

2.7 REFERENCE NO - 16/505623/FULL			
APPLICATION PROPOSAL Development of 3 detached and 3 semi-detached dwellings			
ADDRESS Land Next To 117 Chequers Road, Minster-on-sea, Kent, ME12 3SH.			
RECOMMENDATION Grant, subject to no fresh issues arising from further consultation on amended drawings.			
SUMMARY OF REASONS FOR RECOMMENDATION Proposal would provide housing on an allocated site without giving rise to significant amenity impacts.			
REASON FOR REFERRAL TO COMMITTEE Parish Council objection.			
WARD Sheppey Central	PARISH/TOWN Minster-On-Sea	COUNCIL	APPLICANT Mr Herman De Jager
DECISION DUE DATE 31/08/16	PUBLICITY EXPIRY DATE 30/06/17		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
None.			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 Application site is a plot of open ground situated adjacent to 117 Chequers Road, Minster. It is roughly rectangular in shape, and extends to approximately 0.38 ha (0.9 acres) in area. It is open to the road along the frontage, largely covered in grass and rough scrub, and with established trees and bushes along the rear (southern) and side (eastern) boundaries.
- 1.02 Immediately to the west of the site is the dwelling known as 117 Chequers Road, which is a modern detached house. Set behind the very western end of the land is another residential dwelling known as Martindale, while to the remainder of the rear (southern) boundary are open fields. There are a number of residential properties opposite the site, which are set lower down due to changes in land levels.
- 1.03 Land levels change across the site quite dramatically. The site drops down to the south almost immediately from the roadside (northern) edge to a depression in the middle, and rises back up to the rear edge so the site profile is roughly U-shaped.. Land levels also rise to the east as a whole.
- 1.04 The site lies within the built up area and roughly 420m from the entrance to St George’s school, 800m from the Post Office at Minster High Street, and 100m from the corner shop on Oak Lane. There are bus stops on both sides of the road here, providing connections between Leysdown and Minster.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for the erection of 9 houses on the site – 3 detached dwellings and 3 pairs of semi-detached dwellings.
- 2.02 Units 1, 2, and 3, situated at the western end of the site, will be positioned close to the highway (to avoid overlooking issues to the rear, as discussed below) while units 4 to 9 will be positioned towards the rear of the site.
- 2.03 The proposed buildings are of a relatively standard design common to new housing developments across the Borough. The ridge height of the dwellings ranges from 9m to 11.5m (when viewed from within the rear garden) due to the change in land levels, and all of the units feature steeply pitched roofs and projecting bay windows at ground floor on the frontage elevations. All of the houses will feature 4 bedrooms at first floor, and living accommodation at ground floor. Proposed external materials are red stock brick, clay roof tiles, and upvc windows and doors.
- 2.04 A shared access road running across the front of the site will provide vehicle access to 8 of the units, while unit 1 (the westernmost unit) will have its own private driveway and parking area. Parking will be provided between the buildings at a rate of 2 per dwelling with additional informal visitor parking being available on the access road. The access road is to be surfaced with permeable paving, is sufficiently wide for two vehicles to pass at the entrance, and has sight lines extending up Chequers Road.
- 2.05 Each property will have a suitably-sized rear garden. Garden depths range from an absolute minimum of 5.7m at pinch points (unit 8) to approximately 25m deep (units 1 and 2), but all of the gardens are wide and some wrap around the sides of the buildings to provide generous and useable gardens for each property.
- 2.06 A communal bin storage area is shown adjacent to Chequers Road, set behind a landscaping strip (including new tree planting) that runs along the full frontage of the site.
- 2.07 The application drawings have been amended from the original submission to try and account for comments received (as discussed below).

3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	0.38ha (0.9acres)
Approximate Ridge Height (m)	11.5m max, 9m min.
Approximate Eaves Height (m)	6.5m max, 5.5m min.
No. of Residential Units	9

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) encourage the provision of new housing in sustainable locations,

subject to there being no significant amenity impacts, harm to the visual amenity, or other over-riding factors.

- 5.02 The following policies of the adopted Swale Borough Local Plan 2017 are relevant: **ST1** (delivering sustainable development); **ST2** (development targets for jobs and homes); **ST3** (settlement strategy); **ST6** (Sheppey strategy); **CP3** (delivery a choice of homes); **CP4** (good design); **A21** (smaller allocations as extensions to settlements); **DM7** (vehicle parking); **DM14** (general development criteria); **DM19** (sustainable design and construction); and **DM21** (water, flooding and drainage).
- 5.03 Policy A21 of the Local Plan is particularly relevant in that it specifically allocates the site for residential development, and suggests that a minimum of 10 dwellings would be appropriate, subject to general amenity concerns such as landscaping, access, design, and biodiversity.

