

AGENDA

PLANNING COMMITTEE MEETING

Date: Thursday, 17 August 2017

Time: 7.00 pm

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

Membership:

Councillors Mike Baldock, Cameron Beart, Bobbin, Andy Booth (Vice-Chairman), Roger Clark, Richard Darby, Mike Dendor, James Hall, Nicholas Hampshire, Mike Henderson, James Hunt, Ken Ingleton, Nigel Kay, Peter Marchington, Bryan Mulhern (Chairman), Prescott and Ghlin Whelan.

Quorum = 6

	Pages
1. Fire Evacuation Procedure	
<p>The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.</p> <p>The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.</p> <p>The Chairman will inform the meeting that:</p> <p>(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building until the Chairman has informed them that it is safe to do so; and</p> <p>(b) the lifts must not be used in the event of an evacuation.</p> <p>Any officers present at the meeting will aid with the evacuation.</p> <p>It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.</p>	

2. Apologies for Absence and Confirmation of Substitutes

3. Minutes

To approve the Minutes of the Meeting held on 20 July 2017 (Minute Nos. 111 - 117) as a correct record.

4. 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.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

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 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

5. Planning Working Group

To approve the Minutes of the Meeting held on 7 August 2017 (Minute Nos. to follow).

SW/17/502213/FULL – Mill Farm House, Otterham Quay Lane, Upchurch, Nr Sittingbourne, Kent, ME8 7XA.

6. Deferred Item

To consider the following application:

16/506986/FULL 116 Oak Lane, Upchurch

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

Requests to speak on these items must be registered with Democratic Services (democraticservices@swale.gov.uk or call us on 01795 417328) by noon on Wednesday 16 August 2017.

7. Report of the Head of Planning Services

18 - 72

To consider the attached report (Parts 2 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 16 August 2017.

8. 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.

9. Report of the Head of Planning Services

73 - 78

To consider the attached report (Part 6).

Issued on Tuesday, 8 August 2017

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

Chief Executive Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

PLANNING COMMITTEE – 17 AUGUST 2017

DEFERRED ITEM

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

REFERENCE NO - 16/506986/FULL			
APPLICATION PROPOSAL Demolition of no. 116 Oak Lane and construction of 2 no. three bedroom houses and 1 no. four bedroom with associated garages and parking.			
ADDRESS 116 Oak Lane Upchurch Kent ME9 7AY			
RECOMMENDATION Grant subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The application site lies within the built up area boundary where the principle of residential development is acceptable and does not give rise to unacceptable harm to residential, visual or highway amenities.			
REASON FOR REFERRAL TO COMMITTEE Deferred following Planning Committee Meeting of 30 th March 2017 (Originally reported to Committee as recommendation was contrary to Parish Council view)			
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Gransden Construction AGENT Kent Design Partnership	
DECISION DUE DATE 17/11/16	PUBLICITY EXPIRY DATE 09/02/17		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/504900/FULL	Demolition of no. 116 Oak Lane, construction of 3 four bedroom houses - one detached and a pair of semi-detached with integral garages.	Withdrawn	16.08.2016

MAIN REPORT

1.0 INTRODUCTION

1.01 Members will recall that this application was reported to Planning Committee on 2nd March 2017. This report is appended and includes full details of the application site, the proposal, planning constraints, local representations, consultations, policies, background papers and plans, appraisal and conclusion. At that meeting, Members resolved the following:

“That application 16/506986/FULL be deferred to allow the Planning Working Group to meet on site.”

- 1.02 The Planning Working Group met on 20th March 2017 and the application was reported back to the Planning Committee meeting held on 30th March 2017 where Members resolved the following:

“That application 16/506986/FULL be deferred to allow discussions with the applicant on further options for the scheme.”

- 1.03 My officer has liaised with the applicant and agent who have now submitted an additional drawing (16.30.110) which shows a change to the highway layout in Oak Lane. This amendment is in response to concerns raised by a Ward Member, the Parish Council, local residents and by members of the Planning Committee.
- 1.04 There has also been an amendment to the position of the access itself onto Oak Lane in order to accommodate the highway works insofar that it has moved 2.4m to the south and it has also been narrowed from 6m to 4m. In addition the footpath running around part of the perimeter of the site has been reduced from 1.8m to 1.5m. The site has been cut into to incorporate the carriageway widening however the layout of the dwellings themselves remains as previously submitted.

