

<b>2.7 REFERENCE NO - 17/504037/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Proposed residential development of garden land to provide 4 no. detached 4 and 5 bedroom dwellings with associated garaging, parking and shared private driveway, as amended by drawings received on 24/01/2018 and 06/02/2018.			
<b>ADDRESS</b> 172 Scarborough Drive Private Street Minster-on-sea Sheerness Kent ME12 2LR			
<b>RECOMMENDATION</b> – Grant permission, subject to the further comments of the Parish Council and local residents			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b>			
The scheme is considered to be acceptable in this location. It does not have any material impact on residential amenity of neighboring occupiers or the character of the area. The scheme meets all relevant development plan policies.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Contrary to the comments of the Parish Council			
<b>WARD</b> Minster Cliffs	<b>PARISH/TOWN</b> Minster-On-Sea	<b>COUNCIL</b>	<b>APPLICANT</b> Mr N Shaw And Mrs E Conden <b>AGENT</b> Kent Design Partnership
<b>DECISION DUE DATE</b> 10/10/17	<b>PUBLICITY EXPIRY DATE</b> 29/09/17		
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
SW/97/0883	Detached chalet bungalow	Granted permission	28/11/1997
<i>Reason: Development within the built up area boundary, no detrimental impact on amenity. Permission granted with conditions.</i>			
SW/90/1289	Outline application for residential home & sheltered bungalows	Granted permission	03/03/1993
<i>Reason: Development within the built up area boundary, no detrimental impact on amenity. Permission granted with reserved matters.</i>			
SW/90/0995	Outline application for old person residential home & sheltered housing	<i>Refused permission</i>	18/09/1990
<i>Reason: Development was contrary to local development plan policies</i>			

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

1.01 The application site is located off Scarborough Drive in Mister Cliffs. It is sandwiched between Westcliff Drive and Kings Road and bounded on all sides by residential dwellings. The site is accessed from a gated gap in the building line along Scarborough Drive and is currently the garden to “The Cottage”. . This entrance point is opposite the junction with Love Lane to the south. To the north of the application site is a detached bungalow with sea beyond.

- 1.02 The whole area gently slopes down toward the north, along the coastline. The proposal site is a rectangular shape and covers some 0.535 hectares with clearly defined boundary lines on the west and eastern sides. 'The Cottage' which is the existing residential dwelling on the plot is to be retained and incorporated into the general scheme of development.

## **2.0 PROPOSAL**

- 2.01 Planning permission is sought for the erection of 4 two storey detached houses together with 3 detached garages (plot 3 is proposed to have an attached garage).. The proposed buildings are individual in appearance and are arranged in a linear form with three of the buildings (nos. 2, 3 and 4) to the east of the site and Number 1 to the west. An amended layout plan has been received, changing the layout to achieve the Council's normal minimum separation distances between dwellings.
- 2.02 Plot 1 to the west of the plot will have sea facing views and a net square footage of 2191.6. This unit would measure 11.2 metres wide, a maximum of 14.4 metres deep, and 8.8 metres to the ridge of its roof. It would have a triple detached garage, measuring 9.3 metres wide, 6.5 metres deep and xm high to the ridge of its roof. It would be sited facing north, in excess of 21 metres from the dwelling to the rear fronting Scarborough Drive and in excess of 11 metres from the closest dwelling to the west. The proposed garage would be located hard up against the side boundary pof the site, 10 metres from the closest dwelling.
- 2.03 The proposed houses on Plots 2, 3 and 4 are arranged in a row on the eastern side of the site.
- 2.04 The dwelling on plot 2 would measure 12.7 metres wide, 10.6 metres deep and 8.2 metres to the ridge of its roof. It would have a detached garage to the north, measuring 6.2 metres x 6.9 metres and 5.4 metres high to the ridge of its roof. The dwelling would be sited 21 metres from the dwelling to the rear, 14 metres from the dwelling to the north and 3.5 metres from the proposed dwelling on plot 3 to the south.
- 2.05 The dwelling proposed on plot 3 would measure 15.3 metres wide, 12.8 metres deep and 9.9 metres to the ridge of its roof. This dwelling would have an attached garage, and would lie in excess of 21 metres from the closest dwelling to the rear, 1 metre from the dwelling on plot 4 to the south.
- 2.06 The dwelling on plot 4 would measure 12.7 metres wide, 11 metres deep and 9 metres to the ridge of its roof. It would have a detached garage measuring 6.2 metres x 6.9 metres, 5.4 metres to the ridge of its roof. It would be located in excess of 21 metres from the dwellings to the rear, in excess of 11 metres from the dwelling to the south.
- 2.07 Each dwelling would have a rear garden of at least 10 metres in depth, and each would have at least 2 off street parking spaces.
- 2.08 Access would be taken from Scarborough Drive, and the access road within the site would be a minimum of 4.1 metres wide, with a 5.9 metre wide passing point near the access onto Scarborough Drive. The plans show a refuse collection point at the front of the site.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

