

PLANNING COMMITTEE – 9 FEBRUARY 2023 PART 2

Report of the Head of Planning

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

2.1 REFERENCE NO - 22/504096/FULL		
APPLICATION PROPOSAL Demolition of existing derelict cottage and replacement with 2no. detached dwellings with associated cycle and bin stores, parking, and access (resubmission of 22/501068/FULL).		
ADDRESS Thatch Cottage Staplestreet Road Boughton Under Blean Kent ME13 9TJ		
RECOMMENDATION Approve subject to SAMMS payment (1 x £275.88)		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection.		
WARD Boughton and Courtenay	PARISH/TOWN COUNCIL Dunkirk	APPLICANT Mr. Patrick Butler AGENT
DECISION DUE DATE 14/10/22	PUBLICITY EXPIRY DATE 27/09/22	CASE OFFICER Claire Attaway

Planning History

22/501068/FULL

Demolition of existing derelict Thatch Cottage and replacement with two detached dwellings with cycle and bins stores and associated access parking.

Withdrawn Decision Date: 07.04.2022

SW/78/0051

ERECTION OF A GARAGE

Approved pre 1990 Decision Date: 31.05.1978

1. DESCRIPTION OF SITE

- 1.1 This site of approximately 696m² in area lies within the Local Plan defined built up area boundary of Boughton under Blean, within the Boughton and Dunkirk Neighbourhood Plan (BDNP) area and within an Area of High Landscape Value (Swale Level). The site itself falls within the Parish of Dunkirk, and includes a detached dwelling known as Thatch Cottage.
- 1.2 Thatch Cottage sits on a generous plot, in a prominent position close to the roadside, with farmland surrounding the site to the north and west. This section of Staplestreet Road features largely detached properties either side of the road and Thatch Cottage is the last property on the western side of the highway.
- 1.3 The cottage, built in the late 18th century, is of timber framed construction, with a thatched roof. However, the cottage is now in an extremely poor condition and large sections of the

thatched roof are missing. The building has also been extended in several phases and as such a significant proportion of the building consists of modern fabric.

2. PROPOSAL

- 2.1 This application is seeking planning permission to demolish the existing cottage and to construct 2 x two storey detached dwellings. The houses would be side by side facing the road and adjacent to the neighbouring two storey property known as The Jays. The new dwellings would be constructed of multi stock brickwork with weatherboarding on the upper walls, black UPVC windows, and a tiled roof. Each house would have four car parking spaces with an electric vehicle charging point, and a rear garden approx. 11m long with a cycle and bin store.
- 2.2 The 3 bedroom house on what is labelled Plot 1 would be situated approx. 1.8 m (narrowing to 1.2m) away from The Jays and about 2.8m from the new dwelling on the other side. The house will measure approx. 6.7m wide x 10.6m deep and have a gabled roof that is set at different heights. The front of the building will have an eaves height of 4.8m and a ridge height of 7.1m, and at the rear, it will be a set at a lower level with an eaves height of 3.5m and a ridge height of 6.3m.
- 2.3 The 4 bedroom house on Plot 2 will be L shaped and measure approx. 10.5m wide x 11.0m deep, to a height of 4.9m to the eaves and 7.2m to the ridge. The house would have an integral single garage, measuring approx. 3.0m wide x 6.0m long.
- 2.4 The application is supported by a Design and Access Statement (DAS), a Structural Appraisal (SA) and a Heritage Statement (HS). Since submission, a Preliminary Ecological Appraisal (PEA), an Ecology Enhancement Plan (EEP) and a Biodiversity Metric (BM) has also been submitted.
- 2.5 The EEP includes the following ecological enhancement works:
 - 4 x bird boxes secured to walls
 - 2 x Kent bat boxes secured under eaves
 - Tree planting within rear gardens
 - native hedgerow planting along site boundaries
 - hedgehog gates
- 2.6 The BM calculates the proposed development will achieve a 32.51% biodiversity net gain (BNG) for habitats and 100% BNG for hedgerows.

3. PLANNING CONSTRAINTS

- 3.1 Within an Area of High Landscape Value (Swale Level)

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF): Paragraphs 8; 11; 39; 40; 126 and 130.

