

2.5 REFERENCE NO - 16/508023/FULL		
APPLICATION PROPOSAL Erection of new bungalow to include access.		
ADDRESS 10 Western Avenue Halfway Kent ME12 3BS		
RECOMMENDATION – GRANT subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would represent sustainable development and would not cause any unacceptable harm to the character and appearance of the area or to neighbouring amenities, and would comply with the development plan.		
REASON FOR REFERRAL TO COMMITTEE This application has been referred to committee by Cllr Beart as he shares many of the concerns raised by the objector at No 12 Western Avenue.		
WARD Queenborough And Halfway	PARISH/TOWN COUNCIL	APPLICANT Mr Quinton Searle AGENT MSD Architects
DECISION DUE DATE 14/02/17	PUBLICITY EXPIRY DATE 27/01/17	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): No Relevant history		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 No 10 Western Avenue consists of a detached bungalow on a roughly square shaped corner plot at the junction of Western Avenue and Hilda Road. The site measures roughly 21m x 23m in area. The site is flat, with amenity space to the front and sides. The rear of the site provides a parking area with access to a double garage, and vehicular access onto Hilda Road. The property is surrounded by a low boundary wall to Western Avenue, which continues in part on Hilda Road before rising to a 1.8m high fence and gates towards the rear of the site.
- 1.02 Western Avenue is a residential road comprising a mix of dwellings, largely semi detached, with a small number of detached dwellings and a small terrace of three dwellings. The dwellings are all two storeys other than No 10. Most properties have parking to the front, although some properties are sited closer to the road and do not appear to have any off-street parking.
- 1.03 No 38 Hilda Road is sited to the rear of the property and is also a bungalow. The remainder of properties on Hilda Road are two storey dwellings.

2.0 PROPOSAL

- 2.01 This application proposes to erect a bungalow on land to the side of the existing bungalow and adjacent to No 12 Western Avenue. The new plot would measure 8 metres in width and 23 metres in length.
- 2.02 The proposed building would be a 1 bed bungalow, of 5.6 metres in width, 10.5 metres in length and 4.2 metres in height to the ridge. The building would be of simple

rectangular design under a hipped roof with a render finish to the elevations. It would be sited 1 metre from the side boundaries of the newly created plot and would maintain a distance of 2 metres to the flank elevations of the existing dwellings at No 10 and 12.

- 2.03 The front building line of the proposal would follow that of No's 10 and 12, and parking would be provided to the front of the site. A garden in the region of 6.3 metres depth would be provided to the rear.
- 2.04 The existing double garage to No 10 would be removed to make way for the proposal.

3.0 PLANNING CONSTRAINTS

- 3.01 Within built up area
- 3.02 SSSI Impact Risk Zone

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

- 4.01 Paras 7, 8, 11, 12, 14 (achieving / presumption in favour of sustainable development), 17 (core planning principles), 47, 49, 50 (delivering a wide choice of high quality homes), 56, 59, 60 (good design), 186, 187 (decision taking), 196, 197 (determining applications) & 216 (weight to emerging policies).

National Planning Policy Guidance (NPPG)

- 4.02 Design

Development Plan

- 4.03 The adopted Swale Borough Local Plan 2008 – SP1 (sustainable development), SP4 (housing), SH1 (settlement hierarchy), E1 (general development criteria), E19 (achieving high quality design and distinctiveness), H2 (providing for new housing), T3 (vehicle parking).
- 4.04 The emerging Swale Borough Local Plan Bearing Fruits 2031 (Proposed Main Modifications June 2016) – ST1 (sustainable development), ST3 (the Swale settlement strategy), ST6 (Isle of Sheppey Strategy), CP3 (delivering a wide choice of homes), CP4 (requiring good design), DM7 (vehicle parking), DM14 (general development criteria), DM19 (sustainable design and construction)

5.0 LOCAL REPRESENTATIONS

- 5.01 10 letters of objection have been received raising the following concerns –
- Loss of light / overshadowing to living room of no. 12
 - The proposed kitchen window would be sited close to the lounge window of no.12, and would result in overlooking, noise and smells
 - The garage to be demolished contains asbestos
 - Loss of street parking to accommodate the new vehicle access.
 - Lack of parking in area
 - Loss of parking for no 10 Western Avenue
 - A telegraph pole would need to be removed to accommodate the access
 - Existing trees, shrubs and hedges at the front of the site are not shown

- The proposed dwelling would be squeezed in between two properties and would not be in keeping with the street scene.
- Lorries and refuse vehicles often have to mount the pavement to get through the road, causing damage
- Western Avenue has taken its share of new housing developments
- Disruption during construction

6.0 CONSULTATIONS

Kent County Council Highways and Transportation

- 6.01 I confirm that the new dwelling's parking requirement is 1 space; the provision of 2 spaces is indicated on the plans. In this location, the existing dwelling's parking requirement would also be 1 space (for a 2 bed house), which appears to be adequately provided for, on the hard standing at the rear of the property. Both the existing and new dwellings can provide their own off street parking facilities. KCCT Highways and Transportation do not consider the potential impact of the loss or one or two informal parking spaces on the street sufficient grounds for refusal on highway terms.

