

PLANNING COMMITTEE

APPLICATION NUMBER: CA//19/01458

SITE LOCATION: Land to the North of Hanover Street, Hanover Street, Herne Bay

PROPOSAL: Proposed 2 no. three-storey semi-detached dwellings following demolition of existing storage units

APPLICATION TYPE: FULL

DATE REGISTERED: 23 July 2019

TARGET DATE: 17 September 2019

LISTED BUILDING: N/A

CONSERVATION AREA: HERNE BAY

WARD: Heron

APPLICANT: Mr Ian Thomas

AGENT: Wyndham Jordan Architects, Heron House

CASE OFFICER: Andrew Gambrill

WEB LINK: https://publicaccess.canterbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=_CANTE_DCAPR_124060

RECOMMENDATION: Section 101 grant, subject to legal agreement

UPDATE

This planning application was reported to Planning Committee on 30th October 2019 with a recommendation for approval. At the Planning Committee meeting, members resolved to defer the determination of the application to allow committee members to undertake a site visit. The site visit has now taken place and the application is reported back to the Planning Committee for determination. The assessment of the application and recommended conditions are set out below.

SITE LOCATION AND DESCRIPTION

1. The application site is located adjacent to the east of the former Herne Bay bus station site and consists of a single-storey storage building. The building is vacant and is in a poor condition, with windows having been boarded up around the exterior facing towards the Morrisons supermarket. The site is currently accessed from Hanover Street to the south. The site is located within the Herne Bay Conservation Area and Flood Zones 2 and 3.
2. The site is bounded by mixed use development fronting the High Street to the north, the former bus station depot site to the west, commercial buildings to the south and the Morrisons supermarket to the east. The buildings directly fronting the High Street are three-storeys in height, with businesses to ground-floor and residential above. To the rear of these buildings there are roof terraces and fire escape stairs in situ that allow for views to the south towards Morrisons and across the bus station site from first and second-floor height.
3. To the west of the site, the former bus station depot currently benefits from planning permission for a mixed use development comprising residential along Hanover Street and Richmond Street, together with mixed use development fronting the High Street. The application site would lie directly adjacent to an area of parking proposed for that site, where there is currently a circa 2.5m high brick wall forming the boundary treatment between the application site and the bus depot. The buildings which were located at the bus depot site have been demolished.
4. To the east of the application site there is a flyover up to Morrisons car park that is located on the rooftop of the building. This flyover extends up to approximately first-floor level in closest proximity to the proposed dwellings and is finished in concrete, with a circa 1m wall along its perimeter.

RELEVANT PLANNING HISTORY

CA//06/00945 - Replacement of existing building with offices and four self-contained flats - Refused September 2006. This decision was subsequently appealed under reference APP/J2210/A/06/2031786 and dismissed by the Inspector as it was considered that the ramp would dominate the proposed flats to the southern part of the development and appear obtrusive and overbearing and severely limit the outlook from the proposed flats. It was also considered that the bus depot would have caused unacceptable disturbance to future residents.

CA//16/01593 - Proposed storage unit to replace existing unit - Approved October 2016.

Also of relevance is the land to the west of the application site, which is the former bus depot, which in June 2018 was granted planning permission for three, four, and five-storey mixed use development comprising of 900 sq m of retail floor space to the High Street frontage together with 40 flats

PROPOSED DEVELOPMENT

5. Planning permission is sought for the erection of two three-storey semi-detached dwellings following demolition of existing storage units.
6. The proposed dwellings would be approximately 9m in height, 10.5m in width and have a depth of approximately 9m. The buildings would comprise garage and entrance door to ground-floor front with oriel windows to the first-floor front and dormers within the roofspace. The proposed dwellinghouses would be constructed of brick, tile hanging, timber fenestration and slate roofs. They would both possess separate gardens to the side and rear, whilst there would be an additional parking space to the front of the second semi-detached plot to the north of the site.

CONSULTATIONS

CCC Heritage - Raises no objections subject to conditions being imposed relating to joinery details and material samples being submitted prior to first use.

CCC Environmental Health - Raises no objections subject to conditions.

CCC Refuse - Raises no objection but the bins will need presenting on Hanover Street for collection.

Natural England - No comments received.

Environment Agency - Raises no objection subject to condition.

REPRESENTATIONS

7. Letters were sent to six neighbouring occupiers, a site notice placed in the vicinity of the site and an advert placed in the press. No comments were received during the course of the consultation.

