

2.4 REFERENCE NO - 15/500955/FULL			
APPLICATION PROPOSAL			
Residential development to provide 35 dwellings comprising 27 houses and 8 flats; access to Marine Parade; Open Space; Landscaping; Car Parking; Footpath link to Beckley Road and Cycle Storage. (Revised scheme to previously approved SW/10/0050)			
ADDRESS Land At Rear Of Seager Road Seager Road Sheerness Kent ME12 2BG			
RECOMMENDATION Approval subject to comments from Kent Highway Services and any conditions recommended by them and the signing of a Section 106 agreement to require affordable housing; KCC contributions (to be confirmed), children's play equipment, wheeled bins; provision of open space and maintenance plan.			
SUMMARY OF REASONS FOR RECOMMENDATION			
This is a retrospective planning application to effectively regularise differences between the approved scheme under SW/10/0050 and the scheme currently being built on site. I have therefore concentrated my assessment on whether the differences would lead to materially worse harm to local residents. I have considered the impact on local residents in detail and conclude that whilst there will be some harm to their amenities, the current scheme does not make this materially worse. The developer has offered to provide obscure glazing to some window within the development to lessen the overall impact of the development on the worst affected properties. I consider that the design alterations would be acceptable and the solutions to the garage alteration would ensure that there is no harm to highway safety and amenity. The loss of the footpath is not materially harmful to the scheme in my view given the presence of the existing footpath connection from Marine Parade to Beckley Road			
REASON FOR REFERRAL TO COMMITTEE			
Ward Members request and significant number of objections			
WARD Sheerness East	PARISH/TOWN COUNCIL N/A	APPLICANT Moat Housing AGENT Ubique Architects	
DECISION DUE DATE 19/05/15	PUBLICITY EXPIRY DATE 31/03/15	OFFICER SITE VISIT DATE 10/03/15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	
SW/96/1029	five detached houses	Refused	
<i>Outside of the built up area boundary – Swale Borough Local Plan 2000</i>			
SW/02/0612	Five dwellings	Refused and appeal dismissed	
<i>Outside of the built up area boundary – Swale Borough Local Plan 2000</i>			
SW/10/0050	Residential development to provide 35 dwellings comprising 27 houses and 8 flats; access to Marine Parade; open space; landscaping; footpath link to Beckley Road; and associated parking and cycle parking provision	Approved	
The site is allocated for residential in the Swale Borough Local Plan 2008.			

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site lies on the eastern edge of Sheerness. On the western boundary, the site is bordered by the school playing field of Oasis Academy Isle of Sheppey (west) and Barnsley Close. To the north, east and south, the site is surrounded by residential development of properties fronting Marine Parade, Seager Road and Beckley Road; which largely comprise two storey semi-detached and terraced housing, though there are chalet bungalows and three-storey development in the vicinity. Access to the site is taken from Marine Parade, adjacent to no 105. The site is relatively flat with only slight variations between the application site and the adjacent properties in Seager Road and Beckley Road. A footpath runs along the eastern boundary of the site, between the eastern boundary and the rear fences of the Seager Road properties.

1.02 Part of the application site, fronts onto Beckley Road. This is a narrow strip of land that connects to the main area of the application site at the rear.

2.0 PROPOSAL

2.01 This application proposes the construction of 27 houses and 8 flats (35 dwellings in total) on land to the rear of houses fronting Seager Road and Beckley Road. The accommodation comprises twenty five three-bedroomed houses and eight, two-bedroomed flats. A pair of two bedroom semi-detached houses lies at the western end of that cul-de-sac on land adjacent to no.21 Beckley Road

2.02 Development commenced on the proposed development in February 2014. This is a retrospective application to regularise various differences between the development approved under SW/10/0050 and the development currently under construction. The development is due to be completed in May this year.

2.03 The differences between the approved scheme and the current proposal are as follows:

- The houses are 1.44m higher to the ridge;
- The flats are 1.2m higher to the ridge;
- The eaves to the houses are 1.7m higher;
- The window design has been altered;
- Balconies have been removed;
- The houses are 1 sq m smaller in footprint;
- The arrangement of the integral garages has been altered making them narrower;
- The internal layout of the ground floor has been altered to remove a toilet and utility room;
- The footpath link between the site and Beckley Road has been removed.

2.04 It is worth noting that the layout and siting of the buildings has not been altered. All of the dwellinghouses are three stories in height owing to flood risk and the requirement for the first floor living accommodation to be at least 5.2m above Ordnance Datum (AOD). The ground floor of the houses is therefore to be used for parking a car and storage only. The block of flats is arranged over four levels; three full storeys and fourth level within the roof space. Again, the ground floor is for parking and storage space only.

2.05 The dwellings as built have a total height of 11.1m and the flats have a total height of 14.4m.

2.06 The development is being built by Moat Housing, a Registered Social Landlord. All of the residential units on the site would be classed as 'affordable'. The Section 106 for the original application required just 30% affordable housing across the site. As such, the current scheme exceeds this requirement.

2.07 The site area measures 0.87 hectares and the scheme represents a density of 40.2 dwellings per hectare.

3.0 PLANNING CONSTRAINTS

Flood Zone 3

The site is allocated under Policy H5(1).23 of the Swale Borough Local Plan 2008.

4.0 POLICY AND OTHER CONSIDERATIONS

4.1 The National Planning Policy Framework (NPPF):

The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking. For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF outlines a set of core land-use planning principles (**Para 17**) which should underpin both plan-making and decision-taking including to contribute to conserving and enhancing the natural environment and reducing pollution and encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high value.

Paragraphs 47-55 of the NPPF seek to significantly boost the supply of housing.

Paragraphs 56-68 of the NPPF requires good design

4.2 National Planning Practice Guidance (NPPG) – Flood Risk and Coastal Change; Design; Determining a Planning Application; Land affected by Contamination; Use of Planning Conditions and; Water Supply, Waste Water and Water Quality.

4.3 Development Plan: Swale Borough Local Plan 2008 – E1 (general development criteria); E19 (high quality design); H2 (providing for new housing); H5(1).23 (housing allocation) and T3 (vehicle parking).

