

2.5 REFERENCE NO - 16/506288/OUT		
APPLICATION PROPOSAL Outline application (all matters reserved) for the erection of a dwelling subject as amended by drawings 134/PA/001 A, 134/PA/002 A and 134/PA/003 A.		
ADDRESS 100 Station Road Teynham Kent ME9 9TB		
RECOMMENDATION: GRANT subject to conditions and comments of Teynham Parish Council.		
SUMMARY OF REASONS FOR RECOMMENDATION: Proposed development is acceptable in principle and would not cause adverse harm to the amenities of the area.		
REASON FOR REFERRAL TO COMMITTEE: Local representations and Ward Member support for referral		
WARD Teynham And Lynsted	PARISH/TOWN COUNCIL Teynham	APPLICANT Mr & Mrs D Hogben AGENT Redsquare Architects Ltd
DECISION DUE DATE 12/10/16	PUBLICITY EXPIRY DATE 09/09/16	

1.0 DESCRIPTION OF SITE

- 1.01 The site is located on the corner of Station Road and Amber Close in Teynham and forms part of a large area of garden which lies to the north of the host property and currently provides residential garden and an access off Amber Close to an existing parking area to the rear of the property.
- 1.02 The site is part of a row of similar dwellings which are set back from Station Road behind a broad vegetation strip, and the immediate section of the road is characterised by pairs of semi detached properties with the street scene punctuated with cul-de-sacs providing further pairs of dwellings arranged around the cul-de-sac. Detached dwellings are located south along Station Road. The opposite side of Station Road are a mixture of terraced and semi detached properties

2.0 PROPOSAL

- 2.01 This is an outline planning application with all matters reserved for future consideration for the erection of a dwelling on land immediately to the north of 100 Station Road. The indicative drawings show a detached two storey property with parking to the rear of the site to be accessed via the existing dropped kerb in Amber Close.
- 2.02 Amended drawings received on 4 October 2016 also show the proposal to include 2 new replacement road parking spaces for 100 Station Road immediately adjacent to the property. This has been achieved by slightly reducing the extent of the application site, all of which fall on land under the applicant's ownership.

3.0 PLANNING CONSTRAINTS

The site is located within the built up area boundary of Teynham

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

“Achieving sustainable development

Para 14

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.

Delivering a wide choice of high quality homes

Para 48

Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

Para 49

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Para 53

Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”

Development Plan: Saved policies SP1, SP4, TG1, SH1, E1, E19, H2 and T3 of the Swale Borough Local Plan Adopted 2008.

Policies ST1, ST3, CP3, DM7, DM14 and DM19 of the Council’s Emerging Local Plan entitled Bearing Fruits 2031: The Swale Borough Local Plan Proposed Main Modifications June 2016.

5.0 LOCAL REPRESENTATIONS

Six letters were received from local residents objecting to the application, the comments are summarised below:

- Rear, side and front gardens of no 102 Station Road would be much more visible from the new property
- A new two-storey property would appear higher and closer to 102 Station Rd, than no. 100 Station Road is viewed at present
- The reduced plot width of no. 100 to that of approximately 9 metres frontage from the original 20 metres would also set a precedent of its own, in becoming the narrowest plot
- The property would create a precedent, in that it would be the only detached dwelling built within the present order of all semi-detached constructed properties
- The reduced plot would also look, when compared to the more spacious pattern of neighbouring plots and the new property as well, suddenly 'crammed in', and out of character with its frontage surroundings.
- Any parking in the service road and close to the Amber Close junction (adjacent to the new property) would certainly compromise existing lines of sight, access and exit safety considerations at that junction
- There would most probably be more vehicular traffic using the service road, and parking both on there and around the Amber Close entrance.
- Several trees at present situated on, or close to the new property footprint, would possibly have to be removed.
- The proposed property's building line on Station Road would match that of no. 100 and other properties lying further to the south, but would be greatly out of line at right-angles with the frontages of nos. 9 and 10 in Amber Close
- Both those properties would now have their properties consequently overlooked to a large degree, and the open, spacious aspect viewed westwards from within the close severely restricted to residents living there
- Whilst the corner properties on this section of road have all been extended, none of those extensions have exceeded the width of the original property and none have had an entirely new dwelling built in their garden
- There would be no off-road parking for no. 100
NOTE: This matter has now been addressed on amended drawings
- Parking is already an issue, and an extra house will result in even more cars to find parking for Parking issues from commuter parking and vehicles parking on the pavement already exist
- Brand new house will not be visually in keeping with the houses that are already there, as they were built in the early 1960s
- A house right on that corner will be very imposing and will block light out of the Close
- Will potentially make the junction out of Amber Close more dangerous, as it will impair visibility
- Proposed detached dwelling would overlook our property and inhibit our privacy and light that we currently have the pleasure of from the windows on this side of our property