DEVELOPMENT PLAN POLICIES

Canterbury District Local Plan 2017

SP1 - Sustainable development

SP4 - Residential development directed to urban areas

SP6 – SAMMS: Thanet Coast and Sandwich Bay/Thames and Swale SPAs

LB5 – SAMMs mitigation for SPAs and Ramsar sites

DBE3 - Expectation of high quality design

DBE4 - Residential space standards

T9 - Applies KCC's vehicle parking standards

HE1 – Conservation of heritage assets

HE6 - Conservation areas

QL12 - Potentially polluting development

CC4 - Development in Flood Zones 2 and 3: FRAs

CC6 - Minor infill development permitted in Flood Zones 2 and 3

Herne Bay Area Action Plan

HB1 - Central Development Area

ASSESSMENT

8. The application is brought before the Planning Committee to determine as it is an application made by a Councillor.
9. The application has been the subject of an Appropriate Assessment (AA) under the Habitats Regulations, the conclusion of the AA was that there is a potential risk of harm to the European designated sites at the Thanet and Sandwich Bay SPA. The impacts were assessed for this development and also this development in combination with other planned development. The AA concludes the impacts can be mitigated, the impacts and the recommended mitigation measures are discussed elsewhere in this report.
10. The main considerations in the assessment of this application are:
 - Principle
 - Character and appearance
 - Living conditions
 - Future living conditions
 - Highway safety and parking provision
 - Contamination
 - Flood risk provision
 - Ecology

Principle

11. The application site is located within the urban area of Herne Bay where the principle of residential development is considered to be acceptable. The application site is located in close proximity to a variety of services and transport links. Taking this into account the principle of residential development is considered to be acceptable subject to other planning considerations.

Character and appearance

12. The two proposed dwellings would be located on the access road located to the rear of the buildings that front the High Street, The access road is fronted by a number of commercial buildings and although the proposed dwellings would be different in appearance to the other commercial buildings they would not appear unacceptably prominent or incongruous within the streetscene and they would enhance the appearance of the site compared to the existing buildings.

13. The proposed dwellings would be of a similar design and scale to those dwellings approved at the Herne Bay bus depot under reference CA/17/02055. They would be constructed of brick, with slate roofs and timber fenestration and as such sympathetic to the appearance of the Herne Bay Conservation Area. Their similarity in appearance to the proposed dwellings at the bus station site would aid their integration into the area. In order to ensure that the development constructed is of a sufficiently high-quality, it is recommended that conditions requiring samples of materials and joinery details prior to their first use be imposed.
14. In view of the above, it is considered that the proposed development would have sufficient regard for the character, setting and context of the site and preserve the character and appearance of the Herne Bay Conservation Area. As such, the proposal is considered to be in accordance with policies DBE3, HE1 and HE6 of the Canterbury District Local Plan 2017 and the NPPF, as well as policy HB1 of the Herne Bay Area Action Plan which requires high-quality design.

Living conditions

15. The proposed dwellings have been designed with no windows within the side elevations, with the windows proposed to the front and rear. Those windows to the front would overlook an already publicly visible area, and as such would not introduce any unacceptable overlooking opportunities in that direction. The windows to the rear would overlook a currently vacant site, but once the development at the former Herne Bay bus depot site (CA/17/02055) was built-out, the first-floor and second-floor rear windows would only allow for oblique views of neighbouring rear gardens and as such would not introduce any unacceptable overlooking opportunities from that viewpoint. The absence of any windows within the north side elevation would protect the privacy of those neighbouring occupiers to the north. In terms of overlooking therefore, the proposed development is not considered to have any unacceptable overlooking impact on the living conditions of neighbouring occupiers.
16. The proposed development would be located approximately 12m from the rear elevation of those properties fronting the High Street to the north. The proposed dwellings would also lie to the north of the proposed dwellings to the east of the Herne Bay bus depot site and circa 10m to the rear elevations of those properties, and as such the proposal would not have any unacceptable impact on the living conditions of those future neighbouring occupiers. In turn, it is considered that the proposal would be sufficiently separated from neighbouring occupiers to prevent any unacceptable overbearing or overshadowing impact from arising.
17. The proposed dwellings would meet the minimum space standards as set out in the DCLG's Technical housing standards. The dwellings would also benefit from private amenity space. The location of the bin stores is shown on the drawings and is considered to be acceptable.
18. The access ramp would be around 6m from the first-floor windows of the proposed dwellinghouses, at first-floor height. This is relatively close and was an issue raised by the planning Inspector who considered the previous appeal, the appeal scheme

