

2.2 REFERENCE NO - 15/508144/FULL			
APPLICATION PROPOSAL Erection of attached dwelling, creation of garden and associated landscaping.			
ADDRESS 6 Sheerstone Iwade Kent ME9 8RN			
RECOMMENDATION Approve			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed dwelling is within the built up area boundary and would not unacceptably harm residential or visual amenities or the streetscene.			
REASON FOR REFERRAL TO COMMITTEE Called in by Cllr Stokes			
WARD Bobbing, Iwade & Lower Halstow	PARISH/TOWN Iwade	COUNCIL	APPLICANT Whitby Building Solutions Ltd. AGENT Robinson Escott Planning
DECISION DUE DATE 02/12/15	PUBLICITY EXPIRY DATE 31/3/2016		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
None			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 No.6 Sheerstone is comprised of a two storey semi detached property with a landscaped garden to the front and side and private amenity space extending to 27m to the rear.
- 1.02 In front of the property lies an area of amenity space which separates Sheerstone from Ferry Road.
- 1.03 On the western side of the highway, in this part of Sheerstone, the properties are predominately semi detached. On the opposite side of Ferry Road the style of property is predominately 2 storey and terraced in nature. As such, there is a mixture of property type and design within close proximity of the application site.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for a two storey dwelling. The dwelling would be attached to the existing property at No.6 Sheerstone. The property would be orientated away from No.6 and address the highway at a similar angle as No. 2 and 4.

- 2.02 Due to the orientation of the property it would measure 7.8m in width along the stepped front elevation and 3.6m in width at the very rear of the property. The dwelling would be 8.8m in depth, 5m to the eaves and 7.8m in overall height with a pitched roof.
- 2.03 Internally the dwelling would be comprised of a hallway, lounge, kitchen, dining room and w.c. whilst at first floor level would be two bedrooms and a bathroom.
- 2.04 A portion of the proposed property's frontage would be comprised of hardstanding with the remainder being a landscaped garden. The hardstanding would continue for 12.6m in depth adjacent to the property. There would be provision to park 3 cars within the curtilage of the proposed property.
- 2.05 The existing rear amenity space of No.6 would be approximately halved to give the existing property at No.6 and the proposed adjacent property a similar amount of private amenity space. This would be approximately 27m in length and 6.6m in width immediately to the rear of the properties before tapering inwards towards the rear.

3.0 PLANNING CONSTRAINTS

- 3.01 Potential Archaeological Importance

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 and a site notice was displayed close to the site. Three responses were received which raised the following summarised objections:

- Will exacerbate existing parking problems in the area;
- Water / sewer pipes are within the boundary of No.6 causing complications if the get damaged / blocked;
- No need for this dwelling;
- Where would construction vehicles park?
- Lower value of existing properties;

6.0 CONSULTATIONS

6.01 **Iwade Parish Council** *“has concerns about parking as regards this application. Parking in Sheerstone is problematic, often both sides of the road outside of this property are blocked with parked cars. As these are three bedroomed homes the Parish Council requests that provision is made on site for two cars per property - no. 6 and the new build.”*

6.02 **KCC Archaeology** *“confirm that no archaeological measures are required in connection with the proposal.”*

6.03 I have consulted verbally with the Council’s **Environmental Protection Manager** who has requested an hours of construction condition.

6.04 **Southern Water** requests that if consent is granted then a condition is imposed relating to diversion of public sewers and an informative relating connection to the public foul sewerage system.

6.05 As three objections to the scheme have been received, I contacted the Ward Members, summarising the reasons why I believed the application to be acceptable and also giving them the opportunity to call the application into Planning Committee if they wished. Their responses were as follows:

- Cllr Stokes: *“As there are some objections I will like to call in this application to committee.”*
- No response was received from Cllr Dewar-Whalley.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application papers and correspondence relating to planning reference 15/508144/FULL.

8.0 APPRAISAL

8.01 It is important to note at the outset that during the course of this application amendments have been made to the scheme which have reduced the scale of the property resulting in a two bedroomed property rather than 3 bedrooms as originally applied for. Further to this, provision for three parking space within the curtilage of the dwelling has now also been provided.

8.02 In light of the above, 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;
- Parking provision

Principle of Development

8.03 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 the development of this site is acceptable as a matter of principle.

Residential Amenities

8.04 The flank elevation of the property, facing towards No.4 Sheerstone is L shaped. At its closest point it is separated from the flank wall of this adjacent property by a distance of 4.7m and by 5.4m at its furthest point. The proposed property is set approximately 1.8m forward of the building line of No.2 and 4 Sheerstone and approximately in line with the rear elevation of these properties. As such I take the view that the proposal would not impact unacceptably on the neighbouring amenities of No.4 Sheerstone.