4.2 The DCLG Technical housing standards – nationally described space standard March 2015. The minimum gross internal floor area for a 3 bedroom two storey (5 person) dwelling is 93m², and for a 4 bedroom two storey (7 person) dwelling is 115m².

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

ST7 The Faversham area and Kent Downs strategy

Policy CP3 Delivering a choice of high quality homes

Policy CP4 Requiring good design

Policy DM7 Vehicle parking

Policy DM14 General development criteria

Policy DM19 Sustainable design and construction

Policy DM21 Water, flooding and drainage

Policy DM24 Conserving and enhancing valued landscapes

Policy DM28 Biodiversity and geological conservation

4.4 The Swale Borough Council Car Parking Standards Supplementary Planning Document (SPD) recommends 3+ parking spaces for a 3 or 4 bedroom house in a rural location, and that provision is also made for one cycle parking space per bedroom. Each new dwelling would also be expected to be provided with an electric vehicle charging point. The recommended dimensions for a single garage are 3.6m wide x 7.0m deep.

4.5 The Swale Borough Council Landscape Character and Biodiversity Appraisal SPD designates the site within the Hernhill and Boughton Fruit Belt. It describes the landscape as traditional rolling Kentish landscape of orchards, overshadowed by Blean Woods, with good quality, well drained, deep loam soils and well managed landscape that is intensively farmed, and traditional vernacular buildings, large oast houses and large country houses. The materials considered appropriate in this area for building walls include weatherboarding, tile hanging, timber frame and plaster infill, flint, red or yellow stock brick and white/rendered painted brick, some stone and flint. The overall condition of the landscape is rated good and landscape sensitivity is rated high. The guidelines focus on conserving the traditional landscape and built environment.

4.6 The Boughton and Dunkirk Neighbourhood Plan was submitted for examination in August last year. The examiner's report concludes that that the plan meets the basic conditions and can proceed to referendum, subject to modifications. As a result, the policies within the plan (as modified by the examiner) should now be given considerable weight. The most relevant policies of that plan are as follows:

Policy H1

The provision of new housing within the Plan area, particularly to meet local needs and including the provision of affordable housing, will be supported, where such proposals comply with all other relevant policies in this Plan and those in the adopted Swale Borough Local Plan.

Proposals for new residential development will need to demonstrate that all aspects of the development comply with the objective of securing sustainable patterns of development

within the Plan area, particularly in respect of seeking to minimise environmental impacts, such as traffic generation. All new dwellings should be designed and built to comply with Part M of the Building Regulations.

Policy H3

Proposals for new residential development in the Plan area should include a mix of housing types, including smaller homes for people seeking their first home or for older peoples seeking to downsize from larger properties. Developments of 11 or more new dwellings must provide 40% affordable housing, in accordance with the Borough Council's policies and Housing Strategy.

Policy H5

Proposals for new residential development in the Plan area will be supported where they:

- 1. demonstrate that they are of good design and locally distinctive style, respecting the principle of the current Kent Design Guide, and including suitable green spaces and children's play areas. (see also Policies E1, E2 and E3); and*
- 2. demonstrate that they will be sympathetic to the street scene and their settings as set out in an agreed Design code for the development and/or for the wider area; and*
- 3. Include building design features to seek to achieve carbon neutrality and reductions in energy usage.*

Policy H8

Proposals for new residential development in the Plan area shall ensure that adequate on-site car parking provision is made in accordance with the Borough Council's approved Parking Standards SPD (adopted June 2020).

Development proposals which involve the loss or conversion of existing on-site car parking spaces, for example the conversion of a garage to living accommodation, will only be supported where adequate on-site parking provision, in accordance with the Parking Standards remains available to support the completed development.

Policy E8

A minimum level of at least 10% Biodiversity Net Gain is required for proposed new developments in the Plan area against baseline conditions for the development sites concerned.

5. LOCAL REPRESENTATIONS

- 5.1 No local representations received.

