

2.3 REFERENCE NO - 15/500819/FULL			
APPLICATION PROPOSAL			
2 No. semi-detached 2-bedroom houses together with stepped terrace to provide 3 No. 3-bedroom houses together with associated parking spaces			
ADDRESS Land Adjoining Driftwood Imperial Drive Warden Kent ME12 4SE			
RECOMMENDATION Grant subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION			
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			
REASON FOR REFERRAL TO COMMITTEE			
Parish Council Objection			
WARD Leysdown & Warden	PARISH/TOWN COUNCIL Warden	APPLICANT Malro Homes Limited	AGENT Kent Design Partnership - Architect
DECISION DUE DATE 24/03/15	PUBLICITY EXPIRY DATE 04/08/15		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/96/0822	Outline Application For 6 Houses	Application Withdrawn	1997
SW/96/1067	Outline Application For 6 Houses	Refused & Appeal Dismissed	1997
SW/98/0752	Outline Application For Three Dwellings.	Approved	1999
SW/03/1048	Three Houses	Approved	2010
14/503853/FULL Land to the rear of Seacrest, Cliffe Drive, Warden ME12 4PP	New House with associated parking	Approved	2015

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is located within the built up area boundary of Warden and the coastal zone, and is located to the south of the coastal erosion zone as defined by the Proposals Map in the Swale Borough Local Plan 2008. The cliff edge is to the east and immediately to the east of the site is open land – part owned by the Council with the intention of one day creating a children's play area.
- 1.02 The site is located adjacent to Sheppey Cliffs and Foreshore SSSI.
- 1.03 The application relates to a parcel of land 0.115 hectares in area on the north side of Imperial Drive, directly opposite the junction with Seasalter Close. The site faces modern residential properties and has two existing bungalows to the rear. To the north-east of the application site, known as 'Land adjacent Seacrest', has recently been granted planning permission for the erection of a new dwelling with associated parking spaces (reference: 14/503853/FULL).
- 1.04 On the western side lies a row of detached and semi-detached dwellings, mainly bungalows and chalet bungalows, with some terraced housing nearby. The character of the built form in the area is very mixed with single-storey bungalows, chalet bungalows and two-storey houses. The land slopes towards the cliff, but is separated from it by an open area of land and Cliff Drive, which is an unmade road, beyond which is a small car park.
- 1.05 There has been significantly relevant planning history on the site in the past. These have all been proposals for residential development of the site and have included a parcel of adjoining land, which is identified in the Swale Borough Local Plan 2008 as a proposed play area. These proposals were:
- SW/96/822 – Outline planning permission for 6 houses – Withdrawn
 - SW/96/1067 – Outline planning permission for 6 houses – Refused. Later appealed and dismissed at appeal.
 - SW/98/752 – Outline planning permission for 3 dwellings granted subject to a S106 agreement requiring the adjacent land to be sold to the Parish Council for one pound. This permission expired in 2003 without the Parish Council acquiring the play area land

2.0 PROPOSAL

- 2.01 This application seeks planning permission for the erection of five dwellings. Two of which are proposed to be a pair of two-bedroom semi-detached properties and, three are proposed to be a row of three-bedroom terraced dwellings. The site has a 27.5 metres frontage and a depth of approximately 40 metres. The dwellings would each comprise a kitchen, lounge/dining room and cloaks room at ground floor level. The pair of semi-detached dwellings, known as plots 1 and 2, will comprise of two bedrooms at first floor level and a separate bathroom. The proposed terraced dwellings, known as plots 3, 4

and 5, will comprise of three bedrooms at first floor level with an en-suite to bedroom 1, and bathroom .

