

3.2 14/501140/FULL		<u>Sheerness</u>	
APPLICATION PROPOSAL Creation of Vehicular Access and Driveway			
ADDRESS Victoria Working Mens Club And Institute Broadway Sheerness Kent ME12 1TP			
RECOMMENDATION Refuse			
SUMMARY OF REASON FOR REFUSAL The proposal is harmful to the conservation area and unacceptable in policy terms.			
REASON FOR REFERRAL TO COMMITTEE At the request of Councillor Mark Ellen.			
WARD Sheerness East	PARISH/TOWN COUNCIL NA	APPLICANT Mr C Boorman AGENT Mr Douglas Sheppard	
DECISION DUE DATE 22/09/14	PUBLICITY EXPIRY DATE 12/09/14	OFFICER SITE VISIT DATE 19/08/14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/14/0581	Creation of a gated vehicular access to facilitate future redevelopment (There is a current undecided appeal against this refusal ref APP/V2255/A/14/2221808).	Refused	12/06/14.
SW/14/0129	Erection of 8 new maisonette type dwellings, associated parking, vehicular access and new cross over to pavement.	Withdrawn	
SW/00/0806	Pedestrian access and repositioning of existing gates.	Approved	

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site falls between the former Victoria Working Mens Club (now flats) and number 39 on the north side of Broadway, Sheerness. Part of the wall has already been demolished. The site is flat with a number of trees fronting Broadway and a grassed area to the rear with a narrow concrete path winding through it towards the now demolished former working mens club. To

the north is a car park which serves the Sheppey leisure centre. The wider area is characterised by a mix of commercial and residential properties.

2.0 PROPOSAL

- 2.01 The proposal is for the creation of a vehicular access and driveway. An identical proposal was refused under planning application reference SW/14/0581 and is subject to a current appeal ref APP/V2255/A/14/2221808. It involves the demolition of a length of wall at the back of pavement line which has already taken place but which is not specifically referred to in the application. A new 4.2m wide pair of gates is proposed set 5m into the site with curved walls, together with a new pavement crossover and a 4.2m wide shared access drive across the site. One mature tree is to be felled.

3.0 PLANNING CONSTRAINTS

- 3.01 The site is within the built up area boundary of Sheerness, the Sheerness Mile Town Conservation Area, flood zone 3, the secondary shopping area, the coastal zone and area action plan 4.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 National Planning Policy Framework (NPPF) in relation to sustainable development, heritage assets, flooding. Policies E1, E10, E13, E15, E19, B3 and AAP4 of the Swale Borough Local Plan 2008.
- 4.02 The NPPF states that in considering development proposals great weight should be given to the conservation of designated heritage assets (in this case the conservation area) and that “as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.
- 4.03 The adopted Swale Borough Local Plan 2008 reflects both the Act and the NPPF in attaching similar high priority to heritage conservation. Policy E15 requires that all development affecting a conservation area should preserve or enhance all features that contribute positively to the area’s special character or appearance. It states that the Council expects (among other things) development proposals to: retain the layout of streets, spaces and means of enclosure; retain unlisted buildings or other structures that make, or could make a positive contribution to the character or appearance of the area; pay special attention to the use of detail, materials, surfaces and vegetation; and respond positively to conservation area character appraisals.

5.0 LOCAL REPRESENTATIONS

5.01 Letters were sent to neighbours, a site notice put up near the site and an advert placed in a local newspaper. No responses have been received.

6.0 CONSULTATIONS

6.01 The Environment Agency confirms a flood risk assessment is not required.

6.02 Kent Highway Services commented on the previous identical application as follows;

“The principle of creating a vehicular access in this location is acceptable, and the location of the gates and the size of the pedestrian visibility splays proposed accord with the advice given during pre-application discussions. The gates are set back far enough to ensure that a vehicle waiting for them to be opened would not obstruct the footway, and the sightlines are adequate to allow pedestrians and emerging vehicles to have sufficient advance warning to see one another. The existing on-street parking bay will need to be shortened slightly to accommodate the access, and this should be arranged with the Technical Services Team at Swale Borough Council who manage on-street parking restrictions. It may be appropriate to require this by condition. Although the drawings indicate the access being formed with radius kerbs, I would prefer to form this as a vehicle crossover with dropped kerbs, so that the pedestrian activity retains priority over vehicles, and they maintain a level footway without interruptions.”

