

2.4 REFERENCE NO - 17/501702/FULL			
APPLICATION PROPOSAL			
Construction of a four bedroom detached dwelling with detached double garage/store and associated parking, access and landscaping works on the land to the south of Callaways Lane, Newington.			
ADDRESS Land At Callaways Lane Newington Kent ME9 7LU			
RECOMMENDATION Grant, subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION			
The principle of residential development on this site has been established by the recently approved scheme and the proposal would preserve the setting of the conservation area and not give rise to unacceptable harm to residential amenities.			
REASON FOR REFERRAL TO COMMITTEE			
Recommendation contrary to Parish Council view			
WARD Hartlip, Newington And Upchurch	PARISH/TOWN Newington	COUNCIL	APPLICANT Mr J Lane AGENT DHA Planning
DECISION DUE DATE 30/05/17	PUBLICITY EXPIRY DATE 12/05/17		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/506068/FULL	Erection of chalet bungalow with detached double garage/store and associated parking, access and landscaping works	Approved	09.12.2016

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises an undeveloped parcel of land measuring 48m-55m in depth and 24m-28m in width.
- 1.02 The site is bounded to the northwest by Callaways Lane and to the northeast by an access track. To the south of the site lies open countryside. The built up area boundary abuts the site to the northeast and also runs along Callaways Lane to the northwest of the site. The Newington Manor conservation area lies approximately 14m to the west of the closest part of the application site.

2.0 PROPOSAL

- 2.01 The application seeks planning permission for the erection of a chalet bungalow with a detached double garage / store. The application is largely similar to the proposal granted planning permission under 16/506068/FULL as set out in the history section above. The fundamental difference between the scheme previously approved and the one being considered now is the addition of a rearward projecting element on the dwelling.

- 2.02 The proposed property would be set back from Callaways Lane by a distance of 22m-24m and as a result would be located towards the centre of the application site. The ground floor of the dwelling will measure approximately 12.8m in width and range between 7m and 11m in depth due to the rearward projecting element. At first floor level the property will be 11.5m in width and range between 7m and 10.9m in depth, again, due to the rearward projecting element. The proposed dwelling has a pitched roof with three pitched roof dormers on the front roofslope and two on the rear. The rear elevation will feature a pitched roof projecting gable. There will be a catslide roof on the northeast elevation. The eaves height will be 2.4m on the northeast elevation and 3.5m elsewhere. The ridge height will be 8.3m. A chimney rising to 8.5m will be located on the southwest elevation.
- 2.03 A double garage / store will be located in advance of the front elevation of the dwelling, close to the access track which abuts the northeast boundary of the application site. This structure measures 10m x 6.5m and has a pitched roof with a catslide element. The eaves of the building will be 1.6m on the catslide element, 2.5m elsewhere and 6m to the ridge.
- 2.04 A courtyard / parking area would be located in the area in front of the dwelling and to the rear of the site would be private amenity space measuring 21m in depth and 27m in width. A 1.2m high post and rail fence would be situated on the front and side boundaries of the site.

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 at paragraph 14 states that central to the NPPF is “a *presumption in favour of sustainable development*.”

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”*

- 4.02 At paragraph 49 the NPPF states that “*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*”

Development Plan

- 4.03 Policies SP1 (Sustainable Development), SP2 (Environment), SP4 (Housing), SP5 (Rural Communities), SH1 (Settlement Hierarchy), E1 (General Development Criteria), E6 (The Countryside), E15 (Development Affecting a Conservation Area),

E19 (Achieving High Quality Design and Distinctiveness), RC3 (Helping to Meet Rural Housing Needs), H2 (Providing for New Housing), T1 (Providing Safe Access to New Development) and T3 (Vehicle Parking for New Development) of the adopted Swale Borough Local Plan 2008

- 4.04 Policies ST1 (Delivering Sustainable Development in Swale), ST2 (Development Targets for Jobs and Homes 2011-2031 2014-2031), ST3 (The Swale Settlement Strategy), CP3 (Delivering a Wide Choice of High Quality Homes), CP4 (Requiring Good Design) and DM14 (General Development Criteria) of The Emerging Swale Borough Local Plan 'Bearing Fruits 2031' Proposed Main Modifications 2016.