2.0 CONSULTATIONS

- 2.01 On the basis of the above I have consulted with KCC Highways and Transportation who have made the following comments:

“The proposed layout now incorporates carriageway widening across the site frontage, and includes a kerb build-out immediately north of the proposed access onto Oak Lane. The build-out will accentuate the presence of the existing narrowing of the carriageway outside number 114 Oak Lane, so that vehicles are not gradually funnelled into the narrowing without giving way to oncoming traffic. The carriageway widening across the site frontage will enable two vehicles to pass one another, meaning that vehicles waiting south of the build-out, giving way to oncoming traffic, will not block the passage of these oncoming vehicles or force them to mount the footway. However, given the significant length of dropped kerbs on the eastern side of Oak Lane that provide the vehicle crossings for the existing houses on that side of the road, I consider that strategically placed bollards will also be required to prevent any temptation for vehicles to still squeeze past the narrowing by mounting the footway.

Given the width of the existing footway, and the presence of other street furniture within it, how these additional bollards can be placed without obstructing pedestrians or vehicle accesses will have to be carefully considered. It may be necessary to provide a further build-out on the eastern side to create the space needed for bollards.

It is assumed that both the proposed road widening and build-out works will be constructed by the developer, and this will need to be carried out through a Section 278 Agreement. The technical approval process for entering into a S278 Agreement will require a Stage 1 Road Safety Audit to be provided, and I am satisfied that this can be done outside of the planning process so as not to delay the determination of this application any further. I am of the view that the latest drawings submitted showing these highway improvements demonstrate that it will be possible to introduce a scheme in this location that can provide enhancements to the existing highway situation.

Should the intention of the developer be to provide a financial contribution instead for the Highway Authority to undertake the improvements here, I should advise you that no scheme has been fully cost estimated by Kent County Council, and we cannot therefore guarantee that we could deliver the project if the value of the contribution is insufficient. If other funding streams cannot be found, the highway works would not take place. It is for that reason Kent County Council normally seeks that highway works are carried out by developers themselves under a S278 Agreement, to remove any financial risk from the County Council.”

2.02 I have also received updated comments from Upchurch Parish Council as follows:

“The Parish Council has considered the proposed traffic calming in 116 Oak Lane and approve the scheme for a build out with bollards as proposed by the developer. The proposed built out traffic calming with bollards will help resolve the traffic problems on this part of the road.”

3.0 DISCUSSION

- 3.01 The issue of highway safety has been of concern to local residents, the Parish Council and a Ward Member throughout the course of this application, and by Members when this item was last reported to the Planning Committee. Although I was of the view, based upon the previous comments of KCC Highways and Transportation that the proposal was acceptable in its original form and would not give rise to unacceptable harm to highway safety, it is clear that from the Committee Resolution as set out above that amendments were to be sought.
- 3.02 In response to this a further drawing has been submitted which shows amendments to the highway layout in Oak Lane in order to attempt to address the concerns referred to above. On this basis I have re-consulted with KCC Highways and Transportations who have responded as quoted in the Consultations section. As such, I am of the view that the applicant has offered a solution which would provide an improvement to the road layout in this part of Oak Lane which the Parish Council are now in support of. I also note that the footpath which runs along the perimeter of the site where it abuts Wallbridge Lane and Oak Lane has been slightly reduced in width from 1.8m to 1.5m in width. However, as the footpath only runs for a limited length I do not consider that this would give rise to serious harm to pedestrian safety, especially considering the current situation where there is no footpath at all.
- 3.03 There has also been a slight change to the position of the access itself onto Oak Lane in order to accommodate the highway works insofar that it has moved 2.4m to the south, it has also been narrowed from 6m to 4m. However, as there is no objection raised from KCC Highways and Transportation and that the amendment has allowed for the highway works I take the view that this alteration would not cause serious concern.
- 3.04 Therefore, on the basis of the comments of KCC Highways and Transportation I consider that the proposal is acceptable. There are two ways in which the highway works could be carried out, either through a Section 278 Agreement or via a financial contribution. Although KCC Highways and Transportation favour a Section 278 Agreement this remains a matter to be clarified. However, regardless of the route via which the highway works are brought forward, in order to ensure that they are carried out prior to the commencement of the development I have recommended an additional condition (14) to this effect. As such I take the view that this will enable there to be control over the deliverability of the highway works before there would be the possibility of the newly proposed access onto Oak Lane being used.

