

AGENDA

PLANNING COMMITTEE MEETING

Date: Thursday, 14 January 2016

Time: 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Mike Baldock, Cameron Beart, Bobbin, Andy Booth, Roger Clark, Richard Darby, Mike Dendor, Mark Ellen, Sue Gent, James Hall, Mike Henderson, James Hunt, Lesley Ingham, Peter Marchington, Bryan Mulhern (Chairman), Prescott (Vice-Chairman) and Ben Stokes

Quorum = 6

	Pages
1. Apologies for Absence and Confirmation of Substitutes	
2. Minutes	
To approve the Minutes of the Meeting held on 17 December 2015 (Minute Nos. 408 - 411) as a correct record.	
3. Declarations of Interest	
Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.	
The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:	
(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.	
(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.	
Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the	

Meeting.

Part B reports for the Planning Committee to decide

4. Planning Working Group

To approve the Minutes of the Meeting held on 4 January 2016 (Minute Nos. to follow).

15/506410/FULL – 90 Scrapsgate Road, Minster-on-Sea

15/503681/FULL – 177 Wards Hill Road, Minster-on-Sea

15/506114/FULL – land adjacent to 27 Waverley Avenue, Minster-on-Sea

5. Deferred Item

1 - 33

To consider the following application:

15/503580/FULL – Land North of Homestall Road, Doddington

Members of the public are advised to confirm with Planning Services prior to the meeting that the applications will be considered at this meeting.

Requests to speak on this item must be registered with Democratic Services (democraticservices@swale.gov.uk or call us on 01795 417328) by noon on Wednesday 13 January 2016.

6. Report of the Head of Planning

34 - 151

To consider the attached report (Parts 1, 2, 3 and 5).

The Council operates a scheme of public speaking at meetings of the Planning Committee. All applications on which the public has registered to speak will be taken first. Requests to speak at the meeting must be registered with Democratic Services (democraticservices@swale.gov.uk or call 01795 417328) by noon on Wednesday 13 January 2016.

7. Exclusion of the Press and Public

To decide whether to pass the resolution set out below in respect of the following items:

That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3, 4, 5, 6 and 7.

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). See note below.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any

labour relations matter arising between the authority or a Minister of the Crown and any employees of, or office holders under, the authority.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
 6. Information which reveals that the authority proposes
 - (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) To make an order or direction under any enactment.
 7. Information relation to any action in connection with the prevention, investigation or prosecution of crime.
8. Report of the Head of Planning 152 -
155
- To consider the attached report (Part 6).

Issued on Wednesday, 6 January 2016

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Planning Committee, please visit www.swale.gov.uk

Corporate Services Director, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

This page is intentionally left blank

SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

14 JANUARY 2016

Standard Index to Contents

DEFERRED ITEMS Items shown in previous Minutes as being deferred from that meeting may be considered at this meeting

PART 1 Reports to be considered in public session not included elsewhere on this Agenda

PART 2 Applications for which permission is recommended

PART 3 Applications for which refusal is recommended

PART 4 Swale Borough Council's own development; observation on County Council's development; observations on development in other districts or by Statutory Undertakers and by Government Departments; and recommendations to the County Council on 'County Matter' applications.

PART 5 Decisions by County Council and the Secretary of State on appeal, reported for information

PART 6 Reports containing "Exempt Information" during the consideration of which it is anticipated that the press and public will be excluded

ABBREVIATIONS: commonly used in this Agenda

CDA Crime and Disorder Act 1998

GPDO The Town and Country Planning (General Permitted Development) Order 1995

HRA Human Rights Act 1998

K&MSP Kent and Medway Structure Plan 2006

SBLP Swale Borough Local Plan 2008

This page is intentionally left blank

This page is intentionally left blank

PLANNING COMMITTEE – 14 JANUARY 2016

DEFERRED ITEM

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

DEF ITEM 1 REFERENCE NO - 15/503580/FULL		
APPLICATION PROPOSAL Stationing of one residential caravan, as amended by revised site location plan received 11 June 2015, and by details contained in revised Noise Impact Assessment by Acoustics Plus ref: 103005.ad.Issue2 dated 18 November 2015 including revised site layout drawing PBA2 (REV.A) .		
ADDRESS Land North Of Homestall Road Doddington Kent ME9 0LB		
RECOMMENDATION – Approve for reasons relating to the established use of the site		
WARD Teynham & Lynsted	PARISH/TOWN COUNCIL Norton Buckland And Stone	APPLICANT Mr Patrick Nolan AGENT Philip Brown Associates
DECISION DUE DATE 18/12/15	PUBLICITY EXPIRY DATE 07/12/15	
FOR RELEVANT PLANNING HISTORY PLEASE SEE ORIGINAL REPORT (ATTACHED)		

1.0 INTRODUCTION

1.01 Members will recall that this application was extensively debated at the meeting on 5 November 2015. At that time the application description read as follows;

“Change of use of land to use as a residential caravan site for two gypsy/traveler households, including stationing of three caravans, laying of hardstanding, as amended by revised site location plan received 11 June 2015, and by email dated 13 October 2015 deleting erection of amenity building from the application.”

1.02 The submitted drawing showed that the site would be occupied by a single mobile home and two touring caravans. The amenity building shown on the drawing had already been deleted from the description of the application.

1.03 After a long debate involving votes both to approve and to refuse the application, both of which were lost, the Committee resolved:

“That application 15/503580/FULL be deferred to allow officers to liaise with the applicants about the suitability of the proposed bunding and acoustic fencing and on whether the number of caravans proposed could be lowered.”

1.04 Since the meeting, I have discussed Members’ concerns with the applicant and sought further information regarding the proposal. The application has now been formally amended to just one caravan, and more details of the specification for acoustic fencing to address noise from the M2 motorway have been submitted. Local

Parish Councils and residents have been notified of the changes to the application. It is on this amended basis that the application is re-presented for Members' consideration.

- 1.05 Members will note that the previous full report is appended to this item, and that the matters of fact, planning history, planning policy and local representations are included there. This report refers only to the application in its amended form and for the above matters this report should be read in conjunction with the previous report.

2.0 PROPOSAL

- 2.01 In its current form the application proposes the stationing of one caravan on this remote rural site beside the M2. This caravan would be specified as insulated against external noise. The application also proposes hardsurfacing of the site, the erection of a 4m high acoustic fence, and landscape planting around the site boundaries.

- 2.02 The key new material with this application is an updated Noise Impact Assessment report which includes the revised site layout drawing. From this report I draw the following key points;

- Only one caravan (mobile home) is now proposed, rather than three caravans as previously proposed
- The site will be levelled to approximately 2.5m below the level of the motorway and a 4m high acoustic fence installed
- It is NOT now proposed that the site will be lowered and the fence erected upon an earth bund
- The acoustic fencing will only be on the motorway side of the site and will return into the site at either end to form noise "wings" to prevent a line of sight to traffic on the motorway
- Planting will be carried out around the site boundaries and beyond the fence's "wings"
- The fabric of the caravan to be installed should be capable of noise reduction of 35dB (according to the relevant British Standard for Park Homes) but suitably insulated glazing/ventilators will also be required to ensure that this level of noise reduction is achieved
- The caravan likely to meet these noise reduction levels will be an attractive mobile home style caravan with a pitched roof, a high standard of appearance and sufficient insulation to be suitable for all year round occupation.
- Such caravans are commonly known as chalets or park homes but they are caravans (or mobile homes) in planning law terms i.e. they are transported in not more than two halves and meet the dimensions of the caravan regulations

3.0 REPRESENTATIONS

- 3.01 On receipt of the amended Noise Impact Assessment I re-notified local Parish Councils (Norton and Newnham) and local residents about the amendments to the application. I received the following further representations;

- 1 Three jointly sent comments from a number of local residents suggesting that;
 - The water tap on the site is not connected to the mains
 - Foul drainage proposals are unclear

- The submitted application form, application description, Design and Access Statement, and drawings are ambiguous or inadequate and should be revised
- That the site is separated from the highway by a 1m wide margin
- That cross-sectional drawings should be provided
- The Kent Downs AONB Management Unit should be consulted
- Parking on site should be the subject of a fresh planning application
- Documents relating to other matters should be shown on this application file

Members received a lengthy statement covering these points shortly before the previous meeting.

- 2 One letter querying what the reduction in the number of caravans from three to one means for the determination of the application
 - 3 A letter arguing that the proposal will be harmful to the AONB and contrary to planning policies, and arguing that the development is not justified and should not be approved. The letter also suggests that the long term use of the site has been abandoned with the caravan removed from the site many years ago
 - 4 Two letters suggesting that the writer would have expected to be consulted on the application.
 - 5 One letter suggesting that no-one has lived on the site for many years, that there has been a recent increase in permanent and non-permanent homes in this area, including a very recent unauthorised caravan encampment nearby
- 3.02 The former owner of the site has written to say that he purchased the land from the original owner in 2003, that there was a caravan on the site which was occupied from 1967 with Council Tax paid on it, and that he paid Council Tax on the site throughout his whole period of his ownership that ended in 2014 when the site was sold to the applicant's grandmother.
- 3.03 Members will note that previous representations are included in the earlier report although these were submitted in relation to the application as first submitted.

4.0 BACKGROUND PAPERS AND PLANS

- 4.01 Papers for application 15/503580/FULL and other applications mentioned in the original report.

5.0 APPRAISAL

- 5.01 In my previous report I noted that this application has brought to light the very peculiar and long running planning status of this land. I noted that it was established in 1970 by the then Minister of Housing and Local Government that the land had an existing use right for stationing of a caravan. Planning permission was then not needed for that use other than as a vehicle for obtaining the necessary site licence. This is explicit in the Council's own Planning Committee reports from 1975 and 1978. This situation seems to have persisted right up until the latest planning permission granted in 1988. That personal permission has now run its course and the applicant seeks a new permission on behalf of his family and the land-owner who is his grandmother.
- 5.02 Members have already considered the unusual planning history of the site and I have explained that the site was confirmed in 1970 as having an Established Use for

stationing of a caravan dating back to 1962 or 1963. I also explained at the previous meeting that whilst some local residents had raised the suggestion that that use had since been abandoned following the re-location to a care home and subsequent death of the former owner, I could not see any case for abandonment being demonstrated here.

5.03 Planning law is clear that there are four relevant tests for abandonment which are;

- Physical condition
- Period of non-use
- Whether there has been any intervening use, and
- The owner's intentions.

Bearing in mind that mere vacancy is not an indication of abandonment, I could see no evidence to point to a case of abandonment here. I had understood that the remains of the dilapidated caravan and other buildings remained on the site until late 2014; the period of non-use is far less than the sort of period (perhaps up to 40 years) that has previously been held not to define an abandonment; there has not been any intervening use; and there was no evidence that the original owner (now dead), the subsequent owner (who did not clear the caravan from the site over several years), or the current owner/applicant (who cleared the site in preparation for re-occupation) ever intended to give up the established use of the land.

5.04 Since then, local residents have made substantial efforts to evidence their belief that there has been a significant break in the long term use of the site sufficient for the use to be considered abandoned, especially under the second and fourth of the four above criteria. This evidence was fully set out in a statement they sent direct to Members and I withdrew my report to the December meeting to fully consider this and other evidence.

5.05 The evidence of local residents is that;

- By 1988 the original caravan was so altered or derelict that the Council's Housing Officer considered that what was on the site no longer constituted a caravan
- The original owner had by then lost his use rights
- Local people remember the caravan and sheds being derelict as least as far back as the 1990s
- No further caravan site licences were issued
- Any other sheds or structures became derelict
- The original owner left the site in 1988 and sold the site in 2003, he did not intend to return
- The presence of a residential caravan had ceased no later than 1998 and the site has subsequently been cleared
- No subsequent other use was made of the site other than as woodland
- The second owner left the site as it was
- He did not occupy, repair or replace any caravan or shed
- He did not rent the site for stationing a residential caravan
- The second owner's intentions were to build a house on the site
- The second owner's intentions are not clear
- The 2007 aerial photograph mentioned by the applicant shows shed roofs but does not indicate continuity of use of any caravan
- There was little left on the site before it was sold and cleared in 2014

- It should be for the applicants to demonstrate the continuity of use which should be an objective test, not a subjective test, based on the owner's actions not just his stated intentions
- The case is different from summaries of other cases where abandonment was not found to have occurred and these related to dwellings
- The case for continuity of existing use rights is weak
- The Council should determine the current application without reference to existing use rights

5.06 The second owner of the site lives locally and to ensure proper consideration of the matter of abandonment I have spoken directly with him about his ownership of the land and his intentions. The previous owner of the site says that;

- He knew the original owner of the site and that he and his own father visited him at the site whilst he was alive. He knows that the original owner had been employed in construction of the M2 and that the application site was used as a works compound for the M2 where he occupied a caravan initially as a night watchman
- This same caravan then stayed on the site albeit added to and altered. It had two built-in agas, a kitchen extension along part of one side with a brick chimney, and it had eventually been "boxed-in" but the original caravan construction still existed inside and was weathertight until at least 2012
- The second owner says that the original owner left the site for Kiln Court around 1998-2000 but returned for a short time before going back to Kiln Court. He was sharp of mind but increasingly immobile towards the end of his life
- He purchased the land from the original owner whilst he was still alive
- His evidence is that on purchase of the site in 2003 the caravan was still intact, along with tractors, sheds, a generator and cesspit. He removed the tractors and portable equipment to prevent theft, but he did not demolish any sheds or remove the caravan
- He mowed and maintained the land with aspirations for living on it perhaps in a log cabin
- He paid Council Tax throughout his ownership of the site as he did not want to lose the right to live there
- He made informal enquiries of the Council's Planning Office about residential development but was advised that planning permission was unlikely to be forthcoming
- He very occasionally stayed in the caravan overnight but the site was prone to theft of metals and equipment which he tried to prevent, but over the years, the constant trouble with theft by trespassers and regular requests by travellers to buy the site eventually wore him down and he sold it in 2014 to the current owner – it was never "for sale" but he had many and frequent requests to sell
- Towards the end of his ownership the caravan was being gradually stripped of its metal content by theft but he is sure that it was habitable until around 2012
- When the site was sold the caravan was still there albeit only the chassis which had a brick base, two wheels, a kitchen extension, and a chimney, and there were at least 5 sheds, two of which were larger than the caravan itself
- On the Ordnance Survey base map of the site he was immediately able to identify the position of the caravan with its extension in the position I had understood it to have been from a visit in 1988. He identified the other shapes on the map as sheds. These shapes accord with positions where structures or a caravan can be seen on aerial photographs, making it is possible to link the existence of the caravan and sheds to the aerial photography evidence

- 5.07 Members will note from above that this second owner of the site has also written a letter confirming some of these facts.
- 5.08 I have attempted to verify the evidence of Council Tax being paid throughout his ownership of the site (2003 to 2014) with reference to our own Council Tax records. These confirm that the caravan was there in 2004, and that the owner paid reduced rate Council Tax from December 2003 until January 2014 because he thought that if he removed the caravan it might not be possible to get planning permission to replace it. The owner's information that the caravan had no roof by July 2013 was confirmed by a site visit from a Council Tax Inspector in November 2013. He found that the structure of the caravan had all but gone although its remains and the chimney were evident, along with a number of derelict outbuildings.
- 5.09 Verbal evidence from the applicant is that he removed the remains of the caravan from the site in 2014.
- 5.10 I have also examined the Council's own aerial photography records for the site for the years 1999, 2003, 2008 and 2012. These clearly show indicate that the caravan was in place in 1999 and 2003. The 2008 photograph shows the site partly obscured by tree cover making clear conclusions difficult, and the clearer 2012 photograph appears to show the position of the caravan overgrown but with the kitchen extension remaining. These photographs also show that a number of outbuildings remained on the site until at least 2012. The earlier aerial photograph records support the evidence of the former owner and the later ones are not sufficiently clear to be able to conclude that his evidence is wrong. Naturally, the aerial photographs do not give a clear impression of the condition of the caravan or any buildings, and do not confirm occupation.
- 5.11 Whilst the evidence of local residents has clearly been carefully researched, and they have applied themselves to the correct legal tests, there is other documented evidence that runs counter to their conclusions, not least the 2003 aerial photograph showing the caravan in place up to five years after they believe it was no longer there. Council Tax records also indicate that the caravan was still there in 2004; they point to a clear intention to retain the caravan; and they suggest that the caravan was essentially still there in 2013, albeit without a roof.
- 5.12 In a case such as this where evidence may be needed to establish the position for planning purposes the appropriate test of the evidence is that of "the balance of probabilities". It is also usual to assume that the owner of the land has the most relevant evidence but that other evidence which may be contrary might be found to be more persuasive. Commonly, documentary evidence is preferred to recollections as these can often be found to be in conflict with each other. In my view the independent evidence from Council Tax and aerial photography records both made well before this application was submitted are entirely consistent with the recent comments of the former owner and so add significantly to the weight to be attributed to his recollections.
- 5.13 Accordingly, I have found that whilst local residents have made significant efforts to be accurate in their findings, the combination of detailed evidence from the former owner, from independently documented evidence of his intentions, and evidence from the Council's own aerial photograph and Council Tax records, make a more powerful case to argue that the use of the site was not abandoned during his ownership of the site. Using the four tests for abandonment I conclude that;
- Physical condition;

It is quite clear to me that the caravan was not in pristine original condition even when the original owner last lived in it. It had been on the site for many years during his occupation and he seems to have added to and adapted it as he saw fit. I accept that the Council's own Housing Officer did not consider it a caravan in 1988, but this report triggered a specific visit to the site by Planning staff at that time who were satisfied that what was there was a caravan albeit added to. A further planning permission was then granted on that basis.

It is also quite clear to me that the caravan will have deteriorated further since the original owner left the site, probably both through natural decline but also by theft of parts. However, the 2003 aerial photograph does appear to show the caravan roof intact, and original parts of the caravan do appear to have remained on the site right up until 2014 when they were removed by the current applicant. The Council's own Council Tax Inspector recognised the remains as that of a caravan in late 2013. Ancillary sheds also remained albeit they were derelict by the end of 2014, but their roofs show up clearly on 2012 aerial photographs. Doubtless, local residents will have had no reason to pry into the precise remains of what was on the site immediately prior to its clearance and their understanding of its physical condition may not be entirely full or accurate. It is also important to note that the site is off the public highway and cannot easily be seen clearly, unless a special effort is made.

Notwithstanding all this, the established use in question here is the stationing of a caravan, not in what condition the caravan is. If the use is for the stationing of a caravan, this can mean any caravan, and the condition of any particular caravan is not critical. Commonly caravans are changed on such sites and such sites are often empty of any caravan for periods when the caravan might be elsewhere. Breaks in stationing of a caravan do not automatically mean that the established use right will have been lost as the caravan may return. As I have mentioned above mere vacancy is not an indication of abandonment once a use becomes established. Uses can also be dormant but not lost for long periods in some circumstances if the site remains capable of supporting them.

In the case of a use of land the use does not have to be continuous once established provided the site remains capable of that use and the periods of non-use are not so long as to point to abandonment or to a nil use of land. In this case the site quite patently did remain capable of such use without changes being made to it that would have prevented the established use continuing.

- Period of non-use

Local residents focus on the period that they believe the caravan not to have been occupied, or habitable. They are clear that the original owner left the site in the 1990s and that no-one has lived there since. The documentary evidence does not dispute this understanding. However, the established use in question here is not the occupation of any caravan itself, it is the use of the land for stationing of a caravan and the question is how long that may have ceased for, if at all. This is far less clear, as vacancy of the caravan is not the same as it not being there.

The documentary evidence shows that a caravan, or parts of a caravan, remained on the site until 2013. Verbal evidence shows no reason to suspect that the original caravan was deliberately removed (short of theft of its parts) from the site at any time before late 2014.

The second owner's evidence is that the caravan was there when he purchased the site and that it remained there throughout his ownership. Local residents dispute this but confirm that he did not do anything substantial to the site. Accordingly, whilst the caravan may not have been in good condition, habitable, or immediately recognisable as a caravan for some years, that does not necessarily equate to a long break in use of the site for the stationing of a caravan.

Ultimately, there appears to have been no time before October 2014 when the caravan was not there on the site in some form or other.

- Whether there has been any intervening use, and

It is common ground between all parties that the site has not been put to any new use since the original owner left the site. Local residents suggest that the only other use might have been as woodland. However, there were trees on the site when the original owner lived there and having trees on it does not indicate to me that the site was used as woodland. I consider that the principle use of the site at that time was for the stationing of a caravan and that any trees on the site did not amount to a use of the site as woodland.

- The owner's intentions.

This issue is perhaps the most easily contested part of the situation. The original owner is dead and the current owner only purchased the site in October 2014, with the intention of living there in a caravan or caravans, hence this planning application.

What does seem clear to me is that the original owner only left the site when he was unable to continue living there. There is no indication that he wished to leave the site or that he wished the established use to cease. Indeed he appears to have knowingly sold the site to the second owner, and I cannot presume that he did so in order to see the use cease. He knew who he was selling the land to and if his intentions can be interpreted from that they seem to be to see the established use continue.

It is therefore the second owner's intentions that must be examined. From my meeting with him, I am clear that his intention was to keep the caravan there and possibly to replace it, or to build a house. Local residents refer to a letter on our files suggesting that the second owner wanted to build a house on the site; but they do not say who the letter was from or why it was written. The letter was in fact written by a professional agent seeking to value an adjacent piece of land on behalf of the then national Highways Agency. It is this valuer who refers to the intentions of the second owner to build a residential dwelling upon it. The letter is not written by or on behalf of that second owner, and he says he was not aware of the letter until I showed it to him recently. He says that the letter is not a true reflection of his intentions for the site, albeit that they did include erecting a log cabin. Such log cabins can also of course legally be considered as caravans depending on their form of construction.

Documentary evidence from well before the time of this application supports the second owner's recent evidence that Council Tax was paid throughout his ownership of the site and that he had made it clear that the reason for this was because he did not want to lose the established right to station a caravan there.

I accept that the intentions test should be objective, not subjective, but there seems to be no reason to see the second owner's actions as in conflict with his own words. He might have done more to facilitate the continuity of the established use, but he did

not do anything to prevent it, which might now be seen to cut across his subjective view.

- 5.14 Applying the relevant balance of probability test, I conclude that the caravan remained on the site until at least 2003, that it was never completely removed until 2014 but that by 2012 it has significantly deteriorated; and that the owner intended to keep it or another caravan there. Having discussed the case with the Head of Legal Services it is clear in law that established use rights are not easy to abandon and have a great capacity to survive. I believe that a very high degree of certainty needs to be applied before the notion of abandonment can be accepted. According to my findings above I do not consider that the application of any of the four tests of abandonment can be met with a clear conclusion that the use had been abandoned at any time. Accordingly, as a high level of certainty is not present my view is that it is more likely than not that the established use of the site has not been abandoned, meaning that it must persist in law and the Council must deal with the current application on that basis.
- 5.15 If the Council were to decide that the established use had been abandoned this would in my view be unsafe and could lead to the Council possibly having to defend a decision that the facts do not support, with obvious potential costs and time implications. Such proceedings do not take account of the strength of local feeling or the current policy context, or indeed possible implications that might be perceived for the determination of any other planning application, or indeed the Council's reputation. They are decided on fact and on the balance of probability. In my view the evidence to support the suggestion of abandonment is not only weak, it is absent and is not sufficient to be relied upon. I advise Members to conclude that the established use of the site for the stationing of a caravan has not been abandoned.
- 5.16 Thus, I suggest that this application should be dealt with on the basis that the application proposes the continuation of the Established Use of the site in similar terms but with a modern refinement of acoustic fencing and an acoustically sound caravan.
- 5.17 I previously made it clear to Members that it would be highly unusual to grant planning permission for this use at this location in the current policy context and I would not ordinarily expect to recommend so. However, I also made it clear that the right to use the site exists and has done since the 1960s, and that the granting of planning permission has been necessary due to the vagaries of the legislation. In so doing I suggested that it would be prudent to secure some form of noise mitigation in respect of the current noise levels from traffic on the M2 having regard to up-to-date noise standards. Hence the suggestion of an acoustic barrier was mine, not that of the applicant. Nevertheless, the applicant has been co-operative both in responding to Members' request to reduce the number of caravans, and in providing noise evidence and a report specifying suitable noise treatment both of the site and of the proposed caravan.
- 5.18 The caravan itself will need to be high quality caravan/mobile home and will be of the kind usually thought of as a Park Home and suitable for year round occupation. In meeting the industry British Standard for Park Homes this will provide suitable noise insulation. Acoustic window and ventilation systems will help to achieve acceptable internal noise levels. I have recommended a suitable condition below.
- 5.19 As far as acoustic fencing is concerned, whereas previously the height and extent of the fencing was not known (I had recommended that these details, be required by a planning condition) it is now clear that a 4m high fence is proposed along the

motorway and turning in at the ends. It is also now clear that the fence will not be set on top of an earth bund. Although the site is within the Kent Downs AONB the motorway itself is the AONB boundary so the fence will effectively run along that boundary. The site is set well below motorway level (about 2m) so the fence, which will be set behind the existing tree line, will not appear dominant from that side. From the other side the site is well off the public highway and very well screened by existing woodland. I do not consider that any reasonable objection to the fencing in this position can be sustained on visual or landscape grounds . In any case the alternative is to permit the Established Use to continue without providing any noise attenuation between the motorway and the open parts of the site. This would seem to me to be undesirable.

- 5.20 Accordingly, it seems to me reasonable for the Council to recognise this planning application as one that seeks to permit continuation of the existing use of the site sufficient for the applicant to obtain the necessary site licence to avoid being in breach of that legislation. The benefit of granting planning permission is the ability of the Council to regulate the use of the site in the public interest. In this regard I consider that conditions to control the specification of the caravan, to require acoustic screening and to require adequate drainage and landscaping arrangements, as well as limiting the number of caravans on the site, would be beneficial.
- 5.21 I do not recommend a condition restricting occupancy of the site to any individual or group or individuals as such conditions would restrict the existing use rights that the site has, and I do not believe that it matters who occupies the site. I do though, believe that by granting planning permission the Council will be providing a settled base for a family who currently have no fixed home and who can only benefit both in the short and long terms from having a fixed base with access to health and education facilities. To that extent I have not felt it necessary to come to a firm conclusion on the applicant's gypsy status, or that of his dependants, nor am I recommending that planning permission be granted for any reason based on the supply of or need for gypsy and traveller sites in the Borough.

6.0 RECOMMENDATION – GRANT Subject to conditions (see below):

- 6.01 Members will note that this recommendation is based on the continuation of the Established use of the site without reference to supporting evidence of the applicant's personal circumstances or gypsy status. However, these factors will still be important in the situation where a refusal of planning permission is being contemplated. Accordingly, whilst I see no need to dwell on these matters where I am recommending approval of the application as below for the reasons set out above, if members were of a mind to refuse planning permission based on those factors it will still be necessary to consider whether the applicant has gypsy status or other personal circumstances, and to what degree these might override other material considerations sufficient to indicate that a permanent or temporary planning permission should be granted. It will also be necessary to consider whether the grant planning permission without the proposed acoustic fence.
- 6.02 Accordingly, in the event that Members do not accept my recommendation, I recommend that the application be deferred to enable me to report the application back to Members for a decision to be made in the light of these other issues.

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 permission is granted.

Reasons: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No more than one caravan or mobile home, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time.

Reasons: In the interests of the amenities of the area

3. No caravan shall be sited on the land unless it meets or exceeds the performance standard BS 3632:2005 – Residential Park Homes – Specification, and includes

window systems with acoustic through frame or through wall ventilators which provide an internal noise reduction level of at least 32dB compared to outside noise levels at the site.

Reasons: In the interests of the amenities of the residents of the site.

4. Prior to the siting of any caravan on the land a scheme for the means of foul water drainage of the site shall be submitted for the written approval of the Local Planning Authority and the said scheme shall include a timetable for its implementation. The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reasons: In the interests of safeguarding ground water quality and to ensure that these details are approved before any caravans are stationed on the land

5. The site shall only be used for residential purposes, and it shall not be used for any business, industrial or commercial use other than agriculture. In this regard no open storage of plant, products or waste may take place on the land, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

Reasons: In the interests of the amenities of the area

6. No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority.

Reasons: In the interests of the amenities of the area

7. Prior to the siting of any caravan on the land a scheme for the means of landscaping of the site shall be submitted for the written approval of the Local Planning Authority and the said scheme shall include a timetable for its implementation. 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 and enhance wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme. The approved scheme shall be carried out and completed in accordance with the approved timetable.

Reasons: In the interests of the amenities of the area and to ensure that these details are approved before any caravan is stationed on the land

8. At the same time as the Landscaping Scheme required by condition 7 above is submitted to the Local Planning Authority there shall be submitted a schedule of maintenance for a period of five years of the proposed planting beginning at the date of implementation as required by that condition; the schedule to make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

Reasons: In the interests of the amenities of the area and to ensure that these details are approved before any caravan is stationed on the land

9. Prior to the siting of any caravan on the land a 4m high acoustic fence to a specification equivalent to or exceeding the noise reduction properties of Jakoustic Barrier System fencing by Jackson Fencing shall be erected on the line shown on approved drawing PBA2 (REV.A) (including provision for wrapping the acoustic fence within the site boundary). Thereafter the acoustic fence shall be maintained in good repair at all times to ensure that its expected noise reduction levels continue to be achieved at all times.

Reasons: In the interests of the amenities of the residents of the site.

Council's approach to the 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.

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

2.4 REFERENCE NO - 15/503580/FULL			
APPLICATION PROPOSAL			
Change of use of land to use as a residential caravan site for two gypsy/traveler households, including stationing of three caravans, laying of hardstanding, as amended by revised site location plan received 11 June 2015, and by email dated 13 October 2015 deleting erection of amenity building from the application.			
ADDRESS Land North Of Homestall Road Doddington Kent ME9 0LB			
RECOMMENDATION – Approve for reasons relating to the established use of the site			
WARD Teynham & Lynsted	PARISH/TOWN COUNCIL Norton And Buckland	APPLICANT Mr Patrick Nolan AGENT Philip Brown Associates	
DECISION DUE DATE 19/06/15	PUBLICITY EXPIRY DATE 09/06/15		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
NK/9/69/99/9795	Stationing of caravan	Approved by KCC on a personal basis until 31/8/1969	29/9/1968
NK/9/68/99A/9795	Renewal of temporary permission for one further year	Refused on rural policy grounds	28/1/1970
Enforcement Notice served 3/4/1970	Stationing of residential caravan	Appeal allowed on technical grounds	10/11/1970
NK/9/69/99B/9795	Renewal of permission	Granted for three years	8/5/1972
SW/75/388	Renewal of permission	Granted on personal basis for three years	20/6/1975
SW/78/415	Renewal of permission	Granted on personal basis for three years	31/5/1978
SW/81/623	Renewal of permission	Granted on personal basis for three years	11/6/1981
SW/84/605	Renewal of permission	Granted on personal basis for three years	30/8/1984
SW/87/1677	Renewal of permission	Granted on lifetime personal basis	10/2/1988

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

1.0 DESCRIPTION OF SITE

- 1.01 This application relates to a small triangular site measuring 0.15ha alongside the southern boundary of the M2 motorway between Sittingbourne and Faversham. The site thus lies just within the Kent Downs Area of Outstanding Natural Beauty but well away from any local services or amenities.
- 1.02 The longest, northern, boundary of the site is with the M2 (approximately 100m) with other boundaries to deciduous woodland, one area of which includes a large highway drainage pond. Access to the site is via a narrow but well constructed short spur road off Homestall Road, at the point where the road itself has been re-built to pass under the motorway, and where it is unusually wide.
- 1.03 The site was comprehensively cleared of all above ground structures, vegetation or signs of previous occupation by the current applicant in late 2014, and some hardcore was laid over part of the site. This laying of hardcore triggered the service of a Temporary Stop Notice in October 2014 since when no further work has taken place. The site now appears as a largely flat, barren, empty piece of land with only a variety of drain covers, cesspit holes and a water tap visible. The site is thus unoccupied and the application is not retrospective.
- 1.04 The site lies at a level below that of the motorway at a point where the motorway is climbing steeply westwards out of the Newnham Valley. However, the site is not prominent from the motorway and can only be seen when travelling westwards as a fleeting glance due to intervening vegetation. Due to the woodland on other sides, the site is not prominent from Homestall Road either, although the spur road provides a clue to the fact that access is provided to some unseen premises.
- 1.05 The remnants of occupation still visible on site stem from its peculiar planning history which is itemised above. Essentially this relates to occupation of the site by a man who appears to have lived generally in caravans, was described in 1970 as somewhat nomadic, and who had been employed by the Forestry Commission, then by the District Council as a refuse collector until 1967, and then by the County Council in a highway related capacity. He also dealt in scrap metal in a small way. It also appears that the man had previously been involved in the construction of the motorway and, in or around 1962, he stationed a caravan on this left over patch of land during motorway construction. He managed to acquire the land from the Ministry of Transport in 1969.
- 1.06 When occupation of the site came to light, the County Council granted temporary personal planning permission in 1968 for stationing of a caravan on the site to allow time for the occupant to find another site. This permission included a planning condition specifically requiring the use to cease and the site to be cleared by 31 August 1969. When the site was not cleared, the County Council took enforcement action in 1970. An appeal was lodged and the Inspector recommended that, however well screened the site was “the stationing of a residential caravan on the appeal site comparatively isolated from existing development and from health and other necessary services is undesirable”. The Minister of Housing and Local Government determining the appeal considered evidence on how long the caravan had been stationed there and concluded that, having stationing the caravan on the site in 1962

the site has already acquired existing use rights, and that planning permission was not

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

in fact required by virtue of immunity from enforcement action. However, because at that time a site licence required a grant of planning permission, the 1968 planning application had been necessary. He ruled that although KCC had been entitled to impose planning conditions, it had been wrong for KCC to impose a condition requiring the existing immune use to cease in 1969, as that took away existing use rights; and that that planning permission had been invalid.