6. CONSULTATIONS

- 6.1 Dunkirk Parish Council object to the application for the reasons summarised below –

- Over-intensive use of site, should be a one-for-one replacement only

- .Insufficient sight lines and associated highways safety impacts
- Design and appearance not in keeping with the surroundings and street scene
- Contrary to local plan and neighbourhood plan
- If permitted, the dwellings should incorporate carbon reduction / sustainability measures

6.2 Hernhill Parish Council (adjacent parish council) object to the application (summarised)

- The building should be considered a non-designated heritage asset, and should be restored, not demolished
- Thatched cottages are rare in the area
- Two dwellings would represent overdevelopment of the site. Any new-build should be of similar height and footprint to the existing building.

6.3 Boughton under Blean Parish Council (adjacent parish council) responded to say they had no comments.

6.4 Natural England raises no objection to the application subject to strategic mitigation (SAMMS) payment in respect of possible increased recreational disturbance to The Swale SPA/Ramsar site.

6.5 KCC Ecology are satisfied there is limited potential for protected/notable species to be present due to the site clearance/building demolition works that have been carried out. They recommend the building to be demolished as soon as possible to minimise the risk of roosting bats. With regards to Policy E8 of the BDNP they comment as follows:

A biodiversity Net Gain Metric has been submitted and it has detailed that over 30% BNG for habitats is anticipated and 100% BGN for hedgerows. We advise that we do not agree with the calculations of the metric as it's our opinion that 30% BNG for habitats is too high as the calculation is based on the assumption that nearly one third of the site will be grassland. We believe that that area of grassland will be less than one third of the site however we have reviewed the calculations and we are satisfied that if up to 1 sixth of the site is created grassland a Biodiversity Net Gain of 10% can be achieved within the site. Therefore, based on above assumption we advise that it is likely that an anticipated BNG as per the policy can be achieved.

We highlight the metric was produced following the site clearance works and the metric is based on the habitats currently on site not habitats prior to the site clearance works. This is not best practice and for future metric submissions associated with this policy and BNG under the Environment Act we advise that the metric must be based on habitats present within the site prior to site clearance.

6.6 KCC Highways and Transportation (KHT) raises no objection. They advise that:

"The applicant commissioned a speed survey so that the appropriate visibility sightlines could be determined from the road conditions, rather than defaulting to those based on the national speed limit, and this showed that the relevant assessment measure of the 85th

percentile vehicle speed passing the site was 19.5mph and 24.8mph in each direction for southbound and northbound traffic respectively.

The current layout proposals now show the provision of a single access point shared with both of the new dwellings, and an area separating the respective parking spaces to accommodate turning. Vehicles associated with the development will therefore be able to enter and exit the site in a forward gear, rather than either reversing on or off the highway as currently required and previously proposed.

The central access position now affords significantly better sightlines than existing, and the sightline to the north would achieve the desired view based on the measured vehicle speeds. Whilst the sightline to the south would be slightly shorter than the calculated distance if the neighbouring wall is retained, it is significantly better than the existing arrangement. On balance, this is considered acceptable in the absence of any crash history in relation to the existing use of the access. Securing the sightlines indicated on the submitted plans within the application site would also enable the full visibility splay to be provided, should the neighbours boundary wall be stepped back in the future, and this would facilitate compliant sightlines for that property too.”

6.7 SBC Environmental Protection Team raise no concerns.

7. BACKGROUND PAPERS AND PLANS

7.1 Application papers and drawings relating to application reference 22/504096/FULL.

8. APPRAISAL

Principle of Development

8.1 The site constitutes previously developed land and is located within the Local Plan defined built-up area boundary of Boughton, where the principal of minor infill residential development accords with Policy ST3 of the adopted Local Plan, and Policy H1 of the Boughton and Dunkirk Neighbourhood Plan (BDNP).

Whether the building is a non-designated heritage asset

8.2 The existing building, Thatch Cottage, contains a historic core dating back to the late 18th Century. It has been unsympathetically extended and has fallen into a state of disrepair, although it still displays a degree of visual charm and interest. The Heritage Statement submitted with the application sets out that the significance of the building is low, taking into account the substantial later additions and that the facing materials to the building, including the thatched roof, are more modern additions, likely from the mid to later 20th Century. The earlier timber frame is in very poor condition and a structural survey confirms that there are no areas of this frame that are salvageable or fit for re-use in reconstruction of the cottage. From the information submitted with the application regarding the condition and form of the building, the Council's Conservation and Design Manager advises that it would not be considered as a non-designated heritage asset. I agree with this and that demolition of the building is unobjectionable.

