#### **PLANNING COMMITTEE -**

PART 2

Report of the Head of Planning

#### PART 2

Applications for which **PERMISSION** is recommended

#### 2.1 REFERENCE NO - 23/505480/FULL

#### **PROPOSAL**

Erection of detached chalet bungalow with dormer window, including associated parking and cycle store, demolition of existing carport, widening of existing access, and creation of new parking for the existing dwelling.

#### SITE LOCATION

Ash Tree Villa Parsonage Chase Minster-on-sea Sheerness Kent ME12 3JX

**RECOMMENDATION** Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions.

#### **APPLICATION TYPE** Minor

#### **REASON FOR REFERRAL TO COMMITTEE**

The applicant is member of staff

## Case Officer Megan Harris

'''	PARISH/TOWN Minster-On-Se	APPLICANT Ms Eva Harris AGENT Mr Keith Plumb

# **DATE REGISTERED**24/01/24 29/02/24

#### **BACKGROUND PAPERS AND INFORMATION:**

Documents referenced in report are as follows: -

All drawings submitted

All representations received

The full suite of documents submitted pursuant to the above application are available via the link below: -

https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&key Val=S4ZAIUTYHWB00

## 1. SITE LOCATION AND DESCRIPTION

- 1.1 The application site is comprised of part of the side and rear garden at Ash Tree Villa, a semi-detached two storey property located within the built up area boundary of Minster. The property is accessed from a small access track to the north, which also serves several neighbouring dwellings. Private amenity space is located to the side and rear of the property. At the rear of the site is a dropped kerb and driveway, accessed directly from Parsonage Chase. A car port is located in the rear garden, accessed from this driveway.
- 1.2 The surrounding area is characterised by residential development of various scales and designs. Immediately west of the site is a row of small bungalows, known as 'The Old Bakery'. These bungalows are sited on higher ground, and are currently screened from the site by a row of dense conifers.

## 2. PLANNING HISTORY

2.1 SW/10/1091 – Planning permission granted on 18.10.2010 for 'Two storey side and rear extension to dwelling house to accommodate new lounge and dining area and first floor bedrooms'. Permission was not implemented.

## 3. PROPOSED DEVELOPMENT

- 3.1 This application seeks planning permission for the erection of detached three bedroom chalet bungalow with associated parking and cycle store, including demolition of existing carport, widening of existing access, and creation of new parking for the existing dwelling.
- 3.2 The plot will be subdivided and the new dwelling will be located within the side garden of Ash Tree Villa. The property will have a width of 5.6m and a length 9.7m and will feature a small single storey rear projection that measures 2m x 3.8m in footprint. The chalet bungalow will have a gable roof with an eaves height of 2.9m and a ridge height of 6.2m. The roof space of the chalet bungalow will be used as habitable space and will feature a hipped roof dormer window in the western roof slope, to provide sufficient internal space to create a bathroom on the first floor.
- 3.3 Parking for both the new and existing property will be provided within the rear gardens, accessed from Parsonage Chase to the rear of the site. Additional hardstanding will be required to provide access to the spaces, and the existing dropped kerb will be extended. Two parking spaces will be provided for the existing and proposed dwelling.

## 4. CONSULTATION

- 4.1 Two rounds of consultation with neighbours has been undertaken. A site notice was also displayed at the site. No comments from neighbours have been received.
- 4.2 **Minster Parish Council** support the application.

## 5. <u>REPRESENTATIONS</u>

5.1 **SBC Environmental Health** – No objection subject to conditions being imposed in relation to contaminated land as the site lies close to a possible source of land contamination. An informative relating to the Mid Kent Environmental Code of Practice to control any noise and dust arising from the construction phase is also suggested.