5.0 LOCAL REPRESENTATIONS

5.1 Fifty-eight representations have been received from local residents all objecting to the proposal for the following reasons:

- Concern about the fact that the approved plans have not been complied with and that the developer seems to have had no regard for the planning regulations;
- The buildings should be demolished and the development stopped;
- This developer should not be allowed to 'get away with it' and allowing this development will set a precedent for other developers to disregard the rules;
- Objected to the original scheme. Why was the development approved in the first place?;
- The development is detrimental to the character of the landscape (seen from Bartons Pont) and the appearance of the area;
- The buildings are too tall and tower over existing properties – might as well be 4 storeys high;
- Concern about overlooking into gardens and windows of existing surrounding properties;
- Concern for their safety;
- Problems with the development from the start in terms of underground water, use of old sewage and drainage systems;
- Overshadowing and overbearing impact on existing properties;
- The daylight and sunlight report should be dismissed as it does not rely on data gathered on site and has not been independently verified;
- The smaller garages will exacerbate parking problems in the area as they are too small to park in;
- There is a fire safety risk due to the buildings being built so close together;
- Loss of daylight to adjacent properties;
- Invitation to Members to visit their property;
- The design of the buildings is out of character with the area;
- The access to the development is dangerous due to the amount of traffic;
- Disturbance during construction;
- The development has built over a ditch and slow worm habitat;
- De-valuation of property;
- Vibration to no. 4 Barnsley Close property from traffic (particularly construction traffic) using the access;
- Raised patios will be provided to the rear of the properties;
- Question the need for buildings this tall and don't accept the flood risk issues as an explanation;
- Is there a conflict of interests as Moat are working in partnership with SBC;
- Question whether building control were engaged in the development of this site;
- Ruined their views of trees and the sea;
- Increased noise as a consequence of the taller buildings;
- The water ditch has been filled and causes flooding to local residents and concern that the Lower Medway Internal Drainage Board have not approved this;
- Blocks J and K are too close to some trees within the school Reason and;
- SBC are ignoring local opinion and are not using their powers to tackle abuse of the planning system;
- The local area has inadequate capacity for further housing;
- Concern about the diversion of a footpath;

- Concern about the capacity of the sewage system to cope with the development and potential flooding of existing properties as a consequence, especially in light of the comments by Southern Water;
- Noise and light pollution from the development.

6.0 CONSULTATIONS

6.01 The Member of Parliament for Sittingbourne and the Isle of Sheppey raises the following objections to the proposal:

1. The applicant has shown flagrant disregard for the planning consent granted in July 2010 by their failure to seek prior approval to material and substantial changes made to the design and construction of the dwellings;
2. The flood restraints for the development have nothing to do with the changes made to the design;
3. The neighbouring residents should not now be asked to accept their failure to comply to the detriment of their amenity or outlook;
4. The applicant has not sought approval for the higher construction;
5. Fully support constituent's complaints and urge the planning committee to refuse this application at the risk of bringing the whole planning consent process into disrepute;
6. The applicant can appeal and has the option of altering the buildings.

6.02 Southern Water note that the exact position of the public water distribution main must be determined on site by the applicant before the layout of the development is finalised. They note that there is a communication pipe within the site. No dwelling should be within 15 metres of the pumping station. They also note that there is insufficient capacity for the development to use the existing sewerage system and that additional sewers or improvements to existing sewers will require their formal approval. They recommend a condition to require details of the foul and surface water drainage and they note that they do not adopt SUDs systems. Therefore, a strategy for the maintenance of the SUDs should be established.

6.03 The Environment Agency have no comments to make.

6.04 Comments from Kent Highway Services are awaited and will be reported at the meeting.

6.05 The Head of Housing has commented that they continue to support Moat in the delivery of affordable homes on this site.

7.0 BACKGROUND PAPERS AND PLANS

Plans as approved, proposed plans, Daylight and Sunlight report and Planning Statement.

8.0 APPRAISAL

8.01 Planning permission has been granted for a very similar development at this site under SW/10/0050 and as such, the principle of the residential development of this site was previously accepted. The site is allocated for housing under the adopted Local Plan. Therefore, the principle of housing development on this site is accepted.

8.02 As explained above, this application is retrospective in that it seeks to regularise differences between the approved scheme under SW/10/0050 and the development that is currently on site. The mechanism for doing this is through the submission of a new planning application, although Officer's did consider whether it was appropriate for the applicant to submit an application for a minor material amendment. In this case, however, Officer's considered that the changes to the development were substantially different from the original scheme and that a fresh planning was the appropriate course of action. It is not appropriate to discuss the enforcement options for this development within this committee report. Such matters can be debated outside of the public part of the meeting if required by Members.

8.03 For Members information, I append the original committee report for SW/10/0050 and I ask Members to review this in respect of all material planning considerations relevant to this application. Members should also note that all of the pre-commencement conditions have been met. It is important to note that although this is a fresh planning application for the development, the starting point for my assessment of the development is whether this current proposal (i.e. the development on the ground) would have a more harmful impact on the amenities of the surrounding properties; visual amenities and highway safety/amenity than the approved scheme would have had. It is not appropriate, in my view, to use this opportunity to review the acceptability of the scheme as a whole. Members must acknowledge that the Planning Committee granted planning permission for the original development. It is the case that the scheme before them is very similar in many ways to the scheme that was approved. If the original scheme was built as per the approved plans, much of the impact that local residents are experiencing now would have been experienced. Consideration must now be given to the impact of the differences, in terms of building height, on these residents and the other impacts generated by the changes to the window design and garage size.

8.04 I will therefore address each of the differences in turn:

The houses are 1.44m higher to the ridge; the flats are 1.2m higher to the ridge and; the eaves to the houses are 1.7m higher.

8.05 The key considerations in this respect are the potential for additional overshadowing, overbearing and overlooking.

8.06 With regards to overshadowing, the applicant has commissioned a Daylight and Sunlight study to assess the impact of the additional height over the approved scheme. I consider that this is the correct approach to take given the previously approved development. To be clear, the dwellings as built have not been moved any closer to the adjacent properties. The footprint of the buildings is actually very slightly smaller than the approved buildings. As such, it is purely the additional height that should be considered. It is the case, as demonstrated by the Daylight and Sunlight report that, based on the sun's position in the sky on 21st March in any one year, the Barnsley Close properties, specifically no. 4, would be overshadowed by the development during the morning – between 7am and 9am. However, this would have been the case if the scheme were built as previously approved. The Seagar Road properties would not be affected in the morning due to the orientation of the application site to these properties. The Barnsley Close properties would not be overshadowed by the development at any other time during the day. The Seagar Road properties would start to be overshadowed to a notable degree by the development between 14:00 and 17:00 with the rear sections of their gardens overshadowed earlier in the afternoon and completely overshadowed by 17:00. The overshadowing would not be notably worse than for the approved scheme. This leaves a large proportion of the day where the gardens of both the Seagar Road properties and the Barnsley Close properties would be unaffected by the proposal and it is the case that between 10am and 2pm, the gardens would receive full sunlight, according to the report. I consider this conclusion to be

reasonable given the fact that the development is immediately due west of the Seager Road properties and so the sun during the middle part of the day, which will be to the south, will be unaffected. It should also be noted that the report is tested on the basis of the position of the sun in March. In the summer months of June, July and August when the sun is higher, the rear gardens of these properties would receive the sun for longer periods.

