

<b>2.3 REFERENCE NO - 20/500844/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of existing bungalow and erection of 3 no. houses with parking and gardens. (Resubmission 19/504178/FULL) as amended by drawings received 21/08/2020.		
<b>ADDRESS</b> Ashdown Water Lane Ospringe Faversham Kent ME13 8TT		
<b>RECOMMENDATION</b> – Grant subject to appropriate planning condition and securing the SAMMS tariff payment		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Town/Parish Council objections		
<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Mr Steve Maher <b>AGENT</b> Designscape Consultancy Limited
<b>DECISION DUE DATE</b> 05/05/20		<b>PUBLICITY EXPIRY DATE</b> 16/09/20

### Planning History

19/504178/FULL

Demolition of existing bungalow and shed. Erection of 4no. terraced dwellings and 1.no detached dwelling with associated parking and gardens.

Withdrawn Decision Date: 10.03.2020

#### 1. DESCRIPTION OF SITE

- 1.1 The site consists of a detached bungalow, situated in a large plot of land, with corresponding gardens and parking areas. There is also a single garage on the site.
- 1.2 The site lies approximately 200 metres from the junction of Water Lane with the A2, where the English Heritage property 'Maison Dieu' stands on the western corner. To the north and south, on both sides of the road there is an established pattern of continuous residential ribbon development, which includes dwellings from the C17 to the C20. As such, there is no established design ethic; nor is there a typical size of property.
- 1.3 The site is within the Ospringe conservation area and adjacent to a Grade II listed building to the south (Orchard House). It is also within the established built up area boundary, making the principle of development on this site acceptable.
- 1.4 Ospringe Primary School is situated some 200 metres to the south.

#### 2. PROPOSAL

- 2.1 This application follows withdrawal of a previous application for four houses, and has been the subject of intensive negotiations and various amendments. The proposal is for the removal of the existing bungalow and its replacement with a four-bedroom detached house and a pair of three-bedroom semi-detached houses. Each house would be served by private amenity spaces, and two off-road parking spaces.
- 2.2 The semi-detached houses would be of a traditional brick finish, and are simply-designed to compliment the adjacent late Victorian terraced houses immediately to the

north. The detached house is of a more complex design, but still of a design and finish to sit comfortably within its surroundings.

- 2.3 There would be a gap of 3m between the northern flank wall of the listed building and the proposed detached house; a gap of 6.25 metres between the northern flank wall of the proposed detached house and the southern flank wall of the first semi-detached house; and a gap of 11 metres between the northern flank wall of the most northerly of the proposed semi-detached properties and the southern flank wall of the first of the existing terraced houses.
- 2.4 An existing access road to an existing property at the rear of the site runs between the northern boundary of the site and the most southerly of the existing terraced houses.
- 2.5 The proposal is accompanied by a Design and Access Statement (which includes a Heritage Statement) and a Flood Risk Assessment and Drainage Strategy.

### **3. PLANNING CONSTRAINTS**

- 3.1 Conservation Area Ospringe
- 3.2 Adjacent to Grade II Listed Building
- 3.3 Environment Agency Flood Zone 3

### **4. POLICY AND CONSIDERATIONS**

- 4.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies CP4 (Requiring Good Design; CP8 (Conserving and Enhancing the Historic Environment); DM7(Parking); DM14 (General Development Criteria); DM19 (Sustainable Design and Construction); DM21 (Drainage); DM32 (Listed Buildings); and DM33 (Conservation Areas)
- 4.2 National Planning Policy Framework (NPPF): Paragraphs 7 and 8 (Sustainability); 11 (Presumption in favour of Sustainable Development); 128 (Design Quality); 189, 190 and 196 (Heritage Assets).
- 4.3 Swale Borough Council Parking Standards SPD (adopted June 2020) recommends that a four bedroomed house in a suburban area should have 3+ parking spaces, whilst three bedroomed houses should have 2-3 spaces.

### **5. LOCAL REPRESENTATIONS**

- 5.1 The Faversham Society supports the application as first submitted, noting that:

*‘This proposal would assist Swale Borough Council in meeting its housing target for houses on small sites as required in the National Planning Policy Framework.*

*The revised design reduces the extent of the frontage across which parking is not available. The design would be acceptable in the context of the mix of historic and modern buildings in the street. The development retains a more open aspect to the street than previously, which is welcomed.’*

- 5.2 Twenty letters and emails of objection have been received from local residents at various stages. As the scheme is largely in the same form as it started, I see all these

comments as relevant to the latest version of the application, and these comments may be summarised as follows:

- Existing bungalow is a non-designated heritage asset
- Parking is already an issue here; four on-street parking spaces would be lost to provide access to the proposed off-street parking
- Tandem parking does not work
- Harm to biodiversity of site
- The proposed properties would extend back further than the existing
- Not in character with local area
- Will obscure views to Orchard House, and harm its setting
- Loss of privacy to existing gardens
- Setting the detached house back would help
- Existing gap is mentioned in the Conservation Area Appraisal
- Extra traffic will exacerbate road safety issues, especially at school times
- Buildings too high – will give a sense of enclosure
- Detached house looks as if it is deigned to become flats
- Air quality issues at junction with the A2
- There are other approved sites for development in Faversham
- Loss of light

5.3 One email of support has been received. The comments therein are as follows:

- The area needs more housing, and this is an ideal location

## 6. CONSULTATIONS

6.1 Faversham Town Council objects to the application, on the grounds of harm to the setting of Orchard House, and air quality and highway safety issues at the junction of the A2. Their latest comments are as follows:

