

PLANNING COMMITTEE – 23 APRIL 2015

PART 2

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended

| | | | |
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| 2.1 REFERENCE NO - 15/500686/FULL | | | |
| APPLICATION PROPOSAL Demolition of dilapidated bungalow and construction of 8 No. 3-bedroom semi-detached dwellings with associated road access and sewers as amended by drawing 003 revision A received 18 March 2015 | | | |
| ADDRESS Longview The Crescent Boughton Under Blean Kent ME13 9AY | | | |
| RECOMMENDATION - Grant | | | |
| SUMMARY OF REASONS FOR RECOMMENDATION: Proposal is in accordance with national and local planning policy. | | | |
| REASON FOR REFERRAL TO COMMITTEE – Parish Council and Local resident Objections | | | |
| WARD Boughton & Courtenay | PARISH/TOWN COUNCIL Boughton | APPLICANT Wedgewood Homes AGENT Giarti | |
| DECISION DUE DATE 31/03/15 | PUBLICITY EXPIRY DATE 31/03/15 | | |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): | | | |
| App No | Proposal | Decision | Date |
| SW/02/1159 & SW/03/0289 | Outline permission and subsequent Reserved Matters Approval for seven new houses on adjacent site | Both Approved | 2003 |
| SW/05/0764 | Full application for seven new houses on this site | Approved | 2007 |

1.0 DESCRIPTION OF SITE

1.01 The site of 0.26ha is located within the built up area boundary of Boughton-under-Blean, within a mid C20 housing estate. It is not subject to any special planning constraints. The site is a vacant plot, only containing the ruined remains of a mid C20 bungalow named ‘Longview’, which was destroyed by fire some years ago. An application for seven houses on the site was granted in 2007 under planning reference SW/05/0764, but was not implemented, and such permission has now lapsed. An application adjacent to the site at the

end of St.Paul’s Crescent for seven new houses was granted outline approval under planning reference SW/02/1159; reserved matters were subsequently approved under planning reference SW/03/0289, and this development has since been completed.

1.02 The site was, until recently, covered in thick vegetation, which has now been cleared. I understand from the agent that the site was not cleared until after the biodiversity report accompanying the application was completed, which states that there were no endangered species on the site Whilst it is a pity that the site has already been cleared ,such clearance does help one to clearly ascertain the topography and scale of the site. The site itself gently slopes down to the western side.

1.03 The site is approached from St. Paul’s Crescent. The proposed access is shown extending what is at present a cul-de-sac, crossing an existing right of way, where a road narrowing and ramp are suggested to slow traffic down

2.0 PROPOSAL

2.01 The proposal is for the construction of eight modest three bedroom semi-detached houses. Each property would be served by two off-road parking spaces, with an additional two spaces for visitors. The houses would be of two storeys in height.

2.02 The properties would be of a traditional design, using traditional facing materials such as weatherboarding, to complement the finish of the recently built adjacent properties noted above.

2.03 The application is accompanied by a Design and Access Statement, a Planning Statement, a Traffic Survey, a Tree Survey and an Ecology Statement. These together explain the design process which has been followed in order to arrive at the present scheme. The documents further explain how the proposal accords with both national and local planning policies.

3.0 SUMMARY INFORMATION

| | Existing | Proposed | Change (+/-) |
|--------------------------|----------|----------|--------------|
| No. of Storeys | | 2 | +1 |
| Parking Spaces | | 18 | |
| No. of Residential Units | | 8 | +7 |

4.0 PLANNING CONSTRAINTS

None

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Swale Borough Local Plan 2008: Policies SH1, E1, E19, T1, T3 and H2.

Swale Borough Council Local Plan 2031 'Bearing Fruits': Policies ST2, CP3, DM7, DM14, DM17 and DM20.

6.0 LOCAL REPRESENTATIONS

6.01 Swale Footpaths Group notes the existence of the footpath, but raises no objection to the proposal.

6.02 Nine letters and emails of objection and concern have been received from local residents. The comments contained therein may be summarised as follows:

- Will adversely affect the peace and quiet we currently enjoy
- The site provided a haven for wildlife before it was cleared, including *'Owls, birds of various species and indeed the protected species 'slow worms'. All of which have now vanished since it was 'cleared''*
- No objection to principal of development, but object to the number of houses planned.
- *'I will be contacting every householder in the immediate vicinity to ask them to object in the strongest possible manner to this planning application'*
- We consider that the proposed layout is an improvement on the previous application for seven houses approved in 2005 and commend the architect on the proposed landscaping, *'However, we have a number of questions and comments with regard to the provision of services.'*
- The existing sewerage system does not comply with normal layout; details of the connections to the system should be submitted
- The traffic survey submitted does not include traffic movements during construction
- Proposed access crosses a footpath used by pedestrians, and vehicle movement should be supervised by the site manager or a banksman
- The track leading from The Crescent is privately owned, unmade, and not suitable for larger vehicles. All services run underneath this track. If approved, a condition should be added that no construction vehicles should use this track
- As the site is within a residential area, conditions should restrict lighting to the site and construction hours
- Flood risk; after heavy rain, the bottom end of the site and my garden floods. The developer has stated that a soakaway will be installed, but will this be adequate to deal with the problem?
- Concern over trees planted overhanging my property and their roots damaging my shed and pond
- Ecology survey was conducted *after* the site had been cleared, which has compromised that survey
- Plots 5 & 6 are too close to the boundary
- Loss of privacy
- Will be a *'crammed housing estate'*

- Bats and dormice previously on the site
- We would like the large leylandii to be removed
- Danger from traffic to pedestrians using the footpath
- Black weatherboarding not suitable; should mimic existing houses by being cream or white
- Disruption, noise and dirt during construction
- *'Whilst we are not against the development and realise that the demands for housing are high, it is the responsibility for the planning committee to ensure that the greed of developers is kept under control. 8 houses where 1 once stood does seem excessive'*
- Site used to host wildlife including common cuckoo, house sparrow, common starling, slow worm, stag beetles, hedgehogs and privet hawk moth
- Inaccuracies in Design & Access Statement – Dunkirk School has closed and Boughton School is oversubscribed
- No explanation of ownership of footpath
- No visitor parking
- Overlooking from bedroom window of unit one; can it be moved or obscured?

7.0 CONSULTATIONS

7.01 Boughton-under-Blean Parish Council raises objection, noting that ;

'The Parish Council recorded an objection to the application with the following comments:

Traffic generation, access and highways safety were considered to material planning considerations that would be detrimental to the local area. The proposed development would involve putting a highway through Public Footpath (ZR617) which is heavily used by school children, parents of young children who are in pushchairs and elderly people with mobility devices. The camber of the access road from St Paul's Crescent to the site would need to be very steep as the land is considerably higher at one side of the footpath to the level of the site on the other: approximately one metre higher in St Paul's Crescent than the footpath with the site level being about on third of a metre lower than the footpath. This in turn would cause serious problems for those crossing the access road via the footpath. Serious consideration would need to be given to how this potential hazard could be managed without endangering the safety of all users. The government states that footpaths must not obstruct or endanger users and the Parish Council has grave concerns that a satisfactory solution would not be found to ensure this.

The design of the proposed dwellings were considered to be detrimental to the local area, following data received from a recent housing survey for the Neighbourhood Plan which recorded that there is a real requirement for bungalows in the area older residents can downsize to suitable accommodation whilst still remaining within the village. The provision of

single-storey dwellings would also eliminate any loss of privacy over existing residential properties.

The density of the proposed dwellings was considered to be of major concern for the local area as it did not provide adequate parking facilities for the potential number of vehicles per property. The area is already heavily congested with parked vehicles, which also obstruct sight-lines on the highway and given the volume of pedestrian traffic along footpath ZR617 this could potentially be a significant safety concern. The Parish Council are aware that the average movement of cars per day may be acceptable (as per survey documentation), however the reality is that the majority of vehicle movements will be at peak times and coincide with a large volume of pedestrian movements. The Parish Council would like to see a proposal for either a smaller number of houses with adequate parking or the current number of provided parking spaces increased.

The Parish Council would like to comment that the site was unfortunately cleared before the site survey was undertaken so it renders the survey data meaningless as the habits that were previously there were destroyed by the site clearance. Historically, there have been several ecological habitats recorded by residents in the area, many of which have been reported through comments on this planning application.

The Parish Council considers that the appearance of the proposed dwellings is not in keeping with the local area. The development The Gables which is adjacent to the proposed site has houses with cream weatherboarding and the proposed site at Longview is for houses on plots 1,3,5,6,7 & 8 with black weatherboarding. It would be considered preferable to provide continuity with the visual amenities of the area and have the proposed properties finished with cream weatherboarding, in order to remain in keeping with other local properties.