## 6. DEVELOPMENT PLAN POLICIES

#### 6.1 Bearing Fruits 2031: The Swale Borough Council Local Plan 2017

**ST 1** (Delivering sustainable development)

**ST 3** (The Swale settlement strategy)

**ST 6** (The Isle of Sheppey area strategy)

CP 3 (Delivering a wide choice of high quality homes)

CP 4 (Good design)

**DM 6** (Managing transport demand and impact)

**DM 7** (Vehicle parking)

**DM 14** (General development criteria)

**DM 19** (Sustainable design and construction)

**DM 28** (Biodiversity and geological conservation)

## 6.2 Supplementary Planning Guidance/Documents

Supplementary Planning Guidance Designing an Extension – A Guide for Householders Supplementary Planning Document - Swale Parking Standards Nationally Described Space Standards

## 7. ASSESSMENT

- 7.1 This application is reported to the planning committee because the applicant is a member of staff. Considering the proposal that has been submitted, the committee is recommended to carefully consider the following main points:
  - The Principle of Development
  - Character and Appearance
  - Living Conditions
  - Transport and Highways

## **Principle**

- 7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 7.3 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the

determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

- 7.4 Policy ST 3 of the Local Plan 2017 supports the principle of development within the built up area boundary of established towns and villages within the Borough.
- 7.5 The application site is located within the built-up area boundary of Minster and as such the proposal is suitably located for residential development. The development would be consistent with policies ST 1, ST 3, CP 3 of the Local Plan (2017) due to its location within the built-up area boundary, subject to the considerations set out in further detail below.

## **Character and Appearance**

- 7.6 The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.
- 7.7 The proposal will involve the subdivision of the plot and erection of a chalet bungalow with rooms in the roof space. The scale of the subdivided plot is similar to others in the immediate streetscene, with similar gaps between the properties. Therefore the proposal will not appear cramped or out of place, given the pattern of development in the surrounding area.
- 7.8 The chalet bungalow itself will provide rooms in the roof space, and does represent a different design to that of Ash Tree Villa, which is a two storey Victorian property. Parsonage Chase does feature a mixture of dwelling types and styles, and taking into account the bungalows to the west of the site and the variety of housing types in the surrounding area, the erection of a chalet bungalow would not be out of keeping with the street scene.
- 7.9 The application form sets out external materials will include stock brickwork and Cedral cladding to the elevations, and plain concrete tiles to the roof. The use of a mixture of brickwork and cladding is acceptable here given the mixed street scene, but as no specific material details have been provided, a condition is imposed below to ensure these details are submitted to the Council for approval.
- 7.10 Due to the location of the proposed chalet bungalow, the row of conifers that currently run along the boundary with The Old Bakery bungalows to the west will need to be removed. The trees are not prominent in views from Parsonage Chase due to their position, set back from the road, and as such their loss will not be significantly harmful to the character and appearance of the area. Due to the proximity of the new dwelling to the western side boundary, there will not be room for any replacement tree planting here, but it is considered additional planting can take place within the rear garden to partly compensate for this loss. A hard and soft landscaping condition is imposed below to require full details of this.

- 7.11 The development will include the addition of an area of hardstanding at the end of the rear gardens, in order to facilitate the creation of two off-road parking spaces per dwelling. There is already a driveway in situ at the rear of the site, providing parking for the existing dwelling, and Nos. 1 and 2 Laburnum Mews to the east of the site also have driveways at the rear of their gardens. As such, the provision of an enlarged driveway and additional hardstanding in this location will not appear out of character with the surrounding streetscene. The hard and soft landscaping condition imposed below will ensure details of the hardstanding are submitted to the Council for approval.
- 7.12 Taking the above into account, in respect of the character and appearance of the proposal the scheme is considered to comply with policies CP 4 and DM 14 of the Local Plan and the NPPF.

