

2.9 REFERENCE NO - SW/14/0563			
APPLICATION PROPOSAL Demolition of redundant and dilapidated commercial buildings/units and replace with seven no. two bedroom flats, one no. one bedroom flat and 1 no. 2 bed house with parking, access and amenity space.			
ADDRESS Rear Of 119-129 High Street, Milton Regis, Sittingbourne, Kent, ME10 2AR			
RECOMMENDATION Approval subject to amended plans to provide an obscure glazed flank window to unit 1, relocate velux window within unit 8, new front page of application form to leave only landscaping as a reserved matter and, further details of the bin and cycle stores.			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The development would be acceptable in principle as the loss of this site as employment land has been adequately justified. The impact on the conservation area and two listed buildings has been assessed as being acceptable with the settings of both preserved and enhanced to some degree. The general design and appearance of the dwellings would be appropriate for this area and the scale, bulk and detailed design would be acceptable. The layout and window position of the proposed dwellings would ensure that there is no undue impact of the surrounding residents. In addition, the residential use of this site would not cause any significant harm by way of noise and disturbance, especially compared to the extant B2 use of the site. I am awaiting comments from Kent Highway Services but do not anticipate any highway safety/amenity concerns.			
REASON FOR REFERRAL TO COMMITTEE More than 3 objections and Ward Member call in.			
WARD Milton Regis	PARISH/TOWN Sittingbourne	COUNCIL	APPLICANT Mr Michael Withers AGENT
DECISION DUE DATE 16/07/14	PUBLICITY EXPIRY DATE 20/02/15	OFFICER SITE VISIT DATE 22/01/15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/08/1081	Change of use from employment to 13 residential units comprising residential and construction of 6 two bed flats and two rows of houses comprising 3 three bed and 4 two bed houses.	Refused	27/11/08
<i>No justification for loss of employment use; harm to setting of listed building and conservation area; layout parking dominated; overbearing impact on adjacent properties and inadequate parking.</i>			
SW/09/0396	Demolition of existing business use premises and residential re-development of site to provide 7no. 2 bedroom single aspect cottages and 2 no. 3 bedroom cottages with associated access driveway and garages.	Refused	03/07/09
<i>Harm to setting of listed building and conservation area; detrimental to residential amenities by way of overbearing and overlooking; inadequate parking and turning within the site and; inadequate width of access.</i>			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is currently used as a car repair business/storage yard. The land is approximately 1.5 m higher than the road with its access formed from High Street. The site is 'L' shaped and is surrounded by residential properties. Until recently there were three buildings on this site. A number, possibly all of these buildings, have been demolished already.
- 1.02 The site lies just outside and to the north of the Milton Regis High Street Conservation Area. It is also adjacent to Grade II listed buildings – nos. 115 and 117 High Street, both 2 storey dwellings. The dwellings to the side and rear of the site are 2 storey pitched roof semi-detached houses of a typical 1950s design. Some of these properties have garages and sheds to the rear.
- 1.03 The site is relatively flat with the properties to the rear and side at approximately the same ground level as the application site. The site area total 0.12 ha.

2.0 PROPOSAL

- 2.01 This application seeks outline planning permission for the erection of seven 2 bedroom flats, one no. 1 bedroom flat and one 2 bedroom house with associated parking, bin stores and access. This application leaves only landscaping as a reserved matter for which approval would be required under a separate application. The application as originally submitted excluded land to the rear of no. 111 High Street, a public house. The original application also proposed a building that would have had a flat roof and modern architecture. The scheme has been amended following extensive discussions between Officers and the applicant. The scheme now provides a block of flats and one attached house within the middle of the site. Parking would be provided in a row opposite this block. A smaller block consisting of 2 flats would occupy the space to the rear of 111 High Street. Both blocks would have pitched roofs and would be of a traditional design. The first floor of the flats/house would be largely within the roofspace resulting in buildings with a maximum ridge height of 8 metres.
- 2.02 Each block would be provided with communal amenity space. The block layout plan indicates that the access road would have block paving and a number of trees are shown. However, Members should note that this landscaping detail is indicative at this stage.
- 2.03 In total, there would be 12 parking spaces provided for the 9 dwellings. Access to the site would be from High Street, adjacent to no. 117.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.12ha	0.12 ha	0
Approximate Ridge Height (m)	6m approx	7.5-8m	1.5-2m
Approximate Eaves Height (m)	4m approx	3.5-4m	0
No. of Storeys	1	2	1
Parking Spaces	?	12	n/a
No. of Residential Units	0	9	9

4.0 PLANNING CONSTRAINTS

Archaeological Sites YES

Conservation Areas Milton Regis - High Street

Landfill Yes

Listed Building Affect Setting Grade 2

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):

The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking. For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - 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; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF outlines a set of core land-use planning principles (**Para 17**) which should underpin both plan-making and decision-taking including to -Contribute to conserving and enhancing the natural environment and reducing pollution and encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high value.