8.07 The daylight impact, as opposed to sunlight, is based on the amount of light available on the outside plane of a window as a ratio of the amount of unobstructed sky visible following the introduction of barriers, such as the houses at Seager Road. The Daylight and Sunlight report notes that the difference between the proposed scheme and approved scheme, would be negligible in terms of the amount of daylight reaching the windows within the adjacent properties.

8.08 What the Daylight and Sunlight report does not give any indication of, is the effect on residents from the buildings being overbearing. This is unquantifiable in formulas (as in the submitted Daylight and Sunlight report) as it is reliant on ones perception of the situation. In this case – does the development cause the local residents to feel unduly enclosed or, is the development unduly oppressive? Given the close relationship between the development and nos. 13-21 Seagar Road, I believe that these properties will be the most affected by the proposal in terms of an overbearing impact. I have stood in the rear gardens of nos. 15 and 19 Seager Road to make a judgement in this respect and whilst I believe that there is certainly some detriment to these residents in respect of an overbearing effect, I do not consider that the development as built is notably worse than the development as approved. The residents of nos. 13 and 15 Seager Road benefit from parts of their rear gardens that are not spanned by the flank elevation of the house closest to them and there is a distance of 14 m from the rear of these Seager Road properties to the flank of the closest house. The Council often accepts an 11m flank to rear relationship, albeit for a two storey property. The shortest back to back distance between the proposed houses and the Seager Road properties is 20m (to no. 19). Generally a 21m distance is accepted for two storey properties. However, the Seager Road properties were always planned to be 3 storeys and the 20m distance has not changed. As such, it is the additional height of 1.4m to the ridge and 1.7m to the eaves that I must consider in respect of any additional overbearing effect. It could be convincingly argued that any additional height would increase the overbearing effect. However, the key question is whether the impact would be materially worse. In considering this point, one must have some consideration of the fact that, as set out above, the Seager Road properties would still receive sunlight and daylight to an acceptable degree. Another factor is the design of the buildings themselves which, with articulation to the elevations and rooflines, can often provide relief to what might otherwise be an oppressive elevation. In this case, the houses do offer an interesting, articulated elevation and a varied roofline. This limits the oppressing feeling in my view. I am not persuaded therefore that the scheme as built and the subject of this application would be materially worse in terms of an overbearing impact .

8.09 In terms of overlooking, it is the case that the windows proposed within the original scheme were, for the most part, full height to the front and rear elevations, as now provided on the current scheme. The windows would serve living areas on the first floor and bedrooms on the second floor, as they would have under the original scheme. As such, it is the case that the current scheme would offer no more opportunity to overlook the neighbouring properties than they would have done under the approved scheme. This is perhaps with the exception of two rear bedroom windows within the middle unit of the block of three houses, which under the original scheme would not have been full height. Having visited the site and having stood in the bedroom of no. 19 Seager Road, it is clear that there would be mutual overlooking between some of the proposed units and nos. 17-21 Seager Road (the properties further along Seager Road see separation distances of 26 + metres). The developer has recognised that this is indeed the case and despite the fact that there is a

good case to conclude that this scheme is no worse in terms of overlooking than the approved scheme, given the increases in height and additional impact on residents (although as set out above, this is not materially harmful in my view) they are willing to provide obscure glazing to a large proportion of the rear windows within block C (immediately to the rear of 17-21 Seager Road). Only the smaller opening windows and the very top windows to the vaulted ceilings in the bedroom would remain with clear glass. Although potential overlooking would therefore not be eliminated, it is my view that the residents of 17-21 Seager Road would be left in a much better position than they would have been under the original scheme in respect of overlooking. The developer is willing to provide this as a 'good will gesture' in consideration of the cumulative impact that all of the changes to the scheme may have.

8.10 I have also identified acute overlooking of the garden of no. 4 Barnsley Close from block A. The developer has also agreed to obscure glaze the majority of the front windows within this block. Again, the overlooking would not be any worse than the original scheme but the developer is willing to provide obscure glass in any case.

8.11 In summary, I am of the view that the proposed development would not be materially any more harmful to the surrounding residents than the approved scheme.

The window design has been altered and balconies have been removed

8.12 It is disappointing that the finesse of the glazing detail and vertical emphasis of the fenestration has not been achieved to the same degree as it would have under the original scheme. However, I was able to view some of the houses with the scaffolding removed and I conclude that the appearance of the houses and flats is pleasant and of a good quality. The architecture is of course different to the surrounding houses but this would have always been the case. The loss of the balconies to the flats does not detract from the appearance of them in my opinion. I therefore consider that the alterations made to the window design and the removal of the balconies is acceptable, having no detriment to the visual amenities of the surrounding area.

The houses are 1 sq m smaller in footprint; the arrangement of the integral garages has been altered making them narrower and; the internal layout of the ground floor has been altered to remove a toilet and utility room;

8.13 The removal of the utility room and toilet to the ground floor and the smaller footprint would have no undue impact on the overall scheme and the ability of the future residents of the development to enjoy their property in my view.

8.14 Of more concern was the narrowing of the garages to 2.55m from 2.9m. The resulting size of the garages would have rendered them impractical for use by a standard size car. At present there is an approximately 15cm high 'kerb' built to the rear of the garage area (5.4m from the front elevation) to act as a separator between the garage and the remaining 'storage' area to the ground floor. This is to be removed and such an action is necessary to ensure that a car can have full use of the entire length of the ground floor. After a depth of 5.4m, the narrow garage could then open up to the width of the house – 5m. Drawings have been provided showing how this space can function as an extension to the garage area to allow car doors to be easily opened whilst retaining space for storage and cycle parking. Subject to the removal of the separating 'kerb', I consider that the ground floor will continue to offer a practical space for the parking of a car, cycle parking and other storage.

8.15 The applicant has acknowledged that the garages are not built as originally approved and although they have come up with the above solution, they have confirmed that they will

provide five additional communal parking spaces within the site. These are shown on the submitted site layout plan as being centrally located so that they are convenient for the majority of residents. I am awaiting comments from Kent Highway Services but I am of the view that the amended scheme would have no detriment to highway safety and amenity.

The footpath link between the site and Beckley Road has been removed.

8.16 When this application was submitted, a footpath link to Beckley Road was to be implemented in accordance with the original scheme. However, the building contractors have investigated how this footpath could be achieved and have concluded that the footpath would end up being very narrow and that this is dangerous so close to a ditch that would run immediately beside it. I accept that this would not be ideal and probably impractical. I am not convinced that the footpath is necessary or that it would be well used. I note that there is an existing footpath that runs from Marine Parade, along the rear of the Seager Road properties and out to Beckley Road. The applicant has confirmed that this provides a through route from Marine Parade to Beckley Road and they note the footpath has been left in the same state that it was in before the construction commenced on site. I have asked the applicant to investigate the possibility of ensuring that the access that would serve the pumping station could also provide direct access from the development site to this footpath. I will update Members at the meeting.

