

PLANNING COMMITTEE – 14 FEBRUARY 2013

Part 2

Report of the Head of Planning

Part 2

Applications for which PERMISSION is recommended

2.8	SW/12/1596 (Case 01012)	Bobbing
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Location : Land at Rook Lane, Bobbing, Sittingbourne, Kent, ME9 8DZ

Proposal : Construction of 5 x 4 bedroom detached dwellings and associated vehicle parking plus realignment of Rook Lane including new access to mast and new section of roadway to waterworks

Applicant/Agent : Burlingway Ltd, C/O Ron Fender RFD, West House, Thornhill, Westerham Road, Limpsfield, Surrey, RH8 0ED

Application Valid : 9 January 2013

8 Week Target : 6 March 2013

Subject to: The comments of Bobbing Parish Council, Kent County Council Archaeology and Kent Highway Services and the receipt of any additional representations (closing date 11th February 2013)

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.

Grounds: 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 approved shall be carried out in accordance with the following approved drawings: RF20/02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and M749.

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

Prior to commencement

- (3) No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority,

comprising:

- a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the Local Planning Authority prior to any intrusive investigations commencing on site.
- b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

Grounds: To ensure any contaminated land is adequately dealt with, in pursuance of policy E1 of the Swale Borough Local Plan.

- (4) During construction of the development adequate space shall be provided on site, in a position previously agreed by the Local Planning Authority to enable all operatives and construction vehicles to park, load and off load and turn within the site.

Grounds: In the interests of highway safety and convenience in accordance with policy E1 of the Swale Borough Local Plan 2008.

- (5) Prior to the works commencing on site details of parking for site personnel / operatives / visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Grounds: In the interests of highway safety and convenience in accordance with policy E1 of the Swale Borough Local Plan 2008.

- (6) As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with details to be submitted to, and agreed in writing by the Local Planning Authority prior to commencement of development. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

Grounds: In the interests of highway safety and convenience in accordance with policy E1 of the Swale Borough Local Plan 2008.

- (7) No building hereby approved shall be occupied until the highway works in Rook Lane have been carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

Grounds: In the interests of highway safety and convenience in accordance with policy E1 of the Swale Borough Local Plan 2008.

- (8) Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Grounds: In order to ensure there is sufficient foul and surface water sewerage capacity to enable the construction of the proposal and in pursuance of Policy E1 of the Swale Borough Local Plan 2008.

- (9) Prior to the commencement of development hereby approved, details of the facing yellow stock finishing bricks to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Grounds: In the interest of visual amenity and in pursuance of policies E1 and E19 of the Swale Borough Local Plan 2008.

- (10) Prior to the commencement of development hereby approved, a programme for the suppression of dust during the demolition of existing buildings and construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Grounds: In the interests of the visual amenities of the area and in pursuance of policy E1 of the Swale Borough Local Plan 2008.

- (11) Prior to the commencement of development, details showing how the development will achieve Code for Sustainable Homes Level 4, including a pre-build code assessment, shall be submitted to and approved in writing by the Local Planning Authority.

Grounds: In the interest of sustainability and in pursuance of Policies E1 and U3 of the Swale Borough Local Plan 2008.

During construction

- (12) The materials to be used in the construction of the dwellings hereby permitted shall proceed in accordance with the submitted details (with the exception of the yellow stock bricks noted in condition 9) namely Terca Cheadle Antigua red brick band courses and quoins, and Ashdowne handcrafted clay plain roof tiles with terracotta ridge tiles.

Grounds: In the interest of good design and in pursuance of Policies E1 and E19 of the Swale Borough Local Plan 2008.

- (13) Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the Local

Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

Grounds: To ensure any contaminated land is adequately dealt with, in pursuance of policy E1 of the Swale Borough Local Plan.

- (14) Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted to the Local Planning Authority, which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Grounds: To ensure any contaminated land is adequately dealt with, in pursuance of policy E1 of the Swale Borough Local Plan.

- (15) 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 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Grounds: In the interests of residential amenity and in pursuance of policy E1 of the Swale Borough Local Plan 2008.

- (16) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor on any other day except between the following times:-

Monday to Friday 0900 - 1700 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Grounds: In the interests of residential amenity and in pursuance of policy E1 of the Swale Borough Local Plan 2008.