6.0 CONSULTATIONS

- 7.01 Comments from Teynham Parish Council will be reported verbally to Members at the meeting.

7.0 APPRAISAL

Principle of Development

- 7.01 The site is located within the built up area boundary of Teynham as defined by the Proposals Map of the adopted Swale Borough Local Plan 2008
- 7.02 With regard to paragraph 53, the NPPF makes clear Council's should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The Council has not adopted such a specific policy but it does have several other policies such as E1 and E19 of the adopted Local Plan that require all developments not to cause harm to amenity.
- 7.03 Whilst residential gardens have been removed from the definition of brownfield land it remains preferable to make efficient use of land within built up areas instead of developing greenfield sites in the countryside. The site is considered to be located in a sustainable central location with access to the services, facilities and transport options Teynham has to offer. For these reasons, along with my view that the proposal would not cause harm to the local area sufficient to warrant refusal of planning permission the principle of the proposal is acceptable in my opinion

Visual Impact

- 7.04 The design and style of the house are matters to be considered under a reserved matters application however the indicative drawings do provide some intention of the future proposal. It appears to show a detached two storey dwelling and it is to this design that objections have been received.
- 7.05 In the immediate vicinity of the site the predominant form of development is that of pairs of semi detached houses. However, opposite the site are terraced houses, and detached houses are seen nearby. To only consider the identical replicas to existing dwellings is not an ideal way to progress in terms of evolving designs and changing styles to provide an identity to an area.
- 7.06 The principle of a detached dwelling on a plot that is approx 20m away from the nearest neighbour, and large enough to accommodate it and provide parking and amenity space for it and the existing dwelling on the site, is therefore in principle acceptable. I do, however, have some concerns over the potential impact of a new dwelling on the spacious character of Amber Close and I have recommended a condition specifying how far it must be set away from Amber Close boundary to conserve this character.

Residential Amenity

- 7.07 This outline application does not provide details of the scale, appearance or layout of the proposed dwelling. Whilst indicative elevations have been provided it is reasonable to assume that the dwelling will be detached and will provide 3/4 bedrooms, and be two storey. This requires careful consideration of the potential overlooking arising.
- 7.08 I note the comments from the nearest property in Amber Close which is located to the rear of the site. These state concerns regarding being overlooked from the new house, however the existing house is separated from the new property by an attached single garage and mature tall vegetation. Although no detailed plan exists it is likely that the dwelling will be approx. 20m from the side of no 10 Amber Close and will not have direct line of sight into the property. Due to these distances and the angles involved I do not consider that overlooking would occur to a degree sufficient to cause harm to the amenity of these residents.

- 7.09 Additionally, it is claimed that neighbours will lose light from the side of the house, but due to the distances involved I do not consider this to be to a degree to affect their amenity.
- 7.10 The potential scale and position of the proposed dwelling, combined with the proposed gaps between it and the application site boundary, and the properties in Amber Close in particular, serve to reduce any potential impact from loss of light, overshadowing and overbearing, contrary to the objections received. The proposal entails accommodation that would provide an acceptable level of amenity for future occupants. The remaining garden space serving 100 Station Road is acceptable. The resulting impact on residential amenity would be acceptable in my opinion

Highways

- 7.11 KCC Highways and Transportation no longer provides advice on such small scale proposals. However, I note the comments from neighbours who in the main are referring to inconsiderate parking on Station Road which on occasion impedes visibility when exiting Amber Close. Unfortunately the use of Amber Close with inconsiderately parked vehicles are not issues that can be considered during the determination of this application.
- 7.12 Additionally concern is raised about parking provision. Members will note that amended drawings show parking would be provided for not only the new house to the rear and utilising an existing dropped kerb but also 2 additional off road spaces for 100 Station Road. Therefore the provision of off street parking would be provided for both dwellings. I therefore consider the provision of off street parking for both properties will result in an improvement in the current situation. A condition to require adequate parking provision for both properties is recommended below.