4.0 CONCLUSION

4.01 In overall terms I take the view that the proposal would provide for 3 dwellings in the built up area without giving rise to harm to residential, visual or highway amenities. I believe that the applicant has taken a proactive approach in this instance in order to provide highway amendments after concern was raised in this regard. I consider that on the basis of the above the proposal is acceptable and I recommend that planning permission is granted.

5.0 RECOMMENDATION – GRANT Subject to the following conditions:

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

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

2) The development hereby permitted shall take place in accordance with the following drawings: 16.30.105 (received 21st September 2016); 16.30.106A (received 11th January 2017); and 16.30.110 (received 27th July 2017) unless otherwise agreed in writing by the Local Planning Authority.

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

3) No development shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

Reason: In the interest of promoting energy efficiency and sustainable development and to ensure details are agreed prior to commencement of development.

4) Prior to the commencement of development, details of the external finishing materials to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure details are agreed prior to commencement of development.

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

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

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

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

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

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

- 8) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:-

Monday to Friday 0730 – 1800 hours, Saturdays 0830 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 9) The commencement of the development shall not take place until a programme for the suppression of dust during the demolition of existing buildings and construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity.

- 10) The area shown on the submitted layout as vehicle parking and turning space shall be provided, surfaced and drained before the use is commenced or the premises occupied, and 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) (England) Order 2015 (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.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 11) The garages hereby approved shall be kept available for the parking of vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land or in such a position as to preclude vehicular access thereto.

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

- 12) The access details as shown on drawing 16.30.110 (received 27th July 2017) shall be completed prior to the first occupation of the dwellings hereby approved.

Reason: In the interest of highway safety and convenience.

- 13) The footpath as shown on drawing 16.30.110 (received 27th July 2017) shall be completed prior to the first occupation of the dwellings hereby approved.

Reason: In the interest of highway safety and convenience.

- 14) No development shall take place until the off site highway works to Oak Lane have been completed, or in accordance with a timetable submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and 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 applicant/agent was advised of minor changes required to the application and these were agreed.

- 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

2.4 REFERENCE NO - 16/506986/FULL			
APPLICATION PROPOSAL Demolition of no. 116 Oak Lane and construction of 2 no. three bedroom houses and 1 no. four bedroom with associated garages and parking.			
ADDRESS 116 Oak Lane Upchurch Kent ME9 7AY			
RECOMMENDATION Grant subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The application site lies within the built up area boundary where the principle of residential development is acceptable and does not give rise to unacceptable harm to residential, visual or highway amenities.			
REASON FOR REFERRAL TO COMMITTEE Proposal contrary to Parish Council view and local objections			
WARD Hartlip, Newington And Upchurch	PARISH/TOWN Upchurch	COUNCIL	APPLICANT Gransden Construction AGENT Kent Design Partnership
DECISION DUE DATE 17/11/16	PUBLICITY EXPIRY DATE 28/10/16		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/504900/FULL	Demolition of no. 116 Oak Lane, construction of 3 four bedroom houses - one detached and a pair of semi-detached with integral garages.	Withdrawn	16.08.2016