5.0 LOCAL REPRESENTATIONS

- 5.01 No responses have been received.

6.0 CONSULTATIONS

- 6.01 **Newington Parish Council** object to the application and made the following comments:

"Councillors have considered the application and had no comment to make except that the following objection, which was lodged to original application on 7 September 2016, still stands:

The proposed dwelling is within the conservation area and would be visible from Cranbrook Farm and Little Cranbrook Farm. It would extend the built up boundary of the Village.

There seems to be errors in the application: it is contradictory stating, the land is in the centre of the village and also that it is on the periphery. Much is made of the 1998 Cranbrook Farm application, quoting this as a precedent; in fact this application was in respect of the conversion of a redundant farm outbuilding, rather than building on rural land a dwelling that would not fulfil any social or agricultural need."

- 6.02 **KCC Ecology** request conditions related to a method statement for ecological mitigation, a lighting strategy, bat boxes, bird boxes and the provision of additional native hedgerow planting.
- 6.03 The Council's **Environmental Protection Team** state that although a contaminated land condition was recommended for the permission granted under 16/506068/FULL having further reviewed the historic land use of the site there is no necessity for this condition to be included. Therefore no objection would be raised subject to an hours of construction condition being imposed.

7.0 SUPPORTING DOCUMENTS

- 7.01 A Design and Access and Heritage Statement have been submitted with the application which includes the following subsections: Introduction; Site and Surroundings; Proposal; Planning Policy Framework; Planning Appraisal; Heritage Statement and Summary and Conclusion.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 Application papers and correspondence relating to planning reference 17/501702/FULL & 16/506068/FULL.

9.0 APPRAISAL

Principle of Development

- 9.01 Although the site adjoins the built up area boundary, in planning policy terms it is located in the countryside. As Members will be aware the Council has now received the Local Plan Inspector's Final Report. The report confirms that the emerging Local Plan has been found 'sound' and that the Council have demonstrated a 5.4 year supply of housing land. The result of this is that the Council's Local Plan policies in relation to housing carry significant weight. However, in this case I am of the opinion that this is outweighed by the extant permission on the site for a similarly designed dwelling (approved under 16/506068/FULL) which could be implemented (Members may recall this previous application was reported to Planning Committee on 8th December 2016 and received a resolution to grant permission). The only significant difference between the scheme now being considered and the one previously approved is the addition of a two storey rearward projecting element which measures approximately 4m x 4m. Therefore, in this case, I am firmly of the view that the principle of a single dwelling on this site is acceptable.

Impact upon the setting of the conservation area and visual amenities

- 9.02 The site lies close to the Newington Manor Conservation Area and therefore a key consideration in the determination of this application is the requirement of the proposal to preserve or enhance the setting of, or views into and out of this designated heritage asset. However, due to the planning history of the site as set out above I consider that it needs to be assessed as to whether the inclusion of a two storey rear projection would represent such a departure from the previously approved scheme as to make it unacceptable in this regard.
- 9.03 Having given careful consideration to the submitted drawings I am of the view that the amendment of the scheme is arguably more appealing and interesting than the previously approved scheme with the rear projection enlivening the appearance of the rear elevation without overcomplicating the scheme. I believe that the rearward projecting element is suitably modest in proportion to the main part of the dwelling with the ridge line set lower than the main roof.
- 9.04 Based upon the above considerations I believe that the scheme would preserve the setting of the conservation area and I have included the conditions which were imposed on the previous permission in relation to the design of the building. However, due to the revised design I believe that to ensure the Council is able to fully assess any future development that a condition is imposed which removes permitted development rights in relation to extensions and outbuildings and also for gates, walls or other means of enclosure.

Residential Amenity

- 9.05 The site faces neighbouring residential properties on the opposite side of Callaways Lane and the adjacent access track. Although the proposed detached garage will be set forward of the proposed property, this element of the application will still be separated from the closest dwellings by a distance of 30m (from Longview) and 22m (from Cromac (also known as Cromas)). As a result I am of the view that the proposal will have little impact on residential amenities and is acceptable in relation to this.