Developer Contributions

8.17 The original scheme was the subject of the section 106 agreement to require contributions towards: secondary education; adult social services; adult education; children's play equipment; libraries; recycling; youth and community and a monitoring fee. The total contributions came to £145,309.47. In addition, the scheme was required to provide 30% affordable units. The scheme is now being developed by Moat and as such, all of the residential units are 'affordable'. I am liaising with the applicant's agent, KCC and our Legal Officers as to the requirement for a new Section 106 and possible contributions and hope to update Members at the meeting.

Other Matters

8.18 Local residents have raised a number of concerns in respect of the impact on the landscape (houses seen from Bartons Point); impact on trees in the school Reason; vibrations felt in no. 4 Barnsley Close from traffic; unsafe access to the development and increased noise. All of these matters were considered at the time of the original proposal and the current scheme does not make any difference to these considerations in my view. The sewage and drainage issues raised by Southern Water and local residents were addressed some months ago by the Developer and I have been provided with a copy of Southern Water's Technical Approval dated March 2014 for connection to the sewage system. Their comments on this application therefore don't reflect the situation on site. The applicant's agent has also commented that the consent of the Lower Medway Internal Drainage Board has been received. I await this document and will update Members at the meeting.

8.19 Fire risk would have been adequately considered under Building Regulations and the devaluation of properties is not a material planning consideration. I am not aware of any drainage ditches being filled as part of this development and my observations on site were that the ditches to the south of the development were functioning as they should be. There are concerns about a conflict of interest in the Local Planning Authority dealing with this application when the developer – Moat, is working with the Council's Housing team to deliver the affordable housing. Members will be well aware that the Local Planning Authority must deal with this application on its own merits and are not influenced in any way by the work of another other part of the Council in delivering their services.

9.0 CONCLUSION

9.01 Having considered the relevant planning policies, comments from local residents and consultees I am of the view that planning permission should be granted for the reasons set out above. This is a retrospective planning application to effectively regularise differences between the approved scheme under SW/10/0050 and the scheme currently being built on site. I have therefore concentrated my assessment on whether the differences would lead to materially worse harm to local residents. I have considered the impact on local residents in details above and conclude that whilst there will be some harm to their amenities, the current scheme does not make this materially worse. Members will note that the developer have offered to provide obscure glazing to some window within the development to lessen the overall impact of the development on the worst affected properties. I consider that the design alterations would be acceptable and that the solutions to the garage alteration would ensure that there is no harm to highway safety and amenity. The loss of the footpath is not materially harmful to the scheme in my view given the presence of the existing possible footpath connection from Marine Parade to Beckley Road , however I will update members on this at the meeting.

9.02 I therefore consider that the current proposal would be acceptable and that planning permission should be granted.

10.0 RECOMMENDATION – GRANT Subject to the comments of Kent Highway Services and the signing of a Section 106 agreement for: affordable housing; KCC contributions, children's play equipment, wheeled bins; provision of open space and maintenance plan and subject to the following conditions:

CONDITIONS to include

1. The development hereby approved shall be carried out in accordance with the following approved drawings: 604-P05 A; 604-P01; 604-P03; 604-P02 A and 604-P04.

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that order) no fence, wall or gate or other means of enclosure shall be erected or provided in advance of any wall or dwelling fronting a highway or other front area (such as a public open space) without the written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

3. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the date of this decision. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which should be native species where possible 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.

4. Upon completion of the approved landscaping scheme, any planting or trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with planting 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 visual amenity.

5. The trees shown to be planted shall be planted by the next planting season following the completion of the development. If any tree is removed, dies, is severely damaged or becomes seriously diseased within ten years of planting it shall be replaced with a tree of such a size and species as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

6. The development hereby approved shall be carried out in accordance the following mitigation measures:
 - a. The eventual occupants shall be made aware of the flood risk to the site and should ensure they are registered with the Agency's Flood Warning service;
 - b. All appropriate flood-proofing measures shall be incorporated into the proposed development up to a level of at least 5.2maODN;
 - c. The finished floor level for all living accommodation shall be no lower than 4.9maODN with all sleeping accommodation above 5.2maODN;
 - d. An effective means of escape shall be provided at the first-floor level or above.

Reason: To ensure the occupiers are aware of the risk of flooding and that the development reduces the impact on flooding and that there is a safe means of access/egress in case of flooding.

7. Before any part of the development hereby approved is first occupied details of the public street-lighting columns within the development shall be submitted to and approved in writing by the Local Planning Authority. Details shall also include which columns if any shall incorporate the "Hawkeye" surveillance system at the time of their installation. Development shall be carried out in accordance with the approved details and thereafter retained unless otherwise agreed to in writing by the Local Planning Authority.

Reason: In the interests of public amenity and safety.

8. The areas indicated on the submitted layout as vehicle parking space and the garage spaces as shown on drawing no. 604-P 01 shall be provided, surfaced and drained before the buildings are occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-

enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure the development provides for adequate and satisfactory parking areas.

9. Before blocks A and B hereby permitted are first occupied, the fixed panes of first and second floor windows in the rear elevation of block C and the front elevation of block A (with the exception of the top windows to the vaulted ceiling), shall be obscure glazed to a level that shall first be agreed in writing by the Local Planning Authority and shall subsequently be maintained as such.

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

10. Prior to the occupation of the dwellings hereby approved, the raised 'kerb' that currently separates the garage from the rest of the ground floor space shall be removed in its entirety.

Reason: To allow vehicles to access the entire length of the ground floor space in the interests of highway safety and amenity.

Case Officer: Emma Eisinger

- 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.

APPENDIX A

APPENDED COMMITTEE REPORT FOR SW/10/0050

PLANNING COMMITTEE – 11th November 2010

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended.

2.1 SW/10/0050 (Case 08044) SHEERNESS
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Location: Land at Seager Road, Sheerness, Kent ME12 2BG

Proposal: Residential development to provide 35 dwellings comprising 27 houses and 8 flats; access to Marine Parade; open space; landscaping; footpath link to Beckley Road; and associated parking and cycle parking provision

Applicant/Agent: Mr P Foreman, c/o Mr P Cooper, Bloomfields Ltd, College Road, Maidstone, Kent ME15 6SJ

Application Valid: 28 September 2010

SUBJECT TO: The signing of a Section 106 Legal Agreement for developer contributions for local infrastructure and the provision of affordable housing; delegation of which is required to the Head of Planning to complete

8 WEEK TARGET DATE: 23 NOVEMBER 2010

13 WEEK TARGET DATE: 28 DECEMBER 2010

Conditions

General Planning

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended.

