

2.2 REFERENCE NO - 19/503258/FULL			
APPLICATION PROPOSAL Erection of a 3 bedroom detached dwelling following the demolition of existing shed and greenhouse			
ADDRESS 105 Bell Road Sittingbourne Kent ME10 4HG			
RECOMMENDATION Grant subject to conditions and securing appropriate SAMMS payment			
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would provide an additional dwelling to meet housing supply and would not give rise to adverse harm to residential amenity, visual amenity or highway safety over or beyond the existing situation on Northwood Road.			
REASON FOR REFERRAL TO COMMITTEE Called in by Cllr Mike Dendor			
WARD Woodstock	PARISH/TOWN COUNCIL		APPLICANT Mr Wood AGENT Kent Design Studio Ltd
DECISION DUE DATE 23/08/19		PUBLICITY EXPIRY DATE 28/08/19	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/11/1245	Change of use of integral garage to family room. Demolition of two sub standard garages and construction of replacement double garage; laying of hardstanding to form turning head to front of house; and erection of new bay window and porch canopy.	Grant of Conditional PP	29.11.2011
SW/84/0416	SUMMER HOUSE IN REAR GARDEN	Approve	22.06.1984
SW/77/1145	ERECTION OF A GARAGE	Approve	10.01.1978
SW/74/0914	DOUBLE STOREY EXTENSION	Approve	12.12.1974

1. DESCRIPTION OF SITE

- 1.0 The application site lies within the built confines of Sittingbourne. Sittingbourne is classed as an Urban Centre - the first tier and most sustainable location in the settlement hierarchy as set out in the Local Plan (2017).

- 1.1 The site is located to the rear of No. 105 Bell Road on the south side of Northwood Drive. It is a rectangular plot of 0.03 hectares and contains a detached two storey residential property benefiting from a side garage extension and large private garden area.
- 1.2 Directly north of the site is a commercial shopping parade. The shopping parade comprises of two storeys with a commercial mix of A1/A2/A3/A5 at ground floor level with residential units above.
- 1.3 With the exception of the commercial parade the surrounding area is predominantly residential comprising of a mix of housing stock.

2. PROPOSAL

- 2.1 Planning permission is sought for the erection of a two storey, 2 bedroom detached dwelling with associated parking, refuse storage area and private amenity space following the demolition of an existing garden shed and greenhouse.
- 2.2 In terms of the development, the dwelling would be positioned within the south eastern corner of the site, set back from the road frontage by 7m. A distance of 1m would be retained from the neighbouring boundary of No. 2 Northwood Drive and a distance of 2m would be retained from the shared boundary with No. 107 Bell Road.
- 2.3 The dwelling would be rectangular in form comprising a length of 10m and a depth of 7.7m. It would have a pitched roof with an eaves height of 4.7m reaching to 8.2m at the roofs apex. A chimney would be integrated into the western side reaching to a height of 8.8m.
- 2.4 The proposed amenity space would be located to the western side of the property and formed by the subdivision of the existing garden of 105 Bell Road to provide a side garden 16.8m x 6.4m in dimension.
- 2.5 A dropped kerb and associated vehicle access is proposed fronting Northwood Drive which would facilitate hardstanding for two parked vehicles.
- 2.6 The scheme has been revised during the course of this application. The final revisions (No's 1422-10 B & 1422-11) show the reduction in the number of bedrooms from four (4) to three (3) bedrooms including the associated internal re-figuration of the first floor layout with the bathrooms located to the rear.
- 2.7 The revised plans also include revisions to the proposed parking layout following advice from KCC Highways. The refuse storage area has been removed and the corners of the garden have been chamfered to ensure maximum visibility.

