

<b>2.9 REFERENCE NO - 17/500325/FULL</b>			
<b>APPLICATION PROPOSAL</b> Change of use and erection of a two storey side extension, including the demolition of existing garages and a loft conversion, to form a total of five self-contained flats			
<b>ADDRESS</b> 55 Murston Road Sittingbourne Kent ME10 3LB			
<b>RECOMMENDATION</b> Grant subject to comments from Southern Water and receipt of amended plans regarding highway issues.			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The development would provide 5 units of accommodation within a sustainable urban location without giving rise to any serious amenity impacts.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Contrary to the written view of Ward Councillor Hall			
<b>WARD</b> Murston	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Darren Church <b>AGENT</b> Mark Horner Architecture	
<b>DECISION DUE DATE</b> 24/04/17	<b>PUBLICITY EXPIRY DATE</b> 24/03/17		
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
No planning history for the site.			

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.01 55 Murston Road is an end-of-terrace house situated within the built up area of Sittingbourne. It is of a typical design common to the area (and Sittingbourne in general) and features a small front garden with a low front wall against the pavement, and a generous rear garden (currently overgrown as the property has been empty for several months). To the side is a block of two detached garages with parking spaces in front. The plot as a whole measures approximately 34m deep x 12m wide, and the properties to the rear (17 and 19 Cowper Rd) are roughly 41m from the main rear elevation of the existing house.
- 1.02 Murston Road is characterised by traditional, Victorian terraced houses on the western side and blocks of two-storey flats on the eastern side. On-street parking is a significant feature of the road. At this particular point there is a lay-by opposite serving a bus stop.
- 1.03 The site lies roughly 1.3km from the Forum shopping centre (via the High Street), 1.4km from the train station (via Shortlands Road), 470m from the Tesco Express on the A2, 280m from the Murston Co-op, 600m from Sittingbourne Community College, and 280m from the Rectory recreation ground.

**2.0 PROPOSAL**

- 2.01 Application seeks planning permission for demolition of the garage block, erection of a two-storey side extension to no.55, and conversion of the whole property to form 5 self-contained flats.

- 2.02 The extension will be of a scale and design to match the existing building, and will feature face brick, weatherboarding, cast stone cills and concrete roof tiles. It will resemble a continuation of the terrace. Dormer windows will be added to the rear roof slope to facilitate use of the loft space. The rear extension will measure approximately 11m deep x 6m wide, with eaves and ridge height to match existing.
- 2.03 The design of the extension features an overhanging first floor on the southern end, which will allow vehicles to pass under the building to access a parking area and amenity space to the rear. Five parking spots (one per flat) and turning space will be provided, as well as cycle storage and communal amenity space.
- 2.04 Internally the property will be divided to provide 2 x 1-bed flats at ground floor, and then 2 x 1-bed and 1 x 2-bed flats across the first floor and roof space. Each flat will have a bedroom, bathroom, and open plan lounge / kitchen / diner, and all of the proposed internal floor spaces will be in excess of the Council's minimum adopted standard.

**3.0 SUMMARY INFORMATION**

	<b>Existing</b>	<b>Proposed</b>
Site Area	0.04ha (0.1acres)	
Approximate Ridge Height	8.6m	8.6m
Approximate Eaves Height	5m	5m
No. of Storeys	2	2 (with rooms in roof)
Parking Spaces	2 (+2 garage spaces)	
No. of Residential Units	1	5
No. of Affordable Units	0	0

**4.0 PLANNING CONSTRAINTS**

- 4.01 None.

**5.0 POLICY AND OTHER CONSIDERATIONS**

- 5.01 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) provide general guidance in relation to development. They encourage the provision of housing within sustainable areas, subject to consideration of issues such as local and residential amenity, highways, contamination, and noise, amongst others.
- 5.02 Policies SP1 (sustainable development), SP4 (Housing), E1 (general development criteria), E19 (design), H2 (new housing), T3 (vehicle parking), and T4 (cyclists and pedestrians) of the adopted Swale Borough Local Plan 2008 are relevant.
- 5.03 Policies ST1 (delivering sustainable development), ST2 (development targets for jobs and homes), ST5 (Sittingbourne area strategy), CP2 (sustainable transport), CP3 (wide choice of high quality homes), CP4 (good design), DM7 (vehicle parking), DM14 (general development criteria), DM16 (alterations and extensions), DM19 (sustainable design and construction), and DM21 (water, flooding and drainage) of the emerging Swale Borough Local Plan "Bearing Fruits 2031" Main Modifications Draft June 2016 are also relevant. The emerging plan has been through the formal review process and the Council expects the Inspector's report on June 9<sup>th</sup>, with formal adoption likely

to be towards the end of summer. In that regard the above policies can be given substantial weight.