- 2.02 The terraced dwellings would be of a weatherboard appearance with contrasting projecting brickwork. Each dwelling would measure 5.3 metres wide by 9.6 metres deep and 7.6 metres high at ridge level. The dwellings would have a staggered appearance – sloping from north to south. Plot 3 will have a garden depth of 10 metres, plot 4 will have a garden depth of 12 metres and plot 5 will have a garden depth of 12.4 metres – thus all proposed terraced dwellings meeting or exceeding the Local Authority’s guidelines. Access to these dwellings will be via Imperial Drive and through the proposed car parking area.
- 2.03 The proposed pair of semi-detached dwellings, known as plot 1 and 2 will front Imperial Drive with the dwelling on Plot 1 nearest to the western side of the site (nearest ‘Driftwood’) being set in 3.1 metres from the boundary with ‘Driftwood’ and both, Plots 1 and 2 being set back 6.35 metres from the road. Each dwelling will be 6 metres in width and 10.6 metres in depth. The proposed pair of semi-detached dwellings will be 8.5 metres in height. These dwellings will have a different appearance to the proposed terraced dwellings featuring storm porches, facing brickwork with hanging tiles and a two storey front projection measuring 2.7 metres in width and 1 metre in depth at a height of 6.65 metres to the ridge.
- 2.04 Ten car parking spaces have been provided for the proposed development. Two of which, to service Plot 1 are located to the front of the proposed dwelling to the west of the plot and accessed from Imperial Drive via a dropped kerb. The remainder eight car parking spaces are to be accessed via a dropped kerb on Imperial Drive to the eastern edge of the site and this will take the form of a small car parking area with a hard surfaced area. Waste bin storage is proposed at the eastern end boundary to service all five dwellings. A 0.8 metre high front boundary wall is proposed to run along the 27.5 metre frontage along Imperial Drive with access points into the car parking spaces and the front entrances of Plots 1 and 2.
- 2.05 The site lies adjacent to open land, which is allocated as a proposed play area in the adopted Local Plan.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.115ha	0.115ha	0
No. of Storeys	0	2	+2
Parking Spaces	0	10	+10
No. of Residential Units	0	5	+5

4.0 PLANNING CONSTRAINTS

The coastal zone

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):

- 5.01 The NPPF relates in terms of achieving sustainable development, building a strong competitive economy, delivering a wide choice of quality homes, requiring good design, promoting healthy communities, conserving and enhancing the natural environment, and sustainable drainage systems.
- 5.02 There are three dimensions to sustainable development: economic, social and environmental. Gains in each should be sought simultaneously. There is a presumption in favour of sustainable development which is considered to be a golden thread running through plan making and decision taking. Amongst the 12 core planning principles are requirements to recognise the intrinsic character and beauty of the countryside and reuse brownfield land.
- 5.03 The NPPF attaches significant weight to economic growth to create jobs and prosperity. Regarding housing the NPPF requires a significant boost in housing supply and states Councils should “identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%”. Paragraph 49 states that housing supply policies should be considered out of date if the Council cannot demonstrate a five year supply of deliverable housing sites.
- 5.04 Paragraph 56 attaches great importance to design which should contribute positively to making places better for people. Permission should be refused for development of poor design.
- 5.05 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.

5.06 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.

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

Paragraphs 56-68 of the NPPF requires good design

5.08 Paragraph 118 of the NPPF states that when determining planning applications, Local Authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm resulting from a development cannot be avoided then planning permission should be refused
- Proposed development on land within or outside a SSSI likely to have an adverse effect on a SSSI should not normally be permitted
- Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted
- Opportunities to incorporate biodiversity in and around developments should be encouraged
- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland
- The following wildlife sites should be given the same protection as European sites:
 - Potential SPAs and SAC
 - Listed or proposed Ramsar sites
 - Sites identified as compensatory measures for adverse effects on European sites

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

The Swale Borough Local Plan 2008

5.10 Policies SP1, SP2, SP3, SP4, SP5, SP6 and SP7 are strategic level policies setting out the Council's approach to sustainable development, environment, economy, housing, rural communities, transport and utilities and community services and facilities. Development control policies E1 and E19 are general development criteria and design policies that seeks positive, well designed

proposals that protect natural and building environments whilst causing no demonstrable harm to residential amenity or other sensitive uses.

- 5.11 Policy E13 relates to the Coastal Zone and undeveloped Coast and states that development proposals will only be permitted within those developed areas of the coast falling within the defined built-up areas as shown on the Proposals Map.
- 5.12 Policy E16 relates to Scheduled Ancient Monuments and Archaeological sites stating that development will not be permitted which would adversely affect a Scheduled Ancient Monument, as shown on the Proposals Map or subsequently designated or other nationally important monument or archaeological site or its setting. In addition, there will be a preference to preserve important archaeological sites in-situ and to protect their settings. Additionally, where development is permitted and preservation in-situ is not justified the applicant will be required to ensure that provision will be made for archaeological excavation and recording, in advance of and/or during development.
- 5.13 Policy H2 notes permission will be granted for residential development on allocated sites or within built up areas. T3 requires appropriate vehicle parking to be provided in accordance with adopted Kent County Council standards.
- 5.14 C6 (Proposed Community Use) This is the key policy here because it states: "A site is allocated for the provision of a play area on land at Cliff Drive, Warden Bay, as shown on the Proposals Map".

