

**PLANNING COMMITTEE – 12 NOVEMBER 2020****PART 2**

Report of the Head of Planning

**PART 2**Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 20/500887/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of existing rear extension to no. 226. Erection of single storey side extensions and two storey rear extensions to both, alterations to windows and erection of boundary fence and gates. Erection of 2no. semi-detached properties at rear with associated access, parking, pedestrian footpath, landscaping and private amenity spaces.		
<b>ADDRESS</b> 224-226 Minster Road Minster-on-sea Sheerness Kent ME12 3LL		
<b>RECOMMENDATION</b> Grant subject to the receipt of an appropriate SAMMS payment		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The development is acceptable in principle and will not cause any unacceptable harm to visual or residential amenities. The proposed parking provision is also adequate.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council objection		
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN</b> Minster-On-Sea	<b>COUNCIL</b> <b>APPLICANT</b> Mr Dan Fillingham <b>AGENT</b> Mr Lewis Bailie
<b>DECISION DUE DATE</b> 28/08/20		<b>PUBLICITY EXPIRY DATE</b> 17/08/20

**Planning History**

16/506500/FULL

Erection of a single storey front porch extension, single storey rear extension and the removal of the front bay window to be replaced by a new uPVC section  
Approved Decision Date: 21.03.2017

**1. DESCRIPTION OF SITE**

- 1.1 The application site comprises a pair of semi-detached houses which lie within the defined built up area of Minster. The two storey properties lie to the northern side of Minster Road and each property has a small driveway to the front. To the rear each dwelling has a long rear garden. The site lies in a residential area, characterised by a mixture of dwelling types. To the north east of the site is Barton House, a two storey detached dwelling which is accessed via Porter Close. The parking area to the front of Barton House (which is linked to Porter Close) is also included in the red line edge shown on the site plan, and notice has been served on the owner of Barton House.

## **2. PROPOSAL**

- 2.1 This application seeks planning permission for demolition of the existing rear extension to No. 226 and the erection of single storey side extensions and two storey rear extensions to both No. 224 and No. 226, alterations to windows and the erection of boundary fence and gates.
- 2.2 The proposed side extensions will enlarge the entrance at both dwellings in order to provide a ground floor toilet, and will have a footprint of 2.6m x 2.2m. The side extensions will have a mono-pitch roof with an eaves height of 2.8m and a ridge height of 4.4m.
- 2.3 The two storey rear extensions to each property will have a footprint of 4m x 5.7m, and will provide an additional living room on the ground floor and two bedrooms on the first floor, resulting in each property having a total of four bedrooms. The rear extensions will have projecting gable roofs with chimneys on each pitch, and will have an eaves height of 5.9m and a ridge height of 8.7m. The front elevation of No. 226 will be partially rendered to match No. 224. The roofs on both properties will be retiled, and all windows replaced. At the front of both properties, a small 1m tall brick wall is proposed.
- 2.4 At the rear, the land levels at No. 226 will be increased by roughly 1m in order to level out the rear garden. At No. 224, land levels will be raised by roughly 0.3m at the rear. New close boarded fencing will be erected along the side boundaries of the site.
- 2.5 The application also seeks permission for the erection of a pair of semi-detached properties in the rear gardens of No.s 224 and 226. Each new dwelling will have a footprint of 6.8m x 6.1m, and will have a gable roof with an eaves height of 5.8m and a ridge height of 8.1m. The front elevation will be contemporary in design, with a projecting metal clad feature at first floor. On the ground floor, each dwelling will have a kitchen, living/dining area, utility and toilet, whilst at first floor there will be two bedrooms and a bathroom. Access to the dwellings will be provided from Porter Close, with a driveway added to the front of Barton House to the east. Two parking spaces will be provided at each new property, with private amenity space to the rear. An additional parking space is also proposed for Barton House, as the proposed access road will remove some of the parking at this property. The land levels where the dwellings are proposed to be located will be raised by roughly 1.2m, in order to allow easy access to the rear garden.
- 2.6 Works have begun on site to the two existing dwellings, including the start of the construction of both the side and rear extensions. No work has begun relating to the two proposed dwellings in the rear gardens.

