

REPORT SUMMARY

REFERENCE NO - 15/509126/FULL			
APPLICATION PROPOSAL Demolition of existing workshops and garages and erection of 2no. two bedroom and 2no. one bedroom studio units			
ADDRESS Rear Of 44A Epps Road Sittingbourne Kent ME10 1JD			
RECOMMENDATION Approve			
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would remove an inappropriately located B2 use whilst providing housing in a sustainable location without impacting unacceptably upon residential, visual or highway amenities.			
REASON FOR REFERRAL TO COMMITTEE Neighbour objections and called in by Councillor Truelove			
WARD Homewood	PARISH/TOWN COUNCIL		APPLICANT Mr I & J Brenchley, Henley AGENT Nigel Sands & Associates
DECISION DUE DATE 07/01/16	PUBLICITY EXPIRY DATE 14/12/15		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/10/1176	Demolition of existing workshops and garages. Erection of one storey 1 bed detached dwelling and two storey block of five 1 bed flats with rooms in the roof space.	Refused and dismissed on Appeal (Ref: APP/V225 5/A/11/21 53071)	22.11.2010

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The majority of the application site, known as No.44A Epps Road is comprised of a number of workshop / store buildings (B2 use) with a yard area to the front. The southern part of the site consists of a number of lock up garages.
- 1.02 The site is located in the built up area, in a predominately residential area, behind the main frontage development facing Epps Road. To the east of the site lie the properties in Ufton Lane and to the west properties in Rock Road. In both cases the rear of these properties face toward the application site.

- 1.03 The site is accessed from Epps Road to the south. A number of garages serving the properties in Rock Road and Ufton Lane are also situated within close proximity of the application site.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for the demolition of the existing workshops and garages and the erection of 2no. two bedroom units and 2no. one bedroom units in a 1 ½ storey terrace with rooms in the roofspace. The existing access from Epps Road would be used.
- 2.02 The proposed terrace would measure 25m in width and 9m in depth. The eaves would be 2.7m and the building would measure 7.9m to the ridge. Four dormer windows and two rooflights are proposed on the front roofslope with 8 rooflights on the rear roofslope.
- 2.03 The central part of the building would be left open at ground floor level to provide two parking spaces whilst an additional two spaces would be provided, one to the side of the southern most unit and one in front of the northern most unit.
- 2.04 Each property will consist of lounge / dining room, kitchen and w.c. at ground floor level with bedroom(s) study / store and a bathroom at first floor level. Private amenity space to the rear of the property will be provided ranging between 7.3m – 8.6m in depth. A bin store and cycle space is also provided for each dwelling.
- 2.05 The proposed materials are facing brickwork, slate roof and uPVC casement windows.

3.0 PLANNING CONSTRAINTS

- 3.01 None

4.0 POLICY AND OTHER CONSIDERATIONS

- 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 B1 seeks to retain land and buildings currently in employment use unless it is inappropriately located; demonstrated by market testing that it is no longer suitable for employment use or there is insufficient demand or is allocated in the Plan for other purposes.

- 4.05 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.
- 4.06 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 Surrounding properties were notified of the application and 4 letters of objection have been received, raising the following summarised objections:
- Proposal would overlook properties in Rock Road and Ufton Lane;
 - Proposal would be overbearing and cause loss of light to surrounding properties;
 - Proposed building is larger in scale than the existing;
 - Access to the site is inadequate;
 - Emergency vehicles would not be able to access the site;
 - Refuse bins would have to be taken to the top of the alley;
 - Inadequate parking provision;
 - Materials not in keeping with the area and the building would be out of character;
 - Drainage in the area is inadequate;
 - Additional traffic / pedestrian movements would create noise;
 - Do not wish to lose access provided by the rear gate of No.45;
 - The rear to rear distance between the proposed and existing dwellings is insufficient;
 - Proposal would affect property value;

6.0 CONSULTATIONS

- 6.01 The Council's Environmental Protection Manager has requested conditions relating to contaminated land and hours of construction.
- 6.02 Southern Water recommended a condition relating to the proposed means of foul and surface water sewerage disposal and an informative relating to connection to the public sewerage system.
- 6.03 The Environment Agency require conditions relating to contamination and site remediation and also recommend informatives in relation to waste, foul drainage and pollution prevention.
- 6.04 Councillor Truelove confirmed that *"I would like this to be called in for consideration by the Planning Committee because of local concerns about loss of amenity."*

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Application papers and correspondence related to 15/509126/FULL, SW/10/1176 and appeal reference V2255/A/11/2153071.

8.0 APPLICANT'S SUPPORTING DOCUMENTS

- 8.01 A Phase 1 Contamination Assessment, Sustainability Statement and Design and Access Statement has been submitted with the application

9.0 APPRAISAL

At the outset it is important to note that a previous application on this site was refused and then dismissed at appeal. The appeal was dismissed on the grounds that the proposal would be harmful to the living conditions of occupiers of dwellings in Ufton Lane, causing unacceptable loss of outlook and privacy. As such, this revised scheme has now come forward which seeks to address the Inspectors conclusions.

