

2.4 14/501423		Minster	
APPLICATION PROPOSAL – Demolition of redundant garage, formation of driveway and erection of three two bedroom bungalows.			
ADDRESS - Land adjacent to 159 Minster Road, Minster, ME12 3LJ.			
RECOMMENDATION - Grant			
SUMMARY OF REASONS FOR RECOMMENDATION – The proposal is acceptable in all regards.			
REASON FOR REFERRAL TO COMMITTEE Minster Parish Council objects.			
WARD Sheppey Central Ward	PARISH/TOWN COUNCIL Minster	APPLICANT Ferndale Ltd AGENT Michael Gittings Associates	
DECISION DUE DATE 27/8/14	PUBLICITY EXPIRY DATE 21/8/14	OFFICER SITE VISIT DATE 19/8/14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/500823	Erection of detached three bedroom bungalow with integral garage	Current	
SW/14/0213	Formation of new access and car parking	Approved	19/2/14
SW/05/0298	Renewal Of Outline Planning Permission SW/02/0645 For Detached House And New Vehicular Access To Existing House.	Approved	4/3/05
SW/02/0645	Renewal Of Outline Planning Permission Sw/99/534 For Detached House And New Vehicular Access To Existing House	Approved	15/5/02
SW/99/0534	Renewal Of Planning Permission Sw/96/0464 For Detached House (outline) And New Vehicular Access To Existing House.	Approved	3/6/99
SW/96/0464	Detached House (outline) And New Vehicular Access To Existing House	Approved	30/5/96
SW/96/1038	Erection Of Detached Bungalow	Refused	18/11/96
SW/94/0372	Outline Application For Residential Home	Refused	28/4/94

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site forms the wider garden area to no.159 Minster Road, Minster. It wraps around the dwelling, to the west, and sits on the southern side of Minster Road. The site lies within the built up area of Minster. The site is also located within flood zones 2 and 3 as defined by the Environment Agency's flood maps. The area is

characterised largely by residential dwellings of mixed designs. However – no.165 Minster Road, to the east of the site, is a residential home.

2.0 PROPOSAL

- 2.01 This application proposes the construction of a pair of semi-detached and a detached bungalow, on land to the rear of no.159 Minster Road.
- 2.02 Access would be taken to the west of no.159 Minster Road, with an access road with landscaped buffers either side leading to a turning area to the front of the proposed dwellings.
- 2.03 The single unit (plot 1) would measure 5.1 metres to ridge height, 11 metres deep and 6.8 metres wide. The semi-detached units (plots 2 & 3) would measure 5.9 metres, 11 metres deep and a total of 13.6 metres wide.
- 2.04 Each unit is shown having one parking space each, although it appears that more are capable of being accommodated. Plot 1 would have a garden depth of 9 metres whereas those of plots 2 and 3 would be 10 metres.
- 2.05 The dwellings would be located well in excess of 21 metres from the dwellings to the rear in Darlington Drive, and 21 metres from the first floor rear facing windows of no.159 Minster Road.

3.0 SUMMARY INFORMATION

	Proposed
Approximate Ridge Height (m)	5.1m and 5.9m
Approximate Eaves Height (m)	2.3m
Approximate Depth (m)	11m
Approximate Width (m)	6.8m & 13.6m
No. of Storeys	1
Parking Spaces	3+
No. of Residential Units	3
No. of Affordable Units	0

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 National Planning Policy Framework and National Planning Practice Guidance in terms of the presumption on favour of sustainable development, providing housing, design and flooding.
- 4.02 The following policies of the Swale Borough Local Plan 2008 are relevant:

E1 General Development Criteria
 E19 Achieving High Quality Design and Distinctiveness
 H2 Providing for New Housing
 T3 Vehicle Parking for New Development