- 1.07 Notwithstanding acceptance of the Inspector's conclusions on planning merits, a new temporary planning permission was granted by the Minister in 1970, running until 30 April 1971. According to the above arguments, the temporary permission did not then require cessation of the use, it merely authorised it for a temporary period sufficient to allow a site licence to be granted
- 1.08 Following this decision, and in explicit recognition of the existing use rights of the land and of the occupant's personal circumstances, a series of subsequent decisions by the former District Council, and then by this Council, allowed that individual to continue to stay on the site in recognition of his personal circumstances. Importantly, these permissions did not require cessation of the use at the end of the periods involved. By 1988, the site had become known locally as the site where the hermit lived, as the occupant was very quiet and solitary after the death of his wife, and few knew that the site was occupied. In 1988 the Council finally granted a lifetime personal permission on compassionate grounds, but with a condition requiring the site to be cleared and the use to cease when the original occupant no longer lived there. A full review of the site history for this application now suggests that this restriction appears to have been an error, but one that has never so far been challenged.
- 1.09 The site was at that time partly wooded and occupied by the occupant's caravan and a series of small shed type buildings that he had erected over time. The individual concerned eventually left the site, I understand initially to be cared for in a nursing home, before dying a few years ago. No-one appears to have occupied the caravan or site in the meantime, although I would imagine that the caravan itself was very dilapidated by this time and the site very run-down. The current site owners and applicant are not related to the original occupant but I understand that the site was purchased by the applicant's grandmother in October 2014.
- 1.10 The site is now owned by the applicant's grandmother, and after a false start the correct application papers have now been served on her by the applicant.

2.0 PROPOSAL

- 2.01 This application has been amended or added to since its submission as follows.
- Firstly, the correct ownership certificate has been served on the applicant's grandmother
 - Secondly, it has been confirmed that neither the applicant nor his grandmother own the small piece of woodland adjacent to the site, as originally shown edged blue on the site location plan. A new site location plan has been submitted
 - Thirdly, the proposal to erect a permanent amenity building measuring 7m x 5m built of brick, tile and uPVC windows has been deleted from the application

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

- Fourthly, a Noise Impact Assessment report has been submitted
- Fifthly, a quotation for noise reduction fencing has been submitted
- Sixthly, details of the applicant's and his grandmother's personal and health circumstances have been submitted

2.02 As the application now stands, it proposes the change of use of the site for one mobile home and two touring caravans for two gypsy or traveller households, and the laying of hardstanding.

2.03 The application is supported by a number of documents from which I draw the following information;

- No alteration to access are proposed
- Drainage will be provided by an on-site treatment plant
- Parking for 2 cars and one light goods vehicle will be provided
- New planting is envisaged
- There remains a need for 35 gypsy or traveller pitches in Swale
- The site would not individually or cumulatively be of a scale out of keeping with Painters Forstal
- No business use is proposed
- The site is not at risk from flooding
- Whilst the site is within the AONB it is of a small scale and set against the motorway which itself is not sympathetic to the AONB
- The site has been used as a caravan site for many years, and occupied until at least 2007
- The site would be occupied by the applicant, his wife and infant son, and by his grandmother
- The proposed site occupants currently have no lawful site to stay on, but have received numerous notices requiring them to move on. Two example notices have been provided to me
- The applicant works by building, landscaping and by distributing leaflets door to door and moves from one place to another.
- The applicant and his wife have never had a settled base. They now have a one year old child who has missed some inoculations due to moving around, and is unable to register with a GP
- The applicant's grandmother has significant health issues and was recently in hospital. She depends on the applicant and is in need of a settled base where she can have access to appropriate healthcare and facilities for bathing and washing clothes. Living on the roadside is compounding her health problems
- Noise reduction fencing might cost in the region of £13,000 to erect professionally, but the applicant would do much of the labour himself with relatives helping to reduce costs
- A professional noise quotation submitted on behalf of the applicant prices 200m of 2.4m tall highway acoustic fencing at £45,000
- A Noise Impact Assessment report prepared for the applicant. This suggests that;
 - only the mobile home would be occupied with the two touring caravans merely stored on the site.

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

- that site levels will be lowered and the spoil used to create a mound alongside the motorway with an acoustic fence erected on top
- acoustic (double glazed) fenestration and ventilation for any occupied caravan will be required to protect acceptable noise levels
- the fencing must prevent any line of sight between any caravan and any M2 traffic, and the mound and fencing should wrap around the site

3.0 PLANNING CONSTRAINTS

Area of Outstanding Natural Beauty KENT DOWNS

Area of Outstanding Natural Beauty Maidstone AONB directive

MOD Thurnham MOD Safeguarding Directive Thurnham

MOD Thurnham MOD Safeguarding Directive Thurnham

Thurnham Exclusion Zone Thurnham, Kent

Thurnham Exclusion Zone Thurnham, Kent

Thurnham Wind Station THURNHAM WIND SAFEGUARDING

4.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS) (Re-issued)

4.01 The national policy position comprises the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS). Both documents were released in 2012 but the PPTS was re-issued in August 2015 with amendments. Together they provide national guidance for Local Planning Authorities on plan making and determining planning applications for Gypsy and Traveller sites. A presumption in favour of sustainable development runs throughout both documents and this presumption is an important part of both the plan-making process and in determining planning applications. In addition there is a requirement in both documents that makes clear that Councils should set pitch targets which address the likely need for pitches over the plan period and maintain a rolling five year supply of sites which are in suitable locations and available immediately.

4.02 Whilst regard has been paid to all of the guidance as set out within the NPPF, consider that the following extracts from paragraph 7 are particularly pertinent:

“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

4.03 In relation to rural housing the NPPF (at paragraph 55) states;

- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:
 - the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
 - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.

4.04 In relation to conserving and enhancing the natural environment the NPPF, at paragraph 109, states;

The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.05 The NPPF prioritises the safeguarding of AONBs at paragraph 115.

Planning Policy for Traveller Sites (PPTS)

4.06 The PPTS was originally published in March 2012 but it was re-issued in August 2015 with minor changes. Whilst regard has been paid to all of the guidance as set out within the PPTS, its main aims now are:

“The Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.” (para 3 PPTS)

To help achieve this, Government’s aims in respect of traveller sites are:

- a. that local planning authorities should make their own assessment of need for the purposes of planning*
- b. to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites*
- c. to encourage local planning authorities to plan for sites over a reasonable timescale*
- d. that plan-making and decision-taking should protect Green Belt from inappropriate development*
- e. to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites*
- f. that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective*
- g. for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies*
- h. to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply*
- i. to reduce tensions between settled and traveller communities in plan-making and planning decisions*
- j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure*
- k. for local planning authorities to have due regard to the protection of local amenity and local environment.” (para 4 PPTS)*

4.07 In terms of plan making the PPTS advice is that;

“Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

- a) *promote peaceful and integrated co-existence between the site and the local community*
- b) *promote, in collaboration with commissioners of health services, access to appropriate health services*
- c) *ensure that children can attend school on a regular basis*
- d) *provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment*
- e) *provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development*
- f) *avoid placing undue pressure on local infrastructure and services*
- g) *do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans*
- h) *reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.” (para 13 PPTS)*

4.08 For sites in rural areas and the countryside the PPTS advice is that;

“When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.” (para 14 PPTS)

4.09 In relation to the determination of planning applications the PPTS says that;

“Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.” (para 23 PPTS)

“Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) *the existing level of local provision and need for sites*
- b) *the availability (or lack) of alternative accommodation for the applicants*
- c) *other personal circumstances of the applicant*
- d) *that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- e) *that they should determine applications for sites from any travellers and not just those with local connections”*

“However, as paragraph 16 [relating to Green Belts] makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.” (para 24 PPTS). Members might like to note that the mini paragraph above was added in the 2015 re-issue of PPTS

“Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.” (para 25 PPTS). Members might like to note that the word “very” was added to this paragraph in the 2015 re-issue of PPTS.

“If a local planning authority cannot demonstrate an up-to-date 5year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary permission. The exception to this is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).” (para 27 PPTS). Members might like to note that the last sentence above was added to this paragraph in the 2015 re-issue of PPTS.

Finally, the definition of gypsies and travellers has been amended in the re-issued PPTS to remove the words “or permanently” from after the word “temporarily” in the following definition;

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

The implications for this change in definition has clouded the issue with regard to defining need. At this stage, given that the application relates to a single pitch, it is advised that the Council should consider the application in the context of the existing GTAA as set out below.

- 4.10 The Council has responded positively and quickly to the changes in the national policy position in respect of Gypsy and Traveller accommodation. The Local Development Framework Panel quickly supported the commissioning of a new Gypsy and Traveller Accommodation Assessment (GTAA), which was completed in June 2013 and identified a need for 82 pitches to be provided during the plan period (adjusted down from 85 pitches in reflection of those sites granted permanent permission whilst the document was under preparation). This need figure is incorporated within the draft Bearing Fruits Swale Borough Local Plan: Part 1 alongside a policy introducing provision for pitches on certain major development sites. An additional net 47 permanent pitches (some with personal use conditions) have also been approved up to March 2015, reducing the outstanding need to 35 pitches over the Plan period. A further number of pitches enjoy temporary permissions, including the current application site.
- 4.11 Shortly after publication of the GTAA in 2013 the Council began work on Part 2 of the Swale Borough Local Plan which will deal with site allocations for Gypsy and Traveller pitch provision only. This process began with a call for sites between September and December 2013, and the publication of an issues and options paper which was subject to public consultation (this finished on 25th April 2014).

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

Saved Policies of Swale Borough Local Plan 2008

- 4.12 Policy E1 (General Development Control Criteria) sets out standards applicable to all development, saying that it should be well sited 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.
- 4.13 This site lies in an isolated position within the countryside where policy E6 (The Countryside) seeks to protect the quality, character and amenity of the countryside, and states that development will not be permitted outside rural settlements in the interests of countryside conservation, unless related to an exceptional need for a rural location.
- 4.14 Within Areas of Outstanding Natural Beauty policy E9 (Protecting the Quality and Character of the Borough's Landscape) gives priority to the long term protection and enhancement of the quality of the landscape, whilst having regard to the economic and social well being of their communities. Policy E9 seeks to protect the quality, character and amenity value of the wider landscape of the Borough. Within the countryside it expects development to be informed by local landscape character and quality, consider guidelines in the Council's landscape character and assessment, safeguard distinctive landscape elements, remove detracting features and minimise adverse impacts on landscape character. Protection of AONBs is a high priority in the NPPF and they are now afforded recognition in the PPTs, see below.
- 4.15 Policy E19 (Achieving High Quality Design and Distinctiveness) requires development proposals to be well designed.
- 4.16 Policy RC7 (Rural Lanes) seeks to protect the physical features and character of rural lanes, of which Homestall Road is one.
- 4.17 Policy H4 explains the Borough Council will only grant planning permission for the use of land for the stationing of homes for persons who can clearly demonstrate that they are gypsies or travelling showpersons with a genuine connection with the locality of the proposed site, in accordance with 1 and 2 below.
1. For proposals involving the establishment of public or privately owned residential gypsy or travelling showpersons sites:
 - a) there will be a proven need in the Borough for the site and for the size proposed;
 - b) the site will be located close to local services and facilities;
 - c) there will be no more than four caravans;
 - d) the site will be located close to the primary or secondary road networks
 - e) in the case of a greenfield site there is no suitable site available on previously developed land in the locality;
 - f) the site is not designated for its wildlife, historic or landscape importance;
 - g) the site should be served, or capable of being served, by mains water supply and a satisfactory means of sewage disposal and refuse collection;
 - h) there is no conflict with pedestrian or highway safety;
 - i) screening and landscaping will be provided to minimise adverse impacts;

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

- j) no industrial, retail, commercial, or storage activities will take place on the site.
- k) use of the site will not give rise to significant adverse impacts upon residential amenity, or agricultural or commercial use, of surrounding areas; and
- l) the land will not be in a designated flood risk area.

2. Additionally to 1, for proposals for short term stopping places:

- m) there will be a planning condition to ensure that the length of stay for each caravan will be no longer than 28 days with no return to the site within 3 months.”

4.18 This policy was criticised by the Local Plan Inspector who saw it, as a criteria based rather than site allocations policy, as inconsistent with the then Circular 01/2006 - which itself has since been superseded by PPTS and its emphasis of a five year supply of sites - and the policy can only be of limited significance to this application.

Swale Landscape Character and Biodiversity Appraisal SPD 2011

4.19 This site is within the Doddington and Newnham Dry Valleys landscape character areas as defined in the March 2011 Swale Landscape Character and Biodiversity Appraisal, areas which are seen as of high and moderate sensitivity respectively and in good condition.

Bearing Fruits 2031: 2014 Publication version of the Swale Borough Local Plan: Part 1

4.20 The Council’s Publication version of the draft Local Plan, entitled *Bearing Fruits 2031*, was published in December 2014 and is shortly due for examination.

4.21 Policy CP 3 of the draft Local Plan aims to provide pitches for gypsies and travellers as part of new residential developments. Policy DM10 sets out criteria for assessing windfall gypsy site applications

Site Assessment

4.22 The Council’s February 2014 Gypsy and Traveller Site Allocations: Issues and Options consultations document recommends a new methodology for how to assess site suitability for determining whether or not to allocate a site. Although this was primarily intended to rank potential site allocations, it was agreed by Members of the LDF Panel in June 2014 to be used as a material consideration in planning applications. Even though this is normally done in relation to the potential suitability of a fresh site I have considered this in formulating this recommendation to be sure that the recommendation is up-to-date. This assessment is a Red/Amber/Green staged approach to site suitability, with any site scoring Red in any stage not being progressed to the next stage.

4.23 The assessment starts with Stage 1: Availability. The site owner is in occupation of the site. Here the site scores green. This means that the site should proceed to Stage 2.

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

- 4.24 Stage 2: Suitability/Constraints. The site is not in a flood risk zone (assessment green); it is in an AONB but is very well concealed, hard by the M2 embankment and landscaping is possible (amber); it has very limited landscape impact (amber); it has no unacceptable impact on biodiversity (green); no dominating effect on settlements (green); no adverse impacts on heritage/archaeology (green); is not known to be contaminated (green); will not be subject to unacceptable noise or disturbance if properly planned (amber); has adequate access (green); but is remote and not within walking distance to any significant facilities (red). The red score means that the site should not proceed to Stage 3 and will not be a candidate site for a future allocations policy. It is not a site considered to be suitable for allocation as a permanent site.
- 4.25 The proposed timetable for Part 2 of the new Local Plan included production and consultation upon a preferred options document in Summer 2014 (now completed). The adoption of Part 2 of the Local Plan is currently dependent upon the successful adoption of Part 1 of the Local Plan. Should the Examination Inspector find problems with Part 1 of the Local Plan, Officers are likely to suggest that all pitch provision matters be deferred to Part 2 to enable Part 2 of the Local Plan to progress independently of Part 1.

Five year supply position

- 4.26 The PPTS has since 2012 introduced a need for Council's to maintain a rolling five year supply of sites which are in suitable locations and available immediately. This is a relatively new requirement for Council's and the Council could only start attempting to meet this requirement following the commissioning and publication of the GTAA which provided the need figure and a base date. As such, the Council put measures into place to deal with the PPTS requirements very quickly, but have only recently started down the route of trying to maintain a rolling five year supply.
- 4.27 The GTAA sets out a target of 85 pitches to be provided by the year 2031, with a suggested provision of 35 pitches in the first five years (to 2018). Three pitches were approved during the course of the GTAA's production so the final target was in fact 82 pitches. Since the publication of the GTAA and up to the end of March 2015 a total of 47 permanent pitches have been approved in Swale almost exclusively without an appeal, of which 33 pitches had been implemented. Evidence to be presented to the Local Plan examination later this year shows that at the end of March 2015 the need for pitches identified from the GTAA thus stood at 82 pitches minus the 33 permanent pitches approved and implemented, including the personal permissions granted in the interim. This reduced the need to 49 pitches which, at an annualised rate of 4.6 pitches per year (23 pitches over five years) indicated that the Council has already provided a surplus of supply of 0.8 pitches over the full five year requirement. This is calculated by taking the two year annualised requirement of 9.2 pitches from the completions so far to show a current surplus of 23.8 implemented pitches over the two year requirement and already a surplus of 0.8 approved permanent pitches over the five year need after just two years. In addition to this there are a further 13 approved but unimplemented permanent pitches as at the end of March 2015, an overall surplus of 14 pitches. These mostly comprise extensions to, or more intensive use of, existing sites and are awaiting occupation. Since then four more wholly new permanent sites have been approved.

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

Planning permission for a further two fresh pitches is awaiting only the completion of a Section 106 Agreement on a large mixed use development site at Faversham. This is a very considerable achievement and indicates the Council's positive attitude to such development in the right location. Furthermore, the likelihood of significant pitch provision as part of major new mixed use developments is a key feature of the emerging Local Plan and we will shortly see if that policy forms part of the final Plan.

- 4.28 However, irrespective of the question of the five year supply, the question of whether any approved and unoccupied sites are available to individual appellants is also normally taken in to account by Inspectors. Here, the evidence suggest that they may consider that sites approved as expansions of existing site are not readily available to appellants facing loss of their existing temporary site. This appears to confirm their decisions where the question of availability of alternative sites is crucial to their decision.
- 4.29 To conclude on this subject, it seems that there is no reason to see approved but unimplemented pitches as other than as part of a five year supply. Nor should potential ethnic grouping issues rule them out of consideration where this applies. However, there appears to be a question in Inspector's minds regarding whether such sites should be afforded full weight in relation to the prospects of them being suitable for a particular appellant, and whether they will wish to, or be able to, occupy such a site for reasons of ethnicity, or availability for other than families of the current site owners.
- 4.30 At a more local level the Council is a contributor to the Kent Downs AONB management unit which has recently published its second revision to the Kent Downs AONB Management Plan (2014 – 2019). This included policies SD1, SD2, SD3, SD8 and LLC1 of the Plan, which refer to the need to conserve and enhance the natural beauty of the AONB being the prime purpose of the designation, with new development respecting the area's character, quality and distinctiveness, with development that runs counter to the primary purpose of the AONB, or its distinctive landform, special characteristics or qualities being opposed.
- 4.31 The other significant issue here is the suitability of the site in terms of noise impact. The NPPG gives the following advice;

When is noise relevant to planning?

Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. When preparing local or neighbourhood plans, or taking decisions about new development, there may also be opportunities to consider improvements to the acoustic environment.

How to determine the noise impact?

Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- *whether or not a significant adverse effect is occurring or likely to occur;*

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

- *whether or not an adverse effect is occurring or likely to occur; and*
- *whether or not a good standard of amenity can be achieved.*

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

Observed Effect Levels

- *Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.*
- *Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.*
- *No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.*

How to recognise when noise could be a concern?

- *At the lowest extreme, when noise is not noticeable, there is by definition no effect. As the noise exposure increases, it will cross the no observed effect level as it becomes noticeable. However, the noise has no adverse effect so long as the exposure is such that it does not cause any change in behaviour or attitude. The noise can slightly affect the acoustic character of an area but not to the extent there is a perceived change in quality of life. If the noise exposure is at this level no specific measures are required to manage the acoustic environment.*
 - *As the exposure increases further, it crosses the lowest observed adverse effect level boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).*
 - *Increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused.*

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

- *At the highest extreme, noise exposure would cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring.*
- *This table summarises the noise exposure hierarchy, based on the likely average response.*

<i>Perception</i>	<i>Examples of Outcomes</i>	<i>Increasing Effect Level</i>	<i>Action</i>
<i>Not noticeable</i>	<i>No Effect</i>	<i>No Observed Effect</i>	<i>No specific measures required</i>
<i>Noticeable and not intrusive</i>	<i>Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.</i>	<i>No Observed Adverse Effect</i>	<i>No specific measures required</i>
		<i>Lowest Observed Adverse Effect Level</i>	
<i>Noticeable and intrusive</i>	<i>Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.</i>	<i>Observed Adverse Effect</i>	<i>Mitigate and reduce to a minimum</i>
		<i>Significant Observed Adverse Effect Level</i>	
<i>Noticeable and disruptive</i>	<i>The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.</i>	<i>Significant Observed Adverse Effect</i>	<i>Avoid</i>

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

<p>Noticeable and very disruptive</p>	<p><i>Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory</i></p>	<p>Unacceptable Adverse Effect</p>	<p>Prevent</p>
---	--	--	----------------

How can the adverse effects of noise be mitigated?

This will depend on the type of development being considered and the character of the proposed location. In general, for noise making developments, there are four broad types of mitigation:

- *engineering: reducing the noise generated at source and/or containing the noise generated;*
- *layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;*
- *using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;*
- *mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.*

For noise sensitive developments mitigation measures can include avoiding noisy locations; designing the development to reduce the impact of noise from the local environment; including noise barriers; and, optimising the sound insulation provided by the building envelope. Care should be taken when considering mitigation to ensure the envisaged measures do not make for an unsatisfactory development (see the guidance on design for more information).

Are there further considerations relating to mitigating the impact of noise on residential developments?

Yes – the noise impact may be partially off-set if the residents of those dwellings have access to:

- *a relatively quiet facade (containing windows to habitable rooms) as part of their dwelling, and/or;*
- *a relatively quiet external amenity space for their sole use, (e.g. a garden or balcony). Although the existence of a garden or balcony is generally desirable, the intended benefits will be reduced with increasing noise exposure and could be such that significant adverse effects occur, and/or;*
- *a relatively quiet, protected, nearby external amenity space for sole use by a limited group of residents as part of the amenity of their dwellings, and/or;*

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

- *a relatively quiet, protected, external publically accessible amenity space (e.g. a public park or a local green space designated because of its tranquillity) that is nearby (e.g. within a 5 minutes walking distance).*

6.0 LOCAL REPRESENTATIONS

6.01 Swale Footpaths Group notes that there is no footpath issue but that the site is close to the M2 and ask if the site is suitable for occupation.

6.02 I have received several local representations, six from individual addresses plus a set of five similar representations sent in together all with the same format. These make the following summarised points;

- The site lies in the Kent Downs AONB which the Council has a duty to protect; caravans do not protect this nature
- The site is high on the side of the valley, and whilst currently screened, the woods are deciduous and the woodland may be subject to coppicing
- The Council has refused permission for stables nearby due to adverse impact on the AONB – this will have more impact
- The applicants have shown complete disregard for the AONB by clearing the site with bulldozers
- Trees have been illegally cleared and badgers may have been disturbed
- The site is not in a sustainable location with no nearby amenities, schools or public transport, and close to other sites that have been found to be unsuitably located
- No proper access, the junction is unsafe
- Would affect views from the footpath
- The site is alongside the M2 and extremely noisy, with a risk of air pollution
- With only a low fence in place, children could get onto the motorway and possibly cause a fatal accident
- This would represent an intensive use of the site which would be for two pitches
- Would put other land at risk from urbanisation
- Nearby houses are historic and listed
- No permanent utility block should be permitted
- No site notice was displayed for the required period (NOTE: A site notice was in fact displayed for the required period close to the site)
- The application is contrary to Government guidance
- The site is not agricultural land, but a woodland with nature conservation significance
- We do not want to have more bad behaviour

7.0 CONSULTATIONS

7.01 Newnham Parish Council opposes the application on grounds similar to those raised in local representations above. They add that the site fails the current site assessment test; that there is no vehicular access to the site; that there are no 2m fences or sewage treatment on the site; and that the site does not meet policy criteria for such a site.

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

7.02 Kent Highway Services do not comment on the application

7.03 The Environmental Health Manager originally requested a noise report and has considered the applicant's Noise Impact Assessment report. He notes that noise levels across the site exceed recommended levels so that mitigation is required. He notes the recommendations of the report for acoustic fencing and extra sound insulation and accepts that these measures could be effective if carried out as suggested. His one concern is whether the mitigation measures will be effective if the caravans are not permanently sited.

8.0 BACKGROUND PAPERS AND PLANS

8.01 Papers for application 15/503580/FULL and other applications mentioned above.

9.0 APPRAISAL

9.01 This application has brought to light the very peculiar planning status of this land. It was established in 1970 that the land had an existing right for stationing of a caravan. Planning permission was not needed other than as a vehicle for obtaining a necessary site licence. This situation seems to have then persisted right up until the latest planning permission granted in 1988. That personal permission has now run its course and new owners seek a new permission.

9.02 Without a doubt it would be highly unusual to grant planning permission for this use at this location in the current policy context and I would not expect to recommend so. However, what is now clear to me is that the right to use the site exists and has done since the 1960s. The granting of planning permission has been necessary due to the vagaries of the legislation and that situation still exists, albeit a Lawful Development Certificate (LDC) now has an equally supporting effect in terms of a site licence. An application for an LDC might be a way to address the current applicant's intention to occupy the site, but he has not known the site long and is not in a good position to support an LDC application with evidence.

9.03 Accordingly, it seems to me reasonable for the Council to recognise his planning application as one that seeks to confirm the existing use rights on the site sufficient for him to obtain the necessary site licence to avoid being in breach of other legislation. The granting of such an application also gives the Council the opportunity to impose planning conditions so long as these do not purport to take away existing use rights. As such, despite all the comments above, and regardless of what would be my very strong reservations about the principle of granting planning permission to establish such a use here so far from amenities and public services, I do not believe that the Council has the right not to grant planning permission.

9.04 The benefit of granting planning permission is the ability of the Council to regulate the use of the site in the public interest. In this regard I consider that conditions to require acoustic screening (which at 2.4m tall would in itself will otherwise require planning permission) and to require adequate drainage and landscaping arrangements, as well as limiting the number of caravans on the site, would be beneficial.

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

9.05 I am reluctant to recommend a condition restricting occupancy of the site to any individual or group or individuals as such conditions would restrict the existing use rights that the site has, and I do not believe that it matters who occupies the site. I do though, believe that by granting planning permission the Council will be providing a settled base for a family who currently have no fixed home and who can only benefit both in the short and long terms from having a fixed base with access to health and education facilities. To that extent I have not felt it necessary to come to a firm conclusion on the applicant’s gypsy status, or that of his dependants.

9.06 In view of the comments of the Environmental Health Manager, I am pleased that a planning condition can be imposed to require acoustic treatment both of the site and of any caravan being occupied as, without this, it is clear that the noise environment of the site will pose unacceptable risks to the amenity of any legitimate site occupants. I had very real concerns that it might be unreasonable to require expensive acoustic fencing if a temporary planning permission were to be granted, but as I am now satisfied over the planning status of the site I am content that the investment in fencing etc will be appropriate. I am recommending a suitable condition.

10.0 CONCLUSION

10.01 This site has been occupied for the best part of 50 years without undue detriment to the area. If it were not for the age, and ultimately the death, of the original occupant the site would remain occupied today. The Council would normally have accepted a change in occupier of an established site, and as such the proposal now therefore is not really for a change in the status quo.

10.02 What is important to recognise is that any decision to approve this application should not be seen by anyone as a precedent for the future of any other existing temporary or potential caravan sites nearby. These will continue to be dealt with on their own merits, and as the area is very poorly served by amenities to the extent that they will not score well in relation to site assessment criteria.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

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 permission is granted.

Reasons: In pursuance of Section 91 of the Town and Country Planning Act 1900 as amended by the Planning and Compulsory Purchase Act 2004.

2. No more than one mobile home and two touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed at any time, of which only one caravan shall be a residential mobile home.

Reasons: In pursuance of Section 91 of the Town and Country Planning Act 1900 as amended by the Planning and Compulsory Purchase Act 2004.

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

3. Prior to the siting of any caravans on the land a scheme for the means of foul water drainage of the site shall be submitted for the written approval of the Local Planning Authority and the said scheme shall include a timetable for its implementation. The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reasons: In the interests of safeguarding ground water quality and to ensure that these details are approved before any caravans are stationed on the land

4. The site shall only be used for residential purposes, and it shall not be used for any business, industrial or commercial use other than agriculture. In this regard no open storage of plant, products or waste may take place on the land, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

Reasons: In the interests of the amenities of the area

5. No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority.

Reasons: In the interests of the amenities of the area

6. Prior to the siting of any caravans on the land a scheme for the means of landscaping of the site shall be submitted for the written approval of the Local Planning Authority and the said scheme shall include a timetable for its implementation. 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 and enhance wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme. The approved scheme shall be carried out and completed in accordance with the approved timetable.

Reasons: In the interests of the amenities of the area and to ensure that these details are approved before any caravans are stationed on the land

7. At the same time as the Landscaping Scheme required by condition 6 above is submitted to the Local Planning Authority there shall be submitted a schedule of maintenance for a period of five years of the proposed planting beginning at the date of implementation as required by that condition; the schedule to make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

Reasons: In the interests of the amenities of the area

APPENDIX 1

Planning Committee Report – 5 November 2015

ITEM 2.4

8. Prior to the siting of any caravans on the land a scheme for the provision of acoustic treatment of the site boundary with the M2 (including provision for wrapping the acoustic treatment around other site boundaries as necessary), and for the siting and acoustic treatment of any caravans to be used as living accommodation whilst on the site, shall be submitted for the written approval of the Local Planning Authority and the said scheme shall include a timetable for its implementation. The approved scheme shall have been carried out and completed in accordance with the approved timetable and thereafter the acoustic treatment of the site and the siting and specification of any caravan to be used as living accommodation whilst on the site shall maintained in accordance with the approved details, including in relation to any replacement caravan.

Reasons: In the interests of the amenities of the residents of the site and to ensure that these details are approved before any caravans are stationed on the land

Council’s approach to the 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.

This page is intentionally left blank

PLANNING COMMITTEE – 14 JANUARY 2016

PART 1

Report of the Head of Planning

PART 1

Any other reports to be considered in the public session

1.1 REFERENCE NO - 15/509602/PNQCLA		
APPLICATION PROPOSAL		
Prior notification for the change of use of an agricultural building into a single residential dwelling (Use Class C3) and for associated operational development		
For the Council's prior approval to:		
<ul style="list-style-type: none"> - Transport and Highways impacts of the development. - Contamination risks on the site. - Flooding risks on the site. - Noise impacts of the development. - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed. - Design and external appearance impacts on the building 		
ADDRESS Barn Ludgate Lane Lynsted Kent ME9 0RF		
RECOMMENDATION - Prior Approval Not Required		
REASON FOR REFERRAL TO COMMITTEE		
3 or more Local Objections, and Ward Member request		
WARD Teynham & Lynsted	PARISH/TOWN COUNCIL Lynsted And Kingsdown	APPLICANT Bones Brothers AGENT Mr David Walsh
DECISION DUE DATE 08/01/16	PUBLICITY EXPIRY DATE 08/01/16	OFFICER SITE VISIT DATE 31/12/15

1.0 DESCRIPTION OF SITE

- 1.1 The building in question is a C20 barn situated outside the built-up area boundary, in a fairly isolated location. The only neighbouring property is a grade II listed detached house known as Ludgate, situated approximately 37 metres away, with a detached garage and a tennis court in between the listed building and the barn. The barn is in need of repair, but appears to be structurally sound.
- 1.2 The location lies outside the village of Lynsted and the site and, apart from the building itself, is open agricultural land.

2.0 PROPOSAL

- 2.1. This is not a normal planning application as the principle of conversion of the barn to a dwelling is provided for as Permitted Development under Class Q of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Instead this is a prior notification application submitted on the basis

that the conversion of the barn to a Class C3 dwelling is Permitted Development and the application is simply for approval in relation to certain detailed matters set out below.

- 2.2 The proposals would include the erection of a new external wall, new fenestration and two rooflights. The building would provide two bedrooms, with parking for two cars, the external area involved being no greater than the floorplan of the building to comply with the relevant regulations.
- 2.3 The applicant has submitted a supporting statement with the application, noting that historically, any traffic associated with the barn would have been physically larger and more frequent than that generated by a domestic use; and that the building was originally constructed in the 1930s to support fruit growing in the surrounding fields, and was last used to store apple boxes. The field surrounding the building is now sown with arable crops, rendering the barn redundant.

3.0 PLANNING CONSTRAINTS

- 3.1 The site is located within the countryside, and is adjacent to a grade II listed building.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.1 The conversion of agricultural buildings in Swale (except in conservation areas, SSSIs and Areas of Outstanding Natural Beauty) is now Permitted Development by virtue of Class Q of the Order subject to certain limitations and to an application for Prior Approval in relation to matters of;
- **Transport and Highways impacts of the development.**
 - **Contamination risks on the site.**
 - **Flooding risks on the site.**
 - **Noise impacts of the development.**
 - **Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed.**
 - **Design and external appearance impacts on the building**
- 4.2 National Planning Practice Guidance (NPPG) provides guidance on the working of these relatively new provisions and states the following:

“What are the residential uses?”

Subject to a number of conditions and restrictions, agricultural buildings and land within their curtilage may convert to a use falling within Class C3 of the Schedule to the Use Classes Order 1987 (dwelling houses). These conditions and restrictions are set out in Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The maximum floor space that may be converted under this permitted development right is 450 m² of floor space of a building or buildings within a single established agricultural unit. The total number of new homes which may be developed under the right is 3. The right is extinguished once any of the conditions ie the 3 dwellings or 450m² threshold, is reached. The total number of new homes (3 dwelling houses) does not include existing residential properties within the established agricultural unit, unless they were created by the use of the permitted development right on a previous occasion, in which case they would be counted.

