

**PLANNING COMMITTEE – 4 JANUARY 2018**

**PART 2**

Report of the Head of Planning

**PART 2**

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 17/505194/OUT</b>		
<b>APPLICATION PROPOSAL</b> Outline application (Some Matters Reserved) for demolition of existing dwelling and erection of 4no. dwellings with associated car barns, parking, and gardens. Access being sought only.		
<b>ADDRESS</b> Archirondal Toll Road Lynsted Sittingbourne Kent ME9 0RH		
<b>RECOMMENDATION</b> – Grant subject to conditions		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council Objection		
<b>WARD</b> Teynham And Lynsted	<b>PARISH/TOWN COUNCIL</b> Lynsted With Kingsdown	<b>APPLICANT</b> Mrs Eileen Spittles <b>AGENT</b> Designscape Consultancy Limited
<b>DECISION DUE DATE</b> 30/11/17	<b>PUBLICITY EXPIRY DATE</b> 15/11/17	

**1.0 DESCRIPTION OF SITE**

- 1.01 The site is currently occupied by a modern detached 3 bedroom chalet bungalow with a large garden to the side and rear. To the front of the property is a long paved driveway which gives access to the property (and to Toll House) from Toll Road at a point close to its junction with Lynsted Lane. The site lies within the defined built-up area of the village as defined on the Local Plan’s proposals map.
- 1.02 The site backs on to the rear gardens of four of the properties located in The Vallance and wraps around the rear garden of Toll House which also uses the access from Toll Road. It also adjoins a detached house known as Wrendale House to the north.
- 1.03 There is no recent planning history on the site.

**2.0 PROPOSAL**

- 2.01 Outline planning permission is sought for residential development with only the access to the site being sought as part of this application, which would leave matters such as appearance, landscaping and layout to be dealt with under any subsequent reserved matters application. The proposed access is the current driveway to the property.
- 2.02 The principle of the proposed housing is to be assessed at this stage as well as use of the proposed (existing) access point. The number of dwellings would not exceed four 4 bedroom properties. Indicative elevations have been provided. The Design and

Access Statement has indicated what materials would be used on the proposed development and these include timber featheredged weatherboarding, hung tiles and hand made red bricks.

2.03 As an outline application with all matters apart from access reserved, the application contains little detail. The proposed access is via the existing long drive to the property. The property itself was built within the original garden of Toll House, which is a substantial detached property which retains a large plot. Thus the existing driveway also serves Toll House and then runs for much of the length of that plot. This avoids direct access to the site from Lynsted Lane where land levels are higher than the highway, and means that all access to existing and proposed properties will be from a single point where access has long been established to serve the two current properties (Toll House and Archirondal).

**3.0 SUMMARY INFORMATION**

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.22	0.22	0
Parking Spaces	6	10	+4
No. of Residential Units	1	4	+3

**4.0 PLANNING CONSTRAINTS**

4.01 None.

**5.0 POLICY AND OTHER CONSIDERATIONS**

**The National Planning Policy Framework (NPPF):**

5.01 The NPPF relates in terms of achieving sustainable development, building a strong competitive economy, promoting sustainable transport, delivering a wide choice of quality homes, requiring good design, promoting healthy communities, conserving and enhancing the natural environment, and sustainable drainage systems.

5.02 The NPPF sets out the Government’s position on the planning system explaining that *“The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development (paragraph 14), 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 the Framework taken as a whole; or*
  - *Specific policies in this Framework indicate development should be restricted.”*

### **National Planning Practice Guidance (NPPG)**

- 5.03 The NPPG also provides general guidance in relation to development. It encourages provision of housing with sustainable areas, subject to consideration of issues such as local and residential amenity, highways, contamination, noise, urban design / architecture, and ecology, amongst others.

### **The Swale Borough Local Plan “Bearing Fruits 2031” policies:**

- 5.04 ST1 (Delivering sustainable development in Swale)  
 ST2 (Development targets for jobs and homes 2011-2031)  
 ST3 (The Swale settlement strategy)  
 ST4 (Meeting the Local Plan development targets)  
 CP3 (Delivering a wide choice of high quality homes)  
 CP4 (Requiring good design)  
 DM6 (Managing transport demand and impact)  
 DM7 (Vehicle parking)  
 DM19 (Sustainable design and construction)
- 5.05 Supplementary Planning Documents: ‘*Lynsted Parish Design Statement*’
- 5.06 This Statement was published in 2002 and refers to policies of the 2000 Swale Local Plan. It describes the Parish and provides general design guidance for new development both at the village itself and on London Road (Teynham) which is within the Parish. Whilst much of the guidance relates to use of appropriate materials (not engaged here on an outline application) it contains two village specific policies. One is a desire to protect so-called “sensitive edges” at London Road and to the east of the village centre. The other is to maintain a “one building deep” pattern of frontage development throughout the village saying;

