

REPORT SUMMARY

REFERENCE NO - 15/507246/FULL			
APPLICATION PROPOSAL Construction of 2 bed bungalow with carport in the rear garden			
ADDRESS 320 Minster Road Minster-on-sea Kent ME12 3NR			
RECOMMENDATION Approve, subject to comments from Natural England			
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 cause unacceptable harm to the streetscene.			
REASON FOR REFERRAL TO COMMITTEE Parish Council objection			
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster On Sea	APPLICANT Mrs A Hughes AGENT Deva Design	
DECISION DUE DATE 29/10/15	PUBLICITY EXPIRY DATE 4/4/2016		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/00/0839	Two storey side extension to existing house (not implemented)	Approved	09.10.2000

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located on the northern side of Minster Road, within the built up area of Minster-on-Sea. The site contains an existing semi-detached two-storey dwelling towards the southern end of the site. There is an existing garden to the rear of the property. The property has a landscaped garden to the front and a paved driveway to the side.
- 1.02 The site is surrounded by residential plots. The adjoining property, No.318 is a property of similar design to that on the application site and the property to the east, No.320A is a detached bungalow. The properties immediately to the rear of the application site in Saxon Avenue are bungalows.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for the construction of a detached, 2-bedroom bungalow and a carport in the rear garden of the application site, known as 320 Minster Road.
- 2.02 The bungalow will measure 9.7m in width and 12m in depth. It will measure 2.7m to the eaves and 5.5m in overall height. The bungalow will have a pitched roof. A two bay carport is also proposed measuring 5.5m x 6.5m, 2.5m to the eaves and 3.6m in

overall height with a pitched roof. Rear private amenity space, 72 sqm in size is also proposed.

- 2.03 The bungalow's external walls are proposed to be rendered and painted white, with a dark grey slated roof. Clay ridge and hip tiles are proposed to be red in colour.
- 2.04 Internally, the bungalow will be comprised of two bedrooms, kitchen, lounge / diner, bathroom and en suite.
- 2.05 A new boundary is proposed to be established between the existing and proposed dwelling. An extended area of hard standing between the dwellings is to incorporate a driveway and the car port will provide two parking spaces. The car port is to be erected from oak framing, with plain brown concrete roof tiling. It is proposed that a timber framed fence (panels and posts) be erected along all boundaries.
- 2.06 The agent has submitted a supporting statement with the application which sets out the need for the bungalow. The need relates to the applicant's (and owners of No.320 Minster Road) daughter having a medical condition which requires constant care from her parents. As such, the proposed bungalow would be occupied by the applicant's husband and disabled daughter to reside in whilst the existing property (No.320) would be occupied by other family members. This will allow for family members to be on hand to help with caring when the parents take respite.
- 2.07 The existing dwelling at No.320 Minster Road would retain space to park 2 vehicles and private amenity space of approximately 75 sqm and additional amenity space to the side and front.

3.0 PLANNING CONSTRAINTS

- 3.01 None

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 Surrounding properties were sent a consultation letter. One response was received raising the following summarised objections:

- The proposal will create a terracing effect, out of keeping with the surrounding area;
- The proposed dwelling is over twice the size of the existing dwelling (No.320), is out of proportion with existing properties and unsympathetic to the surroundings;
- Density is already too high because of previous infill development;
- Inadequate parking provision for both properties and restricted access for emergency vehicles;
- Loss of several well established trees;
- Concern that this would set a precedent;
- Loss of amenity space for existing property.

6.0 CONSULTATIONS

- 6.01 Minster Parish Council objects to the application on the grounds that *'this is over intensive development of the site.'*
- 6.02 KCC Highways and Transportation state that *"the proposed development is taking access from an existing access point, and although there may be some additional vehicle movements at this access, these would be minimal and unlikely to have a material impact on the surrounding highways.*

The parking provision of 4 spaces is in line with the minimum standards set out by IGN3, parking standards for residential developments.

Consequently, I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- *Use of a bound surface for the first 5 metres of the access from the edge of the highway.*
- *Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing."*

I note that the existing driveway which will be continued to create the new access is already in situ and is made up of a bound surface in excess of 5m from the edge of the highway. As such I have not included this condition.