Paragraph 22 - Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Paragraphs 47-55 of the NPPF seek to significantly boost the supply of housing.

Paragraphs 56-68 of the NPPF requires good design

Paragraphs 126-141 of the NPPF refers to conserving and enhancing the historic environment.

National Planning Practice Guidance (NPPG) – Conserving and Enhancing the Historic Environment; Design; Determining a Planning Application; Land affected by Contamination; Use of Planning Conditions and; Water Supply, Waste Water and Water Quality.

Development Plan: Swale Borough Local Plan 2008 – E1 (general development criteria); E14 (development affecting listed buildings); E15 (development affecting a conservation area); E19 (high quality design); B1 (retaining and supporting existing employment and land businesses); H2 (providing for new housing) and T3 (vehicle parking).

6.0 LOCAL REPRESENTATIONS

We have received six representations from surrounding properties. A summary of their comments is as follows:

- query whether the site is contaminated;
- highway safety concerns in respect of the access to vehicles and pedestrians;
- the access is too narrow;
- concern about buildings being demolished already;
- disturbance of their quality of life;
- extra noise;
- no mains drainage;
- overlooking and;
- concern about encroachment on adjacent land and the use of land outside of the application site (both issues now resolved by amended plans).
- Support application but object to trees planted close to their property and the close proximity of the bin stores.

7.0 CONSULTATIONS

7.01 The Council's Environmental Health Manager has no objections to the proposal subject to conditions to require a contaminated land assessment and mitigation/remediation if necessary and; the control of construction hours and a programme for the suppression of dust.

7.02 Kent Highway Services state that:

"The proposed parking provision would be considered to accord with the amount suggested within the current adopted parking document used in Kent, IGN3, which promotes a maximum of 1 space per 2 bedroom flat in locations such as this. The development offers 12 spaces for the 9 flats, so this represents an additional 3 visitor spaces on top of the residential allocation.

The widened access will be adequate to cater for the movement of vehicles associated with residential use of this site, but it is assumed that the development will remain in private management, as the internal layout will not accommodate general public access by large vehicles. This is in common with most flatted developments, and refuse collection will therefore need to be arranged from a collection point close to the public highway."

They also note that the specific details of the bin store and cycle parking detail should be clarified to ensure that there is adequate provision. They have no objection subject to the conditions recommended in this report.

7.03 KCC Archaeology have commented on previous applications and have requested a condition to secure a programmes of archaeological works.

7.04 I am awaiting comments from Southern Water.

7.05 Councillor Tolhurst (one of the Ward Members) has requested that the application be reported to the Planning Committee.

8.0 BACKGROUND PAPERS AND PLANS

Proposed plans and elevations; site layout plans and Planning Statement.

9.0 APPRAISAL

Principle of Development

- 9.01 The application site is currently occupied by a business and therefore policy B1 applies. This seeks to retain existing employment sites unless: its is inappropriately located having an unacceptable environmental impact; it can be demonstrated by expert advice that the site is no longer suitable for any employment use and; it can be demonstrated by market testing that there is insufficient demand to justify its retention.
- 9.02 Under the 2009 application (SW/09/0396), Officers accepted the loss of the site as employment land owing to its proximity to residential properties and the potential for harm to the amenities of these residents, the need for housing within the borough in general and that the site was too small to be viable for a B1 office or light industrial use. I consider that these conclusions still stand and I am mindful of paragraph 22 of the NPPF (noted above) which perhaps encourages a more flexible approach to old employment sites. I therefore consider that the development of this site for housing is acceptable.