Emerging Local Plan – ‘Bearing Fruits’ (Dec. 2014):

- 5.15 The emerging Local Plan has been submitted for examination and so carries some weight. The site is not allocated for development in this emerging Plan. Policy ST1 sets out the Council’s strategic approach to securing sustainable development. ST2 sets a housing target for the plan period between 2011-2031 of 10800 houses (540 per annum). ST3 provides a settlement strategy that emphasises development on brownfield land within built up areas and on sites allocated by the Local Plan. A series of core policies use the headings within the NPPF and explore the local implications of these topics. CP3 sets the Council’s policy for delivering a wide choice of high quality homes which, inter alia, requires densities determined by context, a mix of housing types with emphasis on smaller and larger dwellings, and achieve sustainable and high quality design. CP4 requires that all development proposals will be of a high quality design that is appropriate to its surroundings.
- 5.16 DM7 required vehicle parking in accordance with KCC standards. DM14 provides general development criteria requiring positive well designed developments that comply with policies and cause no harm to amenity. DM19 requires all development proposals to include measures to address and adapt to climate change in accordance with national planning policy. Policy DM21 requires sustainable drainage systems where possible incorporating appropriate discharge rates and protection of receiving watercourses.

5.17 Policy ST6 relates specifically to the Isle of Sheppey area strategy and, amongst others, states that development proposals will make effective heritage protection, integration and enhancement a priority, whilst conserving and enhancing the historic and special interests of the town, coast, rural area and landscapes.

5.18 DM22 states that, amongst others, planning permission will be granted for development proposals at or near the coast subject to maintaining or enhancing access to the coast where it can be appropriately managed; Proposals within the built-up area boundaries as defined on the Proposals Map, contributing to the rejuvenation of the developed coast.

6.0 LOCAL REPRESENTATIONS

6.01 Five letters of objection have been received from neighbouring properties and may be summarised as follows:

- Site already has planning permission for three dwellings
- Overshadowing
- Overlooking/ loss of privacy
- Out of character
- Insufficient parking proposed
- Noise and disturbance
- Proposal doesn't follow building lines
- Loss of views/outlook
- No archaeological watching brief submitted

7.0 CONSULTATIONS

7.01 Warden Parish Council raised an objection to the proposed development on the grounds that it is overdevelopment of the site and that the site already has permission for three dwellings. The Parish Council also stated that they are investigating the transfer of the land adjacent to the Parish Council to make a play area.

7.02 The Council's Engineer raises no objections to the proposals stating that the site is behind the 100 year predicted erosion line and based on these predictions should not be directly affected by cliff erosion in the 100 years or so.

7.03 The Kent County Council Archaeology Team request a watching brief condition to be attached to any planning permission.

7.04 The Environmental Health Manager raises no objections to the proposed development, subject to a condition relating to hours of construction..

7.05 The Greenspaces Officer raised no objections to the proposal.

7.06 Natural England raises no objection to the proposed development. The Habitats Regulations Assessment submitted has been noted and Natural England state that subject to appropriate financial contributions being made to

strategic mitigation, and provision of onsite greenspace as proposed, the proposal is unlikely to have a significant effect on the nearby designated sites, and can therefore be screened out from any requirement for further assessment. Natural England are satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features of the SSSIs .

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 Application papers and drawings and Design and Access Statement relating to planning reference 15/503319/FULL

9.0 APPRAISAL

Principle of Development

- 9.01 The principle of development of the site for residential use has long been established by previously approved planning consents. These have all been proposals for residential developments of the application site. In addition, the site is located within the built up area of Warden. Whilst the site lies within the Coastal Zone, it is not at risk from coastal erosion. The development of this site is therefore acceptable as a matter of principle.

Impact on Residential Amenity

- 9.02 The proposed dwellings would be located a sufficient distance from adjacent dwellings, and be oriented in such a way that they would not give rise to significant overlooking nor overshadowing. The terrace of three dwellings would be set approximately 20 metres from “The Digey” to the north, and in excess of 18m from “Driftwood” to the west. The pair of semi-detached dwellings would sit comfortably adjacent to Driftwood and would not overlook nor be overlooked by adjacent dwellings, including the terrace of three to the rear.
- 9.03 The garden depths proposed are all in excess of the normal minimum of 10 metres and are acceptable. In terms of noise and activity as a result of the proposed residential use of this site, it is considered that this will be minimal and in any case, will have no more significant impact upon the amenities of neighbouring occupiers than there is presently – i.e. the comings and goings of cars associated with the residential use of this site would have no worse an impact given that the area is predominantly residential in nature with a public car park located east of the application site along Imperial Drive.
- 9.04 In my opinion, the proposed dwellings would not give rise to harm to residential amenity such that planning permission should be refused.