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

- 3.01 Chapter 4 – Promoting sustainable transport
- Chapter 6 – Delivering a wide choice of high quality homes
- Chapter 7 – Requiring good design
- Chapter 10 – Meeting the challenge of climate change, flooding and coastal change

**Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies:**

- 3.02 ST 1 Delivering sustainable development in Swale
- ST 2 Development targets for jobs and homes 2011-2031
- ST 3 The Swale settlement strategy
- ST 4 Meeting the Local Plan development targets
- CP 2 Promoting sustainable transport
- CP 3 Delivering a wide choice of high quality homes
- CP 4 Requiring good design
- DM 6 Managing transport demand and impact
- DM 7 Vehicle parking
- DM 14 General development criteria
- DM 19 Sustainable design and construction

**3.03 Supplementary Planning Documents:**

**Kent Design Guide Review: Residential Parking (2008):** With no up to date local guidance on parking standards, the recently adopted local plan makes reference to Kent County Council vehicle parking standards for new development proposals. This interim document was published in November 2008 and assesses the provision of parking in new residential development and impact on a locality.

The document looks at factors such as location of new residential scheme, size of residential accommodation to be provided and transport implications.

**4.0 LOCAL REPRESENTATIONS**

- 4.01 There have been a total of **9** responses received all objecting to the proposal. Concerns expressed by the objectors mainly centred around the impact of the proposed development on private unmade local roads and future maintenance; scale of the proposed dwellings being overly dominant and associated overlooking and privacy concerns; poor access not being wide enough to accommodate extra traffic movements; no sewage and drainage provisions with capacity concerns; the proposed application being contrary to local plan policies; concerns of flooding. I have reconsulted local residents on the amended layout plan and will update Members at the Meeting.

**5.0 CONSULTATIONS**

- 5.01 Minster-on-Sea Parish Council considers this to be a 'windfall site' providing much needed houses of that type within the built-up area. However, whilst querying the lack of an ecological survey, the Parish Council's support is conditional on an ecological survey being provided. No such survey has been received. I have reconsulted the Parish Council on the amended layout plan and will update Members at the Meeting.

- 5.02 Southern Water do not raise objection subject to an informative advising suitable disposal of surface water. Southern Water standing advice is to be followed and the informative suggested will be included on a decision notice.
- 5.03 Natural England advise that the application “relates to proposals for new dwellings within the zone of Influence (6km) of the Thames Estuary and Marshes, Medway Estuary and Marshes, and The Swale Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites). It is the Council’s responsibility to ensure that the proposals fully adhere to the agreed approach within the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. Subject to the above, Natural England is happy to advise that the proposals may be screened out as not having a likelihood of significant effects on the designated sites.”

## **6.0 BACKGROUND PAPERS AND PLANS**

- 6.01 The applicant entered into pre planning applications discussions with Officers following a previous failed scheme and has addressed design concerns. Given the character of the application site and the area in general, a traditional design approach was taken aimed at the family market. This has resulted in a reduced scheme comprising of four dwellings where the scale of Plot 2 has been further reduced during the course of the application to address overbearing and privacy concerns.
- 6.02 Submission documents include a Design and Access statement composed by Kent Design Partnership and dated July 2017.

## **7.0 APPRAISAL**

### **Principle of Development**

- 7.01 The site is located in the built up area, where new residential development is acceptable as a matter of principle.

### **Impact on Visual Amenity**

- 7.02 The proposed dwellings and garages are appropriately designed and would sit comfortably within the site. I am mindful that this proposal would result in the creation of a cul de sac. However – this is not in itself objectionable and I do not consider that the layout of the proposed development would be so at odds with the surrounding pattern as to be harmful.