## **Living Conditions**

Existing residents

- 7.13 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.14 First considering the impact to Ash Tree Villa, the chalet bungalow will lie approx. 1m from the side elevation of this property. It will be set in roughly the same position as Ash Tree Villa, projecting a similar distance to the projecting wing at the existing property. Due to Ash Tree Villa having a stepped rear elevation, the new dwelling will project 3m to the rear of the dining room window, and this could have an impact on amount of light reaching this window. A 45 degree BRE light test has been undertaken, which demonstrates that the proposal passes this test and as such, whilst there will be some impact upon this window, it is not envisaged this will be significantly harmful to neighbouring occupiers. The new bungalow is also stepped at the rear and taking into account the projecting element is set away from the boundary with Ash Tree Villa by approximately 1.7m, this projection will not result in any significantly harmful overshadowing or overbearing impacts.
- 7.15 The subdivision of the site will result in the rear garden at Ash Tree Villa being reduced in scale, however it will still be of an adequate scale for a family home, with a depth of around 15m. As such a good standard of outdoor amenity space will still be afforded at the property.
- 7.16 The new dwelling will be sited roughly 5.8m from the front elevations of the bungalows to the west of the site at The Old Bakery. The erection of the new dwelling would have some impact on these neighbouring properties due to this distance. However, the neighbouring properties are on a slightly higher land level to the application site, and the submitted drawings demonstrate that the development would pass the 25 degree BRE light test, other than a very small part of the proposed dormer roof. The impact of this roof has been amended to incorporate a hipped element, and whilst this does still clip the 25 degree line, this is minimal and the as such impact on the amount of light that reaches the neighbouring windows will be limited. On balance, the impact on outlook is

considered to be acceptable based on the design of the dwelling and compliance with BRE guidelines. Overall, and despite the short separation distance, due to the design and scale of the new dwelling, it is envisaged that the impact on the living conditions of these neighbouring properties will be acceptable.

- 7.17 The new dwelling will lie approximately 18m from Fairmile House to the north and 40m from No. 71 Parsonage Chase to south of the site, and due to these separation distances, it is not envisaged there will be any harmful impacts to the living conditions of occupiers of these dwellings.
- 7.18 There will be two windows in the side elevations of the new bungalow, which could potentially lead to overlooking of neighbouring properties. One of the windows will be located in the dormer window on the western roof slope, which will serve a bathroom. This will provide views of the bungalows to the west and as such a condition is imposed to ensure the window is obscure glazed and non-opening below 1.7m from the internal floor height. This will mitigate any overlooking impact. There will also be a high-level window in the eastern side elevation, serving the kitchen. As it will be high level, it is not considered that there will be any harmful overlooking of Ash Tree Villa to the east.
- 7.19 Given the close proximity of the new dwelling to neighbours, a condition is imposed below to remove permitted development rights to further extend the chalet bungalow or enlarge the roof space. This will ensure the Council has control over any future extensions to the property.

#### Future residents

- 7.20 New development is expected to offer future occupiers a sufficient standard of accommodation. The dwelling falls slightly below the Government's national space standards, providing 82.3 square metres of floorspace, whilst the space standards set out that a three bedroom, four person dwelling should provide a floorspace of 84 square metres. Taking into account the floorspace is only marginally below the standard, and the fact that the standards have not been adopted by reference to them in the Local Plan, the layout and standard of accommodation is considered acceptable.
- 7.21 All habitable rooms are served by windows which will provide adequate outlook, light and ventilation. The rear garden is large in depth and will provide a good standard of outdoor amenity space.
- 7.22 Due to the position of all surrounding properties, the new bungalow will not be subject to any significant overshadowing or overbearing impacts. There are windows in the side elevation of Ash Tree Villa which will face onto the new bungalow. One window is on the ground floor, serving the kitchen and will face onto the side of the new dwelling. Whilst there is a window in this elevation in the new bungalow, it is a high level kitchen window and as such, there is not considered to be any harmful overlooking from this neighbouring kitchen window. There is also a bedroom window in the first floor side elevation of Ash Tree Villa, and whilst this window will provide views of the new dwelling, it will face the new dwelling itself rather than the garden area, and as such any overlooking will not be significantly harmful.

