

**APPENDIX 2**

<b>2.11 REFERENCE NO - 19/501789/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of a pair of semi detached houses with associated driveways and parking.			
<b>ADDRESS</b> Land East Of 11 Southsea Avenue Minster-on-sea Kent ME12 2JX			
<b>RECOMMENDATION</b> Grant, subject to conditions and SAMMS payment			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The development is acceptable in principle and would not give rise to harm to residential amenity, visual amenity or highway safety.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Minster Parish Council Objection			
<b>WARD</b> Minster Cliffs	<b>PARISH/TOWN</b> Minster-On-Sea	<b>COUNCIL</b>	<b>APPLICANT</b> Mr Batten <b>AGENT</b> Prime Folio
<b>DECISION DUE DATE</b> 03/07/19		<b>PUBLICITY EXPIRY DATE</b> 19/06/19	

**Planning History**

None

**1. DESCRIPTION OF SITE**

- 1.1 The site is located southwest of Southsea Avenue approximately 125m from the junction with The Broadway, northwest of the site. Southsea Avenue is a residential street comprising predominantly of detached and semi-detached residential housing of similar scale and massing. The site forms a break in the otherwise linear residential development which gives rise to a large area of scrubland that forms part of the Minster Cliffs.
- 1.2 The site is identified within policy ST3 of the Bearing Fruits Local Plan 2017, as being located within the built-up area of Minster. The plot is rectangular in shape and has been subdivided into two areas to allow for a rear section to be retained by the applicant. As a result, the remaining plot size for this application is 0.0396h.
- 1.3 In term of neighbouring development, the plot is bounded on both sides (east and west) and directly to the rear (south) by vacant scrub land. However, this vacant land is currently the subject of a much larger application for the construction of 72 x 3/4 bedroom dwellings with associated garages, parking and infrastructure (18/506417/FULL). This application is currently pending and awaiting a decision by the Council.

**2. PROPOSAL**

- 2.1 The proposal involves the erection of two x 4 bedroom, semi-detached dwelling houses comprising of two storeys with additional habitable space provided within the roofspace. The scheme includes vehicular access direct from Southsea Road and associated

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vehicle hardstanding (2 spaces per unit), front and rear amenity space, landscaping and refuse storage area.

- 2.2 The semi detached properties are relatively traditional in design, comprising of two storeys with a pitched roof and front and rear gardens. However, the fenestration detail in terms of materials, window size and alignments are modern in their approach. The pair of dwellings would have a combined width of 10m and a depth of 10.4m (or 11m when taken from the shallow front projecting bay). They would have an eaves height of 5m reaching to 10m at the roofs apex.
- 2.3 Pedestrian and vehicle access to the properties would be obtained directly from Southsea Avenue which would require a dropped kerb for vehicle access.

**3. POLICY AND CONSIDERATIONS****3.1 National Planning Policy Framework (NPPF)**

Achieving sustainable development  
 Delivering a sufficient supply of homes  
 Promoting sustainable development  
 Conserving and enhancing the natural environment

**3.2 National Planning Practice Guidance (NPPG): Design****3.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017**

ST1 Delivering sustainable development in Swale  
 ST2 Development targets for jobs and homes 2014-2031  
 ST3 The Swale settlement strategy  
 ST4 Meeting the Local Plan development targets  
 ST3 The Swale Settlement Strategy  
 CP2 Promoting sustainable transport  
 CP3 Delivering a wide choice of high quality homes  
 CP4 Requiring good design  
 DM7 Vehicle parking  
 DM14 General development criteria  
 DM19 Sustainable design and construction  
 DM21 Water, flooding and drainage

**3.4 Other considerations**

National Space Standards – Technical Guide

**4. Local Representations**

- 4.1 Two representations have been received from local residents raising objection to the proposal on the following grounds as summarised:
- Site density would give rise to over crowding
  - Overlooking and loss of privacy
  - Design – height
  - Detrimental to the appearance of the streetscene/ visual amenity of the area.
  - Parking constraints
  - Loss of habitat/vegetation

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- Purpose of the site area outlined in blue
- In addition, the applicant has stated that the development is in keeping with the large residential development scheme on the adjacent site which is currently pending (Planning Reference 18/506417/FULL). Therefore, a concern has been raised that this is an indication that the Council is minded to approve that application.

**5. CONSULTATIONS**

5.1 **KCC Highways and Transport:** No objection to the proposal subject to the following requirements secured by condition/planning obligation.

- Provision of measures to prevent the discharge of surface water onto the highway
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing
- Use of a bound surface for the first five meters of the access from the edge of the highway
- Provision and permanent retention of cycle parking facilities in accordance with details to submitted to and approved by the Local Planning Authority prior to the use of the site commencing
- Completion of the footway/vehicle crossover shown on the submitted plans prior to the use of the site commencing
- 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.

5.2 **Environmental Health Officer:** No objection to the proposal subject to a standard condition to restrict the hours of construction

5.3 **Natural England:** Raise no objection subject to SPA mitigation (SAMMS) payments being made.

5.4 **Minster Parish Council** object and comment as follows:

*“This is out of keeping with the existing street scene in terms of design and height. As such, the proposal presents as detrimental to the visual amenity of the area.”*

**6. BACKGROUND PAPERS AND PLANS**

6.1 Revisions have been made to the initial submission. The revisions include changes to the design of the fenestration and a revised sectional plan to include the front projection.