Impact on the character and appearance of the street scene

- 8.3 Policy CP4 of the adopted Local Plan requires good design that is appropriate to the context in respect of materials, scale, height, and massing, and use densities determined by the context and the defining characteristics of the area. Policy H5 of the BDNP requires new housing development to be of a good design that is sympathetic to the street scene. The Government attaches great importance to the design of the built environment as stated in paragraph 130 of the NPPF which exhorts Local Planning Authorities to, amongst other things ensure that developments, '*are sympathetic to local character and history, including the surrounding built environment*' and '*establish and maintain a strong sense of place*'.
- 8.4 The properties along this section of Staplestreet Road are characterised by mostly detached homes and bungalows varying in style, character, and age, with some fronting the road and some set further back. The replacement dwellings will be sited at the end of a row of two storey detached homes with integral garages and paved front gardens. These existing dwellings are brick built with render/tile hanging to the upper walls. Immediately opposite the site is a large two storey detached house that has white rendered walls and further along the road are detached brick built bungalows with long front gardens.
- 8.5 The site area is generous, and I believe it is of adequate size to accommodate the proposed dwellings. Due to the differences in ground level, the ridge height of the proposed dwellings will be no taller than the neighbouring property.
- 8.6 Although the proposal is for new dwellings, I am mindful that the Council's SPG – "Designing an Extension" sets out specific guidance for areas of detached or semi-detached housing where side extensions close to side boundaries can erode the open character of such areas. The guidance states that a gap of 2 metres will normally be required to preserve the areas character and sense of openness.
- 8.7 I note the majority of dwellings within the immediate vicinity sit close together with a gap of around one metre or in some cases, on the common boundary. Therefore, this particular area within this section of Staplestreet Road does not have a spacious character.
- 8.8 The new house on Plot 1 will be sited approx. 1.8m (narrowing to 1.2m) away from the side boundary to the adjacent dwelling, The Jays. This neighbouring dwelling is set to one side of its plot such that it sits on the common boundary with its adjacent dwelling, Ashley Dene, leaving a gap of approx. 1 metre to the side boundary with the application site. The new houses on Plot 1 and 2 will be separated by a driveway and garage meaning there will be a gap of approx. 2.8m between these properties. I am satisfied that the replacement dwellings are of an appropriate scale and design and in keeping with the pattern of development and spacing within the streetscene.
- 8.9 The replacement dwellings will be brick built with weatherboarding to the upper walls and a tiled roof, although detailed finishes will be subject to a condition which will ensure that a good quality of materials can be secured. I consider the proposed materials are in-keeping with dwellings nearby and comply with the policy guidance of The Swale Landscape Character and Biodiversity Appraisal SPD.

Residential Amenity

- 8.10 The closest neighbouring property, The Jays, is set on slightly higher ground and has a tall brick wall along the side boundary enclosing the side entrance door. At first floor, this property

has two side windows serving non-habitable rooms – a bathroom and a toilet. Nonetheless, the rear of the new house on Plot 1 has been designed with a lower ridge and lower eaves towards the side boundary with The Jays. This will ensure there would be no significant loss of light or outlook to the first floor windows on the side elevation of The Jays. The side elevation of the proposed dwellings would project approx. 2 metres to the rear of the neighbours first floor bedroom windows which is an acceptable distance as they will be set at least 1 metre away from the common boundary.

