

<b>2.5 REFERENCE NO - 14/502847/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Proposed re-development to provide 6 No. detached Chalet Bungalows and 8 No. Town Houses complete with associated garages, parking and infrastructure.			
<b>ADDRESS</b> The Old Dairy Halfway Road Minster-on-sea Kent ME12 3AR			
<b>RECOMMENDATION - APPROVE SUBJECT TO COMPLETION OF S106 LEGAL AGREEMENT</b> , further comments from Kent County Council in respect of developer financial contributions, amended plans to address Kent Highways comments, Kent Archaeology comments, Environmental health comments and Green spaces Manager's comments			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/ OF APPROVAL</b>			
The proposal would subject to the resolution of the outstanding issues, 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.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Approval from the Members of the Committee for the signing of a Section 106 Agreement to secure financial contributions in respect of education, libraries, off-site open space and play equipment, broadband connections, wheelie bins and a 5% monitoring charge.			
<b>WARD</b> Queenborough & Halfway	<b>PARISH/TOWN COUNCIL</b> Minster-on-Sea	<b>APPLICANT</b> New Homes And Land Ltd	<b>AGENT</b> Kent Design Partnership
<b>DECISION DUE DATE</b> 16/12/14	<b>PUBLICITY EXPIRY DATE</b> 16/12/14	<b>OFFICER SITE VISIT DATE</b> 09/10/14	
<b>RELEVANT PLANNING HISTORY (including relevant history on adjoining site):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
SW/12/0346	4 detached houses and 10 town houses	Withdrawn	12/09/12
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
SW/10/1032	4 detached houses and 10 town houses but retaining the administration block for offices	Approved	01/12/10

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.01 The site is located on the edge of a predominantly residential area at Halfway Houses, between Minster-on-Sea to the east, Queenborough to the west and Sheerness to the north. It covers an area of almost 0.27 hectares and the land has been cleared of the Old Dairy buildings and is generally a level, vacant site.
- 1.02 The site is adjoined by residential development to the north, south and east. It lies adjacent to Sheppey Court immediately to the north, a Grade II listed building. There is a row of Victorian terraced houses to the east on the other side of Halfway Road and a row of modern semi-detached and town houses to the south of the site. There is an area of open farmland to the west of the site.

- 1.03 The site is located within Flood Zone 3a, (within a functional flood plain) according to the Environment Agency. A Flood Risk Assessment and Sequential Test have been submitted as part of the application. The Flood Risk Assessment has confirmed that the proposed housing development is acceptable in this flood risk area and a number of mitigation measures and considerations have been included in the design of the development to reduce the risk to life. The Sequential Test has confirmed that there are no more sustainable and available sites at lower flood risk and the development has passed the exceptions test under Part (a) wider sustainability benefits; Part (b) the site is a previously developed site and Part (c) the floor levels proposed ensure that the development is safe and does not increase the risk to life.

## **2.0 PROPOSAL**

- 2.01 It is proposed to develop the site for 14 dwellings, which would consist of 6 detached chalet bungalows and 8 three storey town houses developed together to form a courtyard. There will be 4 three bedroomed detached chalet bungalows, 2 four bedroomed detached chalet bungalows and 8 three bedroomed town houses.
- 2.02 The two storey chalet bungalows will have eaves heights of between 2.5 and 5.0 metres, with a ridge height of almost 8.0 metres and are sited at the southern end of the site.
- 2.03 The three storey town houses will have eaves heights of almost 7.5 metres, with a shallow pitched roof to give a ridge height of 9.5 metres. The four town houses that face Halfway Road will have eaves heights of 6.5 metres and a ridge height of 8.5 metres. The height of these dwellings is similar to the Victorian terraced housing on the other side of Halfway Road.
- 2.04 The six chalet bungalows have been sited with floor levels of 4.89 metres AOD (above ordnance datum). The town houses are set at ground level, providing non-habitable accommodation at ground level, which will ensure the living areas are above the 4.89metres AOD level.
- 2.05 Nine of the dwellings are sited away from the Halfway Road frontage. They face the internal access roads within the site. Four of these dwellings have rear gardens which face the open land to the west of the site. The dwellings facing Halfway Road have been designed to reflect the character of the Victorian terraced housing opposite the site.