5.0 LOCAL REPRESENTATIONS

- 5.01 Four letters of objection have been received, three of which are from the same address, which are summarised as follows;
- Conifers may be removed or damaged by construction, reducing privacy and causing subsidence to my property. The erection of a large fence would remedy this.
 - Extra noise from householders and cars.
 - Construction noise would disturb sleep of shift workers in area.
 - Extra traffic on main road.
- 5.02 One letter raising neutral points has been received which outlines that the water and drainage services to the rear properties on Darlington Drive run through the rear of 159 Minster Road. A neighbouring outbuilding isn't shown on the drawings. If a new boundary wall is to be constructed who takes ownership of the boundary trees?
- 5.03 Three letters of support have been received which are summarised as follows;
- This is a nice, quiet, private and select development with a spacious approach. The access is larger than others in the area.
 - Bungalows result in no overlooking to neighbours.
 - Within built up area of Minster so it makes more efficient use of land instead of developing countryside.
 - Proposal complies with planning policy.
 - Bungalows are appropriate for older people and disabled to buy a new and purpose built house.
 - The layout is the best of recent developments in the area including the vehicle access which distances cars from neighbours.
 - Well located for disabled people as there is a bus stop nearby.
- 5.04 Two letters from the applicant addressing some of the neighbour comments have been received which are summarised as follows;
- The access is very wide which makes it more than adequate, including visibility splays.
 - Noise from cars is addressed by making the access wide and planting to either side.
 - Parking for 159 has been approved and a block paved driveway installed.
 - Conifers to be kept and trimmed to keep privacy and prevent shading.

6.0 CONSULTATIONS

- 6.01 Sothern Water do not raise objection and recommend informatives be attached with regards connection to the public foul sewer.
- 6.02 The Environmental Health Manager does not raise objection subject to conditions relating to contamination and hours of construction. It has been agreed that to require a full contaminated land assessment is excessive given that only a domestic garage existed on site previously therefore a less stringent contaminated land condition is recommended.
- 6.03 Minster Parish Council raises objection, commenting as follows:

Objection on the grounds that the proposal presents as detrimental to the residential amenities residents of the neighbouring properties might reasonably be expected to enjoy. Access is considered inadequate and will create noise and disturbance due to the increased vehicular movements and visibility splays do not appear long enough. There is also a requirement for

159 Minster Road to provide adequate off street parking in order to avoid exacerbating the problem.

- 6.04 The Environment Agency raises no objection and provides additional information and informatives regarding foul drainage, surface water drainage and waste on site. It confirms a flood risk assessment is not required.
- 6.05 Kent Highway Services raises no objection, noting that there is actually more parking available than is required. The parking approved under SW/14/0213 for the host property must be provided before the current proposal is commenced. The proposed access is wide enough for 2 cars to pass one another along its length and the visibility splays are appropriate. A number of conditions are recommended.

7.0 APPRAISAL

The key issues here are the principle of the development, the impact on visual amenity, the impact on residential amenity, and the impact on highway safety and convenience.

Principle of Development

- 7.01 The site is located within the built up area of Minster, and as such, residential development is acceptable as a matter of principle. Whilst the site lies to the rear of the existing development fronting Minster Road, it lies close to no.165 Minster Road, a large residential home which projects markedly to the rear, which gives rise to activity rearwards of the building line fronting the highway.
- 7.02 The proposal is in a similar position to that refused permission on the site under application SW/94/372 noted above. However, the current proposal is significantly smaller than this refused scheme and the approval of the dwellings at 144 and 146 Minster Road (see below) mean that backland development has been accepted in this area in the intervening period. I consider that the reasons for refusal of SW/94/372 do not hold here.
- 7.03 In my view, the development of this site is unlikely to give rise to significant harm to the character of the area. The provision of three dwellings rearwards of the building line here would not in my view give rise to harm to the grain of development in the area. Similar developments, rear of nos,.144 and 146 (to the north east of the site) have been approved and built in the past 10 years or so, and this proposed development would not in my view appear out of character with that of the area. The development is, in my opinion, acceptable as a matter of principle.

Visual Impact

- 7.04 Subject to conditions relating to the landscaping of the access, and the provision of planting there, I do not consider that this scheme would appear prominent in views from the street. In addition, the design of the bungalows would in my view appear appropriate, and would not cause demonstrable harm to the character and appearance of the area.

Residential Amenity

- 7.05 I note the objections made by the Parish Council and the occupiers of the dwellings to the rear of the site with regards overlooking and the loss of trees. However – Members will note that the proposed dwellings are single storey only, and that the

dwellings to the rear are well in excess of 21 metres from those proposed. As such, I do not consider that harm to the amenities of the occupiers of the dwellings to the rear would occur, regardless of whether the conifers along the rear boundary are removed.

