

REPORT SUMMARY

REFERENCE NO - 16/506592/FULL			
APPLICATION PROPOSAL Demolition of existing bungalow and garage and erection of 2 replacement four bed dwellings.			
ADDRESS 13 Princes Avenue Minster-on-sea Kent ME12 2HJ			
RECOMMENDATION Refuse			
SUMMARY OF REASONS FOR REFUSAL The proposed properties due to their scale in the context of surrounding development and layout would have an unacceptable impact upon the streetscene, visual and residential amenities.			
REASON FOR REFERRAL TO COMMITTEE Recommendation contrary to Parish Council view.			
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr Harrison Roach AGENT	
DECISION DUE DATE 10/11/16	PUBLICITY EXPIRY DATE 07/10/16		
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 The application site comprises a detached bungalow with a detached garage adjacent to the dwelling. There is a landscaped garden in front of the property and hardstanding in front of the garage. To the rear of the bungalow lies private amenity space.
- 1.02 Although there are some two storey dwellings towards the southern end of Princes Avenue, the area immediately surrounding the application site is comprised of detached bungalows. Land levels slope gently downwards from south to north.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for the demolition of the existing bungalow and the erection of 2 no. detached two storey dwellings.
- 2.02 The proposed properties would be identical in design with a frontward projecting element. The dwellings would measure 11.45m in depth at their deepest point and 9.22m at their shortest. The properties would have a width of 7.15m. They would have a pitched roof measuring 5.2m to the eaves and 7.2m in overall height.

- 2.03 Both properties would have an identical internal layout with an integral garage, lounge / diner, kitchen and w.c. at ground floor level and 4 bedrooms, an en-suite and a separate bathroom at first floor level.
- 2.04 To the front of the properties a parking area is indicated whilst to the rear would be private amenity space measuring 12m in depth and 9m in width.
- 2.05 The external materials proposed are coloured render, cladding and black concrete interlocking roof tiles.

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.
- 4.06 The Swale Borough Local Plan Proposed Main modifications 2016 policies ST3 (The Swale settlement strategy); ST4 (Meeting the Local Plan development targets); CP3 (Delivering a wide choice of high quality homes); DM14 (General development criteria) are also relevant.

5.0 LOCAL REPRESENTATIONS

- 5.01 Objection letters were received from 5 separate addresses and raised the following summarised points:
 - The proposed dwellings would be out of keeping with the existing character of the streetscene;

- The dwellings would lead to a loss of light and overshadowing of adjacent dwellings;
- The proposal would overlook surrounding properties;
- Construction vehicles would cause the existing road surface to deteriorate further and would make accessing surrounding properties difficult;
- The proposal would lead to parking on the highway which would lead to problems accessing the driveway of surrounding properties;
- The proposed dwellings would exacerbate existing parking problems;
- There is a high demand for bungalows and they are in short supply;
- The properties are being built purely for financial gain;
- The submitted drawings are of a poor quality and do not allow for a proper assessment of the proposal;
- The elevations are not suitably sized to comply with nationally recognised room height standards;
- The proposal would lead to a loss of outlook;
- A Design and Access Statement should have been submitted with this application as a validation requirement;

6.0 CONSULTATIONS

6.01 **Minster-on-sea Parish Council** support the application.

6.02 The Council's **Environmental Protection** team request conditions related to hours of demolition / construction.

6.03 **Natural England** state that *"it is the Council's responsibility to ensure that the proposals fully adhere to the agreed approach within the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. Subject to the above, Natural England is happy to advise that the proposals may be screened out as not having a likelihood of significant effects on the designated sites."*

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application papers and correspondence relating to planning reference 16/506592/FULL.

8.0 APPRAISAL

Principle of Development

8.01 The application site lies within the built up area boundary as defined by the Proposals Map of the Swale Borough Local Plan 2008, where the principle of residential development is accepted.

Visual Impact

8.02 As set out above, although there are two storey properties located towards the southern end of Princes Road, in the immediate vicinity of the application site the built form is characterised by single storey development. The result of this is that the closest dwellings to the application site have a very modest impact upon the streetscene and visual amenities.

