

2.5 REFERENCE NO - 15/503681/FULL			
APPLICATION PROPOSAL Erection of 2 detached dwellings to replace existing chalet bungalow			
ADDRESS 177 Wards Hill Road Minster-on-sea Kent ME12 2JZ			
RECOMMENDATION Grant subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The site is within the built up area boundary where the principle of residential development is accepted and would in my view not give rise to serious concerns regarding visual or residential amenities or the streetscene.			
REASON FOR REFERRAL TO COMMITTEE Recommendation contrary to Parish Council view			
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster On Sea	APPLICANT Mr And Mrs Harris AGENT Oakwell Design Ltd	
DECISION DUE DATE 24/07/15	PUBLICITY EXPIRY DATE 24/07/15	OFFICER SITE VISIT DATE 25/6/2015	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/08/0096	Outline application for erection of 3 bungalows to replace existing chalet bungalow.	Approved	23.05.2008

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 No.177 Wards Hill Road is a detached, split level bungalow situated within a large plot in the built up area of Minster.
- 1.02 The existing property sits to the rear of three existing dwellings, known as Four Winds, Carousel and Mwalimu. The land that these dwellings are located upon used to form part of the garden to No.177. Permission was granted for the three dwellings now situated there under reference NK/4/72/7.
- 1.03 The site is accessed via a driveway located between Four Winds and No.181 Wards Hill Road which opens out into the site at the bottom of Four Winds' garden. The siting of the property means that it is hidden from Wards Hill Road, and it effectively fronts onto Clovelly Drive, although there is currently no vehicular access from that side.

- 1.04 The plot slopes downwards from Wards Hill Road to Clovelly Drive so that the existing property is located on a higher level than those properties to the south. The boundaries to the site, especially the boundary with Clovelly Drive are currently screened by well established vegetation.
- 1.05 Both Wards Hill Road and Clovelly Drive have a wide range of housing types and designs. To the north of the site are chalet bungalows with traditional bungalows either side and a terrace of three properties to the south.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for the demolition of the existing bungalow and the construction of two properties.
- 2.02 The properties would be located towards the southern boundary of the site, fronting Clovelly Drive with a landscaped garden and parking space to the front and private amenity space to the rear.
- 2.03 Due to the sloping nature of the site from north to south the properties will be split level, with a lower ground floor, ground floor and first floor as viewed from the front elevation and a ground and first floor as viewed from the rear.
- 2.04 Both properties, as viewed from the front will have a finished ground floor level below that of the existing ground levels. As such, when viewed from the front elevation, the property on plot 1 will measure 8.2m to the ridge from the existing lowest site level.
- 2.05 The roof of this property will have hipped ends and a portion of flat roof, there will also be a pitched roof element with front facing gable. In the front roof slope there will be two pitched roof dormers. Due to the change in site levels, on the rear elevation the roof space will effectively be the first floor level with three pitched roof elements above the first floor windows.
- 2.06 The property on Plot 1 would have a footprint of 13m in width and 12m in depth. The materials will be yellow / pale brown stock bricks at ground floor level on the front elevation and the whole rear elevation. At first floor level on the front elevation red / brown hanging tiles are proposed. The roof will be constructed from grey slate. The rear garden will be L shaped and approximately 22m in depth, 16m in width at its narrowest point and 30m in width at its widest point. The property on plot 1 will be set 1.5m in from the boundary with No.16 Clovelly Drive and 1.45m from the boundary with plot 2.
- 2.07 The property on plot 2 measures 7.7m to the ridge from the lowest natural ground level. The property will have a pitched roof with front and rear facing gables, a flat roofed dormer window on the east facing roofslope and three rooflights on the west facing roofslope.

