

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

DEF ITEM 1 SW/14/0479		
APPLICATION PROPOSAL		
Outline planning permission for demolition of existing attached garage & erection of replacement detached garage, bin store, 2 x two storey 4 bedroom detached dwellings, with attached garages, accessed via extension of existing driveway as clarified by email dated 3 June 2014 clarifying the eaves height of the proposed houses, and by drawing received 28 July 2014 showing a wider driveway and sight lines.		
ADDRESS Greystone, Bannister Hill, Borden, Sittingbourne, Kent, ME9 8HU		
RECOMMENDATION – APPROVE		
SUBJECT TO: Receipt of satisfactorily amended drawings		
REASON FOR REFERRAL TO COMMITTEE		
Contrary Representations from Parish Council Contrary Representations from residents Deferred from Committee Meeting of 26 June 2014		
WARD Borden	PARISH/TOWN COUNCIL Borden	APPLICANT Messrs HG & TP Hutchinson AGENT Mr Roland Day
DECISION DUE DATE 6 June 2014		

1.0 INTRODUCTION

1.01 Members will recall that at the June 2014 meeting of this Committee, they requested that this item be deferred pending clarification of the possibility or otherwise of ensuring satisfactory access to this site. Specifically, the width of the access and available sightlines were at issue. Members will recall that the main impediment to achieving these sightlines was whether or not the applicant legally exercised control of the land necessary for these visibility splays.

2.0 UPDATE

2.01 After the meeting the agent met with Kent Highway Services to discuss the access issues. One of these related to the reservation (possibly via legal covenant) of a visibility splay across adjoining land stemming from the original development of the property. The agent has since submitted a new drawing showing an increase in the width of the first ten metres of the driveway to 4.8

metres, as requested by Kent Highway Services. This drawing also shows a visibility splay to the left hand side of the driveway of 2m x 20m, and a visibility splay to the right of 2m x 11m all within land controlled by the applicant.

- 2.02 The agent has also now provided a copy of the original planning permission for the properties and a letter dated 21 April 1976 (and accompanying plan) from the County Surveyor referring to the need to maintain visibility around the corner across the frontages. This, to my mind, does not carry any weight and Kent Highway Services have requested that a suitable sight line is shown across the adjoining land with relevant notices served on the owner.
- 2.03 This being the case, I consider that the matter can now be determined in principle subject to the necessary sightlines being shown, the appropriate notice being served on the land-owner, and any representations arising from that service being properly considered.

3.0 CONCLUSION

- 3.01 I therefore recommend that outline planning permission is granted subject to the conditions below, to receipt of a drawing showing satisfactory sightlines and appropriate notice being served on the relevant land-owner, and any representations arising therefrom being considered; if necessary by Members.

4.0 RECOMMENDATION – GRANT Subject to the conditions below.

Conditions

- 1 Details relating to the appearance of the proposed buildings and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Grounds: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of reserved matters referred to in Condition 1 above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Grounds: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 3 The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Grounds: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 4 As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

Grounds: In the interests of highway safety.

- 5 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.

Grounds: In the interests of residential amenity.

- 6 No development shall take place until a tree protection plan and arboricultural method statement in accordance with the recommendations of BS 5837:2012 have been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and shall take account of site access, demolition and construction activities, foundations, service runs and level changes. It shall also detail any tree works necessary to implement the approved scheme. The approved protection plan and method statement shall be implemented throughout construction works.

Grounds: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

- 7 Prior to the commencement of development hereby approved, details shall be 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 as approved.

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

- 8 Details in the form of cross-sectional drawings through the site, with details of the existing and proposed site and floor levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

Grounds: In order to secure a satisfactory form of development having regard to the differing levels of the site and to protect the amenity of the proposed development and adjoining occupants.

- 9 The areas shown on drawing 3566/p03 as vehicle parking and turning space shall be provided, surfaced and drained before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by The Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to these reserved spaces.

