

REPORT SUMMARY

REFERENCE NO - 17/500397/FULL			
APPLICATION PROPOSAL Conversion of existing 3 bedroom dwelling into 1no one bedroom flat and 1no. two bedroom flat, including the erection of a two storey and single storey rear extension			
ADDRESS The Laurels Darlington Drive Minster-On-Sea ME12 3LF			
RECOMMENDATION Grant subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would provide an additional dwelling in a sustainable location and would not give rise to significant harm to the character of the area and would not unacceptably impact upon residential, visual or highway amenities.			
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection			
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr Lambkin AGENT Woodstock Associates	
DECISION DUE DATE 28/03/17	PUBLICITY EXPIRY DATE 24/02/17		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
None			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises a two storey end of terrace dwelling with hardstanding to the front and side and private amenity space to the rear.
- 1.02 The surrounding area is predominately residential in nature and is comprised of terraced, semi detached and detached dwellings in a variety of styles.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for the sub-division of the existing 3 bedroom single dwelling into 1 x 1 bedroom residential unit at ground floor level and 1 x 2 bedroom unit at first / second floor level and the construction of a ground and first floor rear extension.
- 2.02 The ground floor extension will measure 4.7m in depth and 4.6m in width. The first floor extension will measure 1.8m in depth and 4.6m in width. The ground floor will have a monopitch roof with an eaves height of 2.7m. The first floor will have a pitched roof with rear facing gable, an eaves height of 5.5m and a ridge height of 6.6m.
- 2.03 The amenity area to the front, side and rear of the property would remain unchanged.

3.0 PLANNING CONSTRAINTS

3.01 None

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

4.01 The NPPF and the National Planning Policy Guidance (NPPG) both advocate provision of new residential development within sustainable urban locations close to local shops and services, subject to good design and no serious amenity issues being raised.

Swale Borough Local Plan 2008

- 4.02 Policy E1 sets out standards applicable to all development, saying that it should be well sited and appropriate in scale, design and appearance with a high standard of landscaping, and have safe pedestrian and vehicular access whilst avoiding unacceptable consequences in highway terms;
- 4.03 Policy E19 states that the Borough Council expects development to be of high quality design and should amongst other requirements provide development that is appropriate to its context in respect of scale, height and massing, both in relation to its surroundings, and its individual details;
- 4.04 Policy E24 states that the Borough Council will only grant planning permission for alterations and extensions to existing buildings provided they are of a high quality design; are in scale in relation to the building's surroundings; maintain or enhance the character of the streetscene; preserve architectural, landscape, or nature conservation features of interest; and protect residential amenity.
- 4.05 Policy H2 states that planning permission for new residential development will be granted for sites within the defined built up areas, in accordance with the other policies of the Local Plan.
- 4.06 Policy T3 states that the Borough Council will only permit development if appropriate vehicle parking is provided in accordance with Kent County Council parking standards.

The Swale Borough Local Plan Proposed Main modifications 2016

4.07 Policies ST1 (Delivering sustainable development in Swale); ST2 (Development targets for jobs and homes 2011-2031 2014-2031); ST3 (The Swale settlement strategy); ST4 (Meeting the Local Plan development targets); CP3 (Delivering a wide choice of high quality homes); DM14 (General development criteria) and DM16 (Alterations and extensions).

Supplementary Planning Guidance

4.08 The Conversion of Buildings into Flats & Houses in Multiple Occupation and Designing an Extension – A Guide for Householders

5.0 LOCAL REPRESENTATIONS

5.01 Neighbouring properties were sent a consultation letter. One response was received which raised the following objection:

- *“We were never contacted re the loft extension and feel that this is the main point considering that the window for the loft extension looks straight into my rear two bedrooms and into my back garden losing all privacy I had.”*

The loft conversion has been completed and having assessed the drawings I am of the view that it satisfies the requirements to constitute permitted development. As a result the Council have no control over this and furthermore, the application now submitted does not seek permission for this (as none is needed). Therefore I will make no further reference to it in the remainder of this report.

6.0 CONSULTATIONS

6.01 **Minster-on-sea Parish Council** objects to the application and states that it has *“concerns that the proposal may set a precedent for the subdivision of properties.”*

6.02 **Environmental Health** raised no objection subject to an hours of construction condition.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application papers and correspondence relating to planning reference 17/500397/FULL.