- (17) All hard and soft landscape works shall be carried out in accordance with the approved details shown in drawing number RF/20/38. Notwithstanding the submitted details, a replacement for the two Monterey Cypress trees to be removed, shall be provided within the grass verge to the flank of plot 5 which is to be not less than Nursery Selected Standard size (12cm- 14cm girth). Suitable species for the replacement are either two small leaved Lime (*Tilia cordata*) or Hornbeam (*Carpinus betulus*). 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.

Grounds: In the interests of the visual amenities of the area and in pursuance of policies E1 and E10 of the Swale Borough Local Plan 2008.

- (18) Before the first occupation of any dwelling the following works between that dwelling and the adopted highway shall be completed as follows:

- (A) Footways and/or footpaths shall be completed, with the exception of the wearing course;
- (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
- (1) highway drainage, including off-site works,
 - (2) junction visibility splays,
 - (3) street lighting, street nameplates and highway structures if any.

Grounds: In the interests of highway safety and in pursuance of policies E1 and T1 of the Swale Borough Local Plan 2008.

Post commencement

- (19) 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.

Grounds: In the interests of the visual amenities of the area and in pursuance of policy E1 of the Swale Borough Local Plan 2008.

- (20) The area shown on the submitted layout as vehicle parking space and garages shall be provided, surfaced and drained prior to the occupation of any of the dwellings hereby approved, and shall be retained for the use of the occupiers of, and visitors to, the dwellings, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Grounds: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users and detrimental to amenity and in pursuance of policies E1 and T3 of the Swale Borough Local Plan 2008.

Informatives

1) Kent Highway Services wishes to make the applicant aware that this permission does not convey any approval for the required works within the highway, for which a Legal Agreement must be obtained. The applicant should contact Kent County Council in order to obtain the necessary approval on 08458 247 800.

2) Southern Water wishes to make the applicant aware that the applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage

infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or www.southernwater.co.uk .

Reason for Approval

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal, despite discording with rural restraint policies E6, E7 and H2 would provide an appropriate use of previously developed land within an established residential area, albeit not a settlement recognised by the Local Plan. The proposal is likely to be deliverable and would contribute towards addressing the shortfall in the 5 year housing land supply within the Borough. The proposal would not cause unacceptable harm to the amenities of the area or prejudice highway safety and convenience. In resolving to grant permission, particular regard has been had to the following policies: SP4, E1, E6, E7, E10, E16, E19, H2, RC7, T1, T3, T4, and U3 of the Swale Borough Local Plan 2008.

Council's approach to this application

The Council recognises the advice in paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) and seeks to work with applicants in a positive and proactive manner by offering a pre-application advice service; having a duty planner service; and seeking to find solutions to any obstacles to approval of applications having due regard to the responses to consultation, where it can reasonably be expected that amendments to an application will result in an approval without resulting in a significant change to the nature of the application and the application can then be amended and determined in accordance with statutory timescales.

In this case the application was acceptable as submitted.

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Background

Members may recall approving planning application SW/12/0081 for a similar scheme which proposed 4 houses, at the Planning Committee meeting held on 16th August 2012. The agent has advised that their *"client has for some time been trying to build out the scheme for 4 units either directly or as a joint venture with some well know Housebuilders. Unfortunately, in the current financial climate the approved scheme has not proved financially viable enough to secure the funding necessary to progress with the build. We now submit a scheme for 5No. slightly smaller 4 bed units (instead of the previously approved 4No. units), which hopefully will be financially viable enough for our client to finally secure funding directly and build out the scheme."*

Description of Proposal

This application seeks planning permission for the construction of 5no. 4 bedroom detached dwellings and associated vehicle parking, plus the realignment of Rook Lane including a new access to an existing telecom mast and a new section of roadway to the water works at land at Rook Lane, Bobbing, Sittingbourne.

The current proposal and previous approval SW/12/0081 are broadly similar in terms of the form and layout of the proposed housing development. The principle differences are that the current scheme involves 5 no. 4 bedroom houses as opposed to 4. In order to achieve this, the dwellings at plots 3, 4 and 5 have been reduced in size and redesigned to include a single integral garage as opposed to a double garage to the front. These plots are also narrower than that previously approved. The dwelling at plot 2 is broadly the same design as that previously approved but it has been reoriented within the plot. These design changes enable an additional dwelling to be included in the development. It should be noted that although the dwellings and plots are being reduced in size each still contains a four bedroom detached house with each bedroom en-suite. The other elements remain largely the same as that previously approved.