Principle of Development

- 9.01 The application refused under SW/10/1176 and subsequently dismissed at Appeal was considered to be acceptable in principle. Policy B1 of the Local Plan which deals with retaining employment sites remains the adopted policy and as such I reach the same conclusion as was considered in the previous application on the site in regards to this. The policy requires existing employment sites to be retained unless it is demonstrated that the site is inappropriately located for employment use and having an unacceptable environmental impact. The B2 use of the site, located in relatively close proximity to existing residential dwellings would in the future, potentially have a significant impact upon neighbouring amenities, even if it doesn't at the current time. Further to this, policy B1 also requires the applicant to demonstrate that a mixed use of the site could not satisfactorily be achieved as opposed to a wholly residential scheme. In my view, given the comparatively small size of the site and its location, a mixed use scheme here would be difficult to achieve. Finally, because of the small size of the site, I do not consider that its loss as an employment site would materially harm the provision of employment space within the Borough in general or Sittingbourne in particular. The site is located within the built up area, close to the town centre and is therefore in my view in a sustainable location.

Visual Impact

- 9.02 The site lies to the rear of residential properties in Ufton Lane and Rock Road and is set back from the frontage development which exists on Epps Road. The proposed building, being comprised of two storey dwellings would be of a comparative height to the surrounding properties and as such I consider that the scheme would not be at all prominent from public vantage points. The site is also set lower than Epps Road and as such I am of the view that this would further reduce its impact.
- 9.03 I note local residents concerns regarding the materials used and the design of the building and I respond as follows. The proposed materials as stated on the application form will be comprised of facing brickwork and a slate roof. To ensure the appearance of materials are acceptable I have included a condition which requires that samples are provided which I believe deals with this point satisfactorily. Furthermore, the proposal includes a pitched roof building with pitched roof dormer windows. I believe this to be an acceptable design approach and combining this with the relatively well screened location of the site I am of the view that the impact upon visual amenities would not be unacceptable.

Residential Amenity

- 9.04 Due to the refusal of the previous application and the Inspectors conclusions I am of the opinion that the impact upon residential amenities is the key consideration in this application. The application submitted under SW/10/1176 proposed a bungalow which was considered acceptable in this regard and also a 2 ½ storey building with an eaves height of 5.2m and a ridge height of 8.6m. The application as now submitted proposes a 1 ½ storey building with an eaves height of 2.7m and 7.9m to

the ridge. Due to the low eaves height of the building and the resultant pitched roof the consequence in my view is a structure which has considerably less impact upon the surrounding residential properties.

- 9.05 In addition to the above I note that the properties to the rear in Ufton Lane are a minimum of 22.5m away from the rear elevation of the proposal. The Council would normally expect a minimum rear to rear distance of 21m and therefore this proposal would achieve in excess of this. However, as the rear facing rooflights serve bathrooms and study / stores I am of the view that it would not seriously harm the living conditions of the future occupants of the dwellings if these windows were obscure glazed. As such, even though this is not indicated on the drawings I have included a condition which requires the rear facing windows to be obscure glazed. Therefore, I take the view that the issue of overlooking of properties in Ufton Lane has been acceptably overcome in this scheme.
- 9.06 The proposed properties have first floor windows in the front roofslope serving habitable rooms so the 21m rule will again be applied between the dwellings proposed and the properties in Rock Road. The closest relationship is between the proposed property in the north of the site and No.89 Rock Road which achieves a distance of 23m. The distance between the remaining three properties and the dwellings in Rock Road exceeds 23m and as such I take the view that the proposal would not cause unacceptable overlooking of these properties.
- 9.07 I also note the comments received from the owner and occupier of No.45 regarding the impact upon the rear garden of this property. The flank wall of the southern most dwelling in the proposed terrace will be 11m from the rear elevation of No.45 Epps Road. In my view this is a sufficient distance as to not have an unacceptably overbearing impact. Furthermore, the proposal will be to the north of No.45 and as such the scheme will not lead to a significant loss of sunlight received either to the rear garden or the rear windows of this property.
- 9.08 In overall terms I consider that the issue of the building having an overbearing appearance has been addressed by the reduction in height and the change in design which now includes a limited eaves height. The result of this is that the roof slopes away from the neighbouring properties in Ufton Lane and Rock Road creating in my opinion a building which sits comfortably within the site. Furthermore, although the proposal achieves in excess of the minimum overlooking distances required I have also recommended a condition requiring the rear facing windows at first floor level to be obscure glazed. Due to this the issue of overlooking of properties in Ufton Lane - the key reason for the Inspector dismissing the appeal has in my view been overcome. I consider that on the whole the proposal, due to the assessment undertaken above, will not impact unacceptably upon residential amenities. However, to ensure this I have also included a condition which removing permitted development rights so that the Council can have control over any future additions to the properties.

