

2.8 REFERENCE NO - 17/500525/FULL			
APPLICATION PROPOSAL Construction of a single residential dwelling			
ADDRESS Cromac Callaways Lane Newington Kent ME9 7LX			
RECOMMENDATION Grant, subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The site lies within the built up area boundary where the principle of residential development is accepted and the development would not cause harm to the setting of the conservation area or to residential, visual or highway amenities.			
REASON FOR REFERRAL TO COMMITTEE Recommendation contrary to view of Parish Council			
WARD Hartlip, Newington And Upchurch	PARISH/TOWN Newington	COUNCIL	APPLICANT TSP Property Developments AGENT Edwards Planning Consultancy
DECISION DUE DATE 04/04/17	PUBLICITY EXPIRY DATE 17/03/17		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/504504/FULL	Construction of a single, detached residential dwelling.	Withdrawn	31.01.2017
16/506068/FULL (Land at Callaways Lane – Adjacent site)	Erection of chalet bungalow with detached double garage/store and associated parking, access and landscaping works	Approved	09.12.2016
SW/91/1070	Outline application for a two bedroomed bungalow.	Refused	17.10.1991

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises a detached bungalow with amenity space to the front, side and rear of the property.
- 1.02 The immediately surrounding residential properties on the opposite side of Callaways Lane and to the northwest along Callaways Lane are detached. There are semi detached properties located approximately 65m away from the application site to the north east.
- 1.03 To the southeast, south and southwest of the application site lies open countryside. However, on the adjacent site, which is currently an undeveloped field, a single dwelling has been approved under 16/506068/FULL as set out above (this permission has not been implemented).

2.0 PROPOSAL

- 2.01 This application seeks planning permission for an extension to the existing property to provide an additional dwelling. The plot would be sub-divided with a new vehicle access onto Callaways Lane and separate private amenity areas for both dwellings.
- 2.02 The existing dwelling is a T shaped chalet bungalow and the proposed property would project front and rearwards of the existing dwelling to create a H shaped semi detached property. The main front wall of the proposed property would project by 2.8m from the closest part of the existing dwelling with a gap of 0.7m to the common boundary. At the rear the proposed dwelling would project by 1m with a gap of 0.8m. The dwelling would be set 2m in from the side boundary.
- 2.03 The proposed dwelling would have a front and rear facing gable with two flat roof dormers and a rooflight in the side facing roofslope. It would measure 2.5m to the eaves and 5.9m to the ridge.
- 2.04 An area of landscaping and a parking area is proposed to the front of the dwelling. To the rear, a private amenity space 10m in depth and ranging between 11m and 12m in width would be provided. This would mean that a private amenity space of 11m in depth and ranging between 8.5m and 11.2m in width would remain for the existing dwelling.

3.0 PLANNING CONSTRAINTS

- 3.01 Newington Manor conservation area – Would affect the setting of.

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.

Development Plan

- 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 E15 sets out that development, within, affecting the setting of, or views into and out of a conservation area, will preserve or enhance all features that contribute positively to the area's special character or appearance.
- 4.04 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;
- 4.05 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.

- 4.06 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.
- 4.07 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.
- 4.08 Policies, CP4 (Requiring good design), DM14 (General Development Criteria); DM16 (Alterations and extensions); DM7 (Vehicle parking) and DM33 (Development affecting a conservation area) of the emerging Local Plan are also relevant.