The proposal would take the form of a small cul-de-sac with 5 plots.

Plot 1 remains the same as that previously approved. It is to the south of the application site and the dwelling measures 11.7 metres wide, 8.5 metres deep, 6 metres to eaves and 10.5 metres to ridge height. The dwelling would have two front dormer windows, four rear rooflights, gable ends and a traditional chimney. The dwelling would feature a small rear conservatory, and a front link extension leading to a double garage which measures 6 metres long, 6 metres wide, 5.2 metres to ridge height and would have a pyramid roof. The rear garden would be 20 metres long and 12 metres wide.

Plot 2 is largely the same as that previously approved except the main body of the dwelling has in effect been rotated through 90 degrees to allow the plot size to be reduced somewhat. It remains in the north west corner of the application site and is the closest to the existing mast. The dwelling would measure 11.7 metres wide, 8.5 metres deep, 6 metres to eaves and 10 metres to ridge height. This property would have a small rear conservatory. The dwelling would have a very large side and rear garden, the former measuring 16 metres deep and 6 metres wide, and the latter measuring 12 metres long and 22 metres wide.

The dwellings at plots 3, 4 and 5 are the main departure from the original approval. Each of these dwellings would be of the same design and be 10 metres wide, 14 metres long, 5.5 metres to eaves and 10.5 metres to ridge height. The roof would be fully hipped. The dwelling at plot 5 has side windows and a door to add design interest.

Each dwelling would be separated by a retaining wall and close boarded fence. Plots 1 and 2 would each have a double garage and two car parking spaces to the front whereas plots 3, 4 and 5 would each have a single integral garage and two spaces to the front.

The building materials include Terca Cheadle Antigua red bricks for the quoins and band courses along with yellow stock bricks for the remainder of the external walls. The roof tiles would be Ashdowne plain clay roof tiles with terracotta ridge details. Windows and doors would be made of timber.

The proposal includes the provision of a communal amenity area to the east of plot 5 which is surrounded by landscaping and has space for seats (this would be maintained by a residents association that would be formed by the owners of the new dwellings). Adjacent to this would be a single visitor car parking space. A new set of access gates and a small new section of roadway would be provided to the remaining water works to the south of the proposal. Landscaping is proposed to the front of the site with Rook Lane. Rook Lane would be realigned to increase the width of the road to 5.4 metres and provide a vehicle overrun area to allow larger vehicle access to the remaining water works site via the new

entrance.

Finally, a new access would be provided to the existing telecommunications mast at the northern end of the application site. This would run parallel to the rear gardens of plots 3, 4 and 5. The entrance gates to this would be set 5.5 metres from Rook Lane, the track itself would measure 3 metres wide, and a turning head would be provided at the end nearest to the mast.

Relevant Site History & Description

The application site is located within the countryside, and a strategic gap. Rook Lane is a rural lane in accordance with the proposals map of the Swale Borough Local Plan 2008. Tree preservation order number 1 of 2000 gives protection to trees immediately to the north of the application site.

The application site consists of a large expanse of concrete that formerly served the associated water works to the south. The land rises from east to west. The existing site entrance consists of a pair of metal gates and railings which are set back from Rook Lane. The existing trees on the site consist primarily of self seeded Sycamores concentrated around the site boundaries and are small in size and in poor condition. There are two Monterey Cypress trees growing to the north of the existing site entrance along Rook Lane.

The water works consist of an office building and two reservoirs, one to the south and one to the west of the application site, each containing over 1 million litres of water. The land to the east of application site consists of rolling farmland that falls away to the ribbon residential development along Keycol Hill and the A249/A2 roundabout beyond. To the north of the application site is Rooks View, a modern housing estate consisting of substantial detached residential dwellings which were constructed on the former Keycol Hospital site. The NHS Southlands Centre and Demelza House Children's Hospice lie beyond this to the north. There is a large telecommunications mast to the north west of the application site.

Rook Lane itself is a two way road that narrows to single lane traffic between the existing water works site entrance and the junction with Keycol Hill (A2). Traffic heading from Rook Lane to Keycol Hill has priority over traffic in the opposite direction. The junction of Rook Lane and Keycol Hill has restricted visibility splays due to a large retaining wall to the west of the junction and a bank of earth with vegetation and a lamp post to the east of the junction.

The planning history of the site is as follows:

SW/74/1166 - storage of pipes and fittings - approved.