Visual Impact/Conservation Area/Listed Building

- 9.03 Members will be aware that the Council has a statutory duty to have regard to the desirability of preserving or enhancing the special character or appearance of the conservation area. The proposed dwellings would be largely obscured from views from the High Street due to the set back distance and relative heights of the buildings fronting the High Street. There may well be some views of the roofs, the flank elevation of unit 1 and the rear elevation of units 8 and 9 from the High Street and the adjacent Conservation Area but the traditional design of the proposed dwellings would ensure that they do not look out of place. I am mindful that the site currently looks cluttered and untidy in its current use as a car repair /storage business. The buildings that were on site until recently were industrial in appearance and of a poor quality design. The proposal will improve the appearance of the site in my view and would be more in keeping with the historic character of the Conservation Area.
- 9.04 The two blocks containing the dwellings have been designed after extensive negotiations with the applicant and I consider that the scale, form and detailed design of the buildings are successful in achieving a high quality development at this site. The blocks have been articulated by staggering the elevations and the varied roof slopes would help to ensure that the bulk of the buildings is minimised. The windows would reflect a traditional design and I consider that overall, the design will be successful in achieving a mews-like character. I have asked the applicant to provide a small obscure glazed window to the east flank elevation of unit 1 in order that interest is added. This is important as this elevation would be prominent when accessing the site. I have recommended a condition that will require samples of materials to be provided and consider that good quality materials will be fundamental in achieving a good standard of development. I have also recommended a condition to ensure that the windows and doors are timber given the close proximity of the proposed buildings to the Conservation Area and the adjacent listed buildings.
- 9.05 The surface material of the access road and parking bays, as well as the soft landscaping, will be important in the success or otherwise of the appearance of the scheme. This detail is yet to be considered and will come forward under a reserved matters application but I consider that the scheme can achieve an appearance that is not dominated by cars or hard standing.
- 9.06 The proposed development lies to the rear of two listed building that front High Street. The relationship between the new buildings and these listed buildings is therefore of significance. When making a decision on a planning application for development that

affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. This obligation is found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The closest that the proposed buildings would be to the listed buildings is 9 metres to the rear. I consider that this separation and position to the rear would ensure that the setting of the listed building is not compromised or harmed. Indeed, I consider that the setting would be preserved and even enhanced given the untidy nature of the land at present and the traditional design of the proposed buildings.

Residential Amenity

- 9.07 The proposed development has been carefully designed to ensure that the separation distances to the surrounding properties and the position of windows (with the exception of the velux window within the flank elevation of unit 8 which I have requested is moved higher to ensure that overlooking is prevented/minimised) would minimise any harm to residential amenities in terms of overlooking, overshadowing or an overbearing effect. Separation distances of 11m flank to rear and 21m front to back are provided and this conforms with the standards set out in the Council's adopted design guidance (albeit for domestic extensions) and the former Kent Design Guide and which officers tend to rely on for ensuring appropriate space and privacy standards. In addition, where the proposed buildings would be closest to the properties fronting Forge Road, there would be a lower ridge and eaves height, limiting the impact further. I consider that the current design and layout of the houses would overcome the previous reasons for refusal.
- 9.08 The bin stores would be placed so that they are adjacent to existing garages/outbuildings to surrounding properties. They would also be single storey and built of brick with an enclosing roof. This would limit the impact on local residents in my view.
- 9.09 In terms of noise and activity as a result of the proposed residential use of this site, it is clear to me that this would be far less of an impact on local residents than the extant use of the site as B2 – general industrial. The comings and goings of cars associated with the residential use of this site would create no worse impact than the current garage use of the site in my view. As such, I am of the view that the proposed new use of the site would not, in its self, cause harm to the amenities of the surrounding residents.
- 9.10 The placement of trees close to neighbour's boundaries is raised as a concern by a local resident. This detail will be considered under the reserved matters application and as such, should not be considered now, other than to flag it up to be addressed in any future application.
- 9.11 The internal and external space for the future residents of this development would be of an adequate size and standard in my view. Whilst I acknowledge that the proposed dwelling would normally be supplied with its own amenity space, it forms part of the block of flats and I consider that it would cause no harm to the amenities of its residents to share the communal amenity space.

Highways

- 9.12 Kent Highways are satisfied with the access and parking arrangements subject to appropriate conditions. I have recommended these conditions below. As such, I am of the view that the current proposal overcomes the previous highway reasons for refusal.

Other Matters

9.13 The land is highly likely to be contaminated and I have therefore recommended a condition to deal with this through appropriate remediation if necessary.

10.0 CONCLUSION

10.01 Having considered the comments from consultees and local residents, I am of the view that the development would be acceptable in principle as the loss of this site as employment land has been adequately justified. The impact on the conservation area and two listed buildings has been assessed as being acceptable with the settings of both preserved and enhanced to some degree. The general design and appearance of the dwellings would be appropriate for this area in my view and the scale, bulk and detailed design would be acceptable. I consider that the layout and window position of the proposed dwellings would ensure that there is no undue impact of the surrounding residents. In addition, I do not consider that the residential use of this site would cause any significant harm by way of noise and disturbance, especially compared to the extant B2 use of the site. I am awaiting comments from Kent Highway Services but do not anticipate any highway safety/amenity concerns.