- 8.03 The proposal would introduce two, two storey dwellings which would measure 5.2m to the eaves and 7.2m in overall height. The result of the introduction of two dwellings in this location at two storey height would in my view be seriously at odds with the immediately surrounding development, would appear incongruous in the streetscene and result in a development which would in my view give rise to significant harm to the existing character of the streetscene and to visual amenities. On this basis I am of the view that the proposal would look significantly out of keeping, is unacceptable and should be refused for this reason.
- 8.04 The submitted drawings show that the entire area to the front of the proposed properties would be given over for car parking. Having assessed the surrounding area I am of the view that although parking arrangements vary, I do not believe that frontage parking in this part of Princes Avenue is especially prevalent. I also take into account that the existing property has a proportion of its frontage comprised of soft landscaping which has a positive impact upon the streetscene in my view. Due to the size of the properties proposed I have serious concerns that parking would dominate the front of the dwellings. Although I appreciate that integral garages are proposed, they are only 2.6m in width internally and as such wouldn't be sufficient to park a vehicle. I also note that there is no landscaping to the front of the proposed dwellings and as such believe that the layout would create a poor appearance in the streetscene and is also unacceptable on this basis.

Residential Amenity

- 8.05 The proposed properties would be approximately 30m from the dwellings to the rear. This is comfortably in excess of the 21m rear to rear distance that the Council usually requires and therefore I believe that the application is acceptable in this regard. However, the proposed dwellings are set rearward of the approximate building line of the adjacent properties in Princes Avenue and extend at two storey height to the rear of No.11 and 15, which adjoin the site. Due to this, very careful consideration will be required in order to assess the impact upon these adjacent properties.
- 8.06 Both proposed properties have windows in the side elevations at first floor level. However, these are shown as being high level and would serve a staircase, a bathroom and an en-suite. If I had been minded to recommend approval for the application then I would have included a condition requiring obscure glazing of the side windows to ensure that unacceptable levels of overlooking would not occur. Therefore I am of the opinion that the proposal would not lead to harmful levels of overlooking or a loss of privacy.
- 8.07 No.11 sits to the southwest of the application site and would be separated from the flank wall of the closest proposed property by a distance of 7m. The nearest proposed dwelling would project by 5m beyond the rear elevation of No.11 at two storey height. Compared to the existing bungalow on the site the introduction of a two storey dwelling in this location would have an additional impact upon the outlook and amenities of the occupants of No.11. However, I give significant weight to the 7m distance between No.11 and the flank wall of the closest proposed property. I have also taken into consideration that the application site lies to the northeast of No.11 and as such the impact in regards to a loss of light received to this adjacent property would in my view not be unacceptable. Therefore, in this case I am of the opinion that the impact upon the residential amenities of the occupants of No.11 would not be so significantly harmful as to warrant a reason for refusal.
- 8.08 On the opposite side of the application site, the flank wall of the closest proposed property to No.15 is separated by a distance of 2.5m and projects past the rear

elevation of this property by a distance of 6.5m at full two storey height. I also take into account that the closest proposed property to No.15 is situated to the southwest of the adjacent dwelling. Furthermore, the land levels slope gently from south to north which means that the application site sits slightly above No.15, exacerbating any impact. Therefore, due to the limited distance between the properties, combined with its rear projection I believe that the proposal would have a significantly overbearing impact, would lead to an unacceptable sense of enclosure and a serious loss of light to the occupiers of No.15. As a result I take the view that the scheme would cause significant harm to the occupiers of this dwelling and believe the proposal to be unacceptable in this regard.

Other Matters

- 8.09 I note the points raised in the objection letters and believe that a number of these have been discussed by virtue of the assessment carried out above. Of those that remain I respond as follows.
- 8.10 I am of the view that although, as discussed above, the layout of the parking provision is not acceptable, the amount of space provided would comply with Kent County Council's Kent Design Guide Review: Interim Guidance Note 3 Residential Parking. As a result I do not consider that the development would give rise to unacceptable harm to highway amenity by virtue of additional parking on the highway. In relation to this I also do not consider that the proposal would lead to surrounding occupiers having significant problems in accessing their driveways. There would be, in my view, a small amount of disruption caused by construction vehicles however, due to the scale of the development I do not consider that this would be significantly harmful to surrounding occupiers or to the highway to substantiate a reason for refusal. The Council does not have a policy which requires the retention of bungalows per se and therefore again, I do not believe that its loss would be a reason for refusal.
- 8.11 I note the comments relating to the quality of the drawings however in my view they provide sufficient detail in order to make a full assessment of the proposal. The point related to the height of the elevations and room heights is not a material planning consideration but would be dealt with by Building Regulations. Additionally, the point raised regarding the properties being built for financial gain is also not a material planning consideration. Finally, a Design and Access Statement is not required for an application for two dwellings in an undesignated area.