## **3.0 PLANNING CONSTRAINTS**

As noted above, the site is located in Flood Zone 3a.

## **4.0 POLICY AND OTHER CONSIDERATIONS**

### **4.1 The National Planning Policy Framework, March 2012**

The NPPF was released on 27<sup>th</sup>.March 2012 with immediate effect, however, paragraph 214 states “that for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework”.

The 12 month period noted above has now expired. As such, it has been necessary for a review of the consistency between the policies contained within the Swale Borough local Plan 2008 and the NPPF. This has been carried out in the form of a report agreed by the Local development Framework Panel on the 12<sup>th</sup>.December 2012. All policies cited below are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

### **4.2 Swale Borough Local Plan Policies:**

E1 (General Development Criteria)  
 E10 Trees and Hedges)  
 E21 (Sustainable development)  
 H2 (Providing for new housing)  
 T1 (Providing safe access for new development)  
 T3 (Vehicle parking for new development)  
 T4 (Cyclist and pedestrians)  
 U3 (Renewable energy)

### **4.3 Relevant policies in the emerging Local Plan – Bearing Fruits 2031 (Submission Draft)**

ST1 (Delivering sustainable development in Swale)  
 CP3 (Delivering a wide choice in high quality homes)  
 DM8 (Affordable housing)  
 DM14 (General development criteria)  
 DM15 (Achieving high quality design and distinctiveness)  
 DM20 (Sustainable design and construction)  
 DM21 (Water, flooding and drainage)

## **5.0 LOCAL REPRESENTATIONS**

5.1 There have been no letters of representations received from local residents concerning these development proposals.

## **6.0 CONSULTATIONS**

6.01 Southern Water – No objections; a formal application will need to be made by the developer for connection to the public sewerage system. The proposed means of foul and surface water drainage systems need to be submitted to and approved in writing by Southern Water.

- 6.02 Kent Police – Crime prevention measures need to be incorporated into the design of the dwellings and their layout. These measures can be secured by an appropriate planning condition.
- 6.03 Minster-on-Sea Parish Council – No objections; clarification is needed regarding the limit on the number of dwellings that can be accessed via a single private drive onto the public highway. If approved, the developer should fund parking restrictions on Halfway Road to prevent increased congestion.
- 6.04 The Environment Agency – No objections providing the conditions in accordance with the approved Flood Risk Assessment and the mitigation measures relating to the finished floor level for all living accommodation and sleeping accommodation are imposed on any approval.
- 6.05 Kent Highways Services – Amendments to the design of the houses for plots 1 and 3 have been made to bring the entrance door closer to the parking spaces on site. The car ports for the houses for plots 7 to 14 have been re-designed to provide a double width car port which can be shared with the neighbouring plot. An extract from KHS's comments reads as follows:

*“The development layout plan would suggest that only plot 1 has been amended, but the east elevation plan for plot 1, 09.71.SK170A, also references it to plot 3 and handed for the west elevation of plot 2. I had raised a concern that the carriageway directly outside plot 3, being offset from the access to the private courtyard for 7 to 14, would be used as a parking space. If not used by plot 3, it's likely to be used by plot 2 as a convenient location in relation to their entrance and prevent the refuse freighter or other large vehicles turning around within the site .*

*If you can address this last point , I would be happy with the scheme.”*

- 6.06 Comments are awaited from Kent C.C. Archaeology, Environmental Protection Team Leader, the Green Spaces Manager . I also await the comments of K. C.C. in respect of developer contributions.

## **7.0 APPLICANTS SUPPORTING COMMENTS (summary of key points)**

- 7.01 The site is located within an established residential area and the housing development fulfils the accepted criteria of sustainability. The site is located within reasonable distance of shops, services and general community facilities.
- 7.02 The design of the new dwellings would be in keeping with the existing houses close to the site and the town houses are intended to reflect the character of the Victorian terraced houses in Halfway Road. The housing development should help to improve the overall street scene.

## **8.0 BACKGROUND PAPERS**

- 8.1 The applicants have submitted a number of supporting documents for the application, which include a Design and Access Statement, a Heritage Assessment, a Flood Risk Assessment and a Sequential Test Statement.