Are any building works allowed when changing to residential use?

Building works are allowed under the change to residential use. The permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, it recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.

Are there any limitations to the change to residential use?

There are some limitations to the change to residential use. The Class Q rights cannot be exercised where works for the building, extending or altering of a building, or the installation of additional or replacement plant or machinery for the purposes of agriculture under the existing agricultural permitted development, have been carried out on the established agricultural unit since 20 March 2013, or within 10 years before exercising the change to residential use, whichever is the lesser. The agricultural permitted development rights are set out in Class A (a) or Class B (a) of Part 6 of Schedule 2 to the General Permitted Development Order (agricultural buildings and operations).

In addition, the site must have been used solely for an agricultural use, as part of an established agricultural unit, on 20 March 2013, or if it was not in use on that date, when it was last in use. If the site was brought into use after 20 March 2013, then it must have been used solely for an agricultural use, as part of an established agricultural unit, for 10 years before the date the development begins. If there is an agricultural tenancy in place, there are separate arrangements set out in Class Q.

Are there any conditions attached to the change to residential use?

There are some conditions attached to the change to residential use. Before beginning the development, an individual will need to apply to the local planning authority for a determination as to whether the prior approval of the local planning authority is necessary for the change of use. This prior approval will be in respect of transport, highways and noise impacts of the development, and also as to the flooding and contamination risks on the site, and whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to dwelling house. In addition, applicants will need to check whether the prior approval of the authority will be required as to the design or external appearance of the building.

The procedure for prior approval is set out in the Town and Country Planning (General Permitted Development) (England) Order 2015. This procedure was amended in April 2015 to make clear that the local planning authority must only consider the National Planning Policy Framework to the extent that it is relevant to the matter on which prior approval is sought, for example, transport, highways, noise etc.

Is there a sustainability prior approval for the change to residential use?

The permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house.

What is meant by impractical or undesirable for the change to residential use?

Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable”.

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant.”

5.0 LOCAL REPRESENTATIONS

5.1 Three emails of objection have been received from local residents. The comments contained therein may be summarised as follows:

- Impact on the adjacent listed hall house
- No mention within application of impact on adjacent dwelling
- Ludgate was designed to be a house on its own
- The land is not in agricultural use
- The land is under an agricultural tenancy. It is not clear when or if the barn was removed from the tenancy
- We believe its use could not be changed without demolishing and rebuilding it
- The barn is within the curtilage of a listed building
- No hard access road to the site
- Isolated position
- Contrary to the NPPF

- No Historical Impact Assessment
- Design not in keeping with the listed building
- Overlooking from roof lights
- Impacts on privacy

5.2 The Agent has sent a letter responding to these comments:

- The site is agricultural land, now sown with arable crops, rendering the barn redundant
- The barn and access are not part of the agricultural tenancy
- The works necessary are in accordance with Class Q.1 (i)
- OS maps show the curtilage of Ludgate incorporating the house and gardens only; not the barn
- Rooflights are to let in light but would not overlook Ludgate
- The proposed conversion would not adversely affect the character and setting of the listed building; it is 35 metres away and outside the curtilage.

6.0 CONSULTATION RESPONSES

6.1 Kent Historic Buildings Committee of the CPRE raises objection due to the impact of the development on the adjacent listed building.

6.2 Kent Highways Services raises no objection.

7.0 APPRAISAL

7.1 This is not a full application for planning permission; it is a request to determine only whether or not prior approval is required. This is an unusual application, one normally dealt with under delegated powers as it is largely a technical assessment of the issues outlined in the GPDO which itself grants the general planning permission involved; it is referred to Members only because the powers delegated to the Head of Planning require proposals attracting three or more comments contrary to recommendation to be referred to the Planning Committee. Having discussed the issue with Ward Members, the application is further referred to the Committee further to a Ward Member request. I am of the opinion that the proposal complies with the conditions set out in Class Q of the GPDO 2015; the development under Class Q would not result in a building or buildings having more than 450sqm of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

7.2 I consider below the issues specified in Class Q in accordance with the provisions of paragraph W of the GPDO.

Transport and Highways impacts of the development

- Kent Highways Services raises no objection. I note that there is an existing farm track leading to the building, and that no further works with regard to the access are envisaged.
- Vehicle parking can be accommodated within the defined curtilage of the dwelling.
- Prior approval is not required for the transport and highway impacts of the development.

Noise impacts of the development

- I am of the opinion that the proposal would not result in unacceptable noise impacts; the proposal is for conversion to a C3 dwellinghouse.
- Prior approval is not required for the noise impacts of the development.

Contamination risks on the site

- Being an agricultural site, I can find no details of any potential contamination on site. It appears that the barn was only used to store equipment and machinery.
- Prior approval is not required for the contamination risks on the site.

Flooding risks on the site

- The threshold for consulting the Environment Agency set out in paragraph W has not been met.
- Prior approval is not required for the flood risks on the site.

Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed.

- The NPPG is clear that there is no test for sustainability of location. I do not consider the location or siting of the building to make it impractical or undesirable for residential use as described in the NPPG above. The issue raised locally about the impact on the setting of the listed building is not one of the issues that the NPPG suggests might be a relevant consideration as these focus on practicality and amenity.
- Seemingly, the regulations have no provision for the impact on the setting of a listed building to be taken in to account. Nevertheless, I am conscious of the Council's statutory duty with regard to listed buildings and have considered the likely impact. The building will not be enlarged; thus I am of the opinion that the proposal will have no adverse impact on the character or the setting of the listed building.
- Prior approval is not required in this regard.

Design and external appearance impacts on the building.

- The proposed dwelling will still be relatively low scale and modest in both size and height.
- The proposed finishing materials, and simple design would amount to a design improvement over the existing that would benefit the external appearance of the building and wider area.
- Prior approval is not required for the design and external appearance impacts of the building. I am of the opinion that the proposal will have no adverse impact on the character or the setting of the listed building.

7.3 I note the concerns expressed by the objectors, but most of those would correspond with the matters normally taken into account in deciding whether or not to grant planning permission which has already been done in this case by national regulations. However, as the proposal has been submitted under the Prior Approval route, the method of assessment requires the Council to consider only specific issues as set out above. Having done so I conclude that Prior Approval is not required either for the use or the alterations proposed.

8.0 RECOMMENDATION – Prior Approval Not Required

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.

This page is intentionally left blank

1.2 REFERENCE NO - SW/14/0045		
APPLICATION PROPOSAL		
Outline application including access for a mixed use development comprising business park (up to 5,385sqm of commercial units, and a 2,000sqm office (innovation centre), a hotel (approx 70 bed), pub/restaurant (up to 400sqm), health centre (up to 300sqm), 196 residential dwellings, open space including sports pitches, amenity open space and parkland, roads, allotments and a traveller site.		
ADDRESS Land East of Love Lane, Faversham, Kent, ME13 8JB		
RECOMMENDATION		
SUBJECT TO		
<ol style="list-style-type: none"> the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure the signing of a section 106 agreement for developer contributions towards: primary and secondary schools; libraries, adult social care; community learning; youth services; waste and recycling bins; financial contributions towards the provision of improvements to bus stops around the site; provision of 30% affordable housing across the residential site; the submission of a construction code of conduct and construction traffic management plan; to provide a traffic plan and a monitoring fee of £5000 for the traffic plan; commitment to securing local employment and training opportunities and financial contributions towards the support of construction apprenticeships; commitment by the developer to provide a minimum of 4.5 hectares of public open space to be retained for public use (to include allotments, cricket pitch and informal parkland) to be retained in perpetuity and a management plan; contributions towards signage to train station via public footpath on the site; provision of additional lighting at either end of the railway footbridge; to deliver the infrastructure and provide serviced plots ready for the commercial development prior to the occupation of the fiftieth dwelling and also for the applicant to embark on a marketing campaign within three months of receiving detailed planning consent and a monitoring charge and as part of the Section 106 agreement, reference will be made to the signing of a section 278 agreement for improvements to off-site works including a pedestrian link, splitter island and improvements to highway junctions within the vicinity of the application site; and to make such minor amendments to the legal agreement as may be required. the Head of Planning BE DELEGATED POWERS TO GRANT outline planning permission subject to the imposition of conditions (1) to (35), additional conditions as required by KCC Archaeological Officer and the KCC Biodiversity Officer, and informatives set out in the officer's Report to Committee. 		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL		
To confirm delegated authority to Head of Planning Services and Head of Legal Services to enter into a S.106 agreement		
REASON FOR REFERRAL TO COMMITTEE		
Incorrect minute not providing delegated power to enter into S.106 agreement		
WARD Abbey	PARISH/TOWN Faversham Town	COUNCIL APPLICANT The Vinson Trust AGENT Mr M Woodhead
DECISION DUE DATE 7 August 2014	PUBLICITY EXPIRY DATE 3 March 2014	OFFICER SITE VISIT DATE Several including 10 June 2014
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining		

sites): No previous planning history

1.0 MAIN REPORT

1.1 The purpose of this report is to give delegated power to Head of Planning and Head of Legal Services to enter into a Section 106 agreement following the Planning Committee's resolution to grant permission for the development at its meeting on 20 November 2014.

2.0 PROPOSAL

2.1 Following the Committee's resolution to approve, the legal agreement required to secure the planning obligations pursuant to that approval is well advanced with the agreement now having been engrossed and awaiting completion. Unfortunately, it became apparent that the agreed minute for the Planning Committee meeting of the 20 November 2014 (a copy of which is appended to this report) was inaccurate and did not include reference for the delegation of powers to sign the agreement.

2.2 The details of the agreement are in line with the original report to the Planning Committee (a copy of which is appended to this report) and there have been no material changes in circumstances to require an alternative approach or decision be made.

3.0 RECOMMENDATION –SUBJECT TO

1. the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure the signing of a section 106 agreement for developer contributions towards: primary and secondary schools; libraries, adult social care; community learning; youth services; waste and recycling bins; financial contributions towards the provision of improvements to bus stops around the site; provision of 30% affordable housing across the residential site; the submission of a construction code of conduct and construction traffic management plan; to provide a traffic plan and a monitoring fee of £5000 for the traffic plan; commitment to securing local employment and training opportunities and financial contributions towards the support of construction apprenticeships; commitment by the developer to provide a minimum of 4.5 hectares of public open space to be retained for public use (to include allotments, cricket pitch and informal parkland) to be retained in perpetuity and a management plan; contributions towards signage to train station via public footpath on the site; provision of additional lighting at either end of the railway footbridge; to deliver the infrastructure and provide serviced plots ready for the commercial development prior to the occupation of the fiftieth dwelling and also for the applicant to embark on a marketing campaign within three months of receiving detailed planning consent and 5% monitoring charge and as part of the Section 106 agreement, reference will be made to the signing of a section 278 agreement for improvements to off-site works including a pedestrian link, splitter island and improvements to highway junctions within the vicinity of the application site
2. the Head of Planning BE DELEGATED POWERS TO GRANT outline planning permission subject to the imposition of conditions (1) to (35), additional conditions as required by KCC Archaeological Officer and the KCC Biodiversity Officer, and informatives set out in the officer's Report to Committee.

2.3 SW/14/0045

APPLICATION PROPOSAL

Outline application including access for a mixed use development comprising business park (up to 5,385sqm of commercial units, and a 2,000sqm office (innovation centre), a hotel (approx 70 bed), pub/restaurant (up to 400sqm), health centre (up to 300sqm), 196 residential dwellings, open space including sports pitches, amenity open space and parkland, roads, allotments and a traveller site.

ADDRESS Land East Of Love Lane, Faversham, Kent, ME13 8JB

RECOMMENDATION GRANT SUBJECT TO CONDITIONS AND SUBJECT TO:

1. The signing of a section 106 agreement for developer contributions towards: primary and secondary schools; libraries, adult social care; community learning; youth services; waste and recycling bins; financial contributions towards the provision of improvements to bus stops around the site; provision of 30% affordable housing across the residential site; the submission of a construction code of conduct and construction traffic management plan; to provide a traffic plan and a monitoring fee of £5000 for the traffic plan; commitment to securing local employment and training opportunities and financial contributions towards the support of construction apprenticeships; commitment by the developer to provide a minimum of 4.5 hectares of public open space to be retained for public use (to include allotments, cricket pitch and informal parkland) to be retained in perpetuity and a management plan; contributions towards signage to train station via public footpath on the site; provision of additional lighting at either end of the railway footbridge; to deliver the infrastructure and provide serviced plots ready for the commercial development prior to the occupation of the fiftieth dwelling and also for the applicant to embark on a marketing campaign within three months of receiving detailed planning consent and 5% monitoring charge
2. As part of the Section 106 agreement, reference will be made to the the signing of a section 278 agreement for improvements to off-site works including a pedestrian link, splitter island and improvements to highway junctions within the vicinity of the application site.
3. Any comments from KCC Archaeological Officer and recommended conditions as a result of their comments.
4. Additional information requested by KCC Biodiversity Officer and any conditions or reports required as a result of that additional information.

SUMMARY OF REASONS FOR RECOMMENDATION

The application proposes development on a smaller site than that due to be allocated in the local plan and with less 'B' use class development and more housing. However, the development still largely meets the aims of the proposed allocation and would bring significant benefits. The housing would help the Council towards meeting a five year supply of sites and enable it to be in a more secure position for fighting appeals for less appropriate sites, especially at Faversham. The employment uses will also help to secure new jobs for the area and help the economy. Clauses will also be included in the Section 106 agreement to give a degree of confidence that the second phase should include 'B1' use classes.

Planning Committee Report – 20 November 2014

APPENDIX 1

<p>Whilst the proposal would result in some harm, including to the countryside, to best and most versatile land, to residential amenity and to the setting of the conservation area, the need for the development, outweighs the limited harm that would be caused.</p>		
<p>REASON FOR REFERRAL TO COMMITTEE Significance of proposal/ more than three letters contrary to recommendation/wider public interest</p>		
<p>WARD Abbey</p>	<p>PARISH/TOWN COUNCIL Faversham</p>	<p>APPLICANT The Vinson Trust AGENT Mr M Woodhead</p>
<p>DECISION DUE DATE 7 August 2014</p>	<p>PUBLICITY EXPIRY DATE 3rd March 2014</p>	<p>OFFICER SITE VISIT DATE Several including 10th June 2014</p>
<p>RELEVANT PLANNING HISTORY: No previous planning history</p>		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 This development is proposed on a green field, high grade agricultural site abutting, but outside of the eastern edge built up area boundary of Faversham. The site is currently divided into several separate arable fields defined by hedgerow breaks. Some fields are in active agricultural use and others lay fallow.
- 1.2 There are no permanent buildings on the site, except for a small modern barn close to the boundary with Graveney Road. There are several agricultural workers caravans currently located on the site, the proposal explains that if the development were to be permitted these would be relocated to the adjacent site, Ewell Farm. The original farmhouse fronting Love Lane has been converted to a residential care home for the elderly in 2008 now known as Fynvola (SW/08/0411 & SW/08/1190). The farmhouse is surrounded by a yard area with several outbuildings in various low key industrial uses. It should be noted that both the yard and the former farmhouse are excluded from the application site.
- 1.3 The site is relatively flat, although it slopes gradually from south to north and up to the east. The site levels are at their highest at just over 30m above Ordnance Datum in the south eastern corner, being at their lowest at just over 10m above Ordnance Datum adjacent to the Graveney Road boundary. The land adjoining the Graveney Road boundary of the site is elevated above it by approximately two metres.
- 1.4 Surrounding the site are the railway line and farmland immediately to the south and east, a modern housing development to the west and disused industrial

Planning Committee Report – 20 November 2014**APPENDIX 1**

site to the north (on the opposite side of Graveney Road). To the rear (east) of the site is a further area of agricultural land, measuring approximately 10ha within the applicants ownership, which is proposed to be developed at a later date as a second phase, together with land located to the side of the current application site. In total the application site covers approximately 16.5 ha.

- 1.5 The site itself is located approximately 1.3 km from the centre of Faversham and within 0.8 km of the M2 motorway, with quick and easy access to both. Access to the site is currently gained from Love Lane and is used to serve the existing farm buildings on the site.
- 1.6 The site is well screened from Love Lane by mature hedgerows. The site is also relatively well screened from Graveney Road, although there are small areas where the screening is reduced, however, views are minimised from Graveney Road due to the elevated nature of the site from the road. Finally, the agricultural land to the east of the site elevates quite steeply above the application site forming a low ridge so views from here to the site are quite prominent. However, the nearest public viewpoint would be from Homestall Lane, which is some distance from the site.
- 1.7 A public footpath runs through the middle of the site from Love Lane to beyond the Thanet Way to the former Farming World site. This would be retained in situ as outlined in the current indicative plans. From here, views across the site would be very close and clear.

2.0 PROPOSAL

- 2.1 This application has come forward ahead of the Local Plan process in outline format. All matters are reserved for future consideration, except for access, which is a detail to be assessed as part of this application. Therefore all other reserved matters can only be considered in terms of the principle of the development at this stage, not the detailed matters. As details of the use or uses, the amount of development and access points are all that is required to be submitted for an outline application, the layout plan should be treated as indicative and may be subject to change at reserved matters stage should Members resolve to grant permission for this application. Officers currently have some concerns regarding the proposed layout of the development and the way the indicative layout follows artificial field boundaries rather than the contours of the land. However, this is an issue that can be dealt with at the reserved matters stage rather than outline.
- 2.2 The application proposes a mixed use development comprising of a business park (5385 sqm) of commercial units, an innovation centre office (2000 sqm), a 70 bed hotel, a pub/restaurant, health centre, 196 dwellings, open space to include a cricket pitch, amenity space and parkland, allotments and a two-pitch gypsy or traveller site.

Planning Committee Report – 20 November 2014**APPENDIX 1**

- 2.3 Currently the illustrative masterplan shows all of the proposed housing to the northern part of the site, stretching to the north, east and western boundaries of the site. Access to the housing would be from two points, one located approximately half way along the site frontage of Love lane, opposite the southern boundary of the cemetery and the other would be from Graveney Road. The proposed housing would be buffered from this access by an area of open space. Thirty percent of the housing would be 'affordable'. However, the scheme does not provide further detail regarding what this would entail at this stage.
- 2.4 The commercial elements of the scheme are shown separated by open space from the housing, located at the southern end of the site. The commercial units and offices would be set back from Love Lane by an area of open space and are shown to be designed around further areas of greenery. The proposed hotel and pub carvery would front onto Love Lane and would have a separate access point immediately adjacent to the pub. The proposed health centre would be separated from the offices by further planting. Two traveller pitches are proposed in the area in between the commercial units and the proposed cricket pitch.
- 2.5 The scheme also proposes allotments which are currently shown abutting the southern boundary of the site, enclosed by the commercial units. Finally, the cricket pitch is proposed in the centre of the site separating the commercial and housing areas. The open centre of the site is designed to allow retention of glimpses of the spire of the parish church from the footpath.
- 2.6 No details of parking, detailed landscaping or specific materials have been provided at this stage.
- 2.7 The details of this application were assessed by the Council's design panel in April of this year. The panel made some very useful suggestions. The summary stated *"the development is being planned on important green field site on the eastern edge of Faversham and it is incumbent on the promoters and the Council to achieve the highest possible quality, with streets and spaces the equal of any in the town. The design team has thought carefully about the locality but we have concerns about the viability of the mix of land uses and the way the various development partners will secure the scheme's aspirations. We would like to see the present outline application go beyond the present parameter plans to lock in the required quality. We also suggest that the parameter plans should make much more use of the natural topography to determine the character of the place rather than relying on the artificial and relatively recent field boundaries."* A copy of the Design panels comments in full are attached as Appendix A.
- 2.8 The application is supported by a number of reports including a planning statement, desk based contaminated land assessment, affordable housing

Planning Committee Report – 20 November 2014**APPENDIX 1**

viability report, transport statement, statement of community involvement, landscape and visual assessment, flood risk assessment, ecological appraisal, Phase I habitat survey and further survey work for bats, design and access statement and topographical survey. From these I draw the following key points:-

The Planning Statement

- 2.9 The planning statement outlines the applicants' position and highlights the merits of the development. In particular the following paragraphs state;
- 2.10 6.1.2 *"This outline application provides an indicative layout for the development, but all matters including siting, design, external lighting, external appearance and landscaping are reserved for future consideration. The application has been the subject of pre-application discussions with Swale Borough Council, Faversham Parish Council and Kent Highway Services.*
- 2.11 6.1.3 *"These changes provide for an increase in design quality that will support the sustainable reuse of the site, securing economic benefits in investment and services, social improvements through the provision of new accommodation and environmental gains from the creation of new landscaping and opportunities for improvements to biodiversity."*
- 2.12 6.2.6 *"The provision of dwellings here would supplement the supply of affordable and market housing at Faversham in conformity with the provision of a social role."*
- 2.13 6.2.7 *"The scheme will enhance the local natural and built environment through habitat creation, landscaping and securing the removal of pollution whilst providing for improvements in energy efficiency and the use of renewables. These measures provide for an environmental role."*
- 2.14 6.2.8 *"These factors confirm that the scheme is sustainable. Accordingly, in conformity with the NPPF the presumption in favour of sustainable development should apply."*
- 2.15 6.2.9 *"We conclude that the proposals are in overall conformity with the material saved policies of the statutory Development Plan to provide for economic development and that any policy conflict with the provision of housing and open space is outweighed by these considerations. The scheme is also in conformity with the relevant material considerations contained in the NPPF and is not in conflict with the emerging policy in the draft Local Plan."*

Planning Committee Report – 20 November 2014**APPENDIX 1****Desk based contaminated land assessment**

2.14 The executive summary explains that the proposal for the site is considered to be at low risk due to the limited potential for on-site sources of contamination. It goes on to state *“However, a number of off-site sources of contamination have been identified which have been assessed as low to medium risk which as a precautionary measure require further work prior to development.”*

2.15 *It is recommended that a limited site investigation with chemical testing is undertaken prior to development of this site. The investigation works should focus on the farm buildings along with confirming that the rest of the site can be classed as low risk.”*

Transport statement

2.16 The summary of the document explains that;

2.17 *12.1.3 Vehicular access to the site will be gained from Graveney Road and Love Lane (for the residential use) and from Love Lane for the commercial use. The access junctions will comprise priority junctions.*

2.18 *12.1.4 A review of local and national policy has been completed. In general an emphasis is placed upon promoting sustainable travel opportunities to new development. The proposed site is considered to respond to policy for a number of reasons:*

- *It is served by existing bus services on Love Lane and the existing southbound stop will be enhanced by the proposed development.*
- *The proposed mix of uses will contribute towards the propensity for linked trips within the local area.*
- *The proposed development is located within walking or cycling distance of Faversham Town Centre.*
- *Cycle parking facilities will be provided within the site close to the entrance of the employment areas.*

2.19 *12.1.5 The site is located to the east of the existing residential extent of Faversham. Direct pedestrian access to the proposed residential area would be achieved from the vehicular access points and the site frontage along either Love Lane or Graveney Road. An existing public right of way passes through the site from east to west and this is accessed directly from Love Lane. This public right of way comprises a footpath which provides a link east to the A229 Thanet Way and west into Faversham Recreation Ground. The nearest cycle route to the site is National Cycle Route 1 which passes through Faversham to the north west of the site.*

2.20 *12.1.6 The nearest bus stops are located on Love Lane in the vicinity of the junction with Windermere. The northbound stop is a pole and a flag whilst the*

Planning Committee Report – 20 November 2014**APPENDIX 1**

southbound stop is a shelter located on an island. As part of the development proposals the Vinson Trust will provide a layby for the southbound bus stop. The site will benefit from bus connectivity to a number of neighbouring towns including Sittingbourne, Canterbury and Whitstable.

- 2.21 12.1.7 *The nearest rail station to the site is Faversham Rail Station which is located approximately 1.4km from the northern site access. Faversham Rail Station is located on the Chatham Main Line and provides services direct into London St Pancras and London Victoria on a half hourly basis. To the south east services are provided half hourly to Dover, via Canterbury and to Ramsgate, via Margate.*
- 2.22 12.1.8 *In order to provide an understanding of the existing traffic conditions, a series of traffic surveys were commissioned at locations agreed with local highways officers during the scoping exercise. The peak hours, for assessment, have been derived based upon total network throughput.*
- 2.23 12.1.9 *Crash data has been obtained for the most recent 3 year period from Kent County Council. The data has been obtained for local highway junctions to provide an understanding of any recent crashes at these junctions.*
- 2.24 12.1.10 *A review of the most recent Core Strategy consultations highlights that Swale is currently using the parking standards set out by Kent until the Swale Vehicle Parking SPD is adopted. The detailed masterplan for the site will comply with the residential and commercial parking standards.*
- 2.25 12.1.11 *Trip rates have been extracted from the TRICS database and have been applied to the quantum of development proposed to derive the potential traffic generation of the development. Correspondence with highway officers has established that the preferred method of distribution of development trips is to use 2001 Journey to Work Census data for Faversham and this has been adopted.*
- 2.26 12.1.12 *For the purposes of this assessment a future year of 2020 has been adopted for local roads. Growth factors have been derived using TEMPRO software which have been applied to the observed traffic flows to represent the predicted growth of traffic. Development traffic has been added to the base year flows to derive “with development” traffic flows.*
- 2.27 12.1.13 *Base year junction models have been derived for each junction assessed. These have then been modelled using the 2020 base flows and 2020 “with development” flows.*
- 2.28 12.1.14 *The A2 / Love Lane junction is predicted to exceed capacity during both the AM and PM peak periods with development traffic added. A mitigation scheme will be required here by highway officers to demonstrate at least nil*

Planning Committee Report – 20 November 2014**APPENDIX 1**

detriment. A proposed mitigation scheme comprises a signalised junction and this provides appropriate capacity for 2020 with development traffic flows. It also provides a crossing facility for pedestrians.

- 2.29 12.1.15 *The Love Lane / Graveney Road / Whitstable Road junction is predicted to operate within capacity for all scenarios.*
- 2.30 12.1.16 *The A2 Canterbury Road / A251 Ashford Road / Preston Grove is predicted to exceed capacity during all scenarios, even 2013 and the 2020 base case. The addition of development at Lady Dane Farm does not cause the junction to exceed capacity, although it does further deteriorate the performance of the junction. The proposed development is anticipated to generate less than one vehicle movement through this junction per minute at peak times. It is considered unlikely that this impact would be perceptible in practise. However, as the development is anticipated to contribute 1.69% / 1.65% of the traffic passing through this junction at 2020 and it could therefore be considered reasonable to request a contribution of this proportion towards a junction scheme.*
- 2.31 12.1.17 *The Whitstable Road / Head Hill Crossroads is predicted to operate within capacity during all scenarios.*
- 2.32 12.1.18 *The M2 Junction 6 is predicted to remain below the theoretical maximum threshold during the both the AM and PM peak periods. Based upon modelling results it is considered that the proposed development would have negligible impact at this junction.*
- 2.33 12.1.19 *The M2 Junction 7 modelling concludes that the proposed development will have a small impact at Junction 7 of the M2. It is assumed that a mitigation scheme will be required here by highway officers to demonstrate at least nil detriment. A potential mitigation scheme (or equivalent monetary contribution) has been assessed within a separate Transport Statement agreed with the Highways Agency.”*

Statement of Community Involvement

- 2.34 *“Consultation has included discussions with local councillors, local residents, businesses and interested organisations. In addition, discussions have been held with the planning and economic development teams at Swale Borough Council. The applicant has sought to engage with stakeholders.*
- 2.35 *Pre application consultation with the local community included two public exhibitions at the Alexander Centre, Faversham”*

Landscape and visual assessment

- 2.36 *“The development itself would not be unsightly or intrusive – houses and relatively low rise commercial developments are commonplace features of the*

Planning Committee Report – 20 November 2014**APPENDIX 1**

urban fringe, and though they would be built on a currently undeveloped area, they would not appear out of place on completion of the development, in the context of the existing urban area to the west, the industrial buildings to the north and the existing farm buildings and care home immediately adjacent to the north western part of the site. However, the site is in the countryside in planning terms and is presently undeveloped, so some in-principle adverse effects would result from its development, as would apply (to varying degrees) to the development of any greenfield site.

- 2.37 *The degree of landscape change brought about by the development would be medium, and overall landscape effects would be moderate adverse at their greatest. This would be in the winter soon after completion, when the various elements of the development would be at their most visible – effects in the summer would be at a lower level, as much of the existing screening vegetation is deciduous, and would be slight to moderate adverse only. It is also important to note that the area over which these effects would be experienced is limited, and does not extend significantly beyond the site boundary.*
- 2.38 *There would also be adverse visual effects for some of the properties along the western side of Love Lane, which would have views of the new buildings through the roadside shelter belt hedgerow, and for two properties close to the north eastern corner of the site. Other scattered properties to the east and south east would experience lower level visual effects. There would be adverse visual effects for users of the public footpath which crosses the site, though for some of its route this footpath would pass through the proposed open space. All of the effects identified would be expected to decline over time.*
- 2.39 *In policy terms, while there would be some inevitable, in-principle harm in respect of some landscape protection policies, as would be the case for any proposed development of a greenfield site, that harm would be minimised by the retention of existing landscape features, by the nature and design of the proposed development and by the extensive landscape proposals and provision of open space, and would be at a low level.”*

Flood risk assessment

- 2.40 *“The development site is located entirely within Flood Zone 1 and is therefore not considered to be at risk of flooding from main rivers of significantly sized watercourses.*
- 2.41 *The proposed development is not considered to be at a significant of unmanageable risk of flooding from other sources of flooding.*
- 2.42 *Surface water runoff will be managed via several attenuation features all sized to manage the 1 in 100 year storm plus 30% allowance for climate change.*

Planning Committee Report – 20 November 2014

APPENDIX 1

2.43 *The surface water management scheme includes several stages of surface water treatment as well as areas of potential habitat creation.”*

Ecological appraisal, phase I habitat survey, and further survey work for bats

2.44 The executive summary advised the following:

2.45 *“No bats were found to be roosting within the trees on site and very low levels of foraging and commuting by bats were recorded. As such, the impact as a result of proposed development work is predicted to be low/ negligible.*

2.46 *Since bats were recording commuting and foraging within the site, precautionary mitigation is outlined below in order to reduce disturbance.*

- *Post-development security and amenity lighting is kept to a minimum wherever possible, in line with health and safety requirements.*
- *Where lighting is unavoidable, fixtures that emit low levels of UV light should be used. LED lighting is ideal and has the added benefit of using less power and being more directional than sodium lighting fixtures. If the use of LED lighting is not possible, then High Pressure Sodium lighting fixtures should be used.*
- *Fixtures should not allow upwards leakage of light, and should not illuminate the water-body, foliage of boundary trees, shrubs and hedgerows, to ensure dark commuting corridors and foraging areas for bats.*

2.47 Mitigation measures are also proposed to protect reptiles, badgers and nesting birds.

Affordable housing viability report

2.48 This indicates that at 30% affordable housing the scheme is viable, but at 35%, the profit margin will be below the accepted minimum of 20%, at 17.61%.

3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	16.5ha
Net Floor Area	9085sqm commercial
Parking Spaces	Unknown
No. of Residential Units	196 + 2 gypsy/ traveller pitches
No. of Affordable Units	30% (59 units)

Planning Committee Report – 20 November 2014**APPENDIX 1****4.0 PLANNING CONSTRAINTS**

- 4.1 The site is not restricted in terms of any planning constraints, although it is located outside of the built up area boundary of Faversham, within the countryside.
- 4.2 There are no listed buildings on or immediately adjacent to the site. The nearest listed buildings include the Holly Lodge located on Love Lane (opposite the former Lady Dane Farmhouse), Macknade Manor & Macknade Farm Cottages on Canterbury Road and Ewell Farmhouse on Graveney Road.
- 4.3 Although the site is not within Faversham conservation area, part of the Love Lane frontage of the site almost abuts part of the conservation area which covers the Cemetery and Holly Lodge area of Love Lane.
- 4.4 The site is not in an area designated to be at risk of flooding.
- 4.5 A public right of way cuts through the site approximately mid-way along Love Lane.
- 4.6 The site is recognised as an area of potential archaeological value.

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.1 In this case, the emerging Local Plan position is key and very relevant to the determination of this application. This section will therefore deal with this first before moving on to the national policy position.
- 5.2 The adopted 2008 Local Plan remains the primary consideration for determining this application. This will be discussed in further detail later in this section.
- 5.3 However, the emerging Local Plan and the policies of the draft Local Plan Bearing Fruits (August 2013) must carry some weight as material considerations, especially as Members of the Local Development Framework Panel have resolved to allocate the site for a mixed use development in the submission version of the Local Plan.

Background to the site/ emerging allocations

- 5.4 The evidence for the emerging Local Plan indicated a need to provide 20,000 sq m of employment (industrial) floorspace at Faversham. The Council has assumed that housing would additionally be needed, both for enabling purposes and for meeting wider housing needs. The emerging Local Plan initiated a debate on the most appropriate location for this growth and identified initially three options that had emerged from the evidence:

Planning Committee Report – 20 November 2014**APPENDIX 1**

- Option A: Land at Perry Court Farm.
- Option B: Land between Ashford Road and Salters Lane.
- Option C: Land at Lady Dane Farm, Love Lane (the application site).

