refuse storage and for bicycle storage on the site. The entrance to the proposed micropub is set within a cut-back in the building at ground level and this unit would enjoy two frontages to each road. The planning statement confirms that refuse will be collected from the micropub via a private company and further details of the refuse storage and disposal arrangements for the micropub can be secured via condition. The development proposal is considered to make a positive contribution to local housing stock in this location and will increase footfall in this part of the High Street, which will benefit local businesses.
- 8.17 The proposal would result in the loss of some existing landscaping on Millennium Way that falls under the control of Kent County Council. No objection has been raised to this, subject to compensation measures agreed with KCC in line with their established guidance and mechanisms for this.
- 8.18 Overall, I consider that the proposal is of high-quality design that is appropriate to its context and addresses the two road elevations in a positive way. As the scale of the building has been designed to respond to surrounding properties, I do not consider it would adversely impact upon the setting of the nearby conservation area. The Council's conservation officer is similarly of the view that it would not appear out of place or harm the setting of the conservation area. On this basis I am satisfied that the proposal would accord with the above local plan policies and is appropriate to its setting.
- 8.19 Impact on Residential Amenity
- 8.20 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.
- 8.21 With regards to the potential for the new building to overshadow neighbouring properties, although the replacement building will be taller than the existing building, the new proposed building is detached and will be set back from the nearest neighbouring properties, such that it should not unduly impact neighbouring access to daylight or sunlight.
- 8.22 Similarly, with regards to neighbouring outlook, the proposed development is sufficiently set back from the neighbouring buildings to avoid having an unreasonable impact upon neighbouring windows.

- 8.23 With regards to the potential impact of the proposal upon neighbouring privacy, although the design of the proposed replacement building allows for glazing along the front, side and rear elevations, the new building is located on a corner plot. Accordingly the windows along the south-eastern and south-western elevations will face directly onto the street and should not afford any significant or harmful views into neighbouring properties. The development would face upper floor flats on the opposite side of the High Street, but such relationships are commonplace across each side of the road. With regards to the proposed glazing along the north-western elevation of the building, the windows will face directly into the car parking area and communal garden area serving the development. Whilst it is acknowledged that there is a first-floor window along the flank elevation of 148 High Street, the proposed block plan provided shows that the new building will be located approximately 23 metres from the neighbouring flank wall and it is considered that the building is sufficiently set back to avoid an unreasonable degree of overlooking. In addition, any potential views towards the rear elevation of 44 Trinity Road will not result in privacy issues as the building is a former library and Council owned property which is believed to be vacant. With regards to the proposed glazing along the north-eastern elevation of the proposed building, the proposed upper floor windows will face directly on to the boundary shared with Rosemary House (43 Trinity Road). However, the property appears to be used by Age UK Sheppey and so residential amenity considerations will not apply.
- 8.24 The development has some potential for noise impacts relating to the location of a drinking establishment below the proposed flats. This can be mitigated through soundproofing measures and also by restricting the use of the establishment to a micropub. Such uses (compared to standard pubs) tend to be quieter neighbours as they do not incorporate TV's, jukeboxes or live / amplified music and usually offer a very limited food range. A condition is imposed to restrict such use.
- 8.25 Parking/Highways
- 8.26 Policy DM7 states that parking requirements in respect of any new proposed developments should be in accordance with Kent County Council vehicle parking standards.
- 8.27 The car parking area to the rear of the proposed building will provide parking for up to 6 vehicles. The adopted Swale car parking standards SPD advises that 1 space per unit may be required for the flats as proposed, but that in central locations such as this the parking provision can be relaxed. In view of the central location of the site, it is accepted that a lesser figure is acceptable due to the public transport opportunities in the vicinity, and access to services and facilities. In addition, a secure bicycle store has been included in the design of the development to encourage an alternative means of transport. The Kent County Council Highways team raise no objection to the proposal in this respect.
- 8.28 With regards to the access on to the High Street, whilst I note the concerns raised in the representations received regarding the safety of the access, it is to be sited in a similar location to the existing car park access. In addition, Kent County Council Highways team have raised no objection to the proposed access subject to conditions relating to visibility splays. The vehicular access in front of the proposed access gates is also set in from the

road by approximately 5 metres which should be sufficient to allow vehicles to pull off the road whilst the gates are opening to avoid vehicles waiting on the highway.