2. Development shall be carried out in accordance with the following approved drawings and statements:
 Statements: Flood Risk; Planning, Design and Access Statement (Jan 2010; Ecology Statement; Code Level 3 Report (received 18 January 2010)
 FO08/167: 01A; 02A; 03A; 04A; 05A; 06A; and 07A; Community Involvement Statement; Draft Heads of Terms Statement; Addendum Ecological Statement received 3 September 2010

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

APPENDIX A*Pre-Commencement*

3. Prior to the commencement of the development hereby approved details of the materials to be used in construction of the dwellings, cycle storage areas and bin stores shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those approved details.

Reason: In the interests of visual amenity in accordance with Policy E1 of the Swale Borough Local Plan 2008

4. Prior to the commencement of the development, details of the external boundary treatment to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those approved details and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy E1 of the Swale Borough Local Plan 2008.

5. Prior to the commencement of the development hereby approved full details of all hard and soft landscaping works together with a management and maintenance programme shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include existing and proposed tree planting, shrubs and other features, planting schedules of plants, noting species, plant sizes and numbers where appropriate, means of enclosure, biodiversity promotion measures and hard surfacing materials. 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 visual amenity and in pursuance of Policy E1 of the Swale Borough Local Plan 2008.

6. Prior to the commencement of the development hereby approved, full details including a pre-assessment report setting out how the development shall achieve Code Level 3 (or equivalent rating) for the Code for Sustainable Homes as set out in the submitted design and access statement and energy strategy shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details and a post-construction certificate demonstrating that at least a Level 3 rating has been achieved shall be submitted to the Local Planning Authority within six months of practical completion of the development hereby approved.

Reason: In order to ensure the scheme is constructed to sustainable design and construction methods which reduces carbon emissions and energy and natural resources usage, and is in accordance with Policy E21 of the Swale Borough Local Plan 2008.

7. Prior to the commencement of the development hereby approved full details for the Sustainable Urban Drainage System and an assessment of the hydrological and hydrogeological context of the development) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed, and retained in perpetuity.

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Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and in pursuance of Policy E4 of the Swale Borough Local Plan 2008.

8. Prior to the commencement of the development hereby approved details of parking for site personnel/operatives/visitors and for construction vehicles parking, loading, off-loading and turning shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be retained throughout the duration of construction.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety and in pursuance of Policies E1 and T1 of the Swale Borough Local Plan 2008.

9. The proposed estate roads and access, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details of which must be first submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner and in pursuance of Policies E1 and T1 of the Swale Borough Local Plan 2008.

10. The commencement of the development shall not take place until a programme for the suppression of dust and noise during the construction has been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with those approved details throughout the period of the construction unless any variation has been approved by the Local Planning Authority.

Reason: To ensure the development minimises dust and noise to surrounding residential properties during construction and in accordance with Policy E2 of the Swale Borough Local Plan 2008.

11. Prior to the commencement of any works which may affect reptiles or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing by the Local Planning Authority.

Reason: To ensure the development adequately mitigates for reptiles that are present on the site and in accordance with Policy E11 of the Swale Borough Local Plan 2008.

12. Wheel washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances shall be installed prior to, and during construction of the development hereby approved, details of which must first be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety and in pursuance of Policies E1 and T1 of the Swale Borough Local Plan 2008.

APPENDIX A*Pre-Occupation/Instruction Conditions*

13. If during the construction of the development hereby approved, contamination not previously identified is found to be present on site, then details of how this unsuspected contamination shall be dealt with shall be submitted to an approved in writing by the Local Planning Authority before the site is further progressed.

Reason: In the interests of the amenities of the area to ensure that adequate action is taken to deal with any contamination of the land and in accordance with Policy E3 of the Swale Borough Local Plan 2008.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that order) no fence, wall or gate or other means of enclosure shall be erected or provided in advance of any wall or dwelling fronting a highway or other front area (such as a public open space) without the written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and in pursuance of Policies E1 and E19 of the Swale Borough Local Plan 2008.

15. Upon completion of the approved landscaping scheme, any planting or trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with planting 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 visual amenity and in pursuance of Policy E1 of the Swale Borough Local Plan 2008.

16. The trees shown to be planted shall be planted by the next planting season following the completion of the development. If any tree is removed, dies, is severely damaged or becomes seriously diseased within ten years of planting it shall be replaced with a tree of such a size and species as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in pursuance of Policy E1 of the Swale Borough Local Plan 2008.

17. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (dated January 2010) and the following mitigation measures as partially detailed within:

- a. The eventual occupants shall be made aware of the flood risk to the site and should ensure they are registered with the Agency's Flood Warning service;
- b. All appropriate flood-proofing measures shall be incorporated into the proposed development up to a level of at least 5.2maODN;
- c. The finished floor level for all living accommodation shall be no lower than 4.9maODN with all sleeping accommodation above 5.2maODN;
- d. An effective means of escape shall be provided at the first-floor level or above.

Reason: To ensure the occupiers are aware of the risk of flooding and that the development reduces the impact on flooding and that there is a safe means of

access/egress in case of flooding and in accordance with Policy E4 of the Swale Borough Local Plan 2008.

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18. 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 - 1800 hours, Saturdays 0800 - 1400 hours.

Reason: To ensure the development does not prejudice conditions of residential amenity and in accordance with Policies E1 and E2 of the Swale Borough Local Plan 2008.

19. 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 0900-1700hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity and in accordance with Policy E2 of the Swale Borough Local Plan 2008.

20. Before any part of the development hereby approved is first occupied details of the public street-lighting columns within the development shall be submitted to and approved in writing by the Local Planning Authority. Details shall also include which columns if any shall incorporate the "Hawkeye" surveillance system at the time of their installation. Development shall be carried out in accordance with the approved details and thereafter retained unless otherwise agreed to in writing by the Local Planning Authority.

Reason: In the interests of public amenity and safety and in pursuance of Policy E20 of the Swale Borough Local Plan 2008.

21. The area shown on the submitted layout as vehicle parking space shall be provided, surfaced and drained before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure the development provides for adequate and satisfactory parking areas and in pursuance of Policy T3 of the Swale Borough Local Plan 2008.

22. Before the first occupation of any of the dwellings hereby approved the following works between the dwelling and the adopted highway shall be completed as follows:
- a) Footway and/or footpaths shall be completed with the exception of the wearing course;
 - b) Carriageways completed with the exception of the wearing course including the provision of turning beyond the dwelling together with related:
 - 1. Highway drainage including off-site works;
 - 2. Junction visibility splays; and
 - 3. Street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety and convenience in accordance with Policy T1 of the Swale Borough Local Plan 2008

APPENDIX A**Reason for Approval**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: Policies E1; E2; E3; E4; E11; E12; E19; E20; E21; H2; H3; H5 (1).23; H6; C2; C3; T1; T2; T3; and T4 of the Swale Borough Local Plan 2008.