Grounds: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 10 Prior to the occupation of any dwelling hereby permitted the driveway to the properties shall be constructed at no less than 4.8m wide for the from 10m from the public highway, and this specification shall be maintained at all times thereafter.

Grounds: Development without provision of adequate access is likely to be detrimental to highway safety and amenity.

- 11 Prior to the occupation of any dwelling hereby permitted sightlines of 2m x 20 to the north-west and 2m 30m to the south east (as measured from the centreline of the access) shall be provided clear of any obstruction over 0.6m above carriageway level. Thereafter these sightlines shall be maintained clear of any such obstruction at all times.

Grounds: In the interests of highway safety.

Council's approach to this application

The Council recognises the advice in paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) and seeks to work with applicants in a positive and proactive manner by offering a pre-application advice service; having a duty planner service; and seeking to find solutions to any obstacles to approval of applications having due regard to the responses to consultation, where it can reasonably be expected that amendments to an application will result in an approval without resulting in a significant change to the nature of the application and the application can then be amended and determined in accordance with statutory timescales.

In this case the application was approved following an email from the agent confirming the indicative eaves height of the buildings and amendments to access details..

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.

2.5	SW/14/0479	(Case 01963)	<u>Borden</u>
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Location: Greystone, Bannister Hill, Borden, Sittingbourne, Kent, ME9 8HU

Proposal: Outline planning permission for demolition of existing attached garage & erection of replacement detached garage, bin store, 2 x two storey 4 bedroom detached dwellings, with attached garages, accessed via extension of existing driveway

Applicant/Agent: Messers HG & TP Hutchinson C/O Mr R Day, GDM Architects, The Masters House, College Road, Maidstone, Kent, ME15 6YQ

Application Valid: 11 April 2014 and as clarified by email received 3rd June 2014 clarifying the eaves heights of the proposed houses

8 Week Target: 06 June 2014

Subject to: The views of Kent highway Services and the County Archaeological Officer

Conditions/Grounds

1 Details relating to the appearance of the proposed buildings and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Grounds: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Grounds: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3 The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Grounds: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4 As an initial operation on site, adequate precautions shall be taken during the

progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

Grounds: In the interests of highway safety.

5 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.

Grounds: In the interests of residential amenity.

6 No development shall take place until a tree protection plan and arboricultural method statement in accordance with the recommendations of BS 5837:2012 have been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and shall take account of site access, demolition and construction activities, foundations, service runs and level changes. It shall also detail any tree works necessary to implement the approved scheme. The approved protection plan and method statement shall be implemented throughout construction works.

Grounds: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

7 Prior to the commencement of development hereby approved, details shall be 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 as approved.

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

8 Details in the form of cross-sectional drawings through the site, with details of the existing and proposed site and floor levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

Grounds: In order to secure a satisfactory form of development having regard to the differing levels of the site and to protect the amenity of the proposed development and adjoining occupants.

9 Prior to the commencement of development hereby approved, full details of both hard and soft landscape works shall be 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, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Grounds: In the interests of the visual amenities of the area.

10 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.

Grounds: In the interests of the visual amenities of the area.

11 Upon completion of the approved landscaping scheme, any trees or shrubs 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.

Grounds: In the interests of the visual amenities of the area.

12 The areas shown on drawing 3566/p03 as vehicle parking and turning space shall be provided, surfaced and drained before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by The Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to these reserved spaces.

Grounds: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

Council's approach to this application

The Council recognises the advice in paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) and seeks to work with applicants in a positive and proactive manner by offering a pre-application advice service; having a duty planner service; and seeking to find solutions to any obstacles to approval of applications having due regard to the responses to consultation, where it can reasonably be expected that amendments to an application will result in an approval without resulting in a significant change to the nature of the application and the application can then be amended and determined in accordance with statutory timescales.

In this case the application was approved following an email from the agent confirming the indicative eaves height of the buildings.