5.5 In respect of the 2012 consultation, the Council indicated a potential preference for Option C, but made clear that this would be kept under review, especially given other undeveloped employment sites at the town.

5.6 Considering these three options, the Council's Sustainability Appraisal summarised its conclusions as follows:

“The options for employment related development at Faversham could result in a variety of sustainability effects. All of the sites identified in each of the options are located in close proximity to the primary road network and Faversham town centre, and would help to boost the amount of employment in the Borough. However, Options A and B both have the potential to have a detrimental effect on local areas of heritage value and landscape setting. Option C has a positive impact on a number of the SA topics, although further investigation would be required to establish the impact that potential development would have on biodiversity and soil.”

5.7 During and after the 2012 consultation, the owners of the site at Oare Gravel Works (a 'saved' 2008 Local Plan employment allocation) emerged with a clear intention to bring the site forward on a similar basis as the other option sites. This significant change meant the need for a further Local Plan consultation in August 2013. The Council indicated that it was mindful to accept the Oare (Option D) site as its preferred option, but given some uncertainties, indicated that the Option C site should remain as a 'reserve' site (Policy A8 of the draft Local Plan) and responded to the Sustainability Appraisal conclusions by closing the door on the option A and B sites. This decision was re-affirmed at the Local Development Framework Panel on 5 December 2013.

5.8 This position was reconsidered in a further Sustainability Appraisal with the introduction of Oare into the debate:

“The Council's preferred choice for allocating employment land at Faversham is Option D- Oare Gravel workings site with Option C allocated as a reserve site should Option D not come forward. This is partially in line with the interim appraisal findings which found that when compared to all the other options, Option C was the least constrained by sensitive environmental features. Option D would have positive effects with regards to avoiding the loss of high grade agricultural land and remediating contaminated land, although there are number of potentially negative effects on the environment which would need to be addressed through mitigation. As part of the redevelopment of Option D there would however be opportunities to enhance on-site biodiversity and heritage assets.”

Planning Committee Report – 20 November 2014**APPENDIX 1**

- 5.9 In December 2013 the Local Development Framework Panel considered the consultation results and the positions of the Oare and Lady Dane Farm sites. The panel made the decision to allocate both sites – a decision further refined at a further Local Development Framework Panel on 20 February 14. In the case of Lady Dane Farm the decision was to allocate the site for 200 dwellings and 20,000 sq m of employment, whilst at Oare, the decision was to allocate 300 dwellings and 1,500 sq m of employment.
- 5.10 These sites will need to be subject to a further Sustainability Appraisal iteration, but they have changed the context within which this planning application is being considered with the application site no longer proposing to function as a reserve site. This is a material consideration in favour of the application site.
- 5.11 The Council are currently working on a publication version of the Local Plan for submission to the Secretary of State. This version of the plan was presented to the Local Development Framework panel 28th October 2014 where Members agreed to go out to public consultation in late December 2014.

Draft Local Plan (December 2014) Policy MU58

- 5.12 The Draft Local Plan presented to Members 28th October included the following policy allocating the site for 200 dwellings, 20 000 sq m of 'B' class employment and associated development. The policy states:

Land at Lady Dane Farm, east of Love Lane, Faversham

Planning permission will be granted for a mixed-uses, comprising 20,000 sq m of 'B' use class employment, approximately 200 dwellings, open space and landscape enhancements, on land to the east of Love Lane, Faversham, as shown on the Proposals Map. Development proposals will:

1. Provide a built design and layout which responds to the context of the site and its landform to achieve an attractive new semi urban edge to Faversham that respects the surrounding agricultural landscape;
2. Use the rolling landscape to define the development envelope in a way that respects its topography and watershed and through an integrated landscape strategy:
 - a. provide substantial strategic parkland to meet open space needs (including that for natural and semi-natural greenspace) and provide for improvements to existing sports pitch and formal play facilities.
 - b. achieve a net gain in biodiversity and assess impacts on European designated sites, making any contributions to open space or wider management measures as required by Policy CP7.
 - c. minimise adverse visual impacts, with particular regard to the siting of development at the eastern boundary.

Planning Committee Report – 20 November 2014**APPENDIX 1**

- d. provide a landscape framework that reflects and reinforces the areas landscape character.
3. Improve connectivity for pedestrians, cyclists and public transport to the town centre and other locations;
4. Avoid commercial uses that would adversely affect the vitality and viability of Faversham town centre;
5. Bring forward industrial development in accordance with triggers for their phasing agreed with the Council. Other commercial development will be provided subject to their being no adverse impact upon the viability of the town and it not prejudicing the delivery of the industrial floorspace needs for the town identified by the Local Plan;
6. Bring forward such transport improvements as required by a transport assessment, including junctions with the A2, and, potentially, improvements/mitigation at the Brenley Corner A2/M2 junction;
7. Provide, in accordance with a trigger agreed with the Council, a new eastern access to the site providing a direct link to the A2;
8. Provide for a mix of housing in accordance with Policy CP3, including provision for affordable housing and Gypsies and Travellers in accordance with Policies DM8 and DM10;
9. Ensure waste water connections at points that are adequate in their capacity;
10. Ensure that heritage assets are assessed and protected, whilst minimising the visual impact of development on the wider setting of the town and its conservation area; and
11. Provide infrastructure needs arising from the development, including the provision of land for a primary school (if required) and other needs identified by the Local Plan infrastructure and delivery schedule.

Swale Borough Local Plan 2008 (Saved Policies)

5.13 All policies cited below are considered to accord with the NPPF for the purposes of determining this application and as such, these policies should still be afforded significant weight in the decision-making process.

5.14 Policies FAV 1 and SH1 are the primary saved policies of relevance to the determination of this application. Policy FAV1 is the strategic policy covering the whole of Faversham and its surrounding rural areas. It states:

Policy FAV1 - The Faversham and Rest of Swale Planning Area

5.15 Within the Faversham and Rest of Swale Planning Area, conservation of the historic and natural environment is the prime and overriding consideration. Within this context, the Borough Council will enhance the role of the market town to support its own local needs and those of its rural hinterland. This will be achieved by promoting development proposals that can retain and harness

Planning Committee Report – 20 November 2014**APPENDIX 1**

local skills to achieve a greater diversity in employment, housing and community life, in scale and character with Faversham and its surrounding countryside and communities. Within this planning area, the identified Area Action Plans and elsewhere, the following planning priorities will be pursued:

1. to set scales of development that reflect local needs and environmental character to achieve a better balance between the population and employment opportunities alongside a reduction in commuting to other areas;
2. to retain and improve existing employment land and buildings that would otherwise exacerbate the population and employment imbalance if lost to housing development;
3. to safeguard and enhance the diversity of Faversham's small-scale historic character and its maritime traditions, alongside that of its surrounding countryside, landscape and communities;
4. to enhance Faversham creek and creekside so that it functions as a place of special interest and activity with strong associations with the water;
5. to raise the standard of the environment through high quality design, and the protection, enhancement, and management of environmental resources, including the creation of a network of accessible open spaces (a green grid);
6. to support proposals that can meet as much of Faversham's development needs as possible from land and buildings within the existing urban area so as to minimise greenfield land development;
7. to provide for employment development, at a scale appropriate to the environment, on sites well related to the communication network, the existing urban framework and rural settlements;
8. to support and diversify the services and activities, including tourism, in Faversham town centre so as to enhance its economic health;
9. where appropriate, to promote rural sites and initiatives for employment and protect and improve rural services and facilities, to diversify the rural economy and support the role of the market town;
10. to effectively manage the risk of flooding; and
11. avoiding any significant adverse environmental impacts, and where possible, enhancing the biodiversity interest of internationally designated sites for nature conservation.

5.16 Policy SP1 (Sustainable Development) outlines the Council's approach to sustainable development stating:

Policy SP1 - Sustainable Development

In meeting the development needs of the Borough, proposals should accord with principles of sustainable development that increase local self-sufficiency, satisfy human needs, and provide a robust, adaptable and enhanced environment. Development proposals should:

Planning Committee Report – 20 November 2014

APPENDIX 1

1. Avoid detrimental impact on the long term welfare of areas of environmental importance, minimise their impact generally upon the environment, including those factors contributing to global climate change, and seek out opportunities to enhance environmental quality;
2. promote the more efficient use of previously-developed land, the existing building stock, and other land within urban areas for urban and rural regeneration, including housing, mixed-uses and community needs;
3. ensure that proper and timely provision is made for physical, social and community infrastructure;
4. provide a range and mix of housing types, including affordable housing;
5. provide for sustainable economic growth to support efficient, competitive, diverse and innovative business, commercial and industrial sectors;
6. support existing and provide new or diversified local services;
7. promote ways to reduce energy and water use and increase use of renewable resources, including locally sourced and sustainable building materials;
8. be located so as to provide the opportunity to live, work and use local services and facilities in such a way that can reduce the need to travel, particularly by car;
9. be located to promote the provision of transport choices other than the car;
10. be of a high quality design that respects local distinctiveness and promotes healthy and safe environments; and
11. promote human health and well-being.

5.17 Also of relevance to the determination of this application are the following saved Local Plan policies;

- SP2 (Environment)
- SP3 (Economy)
- SP4 (Housing)
- SP7 (Transport and Utilities)
- E1 (General Development Criteria)
- E6 (Countryside)
- E8 (Agricultural Land)
- E19 (Good Quality Design)
- B2 (Providing for New Employment)
- H2 (Providing for New Housing)
- T1 (Providing Safe Access to the Highway Network)
- T2 (Essential Improvements to the Highway Network)
- C2 (Housing Developments and the Provision of Community Services and Facilities)
- C3 (Open Space within Residential Development)
- B14 (New Employment Sites)
- B19 (Land East of Faversham)
- MU2 (Land at Graveney Road, Faversham)
- AAP3 (Land at Oare, Faversham)

Planning Committee Report – 20 November 2014**APPENDIX 1****National Planning Policy**

5.18 Also of importance to the determination of this application is the guidance as set out in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

The National Planning Policy Framework (NPPF)

5.19 The NPPF sets out the Government's position on the planning system explaining that *"The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision taking this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out of date granting permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - *Specific policies in this Framework indicate development should be restricted."*

5.20 It further outlines a set of core land use planning principles (para 17) which should underpin both plan-making and decision taking including to contribute to conserving and enhancing the natural environment and reducing pollution and encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high value.

5.21 At paragraph 18 it explains *"The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future."*

5.22 At Paragraph 47 it states that *"planning authorities should meet local housing needs and identify five year housing land supply with an additional 5% buffer".* Paragraph 49 states *"that housing application should be considered in the context of the presumption in favour of sustainable development"* and that *"Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites."*

Planning Committee Report – 20 November 2014**APPENDIX 1**

5.23 Paragraphs 47-55 seek to significantly boost the supply of housing.

6.0 LOCAL REPRESENTATIONS

6.1 More than 100 letters of support and 100 letters of objection have been received in respect of the application. A petition against the application has also been submitted that has been signed by 233 people.

6.2 Summary of support

- Key further development opportunities opened up
- Scheme provides a good mix
- Low density
- Long term benefits
- Council needs to ensure residential development is not too dense
- Ensure it is in keeping with local vernacular and character of housing
- Only concern housing will come forward and not the light industrial
- Joint highway strategy with Macknade should be considered
- Given the need for housing and employment in the area, this is a good idea
- Community amenities including cricket pitch, health centre and pub increase my support
- Use of ponds and porous surfaces demonstrates concern for environment
- Although green field, location close to industrial park decreases impact
- Good sport facilities encourage community spirit and give young people purpose
- Positive for wider community
- Queen Elisabeth's Grammar school impressed by presentation of project and design
- They consider all of components of scheme have been considered and designed to integrate
- Vinson trust have been a key feature of town for many years, done a lot for Faversham and this shows they are committed
- We need quality, well designed housing
- We need quality employment space so businesses can expand
- Parkland is a great idea and provides much needed space
- Understand Faversham needs to deliver housing – in favour of it being done in best possible way to add value to town
- Local landowner and developer being involved has best chance of creating an asset
- Quality of business space will encourage quality start up businesses cementing the Faversham brand
- Traffic an issue but can be mitigated with developer
- Not in their interests to produce low quality site
- Faversham cricket club support application – will directly benefit its members by providing a new facility
- Current ground not considered ideal by England and Wales cricket board and club house facilities inadequate

Planning Committee Report – 20 November 2014**APPENDIX 1**

- Current lease is for 35 years and reviewed every 3 – new facility would be for 60 years with no reviews and peppercorn rent
- Hotel will help tourism industry
- Medical centre fantastic addition
- Decent housing, new employment space and accessible open space needed in town
- Proposed location of cricket club makes sense- Will allow cricket club to become more integrated
- Support the new facilities including allotments
- Proposals here are preferred option to the writer – are beneficial for large proportion of town
- Create a legacy for Faversham
- Housing opportunities including affordable
- Location close to Brenley corner is the right one
- Will support economy
- Will provide great choice
- New houses and employment will bring new people to spend money in High Street – make area vibrant
- Clubhouse can be used for community events and be a revenue stream
- Wider social benefits must not be overlooked
- Great example of how landowners and developers can bring community benefits to an area
- Cricket club building very sustainable
- Opportunity to grow our club has generated a lot of positivity
- We will reduce our overheads having an energy efficient building, club can become self sufficient
- Seen other clubs benefit from having new pitch and pavilion
- Positive legacy for Faversham
- Encourage tourism
- Driver for economic prosperity
- Sooner this happens the better
- Will enable young local people to stay in the town
- Business park will create jobs and the hotel and health centre
- Allotments will help families reduce food bills
- Need for housing in Faversham
- Location good – gives access to A2/M2 without going through historic town center
- Sensible suggestion not south of A2 or on flood plain
- Will benefit from safer junction
- Right mix/ ticks all the boxes
- Long and short term benefits
- Of benefit following recent demise of youth centre
- Loss of views across fields

Planning Committee Report – 20 November 2014**APPENDIX 1****6.3 Summary of comments**

- St Mary of Charity Primary School explain that their school has been oversubscribed for past three years
- Unlikely would be available places – only a one form entry school
- Families in Love Lane that do not already have children at the school have not got places
- Governors of school write to explain there are many more applications than places for entry at school
- Whilst not a reason to object to the application, they hope there is a process whereby KCC education department is kept informed of house building developments
- Visibility poor from bridge to Whitstable Road
- Traffic problems must be addressed to avoid gridlock

6.4 A petition has been submitted stating “we the undersigned object to the proposed development east of love lane”. No reasons are given. The petition is signed by approximately 238 people.

Summary of objections

- Seems to be a shortfall linking new development to local amenities
- Majority of traffic to town centre will flow along Whitstable Road which is already rather restrictive and had a number of safety incidents over recent years
- No increase in infrastructure to support this
- Why hundreds of thousands of new homes on prime farming land?
- Ghastly out of proportion with Faversham
- Destroying orchards/ agricultural land for this development would be catastrophe
- Schools operating at capacity and none within walking distance
- Should not build on green field sites
- Already having to import more food/ have an expanding population
- Unethical and immoral and will lead to an unsustainable future
- Road network reaching saturation
- Cyclists feel insecure and not possible or practical to keep widening roads
- We have enough new homes round here
- Devalue my house
- Surrounding fields and wildlife will be affected
- Application is a shock, little information has been shared with the public
- Already struggle with traffic
- Parking situation will get worse
- No more pubs needed in Faversham
- Leave something to wildlife
- Development surplus to requirements
- No justification for more industrial units – Nova site been derelict for some time

Planning Committee Report – 20 November 2014**APPENDIX 1**

- Object to traveller sites as would not be under control of Council which could cause problems
- Idea is almost universally unwelcome
- Poorly designed, thoughtless, unnecessary, unwanted extension to town
- Would give carte blanche to continue building up to M2 creating Faversham south
- Love Faversham's unique appearance as a thus far unaffected market town
- Make money at expense of local residents
- Brown belt sites more suitable
- Where are all of the so called jobs coming from, what happens to the farm workers?
- How are traffic lights going to help? Will just cause more problems for A2
- Is already plans for a hotel at golf club, don't need another
- We have health centres and minor injuries under threat, do not need another
- Emphasis has been put on a cricket club that already has a home
- A traveller site of 2 pitches not really worth it all the hassle it might bring
- No thought for local residents
- Topography of land is higher than surrounding fields
- Is and always has been very productive agricultural land – needed for food production
- Is already drainage problems in adjoining fields, this will make it worse
- Environmentally the town needs breathing space
- Its just appeasement to Westminster to cover your backs
- Buses will be even later
- Will affect local amenities
- Will affect views – will be blot on landscape
- Not been a public consultation on what the residents would like from such a site
- Large commuter population will be affected by worsening traffic
- Will impact on tourism
- Not in keeping with historic character
- Highway safety will be endangered
- Love Lane will need a pedestrian crossing
- Objected to all housing development since Preston Park as never any provision to improve traffic flow
- Road recently waterlogged
- Will cause pollution
- Already facilities in Whitstable Road – don't need business park
- Many pubs closed recently, don't need another
- Construction disruption, noise and smell unpleasant
- Road cleansing and litter not adequately dealt with by SBC
- Concerned about increased flooding
- Loss of habitat
- Traveller site not compatible with this development
- No facilities in Faversham for young people
- Is not allocated in 2008 plan, outside built up area boundary

Planning Committee Report – 20 November 2014**APPENDIX 1**

- Desire for sustainable development does not justify building on quality farmland
- Should regenerate town
- Is contrary to local plan/ premature
- Will set a precedent for development eastwards
- Whitstable Road development has already affected our quality of life
- Roads and surrounding areas need better drainage
- You never seem to listen to what the town actually needs – this is definitely not it
- The money for this could be used to help and improve the town
- Proposed road access inadequate
- Scheme is about making money for a farmer
- Cannot think of a worse place to build
- Destroy field boundaries
- Will speed limit be reduced
- Nova shows this is surplus to requirements
- Hotel will affect towns B&B's
- Rural location better suited to gypsies
- Supposed to be garden of England
- No guarantee jobs will be provided – if they are won't be new jobs but imported from elsewhere so workforce will not be local
- No demand for extra beds (hotel)
- Need firm guarantee from developers that cricket facilities will be built regardless of any cricket funding, which may not be forthcoming
- 3 floors out of keeping – will affect views
- Not enough space for cars
- What guarantees affordable housing will stay affordable
- Concerned about future maintenance of public areas
- Impact on/ can't cope water, gas, electricity, sewerage systems and high speed internet
- Will cause parking issues/ reduce car parking on road
- Quality of life will deteriorate
- Air quality will deteriorate
- Layout and density inappropriate
- Negative economic impact on existing businesses
- Number of supporters do not live in vicinity
- Only cricket club to benefit – no one else
- Litter in Whitstable Road never dealt with
- Hotel is worthless in that area
- Previous attempts at business park on western side of town a failure
- Why cheapen such a lovely town
- Overdevelopment
- Other viable options to the west
- Would lose character

Planning Committee Report – 20 November 2014**APPENDIX 1**

- Do not need development of this size
- Were not aware of meeting taking place – PLEASE NOTE NOT A COUNCIL MEETING
- Council behaving in an extremely insidious manner - not notified of application, description misleading /changed deliberately
- No need for extra restaurant in area
- Will serve Council with a blight notice
- Almost creating its own town but without facilities
- Main supermarkets already congested
- Pub too near houses
- Already had years of disruption in Whitstable Road
- Maize been grown here recently – very hard to grow
- Object to outline application as it will have profound effect on Faversham
- Will set precedent for eastwards expansion of Faversham
- Will turn into another typical town without soul or charm
- Moved here for the semi -rural location
- Hotel will become a truck stopover
- Existing sports facilities need investing in not new ones
- Site entrance dangerous
- Do we need a hotel – several in area
- Should look at other sites before this one
- No demand for houses from local people
- Will be exclusive estate – no affordable housing
- Do we need to house all the travellers in Swale?
- Faversham is going to lose its hospital facilities
- Will not stop building until it reaches Boughton
- Developer is current sponsor of Macknade cricket club hence support
- Do not need to lose more countryside
- Traveller site will bring security issues
- Do not need residential home
- Will set precedent to build over Favershams green land
- Saddens me people are more interested in a cricket pitch than realising the effect
- Inadequate consultation – are Council in breach here?
- Railway road bridge cannot cope with more traffic
- Would impact on local businesses
- Must be someone very influential working in SBC to propose gypsy site
- Viability questionable – why succeed here where others failed
- Residents not consulted on allocation of land
- Increased pedestrians in area
- Benefit of living here is proximity to countryside
- Gypsy and traveller provision pre-empts issues and options paper
- Development is probably illegal
- As majority of supporters live outside Faversham move the development to where they live

Planning Committee Report – 20 November 2014**APPENDIX 1**

- A new cricket pitch is not a good enough reason for this development
- Don't believe will get health centre – plans will change once approved

A lengthy and detailed letter of objection has been received from Barton Willmore, agents for a proposed development of land at the Abbey School. This argues, in summary that;

- Were not notified of application
- Significant concerns regarding access, sustainability and visibility of the site
- Concerned regarding the scope of documents submitted

7.0 SUMMARY OF VIEWS OF CONSULTEES

Faversham Town Council recommend that the application be refused for the following reasons;

- The proposed development would result in the loss of Grade 1 agricultural land
- A development of this scale would be contrary to the emerging local plan for Faversham, which states that the overriding policy for the town should be heritage-led organic growth
- The proposed development would result in significant traffic problems on the local road network at the junction of Love Lane with the A2 and on the Love Lane bridge, and on the national road network at Brenley corner.
- Alternative small brownfield sites are available to meet the housing needs of the town
- Because of the elevation of the town, the proposed development would have an adverse effect on the setting of the town

Campaign to Protect Rural England (CPRE)

- Request application is refused
- Saved policies of the Swale Borough Local Plan 2008 remain the primary consideration under Section 38(6) of the 2004 Act
- Do not accept emerging Local Plan allocated this site for the proposal or that environmental policies should be put aside because of emerging plan, which should only be given limited weight
- Precise uses and quantities of development involved (for the proposed allocation) are not yet known, nor have these been subject to public consultation
- Do not agree with some of the claims made by the applicant regarding accordance with the Local Plan, or the problems with its employment sites coming forward in a deep recession. New (greenfield) sites of higher environmental quality should not be used instead
- Draw our attention to NPPG and guidance on prematurity
- Contrary to policies E6, SP1, SP4 and FAV1 of Swale Borough Local Plan 2008

Planning Committee Report – 20 November 2014

APPENDIX 1

- Approval of this application will undermine the plan-making process by pre-determining decisions about development at Faversham
- Edge of town location makes it an unsustainable site in terms of its relationship to services.
- Greenfield site contrary to local plan and NPPF, will not promote efficient use of previously developed land
- Loss of grade I agricultural land in use
- Faversham is a town with clearly defined edges and a clear distinction between built development and the surrounding countryside – it has not suffered from urban sprawl
- Faversham strategy over past 20 years has been to restrain development at Faversham and focus on Thames Gateway, and the emerging plan continues this strategy
- Will change the intrinsic character of Faversham and breach a long standing boundary
- Will be highly visible in the landscape from a range of vantage points as concluded by previous local plan inspector
- Will have profound effect on countryside and landscape setting of Faversham
- Housing is proposed in order to promote employment benefits and to supplement the supply of affordable and market housing in Faversham with the provision of a social role – not because of a failure of a 5 year housing supply
- Employment development is premature. Other sites should be considered first
- No need for the 196 dwellings proposed in this application – needs quoted in 2008 have already been exceeded
- No justification for secondary employment proposals eg hotel, traveller site, sports facilities etc
- Vast majority of trips will be by car
- Junction 7 of the M2 already operates beyond capacity and this development will further increase problems
- Local highway network implications

KCC Development Contributions team consider the development would have an impact on its delivery of community services and have requested contributions as follows:

	Per 'applicable' flat	Per 'applicable' house
Primary education <i>(expansion cost of local schools)</i>	£524.75	£2099
Secondary education	£257.00	£1028

'Applicable': 1-bed units of less than 56sqm GIA and sheltered accommodation will be excluded from calculations.

Planning Committee Report – 20 November 2014**APPENDIX 1**

	Per dwelling
Community learning	£43.35
Youth service	£55.55
Libraries	£230.09
Adult social care	£262.94 & delivery of 2 wheelchair accessible units as part of the affordable housing

Natural England raise no objection to the proposal and recommend their standing advice on protected species and consider securing measures to enhance the biodiversity of the site and look at opportunities to enhance the character and local distinctiveness.

English Heritage make observations but do not wish to comments in detail. They do not consider the proposal would have a substantial effect on the setting of the Faversham conservation area.

Graveney with Goodnestone Parish Council have written to say that they do not wish to make any comments.

The Council's Climate Change officer comments that code level 3 and BREEAM good for commercial buildings which are proposed are disappointing.

Boughton Under Blean Parish Council raise the following comments;

- Development would not address considerable infrastructure impacts, particularly increased traffic levels
- Strong likelihood some new families will seek to enrol children at Boughton primary school
- Concern about the pressure this will put on school and traffic through village
- If development of health centre does not go ahead will impact on existing health centres, one of which is scheduled for closure

Lower Medway Internal Drainage Board make the following comments;

- Site lies just outside the drainage boards district but it drains to Thorn creek which is managed and maintained by the board
- Surface water management plans appear in order and they are pleased that open SUDS is proposed. This will need maintaining
- However, 1 in 30 annual probability of greenfield run off rate increasing downstream flood risk
- The Board therefore objects to the application
- If permission were to be granted they request that drainage details made subject to a planning condition limiting run off rates from the site

Planning Committee Report – 20 November 2014**APPENDIX 1**

KCC Public rights of way and access service comment that;

- A public footpath runs through the site and that the application recognises this.
- Would object if it was being used as vehicular access to Innovation centre and traveller site
- Would prefer footpath to be retained in a green corridor
- Contribution should be sought for to provide signage to train station via footpath to the west of Love Lane

The Head of Housing comments that;

- Want onsite provision of affordable housing at the full 35% in the emerging Local Plan which should be proportionate to the rest of the development (69 affordable units)
- 70% should be for affordable rent (social rent) 48 dwellings and 30% of this contribution for intermediate housing 21 dwellings

Hernhill Parish Council comment that;

- Existing road infrastructure not suitable for building contractor vehicles
- Proposed accesses detrimental to existing highways
- The former Nova furniture site could be used as a business park reducing need for one on this site
- Land is designated countryside and Grade 1 agricultural land which would be better utilised if not built on
- Concern regarding impact on local water systems/ infrastructure

Southern Water raise the following comments;

- Currently inadequate capacity in local network to provide foul sewage disposal for the development which means there could be an increased risk of flooding
- Additional off-site sewers, or improvements to existing sewers, are required to service the development
- There are no public surface water sewers in area to serve development – alternative means of draining surface water will be required
- Recommend a planning condition regarding means of foul and surface water drainage

Kent Highway Services have the following comments;

Their original comments were;

1. The trip generation calculations are now acceptable.
2. The trip distribution is also acceptable.
3. A contribution to the junction improvement scheme at A2/ A251 would be acceptable and can be agreed as part of the negotiations into the S106 agreement. Although they prefer not to receive contributions and would prefer that the developer undertakes the off site works under a S278 agreement. However, in this case, the contribution would acknowledge that it is likely that several developments will contribute to additional congestion at this junction.

Planning Committee Report – 20 November 2014**APPENDIX 1**

4. Agree that the modelling of the site access junctions demonstrates that they are comfortably within capacity.
5. They prefer not to receive contributions to off-site works and would prefer the developer to identify the improvements needed and undertake to provide them. This could include enhancements to walking, cycling or bus routes, or means to encourage more uptake of the bus. The application should include sufficient detail of these improvements to allow them to gauge whether they will make the development acceptable.
6. The splitter island at the junction of Love Lane and Whitstable Road has been designed to be accessible for pedestrians, but the route from the site to Whitstable Road is still not an attractive route which will encourage walking, and the design panel notes quoted at the end of the Technical Note state that this could be improved to integrate the development with the town.
9. The highlighted cycle link in the Technical Note is circuitous and they do not consider that cyclists would choose to use it in preference to the more direct Whitstable Road.
10. The detail of the routes to the two closest schools are welcomed and accepted.
11. They would be pleased to accept a Travel Plan as a planning condition.

More recently they confirm that these issues have been addressed and they seek conditions and a Section 106 agreement for junction improvements, a travel plan and a monitoring fee.

The Highways Agency raise the following comments;

- After issuing a series of Holding Directions due to concern over the impact of traffic on the M2 Junction 7 , they now direct that conditions be attached to any planning permission requiring minor improvements to the junction and a travel plan

Kent police comment that;

- Would welcome discussions with applicant to discuss the details when appropriate should the development proceed
- In particular like to have input on areas detailed in proposal eg residential areas, open spaces, hotel, allotments, small traveller's site, commercial areas etc and pedestrian and vehicle permeability of the whole site

KCC Biodiversity Officer comment that;

- Submitted information detailed increased housing is likely to have low/negligible impact on SPA
- Additional information requested on the methodology used to assess the impact on SPA
- On site recreation provision as mitigation is proposed but additional information regarding this required prior to determination
- Additional information required detailing whether mitigation is appropriate and if so provide details to ensure reptiles are not killed or injured as a result of the works
- Recommend vegetation is removed outside of bird breeding season
- Recommend bat and lighting in the UK guidance is adhered to
- Advise ecological enhancements as outlined in application incorporated into development

Planning Committee Report – 20 November 2014**APPENDIX 1**

Environment Agency comment that

- Recommend conditions and informatives regarding surface water drainage and contamination

9.0 APPRAISAL

9.1 I consider that the key material considerations in assessing this application are as follows:

- The housing land supply position
- Employment land position
- The principle of the proposed development and the draft/ emerging local plan allocation
- Residential amenity implications
- Highway implications
- Implications for landscape quality and visual amenity
- Heritage assets
- Archaeology
- Biodiversity/ Ecological implications
- Surface water drainage/ Flood Risk
- Developer Contributions

Housing land supply and delivery**The objectively assessed need for housing (OAN)**

9.2 The Council's own work by consultants Nathaniel Lichfield and Partners (Strategic Housing Market Assessment Update and Development Needs Assessment 2013) is relevant to considering the housing need of the Borough and is the most up to date evidence the Council has in this respect. This assessed the Council's OAN and indicated a range of need (604 dwellings per annum (dpa) – 887 dpa) higher than that promoted by the emerging Local Plan (540 dpa). The Council has decided that it will not meet the OAN on the grounds of deliverability, viability and infrastructure capacity. The arguments surrounding this are dealt with in the emerging Local Plan and topic papers. An Inspector will attach weight to this OAN work, especially given that the adopted Local Plan is out of date in this respect.

The 5-year supply of housing land

9.3 The current position in respect of the 5-year supply of housing in the Borough and the contribution made by the application site should be considered. KCC's Housing Information Audit (HIA) 2012/13 indicates a shortfall of 221 dwellings (a 4.59-year supply excluding the 5% buffer required by the NPPF where

Planning Committee Report – 20 November 2014**APPENDIX 1**

Council's do not have a 5 year supply). In the event of an appeal, the 2013/14 HIA would likely be relied upon to demonstrate the current land supply position, which would be calculated on the basis of the adopted Local Plan target of 607 dwellings per annum.

- 9.4 The housing shortfall issue is an important consideration in the determination of this case, but should not be regarded as so significant to override all other planning considerations for a number of reasons:
- The Faversham and rest of Swale planning area has its own housing target in recognition of its different planning strategy from the rest of the Borough, and
 - The Borough shortfall in the 5-year supply arises entirely from the slowdown in delivery of sites within the Thames Gateway growth area. In contrast, there is a much stronger performance for Faversham (as of 2012/13) over and above the targets set for it.
- 9.5 Also material to any decision is an acknowledgement that Faversham is a location of stronger market demand than the rest of Swale and therefore will be able to deliver housing (including affordable) in accordance with the NPPF. This is a good argument for approval of this scheme as it would show that the Council is alive to the economic realities of the situation and is active in promoting housing supply.
- 9.6 In conclusion, whilst the contribution to housing land supply should not be an overriding reason to grant planning permission, as an allocated site in the emerging Local Plan intended to contribute toward future housing provision, it should be acknowledged that granting planning permission will make a strong contribution toward housing land supply, in a location known to be popular and likely to be delivered.

Employment land and delivery

- 9.7 The application is supported by the advice as set out in the NPPF in terms of the contribution it would make to sustainable employment growth. As mentioned above, the application falls short of the employment floorspace required or envisaged by the draft Local Plan allocation. The draft allocation envisaged 20,000sqm of employment land (Use class B development). The current proposal only includes approximately 9,085sqm of mixed employment space. However, this employment space is not solely 'B' use class uses, but includes a hotel, restaurant, health centre etc all of which will provide and generate employment, albeit, not the industrial sources originally intended. Whilst ideally these employment uses would all be 'B' class, they nevertheless contribute towards total employment generation and the economy and will reduce out-commuting and is therefore of benefit. In addition, the site does not cover the whole allocation and the remaining area will be coming forward as a

Planning Committee Report – 20 November 2014**APPENDIX 1**

second phase of development. The applicants have assured the Council that the remaining employment need will be addressed within the second phase and because of the under-provision of 'B' class uses within this phase, it would be sensible for the Council to request that the second phase solely contains these uses provided there are no viability issues.