- 7.06 The proposed dwellings would be located 21 metres from no.159 Minster Road, and I do not envisage mutual overlooking in this respect.
- 7.07 The private amenity space provided for the proposed dwellings would in my view be sufficient to provide an adequate level of amenity for their occupiers. Unit 1 would have a garden of approximately 9 metres in depth, the remaining two units would have slightly larger gardens. This is in my view acceptable.
- 7.08 The access road would be separated from the boundaries with the adjacent dwellings by significant landscaped strips. I do not consider, bearing in mind the number of dwellings, that the use of this access would give rise to a harmful level of noise and disturbance such that planning permission should be refused.
- 7.09 The level of activity associated with the proposed dwellings would not be such that general noise and disturbance will occur. I note that the Environmental Health Manager does not object in this respect. I do not consider the erection of a large fence between the proposal and existing properties necessary to grant permission here. Hours of construction will be restricted by the standard condition recommended in the interests of the majority of local residents but unfortunately not shift workers who are in the minority here so a certain level of disturbance may be possible.

Highways

- 7.10 I note the comments of the Parish Council with regards parking for no.159 Minster Road. Access and parking for this dwelling is in the process of being provided and it is envisaged that works will be complete prior to this application being considered by Members. I will provide an update in this respect at the Meeting.
- 7.11 Kent Highway Services raises no objection on highway safety and convenience grounds noting that there is an overprovision of parking on the site and that the access is acceptable in all regards including width and visibility splays. I do not envisage the amount of additional traffic being a problem. The impact on highway safety and convenience is acceptable in my view.

Other issues

- 7.12 I note the local residents' comments about services to their property originating from the application site. However, these are not shown on the map of underground pipes shown provided by Southern Water. Notwithstanding the above, this issue is not dealt with under planning legislation.
- 7.13 The Environment Agency raise no objection to the proposal despite the site being partially in flood zones 2 and 3.
- 7.14 Contaminated land is dealt with by condition below are recommended by the Environmental Health Manager.

8.0 CONCLUSION

8.01 The proposed development is acceptable as a matter of principle, would not harm visual or residential amenity, and would not harm highway safety or convenience. I therefore recommend that planning permission is granted, subject to the conditions below.

9.0 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.

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 external finishing materials to the development hereby approved shall be as described in the application form namely Wienerberger heritage blend bricks and marley mendip anthracite roof tiles.

Grounds: To secure an appropriate external finish.

- 3) No development 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, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Grounds: In the interests of the visual amenities of the area.

- 4) 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.

Grounds: In the interests of the visual amenities of the area.

- 5) 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.

- 6) No development shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

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

- 7) 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 – 1800 hours, Saturdays 0830 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Grounds: To prevent harm to the amenities of the area.

- 8) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the LPA, details of how this unsuspected contamination shall be dealt with.

Grounds: To ensure that the development complies with the approved details in the interests of protection of human health.

- 9) 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.

Grounds: In the interests of amenity and road safety.

- 10) During construction provision shall be made on the site to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Grounds: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

- 11) 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: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents.

- 12) The area shown on the submitted layout as vehicle parking and turning space shall be provided, surfaced and drained before the any of the dwellings are occupied 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 provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 13) Before the dwellings hereby approved are first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority.

Grounds: In the interests of highway safety and convenience.

- 14) No dwelling shall be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for 2 cycles to be securely parked and sheltered per dwelling.

Grounds: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety.

- 15) 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.

Grounds: In the interests of highway safety.

- 16) Pedestrian visibility splays 2m x 2m with no obstruction over 0.6 m above the access level shall be provided at each individual private vehicular access prior to accesses being brought into use, and shall be subsequently maintained.

Grounds: In the interests of highway safety.

- 17) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Grounds: In the interests of highway safety and convenience.

- 18) Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 5.5m from the carriageway edge.

Grounds: In the interests of highway safety and convenience.

- 19) Either this planning permission or that proposed under planning application 14/500823/FULL (subject to it being approved) shall be implemented.

Grounds: To prevent the partial implementation of both planning permissions and the resulting unacceptable form of development this would create.

- 20) The development shall proceed in accordance with the following approved drawing numbers: 2295/1/A and 2295/2.

Grounds: In the interests of clarity.

10.0 Informatives

- 10.01 The applicants attention is drawn to the additional information and informatives within the Environment Agency letter dated 3/9/14.

- 10.02 Kent Highway Services wishes to make the applicant aware of the following. It is the responsibility of the applicant to ensure, before the development hereby approved is

commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 10.03 Planning permission does not convey any approval for construction of the required vehicular crossing, relocation of the lamp column, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- 10.04 Southern Water wishes to make the applicant aware of the following. 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 .

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.