## **9.0 APPRAISAL**

- 9.01 The site is located within a predominantly residential area, where the development of the site for residential purposes would normally be acceptable in principle. There has been an approval for 14 dwellings granted for the site and the current proposals need to be examined in that context. The design and scale of the housing development, its impact upon the surrounding area, the flood risk implications, the highways issues and the financial contributions sought by Kent County Council, have all been considered in detail. I
- 9.02 The development of a cleared, vacant site within the residential area is welcomed, which will improve the appearance of the site when viewed from Halfway Road. The housing scheme has been reasonably well designed and it will be in character with the adjoining housing development close to the site. The housing scheme does complement the surrounding development and the use of a range of materials will add some interest to the dwellings within the local area. The dwellings have adequate garden plots and private amenity space for the occupants to meet normal standards for this type of residential development. The parking provision for the dwellings is acceptable and meets normal parking standards for this type of residential development. However, as noted above, Kent Highway Services require minor amendments to the layout and I will update Members at the meeting.
- 9.03 The proposed housing density for the site is acceptable and the development of 14 dwellings on a plot of 0.27 hectares is satisfactory and makes full use of a previously developed site within the built-up area. The landscaping for the site is reasonable and helps to provide sufficient green space and reduce any sense of the site being overdeveloped.
- 9.04 The housing development has been designed to reduce any impact it would have upon the amenities of the occupants of the adjoining properties. There are no significant issues of overlooking or loss of privacy for any adjoining residents.
- 9.05 The site, as noted above, is located within Flood Zone 3a and is classified as more vulnerable development. The Sequential Test confirms there are no available and sequentially preferable sites locally and the proposed floor levels are in accordance with guidance from the Environment Agency. The construction of the dwellings will not lead to an increase in the risk to the life of future occupants of the houses.

- 9.06 The housing development will take vehicular access from the existing access from Halfway Road, which serves the row of houses immediately to the south of the application site. It would appear that the existing access road is capable of accommodating the additional houses on the site. Visibility splays have been provided for access onto Halfway Road and into the site. The visibility splays provided, the parking provision and turning space for vehicles on the site have been assessed by Kent Highway Services.
- 9.07 The financial contributions sought by Kent County Council towards the funding of various services (school places, community learning, libraries and social care) need to be carefully considered. The applicant's agents have sought independent advice and contend the contributions are unreasonable and would make the development unviable and the Council does not dispute this conclusion, which is consistent with a strategic viability assessment undertaken in support of Bearing Fruits 2031. As noted at 6.06 above, I await the comments of KCC on this matter.
- 9.08 As noted above, I also await the views of the Council's Greenspaces Manager with regard to the developer's financial contributions.
- 9.09 Given the viability issues, I am not yet in a position to advise on the extent and level of the Section 106 contributions that should be sought including education, adult social services, wheelie bins and SBC monitoring contribution. Discussions are ongoing between KCC, the applicant and SBC officers. I should be able to advise on what contributions should be sought and whether the applicant is prepared to accept these contributions at the meeting.

## **10.0 Summary**

- 10.01 The proposed housing development will provide a positive use for a vacant site within an established residential area. The housing layout and the individual houses have been reasonably well designed and is acceptable from a planning point of view. As a result a recommendation of approval has been made. The financial viability of the development has been assessed and a decision needs to be made whether or not financial contributions to Kent County Council towards infrastructure generated by the development will need to be made and be subject to a Section 106 Agreement I will update Members on this matter at the meeting.

## **11.0 RECOMMENDATION – GRANT** subject to the resolution of the matters set out above and to the following conditions

### CONDITIONS to include

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

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 accordance with the following approved plans received on the 21<sup>st</sup>.August 2015:

09.71.00B – Location Plan 15<sup>th</sup>. September 2014; 09.71.SK139D – Development Layout; 09.71.SK 140A 11<sup>th</sup>.September 2014; 09.71.SK 141A 11<sup>th</sup>.September 2014; 09.71.SK 142A 11<sup>th</sup>.September 2014; 09.71.SK 143; 09.71.SK 144A 11<sup>th</sup>.September 2014; 09.71.SK 145A 11<sup>th</sup>.September 2014; 09.71.SK 146A; 09.71.SK 147A; 09.71.SK 148C 11<sup>th</sup>.September 2014; 09.71.SK 149B; 09.71.SK 170; 09.71.SK 171;09.71.SK 172; 09.71.SK 173; 09.71.SK 174A;09.71.SK 175;09.71.SK 176;09.71.SK 177;09.71.SK 178; 09.71.SK 179; 09.71.SK 180; 09.71.SK 181; 09.71.SK 182; 09.71.SK 183; 09.71.SK 184A; 09.71.SK 185; 09.71.SK 186; 09.71.SK 187B; 09.71.SK 188B; 09.71.SK 189B

Reasons: For the avoidance of doubt.