6.0 LOCAL REPRESENTATIONS

- 6.01 28 letters have been received, from 8 separate addresses, objecting to the scheme on the following summarised grounds:
- Site is outside the built up area boundary;
 - Overlaps the parish boundary [NB: it doesn't, site is entirely within Minster Parish];
 - Will apply to develop their field if this is permitted;
 - Overdevelopment of the site;
 - Site is contaminated;
 - Houses are too tall, especially with dwellings opposite being set lower;
 - Should be bungalows to mirror existing opposite;
 - Overlooking, particularly front-to-front;
 - Loss of views;
 - Need cross-sections to show heights [NB: these have been provided];
 - Inadequate parking provision;
 - Highway safety and amenity from additional traffic;
 - Encroachment onto highway verge;
 - Impact on local wildlife; and
 - Would large trees in adjacent gardens have to be reduced to accommodate the development?
- 6.02 I await comments in response to the amended drawings and will update Members at the meeting.

7.0 CONSULTATIONS

- 7.01 Minster Parish Council object to the scheme on the grounds of overdevelopment, and highway safety and amenity. They comment:

"In view of the fact that the original application was only revised due to the impact on three dwellings, the revisions have resulted in a totally unacceptable parking and access situation. Although Kent Highways Services has accepted the numerical provision of parking spaces, the new configuration is unacceptable in terms of both layout and access to the highway. This will result inevitably in obstructive views due to roadside parking and create a dangerous situation.

The over-intensive development of the site causes this.

With the right design which incorporates the majority of the original features from the phase one drawings and preferably a reduction in density, a much improved proposal could be achieved.”

7.02 Kent Highways & Transportation have no objections to the amended drawings, subject to conditions.

7.03 Natural England has no objection.

7.04 The Kent County Council Ecologist has no objections subject to a condition to secure bat and boxes and appropriate site lighting, commenting:

“We have reviewed the submitted reptile survey report and we are satisfied with the results. As no reptiles were recorded on site, no further surveys or mitigation measures are required. As this was our only previous concern, we are satisfied that sufficient ecological information has been submitted in support of this planning application.”

7.05 The Council’s Environmental Health Manager has no objection subject to conditions as set out below.

7.06 Southern Water has no objection subject to standard conditions and informatives as set out below.

7.07 I await comments in response to the amended drawings and will update Members at the meeting.

8.0 BACKGROUND PAPERS AND PLANS

8.01 The application is accompanied by relevant drawings and plans, and a preliminary ecological appraisal.

9.0 APPRAISAL

9.01 The application site lies within the built up area boundary and is specifically allocated for residential development under policy A21 of the adopted Local Plan. In this regard the principle of residential development on this parcel is firmly established.

9.02 The allocation specifies a minimum of 10 dwellings on the site, however I consider that the proposed layout with 9 dwellings provides a much better quality scheme than could be achieved with 10 or more units. As discussed in detail below, there is ample room for the houses to be properly spaced, for gardens of a good size, suitable parking / turning arrangements, and provision of a good landscaping buffer along the front boundary. In this regard I do not consider that additional dwellings should be required as part of the development.

Layout / design

9.03 The layout of the site has been through a series of amendments but has now arrived at a scheme that I feel confident to present to Members. The revised layout is not substantially different to that originally proposed, in fact, save for the repositioning of the three westernmost units (1, 2, and 3) forward of the other units to minimise impacts upon the existing dwellings to the rear. The layout now achieves a minimum of 21m rear-to-rear distance with existing dwellings, and sets the majority of the

development back on the site to reduce the impact upon the houses across the road to the front. (I note objections from residents of those properties to the front in regards overlooking and loss of privacy, but there is no set minimum distance for front-to-front separation, and the private amenity areas to the rear of those existing properties remain unaffected.)

- 9.04 In this regard I consider that the scheme addresses the Parish Council's concerns which, to my reading, criticised the previous, perhaps over-zealous, amendments to the layout. I have, however, asked for their further comments in relation to the amended scheme and will update Members accordingly at the meeting.
- 9.05 The proposed houses are of a relatively simple design that would sit comfortably within the context of the local area, in my opinion, particularly with reference to the new houses erected to the west and north of this site (on the Britannia pub's former car park). The roof ridges are quite high, but this allows for steeply-pitched roofs that are a traditional Kentish feature, and I do not consider that the buildings would be overly tall or imposing within the street scene. The use of local vernacular materials (red brick and clay tiles) will also help them to blend in and this is secured by the conditions set out below.
- 9.06 The proposed landscaping area to the front of the site will very much help to soften the impact of the development in views from the highway and the dwellings opposite, and suitable native planting would be secured through the conditions set out below.