Description of Proposal

This application proposes the construction of 27 houses and 8 flats on land rear of houses fronting Seager Road, and Beckley Road, Sheerness.

The accommodation comprises twenty five three-bedroomed houses; two, two-bedroomed houses and eight, two-bedroomed flats. All the three-bed houses and flats are located on the land behind Seager and Beckley Roads; with a pair at the western end of that cul-de-sac on land adjacent to no.21 Beckley Road

All of the dwelling houses are at least three stories in height owing to flood risk and the requirements of the Environment Agency; this issue is discussed later in this report. The block of flats is arranged over four levels; three full storeys and fourth level within the roof space. The height of the houses would be approximately 6 metres to the eaves and 10 metres to the ridge; and the flatted block would be approximately 8.5 metres to the eaves and 13 metres to the ridge.

The layout runs north/south with vehicular access formed from Marine Parade which requires the removal of two garages located on the Marine Parade frontage. Most dwellings front the access road with gardens projecting east/west. At the southern end of the site, a small area of open space is proposed around the existing ditch area which will be planted up to promote biodiversity. A public footpath is also proposed through the site to provide pedestrian access only to Beckley Road which itself leads to the Queenborough Lines and a playing field.

The development is accompanied by a draft Heads of Terms to provide for S.106 developer contributions for 30% affordable housing and contributions towards public infrastructure consisting of secondary school education, libraries, youth and community provision, adult education, off-site play equipment and waste bin contributions. Discussions are ongoing with respect of the above and particularly the type and location for the affordable housing provision.

The site area measures 0.87 hectares and the scheme represents a density of 40.2 dwellings per hectare.

The application is accompanied by a Flood Risk Assessment; Planning and Design and Access Statement (January 2010); Ecology Report; Code Level 3 Report; Community Involvement Statement; Draft Heads of Terms Statement (for the S.106 Agreement); and Addendum Ecological Statement

Relevant Site History and Description

The site is a landlocked and undeveloped parcel of land in Sheerness, Isle of Sheppey. On the western boundary, the site is bordered by the school playing field of Cheyne Middle

School (site of the proposed Sheppey Academy). To the north, east and south, the site is surrounded

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by residential development of properties fronting Marine Parade, Seager Road and Beckley Road; which largely comprise two storey semi-detached and terraced housing, though there are chalet bungalows and three-storey development in the vicinity.

The site was previously owned by Kent County Council though it never formed part of the school site. An application for five detached houses was applied for in 1996 (SW/96/1029). However this was refused as being outside the built up area boundary, but also as being premature development pending the Local Public Inquiry for the previous Swale Borough Local Plan 2000.

A second application for five dwellings (SW/02/0612) was refused on 20th August 2002 on Reason as being outside the built up area boundary. A subsequent appeal was dismissed in February 2003.

Since then, the principle of development of this site for housing has completely changed. The site was offered for housing development as part of the adoption process for the current Local Plan and, despite objection from the Council, the Local Plan Inspector considered that 30 units could be provided on the site; with 25 accessed from Marine Parade and 5 from Beckley Road. The site is allocated for residential by Policy H5(1).23 in the Swale Borough Local Plan 2008.

Views of Consultees

The application was originally submitted and validated on 18th January 2010 and consultations were undertaken with statutory and non-statutory bodies and local residents. Subsequently a new red line plan and an updated planning application form were received on 9th September 2010 and a re-consultation of all consultees was undertaken. The following responses have been received:

The Lower Medway Internal Drainage Board (LMIDB) has written raising no objection subject to drainage being suitable for a 1:100 year flood and that discharge rate is restricted to 7 litres per second per hectare, and that the EA are happy with the scheme.

Kent County Council via their consultants Mouchel has written requesting a financial contribution for services it provides.

Southern Gas Networks has written raising no objections.

The Environment Agency (EA) has written raising no objections subject to the imposition of a flood risk condition, which is set out in Condition (17) above be imposed. Following the re-consultation, the EA responded without altering this position.

Kent Highways Services initially raised concerns about the application. However these were withdrawn following the resubmission of plans and the second consultation period, subject to the conditions as set out above.

The Council's Climate Change Officer has written raising no objections to the proposal subject to the imposition of a condition requiring further details of how the development will conform to Code Level 3. This matter is being dealt with by condition (6) above.

Southern Water has written raising no objections to the proposal though has recommended a SUDS system for surface water drainage be used. They have raised other operational and non-planning issues. Members will note condition (7) above.

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Kent Wildlife Trust (KWT) has written raising no objections to the proposal though has offered the following advice. They state that should there be any doubt to the presence of water voles then an additional survey should be undertaken in the spring. They have also recommended two conditions be imposed; one to require a survey for reptiles and secondly, requiring the promotion of biodiversity and wildlife within the site. Following re-consultation, KWT responded that they did not wish to make further comments.

Other Representations

There has been significant objection to this proposal from local residents. On the first consultation period, a total of 20 separate household letters of objection were received in addition to a petition containing 130 signatures objecting to the development. The following issues were raised:

- The site is within a flood plain and is subject to flooding. Developing the site will result in flooding to existing housing. The site is also susceptible to coastal flooding and no development should occur;
- The existing sewage system is already at capacity and is unable to cater for additional residential development;
- The site is a Greenfield site. In 2002, an application for five dwellings was refused by the Council and dismissed on appeal, thereby proving that the site should not be developed;
- The quality of the site's landscape value should not be underestimated;
- The site is also a wildlife haven whereby the presence of water voles has been evident; and the proposal will destroy this local wildlife population. The site also has lizards and it is a site that should be protected under the 'List of Priority Habitat'. As such the site should be left as scrub land;
- There are underground streams which have not been referred to;
- The proposal for three and four storey town houses is wholly inappropriate and out of character with the area;
- The designs of the properties are also out of keeping with the surrounding area;
- The proposal represents over-development of the site resulting in a cramped form of development which is out of character;
- The proposed dwellings will lead to unacceptable loss of amenities to existing residents through adverse levels of overlooking and sunlight loss/excessive shading;
- The proposal will lead to unacceptable levels of noise, dirt and dust to surrounding residential properties;

There is no need for additional housing;

- There was a lack of consultation by Swale Borough Council prior to the allocation of this land for housing in the first place during the Local Plan process;
- The existing local highway network cannot cater for the additional traffic and construction traffic;
- The access is unsafe;
- The proposal will lead to an unacceptable level of additional traffic which will put a strain on the emergency services and rubbish collection;
- The proposal provides for insufficient levels of parking on site;
- The proposal will lead to an increase in crime;
- The proposal will raise concerns over children's safety as the proposal is adjacent to a school;

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- There are objections to a footpath being provided for the future residents of the development to Beckley Road
- Residents have objected to the manner in which the developer has 'threatened' them with gypsy and traveller development should they not support the residential proposal being put forward.

