

2.2 REFERENCE NO - 19/505582/FULL		
APPLICATION PROPOSAL Demolition of the existing 5 bedroom house and attached garage. Construction of 6no. 3 bedroom semi-detached houses.		
ADDRESS Westgate House Site 21 Horselees Road Boughton Under Blean Faversham Kent ME13 9TG		
RECOMMENDATION - Grant subject to conditions and a SAMMS mitigation payment		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Dunkirk	APPLICANT Mr Matthew Brown AGENT Nicholas Hobbs Associates
DECISION DUE DATE 16/01/20		PUBLICITY EXPIRY DATE 14/04/20

1. DESCRIPTION OF SITE

- 1.1 This site consists of a fairly large detached house set well back from the highway, and surrounded by generous gardens both to the front and the rear. It is located roughly in the centre of the site. There are a number of semi-mature/medium sized trees to the boundaries of the site, with some smaller trees within the site itself.
- 1.2 The property sits within a residential area surrounded by housing of various dates and styles. Horselees Road itself is a fairly wide road at this point, and serves as access to several housing estates and individual properties, as well as a route into and out of the village.
- 1.3 The site is located within the Local Plan designated built-up area boundary, a ten-minute walk from services and facilities within Boughton-under-Blean, which include a convenience store, a post office, two public houses, a petrol station, and a primary school. The area is subject to no special planning restraints, save that of being within 6km of The Swale SSSI and Special Protection Area (SPA).

2. PROPOSAL

- 2.1 The proposal is for the demolition of the existing five-bedroom house and the construction of six semi-detached three bedroom houses. The application as submitted originally also included a seventh property; a bungalow in the south-east corner of the site. However, I felt that the scheme resulted in an over-crowded development. The scheme has now been amended to omit the bungalow, and to spread the six houses out across the site. The access point has also been moved from one side of the site to the other.
- 2.2 The proposed houses (all of which would be the same design) would all be situated on an east/west axis, to take advantage of both morning and evening sun. They would be

of a simple design, but with some attractive architectural features such as a brick course between ground and first floor level, brick soldier courses over the ground floor windows, projecting porches, and the use of blue grey coloured upvc window frames. Roofs would be in natural slate.

- 2.3 Each house would have an open plan kitchen/dining/living area and a w/c on the ground floor, with three bedrooms (one with en-suite facilities) and a bathroom at first floor level. Each house would have private amenity spaces to front and rear, and two allocated parking spaces. Four visitor parking spaces are also shown on the submitted site plan. The submitted drawings also show the provision of a shed for cycle parking, one each to serve each house.
- 2.4 A native hedge is proposed for the side and rear boundaries to the site, and a number of existing trees on the site shall remain. A number of new trees are also proposed for the site.
- 2.5 A design and access statement accompanies the application, which contains energy efficiency details including a 4.5kw roof mounted photovoltaic panel; air source heat pumps; raised levels of insulation; and low energy fittings and appliances. However, it should also be noted that the applicant has also agreed to a pre-commencement condition requiring energy efficiency of 50% above Part L of Building Regulations, should Members be minded to approve the application. Drainage is shown to be to mains sewers.
- 2.6 The density of the development works out at 28 dwellings per hectare; a level which would be consistent in an out of town development, even though the site is within the established built-up area boundary.

3. SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.23h	0.23h	-
No. of Storeys	2	2	-
Parking Spaces	3	16	+13
No. of Residential Units	1	6	+5

4. PLANNING CONSTRAINTS

- 4.1 Within 6km of the Special Protection Area (SPA)

5. POLICY AND CONSIDERATIONS

- 5.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017 (Bearing Fruits): Policies ST1 (Sustainable Development); ST3 (Swale Settlement Strategy), CP3 (Delivering high quality homes), CP4 (Good Design), DM7 (Parking), DM14 (General Development Criteria); DM19 (Sustainable design and construction) and DN21 (Water, flooding and drainage)..