5.0 LOCAL REPRESENTATIONS

- 5.01 4 letters of objection have been received which raise the following summarised points:
- Development has already begun on site;
 - A Covenant is in place on the properties in Callaways Lane which says that only one dwelling per plot is allowed;
 - The description of the site is misleading;
 - The plot is of an insufficient size to support the development;
 - The arrangement of the access for the existing and proposed property will mean that cars will either have to exit the sites in reverse or reverse onto the site causing traffic delays on Callaways Lane;
 - The hedges at the front of the site will be required to be removed and existing planting has already been removed;
 - An application was refused in 1991 and the details remain the same;
 - The proposal would block the view of the fields for other properties in Callaways Lane;
 - The site is within 50m of the north west boundary of Newington Manor conservation area and any development at this location would impact on views into and out of the conservation area, therefore the site is sensitive and should not be built on;
 - The application site abuts a small single access track and development may disturb, encroach or even cause the bank to collapse;
 - This application along with others for residential development which are urbanising the countryside;
 - The development will cause disruption to existing residents during the construction phase and there would be difficulty in larger vehicles reaching the site;
 - The proposed property is poorly designed and is not in keeping with the surrounding properties;
 - The owner of the property promised that they would simply refurbish the existing dwelling;
 - The area of the plot is subject to interpretation as the plot actually tapers towards the far side, actually reducing the rear garden size and the application plans show this as a straight square plot;
 - The proposed new property will add additional light pollution to the local wildlife and also the darkness of the countryside at night.

6.0 CONSULTATIONS

6.01 **Newington Parish Council** object to the application and stated the following. *“The reasons given for the predecessor application (16/504504/FULL: Construction of a single, detached residential dwelling.) remain. Many in the area have been confused by the change of name used for this application.*

1. *The plot is unsuitable and the proposal would be an infill in a plot of insufficient size*
 2. *It is on the edge of the built up area in Newington which opens out to open countryside*
 3. *There is not enough square footage for the dwelling*
 4. *The building proposed is too high*
- (sent by Newington Parish Council, July 2016)*

This revised application seems to be led by a motive of profit rather than to provide an attractive dwelling, somewhere good to live in, and a building that harmonises with its setting and wider surroundings.

There are no semi-detached properties within the vicinity of Cromac/Cromas and the extended property, divided in two would be an anomaly.

The current dwelling has been neglected for some time, but is of a size and position appropriate for the site. There is local concern that 'maintenance' work being carried out by the owner is actually the first stage of the building and seems to presuppose the grant of planning permission.

We support the views of neighbours that the proposed new dwellings would be too-tightly confined within the site and that the parking available would inevitably mean overspill parking onto the narrow Callaways Lane and would exacerbate problems of visibility when driving.

We understand from local residents that a covenant exists limiting building in Callaways Lane to one dwelling per plot. This a matter on which the applicant will have to satisfy himself and neighbours in order to avoid potential future litigation.”

6.02 **Environmental Protection Team** raise no objection subject to a condition relating to hours of construction.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application papers and correspondence relating to planning reference 17/500525/FULL.

8.0 APPRAISAL

Principle of Development

8.01 I appreciate that reference has been made to an application on this site for an additional dwelling, which was refused under SW/91/1070 for the following reason:

“In the opinion of the District Planning Authority this development does not constitute infilling (namely the filling of a small gap in an otherwise substantially built up frontage) but is rather an undesirable extension of development in the countryside, detrimental to the character and amenities of the area. As such it is contrary to

policies RS2 of the Kent Structure Plan and H6 of the Sittingbourne and Milton Regis Area Local Plan Consultative Draft which seek to restrict unnecessary development in rural areas unless special circumstances apply.”

- 8.02 The key difference between when the 1991 was refused and now is that the site in planning terms no longer lies in the designated countryside but within the built up area boundary as shown on the proposals map for both the adopted and emerging local plan. As a result, there is a strong national and local policy presumption towards new residential development in locations such as these and therefore I am of the view that the principle of development is accepted.

