

2.2 REFERENCE NO - 21/500360/FULL			
APPLICATION PROPOSAL Demolition of existing garage and erection of a detached two bedroom bungalow, with associated driveway, widened access and car parking spaces (resubmission of 20/504378/FULL).			
ADDRESS Land Rear Of 304 Minster Road Minster-on-sea Sheerness Kent ME12 3NR			
RECOMMENDATION Grant subject to the receipt of a SAMMS payment and to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION Proposal would not harm visual or residential amenity, or highway safety and convenience			
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection			
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mrs D Scurfield AGENT Michael Gittings Associates	
DECISION DUE DATE 07.05.2021		PUBLICITY EXPIRY DATE 19/02/21	
Relevant Planning History			
Ref No.	Decision	Proposal	Determination Date
20/504378/FULL	Refused	Demolition of existing garage and erection of a detached two bedroom bungalow, with associated driveway, widened access and car parking spaces.	03.12.2020

1. RELEVANT PLANNING HISTORY

1.1 Planning permission was refused in December 2020, reference 20/504378/FULL for the demolition of the existing garage and erection of a detached two bedroom bungalow, with associated driveway, widened access and two parking spaces.

1.2 The reason for refusal was:

- 1) *The proposed development, by virtue of the subdivision of the site and proposed layout, would result in a lack of suitable private amenity provision, harmful to the residential amenities of future occupiers. The proposal would therefore be contrary to policies CP4 and DM14 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017"*

1.3 This revised application seeks to address the lack of suitable amenity provision

2. DESCRIPTION OF SITE

- 2.1 The subject site is located in the built-up area of Minster, in an area that is predominantly residential. The proposal is for the subdivision of a rectangular plot. The host property no.304 comprises of a detached bungalow which fronts the northern side of Minster Road. The property benefits from a vehicle crossover and off street parking and there is a detached single garage block to the rear eastern side which would be demolished as part of this application. To the rear there is a large unkept garden area that is surrounded in part by tall trees.
- 2.2 The surrounding area is predominantly residential comprising of detached and semi-detached dwellings with large rear gardens.

3. PROPOSAL

- 3.1 Planning permission is sought for the subdivision of an existing plot to provide a two bedroom detached bungalow, amenity space, cycle parking and two off street parking spaces.
- 3.2 The bungalow would be located to the rear (north) of the site, set in from the northern boundary by 1.7m measured at the closest point. It would be set 1m from the western side boundary and set in 5.5m from the eastern boundary at its closest point. The bungalow would have an L-shaped footprint measure 8.4m by 13m, it would be single storey with an eaves height of 2.6m reaching to 4.5m at the roofs apex. The bungalow would have an internal floor area of approximately 70sqm.
- 3.3 In terms of materials, the elevation would incorporate facing brickwork below the windows with white composite cladding above. The roof will be slate tiles with windows and doors being white uPVC.
- 3.4 Access to the bungalow would be from the existing access which serves no.304. The existing garage would be demolished and replaced with hardstanding and entrance gates, leading to an area of block pavements which would facilitate two (2) parking spaces with a shared electric charging point.

4. PLANNING CONSTRAINTS

- 4.1 No planning constraints identified

5. POLICY AND CONSIDERATIONS

- 5.1 The National Planning Policy Framework (NPPF) & National Planning Practice Guidance (NPPG)
- 5.2 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

5.3 Swale Borough Parking Standards 2020

5.4 Departments for Communities and Local Government: Technical Housing Standards – Nationally described space standards

6. LOCAL REPRESENTATIONS

6.1 Minster on Sea Parish Council raise objection to this application on the following grounds:

“The recommendations Minster-on-Sea Parish Council previously gave for this application are unchanged and are as follows: “This is over-intensive development of the site. The proposal will have a detrimental impact on the amenities of the surrounding properties.”

6.2 One (1) letter of objection was received from a local resident. Their comments can be summarised as follows:

- Positioning of the windows and doors – impact upon residential amenity
- Relocation of car parking – impact upon residential amenity
- Trees surround only a proportion of the site – impact upon visual amenity
- Relocation of private amenity provision – worsen the impact upon visual amenity
- Planning applications 15/507246/FULL & 18/504307/FULL should not be used as comparable as different site characteristics

7. CONSULTATIONS

7.1 KCC Highways comment as follows: *“I note this is a resubmission of application SW/20/504378 and that in highway terms the proposals do not differ materially from this scheme. The previous issues raised have been addressed and detailed on the revised plans. I can therefore confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority.”*

7.2 Environmental Health raise no objection to the proposal subject to an informative for removal of asbestos

7.3 Natural England – No objection subject to SAMMS mitigation payment

7.4 Lower Medway Internal Drainage Board The development may require land drainage consent in line with the Board’s ‘Bylaw 3; and watercourse in line with ‘Bylaw 4’. However, this is a separate matter and does not require the involvement of the Planning Authority. Further information in relation to this has been added as an informative for the developer.

