

2.4 REFERENCE NO - 20/502743/FULL		
APPLICATION PROPOSAL Demolition of existing bungalow and erection of a pair of semi detached bungalows with associated car parking.		
ADDRESS Grasmere 5 Drake Avenue Minster-on-sea Sheerness Kent ME12 3SA		
RECOMMENDATION Grant, subject to conditions and a SAMMS payment		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposal is located within the built-up area boundary of Minster where the principle of infill development is generally supported. The size of the dwellings are compliant with relevant policy and all units provide a good standard of accommodation, external out door amenity space and off street parking. No adverse impacts have been identified for the residential amenities of neighbouring properties.		
REASON FOR REFERRAL TO COMMITTEE Objection from Minster Parish Council		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr J Baker AGENT Michael Gittings Associates
DECISION DUE DATE 26/08/20		PUBLICITY EXPIRY DATE 09/09/20
PLANNING HISTORY No planning history		

1. DESCRIPTION OF SITE

- 1.1 The application site is located within a residential area in the built-up area boundary of Minster, identified as a sustainable location within the Swale Local Plan (2017). The site is located on the southern side of Drake Avenue, a short distance from the junction with Scocles Road.
- 1.2 The site comprises of a 1 x 3 bedroom, detached, double fronted bungalow with a dual pitch roof and front and rear gardens. The property also benefits from a dropped kerb and associated vehicle parking for one parked car. The plot measures 13.5 metres at the front and widens out to approximately 19 metres in the rear garden, is roughly rectangular in shape and occupies a site area of 0.065ha.
- 1.3 The area is characterised to the north, east and west by low rise residential development comprising of detached and semi-detached bungalows/chalet bungalows of brick and render construction. Neighbouring properties either side of the site (1 & 3 Drakes Avenue) are detached bungalows. The site borders the perimeter of the built-up area boundary of Minster to the rear (south) which is characterised by open countryside beyond.
- 1.4 Drakes Avenue is identified as an unclassified residential road.

2. PROPOSAL

- 2.1 Planning permission is sought for the demolition of the existing bungalow and the erection of a pair of semi-detached bungalows. The principle building line would be set back from the existing between 1.2m and 2m resulting in a new building line presented at an angle. The new frontage would have a depth of 6.3m to accommodate parking provision. The footprint of the properties would have a width of 12.5m to the front tapering to 10m at the rear and would have a length of 11.8m. Each property would benefit from a large usable garden 11.8m in length, bin stores, cycle parking provision and off street parking for two vehicles.
- 2.2 Externally the dwellings would be of brick construction with concrete interlocking roof tiles. Located at the front of the properties would be a small gable with cladding. With regards to boundary treatment the existing boundary fences and hedge lines would be retained between adjacent properties. A number of fruit trees would be removed from the rear garden, however the larger mature trees would be retained.
- 2.3 The internal arrangement would provide two bedroom properties, with open plan kitchen/living area and bathroom suitable for three (3) persons occupancy providing 65sqm of living accommodation.

3. PLANNING CONSTRAINTS

- 3.1 Potential Archaeological Importance

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF): Paragraphs 8, 11, 117, 118, 124, 128, 130 and 131 are relevant.
- 4.2 National Planning Practice Guidance (NPPG)
- 4.3 Development Plan: Bearing Fruits 2031: the Swale Borough Local Plan 2017

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

- 4.4 Swales adopted SPD - Parking Standard 2020

5. LOCAL REPRESENTATIONS

- 5.1 Minster Parish Council – Objection

The proposal presents as incongruous to the area due to its scale, density and parking layout resulting in the potential for over-intensive development of the site. It is not in keeping with the character and appearance of the street scene where due to the constrained nature of the plot, it presents as visually intrusive in an area of otherwise spacious gardens. It also conflicts with the established pattern of development in a manner that is harmful to visual amenities.