- 2.08 Due to the change in site levels, the property would appear as a chalet bungalow from the rear but as a two storey house with rooms in the roofspace from the front elevation. The footprint of the property would measure 8m in width and 12m in depth. The materials will match those proposed for the property on plot 1. The roof will be constructed from grey slate tiles.
- 2.09 The rear garden would measure approximately 14m in depth and 10m in width. The flank wall of the dwelling would be 1.45m away from the boundary with plot 1 and on the opposite side a gap of 1m is proposed between the flank wall and the adjacent property, Lyndale.

3.0 PLANNING CONSTRAINTS

- 3.01 Environment Agency Flood Zone 2

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

- 4.01 The NPPF and the National Planning Policy Guidance (NPPG) both advocate provision of new residential development within sustainable urban locations close to local shops and services, subject to good design and no serious amenity issues being raised.

Development Plan

- 4.02 Policy E1 sets out standards applicable to all development, saying that it should be well sited and appropriate in scale, design and appearance with a high standard of landscaping, and have safe pedestrian and vehicular access whilst avoiding unacceptable consequences in highway terms;
- 4.03 Policy E19 states that the Borough Council expects development to be of high quality design and should amongst other requirements provide development that is appropriate to its context in respect of scale, height and massing, both in relation to its surroundings, and its individual details;
- 4.04 Policy H2 states that planning permission for new residential development will be granted for sites within the defined built up areas, in accordance with the other policies of the Local Plan.
- 4.05 Policy T3 states that the Borough Council will only permit development if appropriate vehicle parking is provided in accordance with Kent County Council parking standards.

5.0 LOCAL REPRESENTATIONS

- 5.01 6 letters of objection have been received (2 of these from the same address) from neighbouring occupiers. They raise the following summarised points:
- Loss of light to the properties fronting the development on Clovelly Drive;

- Clovelly Drive already experiences parking pressure and this development will only add to it;
- Concerns regarding subsidence due to the water that runs towards the properties fronting the site;
- The development will contribute to noise due to cars turning into garages at night;
- The road will not be able to cope with lorries delivering heavy materials;
- The demolition of the bungalow and new houses built will create noise and dust;
- There is a hedgerow on the site which is full of wildlife;
- There is a fire hydrant in the hedgerow;
- Emergency services will not be able to pass along the road;
- Large amounts of rainwater flows from the existing plot towards the properties on the opposite side of Clovelly Drive, this will become worse when the shrubbery is removed and hardstanding laid;
- The houses will overlook other properties in Clovelly Drive and cause a loss of privacy;
- The proposal will cause loss of light to adjacent property;
- The existing bungalow on the site should be redeveloped;
- The adjacent properties are single storey and therefore the proposed buildings will be disproportionate to these;
- The application is tantamount to 'garden grabbing'

6.0 CONSULTATIONS

6.01 **Minster Parish Council** object to this application on the following grounds:

"This is over-intensive development of the site.

The bulk design and mass of such a large scale development is considered to be overbearing. It leads to concern that the visual appearance of the proposal is not in keeping with the street scene.

The impact on the residential amenities neighbouring residents might reasonably be expected to enjoy with overlooking, loss of privacy and overshadowing seen as considerable.

The inclusion of photographic evidence of two similar existing houses in Clovelly Drive is considered misleading. A more accurate picture could have been achieved by showing the proposal next to neighbouring properties rather than those further away which are built into a falling gradient plot."

6.02 **Natural England** raise no objection to the proposed development. Natural England state that the consultation documents do not include information to demonstrate the requirements Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment (HRA). In advising your authority on the requirements relating to the HRA, and to assist you in screening for the likelihood of significant effects, based upon the information provided, Natural England offers the following advice:

- The proposal is not necessary for the management of European sites;
- Subject to appropriate financial contributions being made to strategic mitigation, the proposal is unlikely to have a significant effect on these sites, and can therefore be screened out from any requirement for further assessment.

Natural England are also of the view 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 for which the SSSIs named above have been notified. The authority is therefore advised that these SSSIs do not represent a constraint in determining this application.