*'Recommendation: Objection*

*Comment:*

*1) There are only subtle differences to this application from the last and therefore the Town Council wishes to reiterate its comments as it considers that its concerns have not be addressed.*

*Reasons:*

*1) The positioning of the detached house will be detrimental to Orchard House (a*

*listed building) and other historic houses on Water Lane.*

*2) The junction of the A2 and Water Lane is already at maximum capacity. During busy times cars regularly mount the pavement, causing danger to pedestrians including school children attending Ospringe Primary School.*

*3) Three new houses with six additional cars would add to the poor air quality in the vicinity'*

- 6.2 Ospringe Parish Council notes that the number of houses has been reduced in the current application, but say that their comments on the previous application still apply. These comments were;

*We comment as follows: we object to this application due to the following concerns: increase in traffic movements, air pollution and parking.*

They also voice concern in relation to the current application over the proposed tandem parking layout. The latest changes to the latest application have not led the Parish Council to amend their views.

- 6.3 Natural England raises no objection to the proposal, subject to the receipt of a SAMMS mitigation payment.
- 6.4 The Environment Agency raises no objection to the proposal.
- 6.5 KCC Minerals and Waste have no objection to the application
- 6.6 Kent Highways and Transportation note that the scale of the proposal falls below their criteria to warrant a response.

## **7. BACKGROUND PAPERS AND PLANS**

Application papers for application 20/500844/FULL.

## **8. APPRAISAL**

- 8.1 The issues to consider in this case are those of potential harm to the setting of the listed building and surrounding conservation area; design; and parking and highway safety issues.

### Harm to the setting of the listed building and the conservation area

- 8.2 I am very aware of the issue of the character and setting of the adjacent listed building, Orchard House, which is a Tudor building with attractive timber framing and first floor jetties. However, I am not of the opinion that the proposal, if approved, would have an adverse effect on the building, having a similar height and being situated three metres away from the flank wall of the building. Orchard House is already set in a row of houses, and the existing bungalow on the application plot does nothing to respond to its design, appearance or scale, or to enhance its setting. In my view the current application, which has been designed to respond to the character and setting of the listed building, will enhance its setting. It should also be noted that Orchard House extends right up to the adjacent pavement, whilst the proposed detached house would be set back two metres from the footpath on that side, allowing views of the flank wall of Orchard House from the north and east.

- 8.3 Further to the above, the design of the proposed houses is sympathetic to the character and appearance of the conservation area, particularly when remembering there is no clear pattern of design in the street.

#### Design

- 8.4 The design of the scheme has been amended by the applicant a number of times, in accordance with advice from officers. The scheme now represents a high level of design which compliments, but does not present a pastiche, of designs in the immediate surrounding area. The pair of proposed semi-detached houses clearly take their lead from the design of the adjacent C19 terraced houses, whilst the bay windows and jetties of the detached house clearly take their lead from the adjacent listed building, whilst at the same time not attempting to present an imitation of that building. As such, I am of the opinion that the proposed dwellings, if approved, would present a level of design which is acceptable in this sensitive location.

#### Highways and Parking

- 8.5 I note the concerns expressed by local residents, and would agree that the residents of the adjacent terraced houses have no off road parking facilities. However, in creating access points for the new properties, there are already two access points to the existing site, and there would also be two access points to the proposed properties. As such, I do not believe that the proposal would exacerbate parking issues in the immediate area.
- 8.6 Likewise, although I would acknowledge that the junction with the A2 can occasionally (particularly at school drop off and pick up times) be difficult, I do not believe that the addition of just two new dwellings will increase these issues to the extent that refusal of planning permission could be justified; nor would it have a pronounced effect on air quality issues.
- 8.7 It should be noted that each house, including the four bedroomed house, have two off road parking spaces. The newly adopted Swale Parking Standards SPG suggests that a four bedroom house in this location should have three or more off-road spaces, whilst a three bedroom house should have 2 to 3 spaces each. However, it should be noted that the application was submitted some time before the new SPG was approved in June, at a time when the relevant KCC guidance required not more than two spaces for any new house. I therefore feel that it might not be fair to require this scheme to provide for the newly increased standard. More significantly, I consider that to have further parking provision here might very well have an adverse effect on the scheme which is in reality driven by heritage asset constraints, and that the creation of a car dominated scheme will adversely affect the spacing of the houses and, in turn, the character of the conservation area and the setting of the adjacent listed building. It might also attract more cars to be kept at the site. As such, I consider the level of parking now shown to be more appropriate for this site.

## **9. CONCLUSION**

- 9.1 In conclusion, as the proposal, due to its position within an established built-up area boundary, is acceptable in principle, and as its effect would be minimal, due to its small-scale nature and good design, would have no adverse effect on the adjacent listed

building, the surrounding conservation area, or on highway safety and residential amenity.

- 9.2 As such, and on balance, I recommend that the proposal be approved, subject to the receipt of a SAMMS mitigation payment, and strict accordance with the conditions noted below.

**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.

- 10. RECOMMENDATION** - GRANT Subject to the following conditions and securing 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 448/100 Rev D; 448/101 Rev C; 448/102 Rev C; and 448/103 Rev C.

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 448/100 Rev D 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) 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.

### **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.

In this case, 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.



Ordnance Survey - data derived from OS Premium

20/500844/FULL - Ashdown Water Lane Ospringe ME13 8TT  
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