

2.3 REFERENCE NO - 18/503678/FULL			
APPLICATION PROPOSAL Erection of a 2 bedroom chalet style bungalow on land to rear gardens of 344 and 346 Minster Road.			
ADDRESS 344 Minster Road Minster-on-sea Sheerness Kent ME12 3PE			
RECOMMENDATION Grant subject to conditions and to the receipt of satisfactory Unilateral Undertaking regarding SAMMS payments			
SUMMARY OF REASONS FOR RECOMMENDATION Following amendments, the scheme is acceptable with regards to impact upon residential and visual amenity and provides an adequate amount of parking. The development would provide an additional dwelling in a suitable location.			
REASON FOR REFERRAL TO COMMITTEE Called in by Ward Councillor Booth			
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mrs Lynne Creed AGENT Deva Design	
DECISION DUE DATE 12/12/18	PUBLICITY EXPIRY DATE 05/11/18		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
18/503733/FULL	Installation of a dropped kerb to serve no. 346 Minster Road and creation of off road parking.	APPROVED	18.09.18
SW/12/1266	(No. 344) Two storey side and rear extension and conversion of garage to habitable room.	APPROVED	21.11.12
SW/12/0882	(No. 344) Two storey side and rear extension and conversion of garage to habitable room.	REFUSED	10.08.12
SW/93/0730	(No. 344) Renewal of planning permission SW/88/842 for change of use from residential to rest home.	APPROVED	08.10.93
SW/88/0842	(No. 344) Change of use from residential to rest home.	APPROVED	23.08.88
SW/85/0604	(No. 344) Change of use to residential.	APPROVED	23.07.85

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located in the rear gardens of No. 344 and 346 Minster Road, a pair of two storey, semi-detached dwellings situated on a corner plot between Minster Road and Glenwood Drive. The plot measures roughly 31m in length x 11m in width and is accessed via an existing dropped kerb on Glenwood Drive.
- 1.02 The area is characterised by a mix of housing designs and scales, though I note the properties immediately south of the site are two storey semi-detached dwellings and the properties immediately to the north of the site are detached bungalows.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for the erection of one detached chalet bungalow. It will measure 13m x 8m, with an eaves height of 2.8m and maximum height of 7m. Two small pitched roof dormer windows are proposed on the northern roof slope, and three roof lights are proposed on the southern roof slope. One parking space will be provided to the front of the dwelling, and the rear garden will have a minimum depth of 10m. The property will have a lounge, dining room, utility, bathroom and kitchen on the ground floor, and two bedrooms (one with an en-suite) and a bathroom on the first floor.
- 2.02 I raised concern regarding the potential for overlooking of the garden of the new property from No. 344 Minster Road. The agent was informed of this and was recommended to include a small single storey extension to the rear of the proposed dwelling, in order to create an area of private outdoor amenity space. Amended plans were subsequently submitted showing a small rear extension which measures 3m x 3.9m, and would have a flat roof with a roof lantern situated in it.

3.0 PLANNING CONSTRAINTS

- 3.01 None

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- 4.02 Policies ST3, CP3, CP4, DM7 and DM14 of 'Bearing Fruits 2031: The Swale Borough Local Plan 2017'
- 4.03 Supplementary Planning Documents: 'Designing an Extension: A Guide for Householders'

5.0 LOCAL REPRESENTATIONS

- 5.01 Four objections were originally received from neighbouring properties. Their contents are summarised below:
- Object to the noise and disturbance caused by the development.
 - Object to the general appearance of the north and west elevations.
 - Bungalows in Saxon Avenue will be directly overlooked by proposed property, which is located close to the common boundary. This will severely compromise privacy.
 - There is an abundance of wildlife on the site and removing trees, shrubs and green space will be detrimental to the natural environment.
 - Building houses in back gardens will have a direct effect on the open nature of the area and will cause over condensation of development.
 - Parking situation in Glenwood Drive has already caused the junction with Minster Road to become dangerous, particularly during evenings and weekends. More cars and congestion will exacerbate the problem.
 - Adding a dropped kerb in Glenwood Drive will result in further issues with parking.
 - Drainage system in the area is already insufficient when it rains and another house will just make it worse.

- Removing a large area of garden which helps to absorb rain water will mean water goes straight into the sewage system instead.
- 5.02 When amended plans were submitted, neighbours were reconsulted on the application. Three further objections were received from properties who had originally objected to the proposal, reiterating the points they previously raised.
- 5.03 Seven objections in total to the proposal were received from four properties, and as such, I contacted the relevant Ward Members and asked whether they would like the application to be called in to be heard at Planning Committee, as per the Council's Constitution. Cllr Booth requested the application is heard at the next Committee. Cllr Pugh stated he would have to declare an interest as one of the local residents is his cousin. I received no response from Cllr Crowther.
- 5.04 Minster-on-Sea Parish Council supports the application.

6.0 CONSULTATIONS

- 6.01 KCC Highways – Proposal does not meet the criteria to warrant involvement from the Highways Authority.
- 6.02 Natural England – See standing advice.
- 6.03 Environmental Health – No objections subject to hours of construction condition.
- 6.04 Southern Water – Request informative is added stating a formal connection to the public foul sewer is required.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Documents and plans submitted as part of 18/503678/FULL.

8.0 APPRAISAL

Principle of Development

- 8.01 The application site lies within the built up area boundary of Minster where the principle of development is accepted, subject to the relevant policy considerations.

