

<b>2.4 REFERENCE NO - 15/502039/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of pair of 3-bed semi-detached houses with associated access and parking including parking for the existing cottage			
<b>ADDRESS</b> 1 Kingsborough Cottages Eastchurch Road Eastchurch Kent ME12 4HP			
<b>RECOMMENDATION – GRANT subject to conditions</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed dwellings would be of an acceptable scale and design, and would not give rise to any serious amenity issues or harm to the visual amenity.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council objection.			
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN</b> Eastchurch	<b>COUNCIL</b>	<b>APPLICANT</b> Mr David Sunley <b>AGENT</b> Kent Design Partnership
<b>DECISION DUE DATE</b> 18/05/15	<b>PUBLICITY EXPIRY DATE</b> 18/05/15	<b>OFFICER SITE VISIT DATE</b>	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
SW/11/0237	Erection of a pair of semi-detached houses with parking to rear.	Granted.	2011.
That application was identical to the current proposal, and was approved under delegated powers as no objections were received from the Parish Council nor from any neighbouring residents.			

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.01 The application site lies within the built up area of Eastchurch. It back on to the Kingsborough Manor housing estate to the north and northwest, and forms part of the side garden to no.1 Kingsborough Cottages, with a small outbuilding, greenhouse, sheds and hard standing on site at present.
- 1.02 The land is generally flat and views are partially obscured by existing hedgerow along the site frontage.

## 2.0 PROPOSAL

- 2.01 This application seeks planning permission for the erection of a pair of three-bed semi-detached houses on the land.
- 2.02 The proposed houses would front on to Eastchurch Road, sited some 4.8m from the flank wall of no.1. The proposed pair of semi detached properties would measure approximately 14.2m wide x between 6m and 8.8m deep and 8m high with a pitched roof. The pair would be of a traditional design with a mixture of tile hanging and contrasting bricks on the elevations, and a tiled roof.
- 2.03 Internally the units would provide an open plan lounge / kitchen and a WC at ground floor, and three bedrooms and a bathroom at first floor. All proposed windows will be to the front and rear of the units, and there will be no side windows overlooking the existing dwellings to the east.
- 2.04 Access will be via the existing driveway for no.1, and a shared parking area will be created to the rear of the new dwellings with allocated parking for each of the new units, no.1, and visitor's parking. No.1 will retain a garden approximately 14m deep.
- 2.05 Members should note that the proposal is identical to that approved under planning permission SW/11/0237, which has since lapsed. Members may also care to note application reference SW/08/0519, which granted permission for the erection of two detached dwellings on the eastern side of no.1 and 2 Kingsborough Cottages in 2008 – those dwellings have since been constructed.

## 3.0 SUMMARY INFORMATION

	<b>Proposed</b>
Site Area (ha)	0.06ha
Approximate Ridge Height	8m
Approximate Eaves Height	5m
Approximate Depth	8.8m (max)
Approximate Width	14.2m
No. of Storeys	1
Parking Spaces	7
No. of Residential Units	2

## 4.0 PLANNING CONSTRAINTS

- 4.01 The site lies within an area of potential archaeological importance.

## 5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are relevant in terms of encouraging sustainable housing development within existing urban areas. They also encourage

good design standards and minimising the potential impacts of any development upon the amenity of neighbouring residents.

- 5.02 The adopted Swale Borough Local Plan 2008 echoes a similar sentiment, and policies E1, E19, H2 and T3 in particular encourage the provision of high-quality housing development within sustainable locations, with adequate parking provision, and minimising potential amenity impacts for local residents.
- 5.03 The publication draft of the emerging Local Plan, entitled Bearing Fruits 2031, was agreed by Members at Full Council late last year and, as such, carries some weight in the determination of planning applications. Policies DM14, DM16, DM19 are relevant in this instance.
- 5.04 The Council's adopted Supplementary Planning Guidance entitled "Designing an Extension" is relevant in that it stipulates that there should be a minimum rear-to-rear separation between dwellings of 21m in order to reduce the potential for mutual overlooking.

## **6.0 LOCAL REPRESENTATIONS**

- 6.01 Eastchurch Parish Council objects to the application, commenting that the site is close to blind bend with little street lighting; and is overdevelopment of the site in a manner contrary to policy.
- 6.02 One letter of objection received from a neighbouring resident (a second copy of the letter was also submitted by a resident of the same property), raising the following summarised concerns:
- Local drainage problems partially due to clay soil;
  - Existing trees need to be preserved and proposed hedgerow will take a long time to establish;
  - Noise, disturbance, and detriment to air quality from rear parking courtyard;
  - Parking court should be enclosed with *"10ft fence with barb wiring to prevent people scaling over into the adjacent properties;"*
  - The existing property needs to be refurbished;
  - Loss of view from properties to the rear;
  - Archaeological interest within the area;
  - Lack of visibility along road, and tight hairpin corner.
- 6.03 The Swale Footpaths Group has no comments.

## **7.0 CONSULTATIONS**

- 7.01 Kent Highway Services have no objections subject to conditions relating to preventing mud on the highway, retention of parking and turning spaces on site, cycle parking, and provision / retention of visibility splays.