6.03 The **Environment Agency** has stated that their Standing Advice covers developments of this type.

6.04 The Council's **Environmental Protection Manager** recommends an hours of construction condition, a condition relating to impact pile driving and a programme for a suppression of dust. An informative relating to the possibility of asbestos is also suggested but as this is dealt with under separate Legislation I have not included it.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application papers and correspondence relating to planning reference 15/503681/FULL.

8.0 APPRAISAL

In my view the key considerations in the determination of this application are as follows:

- Principle of development;
- Impact upon residential amenities;
- Impact upon visual amenities and the streetscene;
- Flood implications of development in this location;
- Impact upon the SPA and Ramsar sites.

Principle of Development

8.01 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. It is also taken into consideration that outline planning permission for three dwellings on this site was granted under SW/08/0096. In my view this firmly establishes the principle of residential development in this location.

Residential Amenity

- 8.02 The proposed properties will be located approximately 40m from the properties to the rear. The minimum rear to rear distance that the Council would usually expect is 21m and as such, this proposal provides almost double this and therefore I consider it to be acceptable in this regard.
- 8.03 I note that the properties either side of the application site are single storey dwellings, a point made in the objection letters received. It is also taken into consideration that the properties proposed, especially the dwelling on plot 1, are of a larger scale than those adjacent to the site. Upon receipt of the originally submitted plans I took the view that the height of both of the properties could be lowered and the overall scale of the property on plot 1 could be reduced to increase the distance between the flank wall and the common boundary with No.16 Clovelly Drive. These amendments were forthcoming and the application determined upon this basis.
- 8.04 It is important to consider in this case that the lower ground floor level of the proposed dwellings, will, as shown on the submitted drawings be set below the existing site levels at the front of the site. To ensure the finished floor levels are in accordance with these details I have included a condition requiring complete compliance with the submitted drawings (PL08 Rev A, PL09 Rev A, PL10 Rev A and PL11 Rev B) showing this. The result of this is that the ridgeline of the property on plot 1 will be 1m higher than the ridgeline of the adjacent property, No.16 Clovelly Drive. I also take into consideration that the roof is hipped and the flank elevation of the proposed dwelling will be 1.5m from the common boundary. When this is combined with the flank wall of No.16 being approximately 2.5m from the boundary I am of the opinion that the proposed property on plot 1 would by virtue of its height, design and separation distance not have an unacceptably overbearing impact upon the residential amenities of the neighbouring dwelling.
- 8.05 The neighbouring occupier of No.16 has also raised an objection based upon the loss of light to the flank windows of this property. In relation to this issue I refer back to comments contained in the paragraph above where it is considered that the overall height of the property and the separation distance from the neighbouring property was considered acceptable. As such, in the circumstances, I am of the opinion that the proposal would not give rise to unacceptable loss of light and therefore I consider that would not substantiate a reason for refusal. Notwithstanding the above, flank windows are afforded less weight when considering the impact upon neighbouring dwellings as to do so would give occupiers with flank facing windows significant rights over land that they do not own.
- 8.06 An objection was also raised from the occupier of No.16 that the proposal would cause loss of privacy to the rear garden. I note that the existing property on the site is set to the rear of the site (when viewed from Clovelly Drive) in comparison to the proposed dwellings. There is also a side facing window on this property which by virtue of the properties location faces directly towards the rear garden of No.16. As such, I consider that the

property on plot 1 as proposed, erected along a similar building line, projecting only 1m past the rear wall of No.16 and with a gap of 4m would by virtue of this location not cause unacceptable levels of overlooking or loss of privacy.