- 8.29 Kent County Council have highlighted that the creation of a proposed access from Trinity/Millennium Way would require the removal of highway owned trees and other soft landscaping features and the applicant will need to seek the approval of Kent County Council for this. In addition, Kent County Council will need to be compensated for the loss of assets in line with CAVAT (Capital Asset Value of Amenity Trees). An informative will be added to any future consent in this regard.
- 8.30 Biodiversity and Climate Change
- 8.31 Due to Climate Change, the Council currently seek an energy efficiency pre-commencement condition on the grant of future planning permissions to ensure at least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended).
- 8.32 The design of the proposed building incorporates the use of solar panels on the roof of the building, and the standard condition relating to energy efficiency is proposed below.
- 8.33 Biodiversity
- 8.34 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.
- 8.35 The current site is vacant and has been surveyed for bats. The preliminary ecological survey indicates that the potential for bats is negligible. However, as the survey was carried out 12 months ago, and following advice from KCC Ecology, a suitable condition is proposed to require the applicant to carry out a full external and internal inspection of the building prior to its demolition to ensure that the data provided is still valid.
- 8.36 Given that the site allows for a limited amount of shared private amenity space adjacent to the proposed parking area, a condition will also be added to require a scheme of biodiversity enhancements.
- 8.37 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).
- 8.38 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, and this is provided at the end of this report.
- 8.39 It is acknowledged that the proposed development will increase the number of residential units on the site by 6 and the development may therefore potentially increase



footfall to the SPA. Whilst an increase in footfall to the area has the potential to result in harm to the protected species of birds within it, as per the advice received from Kent County Council Ecology Team, it is possible to mitigate against the potential harm to the SPA through either on-site or off-site measures.

8.40 In this case, Natural England and KCC Ecology have confirmed that off-site mitigation measures would provide a satisfactory means of mitigating against the potential harm to the SPA.

8.41 The agent has confirmed that the applicant is 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 with Natural England and this sum will be collected prior to determination, subject to the approval of the proposed scheme.

#### 8.42 Flood Risk

8.43 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.

8.44 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.

8.45 The site is located within flood zones 2 and 3 and is deemed to be at risk of coastal flooding in this location. The Environment Agency raise no objection to the scheme as long as a condition is added restricting the location of any sleeping accommodation to the upper floors of the building. A condition will be added on this basis.

#### Other Matters

8.46 Archaeology – Due to the age of the existing building, it is recommended that archaeological conditions should be added to any future consent to ensure that any significant findings are recorded. The conditions recommended by KCC Archaeology and the Swale Borough Council Conservation Officer will be added in line with their recommendations.

8.47 Drainage – Some information as to drainage proposals has been set out in the flood risk assessment. However, as the measures are only recommended in the report, further information relating to the proposed foul and surface water drainage schemes shall be requested via condition.

## 9. CONCLUSION

- 9.1 The proposed demolition of the existing vacant building is considered acceptable in heritage terms, despite the presence of some historic elements to the building. The proposal would retain a public house use at ground floor level and the proposed design with flats on upper floors would make good use of this corner site and is good quality design. Given that the Council is currently unable to demonstrate a 5 year housing supply, the proposal will also make a contribution to local housing stock and regenerate a vacant premises in a prominent location. On this basis, it is considered that the applications accords with the development plan and should be approved.

## 10. RECOMMENDATION

That planning permission is Granted, subject to receipt of the relevant SAMMS payment and subject to the following conditions:

### CONDITIONS to include

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

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

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

20.39.PL01, 20.39.PL02A, 20.39.PL03A, 20.39.PL05B, 20.39.PL06A, 20.39.PL07A, 20.39.PL08, 20.39.PL09, KDP/1702/22, Fellgrove Arboriculture Tree Survey

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

3. The ground floor commercial premises shall be used for the purpose of a micropub only and for no other purpose, including any other purposes under the Town and Country Planning (Use Classes) Order 1987 (as amended), and shall be operated in accordance with the following -

- That the business is primarily operated for the sale of real ales and cider
- That no slot machines, games machines, televisions, jukeboxes, live or amplified music are operated from the premises.

Reason: In the interests of the residential amenities of the flats above the premises.

4. The micropub hereby approved shall not be open to the public outside of the hours of 11.00 to 23.00.

Reason: In the interests of the residential amenities of the area.

5. No development beyond the construction of foundations shall take place until a scheme of acoustic insulation measures to mitigate the transmission of noise between the ground floor commercial unit and upper floor residential units has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of future occupiers of the residential units.

6. No outdoor seating areas, smoking shelters or other outdoor facilities for patrons of the ground floor commercial unit shall be provided or operated.

Reason: To protect the amenities of future occupiers of the residential units.

7. Details of any mechanical ventilation system to be installed shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the development, and upon approval shall be installed, maintained and operated in a manner that prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Reason: In the interests of the residential amenities of the area.

8. No development shall be commenced until a Construction Management Plan has been submitted to and approved in writing by the local planning authority, and shall include the following:

- (a) Routing of construction and delivery vehicles to / from the site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

The approved details shall be adhered to throughout the construction process.

Reason: In the interest of highway safety

9. The site access as shown on the submitted plans, shall be completed prior to the use of the site commencing and maintained for such use thereafter.

Reason: In the interest of highway safety.

10. Prior to the use of the site commencing, the visibility splays as shown on the submitted plan ref: 20.39.PL08 and 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access shall be implemented on site and maintained thereafter, with no obstructions over 0.6metres above carriageway level within the splays.

Reason: In the interest of highway safety.

11. The approved vehicular access shall be created using a bound surface for the first 5 metres of the access when measured from the edge of the highway.