SW/78/1086 - temporary permission for siting of 2 portable buildings for five years - approved.

SW/79/1482 - change of use of station attendants cottage from residence to offices - approved.

SW/83/1121 - renewal of temporary permission SW/78/1086 for 2 portable buildings - approved.

SW/84/0958 - demolition of pumping station and construction of new building and contact tank - approved.

SW/89/0085 - renewal of SW/83/1121 for siting of two portable buildings - approved.

SW/94/0169 - renewal of temporary permission SW/89/0085 for siting of 2 portable buildings - approved.

SW/01/1292 - building of plumbsolvency plant with ancillary hardstanding and bund - approved.

SW/07/0942 - outline application for affordable housing development- 4 x 1 bed flats, 5 x 2 bed houses, 2 x 3 bed houses and 2 x 4 bed houses - refused.

SW/12/0081- Construction of 4 x 4 bedroom detached dwellings and associated vehicle parking, plus realignment of Rook Lane including new access to mast and new section of Roadway to waterworks- approved.

Views of Consultees

Bobbing Parish Council, Kent County Council Archaeology and Kent Highway Services are yet to comment on the application. I will update Members at the Meeting.

Southern Water raise no objection.

The Head of Service Delivery raises no objection, but notes the potential for nuisance from the construction of the site and for land contamination from historic land uses. He requests conditions which are recommended above.

The Council's Climate Change Officer notes that the proposal aspires to level 4 of the Code for Sustainable Homes and asks that a condition be attached to any permission to secure this.

The Council's Tree Consultant raises no objection. A replacement for the two felled Cypress trees are still required as detailed in the landscaping condition above.

Other Representations

One letter making general observations has been received which is summarised as follows;

- Please advise on the Southern Water proposals for this development relating to the discharge water off site? If the intention is to link to the existing SUDS how will payment be made to existing owners?

One letter of support has been received which is summarised as follows;

- I hope that this extra house is not another way of buying more time to keep adding an extra house every so often.
- Is the intention to get more houses like the first application tried to?
- They should build the 5 homes only so we don't have to be dragged into another planning idea.
- Hopefully this plan will go ahead and construction will start quickly before another year has passed and the design is completely changed.

One letter of objection has been received which is summarised as follows;

- The properties have increased finished floor levels. A reduced finished floor level or a raised fence height would prevent overlooking to the properties to the rear.
- There will be a huge impact on the streetscene and my vistas.
- I can only use mental visualisations to consider the impact on the front of my property.
- My property has been extended so the drawings are inaccurate.

- Vehicles will park in Rooks View due to increased pressure for spaces. One visitor space isn't enough.
- The garages could be converted into dwellings which would further reduce allocated parking. What measures will be taken to ensure that applications are not made to convert the garages?
- 4.1.7 of the transport assessment is incorrect so the application is invalid.
- Can the transport assessment be carried out without reference to the access to the mast.
- There is no swept path analysis for the mast access. Can emergency services access the mast?
- Who do I contact in the event of machinery or access to the mast from Rooks Lane?
- Now would be a good time to negotiate the relocation of the mast.
- The consultee list does not include the owner of the land within the Rooks View development which shares a boundary with the new mast access or the land owner with land adjacent to the proposed site. Taylor Wimpey/Greenbelt should be made aware of the development.
- No 27 is currently vacant and owned by NHBC who should get a say.
- Once the on site water tanks are full where will the water go?
- The previous application included details of start dates and means to carry out works- what changed? This information was used to back up the application previously.

Policies

The following Policies are relevant:

National Planning Policy Framework (NPPF)

Paragraph 49 states "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." Members should note that the Council is currently struggling to meet it's 5 year housing supply.

Paragraph 58 states that developments should: "function well and add to the overall quality of the area"... "establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit"... "are visually attractive as a result of good architecture and appropriate landscaping."

Paragraph 111 states "Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value."

Paragraph 214 of Annex 1: Implementation states "For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework."

The NPPF does though seek to protect the countryside for its own sake.

Swale Borough Local Plan 2008

Policy SP4 (Housing) recognises the need for new housing within the Borough. The policy

encourages the more efficient use of previously developed urban land and buildings within the defined built up area boundaries, thereby limiting the development of Greenfield sites to a minimum.

Policy E1 (General Development Criteria) is a broad based policy which seeks to ensure that all development is positive, appropriately considered and designed whilst protecting residential amenity.