Impact Upon SPA and Ramsar Sites

- 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 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.

9.0 CONCLUSION

- 9.01 Overall I consider that although the principle of development is accepted, the scale and layout of the proposed property would have an unacceptable impact on the streetscene, visual amenities and residential amenities. For these reasons I recommend that the application is refused.

10.0 RECOMMENDATION – REFUSE for the following reasons:

- (1) The proposed properties by virtue of their two storey height would appear significantly out of character in the context of the surrounding dwellings and would give rise to unacceptable harm to the streetscene and visual amenities contrary to policies E1 and E19 of the Swale Borough Local Plan 2008.
- (2) The layout of the properties would lead to parking being entirely located in front of the proposed dwellings creating a poor appearance in the streetscene and giving rise to unacceptable harm to visual amenities contrary to policies E1 & E19 of the Swale Borough Local Plan 2008.
- (3) The proposed property labelled as 'House 1' by virtue of its layout and projection past the rear elevation of No.15 would have a significantly overbearing impact upon the occupiers of this property leading to an unacceptable sense of enclosure and loss of light contrary to policies E1 and E19 of the Swale Borough Local Plan 2008.

Habitats Regulations Assessment

This HRA has been undertaken without information provided by the applicant. The application site is located approximately 5.7km north-east of The Swale Special Protection Area (SPA) and Ramsar site and 5km east of Medway Estuary and Marshes Special Protection Area and Ramsar site both of which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. The proposal therefore has potential to affect said site's features of interest.

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 61 and 62 of the Habitat Regulations require a Habitat Regulations Assessment. NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites and can therefore be screened out from any requirement for further assessment. It goes on to state that when recording the HRA the Council should refer to the following information to justify its conclusions regarding the likelihood of significant effects; financial contributions should be made to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG); the strategic mitigation will need to be in place before the dwellings are occupied.

In terms of screening for the likelihood of significant effects from the proposal on the SPA features of interest, the following considerations apply:

- Due to the scale of development there is no scope to provide on site mitigation such as an on site dog walking area or signage to prevent the primary causes of bird disturbance which are recreational disturbance

- including walking, dog walking (particularly off the lead), and predation birds by cats.
- Based on the correspondence with Natural England, I conclude that off site mitigation is required. However, the Council has taken the stance that financial contributions will not be sought on developments of this scale because of the practicalities of securing payment. In particular, the legal agreement may cost more to prepare than the contribution itself. This is an illogical approach to adopt; would overburden small scale developers; and would be a poor use of Council resources. This would normally mean that the development should not be allowed to proceed, however, NE have acknowledged that the North Kent Councils have yet to put in place the full measures necessary to achieve mitigation across the area and that questions relating to the cumulated impacts on schemes of 10 or less will need to be addressed in on-going discussions. This will lead to these matters being addressed at a later date to be agreed between NE and the Councils concerned.
 - Developer contributions towards strategic mitigation of impacts on the features of interest of the SPA- I understand there are informal thresholds being set by other North Kent Councils of 10 dwellings or more above which developer contributions would be sought. Swale Council is of the opinion that Natural England's suggested approach of seeking developer contributions on minor developments will not be taken forward and that a threshold of 10 or more will be adopted in due course. In the interim, I need to consider the best way forward that complies with legislation, the views of Natural England, and is acceptable to officers as a common route forward. Swale Borough Council intends to adopt a formal policy of seeking developer contributions for larger schemes in the fullness of time and that the tariff amount will take account of and compensate for the cumulative impacts of the smaller residential schemes such as this application, on the features of interest of the SPA in order to secure the long term strategic mitigation required. Swale Council is of the opinion that when the tariff is formulated it will encapsulate the time period when this application was determined in order that the individual and cumulative impacts of this scheme will be mitigated for.

Whilst the individual implications of this proposal on the features of interest of the SPA will be extremely minimal in my opinion, cumulative impacts of multiple smaller residential approvals will be dealt with appropriately by the method outlined above.

For these reasons, I conclude that the proposal can be screened out of the need to progress to an Appropriate Assessment. I acknowledge that the mitigation will not be in place prior to occupation of the dwellings 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:

- 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 to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and these were not considered to be any solutions to resolve this conflict.

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.