Description of Proposals

This application seeks outline planning permission for the demolition of the existing attached garage, the erection of a replacement detached garage, bin store, 2 no. two storey four bedroom detached dwellings with attached garages and the extension of the existing driveway at Greystone, Bannister Hill, Borden. This application seeks consideration of matters relating only to access, layout and scale whilst matters relating to appearance and landscaping are reserved for future consideration.

The drawings show the removal of the existing garage to the side of the existing dwelling; a new garage in the front garden but towards the western end of the driveway, and two new detached houses on the north-western side of the plot.

The houses would have their own attached garages and gardens. Access would be from the original access from Bannister Hill, going past the existing house.

The proposal is accompanied by a Design & Access Statement, which notes the design issues proposed and the policy context for the site.

Relevant Site History and Description

There is no relevant site history. However, pertinent to the present proposal is an application at the adjacent property 'Glazedale' which the application site wraps around; this was an outline application for a single new house, which was recently approved by Members under planning reference SW/13/0002.

The site falls immediately adjacent to the Borden – Harman's Corner conservation area and the entire site is within the built up area boundary of Borden, as shown on the proposals map of the Swale Borough Local Plan 2008.

The local area is characterised by relatively large properties set within spacious gardens, but with some small terraced cottages immediately opposite the site. The ground is quite undulating, sweeping down to the bottom of Bannister Hill and the proposed houses would be at the higher but secluded rear part of the site.

The host property Greystone is a large detached house set well back from the road behind large conifers. Its garage faces the road and is to be removed to facilitate access to the extensive rear garden. This will create a large gap through which access to the rear can be gained, and the house is orientated to face this access, without undue harm to its amenities. This scheme will not therefore create the normally unacceptable tandem style of development that can occur for development of some garden spaces.

Views of Consultees

Borden Parish Council recommends refusal, noting that:

- *"Access to Bannister Road, is a dangerous narrow piece of highway with parking on both sides*

- *The cumulative impact on the highway due to the recently agreed development on the same site.*
- *Would prefer to see bungalows (this development backs on to bungalows in Coppins Lane); these would be more appropriate for the area and this is an identified local housing need*
- *Would request a condition to maintain the existing trees/tree screen for the privacy of the residents in Coppins Lane."*

The Head of Service Delivery has no objection to the proposal, subject to imposition of the above condition regarding hours of work.

I await the views of Kent Highway Services and the County Archaeological Officer and will report these to the meeting.

Other Representations

Ten letters and emails of objection have been received from local residents; three come from one address, and two from a second address. The issues raised therein may be summarised as follows:

- Very much 'backland' development
- Proximity of new house to Glazedale is not acceptable
- Layout and density not compatible with surrounding area
- Clearly visible from all habitable rooms in Glazedale except one bedroom and the study
- Considerable loss of sunlight to Glazedale
- Ground level to the garden of Glazedale falls away by three metres, exaggerating height and loss of sunlight
- Massive impact on our privacy due to site levels , the houses would look directly into our house and garden
- Two storey houses would be seen from nearby rear facing windows
- Overdevelopment of a small space
- Detrimental impact on the value of our house
- Removal of conifers will remove any privacy
- Will create a housing density that will significantly change the character of the area
- Car provision is impractical as four bedroom houses would all have at least two cars, insufficient room is provided
- Houses would be too close together
- Road access is close to a corner. Sightlines on Bannister Hill are severely restricted and traffic has to go on the wrong side of the road due to parked cars
- Increased traffic will create highway issues
- Removal of large trees
- Could be seen from rear windows of our property
- Line of trees likely to be removed by new occupants
- Loss of unprotected mature trees bordering the site, some have already suffered storm damage
- Trebling the traffic entering and exiting will increase the probability of accidents

- New garage would detract from the road view
- Bin store at end of drive is neither practical or in-keeping

Development Plan Policies

The NPPF was released in March 2012 with immediate effect, however, paragraph 214 states “that for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”

The 12 month period noted above has now expired and a review of the consistency between the saved policies contained within the Swale Borough Local Plan 2008 and the NPPF has been carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. All saved policies cited below are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

The Development Plan principally comprises the saved policies of the Swale Borough Local Plan 2008, although the NPPF is relevant as it contains national policy previously contained in PPGs and PPSs.