proposed commercial at the ground floor with residential above. The residential as part of the appeal scheme was single aspect and due to the proximity of habitable rooms within the front elevation to the flyover and the rear rooms to the bus depot, the Inspector concluded that the residential flats would have a poor outlook. He also raised concerns regarding noise disturbance from the bus depot and its effect upon the living conditions of future occupiers. The first-floor living accommodation of the proposed dwellings has been designed to be dual-aspect, with windows to both the front and rear, this coupled with the cessation of the bus depot use to the west ensures that the effect of the surrounding development upon the living conditions of future occupiers is acceptable and I consider that the concerns raised by the previous Inspector have been overcome. The second floor layout is designed to be single aspect, however, the height of the windows to the front elevation ensures it will not look out directly onto the flyover and again the cessation of the bus depot use to the rear and the implementation of the 2017 permission ensures that windows to the rear will have a suitable outlook.

19. The distance between the rear elevation of the proposed dwellings on the old bus depot site is around 10m. However, they do not face each other directly. The rear elevation of the proposed two dwellings would look directly over the car parking area within the bus station redevelopment site and as such, given their location and separation distance. As such it is considered that neither developments would experience any unacceptable overshadowing or overbearing and the proposal would be in accordance with policies DBE3 and DBE4 of the Local Plan and the NPPF.

Highway safety and parking provision

20. The applicant has indicated on the proposed plans that the ground-floor of each dwelling would possess an internal garage space and one of the plots would also have the benefit of an additional parking space. Notwithstanding this, the site is located within a town centre location where there is no minimum parking requirement for residential development.
21. In view of the above, the proposal is considered to be in accordance with policy T9 of the Local Plan.

Contamination

22. Policy QL12 of the Local Plan stipulates that any appropriate mitigation measures should be in place for development that could potentially result in pollution to human health. Due to the current commercial use of the site, there is the potential for the application site to be contaminated.
23. Given the existing use of the site there is a risk of contamination and as such the potential contamination on the site needs to be mitigated. Conditions requiring the submission of a desk based and intrusive study in addition to details of any remediation works should be imposed upon any grant of planning permission. Subject to the imposition of these conditions, the proposal is considered to be in accordance with policy QL12 of the Local Plan.

Flood risk provision

24. The application site sits within flood zones 2 and 3 as classified by the Environment Agency. The applicant has submitted a Flood Risk Assessment in accordance with policy CC4 of the Local Plan 2017. The application site sits within the designated town centre and is therefore subject to Canterbury's Strategic Flood Risk Assessment (SFRA), which incorporates a general application of a sequential test. There is therefore no requirement in this instance to examine alternative sites at lower risk of flooding. Residential use is classified as 'more vulnerable' and as such the exception test must be applied. The exception tests must demonstrate that a development provides wider sustainability benefits to the community that outweigh any vulnerability to flood risk. It must also be demonstrated that a scheme will be safe for its lifetime, taking account of the vulnerability of its users and without increasing the risk of flooding elsewhere.
25. The submitted FRA shows that a number of flood resilience measures are to be incorporated. The Environment Agency raises no objection to the proposal, subject to condition. It is considered that residential development in this location would contribute moderately to the vitality and viability of the main town centre, and as such the proposal would satisfy the exceptions test in this instance.
26. Taking the above into account, the application has passed the sequential and exception tests and is considered acceptable subject to a condition. It is considered that the proposal would accord with policies CC4 and CC6 of the Local Plan and with the NPPF.

Ecology

27. The site is located within the Zone of Influence of the European designated Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar Site. The Council operates a disturbance avoidance strategy to mitigate the effects of new development on the integrity of the SPA/Ramsar sites and this operates on the basis of financial contributions being paid by developers to fund the implementation of the Thanet Coast and Sandwich Bay Strategic Access Management and Monitoring (SAMM) Strategy to manage recreational pressures on the SPA/Ramsar sites.
28. The Council has adopted an Appropriate Assessment on the basis that subject to securing a financial contribution towards SAMMS, the proposed development would have no adverse effect on the integrity of the European designated site. The applicant has confirmed that they will enter into a unilateral undertaking to secure the appropriate financial contribution required by the proposed development. As such, the proposal accords with policies SP1, SP6 and LB5 of the Local Plan 2017 and the NPPF.