*“Where the dominant pattern in the locality is for houses to be built adjacent to highways, this pattern should be respected.”*

- 5.07 It also suggests that;

*“new-build backland development (away from existing highways) should be avoided throughout the Parish, as being inconsistent with the traditional layout of residential and farming development. The traditional settlement for the Parish has no counterpart for “estate style” development. This modern form development should be avoided”.*

- 5.08 I should point out that the village does include one estate style development which is The Vallance immediately adjacent to this application site. Here, modern houses of similar designs sit on generous plots and create a suburban style of development enclosing this site within an enclave of housing, which is distinctly at odds with the general one building deep pattern of frontage development which characterises other parts of the village.

## **6.0 LOCAL REPRESENTATIONS**

- 6.01 Four neighbour objections have been received and can be summarised as follows:
- The access to the proposed development is on a narrow lane with no pavement and no speed limit
  - Cars leaving the village speed up at this stretch making the junction hazardous for vehicles pulling out of Toll Lane

- An increase from two to five houses will increase the hazard at this junction
- The walk to Lynsted Village is hazardous for pedestrians in this location
- A car overturned a couple of years ago requiring rescue
- It is questionable whether rural sites are required to meet housing needs of the Borough
- Localism Act gives local communities more say over the amount of development
- Lynsted is classified in the lower settlement tier
- The site is not safe and accessible
- The proposal fails to accord with the Lynsted Design Statement
- No 30mph speed limit at the junction
- Higher than average accident risk for children and the aged
- The number of parking spaces has been underestimated and should include spaces for deliveries and visitors
- Excess parking requirements will result in the use of adjoining narrow lanes creating a hazard
- The proposal does not accord with policy H4 (NOTE: This refers to an out of date Local Plan)
- Invasion of privacy
- The proposal will put a burden on existing facilities such as electricity, water and sewerage
- Will affect view of back garden and trees

## 7.0 CONSULTATIONS

7.01 Lynsted Parish Council objects on the following grounds:

- Increase of traffic on to a small country lane at an already dangerous part
- Safety to members of the public due to increase of traffic at the junction, as there are no pedestrian footpaths along this stretch of the lane and the increase of vehicle movement would heighten the problem for pedestrians
- Objections from parishioners of Lynsted stating that the application contravenes the Lynsted Parish Planning document.

7.02 Kent Highways and Transportation initially didn't comment on the application but as the objections raised a lot of highway safety concerns I went back for comment. The additional comments from KCC Highways are listed below;

*“Having looked at this again I would consider 3 additional dwellings to have a negligible impact in terms of vehicles movements; I'd estimate no more than 1 additional vehicle movement per hour looking across the day. Technically it could be considered an increased usage of the existing access but it would have to be proved that the access onto the Toll Lane is substandard in terms of visibility and that seems quite adequate to me. I can't imagine that vehicles travel much faster than 15-20 mph down that road anyway and its usage would be very low. The only thing I would suggest here is some form of speed restraint near the other access to allow for their safe egress. The potential for impact though upon the junction with The Street is also minimal, and the level of development could not reasonably exact any obligation to improve a junction that appears adequate for purpose (according to crash records – 0 reported in last 18 years).*

*The width of Toll Lane has been questioned and although vehicle movements would be limited to single way working for much of its length, crucially it improves at its*

*western end in terms of room to pass and inter-visibility, and it is along this section that the great majority of the small number of extra vehicle movements will take place. The typical scenario I see in the very small likelihood (in my view) that there is a need for two cars to pass would be a car pulling out of the development to find another is approaching from the junction. It will either wait for a few seconds to allow it to pass or may simply have to reverse a short way, a manoeuvre I consider to pose little risk on this bit of road. Conversely, there is enough widening at the junction to allow a car for momentarily wait off The Street for a car to pass coming the other way.*

*Parking provision appears adequate and meets the current parking standards. It would be highly unlikely anyway that there would be any parking overflow over 80 metres away on Toll Lane when a delivery driver is presented with two parking courtyards.*

*Mention is also made of the lack/unsuitability of pedestrian footway provision; I don't believe that a development of this size could be reasonably expected to provide a dedicated pedestrian link to the existing network".*

I have since clarified that this advice seeks a speed restraint just north of the entrance to Toll House, and I have recommended an appropriate condition.