Principle of Development & Draft Allocation

- 9.8 In this case the principle of the development and whether this should be supported ahead of the Local Plan is a prime material consideration. This position must be carefully assessed against the saved policies of the Local Plan 2008 which has slightly conflicting interests in terms of more general policy provision such as protecting the character of the countryside and retaining high class agricultural land against the general need to provide a housing supply and employment land.
- 9.9 In respect of the adopted Local Plan, like the emerging plan, it recognises in Faversham the need to set scales of development that reflect local needs and environmental character to achieve a better balance between the population and employment opportunities. The adopted Local Plan sought to achieve this whilst safeguarding and enhancing the diversity of Faversham's small-scale historic character and its maritime traditions, alongside that of its surrounding countryside, landscape and communities. This proposal does not seem to comply with the more general policy principles set out in the adopted Local Plan of protecting the character of the countryside for its own sake and protecting high quality agricultural land and retaining it for agricultural purposes. Whilst this proposal is clearly at odds with some of the established policies of the adopted Local Plan, the Council cannot simply determine this application on the basis of those policies as the introduction of the NPPF in March 2012 changed the way in which planning decisions could be made, particularly in respect of housing developments.
- 9.10 The NPPF (at paragraph 49) makes clear that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Whilst the NPPF allowed a years grace before these requirements fully came into force, this period has now expired. As such, the Council's current lack of a five year supply of housing sites is a significant material consideration in favour of this development (and other housing proposals). Notwithstanding that, the fact that the Council are currently in the process of, and at quite an advanced stage of completing a new Local Plan, shows a direction of travel of the Council that has been through several stages of public consultation. This direction shows quite clearly that the Council is very shortly intending to allocate this site for a mixed use development of the type indicated in the submitted application. It could be argued that the planning application

Planning Committee Report – 20 November 2014**APPENDIX 1**

coming forward ahead of the formal Local Plan allocation is premature and could have adverse impacts upon the effective and timely planning of strategic developments for Faversham. However, this argument is unlikely to be supported bearing in mind the fact that the NPPF requires us to determine all applications in respect of the presumption in favour of sustainable development. The NPPG recognises that prematurity may provide a reason for refusal where a proposal is of such significance that it would prejudice an emerging local plan that has reached an advanced stage. I do not consider this could be argued here bearing in mind it is the Council's intention to allocate the site for the development proposed.

- 9.11 The NPPF also deals with the issue of loss of the best and most versatile land. At Para. 112 it states:

“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

- 9.12 The application site is best and most versatile in quality and its loss is significant in agricultural terms. The only available opportunity to use land of lower quality at Faversham is at Oare Gravel Works. This site is already to be exploited for development, but to provide a site that will be attractive for employment development means that the release of some best and most versatile land is inevitable. It is believed that the draft Local Plan has complied with the NPPF in this respect, provided that land over and above meeting the identified need is not allocated, which I do not believe to be the case here.

- 9.13 It must, however, also be noted that the application site is considerably smaller than the allocated area in Policy A8 and the area that the Council is intending to allocate.

There are a number of issues associated with this:

- a. The application site falls short of bringing forward circa 20,000 sq m of 'B' class employment as required by the emerging Local Plan proposing approximately 8000 sq m. The approximately 5 ha set aside for employment in the illustrative masterplan should, however, be capable of providing most or all of this provision in the future, so in that respect should not undermine the overall aims for the site.
- b. The exclusion of part of the site at this stage is, the applicants say, because this will come forward as a second phase of development. This may potentially bring forward a scale of development in excess of that originally envisaged by the Local Plan. I have recommended a trigger point which

Planning Committee Report – 20 November 2014**APPENDIX 1**

needs to be established within a S106 agreement that commits the applicant to deliver the infrastructure and provide serviced plots ready for the commercial development prior to the occupation of the fiftieth dwelling and also for the applicant to embark on a marketing campaign within three months of receiving detailed planning consent.

- c. It limits the ability to secure open space, landscaping, biodiversity and visual mitigation in a holistic manner as envisaged by the draft Local Plan.

9.14 Whilst this application, like all planning applications, should be considered on its own merits, comparisons with other sites proposed at the periphery of the town are inevitable.

9.15 Promoters of land at Perry Court Farm argue the merits of their site over and above the application site. However, of these alleged advantages, notwithstanding that Lady Dane Farm is the Council's preferred site; the following should be taken into account should such a debate arise:

- d. The employment locational advantages of the Perry Court Farm site are similar to Lady Dane Farm. Whilst Perry Court Farm arguably has more direct motorway access, it is not a significant advantage, whilst the scheme promoters at Lady Dane Farm include an employment developer with a proven track record in the town. However, it must be acknowledged that currently the application site is bringing forward significantly less industrial employment land than Perry Court Farm (although this is proposed as part of a second phase);
- e. The sustainability of locations around Faversham is broadly similar – Faversham is a generally sustainable town in terms of proximity to services and facilities.
- f. The environmental disadvantages of the Perry Court Farm site are greater than the other allocated sites – development between M2/A2 would be completely contrary to the town's historic growth, landscape, amenity, rural approaches etc. One of the NPPFs Core Planning Principles (para. 17) is that planning should: *“Contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework.”* The allocation of the Lady Dane Farm site achieves this balance.

9.16 In conclusion, whilst the contribution to housing land supply is a material consideration in this case, it is not the only consideration. However, that in combination with the future allocation of the site is a strong material consideration in this case and it should be acknowledged that granting planning permission would make a strong contribution towards housing land supply and

Planning Committee Report – 20 November 2014**APPENDIX 1**

put the Council in a much stronger position to successfully defend appeals for housing sites in unsuitable locations.

9.17 Members will also note that this is a green field site that is being proposed for allocation. This is simply a reflection of the fact that there were insufficient suitable and available previously developed sites identified by the Strategic Housing Land Availability Assessment to meet the total housing need for the Borough.

Residential Amenity

9.18 In terms of residential amenity, again the impact can only be looked at in general terms. This is a matter that has already been considered in general terms when the site was assessed for allocation.

9.19 The development would have a significant impact upon the character of the street scene in Love Lane altering the outlook for pedestrians using the street and those living in Love Lane and will affect the character of the street by introducing urban development into what is currently an undeveloped natural area. This will inevitably have an impact on the amenity of the nearest properties. However, the Borough has to provide additional housing, and the impact of this development has been considered by Members and Officers alike to be not so significant as to warrant allocating an alternative site over this one. It will be important at reserved matters stage to ensure the development is designed in a manner than minimises this impact as much as possible. The residents that would be most affected by the proposals are the residents of Fynvola and 1 & 2 White Cottages along Graveney Road. It is imperative that at the detailed stage of planning, their amenity is given serious consideration.

9.20 However, it is also important to note that the development would also bring services and amenities that would also be of benefit to existing residents of the area. The development proposes large areas of open space, a community cricket pitch, allotments and services such as a pub/ restaurant and health centre.

Highways/ traffic issues

9.21 Access to the site is an issue that is to be considered at this outline stage. Kent Highways Services have not raised any concerns regarding the proposed new accesses from Love Lane and Graveney Road to the site and consider these to be suitable and safe means to serve the proposed development. There are two accesses proposed to serve the housing part of the development – one towards the eastern end of the Graveney Road boundary, almost opposite the entrance to the disused industrial units on Graveney Road and the other in Love Lane located in between the proposed pub/ restaurant and Fynvola. It is disappointing that this application does not propose a fourth vehicular access

Planning Committee Report – 20 November 2014**APPENDIX 1**

from the A2 to the site to minimise the traffic having to enter Love Lane. However, we are advised by the applicants that this is not currently an option for reasons that are confidential, but that this is something that they would consider at a later date should this become an option.

- 9.22 With regards to other highway matters, Kent Highway Services have been involved in regular discussions with the applicants, their agents and highway consultant to ensure that data showing the likely impacts of the scheme, and combined impacts from other sites in the Local Plan on the highway networks are accurate. Kent Highways are now content that the submitted data is acceptable and agree that with the proposed mitigation measures, the impact of the development on local highway networks would be acceptable. The most significant impact they raise would be concerning the A2/ Love Lane junction which would be predicted to exceed capacity as a result of this development. As such, a mitigation scheme is proposed that comprises of a signalised junction which will provide appropriate capacity for up to the year 2020. It also provides a crossing facility for pedestrians. The assessment recognises there will be very minor impact on other junctions, and for works that will be necessary as an indirect result of this scheme, contributions are proposed to help fund a junction scheme, and Kent Highways are content with this approach. The only outstanding concern of Kent Highway Services remains the location of the site and its relationship with the road network mean that it is difficult to provide convenient off road routes cycle routes from the site to the amenities within the town. Whilst this remains a concern, it was not significant enough to raise an objection from Kent Highway Services.

The Highways Agency now raise no objection, but are requiring improvement works to be carried out at Brenley Corner roundabout and a travel plan which are recommended as part of this report.

Landscaping

- 9.23 The breaching of the town's well defined eastern boundary with this draft Local Plan allocation has not been lightly undertaken by the Council and were the circumstances different (i.e. no overriding need to release sites), concerns about visual impact would be paramount. For example, in 2008, the previous LP Inspector (para. 137.13) commented of the application site.

"It is also of relevance to note, however, that the omission site does not integrate well into the existing compact form of the town. The proposal would breach the existing eastern boundary to the built-up area (Love Lane), and as there is no substantial physical feature at the site's southern (the Inspector is assumed to have meant the eastern boundary) boundary, it would invite further applications for development which, in my opinion, would give rise to further visual harm."

Planning Committee Report – 20 November 2014**APPENDIX 1**

9.25 These impacts should be acknowledged, but they have not been judged by the draft Local Plan as overriding meeting future development needs.

9.26 In this context, the draft Local Plan was informed by the Council's Urban Extension Landscape Capacity Study (June 2010), which indicated that this landscape had a moderate capacity to accommodate growth. It noted that:

“Minor expansion of residential development could potentially be accommodated east of Love Lane, where the land is visually contained by a north south ridge which rises to the east. Extensive development extending beyond, or visible from, land east of this ridge would be inappropriate because it would impose on the rural character of the landscape to the east.”

9.27 Whilst this application is greater than a minor expansion, if planned well, it seems likely that development could be avoided in views from the east of the ridge referred to.

9.28 However, the exclusion of much of the land around the eastern boundary from the application site prevents landscaping measures from being put in place that would provide a comprehensive framework for the whole development. Therefore any landscaping scheme would need to address the landscaping in two stages.

Heritage matters

9.29 Part of the site adjoins the Faversham conservation area. The conservation area covers the cemetery opposite the site and covers the rest of the north-west side of Love Lane, including the bridge over the railway line. When considering development proposals within conservation areas, the Council has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

9.30 Paragraph 132 of the NPPF reiterates this point stating that great weight should be given to conservation of heritage assets. It does, however, differentiate between both the importance of the heritage asset and the level of harm. The harm to the character of the conservation area in this case is considered to be less than substantial and the NPPF advises that where this is the case, this should be weighed up against the public benefits and whether these outweigh the harm. In this case, the Council already considered the potential harm to the setting of the conservation area in deciding to allocate this site for development, and the harm was considered to be insubstantial and not so significant to protect this site from development. There is a significant wider public need to developing this site, as there is a pressing need for further employment and housing in the Borough.

Planning Committee Report – 20 November 2014**APPENDIX 1**

- 9.31 The illustrative masterplan appears to indicate an attempt to maintain views of the distinctive range of trees in Love Lane Cemetery and long distance views of St. Mary's Church spire. However, Officers are of the view that there are more pressing drivers for the layout of the site, and that development of this site would not impact on the setting of the listed church.

Archaeology

- 9.32 The site is located within an area of potential archaeological value and a desk based archaeological assessment has been carried out which indicated there was a moderate to high likelihood of archaeological potential. The report also recommended further archaeological evaluation be carried out to inform is mitigation would be necessary. We are, however, still awaiting formal comments from the County Archaeological Officer which will no doubt recommend conditions be attached to any permission.

Biodiversity/ Ecology

- 9.33 With respect to biodiversity, the KCC Ecological adviser accepts that there is likely to be either a low or negligible impact on the SPA. However, to be certain she has requested additional information regarding how these conclusions were reached in the submitted report and to determine whether mitigation is required. This information has not yet been received and ideally this will be considered prior to the application being determined. The report is therefore subject to this information and any conditions required as a result.

Affordable Housing

- 9.34 The applicants have offered to provide 30% affordable housing across the site. This is in accordance with the level expected within the current local plan, although slightly below that envisaged for the Faversham area in the emerging local plan. However, this considered against the other benefits of the scheme is not a significant concern and will still result in a significant boost to affordable housing in Faversham.

Flood Risk

- 9.35 The site is not located within an area known to be at risk of flooding. However, the Environment Agency has drawn attention to the possibility of surface water flooding and has recommended conditions to deal with this issue. In addition, the Lower Medway Drainage Board have raised objection to the application on the basis that the surface water run-off rate would increase downstream flood risk. They have, however, suggested a condition if permission were to be granted requiring a SUDS scheme which will limit runoff rates to no greater than greenfield conditions. I am content that this issue can be dealt with via an appropriate condition.

Planning Committee Report – 20 November 2014**APPENDIX 1****Visual Impact/ design & code levels**

- 9.36 At this stage, the visual impact of the proposal can only be considered in very broad terms due to the uncertainty of all matters of design, height of buildings, materials, location etc. However, this site will result in a new gateway to the town and as such it is key that the design of the entire scheme is of a high quality with local traditional materials and carefully designed to ensure visually it is appropriate to its surroundings. These messages have been strongly conveyed to the applicants and their agent, as have the messages from the Design Panel in respect of the layout. The Design Panel commented on the indicative layout and felt that it should more carefully follow the contours of the land rather than the existing hedge boundaries, partly to contain the visual impact of the development, particularly from the east. However, the panel also advised that the Love Lane frontage feature facilities to ensure a relationship develops between the development on Graveney Road and the new development.
- 9.37 These matters are clearly documented in both the advice from the Design Panel and in the draft Local Plan of August 2013. If this scheme were to develop to the reserved matters stage, it would need to either address these concerns or make a case for why they are not significant or no longer relevant.
- 9.38 With regards to code for sustainable homes levels, the majority of the proposed housing would meet code level 3, with 20% being proposed to meet code level 4. Whilst ideally, all of the housing would be designed to meet a higher code level standard, the Council does not have a policy to support that position. I welcome the inclusion of some code level 4 housing.
- 9.39 The proposed non-residential buildings would meet BREEAM “good” for commercial buildings. Again, this is disappointing, but given the other considerations referred to above is considered acceptable on balance.

Benefits of the scheme

- 9.40 There have been significant numbers of support letters and objection letters concerning the issue of the cricket pitch. Those who have written in support have tended to be members of the existing cricket club who feel that their current facilities are inadequate and that the development would bring a great opportunity for the cricket club. However, objectors to the scheme are very concerned that the cricket pitch is being used as a ‘carrot’ to entice people and the Council to support the scheme. Whilst there is no denying that a modern sports facility will be a benefit, this should by no means have a significant impact upon the overall determination of the scheme which is considered necessary as explained above.

Planning Committee Report – 20 November 2014**APPENDIX 1**

- 9.41 The scheme also offers two gypsy pitches in line with the emerging Local Plan requirements of policy DM10. These are to be very much welcomed and if the scheme were to come forward ahead of the Local Plan they would help to demonstrate that it is possible to incorporate a small gypsy site on a mixed use or housing site and still make the development viable.
- 9.42 The development site as a whole offers 14.5 ha of open space, which is significantly above that normally required for a scheme of this size. This not only will be of value to those who will eventually live and work on the site, but also to existing residents in the area. This space includes allotments, the cricket pitch and parkland. A management plan would need to be agreed in order to ensure the long term ongoing management of the open space, and I have recommended this be submitted as part of the S106 agreement.
- 9.43 The scheme also includes proposals for a health centre, although the NHS advises that this is not currently required. Despite this, the applicant retains this aspiration and has been discussing options with existing GP surgeries and also with private GP's and other health providers such as chiropractors and dentists to try and address any such need in the area. In these circumstances, and to ensure that the building does not remain empty should their aspirations not be met, I have recommended that this be treated as a mixed use building that can either be used as a health centre, offices or a mix of both.
- 9.44 The application is being recommended subject to the signing of a section 106 agreement for developer contributions towards:
- Schools; libraries, adult social care; community learning; youth services
 - waste and recycling bins
 - contributions towards the provision of improvements to bus stops around the site
 - provision of 30% affordable housing across the residential site
 - the submission of a construction code of conduct and construction traffic management plan
 - provision of a traffic plan and a monitoring fee of £5000 for the traffic plan
 - commitment to securing local employment and training opportunities and financial contributions towards the support of construction apprenticeships
 - commitment by the developer to provide a minimum of 4.5 hectares of public open space to be retained for public use (to include allotments, cricket pitch and informal parkland) to be retained in perpetuity and a management plan
 - contributions towards signage to the train station via public footpath on the site
 - provision of additional lighting at either end of the railway footbridge
 - commitment to deliver the infrastructure and provide serviced plots ready for the commercial development prior to the occupation of the fiftieth dwelling and also for the applicant to embark on a marketing campaign within three months of receiving detailed planning consent.

Planning Committee Report – 20 November 2014**APPENDIX 1**

9.45 As part of the Section 106 agreement, reference will need to be made to the signing of a section 278 agreement for improvements to off-site works including a pedestrian link, splitter island and improvements to highway junctions within the vicinity of the application site.

10.0 CONCLUSION

10.1 To conclude, whilst the application proposes development on a smaller site than that due to be allocated in the local plan and with less 'B' use class development and more housing, the development still largely meets the aims of the allocation and would bring significant benefits. The housing would help the Council towards meeting a five year supply of sites and enable us to be in a more secure position for fighting appeals for less appropriate sites, especially at Faversham. The employment uses will also help to secure new jobs for the area and help the economy. Clauses will also be included in the Section 106 agreement to give a degree of confidence that the second phase should include 'B1' use classes.

10.2 Whilst the proposal would result in some harm, including to residential amenity and to the setting of the conservation area, the need for the development, in my view, outweighs the limited harm that would be caused.

11.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS**Time limit**

1. Details relating to the appearance, landscaping, layout and scale (the reserved matters) of the proposed buildings shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Grounds: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Grounds: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Planning Committee Report – 20 November 2014

APPENDIX 1

Grounds: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby approved shall be carried out in accordance with the following approved drawings in so far as it relates to access:

19144A_100C, 25659-002-007A, 25659-002-008A, 25659-009A and 19144A/100 Rev B

Grounds: For the avoidance of doubt and in the interests of proper planning.

Pre-commencement

5. The details submitted pursuant to condition (1) shall show not less than 4.5 hectares of the site reserved for allotments, parklands and a cricket pitch, of which 1.65 hectares shall be reserved as public open space. No permanent development whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Grounds: In accordance with the terms of the application and to ensure that these areas are made available in the interests of the residential amenities of the area.

6. The details submitted pursuant to condition (1) above shall provide full details of how the residential part of the development will meet the principles of 'Secure by Design'. The development shall be implemented in accordance with the approved details.

Grounds: In the interests of public amenity and safety.

7. The details submitted pursuant to condition (1) above shall show adequate land to the satisfaction of the Local Planning Authority, reserved for the parking or garaging of cars (in accordance with the currently adopted Kent County Council Vehicle Parking Standards) which land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not shall be carried out on such land or in a position as to preclude vehicular access thereto; such land.

Grounds: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users and detrimental to amenity.

Planning Committee Report – 20 November 2014**APPENDIX 1**

8. The details submitted in pursuance of condition (1) above shall be in accordance with a Development Brief that shall first have been agreed in writing by the Local Planning Authority and which shall include the following:
- (a) Details of the road layout for the site
 - (b) Connectivity for pedestrians and cyclists between the site and the town centre
 - (c) An overall landscape strategy (incorporating the retention of existing landscaping where possible) for the application site and adjoining land in the applicants ownership with special regard to the eastern boundary
 - (d) An overall sustainable surface water drainage strategy for the application site (based on a network of open ditches and ponds)
 - (e) A strategy for the architectural treatment of the buildings on the site, including elevational treatment, roof design and the palette of colours
 - (f) A strategy to enhance opportunities for biodiversity across all parts of the application site
 - (g) A strategy for storey heights

Grounds: In the interests of promoting a consistent quality of development, sustainable development and of visual and landscape amenity.

9. The details submitted pursuant to condition (1) above shall include cross-sectional drawings through the site, of the existing and proposed site levels. The development shall then be completed strictly in accordance with the approved levels.

Grounds: In order to secure a satisfactory form of development having regard to the nature of the site.

10. Prior to the commencement of the development hereby permitted, a detailed travel plan shall be submitted to and agreed in writing by the Local Planning Authority in conjunction with the Highways Agency. The travel plan shall include targets to reduce the number of car journeys and promote the use of public transport and other sustainable transport measures. It will also include a review date and a commitment to further measures should the targets not be met.

Grounds: To ensure that the number of trips generated from the site are limited to prevent the number of trips passing through M2 junction 7 from exceeding the available capacity.

11. Prior to the commencement of the development hereby approved, full details of the method of disposal of foul and surface waters as part of a detailed drainage strategy shall be submitted to and approved by the Local Planning Authority. This drainage strategy should be based on SUDS principle and shall be designed to ensure that runoff rates are no greater than existing conditions. A

Planning Committee Report – 20 November 2014**APPENDIX 1**

drainage Infrastructure Maintenance Plan should be incorporated into the strategy which should set out the information and procedures the owners/operators of the development will adhere to. The approved details shall be implemented before the first use of the development hereby permitted.

Grounds: In order to prevent pollution of water supplies and in order to prevent localised flooding.

12. Prior to the commencement of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.
 - a. 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 and; potentially unacceptable risks arising from contamination at the site.
 - b. A site investigation scheme based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c. The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangement for contingency action.

Grounds: To ensure any contaminated land is adequately dealt with and to protect ground water.

Pre occupation or pre 50th or 100th dwelling being occupied

13. No part of the development hereby permitted shall be occupied until the highway improvements outlined in drawing figure 6.1 (as provided by the Highways Agency) have been completed or an alternative agreed in writing with the Local Planning Authority in conjunction with the Highways Agency

Grounds: To ensure that the strategic road network continues to operate in a safe and efficient manner.

14. No part of the development hereby approved shall be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy (as per condition 13 above) and the effectiveness of the remediation has been submitted to and approved, in writing, by the local

Planning Committee Report – 20 November 2014**APPENDIX 1**

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.

Grounds: To ensure any contaminated land is adequately dealt with and to protect ground water.

15. The approved residential accesses to the site as detailed on drawings 25659-002-007 A and 25659-002-008 A shall be completed prior to the occupation of the first dwelling and the approved commercial access as detailed on drawing 25659-002-009 A shall be completed prior to the occupation of the fiftieth dwelling.

Grounds: In the interests of highway safety and convenience

16. Prior to the commencement of the development hereby approved, details of covered secure cycle parking facilities and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided in accordance with the agreed programme of implementation and shall be retained or replaced with the same, in perpetuity.

Grounds: To ensure that there is sufficient cycle parking at the site in the interests of sustainable development.

17. The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients and street furniture, as appropriate, shall be constructed and laid out in accordance with details to be submitted at the reserved matters stage and approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The works as approved shall be completed prior to the occupation of the first dwelling which is served by each section of highway and not more than fifty dwellings shall be occupied until the commercial access road has been completed up to and including the first roundabout.

Grounds: To ensure that the roads are constructed and laid out in a satisfactory manner.

Planning Committee Report – 20 November 2014**APPENDIX 1**

18. No more than 100 dwellings shall be occupied until the junction improvement works to the A2/Love Lane junction have been completed and are open to traffic and pedestrian crossings provided. These works shall include provision of traffic signals, provision of a zebra pedestrian crossing Love Lane immediately to the south of the junction with Graveney Road and a zebra pedestrian crossing on Whitstable Road between the junctions of Abbey Fields and Century Road. Details of these works shall first be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Grounds: In the interests of highway safety and convenience.

Non pre-commencement

19. The health centre hereby approved shall be used solely as a health centre D1 use or for a mixed use of D1 and B1 office use or solely for a B1 office use.

Grounds: In order to allow a flexible use to maximise potential for the site.

20. No infiltration of surface water drainage into the ground at the 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 approved details.

Grounds: To protect groundwater.

21. 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.

Grounds: To ensure any contaminated land is adequately dealt with and to protect ground water.

22. A minimum of 30% of the dwellings hereby approved shall achieve at least a Level 4 rating under The Code for Sustainable Homes or any other specification approved by the Local Planning Authority, with the remaining 70% achieving at least a Level 3 and no development shall take place until details have been submitted to, and approved in writing by the Local Planning Authority, which set out what measures will be taken to ensure that the development incorporates sustainable construction techniques such as

Planning Committee Report – 20 November 2014

APPENDIX 1

rainwater harvesting, water conservation, energy efficiency and, where appropriate, the use of local building materials; and provisions for the production of renewable energy such as wind power, or solar thermal or solar photo voltaic installations. Upon approval, the details shall be incorporated into the development as approved.

Grounds: In the interest of promoting energy efficiency and sustainable development.

23. The non-residential buildings hereby approved shall be constructed to BREEAM 'Good' Standard or an equivalent standard and prior to the use of the building the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved.

Grounds: In the interest of promoting energy efficiency and sustainable development.

24. The gypsy and traveller pitches shall not be occupied by any persons other than gypsies and travellers as defined in Annexe 1 of Planning Policy for Traveller sites. On these pitches there shall be no commercial use other than agriculture. In this regard no open storage of plant, products or waste may take place on the land, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

Grounds: In order to ensure sufficient supply of pitches for gypsies and travellers and to protect neighbouring residential amenity.

25. There shall be no more than two traveller pitches on the application site and no more than three caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended) shall be stationed on each pitch at any time, of which no more than two shall be static mobile homes.

Grounds: In order to protect neighbouring residential amenity.

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

Grounds: In the interests of highway safety and convenience.

27. 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:-

Planning Committee Report – 20 November 2014

APPENDIX 1

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.

Grounds: In the interests of residential amenity.

28. No burning of waste or refuse shall take place on site during construction works other than may be agreed in writing by the Local Planning Authority.

Grounds: In the interests of residential amenity.

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

Grounds: In the interests of highway safety and convenience.

30. No development shall take place until wheel washing facilities have been provided on site and these shall be retained for the duration of the construction period.

Grounds: In the interests of highway safety.

31. No external lighting shall be constructed at the site other than on private domestic residences or in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be designed in a manner that minimises impact on neighbouring residential amenity and bats.

Grounds: In order to prevent potential harm to neighbouring residential amenity and the local bat population.

32. No clearance of the site shall take place in the months March to August inclusive, this being the breeding season for birds.

Grounds: In the interests of biodiversity.

33. No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:-

Monday to Friday 0900-1700 hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Grounds: In the interests of residential amenity.

Planning Committee Report – 20 November 2014

APPENDIX 1

34. No development shall take place until a programme for the suppression of dust during the construction of the development has been submitted to and approved by the Local Planning Authority. The measures shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority

Grounds: In the interests of residential amenity.

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.

Informative:

Informatives have been suggested by Southern Water and the Environment Agency, Kent Highways Services and the Highways Agency. The applicant/ developer is advised to adhere to these.

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.

APPENDIX 1 – 2.3

South East Regional **Design Panel**

Matthew Woodhead
dha Planning
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN

Tel: +44(0)1634 401166 Fax: +44(0)1634 403302

the **architecture** centre
Historic Dockyard
Chatham
Kent
ME4 4TZ

Email: info@kentarchitecture.co.uk
www.architecturecentre.org

23 April 2014

Dear Mr Woodhead

LOVE LANE FAVERSHAM Planning application reference SW/14/0045

Thank you for asking the Regional Panel Swale to review your proposals for development on the east side of Love Lane, Faversham. Panel members visited the site before their meeting at Swale House on 8 April. We were grateful to Andrew Clague and Mayler Colloton of Clague for their presentation.

SUMMARY

The development is being planned on important green field site on the eastern edge of Faversham and it is incumbent on the promoters and the Council to achieve the highest possible quality, with streets and spaces the equal of any in the town. The design team has thought carefully about the locality but we have concerns about the viability of the mix of land uses and the way the various development partners will secure the scheme's aspirations. We would like to see the present outline application go beyond the present parameter plans to lock in the required quality. We also suggest that the parameter plans should make much more use of the natural topography more to determine the character of the place rather than relying on the artificial and relatively recent field boundaries.

Our comments are as follows:

CONTEXT

The site is farmland and any development on this site would form a new rural edge to the town. Proposals are for an outline planning application with all matters reserved other than access. The proposal anticipates some 196 new dwellings, 400 jobs and 11 acres of green space. The farm buildings and care home on Love Lane will remain, with development around their edges. Planning permission for development to the north of Graveney Road has recently been approved.

751-463 East of Love Lane, Faversham, Kent

1



PRINCIPLES

The outline application includes a parameter plan indicating the broad form and distribution of the land uses. The site is laid out to form two development areas separated by a tranche of open space, with residential to the north and commercial to the south. The landowner, the Vinson Trust, will maintain its long-term interest in the site and is committed to achieving a high quality of architecture and design.

The viability of the commercial and industrial development is imperative to the success of the scheme and should be rigorously tested, particularly in the light of the history of the Nova site, if the ambitions are to be met.

CONNECTIONS

Love Lane currently forms part of the eastern edge of Faversham, half a mile from the historic town centre and the railway station. However the pedestrian and cycle links are currently poor, including those to the local schools. There is an opportunity for a calmed space at the northern corner of the site at the railway bridge, to encourage journeys on foot or by cycle, and the illustrative masterplan anticipates making a strong diagonal route to this corner. We support any moves that can be made to strengthen the ease and attractiveness of paths to the town centre. For the commercial development, traffic management and servicing may have to be examined more closely. We are pleased to see allotments in the scheme but they seem rather remote from the houses.

There is scope for strengthening the relationship across Graveney Road with its northern neighbour; calming the traffic and focussing facilities on its frontage would help.

CHARACTER

We support the idea of preserving the spire of St Mary's Church as a marker on the skyline, but there are stronger drivers for the layout. The rolling landscape is the chief feature of the site and we suggest that defining the development envelope and its internal configuration in a manner that is better related to the topography and the watershed. This will better serve the development, both practically and visually.

The contours could be more strongly expressed in the masterplan, defining the shape and form of the various development components. This would be preferable to relying on the relatively modern field boundaries, which have no bearing on the lie of the land it may be more important than preserving the diagonal "strategic green gap" from the cemetery. The SUDS and the open space strategy, including the cricket ground could usefully part of this contours-based approach.

The different characters of Love Lane and Graveney Road could also be drawn out more in the masterplan. We are concerned about the potentially adverse impact of the hotel, pub and innovation centre with their car parking, accesses and servicing on the dwellings on the west side of Love Lane. If the community facilities are to be achieved, we think that some of them including the pub and the hotel could usefully face onto the open spaces or ponds and have some association with them. The proposed 'parkland'

751-463 East of Love Lane, Faversham, Kent

2

Planning Committee Report – 20 November 2014

APPENDIX 1

identity might need to be tested further to see if it is an appropriate model for this part of Faversham.

DELIVERY

We see an opportunity for high quality contemporary housing and we welcome the Vinson Trust's determination to secure this with their development partners; ways need to be found to lock in this quality at the outset, rather than falling back on generic house types and loosely traditional veneers. The separation between the different parcels of land, if not seamless, should certainly not appear artificial. We also believe that the team should be realistic about the community facilities that are likely to be delivered in the early phases of development. If there is likely to be high proportion of commuters, crèche facilities might be an attractor.

We hope you find these comments helpful. Please keep us in touch with further progress and do contact me if anything in this letter is unclear.

Yours sincerely



ROBERT OFFORD
Panel Manager

- cc Andrew Clague, Clague
Mayler Colloton, Clague
Chris Hawkins, DHA Planning
Rebecca Taylor, Bellway Homes
Geoff Blake, Bellway Homes
Martin Hart, Pentland Homes
Duncan Scott, Vinson Trust
Angus Scott, Vinson Trust
Huw Evans, Quinn Estates
Andy Jeffers, Swale BC
Graham Thomas, Swale BC
Jim Wilson, Swale BC
John Woodward, Swale BC

Panel members present: Allan Atlee (chair), Cody Gaynor, John Pegg, David Prichard, Richard Portchmouth

Geoff Noble, DSE (report)

This review was commissioned by Bellway Homes with the knowledge and agreement of Swale Borough Council.

751-463 East of Love Lane, Faversham, Kent

3



APPENDIX 2

PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 20 November 2014 from 7.00 - 9.35 pm.

PRESENT: Councillors Bamcott (Chairman), Sylvia Bennett, Andy Booth, Mick Constable, Adrian Crowther, Mark Ellen, June Garrad, Sue Gent, Mike Henderson, Lesley Ingham, Peter Marchington, Bryan Mulhem (Vice-Chairman), Ben Stokes, Ghlin Whelan, Mike Whiting (Substitute) (In place of Prescott), Ted Wilcox (Substitute) (In place of Derek Conway) and Tony Winckless.

OFFICERS PRESENT: Philippa Davies, Claire Dethier, Emma Eisinger, James Freeman, Libby McCutcheon, Alun Millard and Steve Wilcock.

ALSO IN ATTENDANCE: Councillor Roger Truelove.

APOLOGIES: Councillors Derek Conway and Prescott.