- 8.11 The proposed dwelling on Plot 1 will have side windows on the south elevation facing The Jays, serving an office at ground floor and an ensuite at first floor. The Jays is set on slightly higher ground and the brick wall separating the new house and this neighbouring property is sufficiently high enough to protect neighbours' privacy at ground floor level. I have however recommended a condition to ensure that the window on the side elevation at first floor level facing The Jays is obscure glazed and non-opening below 1.7m. As a result, I take the view that the proposal will not lead to an unacceptable loss of privacy for the neighbouring occupiers.
- 8.12 The driveway in-between the two new dwellings will result in a 2.8m separation gap between the units. The proposed dwellings will have side windows at first floor serving the landing and bathrooms. I recommend imposing a condition requiring these windows to be obscure glazed and to open only above eye level to prevent any mutual loss of privacy.
- 8.13 The 3 bedroom dwelling on Plot 1 would provide approx.142m² of floor space and the 4 bedroom dwelling on Plot 2 it would provide 180m² of floor space. I am satisfied the dwellings are of a sufficient size to meet the minimum gross internal floor areas as set out in the Nationally Described Space Standard. The dwellings will also benefit from a good-sized garden to the rear.
- 8.14 I have also recommended conditions which control construction hours so to protect the amenities of neighbouring occupiers. As a result of the above assessment, I am of the view that the proposal acceptably protects the residential amenities of both existing and future occupiers, in accordance with Policy DM14 of the Local Plan.

Highways

- 8.15 The parking area in front of the new houses includes turning space and the shared access has been positioned to maximise the sightlines. KCC Highways are satisfied that the sightlines will be significantly better than the existing arrangement (see detailed comments in paragraph 6.6 above), and as such raise no objections to the development on highway safety grounds.
- 8.16 Policy H8 of the BDNP sets out that new housing should be provided with adequate off-road parking spaces in accordance with the Council's recently adopted Parking Standards SPD. The size of the garage on Plot 2 is slightly less than the current space dimensions recommended in the SPD. Nonetheless, in addition to this, each house will have at least three parking spaces, which meets the current parking standards. Furthermore, an EV charging point will be installed to the front of each house and a cycle shed provided within its rear garden. This would accord with Policy DM7 of the Local Plan.

Landscaping

8.17 There will be a small, grassed area in front of the parking area with low level roadside planting, allowing for this area of the site to be softened in appearance. A native hedgerow is also proposed to the side boundaries. I have recommended a landscaping condition which, amongst other matters, will require details of the boundary landscaping to be submitted for approval. On this basis I am satisfied that a landscaping scheme, which will provide for both visual and biodiversity benefits will be secured.

Ecology

8.18 The KCC Ecologist recommends a condition requiring an updated ecological survey is carried out if the building is not demolished within 12 months of the date of the PEA. The bird and bat boxes will create bat roosting/bird breeding opportunities within the site and it has been advised that these features are required to be installed as a condition of planning permission. Members will note conditions (19) and (20) below.

8.19 The Biodiversity Net Gain Metric which has been submitted in support of the application demonstrates that a 30% BNG for habitats will be achieved. I have consulted the KCC Ecologist in respect of this who does not agree with the figure that has been provided. Nonetheless they are satisfied that at least a 10% BNG will be achieved which will comply with policy E8 of the BDNP. On this basis, and taking into account the comments of the KCC Ecologist who considers the proposal acceptable, I am of the view that the proposals satisfactorily deals with the requirement for a BNG of 10% set out in the BDNP. The relevant landscaping conditions, which provide the required habitats to secure this BNG have been imposed below.

Sustainable design and construction

8.20 The dwellings will be built to a high fabric standard to minimise heat loss from windows, walls, floors, and roofs. The applicant has agreed to the imposition of a pre-commencement condition requiring the new dwellings to be constructed to achieve a 50% reduction in carbon emissions compared to the Building Regulations (2013).

SPA Impact

8.21 As Members will be aware, the Council seeks developer contributions on any application which proposes additional residential development within 6km of the Special Protection Area (SPA) to address potential harm to the SPA from additional recreational disturbance. The application site is within 6km of the SPA, and as such the Council seeks a mitigation contribution of £275.88 for one (net) new dwelling. This matter will need to be dealt with before any planning permission can be issued.

Other Matters

8.22 Dunkirk Parish Council refer to the BDNP in their objection, saying the proposal is contrary to the policies within that plan. I have considered the objectives (as modified by the examiner) for new housing development in the Plan area. These objectives seek new housing development that is of good design, built to achieve a reduction in energy usage, are sympathetic to the street scene and are provided with sufficient off-road parking spaces. As set out above, I consider the proposal represents sustainable development and that the proposed dwellings have been appropriately designed and as such will be in-keeping with

the character of the street scene. The amount of car parking spaces meets the current parking standards. At least a 10% Biodiversity Net Gain will be achieved, and I am therefore of the view that the proposal meets the relevant objectives of the BDNP.