5.2 A total of 5 letters of representation were received. Of these, all five respondents provided letters of support, which in summary raise the following points:

- Good to see applications for bungalows in Minster for downsizing and retirement much needed in Minster
- Suitable for disabled users also, freeing larger housing for family accommodation
- Good standard of accommodation, well planned, good garden and sufficient parking
- Improvement of the current situation in terms of visual impact
- Sufficient space retained to the side so development does not appear to large

6. CONSULTATIONS

6.1 KCC Highways and Transportation – Does not warrant the involvement of Highways. Suggested Informative

6.2 Natural England – No objection, subject to SAMMS Payment

6.3 Country Archaeological Officer – No archaeological measures are required in connection with the proposal

6.4 Environmental Health Officer – No objection, subject to the following conditions:

- Hours of construction
- One electric charging point
- Gas fired boilers to meet the minimum standards

7. BACKGROUND PAPERS AND PLANS

7.1 2474/1/B Block Plans

2474/2/B Proposed Elevations

8. APPRAISAL

Principle of Development

8.1 The application site lies within the built up area of Minster, in a residential area where the principle of minor infill residential development accords with Policy ST3 of Bearing Fruits 2031 – The Swale Borough Local Plan 2017. The main issues relates to the impact upon the character and appearance of the local area and the streetscape, together with the impact upon residential amenity, parking and highways safety, landscaping and matters relating to ecology.

Visual Impact

8.2 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.

8.3 Considering the demolition of the existing bungalow and subsequent residential replacement in terms of its scale and height, the dwellings would appear as a logical addition generally reflective of the proportions of the adjacent neighbouring properties along Drake Avenue. A distance of 2 meters would be retained from the flank wall of No, 3 Drake Avenue and 2.5m off the flank wall of No 7 Drake Avenue, consistent with the separation distances between existing properties on Drake Avenue, and as such

does not amount to overdevelopment of the site, in my opinion. The fenestration details, window and door proportions and choice of materials are also consistent with the appearance of the streetscene. As such, I am of the opinion that the built form of development here is appropriate to its setting and would not detract from the wider character and appearance of the area.

Residential amenity

- 8.4 The layout and the position of the pair of semi-detached bungalows have been carefully designed to ensure that no significant harm is caused to privacy and the amenity of neighbouring properties 3 & 5 Drake Avenue. No windows are located on the side elevation of either neighbouring properties and due the positioning and relationship between buildings I have identified no loss of daylight to the windows of the neighbouring properties of habitable rooms to the front or rear of 3 & 5 Drake Avenue and I consider the proposal to be acceptable in this regard.
- 8.5 In terms of the suitability of accommodation for future residents both dwellings provide a floor area of 65sqm together with good outlook, sunlight, ventilation and privacy and overall would provide a good standard of accommodation.

Highways/Parking

- 8.6 In terms of parking and highways, Swale's SPD concerning Parking Standards states that 1 & 2 bedroom houses have a requirement of 1/2 accessible spaces per dwelling with a minimum size requirement of 2.5m x 5m and this can be reasonably accommodated onsite. The block plan shows that two parking spaces per dwelling would be provided to the front of the site in accordance with the new parking standards.

Landscaping

- 8.7 Policy DM14 requires the provision of an integrated landscape scheme that would achieve a high standard of landscaping within the development. Limited details have been provided in relation to landscaping, however further details can be implemented by the use of conditions. Notwithstanding, the existing boundary treatment is to be retained including the area of grass verge to the front which would soften the appearance within the streetscene.

Biodiversity and Sustainability issues

- 8.8 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.

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.

The site lies within 6km of the Swale SPA and a contribution is therefore required to mitigate the potential impacts of the development upon that protected area, in accordance with the Council's standing agreement with Natural England by means of developer contributions at the rate of £250.39 per dwelling which has been paid by the applicant.

9. CONCLUSION

- 9.1 The proposal involves development within the built up area which is acceptable in principle and there are no significant impacts to the character and appearance of the streetscene. 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. Furthermore, the SAMMS mitigation contribution has been paid and the reduction in energy efficiency levels of 50% has been agreed, I therefore recommend approval subject to conditions.

10. 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 as amended: 2474/1/B & 2474/2/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 shrubs 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. 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 in writing 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.

8. 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.

9. 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 or garaging of cars is likely to lead to car parking inconvenient to other road users.

10. The dwellings shall not be occupied until the Electric Vehicle Charging facility has been provided in accordance with the approved drawing (ref 20.26.SK13 Rev C).

Reason: To ensure the provision and retention of electric vehicle charging facilities in the interest of reducing greenhouse gas emissions.

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

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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.