### **Impact on residential amenity**

- 7.03 Policy DM14 of the adopted Local Plan seeks to ensure that there would be no unacceptable impacts on surrounding amenities, The plans have been amended and none of the dwellings lie within 21 metres of facing dwellings to the rear or within 11 metres where the relationship is flank to rear. I do not consider that the proposed dwellings would give rise to significant overlooking.
- 7.04 In relation to residential amenity for future occupiers; the standard of accommodation is considered to be suitable. The proposed units are of good sizes and would provide a satisfactory internal level of accommodation for future occupants. The individual

houses are large and provide good quality internal layout and external amenity spaces. In my opinion, the scheme and would provide a good level of amenity for future residents.

### **Highways**

- 7.05 Whilst I note the objections raised in this regard, the parking provision proposed meets the requirements of the County Highway Authority and the access road is also acceptable in terms of highway safety and convenience. Damage to the unmade road as the result of this scheme is not a material planning consideration but a private legal matter between the relevant parties. Finally in this regard, the traffic generated by four additional dwellings would not give rise to an excessive number of vehicle movements which in themselves would harm highway safety or convenience.

### **Ecology**

- 7.06 The proposed development site falls within the 6km zone of influence of the Thames Estuary and Marshes and Members will note the response of Natural England. I have included below a Habitats Regulations Assessment. The applicant has not provided an ecological report and I note the comments of the Parish Council. I am mindful that the site is currently domestic garden and as such there may be limited potential for protected species within the site. However – I have consulted the KCC Ecologist and am awaiting their comments. I will update Members at the Meeting.

### **Flood Risk**

- 7.07 I note the concerns raised on the basis of flood risk. The site does not lie in an area at risk of flooding. I do though recommend imposing condition 6 below which requires drainage details to be submitted and approved.

## **8.0 CONCLUSION**

- 8.01 The proposed development is acceptable in principle and I do not consider that it would harm visual or residential amenity, or highway safety and convenience. I therefore recommend that, subject to the receipt of any additional representations as set out above, planning permission is granted.

## **9.0 RECOMMENDATION – GRANT Subject to the following conditions**

### CONDITIONS to include

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) The development shall be carried out in accordance with the following approved plans numbered -.

Reason: In the interests of proper planning

- 3) Prior to the commencement of development, details of external finishing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: in the interest of visual amenity.

- 4) No development shall take place until a Construction and Environmental 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. This shall include details relating to:
  - (i) A programme for the suppression of dust during any demolition works and construction of the development
  - (ii) The areas to be used for the storage of plant and materials on site;
  - (iii) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking;
  - (iv) Measures to guard against the deposit of mud and similar substances on the public highway

The development shall be carried out in accordance with the approved details.

Reasons: To ensure the development does not prejudice conditions of residential amenity and highway safety and convenience through adverse levels of noise and disturbance during construction.

- 5) 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, any means of enclosure, hard surfacing materials, graphic/visual details for the method of marking out of parking spaces, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 6) Prior to the commencement of development details of the means of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: To prevent flooding and ensure appropriate utility provision at the site.

- 7) 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.

- 8) No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, and energy efficiency. Upon approval, the details shall be incorporated into the

development in accordance with the approved details prior to the first use of any dwelling.

Reason: In the interest of promoting energy efficiency and sustainable development.

- 9) No demolition/construction activities shall take place, other than between 0700 to 1900 hours (Monday to Friday) and 0700 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Reason: In the interests of residential amenity.

- 10) The area shown on the submitted layout as vehicle parking and turning space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 11) The access details shown on the approved plans shall be completed prior to the occupation of any buildings hereby approved, and the access shall thereafter be maintained.