8. BACKGROUND PAPERS AND PLANS

8.1 Existing Block Plan 2477/1

- 8.2 Proposed Block Plan 2477/2/C; Proposed Plans and Elevations 2477/2/C; Design and Access Statement

9. APPRAISAL

Principle of Development

- 9.1 The application site lies within the built up area of Minster with its range of facilities and services, 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 adopted Local Plan generally directs development towards these areas. However, it is acknowledged by the Council that the proposal represents backland development and this type of development is generally not supported by the Council for reasons that subdivision is generally out of keeping with the grain of residential development and tends to lean unfavourably towards overdevelopment as well as adverse impacts relating to visual and residential amenities.
- 9.2 However, in this site specific instance, the Council acknowledges the presence of existing backland development within close proximity of the site at Land R/O 343 Minster Road (Ref: 18/504307/FULL) and also at Land Rear of 320 Minster Road (Ref: 15/507246/FULL), both existing examples whereby the nature of this type of backland development was previously accepted by the Council. Given the proximity of this development, I form the opinion that the proposal would not be out of keeping with the established grain, character and appearance of this section of Minster Road and on the basis of precedent, the principle of development is viewed upon favourably.
- 9.3 In addition, in terms of housing supply, the Council does not currently have a five-year supply of housing land. In this regard, the proposal would make an albeit small contribution to helping address Swales housing shortfall and it is considered that the proposal complies with both the environmental and social objectives of sustainable development.

Visual Impact

- 9.4 Due to the positioning of the plot to the rear and the retention of the existing dwelling at no.304 Minster Road there would be little visual alteration to the frontage along Minster Road. Much, if not at all, of the proposal will be obscured from public vantage points and therefore I consider that the visual impact on the streetscene will be minimal.
- 9.5 The impact on visual amenity from private vantage points can be a material consideration. In this instance, the design and layout is considered acceptable such that no significant impact to wider visual amenity is envisaged. The trees at the site are not worthy of protection by way of a TPO and their removal could take place without further recourse to the Local Planning Authority.

Residential Amenity

- 9.6 Policy DM14 advises that development should respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not create loss of sunlight, overshadowing, overlooking or result in excessive noise, activity or vehicular movements or visual intrusion.

- 9.7 Regarding the impact upon the host property No.304 Minster Road, a distance of 14m would be retained between dwellings rear to flank, and this is generally considered acceptable to minimise against loss of outlook and overshadowing. Regarding the reduction in the size of the rear garden as a result of the subdivision a length of 10m would be retained which is an acceptable provision. I also note that two parking spaces would be provided within the front forecourt for the sole use of No 304, consistent with the SBC Parking Standards. In addition, Environmental Health have been consulted and raise no objection to the proposal. As such, I have no outstanding concerns surrounding the impact upon the amenities of 304 Minster Road.
- 9.8 Turning to potential amenity impacts upon the residential amenities of the surrounding neighbouring properties, on the south elevation of the proposed bungalow there will be one window on bedroom 2 as shown on the submitted drawings. The east elevation annotates a window for bedroom 1 and patio doors for the lounge/dining room with an additional window on the north elevation. On the west (rear) elevation there will be a non-habitable kitchen window and obscure bathroom window. Given that this is a bungalow, which would be surrounded by a 1.8 metre high fence as shown on drawing 2477/2/B and 2477/3, I conclude that no loss of privacy or direct overlooking would occur. Furthermore, due to the separation distance between properties and site orientation due north, no loss of daylight would occur to the windows of neighbouring properties.
- 9.9 Turning to amenities for future residents, the bungalow would provide 70sqm of floor space a sufficient size to meet the minimum gross internal floor areas for a 2 bedroom unit as set out in the Nationally Described Space Standard. The bungalow is a logical layout with access to a suitable provision of light and ventilation. The layout has been revised to provide access to a private rear garden of 10m by 9m and side access for refuse and cycle storage, consistent with DM14 of the Local Plan (2017)