## **8.0 BACKGROUND PAPERS AND PLANS**

- 8.01 All plans and documents relating to 17/505194/OUT

## **9.0 APPRAISAL**

- 9.01 The site is located within the defined built-up area of Lynsted and in an established position within a residential area. Lynsted is defined as a village in tier (4) of the settlement strategy (villages with built-up area boundaries) where the following approach applies. Policy ST3 states;

*"By use of previously developed land within defined built up area boundaries and on sites allocated by the Local Plan, development proposals will be permitted in accordance with the following settlement strategy:*

*"(4) Other villages with built up area boundaries, as shown on the Proposals Map, will provide development on minor infill and redevelopment sites within the built up area boundaries where compatible with the settlements character, amenity, landscape setting, heritage or biodiversity value".*

- 9.02 As stated above, the site already forms part of an established residential area within the built up area boundary of the village and therefore this proposed minor residential infill, or redevelopment is acceptable in principle in terms of the newly adopted Local Plan.
- 9.03 At this stage the visual impact of the proposal can only be considered in very broad terms due to the uncertainty of all matters of design, height of buildings, materials and layout. The design and access statement submitted with the application states that materials such as hanging tiles, featheredged weatherboarding and hand made red bricks would be used on the development as per the guidance provided within the Lynsted Parish Design Statement.
- 9.04 As the site has already been developed there would be no loss of countryside arising as part of this proposal. The Lynsted Parish Design Statement states that settlements

in the Parish are formed along two major routes and are often ‘one building deep’ which this proposal is contrary to. The properties at The Vallance and Toll Road, however, are an exception to this, and to my mind it is not realistic to suggest that this limited development will appear out of keeping with the estate style development which surrounds it. To that extent, I do not consider that the development truly contravenes the spirit of the Parish Design Statement even though that Statement is now quite old and does not (in any case) now form part of the Development Plan. Whilst I do accept that the Design Statement can still be a material planning consideration its guidance can only carry limited weight and I do not consider that this issue can amount to a reason to refuse this application.

9.05 With regards to residential amenity the precise impact arising from the design of the dwellings will be dealt with as part of any subsequent reserved matters application. However, the indicative layout provided makes it clear that the proposed number of dwellings as arranged could be accommodated on the site whilst still maintaining the necessary separation distances from existing properties sufficiently to maintain adequate levels of privacy and minimise overshadowing.

9.06 I note the objections with regard to the impact of the development on highway safety and convenience, namely the access to the proposed development via Toll Road which is the only matter being sought as part of the outline application. Kent Highways and Transportation have been consulted and are of the opinion that the increase in vehicle movements for the proposed houses would be negligible, and the level of the development could not reasonably exact any obligation to improve the junction which appears adequate for its purpose. With the comments I do not find any justifiable reason to refuse the application with regards to the proposed access and highway safety. I am recommending a condition to require a speed restraint in the access route to avoid any conflict with users of the Toll House entrance.

## 10.0 CONCLUSION

10.01 The proposal entails development within the built up area boundary which is acceptable as a matter of principle. The area is unusual for Lynsted in being comprised of estate style development which surrounds the site. There is sufficient space on the site to accommodate the proposal for four dwellings and their parking demands and as such I recommend that the application is granted approval.

11.0 **RECOMMENDATION** – GRANT Subject to the following conditions:

### CONDITIONS

- (1) Details relating to the layout, scale and appearance of the proposed buildings and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (3) The development to which this permission relates must be begun not later the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (4) The details submitted pursuant to condition (1) above shall include cross-sectional drawings through the site, of the existing and proposed site levels. The development shall then be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development having regard to the nature of the site.

- (5) All hard and soft landscape works submitted and approved under condition (1) above 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 a 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.

- (6) 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.

- (7) The details submitted in pursuance of condition (1) shall show adequate land reserved for parking in accordance with the Approved County Parking Standards and, upon approval of the details this area shall be provided, surfaced and drained before any building is occupied and shall be retained for the use of the occupiers of, and visitors to, the dwellings. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and detrimental to highway safety and amenity.

- (8) Details of a method of speed restraint on the access road north of the entrance to Toll House shall be submitted to and approved by the Local Planning Authority and thereafter the approved works shall be provided prior to occupation of any dwelling hereby permitted, and that feature shall be permanently retained.

Reason: In the interests of highway safety.

- (9) No works shall take place until a site specific Construction/Demolition Environmental Management Plan has been submitted to and been approved in writing by the local authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
- All works and ancillary operations which are audible at the site boundary or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08:00 hours and 18:00 hours on Mondays to Fridays, 08:00 and 13:00 hours on Saturdays and at no time on Sundays and Bank Holidays. Unless in association with an emergency or with the prior written approval of the District Planning Authority.
  - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
  - Measures to minimise the production of dust on the site(s).
  - Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s).
  - Design and provision of site hoardings.
  - Measures to prevent the transfer of mud and extraneous material onto the public highway.