Visual amenity and impact upon the setting of the conservation area

- 8.03 On receipt of the originally submitted drawings a number of design amendments were suggested to the agent, these were as follows:
- Reducing the width of the front projecting gable and increasing the pitch of the roof to match the pitch of the smaller gable on the front of the existing property;
 - Introduction of a high level window into the front facing gable and two bay windows at ground floor level;
 - Move side facing dormers lower in the side facing roofslope and replacement of middle dormer window with a rooflight;
 - Increasing the gap between the proposed property and the side boundary to 2m;
 - Suitable planting along the side boundary.
- 8.04 An amended drawing has been received which has incorporated all of the suggested amendments as set out above. The form and amount of space around the building is an important factor as to how the dwelling will present itself in the streetscene close to the edge of the conservation area. The increase of the gap to 2m from the boundary in my view has helped to create a development which does not appear unduly cramped on the site. In addition to this, an increased area of soft landscaping has been indicated on the amended drawings. I am also of the opinion that this would soften the appearance of the development. I have recommended a landscaping condition as set out below to ensure that appropriate details can be secured for the front, side and rear of the site.
- 8.05 The other amendments to the scheme relate to the design of the dwelling itself. Initially I was of the view that the frontward projecting gable was poorly proportioned in relation to the gable on the existing dwelling. As a result, as shown on the amended drawing this has been altered by reducing the width and increasing the pitch of the gable. This has, in my view, made a feature of the gable which assists in lifting the overall appearance of the proposed and adjoining dwelling. The side elevation of the dwelling, which faces the lane to the side of the plot would also be clearly visible from Callaways Lane. The proposed dormer windows in my opinion appear modest in the roofslope but I did have concern that as originally proposed, three dormers would appear congested within this elevation. As such, an amendment has removed the central dormer and replaced it with a rooflight. The result is that I consider the windows within this roofslope to sit comfortably within this space and therefore I do not believe that the impact upon visual amenities would be unacceptable.
- 8.06 In overall terms I am of the view that due to the amendments that have been received the proposed dwelling does not appear overly cramped within the streetscene. Although I appreciate that the immediately surrounding dwellings are detached and on large plots I take the view that on balance the site is able to accommodate adequate parking space, a suitably sized dwelling and an adequately

sized amenity space. I also consider that there are semi detached properties approximately 65m away from the site (properties known as Langarth / Dromore and Red Robin Cottages). Therefore I do not believe that the introduction of an additional dwelling onto the application site to create a semi detached property would be so out keeping as to warrant a reason for refusal. As such, I believe that the proposal as now submitted would not unacceptably harm visual amenities, the streetscene or the setting of the conservation area.

Residential Amenity

- 8.07 As set out above, the main front wall of the proposed property would project by 2.8m from the closest part of the existing dwelling with a gap of 0.7m to the common boundary. The projecting element would be 1.4m away from the closest part of the front living room window of the adjacent property. In this case I take into account the generous width of this window and that the living room is also served by a rear window. As such I do not believe that this frontward projection would have a significantly harmful impact upon the amenities of the neighbouring occupiers. To the rear, the proposed property projects by 1m past the closest part of the existing dwelling, however, it would be set in by 0.8m from the common boundary with a distance of 1.9m from the rear facing living room window. Therefore I do not believe that this element of the scheme would give rise to unacceptable harm to the amenities of neighbouring occupiers.
- 8.08 On the opposite side of the dwelling the site abuts a highway and there are existing residential dwellings on the opposite side of Callaways Lane. The closest point of the dwelling opposite, 'Springtime' is approximately 33m away and therefore I do not believe that the proposal would have any serious impact in this regard.

Highways

- 8.09 The application proposes two vehicle parking spaces and a new access onto Callaways Lane, 3.5m in width. The number of spaces complies with the requirements as set out in the Kent Design Guide Review: Interim Guidance Note 3, 20 November 2008, Residential Parking. I also note that the existing dwelling has a driveway adjacent to the property with hardstanding to the front which would in my view provide ample parking space for the occupants of this property. Therefore, I do not consider that this element of the scheme would give rise to parking on the highway which was inconvenient to other road users.
- 8.10 I note that concern has been raised that cars would either have to enter or exit the site in reverse gear. Although I agree that it would be desirable for cars to be able to enter and exit the site in forward gear, as Callaways Lane is an unclassified road there is no requirement for cars to be able to do so. However, I am of the view that visibility from the new access could be improved if no obstructions over 0.9m in height were allowed within a 2m buffer area from the front of the site. As such I have imposed a condition requiring details of this and as a result do not believe that the application would give rise to significant harm to highway amenities.