8.0 CONCLUSION

- 8.01 The proposal entails development within the built up area boundary which is acceptable as a matter of principle. There is sufficient space on the site to accommodate the proposal for a new dwelling and the parking demands for it and the existing property. The impact on residential amenity would be minimal and acceptable.

9.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

- (1) Details relating to the layout, scale and appearance of the proposed building, the access thereto and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

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 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 details submitted pursuant to condition (1) above shall show that no ground floor part of the dwelling shall be sited within 2m of the site's side boundary with Amber Close, and that no first floor part of the dwelling shall be sited within 4m of the site's side boundary with Amber Close.

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

- (5) Prior to the commencement of development, details shall be submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

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

- (6) The details submitted pursuant to condition (1) above shall show adequate land, reserved for the parking of 2 cars each for the proposed new dwelling and for no.100 Station Road (in accordance with the currently adopted Kent County Council Vehicle Parking Standards) which land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) or not shall be carried out on such land or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling 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 in a manner detrimental to highway safety and amenity.

- (7) 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 0800 - 1800 hours, Saturdays 0830 - 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.

Habitats Regulations Assessment

This HRA has been undertaken without information provided by the applicant. The application site is located within 6km of The Swale Special Protection Area and Ramsar site which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2010 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.

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 61 and 62 of the Habitat Regulations require a Habitat Regulations Assessment. NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites and can therefore be screened out from any requirement for further assessment. It goes on to state that when recording the HRA the Council should refer to the following information to justify its conclusions regarding the likelihood of significant effects; financial contributions should be made 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); the strategic mitigation will need to be in place before the dwellings are occupied.

In terms of screening for the likelihood of significant effects from the proposal on the SPA features of interest, the following considerations apply:

- 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 birds by cats.
- Based on the past correspondence with Natural England, I conclude that off site mitigation is required. However, the Council has taken the stance that financial contributions will not be sought on developments of this scale because of the practicalities of securing payment. In particular, the legal agreement may cost more to prepare than the contribution itself. This is an illogical approach to adopt; would overburden small scale developers; and would be a poor use of Council resources. This would normally mean that the development should not be allowed to proceed, however, NE have acknowledged that the North Kent Councils have yet to put in place the full measures necessary to achieve mitigation across the area and that questions relating to the cumulated impacts on schemes of 10 or less will need to be addressed in on-going discussions. This will lead to these matters being addressed at a later date to be agreed between NE and the Councils concerned.
- Developer contributions towards strategic mitigation of impacts on the features of interest of the SPA- I understand there are informal thresholds being set by other North Kent Councils of 10 dwellings or more above which

developer contributions would be sought. Swale Borough Council is of the opinion that Natural England's suggested approach of seeking developer contributions on minor developments will not be taken forward and that a threshold of 10 or more will be adopted in due course. In the interim, I need to consider the best way forward that complies with legislation, the views of Natural England, and is acceptable to officers as a common route forward. Swale Borough Council intends to adopt a formal policy of seeking developer contributions for larger schemes in the fullness of time and that the tariff amount will take account of and compensate for the cumulative impacts of the smaller residential schemes such as this application, on the features of interest of the SPA in order to secure the long term strategic mitigation required. Swale Council is of the opinion that when the tariff is formulated it will encapsulate the time period when this application was determined in order that the individual and cumulative impacts of this scheme will be mitigated for.

Whilst the individual implications of this proposal on the features of interest of the SPA will be extremely minimal in my opinion as this is for one dwelling, cumulative impacts of multiple smaller residential approvals will be dealt with appropriately by the method outlined above.

For these reasons, I conclude that the proposal can be screened out of the need to progress to an Appropriate Assessment. I acknowledge that the mitigation will not be in place prior to occupation of the dwelling proposed but in the longer term the mitigation will be secured at an appropriate level, and in perpetuity.

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:

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.