8.0 APPRAISAL

8.01 The application site lies within the built up area boundary. As such the principle of additional residential units on this site is compliant with the broad aims of both local and national policy. The main considerations in my view comprise the impact upon the character of the area and residential, visual and highway amenities.

8.02 Although the surrounding properties in Darlington Drive itself are in single occupation there are several properties in Barton Hill Drive, approximately 100m away from the application site that have been sub-divided into flats. I also note that in nearby Minster Road, Sanspereil Avenue and Summerville Avenue there are purpose built flats. As a result, due to the context of the surrounding area I do not believe that the proposal to sub-divide this one unit into two would be so significantly out of keeping with the area that unacceptable harm would arise.

8.03 The application proposes a two storey rear extension. At ground floor level, the adjoining property, ‘The Limes’ already extends as far as the extension now proposed. On the opposite side, due to the depth of No.11 Darlington Drive, this adjacent property will still extend 1.2m beyond the rear wall of the ground floor element of the extension proposed at full two storey height. I note that No.11 has a number of flank windows facing towards the application site, however, there would still be a reasonable gap of 3.8m between the host property and this adjacent dwelling which would in my view limit any harm to the amenities of the occupiers of this property. Furthermore, notwithstanding the above, flank windows are afforded less weight when considering the impact upon neighbouring dwellings as to do so would give occupiers with flank facing windows significant rights over land that they do not own. At first floor level the extension will project 1.8m. This is compliant with the SPG and as a result, taking the above into account I do not believe that the two storey rear extension would give rise to unacceptable harm to residential amenities.

- 8.04 The extension has been designed with a combination of monopitch and pitched roofs. Furthermore, as the proposed extension would be to the rear of the property, views towards it from public vantage points would be extremely limited. No changes to the front of the property are proposed and as a result I am of the opinion that the proposal would not give rise to unacceptable harm to visual amenities of the surrounding area including the streetscene..
- 8.05 The vehicle parking arrangements remain unchanged from the existing layout. At the current time there is hardstanding to the front of the property where one vehicle could be parked. The existing property is a three bedroom dwelling. In this location the KCC Interim Guidance Note 3 (20th November 2008) – Residential Parking requires 1.5 spaces per unit for a 3 bedroom house in a suburban location (which I consider this to be). 1 and 2 bedroom flats in this location require a single parking space each. Therefore, the existing requirement for 1.5 spaces would be rounded up to 2 which is the same provision as would be needed for the units proposed. Therefore, I do not believe that the proposal would be any more harmful in this regard than the existing arrangement.
- 8.06 The proposed units meet the requirements of the SPG in terms of floor area in all respects and in addition to this a reasonably sized private amenity space of 13.4m in depth and 5.4m in depth would be provided. As a result I consider that the provision of the amenity space for future occupiers would be acceptable.
- 8.07 I have for completeness set out a Habitat Regulations Assessment below. This confirms that whilst mitigation could be provided by way of developer contributions, this is not considered appropriate for developments under 10 dwellings. The cost of mitigation will be met by developer contributions on developments over 10 dwellings. In view of this it is not considered that the development will have a harmful impact on the special interests of the SPA and Ramsar sites.

9.0 CONCLUSION

- 9.01 Overall I consider that the proposal provides an additional residential unit in a sustainable location without giving rise to unacceptable harm to residential, visual or highway amenities. Although the Parish Council raised concern regarding this application setting a precedent, each case would be required to be judged on its merits and would need to provide enough space for future occupiers of the dwelling including outside amenity space. I also consider that in this specific case there are existing flats within close enough proximity to the application site as not to cause unacceptable harm to the character of the area. I recommend that planning permission is granted.

10.0 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) The development hereby permitted shall take place in accordance with the following drawings: LA/15/149.02; LA/15/149.03; and LA/15/149.04 (all received 31st January 2017).

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

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reasons: In the interests of visual amenity.

- 4) 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 08.00 – 18.00 hours, Saturdays 08.00 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reasons: 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 approximately 4km north of The Swale Special Protection Area (SPA) and Ramsar site and 3.8km east of Medway Estuary and Marshes Special Protection Area and Ramsar site both of which are 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 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 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, 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 dwellings 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:

- 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.