Policy E6 (The Countryside) details that proposals will only be permitted in the countryside when it relates to an agricultural, forestry or minerals development, relates to affordable housing, or is allocated in the Local Plan.

Policy E7 (The separation of settlements) within the strategic gap planning permission will not be granted for proposals that would either result in the merging of settlements, or, the encroachment or piecemeal erosion of land or its rural open and undeveloped character.

Policy E10 (Trees and Hedges) where tree preservation order trees are removed, the Council may require appropriate replacements. Proposals should retain trees as far as possible and provide new trees to maintain and enhance the character of the locality.

Policy E16 (Scheduled Ancient Monuments and Archaeological Sites) preference will be given to preserving important archaeological sites in situ. Where this is not justified, excavation and recording will be required.

Policy E19 (Achieving High Quality Design and Distinctiveness) encourages high quality design that responds positively to its environment.

Policy H2 (Providing for New Housing) outlines that new residential development will be granted on sites within the built up area boundary, on allocated sites and within area action plans. Outside defined built up area boundaries residential development will only be granted in accordance with the exceptions to Policies E6 and RC3.

Policy RC7 (Rural Lanes) proposals will not be granted planning permission that would physically, or as a result of traffic levels, significantly harm the character of rural lanes. Proposals should have regard to their landscape, amenity, nature conservation and historic or archaeological importance.

Policy T1 (Providing Safe Access to New Development) planning permission will not be granted for proposals that generate volumes of traffic in excess of the capacity of the highway network, and or decrease highway safety, or, intensify the use of an existing access onto a secondary route (A2) unless where an access can be improved to an acceptable standard.

Policy T3 (Vehicle Parking for New Development) states that the Council will only permit development if appropriate vehicle parking is provided in accordance with the adopted Kent County Council parking standards.

Policy T4 (Cyclists and Pedestrians) proposals will consider the needs and safety of cyclists and pedestrians.

Policy U3 (Renewable Energy) encourages the use of renewable energy sources.

Discussion

I note the concerns of local residents. If the developer or owners of the site wants to connect to an existing drainage system they would need to enter into discussions with the current owners. This would take place outside of the planning system and is a private legal matter between the parties concerned. The proposal is not aimed at buying more time or gradually increasing the number of houses on the site, rather the additional dwelling has been proposed in order to make the scheme financially viable as detailed above.

The main issues to be considered in the determination of this application are; the principle of residential development within the countryside and strategic gap, the design of the proposed development on residential amenity, the impact on the visual amenities of the streetscene and surrounding area, and the impact on highway safety and convenience.

The principle of residential development within the countryside and strategic gap

The question of whether the residential development of this site was acceptable as a matter of principle was considered in depth under the previous, approved, application. In that report, I set out that whilst the site was located in the countryside, there were a number of mitigating factors which suggested that planning permission should be granted, not least that the site abuts a modern housing estate, is previously developed land, and that the Council is not in a position where it is meeting its requirement to maintain a rolling five year supply of housing land.

Members accepted my consideration of the issues in this respect, the previous application was approved, and the principle of residential development on the site has therefore already been established. In my view the addition of a single extra dwelling does not result in this scheme becoming unacceptable as a matter of principle.

Members may note that, under the previous application, the agent confirmed, amongst other things, that the scheme was deliverable within 5 years, and that this application is predicated on the basis that it transpired that it was not viable to do so. Whilst this carries some weight in the consideration of the current scheme, as set out above, the site already has permission for four dwellings, and the principle of residential development here is therefore acceptable. The key issues for Members to consider here are therefore those of detail relating to the new scheme and not relating to whether or not residential development per se should be approved.

The impact on residential amenity

The dwelling at plot number 2 would be within 14 metres of 1 Rooks View. However, the garden of plot 2 would sit directly behind this near neighbour with the dwelling itself being set at an approximate 45 degree angle from 1 Rooks View. As a result of the position of the dwelling at plot 2 and its distance from this neighbour, the impact on the residential amenities of the occupiers of this dwelling would be minimal in my opinion.

The dwelling at plot 3 would be 25 metres away from 27 Rooks View. Similarly the dwelling at plot 4 would be approximately 25 metres away from 28 Rooks View. The dwelling at plot 5 would be 34 metres away from 28 Rooks View. These separation distances will in my view ensure that there is minimal overlooking, overbearing, overshadowing and loss of light to the neighbouring properties.