There is considerable local concern regarding the large (14m) Leylandii tree which has been left at the site while others have been removed. This is now exposed and open to high winds which can cause potential damage to the tree and neighbouring property. While the council does not agree with removing trees without due cause, the Parish Council supports neighbouring residents in their request for either its removal or height reduction to a manageable level.

Flood risk was noted as a material consideration and the Parish Council has significant concerns that the proposed soakaway will be insufficient to prevent the inevitable flooding of surface water liable to occur due to the lay of the land.

Whilst the Parish Council objects to the current planning application, it is not against the proposal of a suitable number of residential properties on the site providing the concerns above are taken into consideration for a future application.'

- 7.02 Neighbouring Dunkirk Parish Council also objects to the proposal on the following grounds:

*'DPC fully support the comments of Boughton Parish Council.
The current application would be contrary to LP 2008 policies:*

E1.3 The design is out of keeping with the locality.

E1.6 The plan is of inappropriate scale and design.

E1.9 The application will cause demonstrable harm and potential danger for pedestrians. There is a public footpath ZR 617 across which it is proposed to gain access to the site. The entrance from St. Pauls Crescent is also from a higher level, which would mean ramps for both vehicles and pedestrians. Many schoolchildren, parents with small children in prams/pushchairs along with the elderly (some with mobility equipment) and disabled parishioners currently use the footpath. They would come into conflict with traffic leaving the site at peak hours.

E1.11 Whilst possibly being compliant with KCC Highways standards - brought into question by members of the Planning Committee recently - the early indications from the NP would require more parking per property and extra visitor parking.

From the emerging LP - Bearing Fruits:

DM7 It is felt there is insufficient parking and with so much on street parking, sight lines and safety would be compromised.

DM14.7 The design of the proposed dwellings will be out of scale. In fact, both design and appearance will not be in keeping with the area. The housing survey for the Neighbourhood Plan noted parishioners would prefer to see bungalows to enable older residents can downsize to suitable accommodation whilst still remaining within the village.

Single-storey dwellings would also mitigate some loss of privacy for existing residential properties. The number of houses on the site would also be considered overdevelopment.

DM14.8 As noted above this policy points to the harm and danger pedestrians - many being the most vulnerable in the Parish - will be exposed to at peak times.

DM14.10 The proposed vehicle access will result in excessive extra traffic turning onto Horselees Road with further congestion at its junction with Boughton Hill.'

- 7.03 Kent Highways Services (KHS) originally stated that they had no objection to the principle of development, but raised objection to the lack of visitor parking, depth of footways, turning spaces and treatment for the right of way. I have passed these comments to the applicants, and the agent has redesigned the site layout to accommodate these requests. In consequence of which, KHS now raise no objection, subject to the conditions recommended below.
- 7.04 The KCC Rights of Way Officer raises no objection. The LMIDB do not raise objection.
- 7.05 Natural England raises no objection.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 Application papers and drawings referring to applications 15/500686 and SW/05/0768.

9.0 APPRAISAL

- 9.01 In this case, it seems that there are few objections to the principle of development, but the objectors raise issue with aspects of the proposal such as the density of proposed housing, the premature clearing of the site, landscaping issues, issues regarding services, the use and treatment of the public footpath, and overlooking and loss of privacy. I will address each of these concerns in turn.
- 9.02 Firstly, it should be noted that, although the site is now occupied by only one (derelict) dwelling, that dwelling stands within extensive grounds which will comfortably accommodate eight properties and their associated access, parking and gardens. The site, having an area of 0.26 hectares, will ensure that the properties would not be 'crammed' in. Conversely, I would contend that the layout of the site would create a scheme which would be spacious and sit comfortably within the area provided.
- 9.03 In terms of landscaping, the agent has responded to the concerns of local residents, and has stated that he is happy to redesign the landscaping scheme to this effect. Conditions included below would ensure that this is indeed the case. The level of landscaping suggested within the submission has been well thought out and sympathetically designed. Concern has also been raised with regard to one leylandii tree on the site, which the agent has agreed can be removed, should local residents so desire.
- 9.04 With regard to the status and treatment of the public footpath, the Kent County Council Public Rights of Way Officer has raised no objection, noting the proposed improved access details, which have narrowed the entrance to the site, and will therefore necessitate any vehicles entering or leaving the site to be moving slowly. This should ensure the safety of pedestrians using the right of way and hopefully also address the concerns raised by the Parish Council and local residents,
- 9.05 With reference to objections of overlooking, all the proposed properties have been positioned to ensure that there is a minimum distance of eleven metres between side and rear elevations, and twenty-one metres between rear and rear elevations, which is in accordance with the Council's guidelines for separation distances between dwellings.
- 9.06 With regard to other matters, the proposed design responds well to its architectural context. The properties would be modest in scale and have clearly been designed with the styling of traditional farm cottages in mind. The development would sit comfortably within the village location, and complement the adjacent new dwellings. However, like the Parish Council, I

am of the opinion that black weatherboarding will be slightly discordant in this position (though it is Kentish vernacular) and all weatherboarding should be painted cream, to match the weatherboarding on the existing adjacent development.