- 7.02 The Kent County Council Archaeologist raises no objection subject to the imposition of a condition securing a programme of archaeological works.
- 7.03 Southern Water have no objection subject to a condition securing the long-term management of any SUDS within the site, and advise that the applicant consult with the Environment Agency in regards the use of a package treatment plant for the disposal of foul drainage – I have included this as an informative.
- 7.04 The Lower Medway Internal Drainage Board has no comments.

## **8.0 BACKGROUND PAPERS AND PLANS**

- 8.01 As noted above, the decision for SW/11/0237 is relevant in that it previously granted consent for the proposed development.

## **9.0 APPRAISAL**

### **Principle of Development**

- 9.01 The application site lies within the built up area boundary where the erection of new dwellings is acceptable in principle in accordance with both locally and nationally adopted policies. Furthermore the grant of planning permission for development of the site in 2011, and for the erection of the two houses to the other side of the existing in 2008, firmly establishes that such proposals are acceptable.

### **Visual Impact**

- 9.02 The proposed dwellings are of a relatively simple design but this, in my opinion, compliments the plain rendered finish on the existing cottages adjacent to the site. The design of the building is also similar to that of the two properties erected to the other side of the existing cottages, under the 2008 permission.
- 9.03 I consider that the development would sit comfortably on the site and within the context of the wider street scene. The plot size is such that the dwellings would not appear cramped, and conditions to secure high-spec finishing materials and a suitable landscaping condition would help to soften the impact of the development.

### **Residential Amenity**

- 9.04 I do not consider that the development would give rise to any serious amenity impacts for existing or future residents. The flank of the proposed dwelling at plot 2 will be situated approximately 4.8m from the flank of no.1, and the dwellings on Kingsborough Manor to the rear are a minimum of 35m from the rear of the new building – which is in excess of the 21m minimum recommended by the Council's adopted guidance. I therefore do not

consider that the development would give rise to any serious overlooking, overshadowing or loss of light for neighbouring residents.

- 9.05 I note concerns raised by objectors with regard to the rear parking area, but traffic movements are unlikely to be heavy or frequent given the small-scale nature of the development and thus have no objection on this ground. I would also draw Member's attention to the recent appeal decision for 8-18 Oak Road, Murston (PINS ref. 2206980), which gave a clear indication that small parking areas to the rear of existing properties would be unlikely to seriously harm residential amenity and are often acceptable in planning terms.
- 9.06 Due to the small scale of the parking area I do not consider that it would significantly add to local pollution over and above if the proposed parking provision was provided on each individual plot (if the development layout were significantly altered). I also do not consider that the parking area would significantly attract aspects of anti-social behaviour – this is a relatively quiet, rural edge location with low foot traffic, and the parking spaces will be overlooked by the rear windows of existing and proposed dwellings which will act as a deterrent.

### **Highways**

- 9.07 Parking provision would be in accordance with adopted Kent Parking Standards, and visibility splays will be provided in each direction. I therefore have no objections on highway grounds.
- 9.08 Cycle parking can be provided within the rear gardens of each dwelling, and I see no reason to include a specific condition to secure it in this instance.

### **Landscaping**

- 9.09 There is adequate room within the site to provide a robust landscaping scheme to both the front and rear of the new dwellings. Such a scheme would help to soften the impact of the development, encourage wildlife and add to local biodiversity, and would be secured by conditions 6, 8, and 9 below.

### **Other Matters**

- 9.10 Members will note that Natural England now suggest that developer contributions are required for off site mitigation of the impacts of new residential developments on the nearby SPA and Ramsar sites. 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. In view of this it is not considered that the development will have a harmful impact on the special interests of the SPA and Ramsar sites.

## 10.0 CONCLUSION

10.01 The application proposes two well-designed dwellings within the built up area, in a manner that would not seriously affect local residential or visual amenity. Members should also note that permission has been granted for this development previously – which sets a clear precedent. However the current application has been submitted as this previous permission has lapsed.

10.02 I therefore recommend that planning permission should be granted.

## 11.0 RECOMMENDATION – GRANT Subject to the following 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 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 6th.March 2015: Location Plan no. 15-16, Floor Plans no. 15-16.SK05, South Elevation no. 15-16.SK06, North Elevation no. 15-16.SK07 and East and West elevations no. 15-16.SK08

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) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work 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 prior to the commencement of development.

- (5) 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. .

- (6) 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 prior to the commencement of development.

- (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.

Reason: In the interests of residential amenity.

- (8) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

- (9) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

- (10) The car parking spaces and turning area shown on drawing SK200 shall be provided, surfaced and drained before the premises are first occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order

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

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users and detrimental to amenity.

- (11) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the northeast and southwest-facing 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) No dwelling hereby approved shall be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for cycles to be parked. The details submitted shall show secure cycle storage in accordance with the Kent County Council parking standards.

Reason: In the interest of reducing dependence upon private vehicles. .

- (13) 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. .

- (14) 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.

- (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. The applicant is advised to contact the Environment Agency to discuss the use of a package treatment plant for the disposal of foul waste.

### 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 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 application was acceptable following the submission of minor highway amendments.

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.