## **3. PLANNING CONSTRAINTS**

- 3.1 Environment Agency Flood Zone 2/3

## **4. POLICY AND CONSIDERATIONS**

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- 4.2 Development Plan: Policies ST3, CP4, DM7, DM14, DM14 and DM19 of Bearing Fruits 2031: The Swale Borough Local Plan 2017
- 4.3 Supplementary Planning Guidance (SPG): 'Designing an Extension: A Guide for Householders'

## 5. LOCAL REPRESENTATIONS

- 5.1 Thirteen objections have been received from eight addresses. Their contents are summarised below:

- Porter Close is already congested with vehicles and residents currently have no where to park - this road cannot support any through traffic and is not wide enough to be considered a two-way road.
- Increased vehicle movements in Porter Close will cause future highway safety issues – the proposed access is to the rear of a garage area, causing a blind spot.
- Increased traffic will be dangerous for children living in the Close.
- How will fire engines, ambulances and refuse trucks access the site.
- No parking for Barton House.
- The area to the front of Barton House regularly floods due to insufficient drainage. Additional road works from Barton House would increase the area impacted by the flooding.
- Will any damage caused during construction to the access, roads, garage plots, utility pipework and drainage be repaired at no cost to the current residents?
- The dust from the demolition of the extension will cause problems - we have elderly neighbours around here.
- The new houses will look directly over our garden and into our property causing loss of privacy.
- Child Minding business and foster carers located in neighbouring properties - this application may cause safeguarding issues.
- Potential overshadowing from the new dwellings and rear extensions to 224 and 226.
- Overlooking from rear extensions at 224 and 226 into neighbouring gardens.
- Will decrease the value of properties in Porter Close.
- This looks like backyard development or garden grabbing. If this application is allowed, how many other houses are going to go for the same planning applications.
- Existing well in the rear garden of No. 226 is not covered by the application and has leaked in the past, causing damage to No. 228.
- Proposed extensions at 224 and 226 would increase the amount of accommodation and parking provision of 2 spaces per dwelling would be inadequate.
- Reduction in scale of gardens at 224 and 226, removal of trees and replacement with driveways and buildings would be detrimental to visual amenity and biodiversity.
- Former owners of 226 advised there were issues with the property sewer connections. Where will the sewers for the new dwellings be located and what effects will this have on existing residents.

## 6. CONSULTATIONS

- 6.1 KCC Highways – *“The side and rear extensions which are proposed for both the existing properties on Minster Road will increase these properties from 3 to 4 bedrooms. It should be noted that the parking standards for 3 and 4 bedroom houses are the same, so these extensions will not require any additional parking provision. As the amount available through the existing practical parking arrangement will remain unchanged, the retained provision is therefore considered acceptable. The 2 new semi detached properties to the rear of Minster Road will be accessed from Porter Close, which is a private road. Kent County Council Highways do not have any legal influence over development which is proposed on roads which do not form part of the public highway.”* Recommend conditions relating to retention of parking spaces and vision splays.
- 6.2 Environmental Health – No objections subject to conditions relating to hours of construction and dust suppression.
- 6.3 Environment Agency – Objected originally due to the lack of a FRA. This document was then submitted, however it did not contain enough information regarding floor levels. The agent was informed of this and an amended FRA was provided. The EA then confirmed they had no objection to the scheme subject to the imposition of a condition relating to floor levels.
- 6.4 Minster Parish Council object stating *“it presents as over-intensive development of the site. Although there are acceptable improvements to existing semi-detached houses facing the main road, the accompanying application for the erection of two semi-detached houses on existing gardens to the rear would constitute over-development of the total site, with adverse effects on the amenities neighbouring properties might reasonably be expected to enjoy, including overlooking and loss of privacy. The combined development would be out of keeping with the surrounding area, currently characterised by long back-to-back gardens enjoying a high degree of residential amenity. Cramped parking arrangements for the new dwellings, would also compromise both manoeuvrability and easy access.”*

## 7. BACKGROUND PAPERS AND PLANS

- 7.1 Plans and documents relating to application 20/500887/FULL.

## 8. APPRAISAL

### Principle of Development

- 8.1 The site lies within the built up area boundary of Minster, where the principle of development is generally acceptable. With relation to the two proposed dwellings to the rear of the site, the Council generally resists tandem backland development, however permission was granted for Barton House (to the rear of No. 228) in 2000 (ref. SW/00/0439) and this has somewhat set the scene for future development in this area, in my opinion. In that regard I consider that the principle of residential development in this location is acceptable.

## Visual Impact

- 8.2 Firstly considering the proposed extensions to No.s 224 and 226, only the proposed side extensions and 1m tall front wall will be visible from Minster Road. These elements of the scheme are minor in scale in my view, and taking into account they will be constructed of bricks that match the existing dwellings, I do not believe they will cause harm to the character and appearance of the properties or wider area. The rear extensions are large in scale, but would not detract from the appearance of the properties in my opinion, and are well designed with pitched roofs that match the existing gable features on the front of the dwellings. The roofs on both properties will be retiled and windows will be replaced, whilst render will be added to the front elevation of No. 226. I believe these works will tidy up the appearance of the dwellings, and as such consider that they will be acceptable. On the basis of the above, I do not believe that any of the works proposed to the existing dwellings at the site will cause significant harm to visual amenities.
- 8.3 The new dwellings will not be seen from Minster Road, but will be visible from Porter Close to the east. Whilst this area of the site currently forms part of the rear gardens at No.s 224 and 226, taking into account the presence of Barton House, I believe the dwellings will not appear out of place, and will also not constitute backland development due to the extended access road from Porter Close. The dwellings will be of a similar scale to Barton House to the east, and will sit comfortably on the plot in my opinion. The design of the front elevations of the new dwellings is modern, however I note there is a mixture of housing designs in the area and as such, do not consider the proposal will cause harm to the character and appearance of the area. I do include conditions below relating to the submission of details of materials and elevation and section drawings to ensure a high quality development is built. I also include a standard hard and soft landscaping condition to ensure adequate landscaping is implemented on site.