- 9.07 I note the comments made by the Parish Council and objectors regarding biodiversity issues and the clearance of the site. Information submitted by the agent would appear to suggest that the biodiversity report was compiled after visiting the site on 6th November 2014, before the site was cleared. This being the case, it would appear that the status of the report is acceptable.
- 9.08 Furthermore, the use of this rather unsightly land will further improve the appearance of the area.

10.0 CONCLUSION

- 10.01 To conclude, whilst I acknowledge the concerns of local residents, I consider the proposal to be in accordance with local and national policy, and I therefore recommend that the application be approved.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

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

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

- 2 The development hereby approved shall be carried out in complete accordance with drawings 1186 003 revision A; 1186 005; 1186 006 revision A; 1196 007 revision A; 1186 008 and 1186 009.

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

- 3 Notwithstanding the details submitted, the weatherboarding to the buildings hereby permitted shall be painted cream, rather than stained black.

Reasons: In the interests of visual amenity.

- 4 Before the development hereby permitted is commenced, samples of all facing materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with these approved details.

Reasons: In the interests of visual amenity.

- 5 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

Reasons: In order to ensure sustainable development.

- 6 Prior to the works commencing on site details of parking for site personnel / operatives / visitors shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Reasons: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents.

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

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reasons: In the interests of residential amenity.

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

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

Reasons In the interests of residential amenity.

- 9 The commencement of the development shall not take place until a programme for the suppression of dust during the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority.

Reasons In the interests of residential amenity.

- 10 As an initial operation on site, adequate precautions shall be taken during the progress of the works to prevent the deposit of mud and similar substances on the public highway.

Reasons In the interests of amenity and road safety.

- 11 During construction provision shall be made on the site to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Reasons To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety

- 12 Before any dwelling hereby permitted is first occupied, the landscaping scheme as shown on drawing reference 2206/14/B/3 shall be implemented in full, unless an alternative implementation timetable has previously been submitted to and approved in writing by the Local Planning Authority. In such a case the landscaping scheme shall be implemented in accordance with the approved alternative implementation timetable.

Reasons In the interest of visual amenity.

- 13 Upon completion of the approved landscaping scheme, any trees or shrubs 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.

Reasons: In the interest of visual amenity.

- 14 The areas marked on the approved drawing as parking spaces shall be reserved for vehicle parking at all times, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order), shall be carried out on that area of land or in such a position as to preclude vehicular access to these areas.

Reasons: In the interest of highway safety and amenity.

- 15 Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the access footway level shall be provided at each access prior to the commencement of any other development in this application and these areas shall be subsequently maintained free of any such obstruction.

Reasons: In the interests of highway safety.

- 16 Before the first occupation of any dwelling hereby permitted, the details of the narrowing of the access road, and installation of bollards, surfacing and ramps at the crossing of the public footpath as shown on drawing 003 revision A shall be implemented in accordance with the approved details and shall be retained as such thereafter.

Reasons: In the interests of highway safety.

- 17 Underground ducts shall be installed before any of the buildings hereby permitted are occupied to enable telephone services and electrical services to be connected to the dwellings within the application site without recourse to the erection of distribution poles and overhead lines, and notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, no distribution pole or overhead line shall be erected.

Reasons: In the interests of visual amenity.

- 18 No burning of waste or reuse shall take place on site during either demolition or construction works other than that which may be agreed in writing by the Local Planning Authority.

Reasons: In the interests of residential amenity.

Council's approach to this application

The Council recognises the advice in paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) and seeks to work with applicants in a positive and proactive manner by offering a pre-application advice service; having a duty planner service; and seeking to find solutions to any obstacles to approval of applications having due regard to the responses to consultation, where it can reasonably be expected that amendments to an application will result in an approval without resulting in a significant change to the nature of the application and the application can then be amended and determined in accordance with statutory timescales.

In this case amendments were sought in relation to vehicle access and parking matters and the subsequently amended application was then referred to the Planning Committee for consideration.

- 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.