Reason: In the interest of highway safety.

12. No development shall commence until details of the proposed means of foul sewerage and surface water disposal, including measures to prevent the discharge of surface water onto the highway, have been submitted to and approved in writing by, the Local Planning Authority. The drainage systems shall be implemented on site in accordance with the approved details prior to first occupation of the development.

Reason: In order to ensure that existing drainage systems are not overloaded and to prevent surface water runoff on to the highway.

13. The parking spaces and the bicycle store shown on the submitted plans shall be 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 vehicular access to the parking spaces or access to the bicycle store. The parking spaces bicycle store and access thereto shall be provided prior to the occupation of the development hereby approved.

Reason: Development without adequate provision for the parking of cars is likely to lead to parking inconvenient to other road users.

14. One active and 5 passive Electric Vehicle charging points shall be provided at the site prior to the occupation of the development hereby permitted and they shall be retained permanently thereafter. All Electric Vehicle charging points shall 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 chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list> )

Reason: To ensure the provision and retention of electric vehicle charging facilities in the interest of reducing greenhouse gas emissions.

15. No development beyond the construction of foundations shall take place until a scheme of biodiversity enhancement measures have been submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of native species planting' The approved details shall be completed prior to first occupation of the development and thereafter retained.

Reason: To minimise impacts on and provide net gains for biodiversity in accordance with the requirements of the NPPF.

16. No development shall commence (including site clearance) until an updated bat

scoping survey report has been submitted to and approved by the local planning authority. The survey will include a full external and internal inspection of the buildings to be demolished and consider the potential for bats to be roosting within the buildings and identify if there is a need for bat emergence surveys to be carried out. If the survey identifies a need for bat emergence surveys to be carried out, the results of these surveys must be included with the submission for this condition discharge and feature suitable mitigation measures for the construction phase of the development, which will need to be carried out under Natural England licence. The approved mitigation measures must be implemented thereafter.

Reason: To reduce the potential for harm to protected species on the site.

17. No development shall commence 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 key principles contained within the Flood Risk Assessment report by Herrington's Consulting (January 2021). The submission shall also 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 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.

18. The development shall not 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 in writing by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that 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

19. No development beyond the construction of foundations shall take place until details in the form of samples of external finishing materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity

20. 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.

21. The residential units hereby approved shall be constructed and tested to achieve the following measure:

At least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended);

No development shall take place until details of the measures to be undertaken to secure compliance with this condition have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

22. Any proposed perimeter and boundary treatments which are to be installed on the site shall be a minimum of 1.8m in height, including any side entrance gates and the gates should be capable of being locked on both sides.

Reason: In the interests of crime prevention.

23. All residential development shall be located at first floor level and above.

Reason To ensure the protection of all residents at the site from flood risk.

24. 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.

25. 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.

26. All hard and soft landscape works shall be carried out on the site in accordance with the details contained in drawing ref: KDP/1702/22. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Upon completion of the approved hard and soft landscaping scheme as detailed on the approved drawings, if any trees or shrubs are removed, die, become severely damaged or become seriously diseased within five years of planting, they shall be replaced with trees/shrubs of a similar size and species unless otherwise agreed in writing with the Local Planning Authority.

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

27. Prior to first use of the micropub, full details of the refuse storage and disposal arrangements for the micropub shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to first use of the micropub and retained for such purposes thereafter.

Reason: In the interest of protecting and preserving neighbouring amenity.

## **INFORMATIVES**

1. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web:[www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.
2. The new pedestrian access which is proposed from Millennium Way into the development will involve the removal of shrubs and trees located in the adjacent verge, which falls under the control of Kent County Council. Kent County Council will need to be compensated for the loss of these assets in line with CAVAT (Capital Asset Value of Amenity Trees). Agreement must be sought and compensation agreed directly with Kent County Council under a Section 278 Agreement prior to the commencement of works to the access and verge.
3. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highway-s-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

4. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The 8 inches public water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future access for maintenance.
- No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water.
- No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public water main.



- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

Please refer to: [southernwater.co.uk/media/3011/stand-off-distances.pdf](https://southernwater.co.uk/media/3011/stand-off-distances.pdf)

The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to:

[Developer.Services@southernwater.co.uk](mailto:Developer.Services@southernwater.co.uk)

5. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](https://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

[southernwater.co.uk/developing-building/connection-charging-arrangements](https://southernwater.co.uk/developing-building/connection-charging-arrangements)

6. The developer can discharge surface water 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 sewerage system.
7. The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

[water.org.uk/sewerage-sector-guidance-approved-documents/](https://water.org.uk/sewerage-sector-guidance-approved-documents/)

[ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](https://ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.

- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

8. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at:  
[SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

### **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.

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

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

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

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

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

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

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

However, the proposed development is of a very small scale and, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to the conditions set out within the report.

Notwithstanding the above, NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG), and that such strategic mitigation must be in place before the dwellings are occupied.

Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.

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

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

It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme

(SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others (<https://birdwise.org.uk/>).

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.