## Residential Amenity

- 8.4 Firstly considering the proposed extensions to No.s 224 and 226, I do not believe the side extensions will have any unacceptable impacts to residential amenity, due to their limited scale and positioning. The proposed rear extensions will be approximately 4m deep at two-storey height across the rear of both dwellings. The Council's adopted SPG 'Designing an Extension' recommends that extensions close to the common boundary do not project more than 1.8m to the rear at first floor level. However in this instance I note that the extensions will be set just over 3m in from the common boundaries, which affords potential to exceed that 1.8m maximum. This, along with the window positions on the neighbouring houses and the high wall along the boundary with No. 228 leads me to conclude that the proposed extensions would not give rise to any significant harm to the amenity of neighbouring residents. Windows are proposed in the ground floor side elevations of the rear extensions, however I do not consider any overlooking impact to be significantly harmful however when taking into account the proposed boundary treatments.
- 8.5 The new dwellings will be set back 21m from the rear elevations of No.s 224 and 226. Due to this separation distance, I do not envisage there will be any unacceptable amenity impacts to these existing properties on the site. The dwellings will also be located roughly 25m from No. 222 and 228 either side of the site, and therefore I do not

believe the new dwellings will have significant amenity impacts on these neighbouring properties either side of the site. The proposed dwellings lie to the north of the existing dwellings fronting Minster Road, and any overshadowing to their gardens would be very limited, and also to the very rear of their gardens. This does not amount to a reason for refusal.

- 8.6 The new dwellings will sit in line with the front elevation of Barton House to the east, but will project roughly 1.4m rearwards of this neighbouring dwelling. Taking into account the 5m separation distance between the properties however, I do not believe there will be any unacceptable impacts to amenity at Barton House. I appreciate that the creation of a driveway to the front of Barton House could cause some impact to amenity here from the entering and exiting of cars for the new dwellings. I note the windows to the front elevation of Barton House do not serve habitable rooms, and taking into account only two 2-bed houses are proposed, I believe that vehicular movements will be limited and as such, do not believe there will be significant impacts to the amenity from this aspect of the proposal. Ground floor windows are proposed in the side elevations of the new dwellings. Taking into account these serve a bathroom and utility room, I believe they can be obscure glazed to limit potential overlooking. I include a condition below ensuring this.
- 8.7 The dwellings will lie a minimum of 31m from the dwellings to the north of the site in Silverdale Avenue, which is in excess of the 21m distance the Council expects between rear elevations of dwellings. As such, I do not consider there will be any unacceptable impacts to these properties. I note neighbours and Parish Council concerns regarding a loss of privacy and potential overshadowing, but as set out above, the new dwellings are set an acceptable distance from all surrounding development and as such, will not cause any unacceptable impacts to residential amenity in my opinion.
- 8.8 When considering the amenity of future occupiers of the new dwellings, I note that the floorspace proposed is in accordance with the Nationally Described Space Standards. The rear garden at each property is also adequately sized, being 10m in depth. As such I believe the standard of amenity provided at the new dwellings is acceptable. The subdivision of the plot will reduce the depth of the gardens at No.s 224 and 226 to between 9m – 13m. Taking into account the reasonable width of each garden (9m), I believe the scale of the gardens will be acceptable and will not lead to unacceptable amenity impacts for occupiers of these dwellings.

## Highways

- 8.9 The side and rear extensions proposed at both the existing properties on Minster Road will increase these properties from three to four bedrooms. As set out in the recently adopted SBC Parking Standards, the parking requirements for three and four bedroom houses are the same, so these extensions will not require any additional parking provision. As the amount available through the existing parking arrangement will remain unchanged, the retained provision is therefore considered acceptable.
- 8.10 The two new semi-detached properties to the rear of Minster Road will be accessed from Porter Close, by the extension of the road to the front of Barton House. Two parking spaces will be provided for each of the new properties opposite the new dwellings. This provision is in line the SBC Parking Standards and as such I consider

the proposal is acceptable from this regard. The new access road to the front of Barton House will remove some of the parking from this property. One parking space would remain to the side of Barton House, and another will be provided next to the parking spaces for the new dwellings. Taking into account the property has three bedrooms and the provision is in line the SBC Parking Standards, I believe the development is acceptable from this perspective.