Reason: In the interests of the amenities of surrounding occupiers.

### **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

### **Habitats Regulation Assessment**

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

The application site is located approximately within 6km of The Swale Special Protection Area (SPA) which is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitat Regulations).



SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

The proposal therefore has potential to affect said site's features of interest.

In considering the European site interest, Natural England (NE) 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, 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:

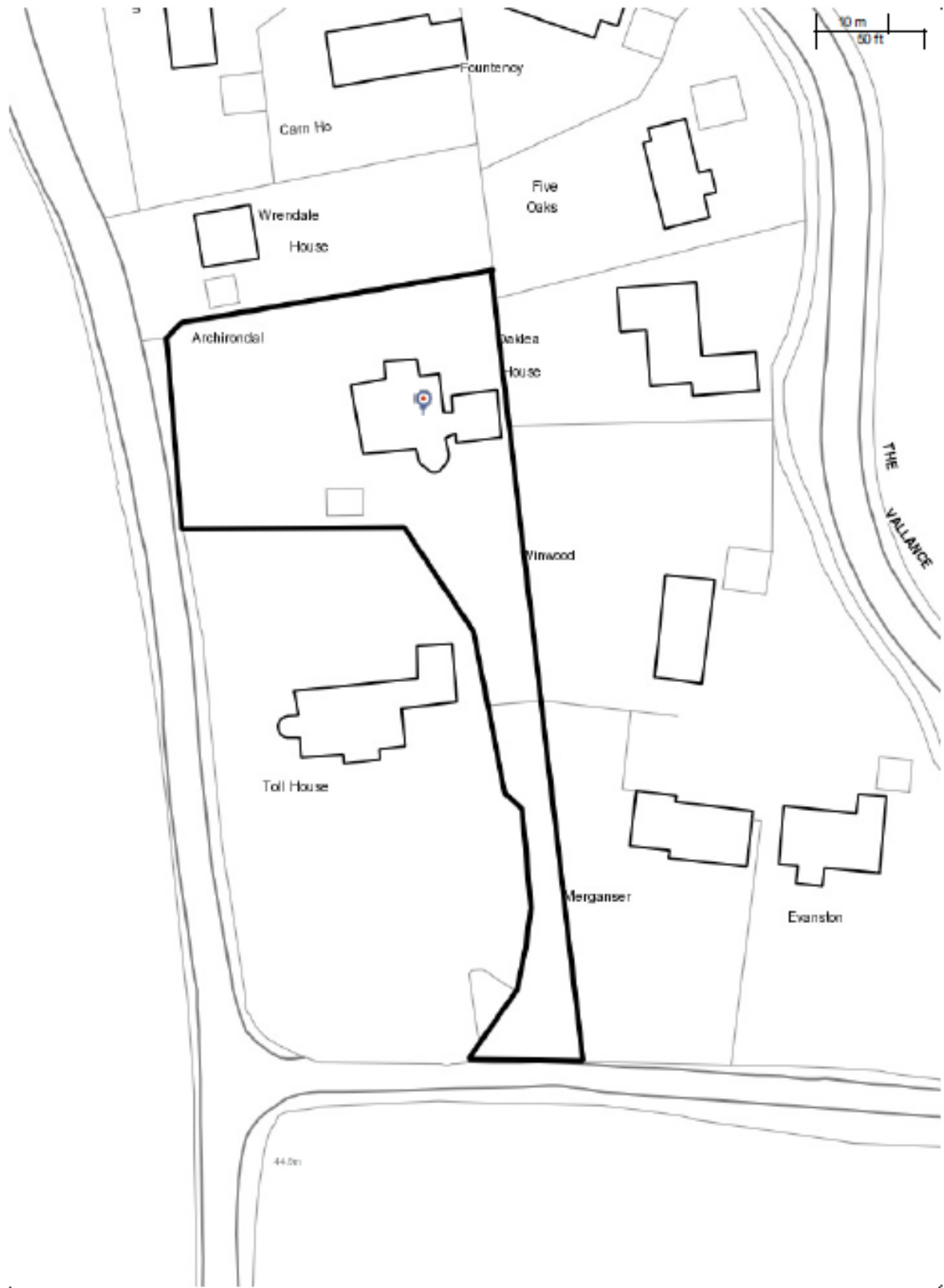
- Due to the scale of development there is no scope to provide on site mitigation such as an on site dog walking area or signage to prevent the primary causes of bird disturbance which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.
- 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 dwellings proposed but in the longer term the mitigation will be secured at an appropriate level, and in perpetuity.

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.



17/505194/OUT - Archirondal  
Scale: 1:700  
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