7.0 APPRAISAL

Principle of Development

- 7.01 The site is located within the built confines of Halfway. Policy SP4 of the adopted plan promotes the more efficient use of land within the defined built up boundaries. Halfway forms part of the wider West Sheppey Triangle settlement area under policy ST3 of the emerging plan. Paragraph 4.3.84 which supports Policy ST6 (The Isle of Sheppey strategy) of the emerging plan recognises that a range of infill and other small scale housing opportunities will be presented at existing settlements. On this basis, the principle of development in this settlement is supported by the adopted and emerging development plan, subject to the impact of the proposal on the local environment.

Visual Impact

- 7.02 Western Avenue is an established residential road, consisting largely of two storey semi detached dwellings but with a number of exceptions to this, including the existing bungalow at No 10. This property also occupies a significantly wider plot than other dwellings on the road, at some 22 metres, with a separation gap of around 10 metres between the existing bungalow and the flank wall of No 12. Typically, the semi detached dwellings to the north of No 10 occupy plots of 6-7 metres in width, with visual gaps between buildings of 2-2.5 metres. The small visual gaps between buildings are also a feature elsewhere in the road.
- 7.03 The proposed development would create a plot for the new bungalow of 8 metres in width. The position of the bungalow on the plot would provide a separation distance of 2 metres to the flank wall of No.s 10 and 12. This would be comparable to and in keeping with many plot widths and separation distances between buildings elsewhere on the road – as set out above. The front building line of the dwellings on the eastern side of the road from No.s 10 to 24 is very regular – and the proposed bungalow would also follow this line.

- 7.04 The design of the building as a bungalow would not follow the prevailing two storey character of the road. Nonetheless, it would form a small group of three bungalows together with 10 Western Avenue and 38 Hilda Road, and given the existence of these two buildings I do not consider that the erection of a further bungalow could be held to cause unacceptable harm to the appearance of the road. The proposed bungalow would incorporate a hipped roof which would follow the roof form of Western Avenue, and the elevations would be rendered as is the case with No 10.
- 7.05 The plot would be much shorter in length than surrounding plots. However it would provide a modest rear garden for a 1 bed unit, which would be acceptable in amenity terms. I do though recommend removing permitted development rights for alterations, extensions and outbuildings in order to preserve this garden space. The smaller length of the garden, being screened to the rear of the plot, would not have any material effect on the appearance or perception of the plot size when viewed from Western Avenue, and on this basis I do not consider this would create a harmful visual impact.
- 7.06 The proposal would accommodate parking at the front of the property, and this is a common feature on the road.
- 7.07 Policies E1 and E19 of the adopted plan, and policies CP4 and DM14 of the emerging plan seek for developments to be well designed and of appropriate scale, design and appearance. In my opinion, the form and scale of the building would be in keeping with the two adjacent bungalows, and the plot width and separation distance between the proposed bungalow and two existing dwellings on either side would be comparable with other properties on the road. On this basis I consider the impact of the development on the character and appearance of the area to be acceptable and in accordance with the above policies.

Residential Amenity

- 7.08 Policies E1 of the adopted plan and DM14 of the emerging plan state that all development will cause no demonstrable / significant harm to amenity.
- 7.09 No 12 Western Avenue is sited immediately to the north and the proposed development would be sited 2 metres from the flank wall of this property. At ground floor level, there is a window in this elevation serving the lounge to No 12. The lounge is also served by another window in the rear elevation of the property.
- 7.10 The proposed bungalow, at 2 metres distance from this window, would be likely to impact upon light provision. However given the low height and form of the bungalow, I consider such impact would be relatively limited. Taking into account the presence of another window in the rear elevation that serves the lounge to No 12, I do not consider that the impact on light provision to No 12 would be unduly harmful.
- 7.11 The proposed dwelling would incorporate a kitchen window in the side elevation. This would not directly face towards the lounge window at 12, but would be sited close to it. Although there would be an intervening fence between the two properties, the windows would rise above the fence line. In this instance, I consider that overlooking between windows could be possible, but that this could be mitigated by requiring the kitchen window to be of obscure glazing.
- 7.12 As the proposed bungalow would not project beyond the front of rear building line of No 12, it would have no impact on windows on any other elevations of this property.