Amenity

- 9.07 The proposed dwellings would provide a good standard of amenity for future occupants, in my opinion. Internal layouts are sensible and practical, and garden areas are generous.
- 9.08 I also consider that the revised layout minimises the potential for serious amenity impacts for neighbouring residents. As noted above the required minimum 21m rear-to-rear separation will be achieved with existing properties, and there will not be significant mutual overlooking with properties to the front. I note local objections in regards amenity, privacy, overlooking, etc. but I consider that the amended layout resolves these concerns satisfactorily, and a reason for refusal based on such grounds would not be justified.

Highways / parking

- 9.09 Kent Highways had no objection to either the original or the previous amended layout, and although I await their comments on this most recently amended layout I do not foresee any serious objections on highways or parking grounds. Adequate parking is provided on the site to serve all the dwellings, and there is good visibility up and down Chequers Road for vehicles leaving the site.
- 9.10 I therefore have no serious concerns regarding this aspect of the scheme, subject to Kent Highway's additional comments.

Ecology

- 9.11 The County Ecologist has no objection subject to the conditions set out below to secure bat / bird boxes and an appropriate bat-sensitive lighting scheme within the wider site. I have no reason to dispute their conclusions.

- 9.12 An assessment under the Habitat Regulations is appended to the end of this report, and concludes that no contributions are required in accordance with the Council's adopted approach to developments of fewer than 10 dwellings.

Other matters

- 9.13 I did not notice any evidence that the site might be contaminated during my site visit, but note local concern in respect to potential contamination and asbestos. The EHO manager does not object, however, and the standard conditions set out below will ensure that any contamination on the site is appropriately dealt with.
- 9.14 No financial contributions are required for developments of fewer than 11 dwellings (as set out by Ministerial advice in regards minor developments) and as such none have been requested.
- 9.15 I appreciate local concern, but loss of views is not a material planning consideration.

10.0 CONCLUSION

- 10.01 This application proposes to erect 9 dwellings of an acceptable scale and design on a site within the built up area boundary that is allocated for residential development under the adopted Local Plan. Local objections are noted and understood, but in my opinion do not amount to a reason for refusal.
- 10.02 Taking the above into account, and subject to no fresh issues being raised by consultees in response to the amended drawings, I recommend 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) 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:

- 1) the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- i. 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 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.

Contamination

- 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.

Reason: To ensure any land contamination is adequately dealt with.

- 4) 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.

Reason: To ensure any land contaminated is adequately dealt with.

- 5) 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 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.

Reason: To ensure any contaminated land is adequately dealt with.

Landscaping

- 6) 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.

- 7) 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.

- 8) 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.

During construction

- 9) 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.

- 10) 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.

Pre-occupation

- 11) Prior to occupation of any of the dwellings hereby permitted the following ecological enhancements shall be installed on the site and thereafter maintained in good order:
- a) 5 x Schwegler Bat Box: Type 2F;
 - b) 5 x Schwegler Bird Box: Type 1B;
 - c) 1 x Schwegler Sparrow Terrace: Type 1SP;

Reason: In the interests of enhancing biodiversity and encouraging wildlife.

- 12) Adequate underground ducts shall be installed before any of the buildings hereby permitted are occupied to enable telephone services and electrical services to be connected to any premises within the application site without resource to the erection of distribution poles and overhead lines, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015

(as amended) no distribution pole or overhead line shall be erected other than with the express consent of the Local Planning Authority.

Reason: In the interests of residential and visual amenity.

Highways

- 13) Prior to the occupation of the dwellings hereby approved, the proposed estate road, footways, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, access, carriage gradients as appropriate, shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are constructed and laid out in a satisfactory manner.

- 14) The car parking and turning spaces shown on the approved drawings 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.

Other

- 15) No floodlighting or security lighting shall be installed or operated at the site other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- i) A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
- ii) Details of the number, location and height of the lighting columns or other fixtures.
- iii) The type, number, mounting height and alignment of the luminaries.
- iv) The beam angles and upwards waste light ratio for each light.
- v) An isolux diagram showing the predicted illuminance levels at the boundary of the site.

Reason: In the interests of visual amenity and to minimise disturbance to commuting or foraging bats.

- 16) Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway.

Reason: In the interests of visual amenity.

INFORMATIVES

1. Under the requirements of the Wildlife & Countryside Act 1981 any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (bird breeding season is March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season then mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work development must cease until after the juveniles have fledged.

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 applicant/agent was advised of changes required to the application and these were agreed. The application was then 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 500m to the south of the Sheppey Cliffs and Foreshore Site of Special Scientific Interest and 2.5km to the north of the Medway Estuary and Marshes Special Protection Area (SPA) 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. 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.