Following the re-consultation period, a further 26 letters; and two petitions containing 134 and 31 signatures respectively have been received objecting to the proposal. However this did not result in additional issues being raised.

A petition containing 26 signatures was received during the first consultation period supporting the proposal. However 11 people did subsequently ask to have their names removed.

Policies

Swale Borough Local Plan 2008

E1 (General Development Criteria); E2 (Pollution); E3 (Land Contamination); E4 (Flooding and Drainage); E11 (Promoting Biodiversity); E12 (Biodiversity Sites); E20 (Promoting Safety and Security through Design); E21 (Sustainable Development) H2 (New Housing); H3 (Affordable Housing); H5 (1).23 (Seager Road Housing Allocation which anticipates 30 dwellings on 0.70 hectares and amounts to a density of 42 dwellings per hectare); H6 (Sites within Urban Area); C2 (Contributions); C3 (Open Space Provision); T1 (Safe Access); T2 Essential Improvements to the Highway); T3 (Parking Standards); and T4 (Cycle Parking).

Discussion

Principle

The site is allocated for residential development in the Swale Borough Local Plan 2008, which establishes the principle of residential development for the site.

Notwithstanding this, objections from residents have been received stating that they had no knowledge or were not consulted with regards to allocating this site for residential development in the Local Plan 2008. They state that no such residential development should be permitted owing to the refused application for housing in 2002; which was dismissed on appeal.

Whilst I can understand these concerns, it is important to understand that the Local Planning Authority, and the Inspector, would have considered the 2002 application against the planning policies of that time. Then, the site was outside the built envelope where countryside protection policies would have applied. The planning policy has now changed, as explained above, whereby these considerations are defunct and superseded. As the site is now allocated for residential development, no objection to the principle can be made, nor could it be sustained if challenged at appeal.

Density

In allocating the site for residential, the Local Plan Inspector indicated that approximately 30 dwellings could be accommodated on this 0.70 hectare site; concluding that not only could the existing road network could accommodate the development, but the suggested density

could be accessed by 25 units using Marine Parade and 5 being sourced from Beckley Road. This in

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his view demonstrated that this level of density was appropriate; but he did not necessarily specifically prescribe 30 units or this specific access as the only possible solution.

This proposal is for 35 units on a 0.87 hectare site and it is important to discuss why there is an increase over the anticipation density as set out in Policy H5(1).23. The applicants have stated that to make the scheme viable, 35 units are required for the site. In addition, they have also acquired an option on a small section of land adjacent to no.21 Beckley Road which has resulted in the increased developable area (a 0.17 hectare increase).

The increase in units is not in my opinion unacceptable. The Local Plan Policy is guidance only; and any scheme must be considered against its planning merits. The key consideration in my view as to the principle of the acceptability of this increase in number of units is whether the existing road network and access points can accommodate it. The applicants propose all traffic to access and egress from Marine Parade; by demolish two existing garages adjacent to the existing access from Marine Parade to facilitate this.

I have consulted Kent Highways Service who considers the solution would be sufficient to cater for all 35 units from Marine Parade and where the existing road network could cater for the additional 5 units.

Members should also note that because of the larger developable area, the actual density of the scheme is lower than that as set out in Policy H5(1).23. In the Policy, 30 dwellings on 0.70 hectares equates to a density of 42.8 dwellings per hectare whereas this proposal equates to 40.2 dwellings per hectare.

Accordingly, I consider the planning merits of the proposed number of units and density to be acceptable.

Layout and Design

The proposed layout, which has been developed following a number of meetings between officers and the applicant's design team, responds to the constraints of the site and the surrounding character of the area. The main vehicular access road would be from the northern end of the site from Marine Parade and would deviate north to south through the site. The houses generally front this road and therefore face east/west, with the flatted block located at the north east corner of the site. In addition to this, two houses are located on vacant land adjacent to no.21 Beckley Road. I consider the layout and siting of the dwellings integrates well with the surrounding character and would not appear incongruous.

In terms of design, the properties follow a consistent pattern throughout; following a style synonymous to dwellings in a seaside town; and similar to those on the northern side of Marine Parade. It is proposed to use a palette of materials comprising stone block, weatherboarding and large glazed windows which I consider to be well designed that would be strong in terms of its appearance. The three-storey dwellings are not out of character with the area as other three storey properties exist, although I acknowledge that this raises issues regarding amenity which I will discuss below.

Beckley Road, although predominately two-storey in character contains a mix of properties in terms of design and age. The proposed properties located adjacent to no.21 would be at the end of the street and will only be seen by those at this end of the cul-de-sac. Nevertheless I consider the proposal owing to its siting to have no negative impact upon the character and setting of the properties in this street.

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Accordingly, I consider the design and layout of the scheme to be good and in accordance with the character and setting of the area.

Landscaping and Biodiversity

The site has been designed to respect the existing features of the site including the ditch at the southern end of the site. The ditch has not only the potential to be used for surface water drainage, but it also can be utilised to promote and establish urban wildlife through the appropriate planting and management. In doing so, I consider the area around the ditch to be the correct location for the open space requirement for the development; thus creating a pleasant landscaped and planted area within the development connected by a pedestrian footpath through this space into Beckley Road and the Queenborough Lines. I consider the proposal responds well to this and I support the scheme in this regard, although the details including its management and maintenance will be required as it is not to be adopted, and are set out in Conditions (5), (15) and (16).

Concerns have been raised with regards the ecological value of the site; and in particular whether there is a presence and evidence of water voles. The applicants initially undertook an ecological survey to identify flora and fauna; looking for plants listed in Schedule 8 of the Wildlife and Countryside Act 1981; hedgerows; grasslands; badgers; bats; birds; amphibians and reptiles; initially finding that the site has little ecological value. However, following continued concerns regarding the presence of water voles, the applicants undertook an additional survey in the springtime which is the correct time for survey, and found no evidence of their presence.

I am satisfied that the applicants have undertaken sufficient surveys and am satisfied with regards to the ecological value of this site. As an additional degree of comfort, Members will be aware that water voles are a protected species and are controlled by other legislation. Notwithstanding this position, I have accepted the views of Kent Wildlife Trust and have imposed conditions (11) and (5) above with respect to details on reptiles and improving urban biodiversity through planting.