- (3) No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority, comprising:
- a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the District Planning Authority prior to any intrusive investigations commencing on site.
  - b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
  - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

Reasons: To ensure any land contamination is adequately dealt with.

- (4) Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

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

- (5) Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

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

- (6) Prior to the commencement of the development the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure that features of archaeological interest are properly examined and recorded.

- (7) Prior to the commencement of the development details of proposed means of foul and surface water sewerage disposal shall be submitted to and approved in writing by Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reasons: In order to prevent pollution of water supplies.

- (8) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures as partially detailed within:
1. All appropriate flood-proofing measures shall be incorporated into the proposed development up to a level of at least 5.2metres AOD
  2. The finished floor level for all living accommodation shall be no lower than 4.9metres AOD with all sleeping accommodation above 5.3metres AOD;
  3. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing to the Local Planning Authority. The scheme shall subsequently be implemented in



accordance with the approved details before the development is completed.

Reasons: To reduce the impact of flooding on the proposed development and future occupants.

- (9) Prior to the commencement of the development hereby permitted details in the form of details of facing materials to be used on the development shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and shall be implemented in accordance with the approved details.

Reasons: In the interests of visual amenity

- (10) Prior to the commencement of the development hereby permitted detailed drawings of all new external joinery work and fittings together with sections through glazing bars, frames and mouldings shall be submitted to and approved by the Local Planning Authority before any development takes place. The development shall be carried out in accordance with the approved details.

Reasons: In the interests of visual amenity

- (11) No development 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, where possible), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials and an implementation programme.

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

- (12) Prior to the commencement of the development hereby permitted details shall be submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the residential 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

- (13) Prior to the commencement of the development hereby permitted a programme for the suppression of dust during construction of the development shall be submitted to and approved by the Local Planning Authority. The measures shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority

Reasons: In the interests of residential amenity.

- (14) 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.

Reasons: In the interests of the visual amenities of the area

- (15) 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 interests of the visual amenities of the area

- (16) The areas shown on the submitted plan as car parking space and garages shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwellings hereby permitted.

Reasons: Development without adequate provision for the parking or garaging of cars and cycles is likely to lead to car parking inconvenient to other road users and detrimental to amenity, and loss of cycle storage

- (17) The dwellings hereby permitted shall not be occupied until the visibility splays shown on the submitted drawings have been provided with no obstruction to visibility at or above a height of 1.05 metres above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reasons: In the interests of highway safety

- (18) Before the first occupation of a dwelling the following works between that dwelling and the adopted highway shall be completed as follows:
- i. Footways and/or footpaths shall be completed, with the exception of the wearing course;
  - ii. Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:

1. highway drainage, including off-site works
2. junction visibility splays
3. street lighting, street nameplates and highway structures if any.

Reasons: In the interests of highway safety

- (19) 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

- (20) During construction of the development adequate space shall be provided on site, in a position previously agreed by the Local Planning Authority to enable all employees and contractors vehicles to park, load and off load and turn within the site.

Reasons: In the interests of highway safety and convenience

- (21) Adequate precautions shall be taken during the period of construction to prevent the deposit of mud and/or other debris on the public highway.

Reasons: In the interests of highway safety and convenience

- (22) The proposed road, including footpaths and turning spaces where applicable, shall be constructed in such a manner so as to ensure that each dwelling is occupied is served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the buildings and the public highway.

Reasons: To ensure adequate access

- (23) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the first floor wall of any of the dwellings hereby approved unless agreed in writing with the Local Planning Authority.

Reasons: To prevent the overlooking of adjoining properties and to safeguard the privacy of their occupiers

**The Council's approach to this application:**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

Case Officer: Harry Heywood

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.