3. PLANNING CONSTRAINTS

- 3.1 No policy constraints are identified

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF): paragraphs 8 (dimensions to sustainable development), 11 (presumption in favour of sustainable development)
- 4.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017

Policy ST1	Delivering sustainable development in Swale
Policy ST3	The Swale settlement strategy
Policy CP3	Delivering a wide choice of high quality homes
Policy CP4	Requiring good design
Policy DM6	Managing Transport Demand and Parking
Policy DM7	Vehicle Parking
Policy DM14	General development criteria
Policy DM19	Sustainable design and construction

4.3 Departments for Communities and Local Government: Technical Housing Standards – Nationally described space standards

4.4 SPG 4 Kent Vehicle Parking Standards

5. LOCAL REPRESENTATIONS

5.1 The application has been called in by Councillor Dendor.

5.2 Five representations raising objection have been received, summarised as follows:

- Within close proximity to neighbouring dwellings/overshadowing
- Overlooking/loss of privacy
- Exacerbate existing parking situation
- Highway safety
- Loss of vegetation/trees
- Noise/pollution (construction)

6. CONSULTATIONS

6.1 **KCC Highways and Transport**: Comment that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Notwithstanding the above, the application was discussed with Senior Transport and Development Planner where I provide a summary as follows:

- It is acknowledged that vehicles would be required to reverse onto the highway. However, the current parking bays to the front of the commercial premises require the same reverse manoeuvre onto the highway and as such the proposal would not introduce a motion does not already exist within this section of the highway.
- There are no restrictions or road markings at the bus stop. The buses currently double park and while it is acknowledged that this is not an ideal situation, this arrangement would remain unchanged by the proposal and as such is not considered to have a detrimental impact upon highway safety over or beyond the existing situation.
- The proposed vehicle access would be located directly opposite the existing service road of The Parade. Again, while directly opposite, it would have no impact upon the manoeuvrability of vehicles turning into/from the service road and therefore Highways raises no objection
- In terms of congestion and on street parking this results in traffic calming and low speeds within the immediate area, decreasing the risk of incident
- The residential properties to the west have a shared dropped curb and the introduction of another here, as proposed, would only work to increase visibility due to the removal of shrubs and introduction of further visibility splays.

- 6.2 **Natural England:** Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

7. APPRAISAL

Principle of Development

- 7.1 The application site lies within the Sittingbourne urban area, where the principle of minor infill residential development is accepted. The main issues relate to the impact upon the character and appearance of the local area and the streetscape, together with the impact upon residential amenity, parking and highways safety, landscaping and matters relating to ecology.

Visual Impact

- 7.2 The principal objective of policy CP3 of the adopted local plan is to deliver a wide choice of high quality homes within the borough. The policy requires that residential densities are determined by the context and the defining characteristics of an area. The proposed scheme comprising of a two storey, three bedroom dwellings is broadly reflective of the density, scale and massing of the existing residential development within the immediate area.
- 7.3 In terms of visual impact, the site forms part of the rear garden of No 105 Bell Road. This section of the garden is underused with a high density of overgrown vegetation and overhanging trees and shrubs along the boundary. It is acknowledged that the proposal involves the removal of a significant amount of this vegetation which would effectively open the area resulting in more visual dominance within the streetscene.
- 7.4 I consider the development to be of a reasonably high architectural quality which respects the local character. The choice of materials and appearance of the fenestration would assist in integrating the proposal within its surroundings allowing for it is reasonably assimilate within the context of its setting and therefore in terms of visual impact I am of the opinion that the proposed scheme would create a reasonably attractive residential development that would contribute to streetscape along Northwood Drive.

Residential Amenity

- 7.5 On residential amenity, Policy DM14 advises that development should respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in excessive noise, activity or vehicular movements, overlooking or visual intrusion. The properties most likely to be affected by the proposal in this instance are as follows:

107 Bell Road

- 7.6 In relation to No. 107, the proposal is a two storey building located within the rear garden of the adjacent property. In terms loss of light or overshadowing, a distance of 24 metres would be retained from flank to rear and as such no adverse impact has been identified in this regard. In terms of overlooking and loss of privacy, the original

scheme has been revised to address these issues under the course of this application. The final revisions (No's 1422-10 B & 1422-11) show the internal re-configuration of the first floor layout with the bathrooms located to the rear. Bathrooms are non-habitable and in this instance will be served by obscure glazed windows which would be non-opening under a height of 1.7m. This can be secured by a condition as recommended below. No windows are proposed in the first floor side elevation and as such I consider that the impact upon the amenities of 107 Bell Road has been adequately addressed.