Impact on Visual Amenity

- 9.05 The application site is surrounded on three sides by residential development, most of which was built in the 1960/70s. The opposite side of Imperial Drive consists predominantly of two storey terraced dwellings, each with large proportions of glazing including bay windows. A number of materials have been used, including brickwork, tile hanging and weatherboarding. Towards the eastern end those with oblique views to the estuary have incorporated terraced areas at first floor level. On the western boundary of the application site, the chalet bungalow, known as 'Driftwood' also fronts onto Imperial Drive and includes large amounts of glazing, including dormer windows, bay windows and a small terrace to the centre of its front elevation and at first floor level, which offers oblique views of the estuary to its occupants.
- 9.06 Within the residential development further west towards St. James Close and Emerald View there are a mixture of one and two storey semi – detached dwellings. Beyond the northern boundary and backing onto the application site and at a higher topographical level, are a number of larger dwellings with prominent dormer windows and rear conservatories which take advantage of their views of the estuary from this elevated position. As a result, there are no common architectural themes or detailing to the neighbouring properties that might otherwise be considered an established 'benchmark' in design or type of dwelling in the local area.
- 9.07 The scheme put forward in the application is for a pair of semi – detached dwellings and a stepped terrace of three sympathetically designed new dwellings, two storeys in height. The proposed built form is consistent with the linear pattern of development in the area. The design does not attempt to copy the existing designs found nearby but rather complement and enhance the established dwelling forms in the local area and streetscene.
- 9.08 The design of the proposed dwellings are simplistic but striking in appearance and the stepped terrace of dwellings have been designed and orientated to take full advantage of the views out across the estuary. The established building lines of Imperial Drive have been respected and the development layout demonstrates that private rear garden areas are generally equivalent to the accepted standard as sought by the Local Planning Authority. The stepped terrace of dwellings proposed have been designed to include a wood grain effect fibre cement weatherboarding above a facing brick plinth and it is considered to generally reflect the character of the fishing industry buildings that can be found around the Kentish coast. The proposed pair of semi – detached houses are of a different design type, offering a diverse visual interest to the locality, to include white barge boards and fascias with facing brickwork and a contrasting projecting brick course with brickwork.

Other Matters

- 9.09 In terms of highway impacts, the proposed development includes adequate off-street parking provision, in accordance with the Local Authority's parking standards. The principle vehicular access to the parking area will be taken

from Imperial Drive. The pedestrian access to the stepped terrace of dwellings will be taken from the proposed parking area. Pavement crossovers will be constructed across the existing grass verge and footway of Imperial Drive to serve the proposed driveway and parking area. Additionally, cycle parking may be provided within the curtilage of the proposed dwellings.

- 9.10 In terms of boundary treatments to the proposed dwellings, 1.8 metre high close boarded fences with trellis screens over have been proposed. In terms of landscaping the application site and its proposals – these have not been detailed as part of the application and as such, will be conditioned to provide details in writing, to be assessed by the Local Planning Authority prior to the commencement of any works to the site. In terms of refuse storage, it is noted that a facility has been provided to service the proposed development to the eastern end of the application site fronting Imperial Drive.
- 9.11 With regards to the comments of Natural England and contributions to off site mitigation, Members will note from the Habitat Regulations Assessment below, that whilst mitigation could be provided by way of developer contributions, this is not considered appropriate for developments of under 10 dwellings. The cost of mitigation will be met by developer contributions on developments of over 10 dwellings.

10.0 CONCLUSION

- 10.01 Having considered the comments from consultees and local residents, it is considered that the proposed development would be acceptable in principle. The impact of the proposal on the neighbouring residential properties has been assessed as being acceptable with the settings being preserved and enhanced to some degree. The general design and appearance of the proposed dwellings would be appropriate for this area and the scale, bulk and detailed design would be acceptable. In addition, the layout and window position of the proposed dwellings would ensure that there is no undue impact upon the surrounding residents. In general, it is considered that the residential use of this site would have no significant detrimental affect by way of noise and disturbance and general amenities of neighbouring properties and their residents. It is therefore recommended that planning permission be granted subject to appropriate conditions.

11.0 RECOMMENDATION – GRANT Subject 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.

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 take place in accordance with the drawings received by the Council on the 27th January 2015: Proposed development Site Plan; Proposed Street Elevations (Colour); Proposed Development Plan and Site Location Plan; Proposed Site Sections/Street Elevations; 2 Bed House Type (Plots 1 & 2); 3 Bed House Type (Plots 3, 4 & 5); SITEC Site Survey 7124/12

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

- 3) No development shall take place until details have been submitted to the Local Planning Authority and approved in writing, 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.

Reason: In the interest of promoting energy efficiency and sustainable development.