Other matters

29. Environmental Health requested that an asbestos survey be secured by condition, however, if asbestos was to be found on site this is dealt with under separate legislation. In addition they have suggested that a condition be imposed to control the construction however this would not be necessary or appropriate given its limited scale it is not considered necessary in this instance.

Conclusion

30. It is considered that the proposed dwellinghouses would relate acceptably to the built-form of development within the area and would preserve the character and appearance of the conservation area. The proposed dwellings would not result in any unacceptable living conditions impact on any neighbouring occupiers and the future occupiers would have an acceptable living arrangement. In view of these considerations, it is recommended that planning permission for the application be granted subject to the suggested conditions.

DRAFT CONDITIONS FOR DECISION NOTICE

Application No: CA//19/01458

Proposal: Proposed 2 no. three-storey semi-detached dwellings following demolition of existing storage units.

Location: Land to The North of Hanover Street, Hanover Street, Herne Bay

CONDITIONS:

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

REASON: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 - The development hereby approved shall be carried out in accordance with the submitted drawings (received 23rd July 2019):

- Site location plan
- Drawing no. HS1920.08 - Site sections proposed
- Drawing no. HS1920.04 - Second-floor plan proposed
- Drawing no. HS1920.05 - Roof plan proposed
- Drawing no. HS1920.02 - Ground-floor plan proposed
- Drawing no. HS1920.03 - First-floor plan proposed
- Drawing no. HS1920.06 - Elevations proposed
- Drawing no. HS1920.01 - Block plan proposed

REASON: To secure the proper development of the area.

3 - No development shall commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance policy QL12 of the Canterbury District Local Plan 2017 and with the National Planning Policy Framework.

4 - No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance policy QL12 of the Canterbury District Local Plan 2017 and with the National Planning Policy Framework.

5 - In the event that contamination is found that was not previously identified at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken at that time in accordance with a site characterisation report that shall be submitted to and approved in writing by the Local Planning Authority and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the approved development and following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with policy QL12 of the Canterbury District Local Plan 2017 and with the National Planning Policy Framework.

6 - Prior to their first use in the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

REASON: In the interests of the visual amenities of the area in accordance with policy DBE3 of the Canterbury District Local Plan 2017.

7 - Prior to their first use in the development hereby approved, details including cross-sections through glazing bars and frames, elevation, glazing, material, colour and finish at a scale of 1:10 of all new external windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be carried out concurrently with the development and fully implemented prior to the first occupation of any part of the approved development.

REASON: In the interests of the visual amenities of the area in accordance with policy DBE3 of the Canterbury District Local Plan 2017.

8 - Prior to first occupation of the development hereby approved, the development shall be carried out in accordance with the submitted flood risk assessment and the following mitigation measures it details:

- Living accommodation finish floor levels shall be set no lower than 300mm above the design flood level (1% AEP + CC (45%))
- Sleeping accommodation finish floor levels shall be set no lower than 600mm above the design flood level (1% AEP + CC (45%))
- All flood resilient and resistant measures highlighted in the submitted and approved FRA shall be implemented into the design of the property

The measures detailed above shall be permanently retained thereafter.

REASON: To reduce the impact of flooding on the proposed development and future occupants in accordance with policy CC4 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

9 - Prior to the first occupation or use of the development, the area shown on the deposited plan for the parking and manoeuvring of vehicles shall be operational prior to any part of the development hereby approved being brought into use. The area agreed shall thereafter be maintained for that purpose.

REASON: In the interests of highway safety and in accordance with policy T9 of the Canterbury District Local Plan 2017.

10 - The refuse storage facilities as specified upon the approved drawing HS1920.01 (received 23rd July 2019) shall be provided prior to the first occupation of the development hereby approved and shall be kept available for that use at all times.

REASON: To secure a satisfactory standard of development and in the interests of the amenities of the area, in accordance with policy DBE4 of the Canterbury District Local Plan 2017.

11 - Prior to the first occupation of the development, the secure cycle parking facilities, as shown on the approved drawing HS19020.02 (received 23rd July 2019) shall be provided and thereafter maintained.

REASON: In the interests of promoting increased cycling in accordance with the National Planning Policy Framework and in accordance with policies T1, T9 and DBE4 of the Canterbury District Local Plan 2017.