- 8.07 On the opposite side, the lower ground floor level of the property on plot 2 will also be set below the existing site level where it fronts Clovelly Drive. Therefore, due to this the ridgeline of this property will be 0.6m above the ridge height of the existing adjacent property, Lyndale. The flank wall of the property will be set 1m in from the boundary with the adjacent property whilst the flank wall of Lyndale is approximately 2.8m from the application site boundary. As such, I take the view that due to the height and separation distance between the properties, the dwelling on plot 2 would not have an overbearing impact upon the adjacent neighbouring dwelling. The property on plot two does include a side facing dormer window which would serve a staircase. Due to this I have included a condition which requires this window to be obscure glazed as to protect the privacy of the neighbouring occupiers.
- 8.08 I also note the addition of side facing windows at ground floor level. The property on plot 1 has a flank window facing No.16 Clovelly Drive but as it serves a bathroom would be expected to be obscure glazed. On the opposite side the property has a kitchen window. However, this faces towards the side elevation of the property on plot 2 which has one window serving a bathroom which would also be expected to be obscure glazed, therefore I do not consider that there would be mutual overlooking. On the opposite side there is a window serving a study. However, as this is at ground floor level I consider that views would be blocked by the boundary treatment along the common boundary between this property and the adjacent property, Lyndale.
- 8.09 The objection letters received also raise the point regarding loss of privacy for the dwellings facing the front of the proposed properties in Clovelly Drive. In response to this I take the view that the properties would be constructed in a manner addressing the street in a conventional manner. This would reflect the relationship between the existing properties in Clovelly Drive. Therefore I believe that the proposal would not give rise to any serious concerns regarding loss of privacy to the dwellings facing the frontage of the proposed properties, or any other dwellings in the vicinity.

Visual amenities and the streetscene

- 8.10 The property at plot 1 would have an element of flat roof, due to the depth of the property and the falling gradient on the site. A design which incorporates an element of flat roof would not usually be encouraged, however in this case I am of the opinion that views of the flat roof from public vantage points would be largely unobtainable. From the front of the property the roof would appear as being pitched with hipped ends whilst to the side and rear, views towards the flat roofed area would be largely blocked by existing residential development. As such I consider the design of the property to be acceptable. I also note a small scale flat roofed dormer window on the side elevation of the property on plot 2. Due to its scale and that it sits comfortably within the roofslope I consider this to be acceptable. The materials used in the construction of both properties will be a mixture of brick and tiles. The

properties in the surrounding area are constructed from a variety of materials and as such I consider that the materials proposed here are acceptable. However, I have included a condition which requires details of materials in the interests of visual amenities.

- 8.11 As referred to above, the existing site is fairly large with a split level bungalow situated some 21m away from the boundary with Clovelly Drive. The site currently has a large amount of vegetation marking the boundary of the site with Clovelly Drive. The properties as proposed will address Clovelly Drive in a similar fashion to the existing properties located along this road and will broadly follow the established building line of the existing dwellings. As such, I consider that the construction of dwellings in the location proposed would be in keeping with the surrounding area, which is predominately residential in nature.
- 8.12 Clovelly Drive is made up of a wide variety of property types and designs and therefore the scale and designs of the proposed development would not be out of keeping with the built form within the existing streetscene. Noting the comments of the Parish Council and objectors relating to scale ,whilst the adjacent properties are single storey dwellings this is not the only property type which makes up the streetscene. As such, in overall terms I consider that the properties would not have an unacceptable impact upon visual amenities and would not significantly harm the existing character of the streetscene.

Flood Implications

- 8.13 Flood Zone 2 crosses the application site and as stated above this type of development is covered by the Environmental Agency's Standing Advice. A Flood Risk Assessment has been submitted with the application and during the course of the application further information has been submitted as required by the Standing Advice.
- 8.14 The agent has provided details relating to surface water management which would fall under the remit of Building Regulations. Further to this the agent has provided details relating to the average site level being approximately 18m above Ordnance Datum. In addition there is no sleeping accommodation contained on the lower ground floor and there is access to upper levels via internal staircases. External doors provide means of escape from the property. I consider that details have been provided which satisfy the Environment Agency's Standing Advice for developments of this type and as such I do not consider that the proposal introduces an unacceptable flood risk to the occupants of the dwelling. To ensure this I have included a relevant condition.