Impact upon SPA and Ramsar sites

- 8.11 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.

Other Matters

- 8.12 Although a number of the points raised in the objection letters have been dealt with above, of those that remain I respond as follows. Concern has been raised that development has already begun on site. Having undertaken a site visit I can confirm that works were taking place to the existing dwelling. However, I was content the works fell within the scope of permitted development and as a result would have been able to continue regardless of the outcome of this planning application. The description of the site within the supporting documents is that which the agent has chosen to use, however, regardless of this I have assessed the site independently on the basis of a site visit and by assessing the drawings. The hedges at the front of the property have no formal protection and therefore their removal would not be controlled by the Council. In regards to the point raised about the cumulative impact of housing developments, I give significant weight to the fact that this is a proposal for one dwelling which is located inside of the built up area boundary. Therefore, in this location, I do not believe that the scale of development proposed, even accounting for other dwellings, would give rise to a significantly unacceptable strain on infrastructure and services. I note that concern has been raised regarding the name of the property. However, the application site is represented by the red line on the site location plan and as such I do not believe that this has created any significant confusion. I also note that a comment was raised regarding how the site had been shown on the drawings and that this didn't truly reflect the situation. I contacted the agent regarding this and have received amended drawings which I now believe are consistent. Furthermore, I do not believe that the amount of light created by one dwelling would be likely to give rise to any significant harm to either nearby residents or wildlife.
- 8.13 I also take the view that the disturbance from the construction of one dwelling would be so significant as to substantiate a reason for refusal. However, I have included a condition which restricts hours of construction to protect the amenities of neighbours. Furthermore, due to the relatively small scale of the development I do not consider that the local road network would provide any serious difficulties in construction vehicles reaching the site. Finally, legal covenants, anecdotal promises that the applicant may have made, loss of view and damage to the bank of the adjacent highway are not material planning considerations and as such I will not elaborate on these points.

9.0 CONCLUSION

- 9.01 Although I recognise the concerns of the Parish Council and local residents I am of the view that the proposal provides a dwelling within the built up area boundary, without causing significant harm to residential, visual or highway amenity or the setting of the conservation 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: 02, Rev D and 03, Rev B (received 31st may 2017).

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

- 3) No development beyond the construction of foundations shall take place until details have been 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 in accordance with the approved details prior to the first use of any dwelling.

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

- 4) The materials to be used in the construction of the external wall surfaces, external dormer wall surfaces, roof and windows of the dwelling hereby approved shall match those as annotated on drawing 02, Rev D (received 31/5/2017). The finished render shall be smooth in texture and no development beyond the construction of foundations shall take place until details of the colour of the render and details of the materials used in the construction of the roofs of the dormers have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenities and to protect the setting of the conservation area.

- 5) No development beyond the construction of foundations shall take place until details of the proposed rooflight have been submitted to and approved in writing by the Local Planning Authority. The rooflight shall be of a conservation style with a central glazing bar.

Reason: In the interest of visual amenities and to protect the setting of the conservation area.

- 6) No development beyond the construction of foundations shall take place until full details at a suggested scale of 1:5 of the eaves and verges have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenities and to protect the setting of the conservation area.

- 7) No development beyond the construction of foundations 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.

- 8) 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.

- 9) 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.

- 10) 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.

- 11) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site.

Reason: In the interests of visual amenity.

- 12) No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Reason: In the interests of visual amenities.

- 13) No development shall take place until details of an area 2m in width, extending rearwards from the front of the boundary of the site have been submitted to and approved in writing by the Local Planning Authority. Within this area as indicated there shall be no obstructions over 0.9m above carriageway level. This shall be provided prior to the first use of the dwelling hereby approved and shall be retained as such in perpetuity.

Reason: In the interests of highway amenities.

Habitats Regulations Assessment

This HRA has been undertaken without information provided by the applicant. The application site is located 2.8km south of Medway Estuary and Marshes 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 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 as this a proposal 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:

- 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.