Highways

- 9.10 Policies DM6 and DM7 of the Local Plan 2017 seek to ensure that new developments do not create unacceptable highways impacts and provide suitable parking.
- 9.11 Two parking spaces would be maintained for 304 Minster Road and a further two are proposed for the new dwelling. This is in accordance with the Swale Borough Council Parking Standards which recommends 2 accessible spaces per dwelling with a minimum size requirement of 2.5m x 5m. As such, whilst I note that parking would be constricted on the site, the minimal standards have been achieved and therefore sufficient in this regard and the proposal is consistent with policy DM7 of the Local Plan.
- 9.12 The site intends to utilise the existing vehicle crossover and in this regard I have no immediate concerns.

Landscaping

- 9.13 Only limited details of landscaping have been provided therefore in the event of planning permission being granted it is recommended that landscaping and planting details should be secured by condition.

Swales Climate Change Emergency

- 9.14 In matters relating to Swales Climate Change Emergency the applicant has agreed to the imposition of a pre-commencement condition requiring energy efficiency levels of 50% above Part L of Building Regulations, and in accordance with Policy DM19 of Bearing Fruits 2031 – The Swale Borough Local Plan 2017. As such, I am confident that these issues have been successfully addressed and that this part of the proposal is acceptable.

Biodiversity/ecological matters

- 9.15 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. 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 dwelling. The applicant has indicated that they are willing to pay fee and I consider the impact on the SPA would therefore be sufficiently mitigated.

10. CONCLUSION

- 10.1 The proposal entails development within the built up area where there are other examples of similar development within close proximity of the site. It would contribute albeit it in a very small way ,towards the Borough's housing land supply at a time when the Council does not currently have a five-year supply of housing land. Impacts upon the character and appearance of the area have been reasonably considered, and on balance 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 and as such, subject to securing of SAMMS contributions, I recommend approval.

11. RECOMMENDATION

GRANT Subject to the receipt of a SAMMS payment and 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: Proposed Block Plan 2477/2/C; Proposed Plans and Elevations 2477/2/C; Design and Access Statement

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 scrubs 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 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 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 of cars is likely to lead to car parking inconvenient to other road users.

8. 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.

9. 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.

10. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-ch>

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

11. Provision and permanent retention of the electric vehicle charging points, shown on the submitted plans (ref 2477/2/C) prior to the use of the site commencing.

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

12. Submission of a Construction Management Statement before the commencement of any development on site to include the following:

- (a) Parking and turning areas for construction and delivery vehicles and site personnel
- (b) Timing of deliveries
- (c) Provision of wheel washing facilities

Reason: In the interests of residential amenity.

13. Completion and maintenance of the access shown on the submitted plans (ref 2477/2/C) prior to the use of the site commencing.

Reason: To ensure that a satisfactory means of access is provided for the site.

14. Use of a bound surface for the first 5 metres of the access from the edge of the highway.

Reason: In the interests of highway safety.

15. Provision of measures to prevent the discharge of surface water onto the highway.

Reason: In the interests of highway safety.

16. Provision and maintenance of the visibility splays shown on the submitted plans (ref 2477/2/C) with no obstructions over 0.9m above carriageway level within the splays, prior to the use of the site commencing.

Reason: In the interests of highway safety.

17. Provision and maintenance of the pedestrian visibility splays shown on the submitted plans (ref 2477/2/C) with no obstructions over 0.6m above carriageway level within the splays, prior to the use of the site commencing.

Reason: In the interests of highway safety.

18. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans (ref 2477/2/C) prior to the use of the site commencing.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

19. Provision and permanent retention of the cycle parking facilities shown on the submitted plans (ref 2477/2/C) prior to the use of the site commencing.

Reason: For the provision of sustainable travel modes

INFORMATIVES

KCC Highways

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>

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.

Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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.

Environmental Health

Adequate and suitable measures shall be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Lower Medway Internal Drainage Board

You are referred to the response received to the Council from Lower Medway Internal Drainage Board on 9th February 2021. As per the contents of the advisory note, you are advised to liaise directly with Lower Medway Internal Drainage Board prior to the implementation of development.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 not 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 dwelling is 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.



Ordnance Survey - data derived from OS Premium

21/500360/FULL - land rear of 304 Minster Road Minster ME12 3NR
Scale: 1:1417
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