- 8.11 I acknowledge neighbours concerns regarding parking in Porter Close; however the development will not lead to an increase in parking in this Close in my opinion. The parking provided for the new dwellings is in line with the SBC Parking Standards, and as such, should not lead to an increase in on-street parking in the area.

### **SPA Payment**

- 8.12 I have for completeness set out an Appropriate Assessment below. Since this application will result in a net increase in residential accommodation on the site, impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development there is no scope to provide on site mitigation and therefore off site mitigation is required by means of developer contributions at the rate of £250.39 per new dwelling. The applicant has confirmed they are willing to pay the mitigation fee for the development in principle.

### **Other Matters**

- 8.13 Following amendments to the plans and Flood Risk Assessment, the Environment Agency are now happy with the scheme, subject to a condition securing internal floor heights. I impose this condition below.
- 8.14 I note a neighbour is concerned about potential dust generated during demolition and construction. Environmental Health have requested a condition requiring the submission of dust suppression measures and with this condition in place, I believe this addresses the neighbours concerns. A condition relating to construction hours is also imposed below to protect neighbouring amenities during the construction phase of the development.
- 8.15 Another neighbour was concerned about the loss in property value. This is not a material planning consideration, nor is damage to the private road, which is a private legal matter and as such, neither can be taken into account. With regards to the concern about this application setting a precedent for similar developments in rear gardens, each application is assessed on its own merits and in this case, as set out above, this application is considered to be acceptable.

## **9. CONCLUSION**

- 9.1 The extensions and alterations proposed to the existing dwellings on the site are acceptable in my opinion, and will not cause any unacceptable harm to visual or residential amenities. The new dwellings at the rear of the site are acceptable in principle, and are set a sufficient distance from surrounding dwellings in order to limit impacts to neighbours amenity. The design of the dwellings is appropriate in my view

and the parking provision is adequate. On the basis of the above, I recommend planning permission is granted.

- 10. RECOMMENDATION** – Grant subject to the provision of SAMMS payments, and the following conditions:

### 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 new dwellings 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 that dwelling 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.

- (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 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.

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

Reason: In the interest of visual amenity.

- (5) No development beyond the construction of foundations shall take place until detailed drawings at a suggested scale of 1:5 sectional drawings and 1:10 elevation drawings of the eaves, verge, and projecting first floor window on the new dwellings 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 visual amenity.

- (6) 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.

- (7) 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.

- (8) 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.

- (9) 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 0800 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of local amenity.

- (10) The commencement of the development shall not take place until a programme for the suppression of dust during any demolition works and the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority. Mitigation shall be in accordance with the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'.

Reason: In the interests of local amenity.

- (11) The development permitted by this planning permission shall be carried out in accordance with the approved FRA reference: 89753-DDL-MinsterRd Version V2.0 by UNDA Consulting Limited and dated July 2020.
1. Finished ground floor levels for the proposed new houses must be set no lower than 6.15m above Ordnance Datum which is 300mm above the 0.5% AEP plus Climate Change flood level (5.85mAOD).
  2. No sleeping accommodation on the ground floor.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- (12) Before the development hereby permitted is first used, the windows in the ground floor side elevations of the new dwellings hereby approved shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be incapable of being opened except for a high level fanlight opening of at least 1.7m

above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

- (13) The development shall be completed strictly in accordance with details in the form of cross-sectional drawings through the site showing existing and proposed site levels and finished floor levels which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to secure a satisfactory form of development.

- (14) The development hereby permitted shall be carried in accordance with the following approved plans: PR-SITE-00 Rev 09, PR-ELE-S Rev 10, PR-ELE-S2 Rev 09, PR-ELE-W Rev 07, PR-ELE-W2 Rev 06, PR-ELE-N Rev 06, PR-ELE-N2 Rev 07, PR-ELE-E Rev 07, PR-ELE-E2 Rev 06, PR-ELE-F-E+W Rev 02, PR-ELE-F-N+S Rev 02, PR-R-ELE Rev 02, PR-GA-1-00 Rev 03, PR-GA-1-01 Rev 05, PR-GA-2-00 Rev 08 and PR-GA-2-01 Rev 07.

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

## **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.

### **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.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

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

This Appropriate Assessment (AA) has been undertaken without information provided by the applicant.

The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

The proposal therefore has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites.

The recent (April 2018) judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, *"it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."* The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.

However, the proposed development is of a very small scale and, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to the conditions set out within the report.

Notwithstanding the above, NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG), and that such strategic mitigation must be in place before the dwellings are occupied.

Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.

Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (which has been secured prior to the determination of this

application) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others (<https://birdwise.org.uk/>).

