

2.12 REFERENCE NO - 15/506114/FULL			
APPLICATION PROPOSAL New 4 bedroom dwelling with integrated garage.			
ADDRESS Land Adjacent to 27 Waverley Avenue, Minster-on-sea, Kent, ME12 2JL			
RECOMMENDATION – Grant with conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is acceptable as a matter of principle, would not give rise to harm to residential amenity, visual amenity or highway safety or convenience.			
REASON FOR REFERRAL TO COMMITTEE Called in by Ward Member			
WARD Minster Cliffs	PARISH/TOWN Minster On Sea	COUNCIL	APPLICANT Mrs S Bagri AGENT DHA Planning
DECISION DUE DATE 24/09/15	PUBLICITY EXPIRY DATE 24/09/15		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/11/1616	Proposed 4 bedroom dwelling with integrated garage.	Grant of conditional PP	20/2/2012
This permission, granted in 2011 was for an identical dwelling to that currently proposed.			
SW/06/0413	Outline application for erection of two storey detached dwelling house.	Grant of outline PP	26/5/2006

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site amounts to a vacant plot of land adjacent to the north of no. 27 Waverley Avenue, Minster-on-Sea, Kent. The application site is characterised by a steep gradient and is situated within Flood Risk Zone 2. It has an area of approximately 270m² (30m in length and 9m in width) and has no buildings within it.
- 1.02 The application site is located within the built-up area of Minster-on-Sea and is surrounded by residential units. The majority of these are two-storey dwelling houses of traditional design. The site to the north contains a dwelling

with a swimming pool in its back garden. The site to the west has its back garden bounding the application site. It contains several trees which provide some screening. To the south, the site is bound by 27 Waverley Avenue, which contains a single dwelling.

2.0 PROPOSAL

- 2.01 This application effectively seeks the renewal of a permission granted under SW/11/1616. The application does not seek any amendments to the previously approved scheme.
- 2.02 The application proposes the erection of a two-storey dwelling house. The proposed dwelling with an internal single garage. The pedestrian and car accesses would be provided from Waverley Avenue. The building would be located 6.3m from the site frontage, and approximately 1 metre from the southern and northern boundaries of the site.
- 2.03 The proposed dwelling would be 8m high to the ridge of the roof and 4.8m at eaves level, from the lowest point of the site, to the east. The rear and front wall of the proposed dwelling would follow the building line of the neighbouring building to the south, at no. 27 Waverley Avenue. Both side elevations of the proposed dwelling would have windows, either secondary windows or serving non-habitable rooms.
- 2.04 The frontage would comprise a small garden with a hardstanding area. A rear garden with a decking/patio area are also proposed. The access to the rear garden would be via the stairs from the decking/patio.
- 2.05 Previously, similar applications have been submitted to the Council on this site, granted permission in 2006 and 2012. As the 2012 planning permission expired this year, a new planning application was submitted by the applicant. I note that the drawings of this proposal have been previously submitted to the Council, as part of application ref: SW/11/1616, approved in 2012. Out of the documents submitted with the current planning application, only the Planning, Design and Access Statement and the Flood Assessment have been altered, to ensure compliance with the policies of Swale Borough Local Plan 2008, the NPPF and NPPG.

3.0 PLANNING CONSTRAINTS

Environment Agency Flood Zone 2.

4.0 POLICY AND OTHER CONSIDERATIONS

Swale Borough Local Plan 2008:

- Policy SP1 (Sustainable Development);
- Policy E1 (General Development Criteria);
- Policy E19 (Achieving High Quality Design and Distinctiveness);
- Policy H2 (Providing for New Housing);
- Policy T3 (Vehicle Parking for new development).

5.0 LOCAL REPRESENTATIONS

5.01 Minster-on-sea Parish Council supports the proposal.

5.02 Five residential objections have been received. The issues raised include:

- Inadequate scale (massing and height) of the proposed building;
- Overshadowing and overlooking issues to surrounding buildings;
- Possible damage to neighbouring buildings during construction (however this is not a material consideration);
- Noise nuisance during construction;
- Inadequate parking space on the road;
- Biodiversity loss.

No other representations have been received.

6.0 CONSULTATIONS

6.01 The Environment Agency has no objections to the proposal.

6.02 Southern Water have commented that a formal application for a connection to the public foul and surface water sewer should be made by the applicant or developer, should the application be approved. They request that an informative to this effect be included with the planning permission. This has been included below. Additionally, an informative has also been included on Sustainable Urban Drainage Systems (SUDS), in accordance with Southern Water's comments on the adequacy of soakways to dispose of surface water from the proposed development.

7.0 BACKGROUND PAPERS AND PLANS

- Planning, Design and Access Statement
- Flood Risk Assessment
- Plans submitted with application ref 15/506114/FULL.

8.0 APPRAISAL

8.01 The proposed development is located within built up area Minster-on-sea, where the principle of new residential development is acceptable. As such, the main considerations in determining this application are related to the impact of the proposal on residential and visual amenities as well as its impact on highway safety. These are discussed in turn below.

Visual Impact

8.02 The application proposes a two-storey dwelling house of a scale and design similar to those of neighbouring buildings. The height of the building, as well as the proposed separation between it and surrounding buildings, is in keeping with neighbouring properties. In general, I consider that the proposed development is adequate for the site, as it responds positively by reflecting

the characteristics and features of the locality. As such, I consider that the proposed dwelling house would not harm visual amenity and the street scene and would therefore be in compliance with Policies E1 and E19 of the Swale Borough Local Plan.

Residential Amenity

- 8.03 The proposed dwelling would not project beyond the rear of no.27 Waverley Avenue and would not have an impact in this regard. Equally, it would be located in excess of 21 metres from the dwellings to the rear. No harm in this regard is likely.
- 8.04 The proposed building would project 4 metres to the rear of no.29 Waverley Avenue. However – the properties are sited approximately 2.4 metres apart, which would in my view reduce the level of impact to an unobjectionable level.
- 8.05 The proposed decking could potentially give rise to overlooking to both nos.27 and 29 Waverley Avenue. However – Members will note condition (6) below, which requires obscuring panels to be constructed to each end of the decking prior to the occupation of the dwelling. This will prevent overlooking, and would not in my opinion give rise to harm to residential amenity by virtue of overshadowing.
- 8.05 Given the above, I am of the view that the proposed dwelling would not give rise to demonstrable harm to the occupiers of adjacent dwellings with respect to overlooking and overshadowing.
- 8.06 With respect to the potential noise nuisance and dust during construction, I consider that they would be mitigated by the conditions specified below.

Highways

- 8.07 The neighbours have expressed concerns regarding potential impact on spaces for on-street parking . I do not consider that the proposal would significantly affect on-street parking space. The application proposes an internal garage, together with 2 off street parking spaces to the front. This space is sufficient for a dwelling of this size, and I do not consider the proposal objectionable in this regard.

Other Matters

Flood risk

- 8.08 The Flood Risk Assessment confirms that the development is located in Flood Zone 2, which is defined as having a medium risk of flooding from rivers and sea. The flood risk assessment also demonstrates that there is a low risk of flooding due to other sources. It is notable that the Environment Agency do not raise objection.

- 8.09 The application states that a sustainable drainage system will be incorporated to accommodate the 1 in 100 year rainfall event with a 30% allowance for climate change. There has been no change to the flood risk at the site since the last application. A condition has been included below requiring the applicant to submit details of the proposed drainage system to the Local Planning Authority.
- 8.10 Southern Water has expressed some concerns regarding the drainage and foul system of the proposed development. More information on this is included in the Informative section below.

Loss of Biodiversity

- 8.11 With respect to the neighbours' concerns regarding the potential environmental impacts of the proposed dwelling, it is considered that the currently vacant land does not have a significant biodiversity value that could potentially restrict the erection of a new dwelling on site.

9.0 CONCLUSION

- 9.01 The proposed development is acceptable as a matter of principle, would not give rise to harm to residential amenity, visual amenity or highway safety or convenience. The scheme is acceptable in all other regards, as considered above.
- 9.02 On this basis and subject to the conditions below, it is considered that the scheme would be acceptable and it is recommended that planning permission be granted.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include are as follows:

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

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

- (2) The development shall be carried out strictly in accordance with the approved drawings and statements as follows: drawings 11/1201 and 11/1203; Planning, Design and Access Statement and Flood Risk Assessment.

Reasons: 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.

Reasons: In the interest of promoting energy efficiency and sustainable development and as no such details have been submitted.

- (5) 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.

Reasons: In the interest of visual amenity and as no such details have been submitted.

- (6) Notwithstanding the submitted plans, no development shall take place until details of 1.8 metre high obscuring panels to be fitted to the flanks of the decking and patio area have been submitted to and approved in writing by the Local Planning Authority. The panels shall be constructed prior to the occupation of the dwelling hereby approved, and shall be retained in perpetuity thereafter.

Reasons: In the interests of residential amenity and as no such details have been submitted.

- (8) 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.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity and as no such details have been submitted.

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

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

- (10) 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.

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

- (11) The area shown on the submitted layout as vehicle parking space or garages shall be provided, surfaced and drained before the dwelling is occupied, and shall be retained for the use of the occupiers of, and visitors to, the dwelling, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or 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.

Reasons: 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.

- (12) Pedestrian visibility splays 1m x 1m with no obstruction over 0.6m above the access footway level shall be provided prior to the commencement of any other development in this application and shall be subsequently maintained.

Reasons: In the interests of highway safety.

- (13) 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 District Planning Authority.

Reasons: In the interests of residential amenity.

- (15) Construction of the development shall not commence until details of the proposed means of foul and surface water sewage disposal have been submitted to, and approved in writing by, the Local Planning Authority.

Reasons: In order to prevent pollution of water supplies.

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.

Habitats Regulations Assessment

This HRA has been undertaken without information provided by the applicant. The application site is located north of The Swale Special Protection Area (SPA) and Ramsar site and 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.

INFORMATIVES

Southern Water

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

The Council's building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these

systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme;
- Specify a timetable for implementation;
- Provide a management and maintenance plan for the lifetime of the development.
- This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

No surface water should be permitted to be discharged to the foul sewerage system, in order to protect properties downstream from flooding.

Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water.”

A formal application for connection to the public sewage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

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.