

PLANNING COMMITTEE – 6 FEBRUARY 2020**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

REFERENCE NO - 19/501789/FULL		
APPLICATION PROPOSAL Erection of a pair of semi detached houses with associated driveways and parking.		
ADDRESS Land East Of 11 Southsea Avenue Minster-on-sea Kent ME12 2JX		
RECOMMENDATION Grant subject to conditions and receipt of SAMMS payment		
SUMMARY OF REASONS FOR RECOMMENDATION The development is acceptable in principle and would not give rise to harm to residential amenity, visual amenity or highway safety.		
REASON FOR REFERRAL TO COMMITTEE Deferred from the Committee meeting on 18 th July 2019		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr Batten AGENT Prime Folio
DECISION DUE DATE 03/07/19	PUBLICITY EXPIRY DATE 16/10/19	

Planning History

None

1. BACKGROUND

- 1.1 Members may recall that this application was reported to the Planning Committee on 18th July 2019. The original report and the minutes of the Meeting are attached as an appendices to this report. The application was deferred subject to the submission of an Ecological Appraisal. This was submitted in September 2019, and since then my officers have sought clarification and additional information, together with comments from the KCC Ecologist.
- 1.2 The original report considers the pertinent planning issues, save for ecology. This report will consider issues relating to ecology and additional representations received.

2. ADDITIONAL INFORMATION

- 2.1 As set out above, the ecological appraisal was submitted in September last year. It was appraised by the KCC Ecologist, who sought further information from the applicant, regarding the vegetation cover at the site, and raised concern that the site appeared to have been cleared.

2.2 The applicant confirmed that the site was clear, and the KCC Ecologist confirmed that no further ecological information was required,. She did though raise concern that the clearance of the site may have harmed protected species and/or nesting birds. This would be an offence. Members should note though that such an offence would be a criminal matter and not a material planning consideration.

3. LOCAL REPRESENTATIONS

3.1 Since the application was deferred, two representations, both raising objection, have been received. They are summarised as follows:

- The site was cleared without supervision or an ecologically survey complete on the 20th April 2019 during nesting season and was then left to regrow (not maintained) until 25th October 2019
- I work in construction myself so I understand that it is an offence under The Wildlife and Countryside Act 1981 to damage or destroy a breeding or resting place. No survey was carried out before the clearance took place back in April and no survey was taken place before clearance in October.
- Highways – Impact upon existing highways, site access to the development Ref: 18/506417/FULL
- Visual amenity – Out of keeping detrimental to the appearance of the streetscene

4. CONSULTATIONS

4.1 The KCC Ecologist now raises no objection to the proposals, subject to conditions requiring the submission of a method statement relating to protection of the adjacent site, a scheme of bat sensitive lighting and ecological enhancements. These are included below.

5. APPRAISAL

5.1 As set out above, a full appraisal of the scheme, save for ecology, is contained in the original committee report. This includes the issues raised above relating to highways and visual impact.

5.2 Whilst it is extremely unfortunate that the site has been cleared (and re-cleared) since the beginning of last year, the key issue here is that the site does not amount to habitat for protected species, and the KCC Ecologist raises no objection. In view of this, the development of the site is considered acceptable, subject to conditions and to a SAMMS payment, as set out in the previous report..

6. CONCLUSION

6.1 I recommend that the application should be approved, as set out below.

7. RECOMMENDATION

GRANT Subject to the following conditions and to the required SAMMS payment:

CONDITIONS to include

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: Block Layout Existing and Proposed 19-10-02-A, Plans as Proposed 19-10-03- C, Elevations as proposed 19-10-04-B

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 connected to the bathroom and stairwell (as shown on drawing no. 19-10-04-B 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.

12. No development shall take place (including any ground works, site or vegetation clearance) until a method statement for the protection of adjacent habitats has been submitted to and approved in writing by the local planning authority, including provision for a method for vegetation cutting/clearance and protection from incursion by construction vehicles/staff. The works shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity

13. Prior to first occupation, a sensitive lighting scheme to avoid illumination of adjacent habitats has been submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of biodiversity

14. Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority, this will include the provision of bat/bird boxes and native species planting. The approved details will be implemented and thereafter retained.

Reason: In the interests of biodiversity

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 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.