Parking and Access

- 9.09 Local concerns have been raised regarding the parking provision and access to the site. A scheme of this size is below the threshold which Kent Highways and Transportation will provide comments on. However, the parking provision provided in this scheme of 1 car per unit complies with Kent Highway Standards. Furthermore, it is the Council's policy not to provide resident's permits to occupiers of new dwellings in resident parking areas. Finally, it is noted that for the previous scheme which proposed 6 units, the Inspector considered the application to be acceptable in

respect of highway matters and parking provision. As this application now proposes fewer units I am of the firm view that the application is acceptable in terms of access arrangements and parking provision.

Landscaping

- 9.10 The submitted details state that each property will have the following planting: 6 x Angelica; 3 x Pieris flaming star; 5 x Yucca and 3 x Dogwood. A section of the rear private amenity space will be paved with Marshalls Saxon buffs and the front paving will consist of Marshalls red brick pavers. To ensure the hard and soft landscaping is acceptable I have imposed a condition requiring details to be submitted, as the species to be planted as set out above are not predominantly native.

Contamination

- 9.11 A Phase 1 Contamination Assessment has been submitted with the application which concludes that a Phase II intrusive investigation is necessary on the site. The site also lies within a Source Protection Zone. I have consulted with the Council's Environmental Protection Manager and the Environment Agency. In order to ensure that the issue of contaminated land is properly dealt with conditions relating to land contamination have been recommended. I have included these and as such consider that the contamination and the protection of the public water source have been adequately dealt with.

Other Matters

- 9.12 The majority of the grounds for objection have been dealt with above. I also note that the issue of property prices has been raised but as this is not a material planning consideration I make no further comment. In relation to additional traffic movements being created by the development I take the view that in this residential location, close to the town centre, an additional 4 dwellings would not create such a significant number of traffic movements as to be unacceptable. With regards to drainage, the site is currently made up of hardstanding. However, I have consulted with Southern Water and the Environment Agency (due to, amongst other things the sites location within a Source Protection Zone) and they raise no objection subject to the inclusion of conditions. As such I consider this matter to be dealt with. Concern has also been raised regarding refuse bins being taken to the end of the alley. This would be a maximum distance of 40m away from the northern most proposed dwelling and therefore I do not believe that requiring this to take place once a week is unreasonable. Finally, with regards to rear access from a gate of a neighbouring dwelling, this is a private matter between land owners and therefore I make no further comment.
- 9.13 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 fewer than 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 Overall I take the view that the proposal has been altered in such a way from the scheme refused under SW/10/1176 (and dismissed at Appeal) to now make it acceptable in planning terms. The reduction in scale of the building, its significantly

lower eaves height and condition requiring obscure glazing of the rear windows creates in my view a scheme which sits comfortably within the site without having an overbearing impact upon neighbouring dwellings or private amenity space and which would not cause a serious loss of privacy or lead to unacceptable overlooking. Adequate parking provision has been provided and the proposed properties all have adequate and usable private amenity space. I recommend that planning permission 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 following drawings: 15/2613/2A; 15/2613/1D and 15/2613/E.

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) Notwithstanding the submitted details, 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.

Reasons: 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) 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.

- 10) Upon completion, no further development, whether permitted by Classes A, B, C, D and E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) or not, shall be carried out without the prior permission in writing of the Local Planning Authority.

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

- 11) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site without the prior written approval of the Local Planning Authority.

Reasons: In the interests of visual amenity.

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

Reasons: In the interests of highway safety and convenience.

- 13) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the

site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean; Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reasons: To ensure any contaminated land is adequately dealt with.

- 14) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: To prevent pollution of controlled waters

- 15) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To prevent pollution of controlled waters.

- 16) No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To prevent pollution of controlled waters.

- 17) No dwelling shall be occupied until space has been laid out within the site in accordance with the submitted details for cycles to be securely sheltered and stored.

Reasons: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle use.

- 18) Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reasons: To ensure that foul and surface water is adequately disposed of.

- 19) Notwithstanding the details shown on the submitted drawings, before the development is occupied the rear facing rooflights serving the bathrooms and study / store shall be obscure glazed and shall subsequently be maintained as such.

Reasons: To protect the privacy of the occupants of Ufton Lane.

Informatives

- 1) Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
- Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005
 - Environmental Permitting (England and Wales) Regulations 2010
 - The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.

- 2) The discharge of treated sewage to ground may require an Environmental Permit under the Environmental Permitting Regulations 2010 (EPR 2010) from the Environment Agency. You can find more information online at <https://www.gov.uk/permits-you-need-for-septic-tanks/permits> or contact us on 03708 506506 for an application form and guidance. You should be aware that the permit may not be granted. A permit will only be granted where the risk to the environment is acceptable.
- 3) All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance "PPG1 – General guide to prevention of pollution", which can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/29012

[4/LIT_1404_8bdf51.pdf](#)

- 4) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 3030119) or www.southernwater.co.uk.

Habitats Regulations Assessment

This HRA has been undertaken without information provided by the applicant. The application site is located approximately 3.8km south of The Swale Special Protection Area (SPA) and Ramsar site and 5km south 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 as this is for a small scheme of 4 dwellings, 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.