Visual Impact

- 8.02 I consider the proposed chalet bungalow is of an acceptable scale and design and I consider it would sit comfortably within the existing varied street scene without giving rise to any serious harm to the character of the area. Concern was raised by neighbours regarding the design of the north and west elevations. Two dormers are proposed on the northern roof slope and their design is in line with the advice of the Council's adopted SPG, being small in scale and with pitched roofs. With regards to the western elevation (the rear), I consider the design is simple and will not lead to any unacceptable impacts to visual amenities.

Residential Amenity

- 8.03 The new property will lie approximately 8.5m from No. 344 and 7m from No. 346 Minster Road. I note it would be the side elevation of the proposed bungalow that will face the rear of these properties, and in this flank wall, the front door will be situated, and a window to the family bathroom on the ground floor. The Council considers windows to the rear of properties should be at least 11m from the flank wall of other houses to the rear. The proposal will reduce this distance to between 8.5m and 7m for No. 344 and No. 346 respectively. The main issue that will arise from these distances is the overlooking that could occur at the development's private garden. Following amendments adding the single storey rear extension, I believe the proposal will provide adequate private amenity space for future occupiers and as such, consider this separation distance acceptable.
- 8.04 I also note the proposed development will reduce the scale of the gardens at No. 344 and No. 346 significantly. The Council usually recommends a rear garden to have a depth of 10m, and in this case, the depth of the gardens will be reduced to approximately 7m at the shallowest point. However I take into account the large width of the gardens, which I believe will provide an acceptable amount of private amenity space at both properties.
- 8.05 The dwellings to the north of the proposed bungalow, No. 2 Glenwood Drive and Autumn Lodge, Saxon Avenue would lie approximately 12m and 13m respectively, from the proposed dwelling. I note both these neighbouring properties are bungalows, so the amount of overlooking that will occur will be reduced to what I consider would be an acceptable level. There are dormer windows proposed in the northern roof slope which serve bathrooms. I believe there is potential for these windows to overlook the neighbouring bungalows to the north of the site, a concern that has also been raised by neighbours. Therefore I consider it appropriate to attach condition (3) below requiring these windows to be obscure glazed to prevent overlooking between the properties.
- 8.06 The proposed dwelling would provide a good standard of amenity for future residents and internal spaces are all of an appropriate size in my opinion. The rear garden is 10m deep, and as such I consider it is of a suitable size.

Highways

- 8.07 One parking space will be provided to the front of the chalet bungalow, which will be accessed via the existing dropped kerb. The Council does not usually support frontage parking, but in this case, I note many surrounding properties also have parking to the front, so it will not appear incongruous in the street scene. I also note the areas reserved for soft landscaping on the frontage of the property and consider that this will help soften the impact of the development.
- 8.08 The size of the proposed parking space is smaller in width than KCC minimum standards, however I note the area to the front of the property could comfortably provide parking for one vehicle. I note that only one parking space is required for two bedroom dwellings in this area (as set out in Kent Design Guide Review: Interim Guidance Note 3 20 November 2008 – Residential Parking), and as such I consider the parking provision at the new dwelling is acceptable. I include condition (4) below to ensure the retention of this area for parking. Concern has been raised by neighbours regarding the impact of the proposal on the parking situation in the area. However as set out above, the proposal provides parking provision that is in line with the KCC recommended amount and therefore I do not consider the proposal will have a harmful impact upon the surrounding roads.

Impact on SPA and Ramsar Sites

- 8.09 I have for completeness set out an Appropriate Assessment below. Since this application will result in a net increase in residential accommodation on the site, impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development there is no scope to provide on site mitigation and therefore off site mitigation is required by means of developer contributions at the rate of £239.61 per dwelling. The agent has provided written confirmation that the applicant would be willing to pay this mitigation fee, which will be secured by way of a unilateral undertaking.

Other Matters

- 8.10 Concern has been raised by neighbours regarding the loss of green space, however I consider appropriate landscaping can be secured by condition. With regards to issues relating to drainage, the landscaping condition will also ensure there is green space to the rear of the new dwelling to absorb water, and the paved driveway is either built with a permeable surface or has a surface water drainage system in place.

9.0 CONCLUSION

- 9.01 In conclusion I consider the proposal does not give rise to any unacceptable impact to residential or visual amenity and the parking provision at the new dwelling is suitable. As such I recommend planning permission be granted.

10.0 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) The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those listed on the application details.

Reason: In the interests of visual amenity.

- (3) Before the development hereby permitted is first used, the dormer windows in the northern roof slope of the chalet bungalow shall be obscure glazed and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

- (4) The area shown on the submitted plan as car parking space 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 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 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.

- (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, 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.

- (6) 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.

- (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 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 0800 – 1800 hours, Saturdays 0800 – 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.

- (9) 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, 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 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.

- (10) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwelling shall not be occupied unless the notice for the dwelling of the potential consumption of water per person per day

required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- (11) The development shall be carried out in accordance with the following approved drawings: DC/311, DC/433 and DC/434 (all received on 16.10.18).

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

INFORMATIVE

- (1) 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. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on Our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.

This Appropriate Assessment (AA) 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 2017 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, and an Appropriate Assessment is required to establish the likely impacts of the development.

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 63 and 64 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.

The recent (April 2018) judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, *"it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."* The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.

However, the proposed development is of a very small scale and, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to the conditions set out within the report.

Notwithstanding the above, NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions 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 that such strategic mitigation must be in place before the dwellings are occupied.

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 (via the NKEPG), I conclude that off site mitigation is required.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured by either s106 agreement or unilateral undertaking on all qualifying developments) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others (<https://birdwise.org.uk/>).

The Council's approach to this application:

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and 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 submitted for consideration . Also the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

If your decision includes conditions, there is a separate application process to discharge them. You can apply online at, or download forms from, www.planningportal.co.uk (search for 'discharge of conditions').

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.