## **6.0 LOCAL REPRESENTATIONS**

6.01 Three letters of objection (from two different people) have been received from local residents, raising concerns on the following summarised grounds:

- The proposed extension is larger than the existing garages;
- Rear windows will provide views into neighbouring gardens;
- Noise and pollution from vehicles accessing the parking area;
- Insufficient parking provision;
- Will add to local parking problems;
- Access to parking for flats at 31-38 Cowper Road has been blocked by the landlord;
- Loss of existing trees and impact on wildlife;
- Damage to neighbouring properties;
- Existing sewers "probably" incapable of dealing with increased demand;
- Security concerns, particularly access to rear gardens of Cowper Road;
- Submitted block plan incorrectly describes area to rear of 31/33 Cowper Road as hardstanding, when it is in fact parking.

6.02 A number of residents raised additional concerns while I was on site, including:

- Pedestrian safety in regards vehicles leaving the site, especially during school times;
- Foxes living in the garden;
- Noise and disturbance during construction;
- Noise and disturbance from the parking area adjacent to neighbour's gardens; and
- Dust during demolition construction (with one neighbour stating she has a child with breathing difficulties that might be exacerbated).

6.03 A petition has also been submitted, with the heading "Opposition of flats where the garages currently are," with 39 signatures from 29 addresses (and 1 with no address supplied).

## **7.0 CONSULTATIONS**

7.01 Kent Highways & Transportation have no objection, but request minor alterations to the vehicle access, pedestrian sight lines, and cycle store. I have requested amended drawings in this regard and will update Members accordingly at the meeting.

7.02 I await a response from Southern Water and will update Members at the meeting.

## **8.0 BACKGROUND PAPERS AND PLANS**

8.01 There is no planning history for the site.

8.02 The application is accompanied by a full suite of drawings.

## 9.0 APPRAISAL

### Principle

- 9.01 The application site lies within the built up area of Sittingbourne, and in a sustainable location in close proximity to the town centre, public transport links, and other services and amenities. The principle of development is therefore acceptable.
- 9.02 I have no serious concerns in regards to the loss of the existing garage block. It is of no architectural merit and its loss would not seriously harm the character or appearance of the area.

### Scale and Design

- 9.03 The scale and design of the proposed extension is, in my opinion, acceptable, and would sit comfortably within the context of the existing terraces. Whilst it would feature the slightly unusual projecting first floor side element I consider that this would not in itself be unacceptable or harmful, and is a novel design solution to maximise use of the site whilst retaining vehicle access. The use of external materials that are common to the area would help the development to blend in, and is controlled by condition as set out below. The drawings suggest buff bricks, but these are not a common feature of Sittingbourne and the condition will enable officers to negotiate a more suitable brick finish to the extension.
- 9.04 The extension would sit in-line with the existing building and a 3m gap would be retained to the neighbouring property at no.53. Therefore, whilst quite large in itself, I do not consider that the extension would give rise to significant overshadowing of neighbouring properties.
- 9.05 Two lounge windows and a bedroom window at first floor, and a bedroom window within the loft space would face to the rear, but the scale and position of the extension would minimise the potential for overlooking of neighbouring rear gardens. Views from windows at ground floor would be screened by the boundary fencing. I consider that any overlooking would not be at a significantly greater level than if the extension were to serve a single property. The properties on Cowper Road to the rear are approximately 41m away from the main (two-storey) rear elevation of the property and this distance will greatly reduce the potential for serious overlooking.

### Parking and Highways

- 9.06 Objections have been raised in respect of parking provision. I appreciate that parking is a local concern, and I note that Murston Road can be over-subscribed at peak times. However, the scheme proposes 1 space per flat, which is in excess of the minimum required by the adopted Kent Vehicle Parking Standards. I consider this to be acceptable, and would remind Members that the Council has been unsuccessful in the past when refusing schemes on parking grounds despite the adopted guidance.
- 9.07 During my site visit neighbours also raised concern in respect of pedestrian safety from the new access. I do not share this concern, noting the low boundary walls, wide pavement and generally open aspect to the frontages at this part of the road, and notes that this could be adequately mitigated through the provision of appropriate vision splays, and controlled by the use of condition as below.