105 Bell Road

- 7.7 In terms of loss of sunlight or loss of privacy, no adverse impacts are identified, as set out above. The proposal would require the subdivision of the rear garden resulting in a depth of 17 metres, which remains well above the Council's normal requirement for a 10 metre deep rear garden.

109-119 Bell Road

- 7.8 The first floor element would provide two windows within the rear elevation which has the potential to provide over looking to the rear garden of these properties. However, as previously stated, the final revisions (No's 1422-10 B & 1422-11) show the internal reconfiguration of the first floor layout with the bathrooms located to the rear. Bathrooms are non-habitable and in this instance will be serviced by obscure glazed windows which would be non-opening under a height of 1.7 metres.

2 Northwood Drive

- 7.9 The building would be located 3 metres from No 2 Northwood Drive at its closet point. However, this is side to side flank elevations and as the buildings are of similar scale and of a consistent building line, no adverse amenity impacts are identified with regard to loss of sunlight, overshadowing or loss of privacy.
- 7.10 For the reasons set out above, I am of the opinion that any adverse amenity impact as been suitably addressed within the revised proposal.

Highways

- 7.11 Policies DM6 and DM7 of the Local Plan 2017 seek to ensure that new developments do not create unacceptable highways impacts and provide suitable parking.
- 7.12 I note that a number of objections were received with particular concern sited upon highway safety and parking congestion. The scheme was amended to include revisions to the proposed parking layout following advice from KCC Highways. The refuse storage area has been removed and the corners of the garden have been chamfered to ensure maximum visibility.
- 7.13 Notwithstanding, the proposal has been discussed in detail with KCC Highways who raise no objection to the proposal for the reasons set out in section 6.0 above.
- 7.14 A total of two vehicle parking bays are proposed to the front forecourt. The current parking standards states that a dwelling with 3 or more dwellings has a requirement of 2 accessible spaces per dwelling with a minimum size requirement of 2.5m x 5m. As such, whilst I note that parking would be constricted on the site, the minimal standards have been achieved and therefore sufficient in this regard.

Landscaping

- 7.15 Only limited details of landscaping have been provided. Therefore in the event of planning permission being granted it is recommended that landscaping and planting details should be secured by condition.

Ecology

- 7.16 Since this application would result in a net increase in residential accommodation on the site, impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. An HRA/AA is appended below. 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 £245.56 per dwelling. The agent has provided written confirmation that the applicant would be willing to pay this mitigation fee.

8. CONCLUSION

- 8.1 The proposal entails development within the built up area which is acceptable in principle and there are no significant impacts to the character, appearance or layout of the vicinity of the site in general. On balance the proposal does not result in any material harm to the outlook or amenity of neighbouring occupiers or any significant highways safety concerns. It accords with all the relevant policies of the development plan and government guidance in the revised NPPF. Subject to securing of SAMMS contributions, I recommend approval.

9. RECOMMENDATION

GRANT Subject to securing appropriate SAMMS payment and to the following conditions:

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place other than in accordance with the following approved plans as amended: 1422-11 & 1422-10B

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

3. 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.

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 a programme agreed in writing with the Local Planning Authority

Reason: In the interest of the visual amenities of the area.

5. Upon completion of the approved landscaping scheme, any trees or scrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with tree 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 interest of visual amenities of the area and encouraging wildlife and biodiversity.

6. No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Reason: In the interest of the amenities of occupiers of neighbouring properties.

7. Before the development hereby permitted is first occupied, the first floor window openings on the southeast facing elevation serving the bathrooms (as shown on drawing no. 1422-10B elevations as proposed) shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such in perpetuity.

Reason: To prevent overlooking of adjoining property and to safeguard the privacy of existing and prospective occupiers.

8. 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 (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: Development without adequate provision for the parking of cars is likely to lead to car parking inconvenient to other road users.

9. Provision and maintenance of 1m x 1m pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

Reason: In the interests of pedestrian and highway safety.

10. 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.

11. The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for the dwellings 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.

The Council's approach to the 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.

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

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

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 dwelling is 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 (which has been secured prior to the determination of this application) 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/>).