- 6.03 The Council's Environmental Protection Manager recommends an hours of construction condition.

6.04 I have consulted verbally with the Council's Tree Consultant who does not believe that the trees on the site to be of a sufficient quality or amenity value to be formally protected. No objection is raised to their loss.

6.05 Southern Water responded stating the following:

- *"No development or new tree planting should be located within 3 metres either side of the centreline of the surface water sewer;*
- *No new soakaways should be located 5 metres of a public sewer;*
- *All existing infrastructure should be protected during the course of construction works"*

An informative regarding connection to the public sewerage system has been recommended and I have included this.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application papers and correspondence relating to application reference 15/507246/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;
- Impact upon SPA and RAMSAR site.

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. As such I consider that the principle of residential development is established in this case.

Residential Amenities

8.02 The proposed bungalow will be located 16.3m from the main rear elevation of No.320 Minster Road. This existing property also has a small single storey rear element. The proposed dwelling would also be 16.4m away from the two storey dwelling at No.318 Minster Road and 8.5m away from the bungalow at No.320A. To the rear the proposed property would be 21m away from No.23 Saxon Avenue. The bungalow proposed is limited to 5.5m in height and as such due to its limited height I do not consider it would have an overbearing impact upon the surrounding properties. The proposed car port would be 3.5m away from the single storey element of No.320 and 7.3m away from the main rear elevation, however the carport is limited to 3.6m in height with a pitched roof sloping away from the closest property. As such I also consider that the proposed car port would not have an unacceptable impact upon neighbouring amenities.

- 8.03 Due to the proposed siting of the bungalow I have paid particular attention to the internal layout of the proposed dwelling and especially the location of the windows serving habitable rooms. The main windows serving bedroom 1 and the lounge / diner have been located on the rear of the bungalow facing the private amenity space. The properties to the rear of the application site are bungalows and as such I do not consider that there would be the possibility of mutual overlooking as views would be obscured by the boundary fence. Furthermore, views towards the private amenity space would be blocked by the bungalow itself from the closest existing properties in Minster Road and as stated above, by the boundary fence from the properties in Saxon Avenue.
- 8.04 The window serving bedroom two would be located within the front elevation but views towards it from the first floor windows of No.s 320 and 318 Minster Road would be blocked by the location of the proposed car port. Condition 9 below requires the provision of the car port prior to the occupation of the dwelling, which adequately addresses this matter. There is a further window on the front elevation but as this does not serve a habitable room I do not consider this to be unacceptable. There are windows proposed on both side elevations but those on the west facing flank wall serve an en suite and a bathroom which would be expected to be obscure glazed. To ensure this I have included a relevant condition to this effect. On the opposite elevation there are also two windows proposed, a secondary window serving the kitchen and a further window serving the lounge / dining room. As the neighbouring property on this side is a bungalow I am of the opinion that any views would be blocked by the side boundary fence. As such, I consider that the private amenity space and the layout of the bungalow has been considered in such a way as to avoid mutual overlooking
- 8.05 Although the access to the dwelling will be provided between No. 320 and 320A Minster Road, as there is only one dwelling proposed I do not consider that the vehicle movements would be significant in frequency. Therefore I do not believe that this would have an unacceptable impact upon the amenities of these two adjacent dwellings.
- 8.06 In my opinion the proposal as a whole provides adequately sized accommodation for the future occupants of the dwelling, an acceptably sized garden, suitable parking and turning space and sufficient space for the storage of bins and cycles. The bungalow is limited to a height of 5.5m with a roof design to limit any overbearing impact upon neighbouring dwellings. However, in order that any additional development on the site can be properly assessed I have imposed a condition which removes permitted development rights. In my view this is a satisfactory way in which to ensure that the site size remains acceptable.