9.08 Residents also verbally informed me of concerns regarding access to the parking area and consequent noise and disturbance to neighbouring gardens. I have sympathy with this but the Council has had clear direction by way of appeal decisions that such relationships are acceptable. In allowing the appeal at 8-18 Oak Road, Sittingbourne (ref. SW/13/0685, PINS ref. 2206980), not far from the current site, and granting permission for 5 two and three-bed houses, the Inspector commented that *"I accept that the neighbours may be aware of some of the comings and goings within the development at the appeal site, particularly from within their rear garden"* but *"I am not persuaded that the amount of movements would materially harm the living conditions of these immediate neighbours, through increased noise and disturbance."*

9.09 Whilst I appreciate neighbour's concerns I therefore consider that the proposed arrangement is acceptable.

#### Other Matters

9.10 Whilst on site one of the neighbours raised concern in regards to dust and potential impacts on her young child, who has respiratory problems. I wholly appreciate and understand their concern, but consider that the matter could be adequately mitigated through the imposition of the Council's standard condition re: dust suppression. If the site is damped down the transmission of dust will be minimised, and the standard working hours condition will ensure that any disturbance did not continue through anti-social periods.

9.11 Unfortunately foxes are not a protected species and their presence does not preclude development of the site. Whilst the rear garden is overgrown it does not contain any habitats that might contain protected species beyond those associated with any other rear garden, in my opinion. The Wildlife & Countryside Act 1981 prohibits works that would disturb or harm any protected species, and the developer is required to abide by that in addition to and outside of the planning regulations.

9.12 An assessment under the Habitat Regulations is appended, which screens the site out from needing to provide mitigation, in accordance with the Council agreed policy for developments of less than 10 dwellings.

9.13 Damage to existing properties during construction would be a private legal matter, and I do not consider that development of the site would give rise to any additional security concerns over and above those associated with a vacant property. In fact I consider that conversion to flats would provide more natural surveillance of the rear area and thus discourage unauthorised access.

### **10.0 CONCLUSION**

10.01 The scheme would provide five well-designed flats in a sustainable urban location, and without giving rise to any serious amenity concerns. I note local objections but do not consider that they amount to a justifiable or defensible reason for refusal.

10.02 Taking the above into account I recommend subject to the views of Southern Water and receipt of amended plans to address highway issues, that planning permission should be granted.

### **11.0 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 not be carried out otherwise than in complete accordance with the following approved drawings:

H-1351 12d, H-1351 13d, H-1351 14d, H-1351 15d, H-1351 16d, H-1351 17d, and H-1351 18d.

Reason: In the interests of residential amenity

- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during demolition and construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of the amenities of the area and highway safety and convenience.

- 4) 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.

- 5) Notwithstanding the submitted details, no development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 6) The amenity area shown on the approved plans shall be retained in perpetuity for use by the residents of all the flats.

Reason: In the interests of residential 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 0730 – 1900 hours, Saturdays 0730 – 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.

- 8) 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.

- 9) 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.

- 10) 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.

- 11) The car parking and turning spaces shown on drawing H-1351 12d shall be 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 (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

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

- 12) Before first occupation of the dwellings hereby permitted pedestrian sight lines measuring 2m x 2m shall be provided and thereafter maintained clear of any structure, tree, plant or other obstruction which exceed 1.2 metres above carriageway level within the approved sight lines.

Reason: In the interests of highway safety.

**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 acceptable as submitted and no further assistance was required, and 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.



### Habitat Regulations Assessment.

This HRA has been undertaken without information provided by the applicant.

The application site is located approximately 1.5km to the southwest of The Medway Estuary and Marshes Special Protection Area (SPA) 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. For similar proposals NE also advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites and can therefore be screened out from any requirement for further assessment.

It is the advice of NE 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) and; 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 of 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 would cost substantially 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, the North Kent Councils have yet to put in place the full measures necessary to achieve mitigation across the area and there are questions relating to the cumulated impacts on schemes of 10 or less that will need to be addressed in on-going discussions with NE.** 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 single dwellings upwards 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 what is acceptable to officers as a common route forward. Swale 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 dwelling proposed but in the longer term the mitigation will be secured at an appropriate level, and in perpetuity.