11.0 RECOMMENDATION – GRANT Subject to the following conditions.

1. Details relating to the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced. The details shall include both hard and soft landscape works, planting schedules of plants, noting species (which should be native species where possible and of a type that will enhance or encourage local biodiversity and wildlife), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development to which this permission relates must be begun not later than the expiration of five years from the date of the grant of outline planning permission; or two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby approved shall be carried out in accordance with the following approved drawings: 1058-5200; 1058-5206 A; 1058-5204 A; 1058-5202 A; 1058-5205; 1058-5203 A, bin stores elevations.

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

5. Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any order

revoking and re-enacting that Order, no fences, gates, walls or other means of enclosure shall be erected within the application site.

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

6. No development shall take place until details in the form of cross-sectional drawings through the site showing the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development having regard to the sloping nature of the site.

7. The amenity area shown on the approved plans shall be retained for use by the residents of all the flats and house throughout the duration of the development.

Reason: In the interests of residential amenity.

8. Prior to the commencement of development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

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

9. Prior to the commencement of development hereby approved, a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority, comprising:

- a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the Local Planning Authority prior to any intrusive investigations commencing on site.
- b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

Reason: To ensure any land contamination is adequately dealt with.

10. Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

Reason: To ensure any land contaminated is adequately dealt with.

11. Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation 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: To ensure any contaminated land is adequately dealt with.

12. Prior to the commencement of development hereby approved, full details of the method of disposal of foul and surface waters shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: In order to prevent pollution of water supplies and localised flooding.

13. Prior to the commencement of development hereby approved, a programme for the suppression of dust during the demolition of existing buildings and construction of the development shall be submitted to and approved by the Local Planning Authority. The measures shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity.

14. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:-
Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

15. During construction of the development adequate space shall be provided on site, in a position previously agreed by the Local Planning Authority to enable all employees and contractors vehicles to park, load and off load and turn within the site.

Reason: In the interests of highway safety and convenience.

16. Adequate precautions to be previously agreed in writing by the Local Planning Authority, shall be taken during the period of demolition and construction to prevent the deposit of mud and/or other debris on the public highway.

Reason: In the interests of highway safety and convenience.

17. The area shown on the submitted plan as car parking and turning space 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) Order 1995 (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 thereto; such land and access thereto shall be provided prior to the occupation of the dwellings hereby permitted.

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

18. The vehicular access to the site as shown on the approved drawings shall be constructed and completed prior to the commencement of the first use of the development hereby permitted.

Reason: To ensure that a satisfactory means of access is provided for the site.

19. Prior to the commencement of development hereby approved, details of a covered secure cycle parking facility shall be submitted to the Local Planning Authority for approval in writing and the approved facility shall be provided prior to the occupation hereby approved and shall be retained in perpetuity.

Reason: To ensure that there is sufficient cycle parking at the site in the interests of sustainable development.

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

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

21. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

22. All doors and windows shall be timber and prior to the commencement of development hereby approved, detailed drawings of all new external joinery work and fittings shall be submitted to and approved by the Local Planning Authority, together with sections through glazing bars, frames and mouldings. The details shall include: elevations at 1:20; vertical and horizontal sections showing the location of frames within the walls, and 1:1 or 1:2 scale sections through all individual components. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in consideration of the proximity to the Conservation Area and listed buildings.

23. No development shall take place until details, including samples, of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

24. The dwellings hereby approved shall achieve at least a Level 3 rating under The Code for Sustainable Homes or any other specification approved by the Local Planning Authority, and no development shall take place until details have been submitted to, and approved in writing by the Local Planning Authority, which set out what measures will be taken to ensure that the development incorporates sustainable construction techniques such as rainwater harvesting, water conservation, energy efficiency and, where appropriate, the use of local building materials; and provisions for the production of renewable energy such as

wind power, or solar thermal or solar photo voltaic installations. Upon approval, the details shall be incorporated into the development as approved.

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

25. The window within the east flank elevation of unit 1 shall be obscure glazed and fixed shut apart from a top hung fan light which shall be a minimum of 1.7m above the floor level.

Reason: In the interests of residential amenities.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

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.