Policy E1 of the Swale Borough Local Plan 2008 examines general planning considerations relating to design, amenity, parking and access, amongst others. Further to this, policy E19 states that all development should be of a high standard of design and appropriate to its setting.

Policy SH1 indicates that within minor settlements including Borden development will be limited to infill or redevelopment proposals within the defined built-up areas unless for an exceptional community need.

Policy H2 of the Local Plan encourages provision of new residential properties within the defined built up area boundaries of the Borough.

Policy E15 of the Local Plan suggests that all development within a conservation area must be shown to either preserve or enhance the character and appearance of the area. It should be noted that only the front of the site is within the conservation area.

Policy T3 of the Local Plan aims to ensure that appropriate levels of parking are provided on all new developments.

Paragraphs 12 & 14 of the National Planning Policy Framework (NPPF) state a presumption in favour of development if the proposal is sustainable and in accordance with Local Plan policies. Paragraphs 47 to 55 encourage a wide choice of homes and to significantly boost the supply of housing

Discussion

This site forms part of a very large plot and is within the built up area, and the principle of development is therefore acceptable, subject to matters of detail. The site for the houses themselves is outside the conservation area and there is adequate

room for the houses, garages, parking and gardens proposed. I do not believe that the development would have any adverse effect on either visual or residential amenity.

I note the objections raised by the Parish Council and local residents, and would respond as follows:

- The site is mainly outside the boundary of the conservation area and, if the design is sensitive to the locality, there will be no adverse visual impact;
- I do not believe that this proposal adversely affects the density of development in the area, which is currently very mixed;
- I do share some of the objector's concerns with regard to sight lines, but must rely on the expert advice from the Kent Highway Services Officer, which I hope to report to the meeting
- No precedent is created: every planning application is tested on its own merits
- Only two small fruit trees would be removed if the application is approved. New trees are also proposed and shown on the drawings
- House prices are not a planning issue
- The parking provision proposed is in accordance with Kent Vehicle Parking Standards
- The proposed replacement garage is set some distance back from the highway, and is unlikely to adversely affect the streetscene
- The distances between windows to all surrounding properties far exceed acceptable parameters
- There is no 'right to sunlight' in planning legislation, and the distance between the existing and proposed properties should keep any loss of light to a minimum
- The proposal is for houses, not bungalows, and the Council has to judge the application before us
- Any trees outside of the conservation area can only be protected via a Tree Preservation Order; but the substantial trees at the front of the site are shown as remaining in situ on the submitted drawings, and I have recommended a condition to safeguard them from the works

In short, the proposal is acceptable on policy grounds and it would not have an unacceptably adverse impact on the setting of the adjacent conservation area, or on residential amenity.

The development of rear gardens very commonly presents difficulties for the amenities of the existing property, in so-called tandem developments. Here, the passage of vehicles travelling to the new house(s) create amenity problems for the host property, and is unacceptable. Here however, the situation is unusually favourable. The access to the rear will be wide and passing the front of the house (rather than the rear) so limiting the impact and leaving the house with large undisturbed private garden. These factors set this scheme apart from many garden developments.

Recommendation

The proposed outline development is within the built up area boundary and the proposal therefore accords with local and national planning policy. In my view, and

subject to the conditions above, this can be achieved without significant harm to the character and appearance of the conservation area, or to residential amenity.

Taking the above into account and subject to the receipt of the views of Kent Highway Services and the County Archaeological Officer ,I therefore recommend that outline planning permission is granted.

List of Background papers

1. Application papers and correspondence relating to SW/14/0479.
2. Application papers and correspondence relating to SW/13/0002.