- 5.2 Boughton and Dunkirk Neighbourhood Plan (at present in draft form only): Policies H1 (Delivering a limited amount of new housing to meet local needs); H3 and H4 (good design, incorporating pitched roofs); H5 (Respectful of the Street Scene); H6 (Energy efficiency); and H11 (Sufficient off-road parking);

6. LOCAL REPRESENTATIONS

- 6.1 The Faversham Society objected to the application as first submitted as follows:

"This application should be REFUSED because the layout of the site is very cramped and much more dense than is characteristic of the area. It is evident from the KCC Highways' comment that parking and access will be difficult into and around the site and that parking spaces would be very tight.

A smaller number of houses on this site might be preferable. "

Their comments on the amended drawings are as follows:

'The Faversham Society considers that the scheme is still substantially denser than the surrounding context and that the site is still rather cramped. It was considered that on a site of this size a development of no more than four houses would be preferable to allow for better spacing.'

- 6.2 Four emails of objection have been received from local residents, all from the same address. The contents therein may be summarised as follows in so far as they may still relate to the scheme as now amended:

- Over-intensive use of the site and high density of development
- Loss of green space
- Increase in traffic on Horselees Road which can't effectively accommodate street parking without impacting traffic flow and access for emergency services vehicles.
- Affect on boundary hedgerows
- Impact on privacy of neighbours
- Not enough parking, and possible overflow parking on Horselees Road
- Loss of trees and impact on biodiversity
- Noise and disturbance
- Light pollution
- Additional hard surfaces and possible drainage problems
- Bin collection point ten metres from the road
- Who will maintain landscaping on site?

- Will the telegraph pole on site need to be moved? If so, to where?

6.3 Two communications of neither objection nor support have been received from local residents. The contents therein may be summarised as follows:

- Density of housing seems very high (NB. This comment was made before the previously proposed bungalow was omitted from the scheme)
- Bungalow very close to my property (Ditto)
- Concerns over maintenance of boundary hedge
- Glad to see Horse Chestnut is to be retained; hope this will be adhered to
- Poor drainage on site
- Request that boundary hedges be retained at a maximum height of 2.5 metres
- Garden and boundary has been neglected for many years. The development may improve the area.

7. CONSULTATIONS

7.1 Dunkirk Parish Council's response to the original scheme is quoted below in full:

'Whilst not objecting to the principle of development on this site, there are a number of issues that need to be addressed before we could countenance support.

Over development.

This is a larger site with, currently, a single dwelling. The proposed seven properties are felt to be excessive for the site and the area. Being a garden development it must be respectful of the site, the visual amenity of the neighbours and the street scene. Density calculations in themselves do not tell the complete picture and should be considered with extreme caution.

The proposed development would, with so many buildings, add bulk to the site; the design and scale would result in an incongruous and dominant number of additional buildings in a confined space. The dwellings would be to the detriment of the character and appearance of the area and would be harmful to the amenity value of said area.

Sustainability.

Any redevelopment should ensure there are adequate green spaces for the wildlife that will undoubtedly be on the site, and gardens for any dwelling should be large enough to allow families to enjoy an open space and even space for self sufficiency.

There isn't a design and access statement so we cannot judge the ecological aspects of the proposal. There is no information on SUDS, we cannot see air/ground source heat pumps, planting schemes etc., etc.

The proposal also looks to remove a Yew tree and build dangerously close to an established fruit tree, and no mitigation is proposed.

Road access.

The current dwelling is shown to have 5 car parking spaces and the seven properties would have a total of 14 spaces. This equates to two spaces per property and no visitors parking at all. We would also suggest that probably no more than 2 or 3 cars use the access on a regular basis, so up to a sevenfold increase in residential traffic.

The current access would be overstretched by the extra number of vehicles, and it doesn't appear that vehicles could enter and exit the site at the same time, leading to queuing or vehicles reversing into, or obstructing, Horselees Road. There are two spaces with a proposed separate access to property No. 2; the sight lines from this parking area would be very restrictive, and not meet KCC visibility splay guidelines. We note KCC has stated the height of any obstruction from this access must not be any higher than 1.05 metres. Like KCC we would suggest that this is not under the applicants controls, being a neighbouring property. This access should not be allowed.

However, this would put even more pressure on the changed existing access; another reason for less intensive development. KCC has also suggested that the plans do not accurately describe the site. They would require changes in any event, which we would support. The KCC proposed visibility splays (being 43 metres in each direction from a 2.4 metre set back on the centreline of the access) must be seen to be possible and no restrictions, left or right, can obstruct the visibility.