354 MINUTES

The Minutes of the Meeting held on 30 October 2014 (Minute Nos. 318 – 322) were taken as read, approved and signed by the Chairman as a correct record.

355 DECLARATIONS OF INTEREST

Councillor Ted Wilcox declared an interest in items 2.1 (Hand Car Wash, Standard Quay, Faversham) and 2.3 (Land east of Love Lane, Faversham) as he had already spoken and voted on these matters at Faversham Town Council.

356 PLANNING WORKING GROUP

The Minutes of the Meeting held on 10 November 2014 (Minute Nos. 334 – 335) were taken as read, approved and signed by the Chairman as a correct record.

SW/14/0516 (2.7) – Land adj. Cedar Lodge, Whybornes Chase, Minster, Sheerness

The Senior Planner advised that two further letters of objection had been received which raised issues already noted in the report. She also advised that the Agent had submitted two additional drawings which showed a block plan and street elevation of the proposed semi-detached houses, together with the detached house, which had already been approved.

In response to a question raised at the Planning Working Group Meeting, the Senior Planner advised that the breakdown of properties along Whybornes Chase between Queenborough Drive and Wards Hill, were 10 detached houses; eight detached bungalows; five detached chalet bungalows; and two semi-detached houses. The Senior Planner further advised that condition (4) in the report needed to be amended to include indigenous species in the landscaping scheme.

The Chairman moved the officer recommendation for approval and this was seconded.

A Ward Member explained that he had no objection to the detached house that had been approved, but raised concern with the overall scale of the two proposed semi-detached houses. He stated that generally houses along Whybornes Chase had a reasonable gap

APPENDIX 2

*Planning Committee**20 November 2014*

between them and these were too close to adjoining properties; there were detached houses in the vicinity and the road narrowed at this point. The Ward Member suggested the proposal was too large in scale for the plot; was not in-keeping with the street scene; it was completely out of character and design; and a bungalow/chalet bungalow would be more appropriate.

On being put to the vote the motion for approval was lost.

Councillor Andy Booth moved a motion for refusal on the grounds of the proposal being too large in scale; overintensification; and not in-keeping with the street scene. This was seconded by Councillor Adrian Crowther.

Members made the following comments: do not agree with refusal, proposal was only two storeys and did not overlook; no overshadowing; there was space between proposal and neighbouring properties; no grounds to refuse; the street had a mix of dwelling types; the proposal was overintensive; and it would have an adverse affect on residential amenity.

The Head of Planning advised that the proposal would not affect residential amenity.

On being put to the vote, the motion for refusal was agreed.

Resolved: That application SW/14/0516 be refused on the grounds of it being too large in scale; being too close to the boundaries of the plot; and not in-keeping with the street scene.

357 DEFERRED ITEM**SW/14/0399 – Old Sittingbourne Mill and Wharf (Morrisons)**

The Senior Planner reported that the Applicant had submitted a phasing plan which showed the phasing for the construction of the housing development. She explained that the linear park could not be implemented as one operation as there needed to be access to that area for drainage work throughout the construction phases. A base for the linear park could be started, but would not be able to be completed until the housing was completed. The Senior Planner drew Members' attention to the tabled paper which set out the recommendations, with Option A in each case being the officer recommendation.

Mr Bellinger, the Applicant, spoke in support of the application.

The Chairman moved the recommendations in turn and these were seconded. Members were invited to comment on each recommendation.

9.01- that the phasing should be altered in line with the applicant's request:

- Phase A – residential units
- Phase B – Mill site public realm
- Phase C – Leisure building and Waterside Park
- Phase D - Museum and Heritage Building

A Ward Member acknowledged the reasons for the linear park's delay in completion, but considered that most of the linear park could be put in place before the last house was constructed and that work on the linear park should start before the final house was completed. He considered that as it had been stated that available funding for the museum and heritage building was highly unlikely, that this was a 'non-starter' and he considered

APPENDIX 2

Planning Committee

20 November 2014

the leisure building should be an assured part of the process, not 'quite possible' as noted in the report.

Members stressed the need to complete the development as soon as possible.

On being put to the vote the recommendation was agreed.

9.02 - that the Council accepts a phased payment of the education contributions; 50% prior to occupation of 25% of the dwellings and the remaining 50% prior to occupation of 75% of the dwellings.

In response to a question, the Senior Planner confirmed that the recommendation was within the Planning Committee's remit.

On being put to the vote the recommendation was agreed.

9.03 – Either:

Option A: that there should be a review of the Viability Appraisal prior to the occupation of the final dwelling to be occupied on site and any additional profit should be used to fund a commuted payment for additional affordable housing to be provided off-site.

OR

Option B: that there should be a review of the Viability Appraisal prior to the occupation of the final dwelling to be occupied on site and any additional profit should be used to fund all or part of the Heritage Initiatives Contribution (up to a maximum of £215,000.00).

A Ward Member spoke in support of Option B; he was in favour of any additional profit being used on-site rather than fund housing off-site.

Members made the following comments: additional affordable housing was needed; the rate of affordable housing on the development was appalling; and affordable housing was more important than heritage initiatives.

Councillor Mike Henderson moved an addendum to Option A: that '.....additional affordable housing to be provided within the Sittingbourne area'. This was seconded by Councillor Bamcott. A Member considered lack of affordable housing was a Borough-wide issue. On being put to the vote the addendum was lost.

On being put to the vote the recommendation (Option A) was agreed.

9.04 - either

Option A: that Members accept the 3.3% affordable housing proposed and maintain the contribution to education in full.

OR

Option B: that Members require 10% affordable housing with acknowledgement that this will result in the reduction of the education contribution.

In response to a question, the Senior Planner confirmed that Option B was within the Planning Committee's remit.

Members made the following comments: a difficult choice to make, with a balance between affordable housing and education contributions; and Option A was slightly preferable.

APPENDIX 2

*Planning Committee**20 November 2014*

In response to a question, the Senior Planner advised that for the developer to provide one affordable house, this would cost around £50,000 and that this would be drawn from the education contribution, resulting in a significant reduction therefore. The Senior Planner did not consider this to be preferable.

The Head of Planning explained that Option B would result in a loss of educational contributions, with a shortfall that would have an impact on Kent County Council.

On being put to the vote the recommendation (Option A) was agreed.

9.05 - either

Option A: that Members agree that the percentage of social rented accommodation within the agreed affordable housing provision shall be 70%.

OR

Option B: that Members agree that no social rented accommodation shall be required as part of the agreed affordable housing provision (i.e. only shared equity affordable housing provided) and the overall proportion of affordable housing shall be increased to 10%.

On being put to the vote the recommendation (Option A) was agreed.

9.06 - the acceptance of all other elements of the offer set out on pages 18 & 19 of the report and delegation to Head of Planning to finalise the wording of the modified Section 106 agreement.

On being put to the vote the recommendation was agreed.

Resolved: *That the recommendations noted below be agreed for application SW/14/0399.*

(1) That the phasing should be altered in line with the applicant's request:

Phase A – residential units

Phase B – Mill site public realm

Phase C – Leisure building and Waterside Park

Phase D - Museum and Heritage Building.

(2) That the Council accepts a phased payment of the education contributions; 50% prior to occupation of 25% of the dwellings and the remaining 50% prior to occupation of 75% of the dwellings.

(3) Option A: that there should be a review of the Viability Appraisal prior to the occupation of the final dwelling to be occupied on site and any additional profit should be used to fund a commuted payment for additional affordable housing to be provided off-site.

(4) Option A: that Members accept the 3.3% affordable housing proposed and maintain the contribution to education in full.

(5) Option A: that Members agree that the percentage of social rented accommodation within the agreed affordable housing provision shall be 70%.

(6) The acceptance of all other elements of the offer set out on pages 18 & 19 of the report and delegation to Head of Planning to finalise the wording of the modified Section 106 agreement.

- 400 -

APPENDIX 2

Planning Committee

20 November 2014

358 REPORT OF THE HEAD OF PLANNING

PART 2 - Applications for which PERMISSION is recommended

2.1 14/501373/FULL
APPLICATION PROPOSAL Change of use for open yard, of former Transport Depot, to hand car wash plus construction of canopy to washing area.
ADDRESS Hand Car Wash Standard Quay Faversham Kent ME13 7BS
APPLICANT Mr Vehbi Parallangaj
AGENT Design And Build Services

The Senior Planner reported that three additional comments had been received which raised similar issues already set out in the report. Additional comments, not noted in the report were: how was it known that the noise can be contained?; the Environmental Team were taking the Applicant's word on issues relating to the proposal; and the structure was contrary to regulations for a conservation area.

Ms Taylor, on behalf of the Agent, spoke in support of the application.

The Chairman moved the officer recommendation for approval which was seconded.

A Ward Member explained that he had some reservations with the application. He considered that vehicles going in and out of the premises, even if the car wash area was enclosed, would still generate noise. He considered there were environmental issues.

In response, the Environmental Health Officer stated that the proposed canopy would contain noise from the jet spray and also contain any over-spray. He explained that vehicle egress was a separate matter.

The Ward Member considered the noise of vehicles arriving and leaving the premises would be detrimental to local residents and that the proposed use as a whole was a disturbance within the conservation area.

The Senior Planner advised that vehicle egress noise disturbance could not be taken as being unacceptable, as the existing use of the site was semi-industrial.

A Member from an adjoining ward spoke against the application. He raised the following points: it was not known how much noise reduction could be achieved; waiting vehicles would have their engines running; noise from car spray and vacuum cleaner; this was not a suitable location for this type of activity; was adjacent to important listed buildings and in a conservation area; the previous use did not have continual activity; increase in traffic flow; and this would not preserve or enhance the area.

Members made the following comments: it was regretful that there were no acoustic values within the report; concern with noise levels from spray and vacuuming; condition (8) stating doors in the wash building were to be closed prior to vehicle cleaning was impossible to enforce; and concerned with water pollution.

Councillor Tony Winckless moved a motion for a site meeting, this was not seconded.

On being put to the vote the motion for approval was lost.

Councillor Mike Henderson moved a motion for refusal on the grounds that there was no guarantee that the noise issues would be addressed and the building did not preserve,

APPENDIX 2

Planning Committee

20 November 2014

enhance or protect the conservation area or the curtilage of the listed buildings. This was seconded by Councillor Bryan Mulhern and upon being put to the vote the motion was agreed.

Resolved: *That application 14/501373 be refused on the grounds that there was no guarantee that the noise issues would be addressed and the building did not preserve, enhance or protect the conservation area or the curtilage of the listed buildings.*

2.2 14/500561/OUT
APPLICATION PROPOSAL Outline Planning permission (all matters except access reserved) - Residential redevelopment with provision of associated vehicular and pedestrian access, open space, drainage and services.
ADDRESS Former HBC Engineering Site Power Station Road Halfway Minster-on-sea Kent ME12 3AB
APPLICANT TBH (Sheerness) Ltd AGENT

The Senior Planner reported that an amended drawing had been received from the Applicant which showed a footpath extending to the western boundary of the site frontage, which would connect to the existing footpath on the other side of the road. The amendment addressed the issue of the highway not being wide enough for a footpath on the northern side of the road. Kent County Council (KCC) Highways raised no objection to the amended footpath proposal, subject to usual conditions. The Senior Planner advised that condition (24) in the report would need to be amended to reflect the altered design.

The Senior Planner reported that the additional six dwellings to the 136 originally proposed had received no objection from KCC Highways as they expected around three additional vehicle movements, and as such this would have little impact on traffic figures. She further advised that the submitted transport assessment was based on 160 dwellings and the traffic impact was still considered to be less than the lawful employment use of the site. The Senior Planner confirmed that the site was within the Minster Parish Council boundary; the report had stated that it was not.

The Senior Planner drew Members' attention to the viability assessment on pages 49 and 50 of the report. She explained that the development could not support the full Section 106 agreement, and the scheme was only viable if the affordable housing figures were reduced, and that option (b) was the preferred option, with KCC requesting at least two of the four affordable units to be wheelchair accessible.

The Senior Planner advised that the development would provide £284,000 in total, £2,000 per dwelling, and Swale Borough Council would retain the full amount required for wheeled bins, open space management and monitoring fee. She explained that the profit level was 15% which was a low profit value. As the contribution received by KCC was significantly lower, they had requested some discretion as to how they spent their share.

The Senior Planner outlined the work undertaken on Great Crested Newts which was in draft form, with further survey work due to take place in Spring 2015. Condition (14) needed to be amended as there were no water voles on site, but a condition was needed for precautionary measures to protect water voles before and during work on the site. Delegation was sought to amend condition (14) as appropriate, and add additional conditions as recommended by KCC ecology. An additional condition was also required to ensure mitigation measures were put in place in line with the submitted habitat survey.

APPENDIX 2

Planning Committee

20 November 2014

The Chairman moved the officer recommendation for approval which was seconded.

Members made the following comments: concerned with the increase in traffic movement problems and flooding; disappointed with the level of affordable housing proposed, which was contrary to the 30% that SBC had agreed to provide on developments; balance between keeping land that was once industrial as land available for job provision, or using it for housing which was also needed; impact on nearby junction; demonstrable harm to residents; there were other developments planned which would compound the traffic problems; and the infrastructure needed to be improved.

In response to a question, the Senior Planner referred to the proposals map and advised that the land was not allocated for employment or housing. She further advised that on the emerging Local Plan, 87 houses were allocated on the southern part of the site.

Councillor Mike Henderson moved a motion for a site visit. This was seconded by Councillor Tony Winckless.

In response, the Senior Planner advised that the mitigation measures set out in the submitted flood risk assessment for the site were accepted by the Environment Agency and that appropriate sustainable urban drainage was proposed for the site. The KCC Highways Officer advised that the application site had been assessed and traffic movements had been projected as being less than the previous commercial use and the typical extant B2 use of the site.

On being put to the vote the motion for a site visit was lost.

A Member doubted that that the nearby mini-roundabout and the road structure had the capacity to cope with the development.

Councillor Bryan Mulhern moved a motion to defer the application in order to seek further information on traffic movements and flooding issues. This was seconded by Councillor Tony Winckless.

The Head of Planning explained that traffic issues would be managed during the process of the development and reminded Members of KCC Highways comments and the need for housing in the Borough.

On being put to the vote the motion to defer was lost.

Councillor Mike Henderson moved a motion for an amendment that approval of reserved matters be reduced from five years to four years. The Head of Planning stated that this was a standard time condition. The motion was not seconded.

The substantive motion to approve was put to the vote and the motion was lost.

At this point the Head of Planning used his delegated powers to 'call-in' the application.

Resolved: That as the Planning Committee was minded to make a decision that would be contrary to officer recommendation and contrary to planning policy and/or guidance, determination of the application would be deferred to the next meeting of the Committee on 11 December 2014 when the Head of Planning would advise Members of the prospects of such a decision if challenged on appeal and if it becomes the subject for costs.

APPENDIX 2

Planning Committee

20 November 2014

2.3 SW/14/0045
APPLICATION PROPOSAL Outline application including access for a mixed use development comprising business park (up to 5,385sqm of commercial units, and a 2,000sqm office (innovation centre), a hotel (approx 70 bed), pub/restaurant (up to 400sqm), health centre (up to 300sqm), 196 residential dwellings, open space including sports pitches, amenity open space and parkland, roads, allotments and a traveller site.
ADDRESS Land East Of Love Lane, Faversham, Kent, ME13 8JB
APPLICANT The Vinson Trust
AGENT Mr M Woodhead

The Senior Planner reported that Natural England (NE) had revised their comments on the application. They considered that the impacts on the Swale Site of Special Scientific Interest, the Special Protection Area and the Ramsar site needed to be considered further in respect of bird disturbance. They recommended a Section 106 agreement for access management and a monitoring mitigation strategy if there were to be significant effects. The Senior Planner sought delegation to do this if it was considered necessary following the receipt of information on mitigation measures proposed by the Applicant on any effects of the proposal on these areas.

The Senior Planner advised that two additional letters had been received which raised similar issues to those noted in the report. Additional comments included: distance from schools, would increase traffic further; the NHS said no GP surgeries were required; need new schools; outline application, therefore saying 'yes' to everything; bats and nesting birds were on the site; and brown fields sites in Faversham should be identified.

The Senior Planner advised that she was waiting for comments from KCC Archaeology, and ecology matters from the Applicant and sought delegation to approve and add any necessary conditions, subject to this further information.

Mrs Jenny Gurney, a supporter, spoke in support of the application.

Marilyn Smith, an objector, spoke against the application.

Duncan Scott, the Applicant, spoke in support of the application.

The Chairman moved the officer recommendation for approval which was seconded.

A Ward Member spoke in favour of the application and acknowledged that it was part of the emerging Local Plan.

Members made the following comments: this was a good vision of mixed use; have to look at least worst option for Faversham, other options were significantly worse, with Faversham stretching too far south; this development should not go any further east, not to Brenley Corner; it provided housing, including affordable housing; there was a good road network to the site; it would improve the economy of Faversham; impact on existing nearby roads and junctions which may need improvements and traffic controls; and acknowledge impact on local residents.

Resolved: *That application SW/14/0045 be delegated to officers to approve subject to conditions (1) to (35) in the report, and the receipt of further comments from KCC Archaeology and ecology matters from the Applicant and further information and discussions regarding bird disturbance.*

APPENDIX 2

Planning Committee

20 November 2014

2.4 14/500338/FULL
APPLICATION PROPOSAL Single storey side and rear extension, first floor rear extension and first floor flank window.
ADDRESS 165 Minster Road Minster-on-sea Kent ME12 3LH
APPLICANT Mrs Tracey Gobbi
AGENT Mr Dave Chamberlain

The Senior Planner reported that KCC Highways had stated that the increase in bedrooms by six, to 26 in total, would normally equate to one additional parking space. As the application was to enable single occupancy of the bedrooms, no additional residents would be at the site, so there was no need to increase the parking provision.

The Senior Planner advised that the distance from the flank elevation of the rear conservatory to the neighbouring property was 3.8 metres, not 6.4 metres as noted in the report.

A Ward Member spoke against the application. She considered there had been major overdevelopment of the site, with overshadowing; it was too close to other properties; loss of garden amenity and was overdevelopment of a residential area.

Councillor June Garrad moved a motion for a site meeting. This was seconded by Councillor Lesley Ingham. On being put to the vote the motion was agreed.

Resolved: That application 14/500338 be deferred to allow the Planning Working Group to meet on site.

PART 5 - Decisions by County Council and Secretary of State, reported for information

- **Item 5.1 - Site at Warren Farm, (Sheppey Animal Rescue), Warden Road, Eastchurch, Sheppey, ME12 4HD**
Appeal dismissed.
- **Item 5.2 - 28 Brier Road, Sittingbourne, ME10 1YJ**
Appeal allowed.
- **Item 5.3 - Land at Littles Farm, Faversham, ME13 8XZ**
Appeal dismissed.

Chairman

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

All Minutes are draft until agreed at the next meeting of the Committee.

PLANNING COMMITTEE – 14 JANUARY 2016

PART 2

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 15/508479/FULL			
APPLICATION PROPOSAL Proposed rear extension with external decking			
ADDRESS 75 Cliff Gardens Minster-On-Sea Kent ME12 3QZ			
RECOMMENDATION Approve			
SUMMARY OF REASONS FOR RECOMMENDATION The application site lies within the built up area boundary where the principle of development is acceptable and would not give rise to serious concerns regarding residential or visual amenities.			
REASON FOR REFERRAL TO COMMITTEE Called in by Councillor Andy Booth			
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster On Sea	APPLICANT Mr Barry Wiseman AGENT	
DECISION DUE DATE 17/12/15	PUBLICITY EXPIRY DATE 23/11/15		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
None			

1.0 DESCRIPTION OF SITE

- 1.01 No 75 Cliff Gardens is a detached chalet bungalow with a pitched roof and front and rear facing gables. Land levels fall from the front to the back of the site.
- 1.02 The streetscene is comprised of a mix of property types and includes bungalows, chalet bungalows and two storey dwellings.
- 1.03 The host property has hardstanding to the front and private amenity space to the rear.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for a rear extension with an associated area of decking. There is currently a small projecting element on the rear of the

property with steps down to the garden which will be removed as part of the application.

- 2.02 The extension measures 4m in depth and 4m in width. Adjacent to the extension there is an area of decking measuring 5m in depth, the additional 1m projecting from the proposed extension accounts for the steps into the garden. The decking has a width of 2.1m.
- 2.03 Due to the change in site levels the extension would measure 4.3m in height at the highest ground level and 4.7m at the lowest ground level. The extension would have a flat roof. The site levels also allow for a small storage area accessed externally, below the finished floor level of the kitchen.
- 2.04 The floor level of the decking will be 1.4m above the highest ground level and 1.8m above the lowest ground level. An obscure glazed screen, 1.8m in height will be placed on the outer edge of the decking.

3.0 PLANNING CONSTRAINTS

- 3.01 None

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: E1, E19 and E24 of the Swale Borough Local Plan 2008
Supplementary Planning Documents: Designing an Extension - A Guide for Householders
- 4.02 Adopted SPG entitled “Designing an Extension - A Guide for Householders”, was adopted by the Council in 1993 after a period of consultation with the public, local and national consultees, and is specifically referred to in the supporting text for saved Policy E24 of the Local Plan. It therefore remains a material consideration to be afforded substantial weight in the decision making process.
- 4.03 National Planning Policy Framework (NPPF)
- 4.04 The NPPF was released on 27th March 2012 with immediate effect, however, para 214 states “that for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”
- 4.05 The 12 month period noted above has now expired, as such, it is necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF.
- 4.06 This has been carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. Policies E1, E19 and E24 are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

5.0 LOCAL REPRESENTATIONS

- 5.01 One letter of objection was received from the adjacent neighbouring property, No.75A Cliff Gardens on the following grounds:

“The application, at an elevated level, extends approximately 3 metres beyond the build line of 75A with the following impact:

- *the garden would be severely overlooked (effectively first floor level) and significantly obscure sunlight from our garden*
- *the east facing window overlooks our property, denying our privacy.*
- *the platform and steps also overlook our property, and again create a further incursion into our privacy.”*

6.0 CONSULTATIONS

6.01 Minster Parish Council did not object or support the application but commented that *“There is concern about the impact on the amenities neighbouring residents might reasonably be expected to enjoy in terms of possible overlooking.”*

6.02 Cllr Booth has called the application into Committee on the following grounds:
 - *“Damage to the visual amenity;*
 - *overdevelopment of the site;*
 - *development that's out of character for the area”*

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application papers and correspondence relating to planning reference 15/508479/FULL.

8.0 APPRAISAL

8.01 The application site lies within the built up area boundary where the principle of development is accepted. As such the main considerations in this case concern the impact that the proposal would have upon residential and visual amenities.

Residential Amenity

8.02 Paragraph 5.7 of the SPG states that *“For single storey extensions close to your neighbour’s boundary, the Borough Council considers that a maximum projection of 3m will be allowed. A first floor extension should not exceed 1.8m.”* Paragraph 5.9 goes on to state that *“On well spaced detached properties or where an extension is to be built away from the boundary a larger extension may be acceptable”.*

8.03 In this case the host property is detached and the flank wall is 2.2m away from the side wall of the adjacent property, No.75A. On the opposite side there is a gap of 4.8m between the flank wall of the host property and No.73. The existing rear elevation of the host property sits forward of the rear wall of No.75A by approximately 1m and projects past the rear wall of No.73 by approximately 0.6m. The result is that, when taking into account the demolition of the existing lean to on the rear of the host property, the deepest point of the extension would project 1.4m past the rear wall of No.75A. The staircase which provides access from the decking to the garden would project 2.4m past the rear wall of No.75A but is located 4.5m away from the flank wall.

8.04 When the application was originally submitted the proposal included a side facing window in the proposed extension facing towards No.75A. This point was raised in the objection letter received from the neighbouring occupiers. I agreed that this window would give rise to a loss of privacy and after liaising with the agent I have

received amended drawings which shows the window has been deleted from the application. I also note the point that is raised regarding overlooking from the decking and steps towards No.75A and respond as follows. The view from the decking area towards No.75A would be blocked by the proposed extension. Although there would be some available views from the stairs this is not a part of the proposal where I consider any extended period of time would be spent and would be used for access to and from the garden. As such, in overall terms I do not consider that the proposal would overlook No.75A in a manner that would be significantly harmful.

- 8.05 Furthermore, although the extension is of a height of 4.7m (where the ground is at its lowest level), due to the limited distance that the proposal extends past this adjacent property and the distance between the dwellings I do not believe that the proposal would have a significantly overbearing impact or lead to an unacceptable loss of light for the occupiers of No.75A.
- 8.06 When the application was originally submitted I was of the opinion that the decking would allow the opportunity for direct views on the opposite side into the rear private amenity space of No.73. Due to this, after discussions with the agent an amended drawing has been received which shows an obscure glazed panel, 1.8m in height, running along the side of the decking, obscuring views towards no.73 from both the decking and the flank window. I have therefore included a condition which requires the proposal be constructed in accordance with the amended drawings which includes the obscure glazed screen. In light of this I consider that the proposal would not give rise to an unacceptable loss of privacy or overlooking of No.73.
- 8.07 In addition to the above, due to the distance between the proposal and No.73 I do not consider that the proposal would be unacceptably overbearing or cause a significant loss of light to this neighbouring property.

Visual Amenity

- 8.08 Although the extension proposed is of flat roof design it is entirely contained on the rear of the property. As such, views towards the extension would be extremely limited from public vantage points. Furthermore, the application site is within a non designated area and the proposal is a typical design for rear extensions throughout the Borough. As such, I consider the design to be acceptable and one which would not impact unacceptably upon visual amenities.

9.0 CONCLUSION

- 9.01 Overall I consider that the application has been amended to overcome the unacceptable elements of the scheme. As such, I take the view that the amended drawings show a development which would not give rise to harm to residential or visual amenities. 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.

Reasons: 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 approved shall be carried out in accordance with the following approved plans: 2000/04, Revision A; 2000/05, Revision B; 2000/06, Revision B.

Reasons: For the avoidance of doubt and in the interests of proper planning.

- (3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reasons: In the interests of visual amenity.

- (4) The obscure glazed panels to the west elevation of the decking hereby approved shall be constructed prior to the first use of the development hereby approved, and shall be retained thereafter.

Reasons: In the interests of residential amenity.

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.

This page is intentionally left blank

2.2 REFERENCE NO - 15/507706/FULL		
APPLICATION PROPOSAL Single storey rear extension. Alterations to roof to facilitate loft conversion - hip to gable conversion, raising of ridge height, dormers to front and rear and chimney height increased.		
ADDRESS 8 Colson Drive, Iwade, Kent, ME9 8TT		
RECOMMENDATION - Approve		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would not give rise to unacceptable harm to residential or visual amenities, and would not seriously change the character of the existing street scene.		
REASON FOR REFERRAL TO COMMITTEE At the request of Councillor Ben Stokes.		
WARD Bobbing, Iwade & Lower Halstow	PARISH/TOWN COUNCIL Iwade	APPLICANT Mr Harry Smith AGENT Mr Stephen Pokora
DECISION DUE DATE 30/11/15	PUBLICITY EXPIRY DATE 25/11/15	

1.0 DESCRIPTION OF SITE

- 1.01 8 Colson Drive is a two storey detached dwelling situated on the corner of Colson Drive and Mansfield Drive.
- 1.02 The property has a small frontage with a narrow band of landscaping and a side gate leading to the rear.
- 1.03 There is a generous amount of private amenity space to the rear including a landscaped garden and a detached garage with hardstanding parking leading up to it. This can be accessed via double gates in Mansfield Drive.
- 1.04 The surrounding buildings are a mixture of detached, semi-detached and terraced properties, including flats and a business premises, of varying designs and sizes. Adjacent to the host property is a pair of semi-detached houses.

2.0 PROPOSAL

- 2.01 The proposal seeks planning permission for the erection of a single storey rear extension and a hip to gable roof conversion to facilitate a loft conversion.
- 2.02 The extension at ground floor level would have a rear projection of 2.8m and would be 5.7m in width with a flat roof measuring 3.1m in height. Materials would match the existing house.
- 2.03 The roof conversion would increase the ridge height from 7.55m to 9.1m with a chimney height of 9.9m. There would be 2 small pitched roof dormer windows on each of the front and rear elevations, measuring approximately 1.5m width x 2.2m maximum height, with a small window in between. Materials would match the existing house.
- 2.04 The drawings have been amended, and originally showed a poorly designed flat roof box-dormer window to the rear.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Approximate Ridge Height (m)	7.55	9.1	+1.55
Approximate Eaves Height (m)	4.6	5.5	+0.9

4.0 PLANNING CONSTRAINTS

4.01 Potential Archaeological Importance

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 The National Planning Policy Framework (NPPF) and The National Planning Practice Guidance (NPPG): The NPPF and NPPG are relevant in that they encourage good design and seek to minimise serious amenity concerns.

5.02 Development Plan: Saved policies E1, E19, E24 and T3 of the adopted Swale Borough Council Local Plan 2008 are relevant in that they relate to general development criteria and design, and parking consideration.

5.03 Supplementary Planning Documents: The Council's adopted Supplementary Planning Guidance entitled "Designing an Extension" is also relevant, and remains a material consideration having been through a formal review and adoption process. The Adopted SPG entitled "Designing an Extension - A Guide for Householders", was adopted by the Council in 1993 after a period of consultation with the public, local and national consultees, and is specifically referred to in the supporting text for saved Policy E24 of the Local Plan. It therefore remains a material consideration to be afforded substantial weight in the decision making process.

5.04 National Planning Policy Framework (NPPF)

5.05 The NPPF was released on 27th March 2012 with immediate effect, however, para 214 states "that for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework."

5.06 The 12 month period noted above has now expired, as such, it is necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF.

5.07 This has been carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. Saved policies E1, E19, E24 and T3 are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

6.0 LOCAL REPRESENTATIONS

6.01 The surrounding neighbours were sent letters notifying them of the application. One letter of objection has been received from the occupier of 6 Colson Drive, raising the following summarised points:

- The single storey rear extension would look better with a shallow pitched roof.

- The parking situation is at a premium on the estate with cars frequently parking on the pavements. The objector feels that an approved application could lead to an increase in cars and car parking at the site.
- 16 and 18 Colson drive have loft conversions which the objector feels look out of character.

7.0 CONSULTATIONS

7.01 Iwade Parish Council initially made no objections to the proposal.

7.02 At the request of residents, Iwade Parish Council submitted additional comments raising the following concerns:

- There is insufficient parking on site, adding to an existing parking problem.
- The narrowness of the road surrounding the property means that members are concerned as to where contractors would park and store materials. The concerns include, for example, large vehicles making deliveries, and the potential placement of a skip.

7.03 The County Archaeological Officer has confirmed that no archaeological measures are required in connection with the proposal.

8.0 BACKGROUND PAPERS AND PLANS

8.01 The application reference to which this proposal refers to is 15/507706/FULL.

8.02 The originally submitted drawing included a large box dormer to the rear. At this point, all the proposed dormers were flat roofed.

9.0 APPRAISAL

9.01 The application site is located within the defined built up area boundary of Iwade in which the principle of development is acceptable subject to amenity and other relevant policy considerations. I believe that the main considerations here are the impact of the proposal upon the residential and visual amenities of the area, including the impact upon residential parking.

Residential Amenity

9.02 Paragraph 5.7 of the Council's SPG states that:

"For single storey rear extensions close to your neighbour's common boundary, the Borough Council considers that a maximum projection of 3.0m will be allowed."

In compliance with the above, the rear extension element of the proposal would have a rear projection of just 2.8m. To the west, the extension would be partly hidden by the boundary wall, and there would remain a gap of 10m to the next property on the other side of Mansfield Drive. To the east, there would remain a 4.9m gap to the boundary with 6 Colson Drive, with a further 0.6m to the property itself. I am firmly of the view that the proposed rear extension would not harm residential amenity.

- 9.03 The proposed dormer windows, two on the front elevation, and two on the rear elevation, would match the existing house in terms of their placement on the building. They would not give rise to an increase in overlooking.
- 9.04 The roof conversion would include the raising of the ridge and chimney height, and the height of the flank walls of the dwelling, due to the half-hipped design of the proposed roof. However – the ridge height of the dwelling is being raised by only 1.55m. The adjacent dwelling, no.6 Colson Drive, is set back substantially from no.8. Although the increased bulk would be visible when entering and existing the property, I do not consider that this would provide significant additional overshadowing further to that which already occurs, given the siting of the properties. No significant harm would occur to either the dwellings opposite or the dwelling to the rear, which is over 19m from the dwelling the subject of this application.

Visual Amenity

- 9.05 The single storey rear extension would be flat roofed and built in materials to match the existing house. Although a pitched roof would be preferable, I do not consider this to amount to a reason for refusal. The extension would not be prominent in views from public vantage points, and I do not consider that harm to the character and appearance of the dwelling or the wider area would result from this proposal..
- 9.06 The proposed dormer windows are now acceptably designed, featuring pitched roofs, and a vertical emphasis. They comply with the SPG and are in my view acceptable.
- 9.07 The alterations to the roof would result in a bulkier design for the dwelling, and I note that they would include a flat roofed element to the dwelling. However – this would not be readily discernible in views of the dwelling from public vantage points, and the dwelling would, in my view, retain its traditional appearance.
- 9.08 The increase in height would not in my opinion cause significant harm to the character of the area.