6.03 Conditions relating to the access, visibility splays, modification of on street parking bays, and changes to the design of the vehicle cross over are recommended. Informatives were also recommended.

6.04 The Council’s Engineer confirms that the existing on-street parking bay will need to be shortened slightly to accommodate the access, and this should be arranged with the Technical Services Team.

7.0 APPRAISAL

7.01 The key issue here is the impact of the proposals on the special character of the conservation area. As Members will be aware, conservation areas are “designated heritage assets”, and there is a statutory requirement for Local Planning Authorities to have regard to the impact of development on their historic and architectural merits. Development within conservation areas should preserve or enhance the special character of the area.

7.02 The existing brick boundary wall facing Broadway encloses the walled garden to the former Victoria Working Men’s Club. The Club closed in the late 1990s and the garden and building were sold off separately divorcing the garden from its host building. The former Club is a distinct and noteworthy architectural composition built in 1882 which is a non-designated heritage asset. The wall forms part of the walled boundary which continues around all

four sides of the Club building in varying forms. The green space forming the garden to the Club contrasts markedly with the otherwise urban built environment in the vicinity. It is the contrast between the enclosure, the tranquillity and green character of the garden and its urban surroundings that make this an area of special interest the character and appearance of which it is desirable to preserve or enhance.

- 7.03 The conservation area character appraisal refers to it as: “The private space alongside (the Working Men’s Club), although somewhat hidden behind a high brick wall, brings an element of green into the street scene without opening up the street frontage”. The historic wall is of value in its own right and serves to provide privacy and seclusion to the garden as well as continuity to the street frontage.
- 7.04 The existing concrete driveway and the recently demolished (unauthorised) gate piers do not add to the special interest of the conservation area.
- 7.05 The recent demolition of a large proportion of the wall without planning permission is regretted and the Council is currently considering whether to serve an enforcement notice to secure its rebuilding. This is being held in abeyance until this application and the appeal are determined.
- 7.06 The proposals involve widening the existing 2.4m wide opening in the wall to a total of 8.2m wide leaving only 13.2m of the historic wall remaining. The harm caused to the character and appearance of the conservation area can be summed up as follows:
- Several metres of historic brickwork would be permanently lost.
 - The simple rectilinear lines of the walled garden and the wall itself would be compromised by the radiused corners and the deep recess for the gated opening.
 - Two-way traffic would intrude into the garden space resulting in a traffic-dominated environment in place of a garden environment. The historic appearance of the secluded walled garden would take on the character of an entrance to a developed site.
 - The creation of the dropped pavement crossing and the extensive use of concrete block Tegula paving will increase the feeling of urbanisation. Concrete block paving is an alien material in the conservation area context.
 - The ball finials on the proposed gate piers are inappropriate and a little clichéd. Historic photographs indicate a more dignified and appropriate design for new gate piers.
- 7.07 In my view, the harm these proposals would cause to the special character of the conservation area is such that planning permission should be refused.
- 7.08 The Council’s Tree consultant has not commented but I consider the loss of a single small tree to cause minimal harm to amenity and the tree is not worthy of a TPO.

- 7.09 The comments of Kent Highways make clear that the highway safety and convenience impacts are acceptable.
- 7.10 The impact on flooding, the coastal zone, the secondary shopping area and area action plan 4 are all very minimal given the nature of the proposal.

8.0 CONCLUSION

- 8.01 Planning permission should be refused due to the harm the development would cause to the special character of the conservation area.

9.0 RECOMMENDATION –REFUSE for the following reasons:

- (1) The proposal, by virtue of the loss of the wall, the poor design of the gate piers, the alignment of replacement wall and location of gates, the introduction of vehicular traffic, parking and vehicle movements into the garden space (resulting in a traffic-dominated environment in place of a garden environment), together with the materials proposed would cause harm to the character of the Sheerness Mile Town Conservation Area without adequate justification. The development would fail to preserve or enhance the character of the conservation area and therefore is contrary to saved policy E15 of the Swale Borough Local Plan 2008 and to the provisions of the National Planning Policy Framework.

The Council's Approach to this Application

The Council recognises the advice in paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) and seeks to work with applicants in a positive and proactive manner by offering a pre-application advice service; having a duty planner service; and seeking to find solutions to any obstacles to approval of applications having due regard to the responses to consultation, where it can reasonably be expected that amendments to an application will result in an approval without resulting in a significant change to the nature of the application and the application can then be amended and determined in accordance with statutory timescales.

In this case the application was unacceptable as submitted.