- 7.13 Similarly, No 10 has a ground floor window facing towards the proposed building at a separation distance of 2 metres. This window currently serves a bedroom. The level of light reaching this window would also be impacted by the development, however again the effect of this would be limited by the single storey nature of the development. On balance I consider this impact to be acceptable.
- 7.14 No 38 Hilda Avenue is sited to the rear of the plot and at a 90 degree angle to the proposed dwelling. As a result, the windows in the rear elevation of No 38 would not face towards the proposal. A gap of around 7 metres would be maintained between the rear elevation of the proposed bungalow and No 38. Given the siting and orientation of the buildings, the single storey nature of the proposed bungalow and the distance involved, I do not consider it would cause any unacceptable loss of light or outlook to No 38. Standard boundary treatments between buildings would prevent any overlooking relationships in this instance.
- 7.15 Taking the above into account, I am of the opinion that the development would not unacceptably harm residential amenities and would comply with the above development plan policies.

Highways

- 7.16 The proposed bungalow would be served by a single parking space via a new access onto Western Avenue. The garage to the existing bungalow at No 10 would be removed as part of the scheme, however two parking spaces are shown to be retained to this property, using the existing access onto Hilda Road. The level of parking shown would accord with the Kent County Council Interim Guidance note 3 on residential parking, which requires 1 space (per unit) to be provided for 1 and 2 bed units in such locations.
- 7.17 A number of objections have been received by local residents relating to parking / parking pressure. The development would provide appropriate off-street parking in accordance with the above-mentioned standards. The creation of a new access would result in the potential loss of a parking space on the roadside, and it is acknowledged that the local roads are relatively heavily parked as a number of properties do not benefit from off-street parking. However, the impact of removing a street space would be low and I do not consider it would justify refusal of this application. Likewise KCC Highways and Transportation do not consider the loss of street parking that would arise to be objectionable.
- 7.18 A number of objections also refer to issues of refuse lorries and other large vehicles needing to mount pavements to negotiate the road, due to its limited width. As the proposal would provide / retain vehicle parking, I do not consider that the development would be likely to worsen any existing highways conditions.

Landscaping

- 7.19 The site benefits from some landscaping although local residents have pointed out that this landscaping is not shown on the submitted plans. From my site visit I have noted that the landscaping is accommodated to the front and side of the dwelling. Whilst it is likely that most, if not all the existing landscaping within the application site would be removed, this is generally ornamental landscaping and not of high amenity value. An area for new landscaping at the front of the property is shown on the submitted plans, and I consider this to be acceptable.

Other Matters

- 7.20 Matters raised by local residents regarding asbestos removal are not controlled under the planning legislation. The relocation of the telegraph pole would be a matter for the developer to agree with the relevant utilities company.
- 7.21 The development would add to the stock of dwellings in proximity to the Swale Special Protection Area. Policy DM28 of the emerging plan provides the highest level of protection to such sites and requires that such developments shall only proceed when in accordance with relevant Directives, Conventions and Regulations. Residential development is identified as increasing recreational impacts upon birds within the SPA. In this instance, the development has been screened out of the need for contributions towards the Strategic Management and Monitoring Strategy in accordance with the Council's agreed strategy. This is set out in the HRA attached to this report.

8.0 CONCLUSION

- 8.01 This is a relatively small plot, but in my opinion there would be no demonstrable harm to the street scene and character / appearance of the area through the development proposed. Some impact would arise on light provision to neighbouring windows, although this would be limited, and would also be offset in the case of No 12 by the presence of another window in the rear elevation serving the lounge. The development would provide and retain off street parking for both the proposed and existing house. Whilst the proposal would lead to the loss of on street parking I do not consider this would be of such effect to make the scheme unacceptable, particularly when weighed against the presumption in favour of sustainable development within the NPPF. Overall, I do not consider that the proposal would be in conflict with the development plan.

9.0 RECOMMENDATION – GRANT Subject to the following conditions

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

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

- (2) Prior to the commencement of development, details in the form of samples of external finishing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- (3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1291 001C

Reason: To ensure the development complies with the terms of the planning permission.

- (4) Upon completion, no further development, whether permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interests of the amenities of the area, due to the constrained size of the plot.

- (5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity and to ensure that such matters are agreed prior to the commencement of development.

- (6) 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 and encouraging wildlife and biodiversity.

- (7) 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 and encouraging wildlife and biodiversity.

- (8) The area shown on the submitted plan as car parking space shall be provided prior to first occupation of the development and kept available for such use at all times, and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto.

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

- (9) The development hereby permitted shall not be occupied until vehicle parking for the existing dwelling at No 10 Western Avenue, as shown on the approved drawings, has been provided and made available for such use.

Reason: To ensure the existing dwelling is provided with car parking, as without so is likely to lead to car parking inconvenient to other road users.

- (10) Before the development hereby permitted is first used, the proposed kitchen window in the north facing elevation of the dwelling hereby permitted shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

INFORMATIVES

- (1) Any asbestos present on site must be removed in accordance with the Control of Asbestos Regulations 2012

Council's Approach to the 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.

Habitat Regulations Assessment

This HRA has been undertaken without information provided by the applicant. The application site is located approximately 2Km from The Swale Special Protection Area and Ramsar site which is a European designated site, 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 where the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, proposals are 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 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 a single 1 bed 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.

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.