Parking

- 9.09 The parking requirement for the dwelling would remain the same – 2 off street spaces are required for 3 and 4+ bedroom dwellings. As such, there would be no harm to highway safety or convenience in this regard.
- 9.10 Concern has also been raised about the potential for large vehicles making deliveries in these narrow roads, and where the likes of materials and skips would be stored. This is not a material consideration here, and would amount to a short term inconvenience rather than an ongoing problem.

10.0 CONCLUSION

- 10.01 The proposal would not in my view give rise to harm to residential or visual amenity, or to highway safety and convenience. I therefore recommend that planning permission is 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.

Reasons: 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reasons: In the interests of visual amenity.

- (3) The development hereby approved shall be carried out in accordance with the amended drawing PEP-396-02.

Reasons: For the avoidance of doubt and in the interests of proper planning.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

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.

This page is intentionally left blank

2.3 REFERENCE NO - 15/506728/FULL		
APPLICATION PROPOSAL Erection of first floor extension over existing garage with insertion of rooflights, erection of two storey rear extension and changes to fenestration.		
ADDRESS 11 Leet Close Eastchurch Kent ME12 4EE		
RECOMMENDATION - Approve		
SUMMARY OF REASONS FOR RECOMMENDATION The application site is within the built up area boundary where the principle of development is accepted and does not in my view give rise to significant harm to visual or residential amenities.		
REASON FOR REFERRAL TO COMMITTEE Recommendation contrary to Parish Council view.		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT Mr Paul Faies AGENT Britch & Associates Ltd.
DECISION DUE DATE 18/12/15	PUBLICITY EXPIRY DATE 23/11/15	

1.0 DESCRIPTION OF SITE

- 1.01 No.11 Leet Close is a large detached property situated on a substantial plot within the built up area boundary. The surrounding properties are also large detached dwellings situated on large plots.
- 1.02 The host property has an attached double garage projecting from the front of the property. The remainder of the frontage is made up of a large area of hardstanding and also a landscaped garden.
- 1.03 The property has private amenity space to the rear which measures approximately 22m in depth and 17m in width. To the rear of the property is undeveloped woodland.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for a first floor extension above the garage, a full width two storey rear extension and an additional first floor window in both flank elevations, each serving an en-suite bathroom.
- 2.02 The first floor extension above the garage would have a pitched roof with a front facing, pitched roof dormer window. It would measure 7.5m in depth matching the projection of the garage and would be 6.3m to the ridgeline and 3.2m to the eaves.
- 2.03 The two storey rear extension would measure 3m in depth with a width of 12m, slightly below the width of existing dwelling. The extension would have an M shaped pitched roof, with twin hipped roofs each with the ridgeline turned 90 degrees from the ridgeline of the main dwelling. The rear extension would measure 5m to the eaves and 7.8m in overall height.

3.0 PLANNING CONSTRAINTS

3.01 Potential Archaeological Importance

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: Saved policies E1, E19 and E24 of the Swale Borough Local Plan 2008
- 4.02 Adopted SPG entitled “Designing an Extension - A Guide for Householders”, was adopted by the Council in 1993 after a period of consultation with the public, local and national consultees, and is specifically referred to in the supporting text for saved Policy E24 of the Local Plan. It therefore remains a material consideration to be afforded substantial weight in the decision making process.
- 4.03 National Planning Policy Framework (NPPF)
- 4.04 The NPPF was released on 27th March 2012 with immediate effect, however, para 214 states “that for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”
- 4.05 The 12 month period noted above has now expired, as such, it is necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF.
- 4.06 This has been carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. Saved policies E1, E19 and E24 are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

5.0 LOCAL REPRESENTATIONS

- 5.01 Surrounding properties were sent a consultation letter and a site notice was displayed. Two responses have been received from the occupiers of the adjacent dwellings, objecting to the application on the following summarised grounds:
- The proposed designed will look out of character with the existing properties in Leet Close and is the same design as the properties being built phase 2 and 3 of Kingborough Manor;
 - The extension and flank windows will lead to a loss of privacy for residents of neighbouring properties;
 - The extension will cause overshadowing and loss of light to neighbouring properties;
 - The design of the property will put the neighbouring properties at a security risk as the proposal site is more identifiable;
 - Lights from the first floor side window will shine into the neighbouring living room;
 - Outbuildings have been erected constituting a loss of garden space and no more than half the area of land around the original dwelling should be built upon;
 - The properties, when sold, were advertised an ‘Executive homes’ and the proposal will significantly alter the appearance of an ‘Executive Close’.
 - The proposal would place an additional strain upon utilities such as water / sewerage.

6.0 CONSULTATIONS

- 6.01 Eastchurch Parish Council Planning Committee objects to this application with the following observations:

“There is concern with the size of the extension and the overshadowing of other properties. Side windows would overlook other properties.

The Estate has been well designed and the proposed, planned development is out of keeping with this phase of the property building on the estate, as had originally been agreed by the Planning Authority.”

- 6.02 The County Archaeological Officer confirms that no archaeological measures are required in connection with the proposal

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Application papers and correspondence relating to planning reference 15/506728/FULL.

8.0 APPRAISAL

The application site is located within the built up area boundary and as such the principle of development is accepted. The main considerations in this case concern the impact upon residential and visual amenities.

Residential Amenity

- 8.01 It is firstly noted that the host and surrounding properties are large detached dwellings with a generous frontage and plentiful private amenity space to the rear. There is a gap of 5m between the flank wall of the host property and No.12 and a gap of 7m to No.10.
- 8.02 The proposed rear extension projects by 3m at two storey level. The result of this would be that the extension would project at two storey level 5m past the existing rear wall of No.12, however, due to the gap of 5m between the properties I do not consider that this would lead to an unacceptably overbearing proposal. Furthermore, I note that the host property is located to the north of No.12 and as such do not believe that this element of the proposal would lead to a loss of sunlight received by this dwelling.
- 8.03 On the opposite side, even taking into consideration the rear extension, the rear wall of No.10 would still project 1m beyond the host property. When this is combined with the gap between the properties I take the view that the rear extension would have an extremely limited impact upon the residential amenities of this adjacent property. I note comments that have been made regarding loss of privacy but am of the opinion that the extension would afford little additional views than the first floor windows that are already in existence on the rear of the property.
- 8.04 The application also proposes a first floor extension above the existing garage with a front facing pitched roof dormer. The existing garage measures 4.2m in height and the extension will increase the height to 6.3m. I note that No.12 has flank windows in the side elevation facing towards the extension. However, as stated above, the host property is to the north of No.12 and combining this with the separation distance

between the properties and that the roof slopes away from No.12 I do not consider that the extension above the garage would cause an unacceptable loss of light. On the opposite side due to the siting of the properties, the first floor extension above the garage would be approximately 17m away from the closest point of No.10. As such I take the view that this element of the proposal would have a negligible impact upon the residential amenities of this property.

- 8.05 The proposal also introduces an additional flank window on each side elevation at first floor level. The proposed floorplan shows that these windows will serve en-suite bathrooms. As such, although concern has been raised regarding these windows resulting in a loss of privacy, they would be expected to be obscure glazed. To ensure this, and to protect the privacy of neighbouring occupiers I have included a condition which requires these windows to be obscure glazed and to be maintain as such in perpetuity. As such I believe the introduction of these flank windows is acceptable.

Visual Amenity

- 8.06 There has been some concern raised regarding the design of the proposal and that it would look out of keeping within this part of the Kingsborough Manor estate. When viewing the property from public vantage points the main alteration that will be seen is the first floor extension above the garage. However, the neighbouring property, No.12 also has a projecting element with a double garage at ground floor level and habitable rooms above this. I also consider that the surrounding properties are all of varying designs and therefore I do not believe that the first floor extension would look at all out of keeping with the surrounding properties.
- 8.07 The rear extension has an M shaped pitched roof which I believe to be an appropriate design for an extension of this type on a property of this size. Furthermore it is entirely contained on the rear of the property and as such I take the view that the impact of this element of the proposal would not cause unacceptable harm to visual amenities.

Other Matters

- 8.08 In relation to the other points raised in the objection letters I respond as follows. In this case I fail to see how an extension to a property could increase the security risk for surrounding properties and as such do not consider that this amounts to a reason for refusal. Furthermore, with regards to lights shining from windows into the neighbouring property, I do not believe that with the separation distances that these properties enjoy that a domestic light would have an unacceptable impact upon neighbouring amenities.
- 8.09 A point has also been raised in regards to other additions in the rear garden of the host property, namely a swimming pool and outbuilding. Both of these can be installed and erected under permitted development rights (the property retains its permitted development rights under Class E). With regards to the area of land around the dwelling, due to the generous frontage and rear private amenity space, and having carried out a site visit I am of the firm view that over half of the area around the property has not been built upon. Notwithstanding this, the proposal has been submitted as a planning application and assessed as such whereas the comments received relate to permitted development thresholds.

8.10 Further comments relate to the host and surrounding properties being sold as Executive homes. I consider this to simply represent the way in which the properties were marketed and therefore would not have a bearing on the way that this planning application is judged. Finally, in regards to the impact on utilities, in the context of the wider estate the extension will add a relatively small amount of additional floorspace and as such in my view will have a limited impact on utilities/services. Therefore, I do not consider that this would substantiate a reason for refusal.

9.0 CONCLUSION

9.01 I am of the view that due to the distances between the host and neighbouring properties the proposal would not have a significant impact upon residential amenities, as set out in the assessment above. Furthermore, I believe that the scheme has been appropriately designed with pitched roofs and therefore would not have an unacceptable impact upon visual amenities and would sit comfortably in the streetscene. 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.

Reasons: 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reasons: In the interests of visual amenity.

(3) Before the development hereby permitted is first used, the two proposed windows in the flank elevations shall be obscure glazed and shall subsequently be maintained as such.

Reasons: To protect the privacy of the occupants of No.10 and No.12 Leet Close.

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.

2.4 & 2.5 REFERENCE NOS - 15/507323/FULL & 15/507328/LBC			
APPLICATION PROPOSAL The replacement of an existing flat-roofed extension of low quality construction to the rear of the property with a pitched roofed extension, the restoration of a historic attic room including the creation of two new dormer windows to the front of the property and listed Building Consent for the same.			
ADDRESS 46 Tanners Street Faversham Kent ME13 7JL			
RECOMMENDATION - Approve			
REASON FOR REFERRAL TO COMMITTEE Staff member application			
WARD St Ann's	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Tim Stonor AGENT	
DECISION DUE DATE 20/11/15	PUBLICITY EXPIRY DATE 30/11/15		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/10/0888	Enlargement of existing extension located to the rear to include a dining area at ground floor & a bedroom on the first floor to include the creation of two dormer windows on the street side elevation	Approved	02/03/2012
SW/10/0889	LBC in respect of above	Approved	02/03/2012

THIS REPORT RELATES TO TWO SEPARATE APPLICATIONS BUT THEY ARE REPORTED TOGETHER AS THE SAME ISSUES ARISE. EACH APPLICATION SHOULD BE DETERMINED ON ITS OWN MERITS.

1.0 DESCRIPTION OF SITE

- 1.01 46 Tanners Street is a Grade II listed seventeenth century, post and beam framed house and is located within the Faversham conservation area. The property has 19th century and 20th century extensions to the south (side) and west (rear). The historic part of the property retains much of its original character on the eastern street façade but has been greatly altered to the rear with the latest addition taking the form of a large extension to the side of the original house in the 1980's. Importantly, it features a large flat roofed box dormer window on the original rear roof slope which this scheme seeks to remove.
- 1.02 In terms of planning history, planning permission and listed building consent were granted in 1987 under planning references SW/87/0033 & 0034 for a two storey extension. In 2007 planning permission and listed building consent were sought for a two storey rear extension. These applications were withdrawn prior to determination (SW/07/1167 & 1168). However, in 2012 SW10/0888 and SW/10/0889 were approved by Members but the scheme was not implemented and the approvals have now lapsed.

2.0 PROPOSAL

- 2.01 Members approval in 2012 was for a very similar scheme which remains essentially for the erection of a two storey rear extension, and the installation of two dormer windows on the front roof slope to provide a bedroom and bathroom within the existing roof space. The proposal also includes the removal of the existing modern flat roofed rear dormer extension, and the insertion of three recessed rooflights on the existing rear and proposed side elevation.
- 2.02 The extension would be located roughly centrally on the rear elevation of the property, and would project rearwards by 2.4 metres from the existing modern extension, and would measure 3.4 metres in width.
- 2.03 In terms of the height, the pitch of the gable roof would be just below the main ridgeline of the house.
- 2.04 The proposed dormer windows would be located on the front roof slope, one on the roof slope of the 19th century extension and on within the original roof slope. The dormer on the extension would measure 1 metre in width by 1.8 metres in height to the top of the pitch. The height of the dormer in historic part of building will be slightly taller at 1.98m. The application is accompanied by a report examining the impact of the proposal on the timber framing to the roof space. The report explains that although the part of the roof and building to be affected by the insertion of the dormer windows dates from the 17th century, a lot of reconstruction work has been undertaken and a large proportion of the original roof framing was replaced in the 20th century.
- 2.05 The scheme submitted today has a number of minor amendments though none affect the footprint, the volume, demolitions, the historic timber solution or the structural element of the proposal.
- 2.06 The changes are in fact very minor in detail but amount to:
- Ground floor at rear of building where a curved wall section has been straightened.
 - Folding doors have been amended to sliding doors.
 - Brick panels replaced with flint to reflect this locally found material.
 - First floor at rear of building where windows to west elevation have been switched to create a better view of the garden from the interior of the house at the first floor.
 - Lancet window to south elevation has been correctly located above doors below.
 - Attic floor at front of building. Height of dormer in historic part of building has been increased by 10% to create a visual difference between the two dormers, reflecting the facts that a) the buildings have been built at different times and b) that the historic part is the larger of the two.
 - Attic floor at side of building. A photovoltaic panel has been proposed into the design of the south-facing roof of the proposed replacement extension. The panels would be installed to a "low profile" design, sitting within the plane of the roof tiles rather than fixed above it.
- 2.07 Previous planning conditions have been addressed in the current application with joinery details, dining room corner window details, kitchen window details, dormer window details, rooflight window details and a materials palette report all submitted to avoid the need for an extensive set of planning conditions.

3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance
Conservation Area Faversham

Environment Agency Flood Zone 2
Environment Agency Flood Zone 3 139574

Listed Buildings MBC and SBC Ref Number: 1243/SW
Description: G II 46 TANNERS STREET, FAVERSHAM, ME13 7JL
Listed Buildings MBC and SBC Ref Number: 1244/SW
Description: G II 48 TANNERS STREET, FAVERSHAM, ME13 7JL

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: Swale Borough Local Plan 2008 saved policies E1, E14, E15, E19 and E24
Supplementary Planning Documents: Listed Buildings, Conservation area and Designing and Extension

5.0 LOCAL REPRESENTATIONS

5.01 No response from local residents

6.0 CONSULTATIONS

6.01 Faversham Town Council offer no objection to the application

7.0 APPRAISAL

7.01 These applications are essentially the resubmission of the previously approved applications due to the previous applications expiring and new applications needed to be submitted.

7.02 There are some minor alterations to the scheme, namely the straightening of a rear curved wall, folding to sliding doors, flint for brick panels, repositioning of windows in the rear elevation and a slightly higher dormer window.

7.03 I consider these all to be minor alterations that do not in any significant way change the content, substance or arguments and assessments made during the previous applications. Therefore as such the assessment of the design of the proposed extension and other alterations to the listed building and to the conservation area, remains the case today.

7.04 The other material considerations include impact on neighbouring amenity and parking and highway safety which also remain the same today.

7.05 The proposed installation of photovoltaic panels does need to be assessed additionally. They are to be sited on the on the south-facing roof of the proposed replacement extension. The panels would be installed to a "low profile" design, sitting within the plane of the roof tiles rather than fixed onto them. This is a welcome approach.

7.06 I do not consider impact on or change or influence any of the previous arguments and discussions associated with these applications due to their position to the rear of the property and being out of sight.

8.0 CONCLUSION

8.01 Given that Members have relatively recently approved a very similar version of this scheme I recommend approval for this new submission via approval of both current applications.

9.0 **RECOMMENDATION** – GRANT Subject to the following conditions:

CONDITIONS

14/507323/FULL Planning application

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.

Reasons: 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 be carried out in accordance with the following drawing nos. 64/PP01, 64/PP002, 64/PP003, 64/PP004A, 64/PP005B, NE_103INST, 064/PPC013 and three KPS Joinery drawings received on 07/09/2015.

Reasons: In the interests of certainty and proper planning

3) All rainwater goods to be used as part of the development hereby permitted shall be of cast iron

Reasons: To ensure the preservation of the special character of the conservation area and the special architectural or historic interest of the listed building,

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.

15/507328/LBC Listed Building Consent

- (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.

Reasons: In pursuance of Section 18 of the Listed Building Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall not be carried out otherwise than in complete accordance with drawing nos 64/PP01, 64/PP002, 64/PP003, 64/PP004A, 64/PP005B, NE_103INST, 064/PPC013 and three KPS Joinery drawings received on 07/09/2015.

Reasons: To ensure the preservation of the special character of the conservation area and the special architectural or historic interest of the listed building.

- (3) All rainwater goods to be used as part of the development hereby permitted shall be of cast iron

Reasons: To ensure the preservation of the special character of the conservation area and the special architectural or historic interest of the listed building,

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.

This page is intentionally left blank

2.6 REFERENCE NO - 14/504681/FULL			
APPLICATION PROPOSAL Change of use of land to gypsy residential site for the stationing of two static caravans, two tourers, one day room			
ADDRESS Ramblin Rose, Greyhound Road, Minster-on-sea, Kent, ME12 3SP.			
RECOMMENDATION Grant further temporary permission for a year from the date of the decision, to enable the applicant to find alternative accommodation.			
SUMMARY OF REASONS FOR RECOMMENDATION The site is not suitable for permanent residential use, but the Council is not yet able to direct the applicant to available alternative sites.			
REASON FOR REFERRAL TO COMMITTEE Parish Council objection.			
WARD Sheppey Central	PARISH/TOWN Minster On Sea	COUNCIL	APPLICANT Mr Danny Penfold AGENT Ms Maria Faraone
DECISION DUE DATE 02/03/15	PUBLICITY EXPIRY DATE 02/03/15	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/07/1198	Stationing of two mobile homes and erection of a utility building	Approved.	25.04.2008
Approved for a temporary period of 3 years in recognition of the Council's policy position at the time, the lack of alternative sites to direct the applicant to, and recognition that the site was not suitable for permanent use.			
SW/11/0522	Remove condition (1) of SW/07/1198 to allow permanent residential use by gypsy family.	Refused.	09.09.2011
Two reasons for refusal relating to the remote location of the site making it unsuitable for permanent residential use, and being harmful to the character and appearance of the countryside.			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 Ramblin Rose is a gypsy site situated on Greyhound Road to the east of Minster and west of Brambledown. It is roughly rectangular, sits on the western side of the road, and measures approximately 32m wide x 63m deep. It is largely covered in shingle and contains 2 static caravans, 2 tourers and a wooden utility building. A timber fence runs along the front boundary.
- 1.02 The site sits between two other gypsy sites: The Peartree to the south and Three Palms to the north, and is visible in views from the Lower Road when approaching from the west.

1.03 Prior to occupation by the current applicant earlier this year the site had been empty for some time following the departure of the previous resident (Ms. Smith), who moved a few pitches along to The Hawthorns following expiration of the temporary period granted by SW/07/1198.

2.0 PROPOSAL

2.01 The application seeks permission for use of the land as a residential gypsy site, including the stationing of 2 static caravans, parking for 2 touring caravans, and the erection of a utility building / dayroom – all as already existing on site.

2.02 The applicant, Mr Penfold, is a local gypsy who has travelled across the country for work. He now lives on the site with his three young children in one of the static caravans, while his eldest daughter lives in the other with her husband.

3.0 SUMMARY INFORMATION

	Existing
Site Area (ha)	0.5acres (0.2ha)
No. of static caravans	2
No. of touring caravans	2

4.0 PLANNING CONSTRAINTS

4.01 The site lies within Environment Agency Flood Zone 2.

5.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS) (Re-issued)

5.01 The national policy position comprises the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS). Both documents were released in 2012 but the PPTS was re-issued in August 2015 with amendments. Together they provide national guidance for Local Planning Authorities on plan making and determining planning applications for Gypsy and Traveller sites. A presumption in favour of sustainable development runs throughout both documents and this presumption is an important part of both the plan-making process and in determining planning applications. In addition there is a requirement in both documents that makes clear that Councils should set pitch targets which address the likely need for pitches over the plan period and maintain a rolling five year supply of sites which are in suitable locations and available immediately.

5.02 Whilst regard has been paid to all of the guidance as set out within the NPPF, consider that the following extracts from paragraph 7 are particularly pertinent:

“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right*

places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

5.03 In relation to rural housing the NPPF (at paragraph 55) states;

- *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*
 - *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
 - *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
 - *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
 - *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.”*

5.04 In relation to conserving and enhancing the natural environment the NPPF, at paragraph 109, states;

“The planning system should contribute to and enhance the natural and local environment by:

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*
- *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

Planning Policy for Traveller Sites (PPTS)

- 5.05 The PPTS was originally published in March 2012 but it was re-issued in August 2015 with minor changes. Whilst regard has been paid to all of the guidance as set out within the PPTS, its main aims now are:

“The Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.” (para 3 PPTS)

- 5.06 To help achieve this, Government’s aims in respect of traveller sites are:

- a. *that local planning authorities should make their own assessment of need for the purposes of planning*
- b. *to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites*
- c. *to encourage local planning authorities to plan for sites over a reasonable timescale*
- d. *that plan-making and decision-taking should protect Green Belt from inappropriate development*
- e. *to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites*
- f. *that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective*
- g. *for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies*
- h. *to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply*
- i. *to reduce tensions between settled and traveller communities in plan-making and planning decisions*
- j. *to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure*
- k. *for local planning authorities to have due regard to the protection of local amenity and local environment.” (para 4 PPTS)*

- 5.07 In terms of plan making the PPTS advice is that;

“Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) *promote peaceful and integrated co-existence between the site and the local community*
- b) *promote, in collaboration with commissioners of health services, access to appropriate health services*
- c) *ensure that children can attend school on a regular basis*
- d) *provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment*
- e) *provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development*
- f) *avoid placing undue pressure on local infrastructure and services*

- g) *do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans*
- h) *reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.” (para 13 PPTS)*

5.08 For sites in rural areas and the countryside the PPTS advice is that;

“When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.” (para 14 PPTS)

5.09 In relation to the determination of planning applications the PPTS says that;

“Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.” (para 23 PPTS)

“Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) *the existing level of local provision and need for sites*
- b) *the availability (or lack) of alternative accommodation for the applicants*
- c) *other personal circumstances of the applicant*
- d) *that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- e) *that they should determine applications for sites from any travellers and not just those with local connections”*

“However, as paragraph 16 [relating to Green Belts] makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.” (para 24 PPTS). (This mini paragraph was added in the 2015 re-issue of PPTS.)

“Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.” (para 25 PPTS). (The word “very” was added to this paragraph in the 2015 re-issue of PPTS.)

“If a local planning authority cannot demonstrate an up-to-date 5year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary permission. The exception to this is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).” (para 27 PPTS). Members might like to note that the last sentence above was added to this paragraph in the 2015 re-issue of PPTS.

- 5.10 Finally, the definition of gypsies and travellers has been amended in the re-issued PPTS to remove the words “or permanently” from after the word “temporarily” in the following definition;

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as as such.”

Saved Policies of Swale Borough Local Plan 2008

- 5.11 Policy E1 (General Development Control Criteria) sets out standards applicable to all development, saying that it should be well sited 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.
- 5.12 This site lies in an isolated position within the countryside where policy E6 (The Countryside) seeks to protect the quality, character and amenity of the countryside, and states that development will not be permitted outside rural settlements in the interests of countryside conservation, unless related to an exceptional need for a rural location.
- 5.13 Within the countryside, and outside of designated landscape areas such as AONBs, policy E9 (Protecting the Quality and Character of the Borough’s Landscape) expects development to be informed by local landscape character and quality, consider guidelines in the Council’s landscape character and assessment, safeguard distinctive landscape elements, remove detracting features and minimise adverse impacts on landscape character.
- 5.14 Policy E19 (Achieving High Quality Design and Distinctiveness) requires development proposals to be well designed.
- 5.15 Policy H4 explains the Borough Council will only grant planning permission for the use of land for the stationing of homes for persons who can clearly demonstrate that they are gypsies or travelling showpersons with a genuine connection with the locality of the proposed site, in accordance with 1 and 2 below.
1. For proposals involving the establishment of public or privately owned residential gypsy or travelling showpersons sites:
 - a) there will be a proven need in the Borough for the site and for the size proposed;
 - b) the site will be located close to local services and facilities;
 - c) there will be no more than four caravans;
 - d) the site will be located close to the primary or secondary road networks
 - e) in the case of a greenfield site there is no suitable site available on previously developed land in the locality;
 - f) the site is not designated for its wildlife, historic or landscape importance;
 - g) the site should be served, or capable of being served, by mains water supply and a satisfactory means of sewage disposal and refuse collection;
 - h) there is no conflict with pedestrian or highway safety;

- i) screening and landscaping will be provided to minimise adverse impacts;
 - j) no industrial, retail, commercial, or storage activities will take place on the site.
 - k) use of the site will not give rise to significant adverse impacts upon residential amenity, or agricultural or commercial use, of surrounding areas; and
 - l) the land will not be in a designated flood risk area.
2. Additionally to 1, for proposals for short term stopping places:
- m) there will be a planning condition to ensure that the length of stay for each caravan will be no longer than 28 days with no return to the site within 3 months.”

5.16 This policy was criticised by the Local Plan Inspector who saw it, as a criteria based rather than site allocations policy, as inconsistent with the then Circular 01/2006 - which itself has since been superseded by PPTS and its emphasis of a five year supply of sites - and the policy can only be of limited significance to this application.

Bearing Fruits 2031: 2014 Examination version of the Swale Borough Local Plan

5.17 The Council's Examination version of the draft Local Plan, entitled *Bearing Fruits 2031*, was published in December 2014 and was examined in November and December 2015. 5.25 below provides further commentary on this.

5.18 Policy CP 3 of the draft Local Plan aims to provide pitches for gypsies and travellers as part of new residential developments, and policy DM10 sets out criteria for assessing windfall gypsy site applications.

Site Assessment

5.19 The Council's February 2014 Gypsy and Traveller Site Allocations: Issues and Options consultations document recommends a new methodology for how to assess site suitability for determining whether or not to allocate a site. Although this was primarily intended to rank potential site allocations, it was agreed by Members of the LDF Panel in June 2014 to be used as a material consideration in planning applications. Even though this is normally done in relation to the potential suitability of a fresh site, given that its publication post-dates the previous grant of temporary permission on this site I have considered it in formulating this recommendation to be sure that the recommendation is up-to-date. This assessment is a Red/Amber/Green staged approach to site suitability, with any site scoring Red in any stage not being progressed to the next stage.

5.20 The red scores mean that the site should not proceed to Stage 3 and will not be a candidate site for a future allocations policy. Ramblin Rose (and, indeed, many of the other sites along Greyhound Road) scores red in a number of categories, including domination of nearest settled community; site access; and access to facilities. It is therefore not considered suitable as a permanent site – this has been the Council's stance in regards to all gypsy and traveller applications along Greyhound Road for a number of years.

Five year supply position

- 5.21 The PPTS has since 2012 introduced a need for Council's to maintain a rolling five year supply of sites which are in suitable locations and available immediately. This is a relatively new requirement for Councils and the Council could only start attempting to meet this requirement following the commissioning and publication of the GTAA which provided the need figure and a base date. As such, the Council has put measures into place to deal with the PPTS requirements very quickly, but has only recently started down the route of trying to maintain a rolling five year supply.
- 5.22 The GTAA sets out a target of 85 pitches to be provided by the year 2031, with a suggested provision of 35 pitches in the first five years (to 2018). Three pitches were approved during the course of the GTAA's production so the final target was in fact 82 pitches. Since the publication of the GTAA and up to the end of March 2015 a total of 47 permanent pitches have been approved in Swale almost exclusively without an appeal, of which 33 pitches had been implemented. Evidence to be presented to the Local Plan examination later this year shows that at the end of March 2015 the need for pitches identified from the GTAA thus stood at 82 pitches minus the 33 permanent pitches approved and implemented, including the personal permissions granted in the interim. This reduced the need to 49 pitches which, at an annualised rate of 4.6 pitches per year (23 pitches over five years) indicated that the Council has already provided a surplus of supply of 0.8 pitches over the full five year requirement. This is calculated by taking the two year annualised requirement of 9.2 pitches from the completions so far to show a current surplus of 23.8 implemented pitches over the two year requirement and already a surplus of 0.8 approved permanent pitches over the five year need after just two years. In addition to this there are a further 13 approved but unimplemented permanent pitches as at the end of March 2015, an overall surplus of 14 pitches. These mostly comprise extensions to, or more intensive use of, existing sites and are awaiting occupation. Since then two more wholly new permanent sites have been approved at Eastchurch and Newington. Planning permission for a further two fresh pitches is awaiting only the completion of a Section 106 Agreement on a large mixed use development site at Faversham. This is a very considerable achievement and indicates the Council's positive attitude to such development in the right location. Furthermore, the likelihood of significant pitch provision as part of major new mixed use developments is a key feature of the emerging Local Plan and we will shortly see if that policy forms part of the final Plan.

The latest position of site provision

- 5.23 Evidence to the current Local Plan examination is that the Council has re-interrogated the GTAA to determine the appropriate level of pitch provision based on the new 2015 PPTS revised definition of gypsies and travellers. The data reveals that for all but unauthorised sites some two-thirds of households surveyed for the GTAA either never travel or travel not more than once a year. Overall, only 31% of respondents travel a few times a year, and 55% never travel, meaning that in Swale the gypsy and traveller population is quite settled, slightly more so than elsewhere in the country. Many current site occupants no longer meet the new PPTS definition of having a nomadic habit of life
- 5.24 Accordingly, the need for pitches in Swale has been re-evaluated, resulting in a reduced estimate of pitch need of 61 pitches over the Plan period to 2031. Of these 51 have already been granted permanent planning permission meaning that the outstanding need is just 10 pitches to 2031. The Council considers that on the basis of past trends this need could easily be met from windfall proposals.

- 5.25 As a result of this analysis, the Council is suggesting through main modifications to its draft Local Plan that the future need be based on a figure of 61 pitches, leaving a need per year of 0.7 pitches and, that no formal pitch allocations will be needed. Policy DM10 would be revised to deal with these windfall applications and policy CP3 would be removed from the Plan. Accordingly, a Part 2 Local Plan would not be required. The Local Plan Inspector endorsed this approach at the Inquiry sitting in November this year. Full, formal, acceptance of this stance relies upon a further round of public consultation, but based on the representations received up to this point it is not envisaged that there will be a significant deviation.
- 5.26 However, irrespective of the question of the five year supply, the question of whether any approved and unoccupied sites are available to individual appellants is also normally taken in to account by Inspectors. Here, the evidence suggest that they may consider that sites approved as expansions of existing site are not readily available to appellants facing loss of their existing temporary site. This appears to confirm their decisions where the question of availability of alternative sites is crucial to their decision.
- 5.27 To conclude on this subject, it seems that there is no reason to see approved but unimplemented pitches as other than as part of a five year supply. Nor should potential ethnic grouping issues rule them out of consideration where this applies. However, there appears to be a question in Inspector's minds regarding whether such sites should be afforded full weight in relation to the prospects of them being suitable for a particular appellant, and whether they will wish to, or be able to, occupy such a site for reasons of ethnicity, or availability for other than families of the current site owners.
- 5.28 The revised PPTS (2015) has resulted in considerable uncertainty as it changes the planning definition of a traveller and gypsy, and therefore what number of required pitches need to be identified. The Council has addressed this by re-interrogating the GTAA data and presenting a number of options for the way forward to the Inspector at the current Bearing Fruits Local Plan Examination. At the time of writing the Inspector has yet to consider or decide which option is appropriate and in the mean time it is considered appropriate to continue to consider applications in the context of the GTAA as originally drafted.

6.0 LOCAL REPRESENTATIONS

- 6.01 Minster-on-Sea Parish Council objects on the following grounds:

- i. The proposal contradicts Swale Borough Council Local Plan Policy E6 (the Countryside) which dictates that the quality and character and amenity value of the countryside of the Borough will be protected and where possible enhanced. The application sites lie within the countryside, outside any recognised built up area, as defined in the Swale Borough Local Plan 2008, where policy RC4 for rural restraint applies. The proposal would amount to visually intrusive development which would fail to protect the countryside for its own sake because of its prominent location within a rural area, lack of site screening and the harsh urban appearance of the mobile homes, buildings and hard landscaping presenting as harmful to the character and appearance of the surrounding countryside and does not guarantee environmental sustainability by protecting the rural landscape from development.*
- ii. The proposal goes against the Governments Planning Policy for Travellers which instructs local planning authorities to strictly limit new traveller site*

development in open countryside that is away from existing settlements or outside areas allocated in the development plan. In line with the Governments Planning Policy for Traveller Sites which is now law, local planning authorities have a duty to ensure that gypsy and traveller sites are sustainable; economically, socially and environmentally. The site is remotely located from shops, services, public transport and amenities. There is no pedestrian access and road access is from the A2500 Lower Road, a de-restricted road which is well known for its safety issues having suffered two fatalities within 100 metres of the access to the unmade track at Greyhound Road. There are no employment opportunities available locally. The site cannot be considered to be sustainable or suitable for gypsy and traveller accommodation or indeed ANY residential accommodation. (Planning Officer's Report). This view is supported by the Planning Inspector who when determining the Woodlands Lodge Appeal in October 2014 decided: In terms of the sites location, it is remote and lacks access to local facilities. It is unsuitable and unsustainable for a caravan site. Added to that is the harm caused by the development to the character and appearance of the surrounding area. That harm cannot be overcome by landscape planning. Accordingly the development conflicts with Local Plan Policies E1 and E6 and advice contained in paragraphs 11 and 23 of the Planning Policy for Traveller Sites, because of harmful environmental impact. The Inspector attached substantial weight to those findings. He also concluded that a permanent permission should not be granted. His decision to grant temporary permission until 25 June 2016 was made only to ...allow sufficient time for the appellant to find an alternative site with planning permission and minimise the disruption of education of his children.