I do not consider that the finished floor levels of the proposed dwellings would give rise to significant overlooking to the existing dwellings to the north. I have considered above the impact on no.1 Rooks View. The remaining dwellings are a significant distance from those proposed here, such that overlooking would not occur to a harmful degree.

The proposed dwellings provide ample living space and private amenity areas for future occupants.

In my opinion, the impact of the development on residential amenities would be acceptable .

Design

The proposal, has been designed to a high standard - the dwellings reflect the character of those within Rooks View and includes the use of yellow and red bricks, timber windows and doors, front dormer windows and double garages. Plot 5 features side openings facing Rook Lane, that create interest to this side elevation such as bay windows. The communal amenity area is also a positive design feature which will further enhance the aesthetics of the development. It was confirmed under the previous application that this area of the site will be maintained by a residents association to be formed by the buyers of the properties.

The proposed design of the dwellings is considered to be of a high standard and is acceptable in my view.

The impact on the visual amenities of the area and the impact on the streetscene

When viewed from both Keycol Hill and the open countryside to the east, the proposal would dovetail well with the existing residential development at Rooks View as a result of the high standard of design and the large plot sizes mirroring its surroundings. The proposal would result in the redevelopment of what I consider an unsightly and unattractive area of hardstanding. The proposed landscaping of the site would soften to a great degree the visual impact and impact of the proposals on the character of the streetscene and surrounding area.

When viewed within the streetscene of Rook Lane, the staggered building line created by the plots along with the high standard of design and landscaping would create a visually interesting and complementary appearance. When viewed from Rooks View the proposal would again appear entirely at home within this setting because of the visual interest created by the design of the rear elevations of the dwellings.

The loss of the existing trees on site, in particular the two Monterey Cypress, will be compensated for by the proposed landscaping scheme and the replacement trees specified in the above landscaping condition.

The impact on the visual amenities of the area and the impact on the streetscene is acceptable in my opinion.

The impact on highway safety and convenience

Each dwelling would have a single or double garage with two car parking spaces to the front. There would also be one visitor car parking space. These provisions accord with the adopted parking standards of Kent Highway Services. The vehicle turning space within the development for each plot and the provision of pedestrian footpaths is also considered acceptable in my view.

Although I still await their comments, Kent Highway Services previously raised no objection to the realignment of Rook Lane or the negligible intensification of the use of the junction at Rook Lane and Keycol Hill.

The new access to the existing mast and associated turning head was previously considered acceptable to allow access for vehicles maintaining the telecommunications mast.

This scheme does though propose an additional dwelling, and I will report the comments of Kent Highway Services to Members at the Meeting.

Other Matters

I note the objections raised by the local resident. That the extension to the writer's property is not shown on the drawings here is not in my view a determining factor here. There is no requirement for such an extension to be shown on the plans for an application on an adjacent site. In any case, the proposed dwellings are, as set out above, a significant distance away from those to the rear, such that any material planning harm is unlikely to occur. The conversion of garages to dwellings would require planning permission in its own right. Relocation of the mast is a separate matter and is not relevant to this scheme. Notification of this application has been carried out in accordance with the Council's standard consultation procedures and I am satisfied that the Council has met its own requirements in this respect.

Recommendation

The principle of residential development is in my view acceptable given the approval of previous application SW/12/0081. The proposed development remains contrary to the Swale Borough Local Plan 2008 policies relating to the protection of the countryside. However, the NPPF has placed an increased emphasis on promoting sustainable housing development where there is a shortfall in the Local Planning Authority's five year housing land supply. Given this planning policy dimension and the very specific characteristics of the application site, (that it is previously developed land, abutting a reasonably new housing estate) the proposal is considered acceptable in principle.

In my view the design of the proposal is acceptable. There will be very limited harm to residential amenity, and to visual amenity and the character and appearance of the streetscene. Finally, I do not consider that the proposal will give rise to harm to highway safety and convenience.

Having regard to all material planning considerations, I recommend, subject to the conditions above, to the comments of Kent Highway Services, Bobbing Parish Council, KCC Archaeology, and to the receipt of any additional representations, that planning permission is granted.

Responsible Officer: Rob Bailey (Area Planning Officer)

List of Backgrounds Documents

1. Application papers and correspondence for SW/12/1596 and SW/12/0081