Reason In the interest of highway safety

### **The Council's approach to this application:**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Offering pre-application advice
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the applicant/agent was advised of minor changes required to the application and these were agreed and submitted.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

### **Habitat Regulations Assessment**

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

The application site is located within 6km 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.**

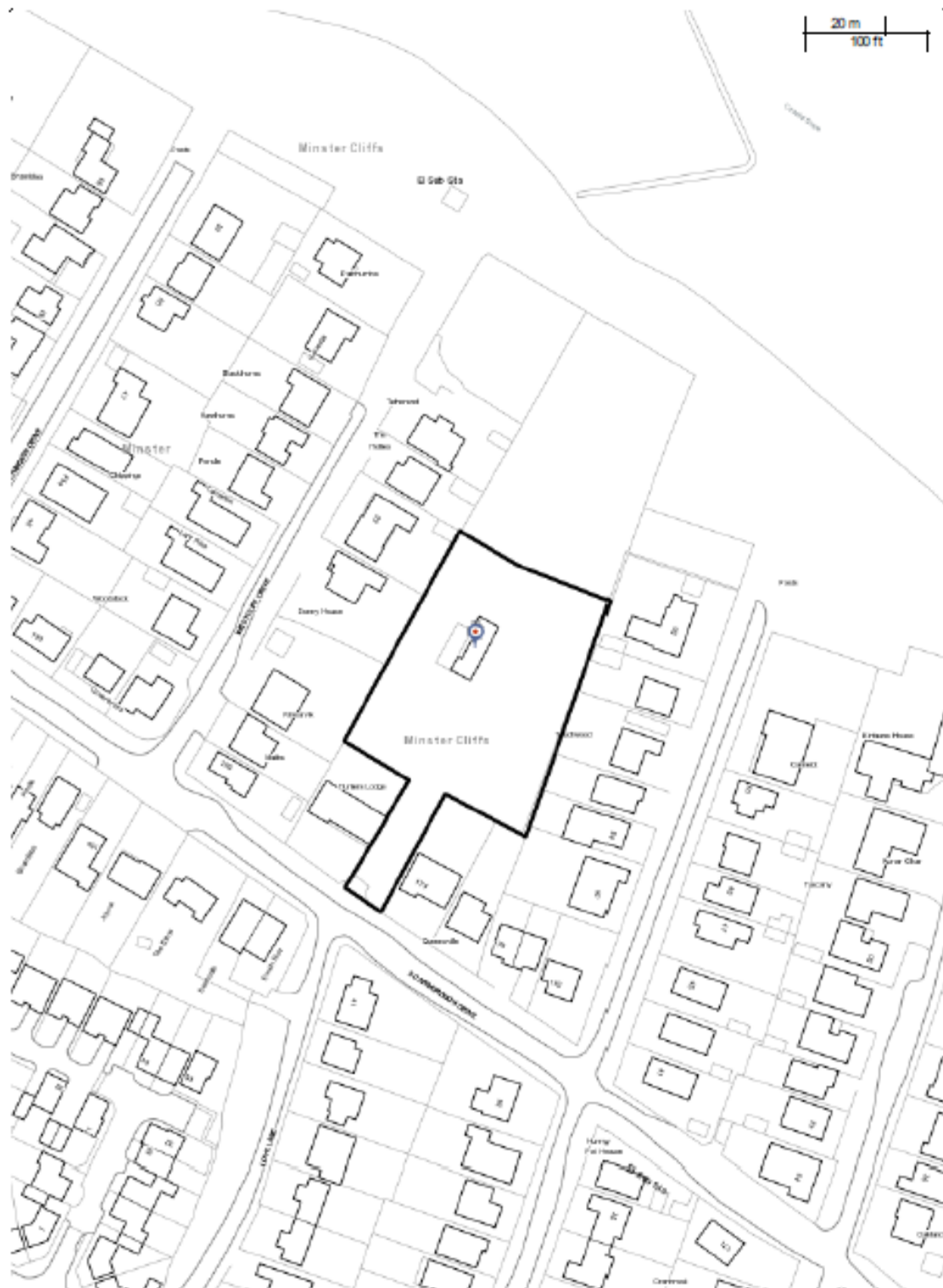
Whilst the individual implications of this proposal on the features of interest of the SPA will be extremely minimal in my opinion, cumulative impacts of multiple smaller residential approvals will be dealt with appropriately by the method outlined above.

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.


#### INFORMATIVES

- 1) Southern Water requests that the applicant contacts it to discuss the requirement for a formal application to; abandon a public sewer; provide foul and surface water drainage; and provide a water supply on 0330 303 0119. Should a sewer be found during construction the developer should contact Southern Water to discuss its requirements.
- 2) “A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)”.

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.



**ITEM 2.7 17/504037/FULL - 172 Scarborough Drive, Minster-on-Sea, Sheerness ME12 2LR**  
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