Impact upon SPA and Ramsar sites

- 8.15 Natural England have suggested that developer contributions are required for off site mitigation of the impacts of new residential developments on the nearby SPA and Ramsar sites. However, as set out in the Habitat Regulations Assessment below, that whilst mitigation could be provided by way of developer contributions, this is not considered appropriate for developments under 10 dwellings. The cost of mitigation will be met by developer contributions on developments 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.

Other Matters

- 8.16 Of the objection letters received, all but one of them raise parking as a concern. The property on plot 1 has two frontage parking spaces indicated as well as a garage space. Whilst plot 2 has one frontage parking space indicated with a garage. I note that although the garage space of the property on plot 2 is slightly below the KCC preferred size, I believe that a width of 3m would still be usable and as such consider that parking has been adequately dealt with. Furthermore, I also note that there will be landscaping to the front of the dwellings, details of which will be secured by condition. As such, this will allow for the frontage parking spaces to be partially screened from public vantage points.
- 8.17 In response to the other concerns raised I make the following points. I do appreciate that the existing site contains a large amount of vegetation and wildlife may be present. However, there is separate legislation that deals with the protection of wildlife and therefore I believe this matter requires no further elaboration. In relation to noise and dust, I have included relevant conditions which are imposed to protect the amenities of neighbouring occupiers. Furthermore, the flood risk of the site has been dealt with above and the issue of subsidence is not a material planning consideration.

9.0 CONCLUSION

- 9.01 I recognise that there are local concerns regarding the nature and likely impacts of the proposed development. I also recognise that at the current time the site is of a largely verdant character with the existing property set some distance back from the boundary with Clovelly Drive. However, in my view, the proposal as amended, with a reduced ridge height and the ground finished floor level sitting below the existing site level would introduce two dwellings into an existing built up area, close to local amenities which would not unacceptably harm the streetscene, visual amenities or residential amenities. Matters relating to flood risk and the impact upon the SPA and Ramsar have also been adequately dealt with. I recommend that planning permission be granted.

10.0 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 complete compliance with the following drawings: PL03 Rev A; PL04 Rev A; PL05 Rev A; PL06 Rev A; PL07 Rev A; PL08 Rev A; PL09 Rev A; PL10 Rev A; PL11 Rev B; PL13.

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 of the external finishing materials to be used on the development hereby permitted 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 and to ensure that such matters are agreed before work is commenced.

- 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) 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

- 8) 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.

- 9) The garages hereby approved shall be kept available for the parking of vehicles 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 or in such a position as to preclude vehicular access thereto.

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 in a manner detrimental to highway safety and amenity

- 10) 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.

- 11) 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.

Reason: In the interests of residential amenity.

- 12) The commencement of the development shall not take place until a programme for the suppression of dust during the demolition of existing buildings and 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 demolition and construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity.

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

Reason: In the interests of highway safety and convenience.

- 14) The development hereby approved shall be carried out in accordance with the details contained within the Flood Risk Assessment.

Reason: To safeguard the safety of future occupants of the development.

- 15) Before the dwelling on plot 2 hereby permitted is occupied, the side facing dormer window shall be obscure glazed and remain as such in perpetuity.

Reason: To protect the privacy of neighbouring occupiers.

- 16) Before the dwelling on plot 2 hereby permitted is occupied, the three side facing rooflights shall be obscure glazed, incapable of being opened and shall be maintained as such unless the cill height is at least 1.7m above inside floor level.

Reason: To protect the privacy of neighbouring occupiers.

Habitats Regulations Assessment

This HRA has been undertaken without information provided by the applicant. The application site is located approximately 3km north of The Swale Special Protection Area (SPA) and Ramsar site and 4.2km east of Medway Estuary and Marshes Special Protection Area and Ramsar site both of which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitat Regulations).

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

so far as these would be significant having regard to the objectives of this Article. The proposal therefore has potential to affect said site's features of interest.

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, 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 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 may cost 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 minor developments 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 Borough 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 extremely minimal in my opinion, cumulative impacts of multiple smaller residential approvals will be dealt with appropriately by the method outlined above.

For these reasons, I conclude 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 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.