- 7.23 The existing 1.8m boundary fence that runs along the western boundary of the site will limit any views into the site from The Old Bakery bungalows, and therefore overlooking from these neighbouring properties is not a concern.
- 7.24 Taking the above into account, the scheme is considered to be acceptable, and would accord with Policy DM 14 of the Local Plan.

## **Transport and Highways**

7.25 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

"Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable."

#### 7.26 The NPPF also states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

- 7.27 Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.
- 7.28 The development will result in the creation of one dwelling and given the limited vehicle movements typically associated with one dwelling, the proposal will not have any harmful impacts on the wider road network.
- 7.29 Parking for both the new and existing dwelling will be provided at the end of the rear gardens, accessed from Parsonage Chase. Two parking spaces will be provided for each dwelling. In line with the SBC Parking Standards SPD, three-bedroom properties in this location should provide two to three parking spaces. Whilst the proposal will only satisfy the lower end of the provision, it does accord with the SPD and as such provides an adequate parking provision. Additional traffic generation would be limited and would not be harmful to the existing network.
- 7.30 Conditions are imposed below to secure the parking spaces and to require the installation of an electric vehicle charging point at the new dwelling.

#### **SPA Payment**

7.31 An Appropriate Assessment is set out below. Since this application will result in a net increase in residential accommodation on the site, impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development there is no scope to provide on-site mitigation and therefore off site mitigation is required

by means of developer contributions at the rate of £328.27 per new dwelling. As the development will result in an uplift of one dwelling at the site, only one fee is required. This fee will be secured prior to the determination of the application.

#### Contamination

7.32 Environmental Health recommend that a Phase 1 contamination investigation be undertaken prior to the commencement of the development to ascertain the presence of any contaminants that may be present from the historic use of a nearby site as a laundry A condition is imposed below to secure this. At the recommendation of the Environmental Health team, an informative is also imposed below relating to the Mid Kent Environmental Code of Practice, which will mitigate any noise and dust issues from the construction phase.

## 8. **CONCLUSION**

8.1 On the basis of the above, the scheme is considered to be in compliance with policies CP3, CP4, DM7, and DM14 of the Local Plan. It is therefore recommended that planning permission be granted.

## 9. **CONDITIONS**

 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings: HA/23/125.01A, HA/23/125.02A and HA/23/125.03A.

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

3. The dwelling hereby approved shall be constructed and tested to achieve the following measure:

At least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended);

No development shall take place until details of the measures to be undertaken to secure compliance with this condition have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of promoting energy efficiency and sustainable

development.

- 4. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:
  - 1) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  - A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
  - 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (3). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure any contaminated land is adequately dealt with.

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

Reason: In the interests of visual amenity.

6. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and

approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

7. The area shown on approved plan numbered HA/23/125.01A as vehicle parking shall be retained for the use of the occupiers of, and visitors to, the dwellings, 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: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

8. Prior to the occupation of the dwelling hereby permitted, one electric vehicle charging point shall be provided. All Electric Vehicle chargers must be provided to Mode 3 standard (providing up to 7kw). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list

Reason: In the interests of encouraging sustainable modes of transport and minimising the carbon footprint of the development.

9. 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.

10. 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.

11. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0800 – 1800 hours, Saturdays 0800 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

12. The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwelling shall not be occupied unless the notice for the 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.

13. Before the development hereby permitted is first occupied, the window opening on the west facing side elevation serving the bathroom on the first floor shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3 and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such in perpetuity.

Reason: To prevent overlooking of adjoining property and to safeguard the privacy of existing and prospective occupiers.

14. Upon completion, no further development, whether permitted by Classes A or B of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

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

#### **INFORMATIVE**

1. The Mid Kent Environmental Code of Development Practice should be compiled with during the construction of the development.

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

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

The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated sites afforded protection under the

Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

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

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

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

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

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

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

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

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

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the

standard SAMMS tariff (which will 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 (<a href="https://birdwise.org.uk/">https://birdwise.org.uk/</a>).

## The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), December 2023 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.