Onsite vehicle spaces.

The parking spaces are perhaps smaller than we would expect and there aren't sufficient spaces for visitors.

The internal site access seems insufficient to allow service vehicles access and turning, and we would expect they should be a traffic flow proposal for the tracking for an 11.4m refuse vehicle. There must be sufficient turning to allow forward exit from the site.

To sum up:

Principle of development in the village envelope accepted, but a reduced number of properties, more open space and better access and exit. It is overcrowded and out of character with the area and surroundings.

We request this particular 'out of keeping' proposal is refused.'

- 7.2 Following the receipt of amended drawings, the Parish Council were again consulted, and responded as follows:

'Dunkirk Parish Council still have (sic) concerns over the number of houses, the layout and density of the buildings and the number of occupants and cars that will be on site. The number of car movements will be high and that amount of traffic generation is in our view unacceptable. There are insufficient visitor parking for the number of proposed dwellings; and indeed the properties themselves, which would lead to more road parking close to a crossroads and bend, with the road itself being very narrow.

KCC normally only comment above 10 dwellings so their comments should not carry much weight. Yes, you can see, but that's only part of the road safety issues here.

The density of the properties is still too high, which will lead to noise and light pollution to neighbouring properties. Loss of important trees and landscaping is also a concern. There will be a loss of daylight or sunlight to existing properties and this overshadowing/loss of outlook would be detrimental and should be given considerable weight.

With this number of infill; effectively garden grabbing, the noise and disturbance from the new use should be balanced against the site.

There are also issues of overlooking/loss of privacy to be considered.'

7.3 Natural England raises no objection, subject to the payment of a SAMMS mitigation contribution.

7.4 Kent Highways and Transportation originally commented on the following matters, some of which required amendments to the site layout:

- Visibility splays
- Refuse collection
- Location of parking spaces
- Provision of electric vehicle charging points

Their comments were forwarded to the agent, who responded with new drawings, which showed the requisite visibility splays; different road surface treatments within the site; new trees and a new roadside hedge. Kent Highways and Transportation have responded that the new details have satisfied their concerns and that they now remove their objection, subject to conditions noted below.

7.5 The Council's Environmental Health Manager raises no objection, subject to a condition to control construction hours.

8. APPRAISAL

8.1 The main issues to consider here are those of the principle of development; highway and parking issues; biodiversity and sustainability issues; development density issues; and those of residential amenity. As such, I will take each issue in turn.

Principle of development:

8.2 The site is within an established built-up area boundary, in a residential area, and development here is in accordance with Policy ST3 of Bearing Fruits 2031 – The Swale Borough Local Plan 2017. As such, the principle of development here is acceptable.

Highways and parking:

- 8.3 The amended site drawings show a development which is in accordance with safety factors required by Kent Highways and Transportation and in accordance with Kent Vehicle Parking Standards Interim Guidance Note 3 (IGN3). Each property would have two allocated parking spaces, and the drawings show four visitor spaces. I note that the Boughton and Dunkirk Neighbourhood Plan requires one parking space for each bedroom per property, but the Plan is at draft stage only and as such carries little weight at the moment. This is a small development of only six modest houses and I would therefore contend that it would have little impact on highway safety and convenience and is thus in accordance with Policy DM7 of the Local Plan. Members will note the inclusion of conditions below to ensure highway safety.

Biodiversity and Sustainability issues:

- 8.4 The loss of certain trees on site is unfortunate, but I note that a number of the existing trees are to be retained and new trees planted. I also note the energy efficiency measures proposed by the applicant, and further note that the applicant has agreed to the imposition of a pre-commencement condition requiring energy efficiency levels of 50% above Part L of Building Regulations, and in accordance with Policy DM19 of Bearing Fruits 2031 – The Swale Borough Local Plan 2017. As such, I am confident that these issues have been successfully addressed and that this part of the proposal is acceptable.