Sustainable Development

The applicants state that all the dwellings will be constructed to Code Level 3 of the Code for Sustainable Homes. The Climate Change officer has welcomed this aspect though has requested further details on how this will be achieved. I consider condition (6) above would ensure the development is developed as set out and accordingly I have no objection to the proposal in this regard.

Flooding and Drainage

The site lies within a Flood Risk Zone 3a and accordingly, the applicants have submitted a flood risk assessment.

Because the site is allocated in the Local Plan (subject to flood risk measures being dealt with) where the principle is established, the applicants do not need to undertake a sequential and exception tests as would otherwise be required by PPS25 (Development and Flood Risk). However, they do have to consider how the development will minimise flooding.

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Given the constraints of the site and the limited area for building, there are essentially two ways which the development can minimise flooding: Firstly through design; and secondly through the management of surface water run off through sustainable measures. In the first instance, the properties are at least three storeys in height for this specific reason, so as to allow for habitable accommodation at first floor or higher, and in order to comply that living accommodation is at least 4.9m above ordnance datum (AOD) (sea level) and sleeping accommodation is at least 5.2m AOD. Secondly, it is proposed to use a sustainable urban drainage system (SUDS) to deal with surface water run-off by connecting the development directly to the ditch at the southern end of the site and to use measures such as retention ponds, detention basins, swales, filter strips, rainwater recycling and permeable paving. No specific details are provided hence the need for condition (7).

The Environment Agency and the LMIDB have both raised no objection to the proposal subject to the conditions as set out. Accordingly, I consider the proposal is justified in minimising the risk of flooding and no objection is raised in this regard.

Residential Amenity

The principle concern of nearby residents has been loss of amenity in terms of privacy, outlook and dominance and overshadowing caused by the proposal and especially the three-storey elements. In particular, the main areas of concern are:

- i) The impact from the proposed eastern dwellings upon the amenities of the occupiers in Seager Road with reference to loss of privacy; loss of outlook; and overshadowing;
- ii) The impact from the proposed flats upon the amenities of no.4 Barnsley Close in terms of loss of privacy, outlook and overshadowing and upon the amenities of the future occupiers of the properties; and
- iii) The impact on other residential properties in Marine Parade, Beckley Road and Barnsley Close.

In establishing the principle of residential development on this site, together with the density, and in taking into consideration the flood risk measures that need to be adhered to, it is unavoidable that the development will be three-storey and will be sited opposite existing residential properties. Nevertheless I am satisfied that the applicants have done everything possible to reduce as much as possible the impact of the development upon residential properties in Seager Road. In particular Members will note:

i) Impact to Seager Road

The applicants section drawing (FO08/167.05A) illustrates that although the proposed dwellings are three storeys in height, the dwellings are not significantly higher (just under 1m) than the properties in Seager Road. The closest back-to-back distances between the properties measure approximately 21m for no.19 Beckley Road; increasing to 33m distances for others properties further to the south of Beckley Road (no.29 Beckley Road). Also, the rear elevation windows have been designed to be limited in width so as to reduce overlooking.

Whilst I accept that a degree of overlooking and loss of outlook loss will be introduced by the proposal, I am not persuaded that the proposal will give rise to adverse severity to justify a refusal on these Reason. There is an opportunity should Members be concerned to introduce a landscape buffer or tree planting scheme along the boundary if required.

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With reference to overshadowing, the properties in Seager Road have west facing gardens and currently enjoy sunlight into the garden areas in the afternoon period only. I am not convinced the proposed properties, owing to their height and distance from the properties in Seager Road, will cause a detrimental impact in this regard.

ii) Impact to No.4 Barnsley Close

No.4 Barnsley Close is situated approximately 30m from the four-storey block of flats located in the north west corner of the development. Whilst there are bedroom windows located on the front elevation of this building which project towards the property, I consider the distance between the two and the angle of projection are such that the proposal will not adversely affect the privacy to the occupiers of this property. Given the distance between the two, I am not persuaded that the neighbouring property will experience outlook or dominance issues. I am also satisfied that the neighbour will not be overshadowed excessively by the proposal owing to its siting south of the neighbour.

iii) Impact to other residents

Properties in Beckley Road are sited approximately 40-50 metres from the main part of the development whereby I do not consider the amenities of these properties will be adversely affected by the development. I also consider the amenities of no.21 Beckley Road will experience no negative impact from properties adjacent to them. I also consider other properties in Barnsley Close and Marine Parade including the bungalow at number 103, are set at sufficient distance from the application site whereby the proposal will have minimal impact to their amenities.

The block of flats also includes external balconies on its eastern, western and southern elevations, however, none overlook private gardens of existing or future occupiers and as such do not in my view have a detrimental impact to amenity.

Accordingly, I am satisfied that the proposal will have a minimal and acceptable impact on the privacy, overlooking and dominance amenities of the properties in Seager Road.

Highways

As discussed earlier in the report, Kent Highways Services consider the proposed access and the highway network are able to cater for the development. Kent Highways Services have also raised no objection to the parking provision or location or the turning areas. Accordingly, I raise no objection to the development in this regard.

Developer Contributions

The application falls to be determined under Policies C2 and H3 of the Local Plan where developer contributions for local infrastructure and 30% affordable housing are required.

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The financial contributions requirements are as follows:

Type of Contribution	Amount per dwelling	Amount Required
Secondary School Places	£589.95 per app flat £2359.89 per app house	£ 68,436.63
Libraries	£227 per unit	£7,945
Adult Education	£180 per unit	£6,300
Adult Social Services	£1201 per unit	£42,035
Youth and Community Provision	£206.75 per flat £827 per house	£23,983
Off Site Play Equipment	£690 per dwelling	£24,150
Recycle Bin	£70 per unit	£2,450
Total Contributions		£175,299.63

With respect to affordable housing, the applicants have committed to providing 30% affordable housing to a mix that is representative of the development on the site as a whole. Current negotiations on the plots themselves are ongoing between the applicants and the Head of Housing and I will report any further news at the meeting. Whilst this level of contribution is being sought from officers, I seek delegation from Members to allow the Head of Planning to negotiate the final contributions appropriate to the site.

Land Contamination

I do not anticipate any concerns regarding land contamination on the site. However I have recommended a planning condition which will require the developer to deal with any contaminants should they be found upon construction.

Recommendation

Having considered the proposal against local planning policies, I consider the application is acceptable in principle; that the density is appropriate to the site; that it is designed and laid out well; promotes sustainability and biodiversity; is acceptable in terms of flood risk; has no adverse impact upon residential amenities or the local highway network. Accordingly, I recommend the application be approved subject to the signing of the section 106 legal agreement and to the conditions as set out at the beginning of this report.

Responsible Officer: Jim Wilson (Major Projects Officer)

List of Background Papers

1. Application papers for Application SW/10/0050
 2. Correspondence relating to Application SW/10/0050
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