Visual Amenities and the Streetscene

- 8.07 The properties within close proximity of the application site are mixed in style and design and consist of two storey detached, two storey semi detached and detached bungalows. As such, I do not consider that an additional bungalow, in design terms, would be out of keeping with similar developments within the vicinity. Furthermore the proposed bungalow will be simply designed with a pitched roof. The materials comprising of rendered and painted walls and roof tiles would in my view be acceptable.
- 8.08 The existing streetscene within this part of Minster Road is characterised by properties which enjoy, for a built up residential area, relatively generous frontages. Although the bungalow proposed would not be situated close to the highway I note

that the gap between No.320 and No.320A is limited to approximately 9m. Due to the location of the bungalow and its limited height I am of the opinion that public views towards the dwelling would be limited to the gap between these two existing properties and even then a large proportion of the bungalow would be hidden by the existing dwelling at No.320. Furthermore, I note that the angle of the pitched roof would broadly follow the line of the roof of the existing dwelling at No.320 which limits the impact it would have. Therefore, although the proposal would not be entirely in keeping with the existing pattern of development and would comprise backland development I believe that the proposal would not give rise to significant harm to the streetscene as it would be largely hidden from public vantage points.

Impact Upon SPA and Ramsar Sites

- 8.09 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.

Other Matters

- 8.10 One letter of objection from a neighbouring occupier has been received and I respond as follows. Firstly, a gap of 3.8m between the proposed bungalow and the bungalow at No.320A Minster will be retained. Therefore I do not consider that a terracing effect would be created. I have addressed the issue of the impact upon the streetscene in my assessment above which requires no further elaboration. KCC Highways and Transportation have been consulted and they found both the proposed and existing dwelling at No.320 would have adequate parking provision. In regards to the point made about the loss of trees, the trees on the site are not subject to a Tree Preservation Order and as such the Council would not have any control over their loss if the site owner was to remove them. I also consider due to the location of the trees within the rear garden, with limited views towards them from public vantage points that their loss would not impact unacceptably upon public amenities. Furthermore, as set out above the Council's Tree Consultant does not believe that the loss of the trees would be unacceptable. As such, I do not consider that the loss of these trees to substantiate a reason for refusal.
- 8.11 In relation to this application setting a precedent I take the view that if further applications were to come forward for similar types of developments then they would be judged on their merits, as this case has been. Finally, the existing property at No.320 will have its amenity space reduced by virtue of this development. However, the rear garden will still measure 7.3m in depth and 9.2m in width. I also note that there is further amenity space to the side and front of No.320. On this basis I take the view that the remaining amenity space is acceptable.

9.0 CONCLUSION

- 9.01 Overall I believe that the bungalow has been appropriately designed and laid out in order to limit the impact it would have upon neighbouring amenities. I am also of the opinion that the main windows to the habitable rooms have been located in such a location that these rooms and the private amenity space would not be unacceptably overlooked by the surrounding properties. The established nature of the streetscene would in my view not be unacceptably harmed and the impact upon SPA and Ramsar sites and parking have been adequately dealt with. I consider that the site is

large enough to be able to accommodate a dwelling of this scale with adequate amenity and parking space whilst also retaining adequate space and parking provision for the occupiers of the dwelling at No.320. Whilst I note the personal circumstances of the applicants and the need for the dwelling, regardless of this I am of the opinion that the proposal is acceptable in its own right. 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 accordance with the following drawings: DC/127 (received 11/01/2016) and DC/073 (received 03/02/2016).

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.

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) The carport hereby approved shall be provided prior to the occupation of the dwelling hereby approved, and 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.

Reasons: In the interests of residential amenity, and as 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) 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 (as amended) (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.

- 12) The access details shown on the approved plans shall be completed prior to the first occupation of any dwellings hereby approved, and the access shall thereafter be maintained in perpetuity.

Reason: In the interests of highway safety and amenity.

- 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.

Reasons: In the interests of highway safety and convenience.

- 14) Before the dwelling hereby permitted is occupied, the proposed windows in the west elevation serving the en-suite and bathroom shall be obscure glazed and shall subsequently be maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To protect the privacy of the future occupants of the dwelling.

Informative

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

Habitats Regulations Assessment

This HRA has been undertaken without information provided by the applicant. The application site is located approximately 5.8km north of The Swale Special Protection Area (SPA) and Ramsar site and 4.3km 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 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.

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.