- 4) Prior to the commencement of development, details in the form of samples of external finishing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 5) 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,), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity, and to ensure that such matters are agreed before work is commenced.

- 6) 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.

- 7) The area shown on the submitted plan as vehicle parking and turning space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling hereby permitted.

Reason: Development without adequate provision for the parking of cars is likely to lead to car parking inconvenient to other road users and in a manner detrimental to highway safety and amenity.

- 8) 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.

Reason: In the interests of residential amenity.

- 9) Prior to the first occupation of the dwelling hereby permitted, provision shall be made for 2 covered cycle parking spaces within the curtilage of the property and shall be retained in perpetuity.

Reason: To ensure cycle parking provision.

- 10) Upon completion, no further development, whether permitted by Classes A, B, C, D and E 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 without the prior permission in writing of the Local Planning Authority.

Reason: In the interests of the amenities of the area given the restricted nature of the site and its surroundings.

- 11) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the elevations or roof slope of the dwelling hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

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

- 12) The access details shown on the approved plans shall be completed prior to the first occupation of any dwellings hereby approved, and the access shall thereafter be maintained in perpetuity.

Reason: In the interests of highway safety and amenity.

- 13) The dwellings hereby permitted shall not be occupied until the visibility splays shown on the submitted plan within the site frontage have been provided with no obstruction to visibility at or above a height of 0.6m above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety and amenity.

- 14) No development shall take place until 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 specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and to ensure that such matters are agreed before work is commenced.

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

Reason: In the interests of highway safety and convenience.

INFORMATIVES

- 1) As the development involves demolition and/or construction, it is recommended that the applicant is supplied with the Mid Kent Environmental Code of Development Practice and broad compliance with this document is expected.

2) Habitat Regulations Assessment

This HRA has been undertaken without information provided by the applicant. The application site is located in close proximity to the European designated sites (commonly known as Natura 2000) and The Swale Special Protection Area and Ramsar site – listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar sites).

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 the said site's features of interest.

The proposal, if carried out in accordance with the submitted details is not likely to have a significant effect on the interest features for which The Swale and Medway Estuary and Marshes Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site) have been classified. Therefore an appropriate assessment is not required to be carried out by the Local Authority.

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 61 and 62 of the Habitat Regulations require a Habitat Regulations Assessment. NE also advises 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 and can therefore be screened out from any requirement for further assessment. It goes on to state that when recording the HRA the Council should refer to the following information to justify its conclusions regarding the likelihood of significant effects; financial contributions should be made 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); the strategic mitigation will need to be in place before the dwellings are occupied.

In terms of screening for the likelihood of significant effects from the proposal on the SPA features of interest, the following considerations apply:

- 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, I conclude that off site mitigation is required. However, the Council has taken the stance that financial contributions will not be sought on developments of this scale because of the practicalities of securing payment. In particular, the legal agreement would cost substantially more to prepare than the contribution itself. This is an illogical approach to adopt; would overburden small scale developers; and would be a poor use of Council resources. This would normally mean that the development should not be allowed to proceed, however, NE have acknowledged that the North Kent Councils have yet to put in place the full measures necessary to achieve mitigation across the area and that questions relating to the cumulated impacts on schemes of 10 or less will need to be addressed in on-going discussions. This will lead to these matters being addressed at a later date to be agreed between NE and the Councils concerned.
- Developer contributions towards strategic mitigation of impacts on the features of interest of the SPA- I understand there are informal thresholds

being set by other North Kent Councils of 10 dwellings or more above which developer contributions would be sought. Swale Council is of the opinion that Natural England's suggested approach of seeking developer contributions on single dwellings upwards will not be taken forward and that a threshold of 10 or more will be adopted in due course. In the interim, I need to consider the best way forward that complies with legislation, the views of Natural England, and is acceptable to officers as a common route forward. Swale Council intends to adopt a formal policy of seeking developer contributions for larger schemes in the fullness of time and that the tariff amount will take account of and compensate for the cumulative impacts of the smaller residential schemes such as this application, on the features of interest of the SPA in order to secure the long term strategic mitigation required. Swale Council is of the opinion that when the tariff is formulated it will encapsulate the time period when this application was determined in order that the individual and cumulative impacts of this scheme will be mitigated for.

Whilst the individual implications of this proposal on the features of interest of the SPA will be negligible, cumulative impacts of multiple smaller residential approvals will be dealt with appropriately by the method outlined above.

For these reasons, it may be concluded that the proposal can be screened out of the need to progress to an Appropriate Assessment. I acknowledge that the mitigation will not be in place prior to occupation of the dwelling proposed but in the longer term the mitigation will be secured at an appropriate level, and in perpetuity.

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 applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application

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.