8.05 On the opposite side, the proposed dwelling projects at two storey level past the rear elevation of No.6 by 1.8m. This is in compliance with the depth of projections usually allowed, as set out in the Council's adopted SPG. However, as the property proposed projects beyond No.6 close to the common boundary I have recommended a condition removing permitted development rights under Class A to protect neighbouring amenities in the future.

Visual Amenities and the Streetscene

8.06 When originally submitted, the application proposed a larger dwelling which was only 1.5m away from the common boundary with No.4. The result of this was that the width of the frontage, extending to 9m would have had a dominant impact upon the streetscene. As such, after discussions with the agent / applicant an amended plan was received, reducing the scale of the dwelling.

8.07 The result of the above amendment is that the dwelling proposed in this application is of a similar scale to the property that it is attached to and the existing dwellings within Sheerstone. Although it is noted that the property would turn the existing semi detached dwellings (No.6 and 8) into a terrace of three I do not consider this to be significantly out of keeping with the existing streetscene. The reason for this is because although this part of Sheerstone itself is comprised of semi detached properties, on the opposite side of Ferry Road there are terraced properties present within close proximity of the application site. As such I do not consider that there is a dominant property type within the area.

8.08 I note that the application form states that the proposed external finishing materials will match the existing materials used in the construction of No.6 Sheerstone. I believe that this is an appropriate approach to take and this will result in the appearance of the development being in keeping with the existing dwelling. To ensure this I have included a relevant condition to this effect.

Parking

- 8.09 Local concern has been raised regarding the parking pressures that exist within the vicinity of the application site. When originally submitted the application proposed no parking within the curtilage. I considered this to be unacceptable and as such after discussions with the agent parking space has now been provided within the site boundary. Further to this, due to the reduction in the scale of the dwelling, an element of the parking provision is located to the side of the property, the result of this is that some of the parking space would be partially screened from public vantage points. Overall I note that the site has the ability to support three parking spaces, this is over and above KCC Highways and Transportation standard for a property of this size in this location. Members should note that currently no6 has no on site parking facilities and this position would remain the same as a result of this development. As such, I do not consider that this proposal would worsen the parking situation in the surrounding area.

Other Matters

- 8.10 Concern has also been raised locally regarding the public water supply and sewerage system which runs beneath the application site. As a result of this I considered it prudent to consult with Southern Water. They have responded, raising no objection but requesting a condition relating to diversion of public sewers and an informative relating connection to the public foul sewerage system. I note details that have been submitted from the applicant which indicates discussions with Southern Water regarding this site. However, the actual measures which will be undertaken to divert the public sewers have not been submitted. I have therefore included this condition requiring the details along with the informative and in light of this I consider that this matter has been adequately dealt with.
- 8.11 Further objections have been received which have been summarised above and to which I respond as follows. Firstly, there is a clear and established need for additional housing in the Borough and this scheme would make a modest contribution to this. Secondly, as this application is for a single dwelling I consider that the period of construction will be limited. As such, I do not consider that parking of construction vehicles will cause unacceptable harm to highway or residential amenities. Thirdly, the lowering of property values is not a material planning consideration and therefore no further comment will be made regarding this.
- 8.12 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.

9.0 CONCLUSION

- 9.01 Overall I consider that the proposal would provide an additional dwelling, within the built up area boundary without causing unacceptable harm to residential or visual amenities or the streetscene. Concern has been raised regarding parking but the application has been amended to now include adequate parking provision within the curtilage of the proposed dwelling. I believe the proposal to be acceptable and 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: 2516-15-PL001 Rev P8 and 2516-15-PL002 Rev P7, received 22nd February 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) The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those on the existing building (No.6 Sheerstone) in terms of type, colour and texture.

Reason: In the interests of visual amenity

- 5) No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity,), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity, and to ensure that such matters are agreed before work is commenced.

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

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

- 7) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

- 8) The area shown on the submitted plan as vehicle parking and turning space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling hereby permitted.

Reason: Development without adequate provision for the parking of cars is likely to lead to car parking inconvenient to other road users and in a manner detrimental to highway safety and amenity.

- 9) 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 permitted by Class A or Class 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) shall be carried out without the prior permission in writing of the Local Planning Authority.

Reason: In the interests of neighbouring amenities.

- 11) 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.

- 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.

Reason: In the interests of highway safety and convenience.

- 13) The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

Reason: To ensure that foul water and sewerage can be adequately disposed of.

Informative

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 2.1km south of The Swale Special Protection Area (SPA) and Ramsar site and 1.5km 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 single 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.