Impact upon SPA and Ramsar sites

- 9.06 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

- 9.07 The site would provide ample space for parking which would in my view not give rise to harm to highway amenities. Furthermore I consider that the amount of private amenity space provided would be generous for a property of this size.
- 9.08 As noted above, KCC Ecology have no objection subject to the conditions below in respect of mitigation and ecological enhancement. I am satisfied that these conditions address any potential harm to the ecological interest of the area.

10.0 CONCLUSION

- 10.01 Although the site lies in the designated countryside and the Local Plan Inspector's Report has confirmed that the Council has a 5 year supply of housing land, I am of the firm view that this is outweighed by the extant permission on the site for a single dwelling. The key difference between the application which was approved under 16/506068/FULL and the scheme being considered now is the addition of a two storey rearward projecting element measuring approximately 4m x 4m. However I believe that due to the considered design approach that the proposal preserves the setting of the nearby conservation area and would not give rise to harm to residential amenities. I have imposed conditions which control the finer points of the design of the property and those as required by KCC Ecology and the Council's Environmental Protection Team. I recommend that planning permission is 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 take place in accordance with the following drawings: 16.27.1000C (received 4th April 2017); 16.27.SK01E (received 27th March 2017); 16.27.SK04C (received 27th March 2017); 16.27.SK05B (received 27th March 2017); 16.27.SK06D (received 27th March 2017); SK-27-SK008 (received 27th March 2017); 16.27.SK11B (received 27th March 2017); 16.27.SK20A (received 27th March 2017); 16.27.SK21 (received 27th March 2017); 16.27.SK22 (received 27th March 2017); 16.27.SK23A (received 4th April 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) No development beyond the construction of foundations shall take place until details in the form of samples of external finishing materials to be used in the construction of the development hereby approved 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 amenity and to preserve the setting of the conservation area.

- 5) Notwithstanding the details set out in the application form, all external windows and doors shall be of timber construction, and detailed drawings at a suggested scale of 1:5 of all new external joinery work and fittings together with sections through glazing bars, frames and mouldings shall be submitted to and approved by the Local Planning Authority before any development beyond the construction of foundations development takes place. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to preserve the setting of the conservation area.

- 6) No development beyond the construction of foundations shall take place until constructional details at a suggested scale of 1:5 of the eaves and ridges 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 amenity and to preserve 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, and to ensure that such matters are agreed before work is commenced.

- 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.

- 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.

- 10) No development shall take place (including any ground works, site or vegetation clearance) until a method statement for ecological mitigation (including provision for reptiles, amphibians, nesting birds, and hedgehogs) has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) Extent and location of proposed works, including the identification of a suitable receptor site, shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- f) Use of protective fences, exclusion barriers and warning signs
- g) Initial aftercare and long-term maintenance (where relevant);

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In the interest of protecting reptiles on the site and to ensure that such matters are agreed before work is commenced.

- 11) No development shall take place until a “lighting design strategy for biodiversity” for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of preventing disturbances to species in the vicinity and to ensure that such matters are agreed before work is commenced.

- 12) Details of the location and completion of the following enhancement measures shall be submitted to, and be approved by, the Local Planning Authority prior to the occupation of the dwelling hereby approved:

- a) 2 x Schwegler Bat Box: Type 2F;
- b) 1 x Schwegler Bat Box: Type 1FF
- c) 2 x Schwegler Bird Box: Type 1B;
- d) 1 x Schwegler Sparrow Terrace: Type 1SP;
- e) Provision of native planting.

Reason: In the interests of biodiversity.

- 13) No 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 residential amenity.

- 14) The area shown on the submitted plan as vehicle parking and turning space 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 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 hereby permitted.

Reason: Development without adequate provision for the parking of cars is likely to lead to car parking inconvenient to other road users and in a manner detrimental to highway safety and amenity.

- 15) The garage hereby approved shall be kept available for the parking of vehicles 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 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 and in a manner detrimental to highway safety and amenity.

- 16) The access details shown on the approved plans shall be completed prior to the first occupation of any dwellings hereby approved, and the access shall thereafter be maintained in perpetuity.

Reason: In the interests of highway safety and amenity.

- 17) Upon completion, no further development 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), shall be carried out. Within the application site.

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

- 18) 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 the amenities of the area.

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.