Approval therefore contradicts Swale Borough Councils Local Plan policy E1 (General Development Criteria) which sets out standards applicable to all development, saying that it should be well sited 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.

- iii. *Policy C of the Governments Planning Policy for Traveller Sites makes it clear that when assessing the suitability of sites in rural areas and the countryside that local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. The cumulative effect of the proposal which considered together with the adjacent sites on the existing community at Brambledown, in terms of their overall scale and the effect of this insidious expansion directly contravenes this policy. The neighbouring Woodlands Lodge application was deemed by Swale Borough Councils Planning Committee on two occasions having refused planning applications on the site, as representing the tipping point in this respect. Granting planning permission will set a precedent that will impact negatively not only on the current sites but on the surrounding area. This will be impossible to defend against future incursions. It will also add to the existing social imbalance stemming from the continuous arrival of unauthorised caravans over several years. It would therefore harm the amenities of the area contrary to Policy E1 of the Swale Borough Local Plan 2008 and government policy 12, 21 and 23 of Planning Policy for Traveller Sites.*

(The residents of Brambledown have no problem with accommodating small sites in their midst, demonstrated by their support for a previous application in Elmley Road, nearby. They do however have a problem with what is now an

inexorably-increasing number of caravans on adjacent plots in Greyhound Road which form, in effect, one large site).

- iv. *The Governments Planning Policy for Traveller Sites legislation specifically promotes peaceful and integrated co-existence between the site and the local community. However, the Greyhound Road sites have a long and contentious history of various breaches of planning control, which have caused friction with local residents.*

In concluding, MPC urges SBCs Planning Committee to take these factors into consideration by refusing planning permission before any further harm is incurred."

6.02 No other representations received.

7.0 CONSULTATIONS

7.01 The Environment Agency has no objection.

7.02 The Lower Medway Internal Drainage Board (LMIDB) notes that the site is adjacent to the South Lees Drain and therefore any works within 8m of the watercourse will require the Board's consent. They also recommend that any soakaways should be agreed by the Environment Agency before installation.

8.0 BACKGROUND PAPERS AND PLANS

8.01 Of particular relevance is the appeal for Woodlands Lodge, another gypsy / traveller site also on Greyhound Road, under ENF/13/0036 and APP/V2255/C/13/2208507.

8.02 An enforcement notice was served on 14 October 2013 in respect of the applicant having moved on to the site unlawfully. The breach alleged within the notice was *"without planning permission, the material change of use of the land to land used as a caravan site for the stationing of caravans/ mobile homes used residentially, including the erection of a utility building(s) and the laying of hard-surfacing"* at land now known as Woodland Lodge, Brambledown, Greyhound Road, Minster.

8.03 The appeal was allowed – largely on the personal circumstances of the applicant, but also as the Council could not identify other sites to which the applicant could relocate – and with the Inspector commenting (at paras. 41 and 43 of the decision):

"In terms of the site's location, it is remote and lacks access to local facilities. It is unsuitable and unsustainable for a caravan site. Added to that is the harm caused by the development to the character and appearance of the surrounding area. That harm cannot be overcome by landscape planting. Accordingly, the development conflicts with LP Policies E1 and E6, and advice contained in paragraphs 11 and 23 of the PPTS, because of the harmful environmental impact. I attach substantial weight to these findings.

On balance, however, taking all of these considerations into account, I conclude that the identified harm that arises from the development outweighs my findings on the positive aspects of the development. On this basis, a permanent permission should not be granted at this time."

8.04 Members will also recall applications for The Hawthorns, The Peartree, and Blackthorn Lodge, which were considered at the meeting on 17 December 2015, and

where Members agreed to grant permission for a year from the date of those decisions, to allow current residents time to find alternative accommodation.

9.0 APPRAISAL

- 9.01 The PPTS suggests that local planning authorities should have due regard to the protection of local amenity and local environment and ensure that traveller sites are sustainable economically, socially and environmentally. The PPTS makes it clear that *“Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.”* PPTS goes on to say that *“Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.”* It is worth noting that the word “very” was added to this paragraph in the 2015 re-issue of PPTS which implies to me that whilst there is still no outright ban on approving sites in open countryside, there is a need to give greater weight to the harm that sites such as this one can do to the character of open countryside.
- 9.02 The proliferation of sites on Greyhound Road has caused some harm to the character and appearance of the street scene and the wider countryside. An area of woodland has been removed to make room for the various plots and, as a result, a number of the sites – including Ramblin Rose due to its position on the western side of the road – are prominent in views from the Lower Road and give rise to a harsh urbanised appearance that is contrary to the rural character of the area. I am not convinced that landscaping entirely mitigates this harm.
- 9.03 The number of sites on Greyhound Road has also reached a point at which they dominate the local settled community at Brambledown and the small unmade local roads nearby.
- 9.04 The unsuitability of the location along with the harm caused, as set out above, is a clear indication that permanent planning permission should not be granted. The Inspector’s decision on the Woodlands Lodge appeal (as above) supports this assertion, and provides a clear steer for the Council.
- 9.05 However - I consider that there has been a significant change in relevant considerations since the original grant of temporary permission for this site in 2011, with a very strong growth in the number of permanent permitted pitches within the Borough, and the evolution of the Council’s policy approach to gypsy and traveller sites.
- 9.06 I understand that at the end of the 2014/2015 annual monitoring year 47 permanent gypsy and traveller sites had been permitted. According to the strictest supply calculation, that represents a more than five year supply of sites in just two years, with approval of more windfall sites likely. As such, I see no overriding need for sites that suggests that a site with such clear environmental and sustainability objections should be approved on a permanent basis. Any re-calculation of need following the re-issue of PPTS can only reduce the need figure, but that is an argument that I do not feel needs to be given weight here.

- 9.07 This situation may improve still further with new sites coming forward on new major development sites or through windfall applications. However, there is not yet a set of currently genuinely available sites for this applicant to relocate to, and it is unlikely that there will be in the immediate future. This suggests that more time than initially thought is required to see the future of the applicant resolved and further clarification on gypsy and traveller policy would be established through National Planning Policy Guidance and the adoption of the Local Plan.
- 9.08 This suggests that there is a need to grant further temporary permissions for the existing sites along Greyhound Road, including the current application site, to enable the applicants to find alternative accommodation.
- 9.09 I therefore recommend that temporary permission, for a period of 1 year, be granted, which will give time for the applicants to investigate alternative accommodation and for the Council to continue to review its position in regards to the supply of sites.
- 9.10 I consider that the Council's position is not strong enough in terms of being able to direct the applicant to alternative sites at this time to justify an outright refusal of permission if an appeal were to be submitted. In this regard I would revisit the previous Inspector's decision, as above, in which the Inspector comments "*I find that in the immediate future, the prospects of finding an affordable, acceptable and suitable alternative site with planning permission in the Borough appear limited.*"
- 9.11 Members will be aware that the rights of the child are of paramount importance when considering all applications for planning permission, and in particular those for gypsy/traveller accommodation. In this case, the applicant has three children, aged between 3 and 17 on the site. In my view, it would cause disproportionate harm to their interest, including their education, to refuse this application. Members may be aware that the appeal at Woodlands Lodge was allowed primarily due to the presence on site of the applicants children. I see no reason to differ here. I do not consider that the further grant of temporary planning permission, as opposed to a permanent permission, would cause significant harm. It would allow sufficient time for the applicants to find alternative accommodation.
- 9.12 The further grant of temporary permission amounts to an interference with the rights of the applicant under article 8 of the Human Rights act to respect for their home, family and private life. However – in my view it is a proportionate interference, having regard to the impact of the development on the countryside and the public interest inherent in protecting it.

10.0 CONCLUSION

- 10.01 The application seeks permanent residential use of the site by a gypsy family. The Council has long held the view, which has been supported at appeal, that the site is not suitable for permanent accommodation, and the Council has now effectively met its 5-year supply target, but at this stage we are unable to direct the applicant to available alternative pitches.
- 10.02 Taking the above into account I recommend that a further temporary permission be granted for a period of 1 year to allow time for the applicant to find suitable alternative site.

- 11.0 RECOMMENDATION – GRANT** Subject to the following conditions:

- (1) The use hereby permitted shall be for a limited period being the period of one year from the date of this decision. At the end of this period the use hereby permitted shall cease, all caravans, buildings, structures, materials and equipment brought on to, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the land restored to its condition before the development took place.

Reasons: As permission has only been granted in recognition of the particular circumstances of the case, having regard to the lack of alternative, available sites elsewhere within the Borough, in accordance with DCLG Planning Policy for Traveller Sites.

- (2) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 to the DCLG Planning Policy for Traveller Sites.

Reasons: In recognition of the terms of the application, and because an uncontrolled use of the land would be unacceptably detrimental to the character and amenities of the area.

- (3) No more than one touring caravan shall be stationed on the site at any one time.

Reasons: In recognition of the terms of the application, and because an uncontrolled use of the land would be unacceptably detrimental to the character and amenities of the area.

- (4) The site shall only be used for residential purposes and it shall not be used for any business, industrial or commercial use. In this regard no open storage of plant, products or waste may take place on the land and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

Reasons: In recognition of the terms of the application, and because an uncontrolled use of the land would be unacceptably detrimental to the character and amenities of the area.

- (5) No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority.

Reasons: In the interests of preventing light pollution.

- (6) The access details shown on the approved plans shall be maintained in accordance with these details.

Reasons: In the interests of highway safety and convenience.

- (7) No building or structure shall be erected or stationed within 8 metres of the adopted drainage ditch.

Reasons: To ensure the use does not give rise to concerns over localised flooding.

- (8) The area shown on the layout submitted (as part of application SW/11/1430) as vehicle parking or turning space shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of

land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reasons: To ensure the use does not prejudice conditions of highway safety and in accordance with Policy T3 of the Swale Borough Local Plan 2008.

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.

This page is intentionally left blank

PLANNING COMMITTEE – 14 JANUARY 2016

PART 3

Report of the Head of Planning

PART 3

Applications for which **REFUSAL** is recommended

3.1 & 3.2 REFERENCE NO - 15/506813/FULL and 15/506814/LBC			
APPLICATION PROPOSAL Extension to modern annexe and listed building consent for same			
ADDRESS Nash's Farm House Luddenham Road Luddenham Kent ME13 0TQ			
RECOMMENDATION – REFUSAL OF BOTH APPLICATIONS			
SUMMARY OF REASONS FOR REFUSAL: The proposal does not accord with National or Local Planning Policy			
REASON FOR REFERRAL TO COMMITTEE: Member request			
WARD Teynham & Lynsted	PARISH/TOWN COUNCIL Luddenham	APPLICANT Mr And Mrs P Howard AGENT Lee Evans Planning	
DECISION DUE DATE 26/11/15	PUBLICITY EXPIRY DATE 19/11/15		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/87/960 & 961	PP and LBC for attached annexe	Approved	
SW/13/1278 & 9	Roof conversion	Approved	

THIS REPORT RELATES TO TWO SEPARATE APPLICATIONS BUT THEY ARE REPORTED TOGETHER AS THE SAME ISSUES ARISE. EACH APPLICATION SHOULD BE DETERMINED ON ITS OWN MERITS.

1.0 DESCRIPTION OF SITE

- 1.01 The main property here is a grade II listed building, much altered and extended. It is set within a traditional farmstead setting, albeit that the site is no longer used for farming, and the outbuildings are used for other purposes ancillary to the use of the main house. The property is situated in a very rural area, some distance outside any built-up area boundary.
- 1.02 Attached to the main house at one corner via a shared highly glazed shared hall is an annexe with a full height living room/kitchen, bathroom, study (originally shown in 1987 as "Bedroom 1").. In its roofspace the annexe has a single bedroom now described as "Bedroom 2". This annexe was approved under planning permission SW87/960 & listed building consent SW/87/961 "to provide accommodation for the applicants parents, the first floor bedroom being designed for a care assistant. The annexe was built on the footprint of a former storage building and pursuant to its

intended function has a shared hallway which links the annexe to the main house and it is of just the sort of scale and simple form that the Council has traditionally approved for an elderly relative to share the house with their adult children with scope for appropriate care, partial independence and privacy; but without creating a separate dwellinghouse. As approved the annexe had no kitchen, just a linear sink and worktop for simple refreshments, and the planning permission contains a condition restricting use of the annexe to prevent it being used as a separate dwellinghouse or being sold off from the main house as is usual in such cases

- 1.03 In 2013, planning permission and listed building consent were granted for various works on the site, including converting the roofspace above the living room/kitchenette of the annex to an en-suite bedroom including insertion of conservation rooflights (but no external of the annexe) to meet urgent medical needs of a family member. This was approved, but this part of the proposal does not appear to have been implemented as explained below.

2.0 PROPOSAL

- 2.01 The proposal is to add a one and a half storey extension to the annexe, essentially extending it at its full height by 4.3m externally. The proposal would create a separate kitchen/dining room (5.4m x 4m) leaving the original living room/kitchenette as simply a living room (5.9m x 4.2m), with a new double bedroom and en-suite upstairs, served by conservation style rooflights. The number of dormer windows on the annexe would double from two to four, whilst the number of rooflights would increase from none to four. Save for the above-mentioned rooflights, the materials and design proposed match those of the existing annexe. As a result of the proposals the annexe would measure (externally at ground floor level) 16.5m long x 6.6m at its widest point, compared the main (historically extended) house which measures 22m long x 9.5m at its widest point.
- 2.02 The proposal is accompanied by a detailed Planning, Design and Access Statement, which explains that the annexe was originally built to house the applicants' elderly parents. Nearly thirty years later, the annexe now houses the applicants' daughter, son-in law and two children. The statement notes that they only use the main house for family events. The statement goes into great detail to explain that the annexe is now used as, and has since 1988 (since its construction) been used as, a separate self-contained dwelling with separate utility bills and telephone line, and hardly any contact between the occupants of the annexe and main house despite them being close relatives. The statement suggest that the annexe should now be considered to be lawfully "effectively" a separate dwelling rather than as an annexe, but no appropriate Lawful Development Certificate application has ever been submitted or considered to establish this contention, nor have the affidavits referred to been submitted with the application. The statement quotes Officer pre-application advice expressing concern about the potential for self-contained accommodation here as evidence that the annexe is already a separate dwelling.
- 2.03 The statement also explains that the urgent medical need behind the 2013 applications for internal alterations to the annexe have been overcome by a recent kidney transplant and that the extension plans now are to meet needs for more comfortable family living for the owners' daughter, and her husband and child who have occupied the annexe for the past nine years, but who are finding the current amount of space an unacceptable compromise.

2.04 The applicants suggest that they do not wish to establish a separate dwelling as it would devalue the main house, and that they would be willing to enter into a legal agreement not to sell the annexe separately from the main house to “ensure that family members remain on site to care for the older generation” as many major houses have an annexe to “facilitate the succession of the younger generation to the main property whilst allowing the older generation to remain on site and the possibility that they themselves may at some point in the future live in the annexe if it is enlarged”.

2.05 A separate Heritage Statement accompanied the application and explains the limited impact of the proposed works on the historic interest of the main house.

3.0 PLANNING CONSTRAINTS

Listed Buildings SBC Ref Number: 417/SW
Description: G II NASHS FARM HOUSE, LUDDENHAM ROAD, LUDDENHAM, FAVERSHAM.

Outside built-up area boundary.

4.0 POLICY AND OTHER CONSIDERATIONS

4.01 The National Planning Policy Framework (NPPF): Paragraphs 17 & 55
Swale Borough Local Plan 2008: Saved policies E1, E6, E14, E19, E24 & RC4

4.02 Saved policy E6 of the Swale Borough Local Plan 2008 states that:

“The quality, character and amenity value of the wider countryside of the Borough, which is all the land falling outside the built-up area boundaries as defined on the Proposals Map Insets, will be protected and where possible enhanced. Development proposals will only be permitted when:

1. *it is demonstrated to be necessary for agriculture, sustainable forestry or the winning of minerals; or*
2. *it is the re-use or adaptation of an existing rural building, in accordance with Policy RC1 & Policy RC6; or*
3. *it provides a service that enables existing rural communities to meet their essential needs locally, in accordance with Policy RC2; or*
4. *it relates to the acceptable rebuilding, or modest extension, of a dwelling currently in residential use in accordance with Policy RC4; or*
5. *it relates to a site for affordable housing in accordance with Policy RC3; or*
6. *it relates to a site for gypsies or travelling showpersons in accordance with Policy H4; or*
7. *it relates to a change of use to garden land in accordance with Policy RC10; or*
8. *it provides for necessary community infrastructure; or*
9. *it is a site allocated in the Local Plan.”*

None of these scenarios apply to this case.

4.03 Also of relevance is the advice as set out nationally within the National Planning Policy Framework (NPPF). The NPPF at para 55 states that:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example,

where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.*

- 4.04 It is therefore key to consider whether the scheme meets the principles of sustainable development as described within the NPPF. This states at para 7:

“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- ***an economic role*** – *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- ***a social role*** – *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
- ***an environmental role*** – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

- 4.05 The adoption of the NPPF has changed the policy situation to a certain extent, but not to the degree that individual residential dwellings within the countryside are now considered acceptable in principle. The NPPF seeks to emphasise sustainable development; seeks to protect the countryside for its own sake; and to prevent isolated new dwellings in the countryside. This location cannot be described as other than isolated.

- 4.06 Paragraph 55 of the NPPF sets out criteria relating to the creation of new dwellings in the countryside, of which this proposal meets none. It specifically advises against the creation of isolated new homes in the countryside unless (amongst other things) it would represent the optimal use of a heritage asset, or it would relate to the re-use a redundant or disused building leading to an enhancement to the immediate setting. I do not consider that these matters apply here. The NPPF also emphasises that decisions should be made in accordance with the development plan unless material

considerations indicate otherwise. Relevant policies of the development plan should therefore be given some weight in the process.

5.0 LOCAL REPRESENTATIONS

5.01 No local representations have been received.

6.0 CONSULTATIONS

6.01 No response has been received from Luddenham Parish Council.

6.02 The proposal has been referred to the Committee at the request of Cllr Bowles.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application papers and correspondence relating to planning references SW/87/960 & 961 and SW/13/1278 & 1279.

8.0 APPRAISAL

8.01 The main issue to consider in this case is that of the principle of such development given the rural location of the property where new self-contained accommodation is normally only approved if it is shown to demand a rural location. The impact on the special interest of the listed building is also important and the Council has a duty to have regard to this.

8.02 At present, due to the fact that the annexe only boasts a "living room/kitchenette" as the main living area, the annexe is to a certain extent still ancillary to the main house, without a full kitchen or dining room, or space for entertaining. The accommodation is highly appropriate as a semi-self-contained space where a relative can achieve some privacy but with family care or assistance nearby. Other future owners of the property could simply use the space as additional accommodation to the main house as originally intended. However, the current proposal, which would create a substantial new separate kitchen and dining room, along with what could quite comfortably be seen as three bedrooms will make it far more likely that the current annexe would be occupied in a manner totally independent of the main house; in effect a completely separate dwelling. The scale of the annexe will mean that its footprint (based on external ground floor measurements) will be over half of that of the main house and that it will be all that a fully self-contained dwelling would expect to be. I find it hard to see how a new owner could use this space as other than a separate dwelling

8.03 The site is some distance outside an urban area and therefore falls to be considered under rural restraint policies, and it needs to be considered whether or not this is a sustainable location for such development. In my view, the site lies in a fairly unsustainable location away from services without use of a car, which therefore renders it undesirable for residential use under the guidance of local and national policy. The creation of a self-contained dwelling is therefore undesirable and contrary to policies SP1, SP4, E1, E6 and H2 of the Swale Borough Local Plan 2008, and to paragraph 55 of the National Planning Policy Framework.

8.04 In terms of the listed building issues here, I note that the works only affect the modern annexe and has limited impact on the special interest of the listed building. However, with the accompanying application for planning permission being recommended for refusal, the works envisaged to extend the building would be unnecessary and therefore unjustifiably harmful to this building. These works would

only be approved if the proposal were to be approved if the extension should lead to the preservation of the building. I therefore consider that the listed building consent application is unjustified and unacceptable.

- 8.05 Given the very clear policy position, aimed at protecting the countryside and limiting new house creation to existing built-up areas, the proposals would represent harm to the countryside, in an unsustainable location, and should therefore be refused.

9.0 CONCLUSION

- 9.01 In view of the above, whilst I have can understand the applicant's situation I believe that it is within their own power to organise themselves to meet their needs according to the generous accommodation available throughout the property, but that as the proposal to extend the annexed from an appropriate scale to something that can only really be seen as a three bedroom house on a rural location so clearly does not accord with either national or local policy, I must recommend that the applications be refused.

10.0 Planning Permission – 15/506813/FULL

- 10.01 RECOMMENDATION** – REFUSE for the following reasons for refusal:

The proposed development would extend the current annexe accommodation to such an extent that it would result in the creation of a self-contained dwellinghouse, in an unsustainable position outside of any built up area boundaries and within the countryside. As such, the proposal does not represent sustainable development and is not in accordance with saved policy E6 of the Swale Borough Local Plan 2008, and paragraphs 7 and 55 of the National Planning Policy Framework (NPPF)..

Council's Approach to the application

The Council recognises the advice in paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) and seeks to work with applicants in a positive and proactive manner by offering a pre-application advice service; and seeking to find solutions to any obstacles to approval of applications having due regard to the responses to consultation, where it can reasonably be expected that amendments to an application will result in an approval without resulting in a significant change to the nature of the application and the application can then be amended and determined in accordance with statutory timescales.

In this case the application was determined by the Council's Planning Committee where the applicants were able to address the Committee and explain their proposals to the Committee..

Listed Building Consent – 15/506814

- 10.02 RECOMMENDATION** – Refuse subject to the following reasons for refusal:

As the principle of the creation of a self-contained dwellinghouse here is unacceptable in policy terms, the works as envisaged to this building within the historic curtilage of the listed building would be unnecessary and therefore the harm arising therefrom is unjustified. The proposal is therefore not in accordance with saved policy E14 of the Swale Borough Local Plan 2008

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.

This page is intentionally left blank

PLANNING COMMITTEE – 14 JANUARY 2016

PART 5

Report of the Head of Planning

PART 5

Decisions by County Council and Secretary of State, reported for information

- **Item 5.1 – Hope Cottage, Oad Street, Borden**

APPEAL DISMISSED

Observations

DELEGATED REFUSAL:

The Inspector has found in favour of a new house in the countryside based on the Council's housing land supply position, but he has dismissed the appeal purely on highway safety grounds.

- **Item 5.2 – 61 Horsham Lane, Upchurch**

APPEAL PART ALLOWED, PART DISMISSED

Observations

DELEGATED REFUSAL:

A welcome decision. Whilst the appeal was allowed in part, the Inspector has given unqualified support for the reason for refusing planning permission, namely the excessive scale of the proposed extension.

This page is intentionally left blank



Appeal Decision

Site visit made on 23 November 2015

by **David Reed BSc DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: **11 December 2015**

Appeal Ref: APP/V2255/W/15/3129434

Hope Cottage, Oad Street, Borden, Kent, ME9 8LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Wilson against the decision of Swale Borough Council.
 - The application Ref 15/501167/FULL, dated 7 February 2015, was refused by notice dated 23 April 2015.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would result in a sustainable pattern of development and highway safety in relation to the access arrangements.

Reasons

Sustainable development

3. The appeal site lies on the southern side of Oad Street, a small hamlet consisting of a scatter of residential development on either side of a single road. The properties in the hamlet vary in style, but are generally set in spacious grounds. The appeal site, which lies between Hope Cottage and The Hollies, is not open farmland but currently occupied by a variety of structures including a garage, chicken run, caravan, poly tunnel and vegetable plots.
4. Oad Street does not have a defined built up area boundary in the Swale Borough Local Plan 2008 unlike the nearby larger villages of Borden and Bredgar. Consequently, policy E6 of the Local Plan applies, which restricts new housing development to certain limited circumstances which do not apply in this case. However, there is no dispute that the council cannot demonstrate a five year supply of deliverable housing sites and consequently the policies for the supply of housing in the local plan cannot be considered up to date. The proposal would make a contribution to housing supply, albeit modest.
5. The site is well screened by hedgerows on each boundary and is currently used for garden/horticultural purposes. There are existing two-storey houses on either side of the site and a number of others in the vicinity. The site does not therefore comprise open countryside and a dwelling here would not be a new isolated home. It would reflect the existing pattern of development in the area, generally individual houses set in large plots located along the single road.

www.planningportal.gov.uk/planninginspectorate

Appeal Decision APP/V2255/W/15/3129434

6. Oad Street has some facilities including the Oad Street Centre and Plough & Harrow public house. Bus services are available within reasonable walking distance. Even though only a single dwelling, the appeal proposal would make a contribution towards the economic and social vitality of the hamlet and may support services in nearby villages.
7. For these reasons the proposal would result in a sustainable pattern of development in compliance with paragraph 55 of the National Planning Policy Framework which seeks to promote sustainable development in rural areas. Although the proposal would not comply with the settlement hierarchy and housing policies SH1, E6, RC3 and H2 in the Swale Borough Local Plan 2008 there are material considerations which indicate that it would be acceptable.

Highway safety

8. Access to the site is via a private driveway shared with The Hollies, the property immediately to the east. The driveway serves a parking area and double garage for The Hollies and also allows vehicles to enter the appeal site in connection with its current use. However, the existing access into the appeal site is at an acute angle to the road requiring a very sharp turning movement for traffic entering and leaving the site from the west.
9. The highway authority object to the proposal on the grounds of inadequate visibility at the access although this is not reflected in a reason for refusal. On leaving the site, visibility to the left is severely restricted by a hedge about 2-3m high which directly abuts the highway. Although this hedge is within the control of the appellant no detailed plans have been submitted to indicate that adequate sightlines could be achieved to improve highway safety. By contrast, visibility to the right is better but not within the control of the appellant.
10. Plans have been submitted which appear to indicate the shared right of access into the appeal site is limited to a small area in the north western corner of the adjacent property, The Hollies, but this is a private matter between the parties.
11. The existing shared access serves The Hollies which is a substantial residential property. The existing use of the appeal site also generates some vehicular movements but it would be likely that a five bedroom house as proposed would generate significantly more movements, including at night. Overall use of the shared access would therefore be significantly increased.
12. For these reasons it has not been established that the access arrangements would be satisfactory in relation to highway safety or that improvements could be carried out on land within the appellant's control to make the access safe for more intensive use. The proposal could therefore potentially cause a danger in relation to highway safety contrary to paragraph 32 of the National Planning Policy Framework which requires safe and suitable access to development sites.

Conclusion

13. I have had regard to the local connections of the appellant, the commitment to sustainable construction and the impact on the living conditions of neighbouring occupiers but none of these matters affect my conclusions on the main issues.

Appeal Decision APP/V2255/W/15/3129434

14. Although the proposal would result in a sustainable pattern of development, I conclude that the outstanding concerns in respect of highway safety mean that the appeal should be dismissed.

David Reed

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 16 December 2015

by **H Lock BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 December 2015

Appeal Ref: APP/V2255/D/15/3133082

61 Horsham Lane, Upchurch, SITTINGBOURNE, Kent, ME9 7AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Simon Underwood against the decision of Swale Borough Council.
- The application Ref. 15/504259/FULL was refused by notice dated 21 July 2015.
- The development proposed is the demolition of existing storage buildings and erection of new storage space to side of existing dwelling.

Procedural Matter

1. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises 'Addition of dormer windows to existing dwelling and erection of a single storey extension to provide a garage / store. Demolition of existing outbuildings', as stated in Part E of the appeal form and on the Council's decision notice. The Council dealt with the proposal on this basis and so shall I.

Decision

2. The appeal is dismissed insofar as it relates to the erection of a single storey extension to provide a garage/store. The appeal is allowed subject to the revised description and planning permission is granted insofar as it relates to the addition of dormer windows to existing dwelling and demolition of existing outbuildings at 61 Horsham Lane, Upchurch, SITTINGBOURNE, Kent, ME9 7AP, in accordance with the terms of the application, Ref. 15/504259/FULL and the plans submitted with it so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans so far as relevant to that part of the development hereby permitted: 1504-01; 1504-02; 1504-03; 1504-04; 1504-05; 1504-10; 1504-12; 1504-13; 1504-14; 1504-15; 1504-16; 1504-17; and 1504-18.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

www.planningportal.gov.uk/planninginspectorate

Appeal Decision APP/V2255/D/15/3133082

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the dwelling and the countryside within which it is set.

Reasons

4. The appeal property is in rural location outside of the main village, and in an area of sporadic development. The existing dwelling is set back from the road in an elevated position, and views of the property are restricted by roadside planting. A number of outbuildings in varying states of repair are dotted around the driveway, some of which are to be demolished. There is a significant difference in the ground level of the house and the outbuildings, which sit on lower ground. The parties confirm that the original dwelling has been extended.
5. For the purposes of planning policy set out in the Swale Borough Local Plan 2008 (LP), the dwelling is within the countryside, where LP Policy E6 limits development to that such as the modest extension of a dwelling in accordance with Policy RC4. LP Policy RC4 does not define 'modest', but confirms that an assessment will include previous additions undertaken, and that the proposal must be of an appropriate scale, mass, and appearance to the location.
6. The Council's policies are supported by supplementary planning guidance in its published document, 'Designing an Extension – A Guide for Householders'. Although it is a guidance document only, it assists in the interpretation of the Council's adopted policies. In particular, paragraph 3.3 advises that in the countryside an increase of more than 60% of a property's original floor space will normally be resisted. The guidance does not distinguish between habitable and non-habitable floor space, noting that policies for rural areas are designed to maintain their attractive character.
7. The Council's officer report indicates that the dwelling has cumulatively been extended in excess of the 60% guideline. I note the appellant's view that the Council's assessment of the proposal has been too subjective, but as a matter of fact and degree, the proposed extension would significantly increase the width of the building. I consider that the cumulative increase above the original dwelling would be excessive and disproportionate, and that the proposal would have a material impact on the character and appearance of the dwelling in this rural area.
8. I acknowledge that there is extensive planting to the roadside boundary, but due to the proposed height and the bulk of the roof form, and the local topography, the proposal would be glimpsed from outside of the site. The perception would be of a material increase in the scale and mass of the building, and the proposal would be out of keeping with the proportions of the original dwelling. The proposed use of the extension for vehicle parking and storage as opposed to habitable floor space would not alter its physical impact on the dwelling or the countryside setting.
9. I note the appellant's view that a detached outbuilding of larger footprint could be constructed as Permitted Development¹ (PD), but that its design would be

¹ By virtue of the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015

Appeal Decision APP/V2255/D/15/3133082

less attractive. Whether or not such a building would be PD is for determination by other procedures, and no Certificate of Lawfulness has been issued for such a development. However, I am not convinced that the increased width of the indicated PD building would be more harmful than the wide addition proposed in this appeal. However, as indicated, a PD building would be significantly lower in height and with a less dominant roof form than the appeal extension.

10. The proposal includes the demolition of existing buildings at the site. Although they are larger in floor area than proposed, they are all of much more modest scale. Combining similar floor space into a single structure over two levels would appear much bulkier. Their replacement to provide flood-resistant storage could be provided in a far less intrusive manner.
11. The council's decision notice includes reference to dormer windows to the main house. The principle of a 2½-storey dwelling is already found in the vicinity, with dormer windows to the property opposite the site. Part of the roof space of the appeal dwelling is already served by front and rear roof lights. Although I acknowledge that the proposed additions would further extend the building in conflict with LP Policy RC4, I do not find that these additions would create additional bulk that would be harmful to the character or appearance of the dwelling or the wider countryside. They would accord with the principles of a 'modest' addition.
12. I therefore conclude that the proposed side extension would be harmful to the character and appearance of the appeal property and the wider countryside, contrary to the aims of LP Policies E6 and RC4; with LP Policy E1, which requires all development proposals to protect and enhance the natural and built environments, to be well sited and of a scale, design and appearance that is appropriate to the location; and with the design aims of LP Policy E19, which requires development that is appropriate to its context in respect of scale, height and massing, in relation to its surroundings, and its individual details.
13. However, I find no such harm in respect of the proposed front and rear dormer windows to the roof space of the existing dwelling, or the demolition of the existing outbuildings. As they are clearly severable from the side extension, and both physically and functionally independent, I propose to issue a split decision.

Conditions

14. In addition to the standard time limit I consider it appropriate to control materials, to match the existing dwelling, in order to safeguard the character and appearance of the development and the area. For the avoidance of doubt and in the interests of proper planning I also impose a condition specifying the approved plans.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

Hilary Lock

INSPECTOR

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 4, 5, 6, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 4, 5, 6, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 4, 5, 6, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank