

REPORT SUMMARY

REFERENCE NO - 15/507311/FULL			
APPLICATION PROPOSAL Proposed new dwelling at land rear to 66 Park Drive (Revised Scheme).			
ADDRESS 66 Park Drive Sittingbourne Kent ME10 1RD			
RECOMMENDATION: Approve, subject to the receipt of amended plans			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed dwelling would not harm residential or visual amenity, or highway safety or convenience, and is acceptable in all other respects.			
REASON FOR REFERRAL TO COMMITTEE Called in by Councillor Conway			
WARD Woodstock	PARISH/TOWN COUNCIL Tunstall	APPLICANT Mr Neil Diddams AGENT Kent Design Studio Ltd	
DECISION DUE DATE 02/11/15	PUBLICITY EXPIRY DATE 02/11/15	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/505472/FULL	Proposed new dwelling	REFUSED	7/4/15
The proposed dwelling, by virtue of its bulk, scale and, in particular, width in relation to the size of the plot, would give rise to a cramped development out of keeping with the open character of the surrounding street scene and thus harmful to local visual amenity.			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 66 Park Drive is a detached house situated within the built up area of Sittingbourne. It is set back from the road with parking to the side, a garage (original and too small for modern use) to the rear, a front garden and a generous rear garden.
- 1.02 The rear garden measures approximately 51m deep x 9.2m wide and backs on to a turning head on Roseleigh Road, adjacent to nos. 34 and 34a – two semi-detached chalet bungalows. The rear half (approximately) of the garden is sectioned off by a low picket fence and appears to have been previously used as an allotment / vegetable patch.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for a new chalet bungalow, with access taken from Roseleigh Road. It is a revised scheme, submitted to address the reason for refusal of application 14/505/472/FULL, referred to above, which was refused on the basis of the bulk and scale of the dwelling proposed under that application.

2.02 The proposed dwelling would be set back from Roseleigh Road by 6.2m, would be 10.1 deep, (a maximum of 12m deep including a front bay window and small rear conservatory) 6.5m wide and 6.7m to the ridge of its roof. Two pitched roof dormer windows are proposed to the front (serving a bedroom each) and a single dormer window and roof light to the rear (serving a bedroom and bathroom respectively).

2.03 2 parking spaces are proposed – one to the side boundary with no. 64 Park Drive, and one to the front, and a 12.6m deep garden would be proposed to the rear.

2.04 The dwelling would be set in by 2.5m from the side boundary with no.62 Park Drive and 0.3m from the side boundary with no.68 Park Drive. It would be located in excess of 30m from the dwellings to the rear in Park Drive and 15m from no.34A Roseleigh Road, the closest dwelling to the front.

2.05 An existing mature tree, fronting Roseleigh Road, would be removed to allow access to the site. Other trees, which existed at the time of the last application, and are shown on the drawings for this scheme, have recently been removed by a third party.

3.0 SUMMARY INFORMATION

	Refused scheme	Proposed	Change (+/-)
Approximate Max. Ridge Height	7m	6.7m	- 0.3m
Approximate Max. Eaves Height	2.7m	2.5m	- 0.2m
Approximate Max. Depth	13m	10m (max12m)	- 3m (max)
Approximate Max. Width	8.2m	6.5m	-1.7m
Parking Spaces	3	2	-1
No. of Residential Units	1	1	-

4.0 PLANNING CONSTRAINTS

None

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 distance between dwellings of 21m in order to minimise the opportunities for mutual overlooking.

6.0 LOCAL REPRESENTATIONS

- 6.1 10 representations have been received, all objecting to the application. They are summarised as follows:

- An additional access here would be dangerous;
- The road is too narrow to accommodate traffic from an additional dwelling;
- The elderly neighbour to the application site would find building works very distressing;
- This would set a precedent;
- Loss of privacy to gardens and dwellings;
- Will overshadow adjacent garden
- Will alter character of the area;
- Noise and disturbance;
- Plot is unsuitable for a house;
- Will look out of place;
- Issues relating to deliveries during construction, including parking, noise and disturbance;
- Increase in on street parking;
- Turning head in Roseleigh Road is prone to flooding due to the inadequacy of the soakaway. Surface water from the dwelling will increase run off to this soakaway and increase water levels during severe rainfall, resulting in flooding of dwellings in Roseleigh Road;
- Overshadowing of properties in Roseleigh Road;
- Loss of trees would be harmful;
- Increase in pollution;
- Will cause a highway safety issue;

7.0 CONSULTATIONS

- 7.01 The application has been called before the Planning Committee by Councillor Conway.

- 7.02 Tunstall Parish Council raise objection and comment as follows:

"Councillors have considered this application and wish to object to the application. The proposal is contrary to the provisions of policies T1, E1, E19 and H2 of the adopted Swale Borough Local Plan 2008

The proposal is out of keeping with the character of the local street scene and it would cause over intensification of the site, and lead to unacceptable disruption to the Highway, by the formation of a further access, decreasing safety, on a road that is of unsuitable width. The area is already subject to pluvial flooding and the increased hard standing area would compound the problem. There is very little incline from the road to the front door of the neighbouring property so any increase in surface water would compromise the integrity of the houses.

The extra cars would cause problems for the tight turning circle. The Parish Council would also like to object to the loss of trees, which we understand have already been removed, already causing loss of residents visual amenity”.

7.03 Southern Water do not raise objection, subject to the informative below.

8.0 BACKGROUND PAPERS AND PLANS

Application documents, plans and drawings for applications 14/505472/FULL and 15/507311/FULL

9.0 APPRAISAL

- 9.01 The site is located in the built up area of Sittingbourne, and the development proposed is acceptable as a matter of principle. In addition, the proposed dwelling is located a sufficient distance from surrounding dwellings so as to not give rise to a harmful degree of overlooking or overshadowing. Some overshadowing of part of the garden of the dwelling to the north would occur, but this property (no.64 Park Drive) has a garden of substantial size, and I do not consider that the proposed dwelling would cause demonstrable harm in this respect.
- 9.02 The design of the dwelling is acceptable – it is traditional in form and would not appear out of character with the existing dwellings in the streetscene.
- 9.03 I note the objections of local residents in respect of highway matters. However – the number of off street parking spaces proposed conforms with KCC parking standards for a 3 bedroom dwelling, (although one of these – the space to the side of the dwelling is slightly undersized – I am seeking amended plans in this respect) and I do not consider that an additional access onto a turning head at the end of a cul de sac is likely to give rise to significant harm to highway safety – vehicles would be unlikely to be travelling at speed in this location.
- 9.04 With regards to surface water flooding, I recommend imposing the condition below, requiring details of foul and surface water disposal to be submitted and approved prior to works being carried out.
- 9.05 I note concerns regarding disruption during construction. This is not a material consideration that would justify refusal of the proposal. I do though recommend imposing the condition below in respect of hours of construction, in order to minimise harm to residential amenity during this period.
- 9.06 The loss of the existing tree is regrettable. However – it is not protected, and could be removed without further recourse to the Council. I therefore give limited weight to this issue.
- 9.07 The key issue here is, therefore, whether the proposed development overcomes the previous reason for refusal – namely whether the dwelling would amount to a cramped form of development, out of character with that of the area.
- 9.08 I do not consider that the addition of a single dwelling here would give rise to a significant or harmful increase in noise and disturbance, nor do I consider that it would set a precedent – the application has to be considered on its merits.

- 9.09 As I set out in the table at section 3.0 above, this proposal represents a reduction in bulk and scale from that previously refused by Members. The reduction in scale is significant – the dwelling would now be set in by approximately 2.5m from the side boundary of the site (this will be increased if the plans are amended in order to widen the parking space to the side of the dwelling). I do not consider that the dwelling appears cramped, nor that it would harm the character of the streetscene. It would be set back from the frontage with Roseleigh Road, and would not appear obtrusive. I consider that the previous reason for refusal has been satisfactorily addressed.
- 9.10 I have for completeness set out a Habitat Regulations Assessment below. This confirms 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.

10.0 CONCLUSION

- 10.01 On the basis of the above, I consider the proposed dwelling to be acceptable in respect of its impact on visual and residential amenity, and on highway safety and convenience. I recommend approval.

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 not be carried out other than in complete accordance with the details shown on drawing 1067-01A, received 7th September 2015.

Reason: For the avoidance of doubt.

- (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.

- (4) No development shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be implemented in accordance with the approved details.

Reasons: In the interest of visual amenity.

- (5) No development shall take place until full details of the method of disposal of foul and surface waters have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: To ensure the development is properly serviced, and in order to prevent pollution of water supplies.

- (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.

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

Reason: In the interests of highway safety and convenience.

- (8) 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.

- (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.

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

- (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.

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

- (11) The vehicle parking area hereby approved, as shown on drawing 1067-01A, received 7th September 2015, shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 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(s) hereby permitted.

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.

- (12) 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.

INFORMATIVES

A formal application for connection to the public sewerage 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.

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, whereupon 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 within 6km of The Swale Special Protection Area (SPA) and Ramsar site and the 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 as this proposal is for one dwelling, 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.

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.