Density of Development:

- 8.5 I note the concerns raised by local residents and the Parish Council with regard to the development. I would agree that a high density development, of perhaps forty or fifty dwellings per hectare, would be more akin to town centre development, but the proposed density here is 28 dwellings per hectare, which is very much akin to development surrounding the site, apart from some very large plots. The development meets all the Council's normal spatial requirement, and I see no objection to the number of units now proposed. I would also agree that, had the seventh proposed property not been omitted from the proposal, this may have tipped the balance, but with its removal, I consider the proposal to be acceptable. The present house on the site is somewhat of an exception to rule in the immediate vicinity; the existing properties surrounding the site are somewhat smaller with much smaller gardens. As such, the proposed density is more in line with that surrounding the site, rather than as the site is now. As such, I consider the proposed density of development to be acceptable.

Residential Amenity:

- 8.6 I note the concerns raised with regard to residential amenity. I appreciate that local residents may have got used to many years of a property placed in a fairly central position on a large plot of land, and that subsequently, the proposed development might cause concern for the loss of that development, to be replaced with one of a higher number of dwellings. However, the development has been designed so that a passer by on the road might be able to see all the way through this development, and with acceptable space between both existing and proposed dwellings, no new issues of privacy or overlooking would be engendered by approving this proposal, and any

potential erosion of residential amenity would be minor. As such, I also find this part of the proposal to be acceptable.

Other Matters:

- 8.7 I note concerns regarding the maintenance of hedges, etc, but such matters would be private matters between residents. Similarly, the possible relocation of the telegraph pole would be a private matter between the developer and the service provider.
- 8.8 I do not accept that the proposal for six dwellings, if approved, would have an adverse impact via noise and disturbance, nor would I contend would it produce an adverse increase in light pollution, bearing in mind that the site is surrounded by other residential properties.

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

This Appropriate Assessment has been undertaken without information provided by the applicant. The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated site 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.

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. The proposal thus 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 (NE) 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 advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, 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 (NKEPG).

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 (NKEPG) and that such strategic mitigation must be in place before the dwelling is occupied. 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.

9. CONCLUSION

- 9.1 In conclusion, this is an application for six residential properties in a residential area, within the established built up area boundary, bringing much needed properties on a brownfield site. All details being acceptable, I recommend that the proposal be approved, subject to the conditions below and the receipt of a SAMMS mitigation payment

- 10. RECOMMENDATION - GRANT** Subject to the following conditions and collection of the SAMMS tariff:

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 development hereby permitted shall be carried out in complete accordance with the following plans:

Drawing numbers 709/03; 709/04; 709/05A and 709/10A.

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

- (3) The dwellings hereby approved shall be constructed and tested to achieve the following measure:

At least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended);

No development shall take place until details of the measures to be undertaken to secure compliance with this condition have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

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

- (4) The dwellings hereby approved 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.

- (5) Prior to the occupation of any dwelling hereby permitted it shall be provided with an electric vehicle charging point in accordance with details which shall first have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of promoting sustainable forms of transport.

- (6) No development beyond the construction of foundations shall take place until details of external finishing materials to be used in the construction of the development hereby approved shall have been submitted to and approved by the Local Planning Authority and works shall be implemented in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area.

- (7) 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 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.

- (8) 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.

- (9) 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.

- (10) 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 – 1900 hours, Saturdays 0730 – 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.

- (11) The areas shown on the approved drawing 709/10A as car parking spaces 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 (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 dwellings 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.

- (12) The 2.4m x 43m sight lines shown on drawing 709/11 shall be provided prior to the occupation of the properties hereby permitted and thereafter maintained clear of any structure, tree, plant or other obstruction which exceed 1.05 metres above carriageway level within the approved sight lines.

Reason: In the interests of highway safety.

- (13) No development beyond the construction of foundations shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage

Reason: In the interests of the amenities of the area and highway safety and convenience.

- (14) No development beyond the construction of foundations shall take place before details of cycle storage (two cycles per dwelling) have been submitted to and approved by the Local Planning Authority. The approved storage facilities shall be completed in accordance with these approved details prior to the occupation of the respective dwelling.

Reason: In the interest of promoting sustainable forms of transport.

- (15) The first five metres of the access leading from the public highway to the development hereby permitted shall be of a bound material.

Reason: In the interests of highway safety and convenience.

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.

INFORMATIVES

- (1) This permission has only been granted after receipt of a financial contribution to the Strategic Access Management and Monitoring Strategy in respect of the nearby Special Protection Area.

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.