6.2 The submission is supported by the following plans:

- Site Location Plan 19-10-01-A
- Block Layout Existing and Proposed 19-10-02-A
- Plans as Proposed 19-10-03- C
- Elevations as proposed 19-10-04-B

**7. APPRAISAL**

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- 7.1 The site lies within the built up area boundary of Minster where the principle of residential development is acceptable. The main issues for consideration are the density of development, the impact upon the character and appearance of the area together with the impact on residential amenity, parking/highway safety, landscaping and matters relating to ecology.

Density of Development

- 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 pair of semi-detached, four bedroom dwellings is broadly reflective of the density, scale and massing of the existing residential development within the immediate area.

Visual Impact

- 7.3 Southsea Avenue comprises of a mix of architectural styles which in terms of each other are comparable in scale, bulk and massing comprising mostly of two storey properties with a few bungalows. To the southeast of the site, the properties are predominantly two storey semi detached dwellings, with hipped roof profiles and of red brick construction. Northwest of the site, with the exception of two bungalows, the properties comprise of two storey properties, mostly semi detached, six of which are characterised by mansard roofs with additional habitable space within the roofspace.
- 7.4 The proposal seeks to incorporate the surrounding site characteristics into the scheme by introducing a single forward projecting bay with a shallow pitch on the principle elevation consistent with the built form of development southeast of the site, and a dropped eaves with high roofridge on the main dwelling resulting in a large expanse of roofslope to complement the appearance of the mansard roof extensions northwest of the site.
- 7.5 Notwithstanding the existing development, consideration must be also be given to the impact that the proposal would have upon the proposed housing located either side of the site, currently subject to planning application Ref: 18/506417/FULL and awaiting a formal outcome. In terms of height, the subject development would align with the height of those properties either side of the site, as would certain design principles such as the forward projecting bay, window sizes and choice of materials. Given this, I consider that the proposal would not appear overly dominate or appear obtrusive within the streetscene and would not detract from the established character or appearance of the wider streetscene.
- 7.6 I consider the development to be of a reasonably high architectural quality which respects the local character in terms of materials. The proposal includes red facing brick 'capital brown multi stock ibstock' and roof tiles inkeeping with its surroundings and which would allow for the development to assimilate to its setting. Overall, 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 enhancing the visual appearance of the streetscape along Southsea Avenue.

Residential amenity

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- 7.7 In terms of habitable provision, the units would provide 116sqm of habitable space. The National Housing Space Standards states that a four bedroom unit with a seven persons occupancy requires a minimum floor area of 121sqm and as such the development falls below the national spaces standards. Notwithstanding, the calculation is based on a minimum floor to ceiling height of 1.5m within the loft space, and therefore it is recognised that a surplus is provided. Furthermore, I consider the dwellings to provide a favourable layout with good levels daylight, sunlight and privacy provision. Given this, I consider a good level of accommodation has been achieved.
- 7.8 The Council requires a good standard of outdoor amenity provision for future occupiers. The rear gardens would stretch the full width of the house and have a depth of 10m. The space is readily accessible from the main house and provides a good usable space suitable for the size of residential accommodation proposed.
- 7.9 I acknowledge that concern is raised regarding direct overlooking and privacy issues directly opposite the site at 30-36 Southsea Avenue, however these properties are located at a distance of over 28m and I consider this sufficient to mitigate against direct levels of overlooking which would be detrimental to privacy. Similarly, the distance to neighbouring development east, south and north west of the site is a sufficient distance as to preserve current levels of amenity.
- 7.10 In terms of the vacant adjacent plots either side of the site, whilst I acknowledge that these await any formal decision by the Council, for the purposes of assessment the potential impact upon future residents these properties must be taken into consideration. To the southeast, a two storey detached house is proposed (no.27). The dwelling generally follows the same position and scale and would be located at a distance of 9m from the subject site and therefore no adverse impacts have been identified in terms of loss of light or overshadowing. One kitchen window is proposed at ground floor level on the northwest side elevation and this would be located directly opposite the side entrance of the subject site, however any views would be immediately obstructed by the proposed boundary treatment. In addition, two windows are proposed on the first floor side (southeast) elevation of the subject site, however these service none habitable rooms and therefore I propose the use of a safeguarding condition for the use of obscure glazing only.
- 7.11 To the northwest (No 25/26), proposes a pair of semi detached houses located 4m from the subject site. Given the site position, height, layout and placement of windows no adverse impact have been identified in terms of daylight, sunlight and privacy provision.

Highways

- 7.12 A total of four vehicle parking bays are proposed to the front forecourt with an allocation of 2 parking bays per property. The Kent Design Guide Review: Residential Parking states that a dwelling with 4 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.
- 7.13 In terms of access and highway safety, sufficient space has been provided for the free flow of pedestrian and vehicular access to and from the site without causing obstruction.

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Furthermore, KCC Highways and Transport have been consulted and subject to the implementation of safeguarding conditions, have raised no objection

Landscaping

- 7.14 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.

SPA Payment

- 7.15 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. 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.

**8.0 CONCLUSION**

- 8.01 The proposal entails development within the built up area which is acceptable in principle and there are no adverse impacts to the character, appearance or layout of the vicinity of the site in general. 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.

**9.0 RECOMMENDATION**

GRANT Subject to the following conditions:

**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

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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.

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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



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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**

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**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/>).

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