9. CONCLUSION

9.1 This site is previously developed land and is located within the Local Plan defined built up area boundary of Boughton where the principle of small scale / infill residential development is acceptable. The proposal will help boost housing supply in the Borough, taking into account that the Council is currently unable to demonstrate a 5 year supply of housing land (the figure stands at 4.83 years).

9.2 The existing building is not considered to be of sufficient architectural or historical interest and I believe the overall scale, design and layout of the proposed development to be acceptable. I am of the view that planning permission should be granted.

10. **RECOMMENDATION - GRANT** Subject to the following conditions and the collection of a SAMMS payment.

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 approved shall be carried out in accordance with the following approved drawings:

EMA-2022-03-03 Rev 01; EMA-2022-03-04 Rev 01 and EMA-2022-03-05 Rev 01.

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

(3) No development beyond the construction of foundations shall take place until details of the external facing and roofing materials to be used in the construction of the dwellings hereby approved 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.

(4) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works – which shall provide habitat to demonstrate that a minimum biodiversity net gain of 10% will be achieved - 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 enhance or encourage local biodiversity and wildlife), 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.

- (5) 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.

- (6) 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

- (7) 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 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 residential amenity.

- (8) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday, or Bank Holiday, nor any other day except between the following times: -

Monday to Friday 0900-1700 hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reasons: In the interests of residential amenity.

- (9) 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.

- (10) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and no dwelling shall 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.

- (11) The areas shown on approved drawing EMA-2022-03-05 Rev 01 as car parking and turning areas 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 and shall be provided prior to the occupation of the dwellings hereby permitted.

Reason: Development without adequate provision for the parking or turning of cars is likely to lead to car parking inconvenient to other road users, and a risk to highway safety.

- (12) The new dwellings hereby permitted shall be provided with one electric vehicle charging point each and no dwelling shall be occupied until the charging point for that dwelling has been installed.

All Electric Vehicle chargers provided must be to Mode 3 standard (providing a minimum of 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/residential-approved-chargepoint-model-list>

Reason: To encourage the use of electric vehicles, in the interests of climate change and reducing pollution.

- (13) The new access hereby permitted shall make use of bound surface materials for the first 5 metres of the access from the edge of the highway.

Reason: To ensure that a satisfactory means of access is provided for the site, and in the interests of highway safety and convenience.

- (14) The new dwellings hereby permitted shall each be provided with secure cycle parking facilities in accordance with the approved drawing no. EMA-2022-03-03 Rev 01 and no dwelling shall be occupied until the cycle parking facilities for that dwelling has been installed.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

- (15) The access to the site shown on the approved drawing no. EMA-2022-03-05 Rev 01 shall be constructed and completed prior to the occupation of the new dwellings hereby permitted.

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

- (16) The visibility splays shown on the approved drawing no. EMA-2022-03-05 Rev 01 shall be provided prior to the occupation of the new dwellings hereby permitted and thereafter maintained clear of any structure, tree, plant, or other obstruction which exceed 0.9 metres above carriageway level within the approved sight lines.

Reason: In the interests of highway safety.

- (17) The proposed WC, utility room, ensuite, landing and bathroom windows on the south and north facing flank elevations of the dwelling on Plot 1 shall be obscure glazed and 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.

- (18) The proposed WC, hallway and landing window on the south facing flank elevation of the dwelling on Plot 2 shall be obscure glazed and 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.

- (19) If demolition works have not been completed within 12 months of the date of the Preliminary Ecological Appraisal (Calumma; November 2022) an updated ecological survey must be carried out. The survey and the results of the survey shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition works and the agreed details must inform any emergence surveys and/or mitigation which is required to be carried out prior to and during the demolition works.

Reason: In the interests of conserving protected species.

- (20) Prior to occupation of the new dwellings hereby approved, the two bat and two bird boxes must be erected within the site as detailed within the Proposed Ecology Enhancements. The plans must be retained and maintained for the lifetime of the development.

Reason: In the interests of conserving protected species.

INFORMATIVES

- (1) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all

development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance> . Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 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.

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 Swale 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.

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 (to be 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/>).

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.