MAIN REPORT

2.0 DESCRIPTION OF SITE

- 1.01 The application site comprises a corner plot fronting Oak Lane and Wallbridge Lane. There is currently a detached bungalow on the site with amenity space surrounding the property. The existing access is taken from Wallbridge Lane.
- 1.02 The site is surrounded to the east, west and south by two storey residential properties of a mixture of designs and styles whilst to the south lies the Upchurch River Valley golf course.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for the demolition of the existing bungalow and the erection of a pair of 3 bed semi detached dwellings and a detached 4 bedroom dwelling with associated parking and amenity space.
- 2.02 The principle elevation of the semi detached dwellings front Oak Lane. Both semi detached properties would measure 9m in depth and 5.9m in width. In addition to

this each property would have an attached garage measuring 6.9m in depth and 3m in width. The properties would measure 5.2m to the eaves and 8.8m in overall height. The garages measure 2.8m to the eaves and 5.5m to the ridge.

- 2.03 Both semi detached dwellings have vehicular access taken from Oak Lane with two parking spaces for each provided to the front of the properties. To the rear would be private amenity space measuring 10.8m – 11.7m in depth and 10m in width. The properties would be symmetrical in design with pitched roofs and gable ends on each flank.
- 2.04 The principle elevation of the detached property would front Wallbridge Lane and would have a floor area of approximately 8m x 9m. It would measure 5m to the eaves and 8m in overall height. The property would have a pitched roof with gable ends on each flank. The design would also include a frontward projecting gable.
- 2.05 Vehicular access to the detached property would be taken from Wallbridge Lane with two parking spaces provided. A detached garage is indicated close to the western boundary of the site, adjacent to the existing property at No.2 Wallbridge Lane. The garage would have a footprint of 3.15m x 6m and would measure 2.5m to the eaves and 3.9m in overall height. Due to the layout of the site, with the detached property fronting Wallbridge Lane, the amenity space would be provided beyond each flank wall of the property providing a total area of 217sqm.
- 2.06 A visitor parking space is indicated in the southern part of the site, accessed from Wallbridge Lane and a 1.8m footpath is proposed along the perimeter. A row of planting is indicated to run along the majority of the eastern and southern boundary.

3.0 PLANNING CONSTRAINTS

- 3.01 None

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

- 4.01 The NPPF and the National Planning Policy Guidance (NPPG) both advocate provision of new residential development within sustainable urban locations close to local shops and services, subject to good design and no serious amenity issues being raised.

Development Plan

- 4.02 Policy E1 sets out standards applicable to all development, saying that it should be well sited and appropriate in scale, design and appearance with a high standard of landscaping, and have safe pedestrian and vehicular access whilst avoiding unacceptable consequences in highway terms;
- 4.03 Policy E19 states that the Borough Council expects development to be of high quality design and should amongst other requirements provide development that is appropriate to its context in respect of scale, height and massing, both in relation to its surroundings, and its individual details;
- 4.04 Policy H2 states that planning permission for new residential development will be granted for sites within the defined built up areas, in accordance with the other policies of the Local Plan.

- 4.05 Policy T3 states that the Borough Council will only permit development if appropriate vehicle parking is provided in accordance with Kent County Council parking standards.
- 4.06 The Swale Borough Local Plan Proposed Main modifications 2016 policies ST3 (The Swale settlement strategy); ST4 (Meeting the Local Plan development targets); CP3 (Delivering a wide choice of high quality homes); DM14 (General development criteria) are also relevant.

5.0 LOCAL REPRESENTATIONS

- 5.01 A site notice was displayed close to the application site and surrounding properties were sent a consultation letter. Subsequent to this consultation it was noted that there were inconsistencies between the drawings submitted in terms of the site boundary and as a result amended details were received. On receipt of these drawings neighbours were re-consulted and an additional site notice displayed. In total, objections have been received from 10 separate addresses and raise the following points:
- The existing road layout in Oak Lane and the speed that vehicles travel along this section of the highway means that an additional access will cause danger to vehicles and also pedestrians using the footpaths;
 - The development should not be able to go ahead without traffic calming measures being firstly installed or the road widened;
 - The proposal provides inadequate parking spaces;
 - The submitted drawings are inaccurate;
 - Sufficient visibility splays can not be achieved from the newly proposed access into Oak Lane;
 - The new properties will be overbearing and will cause unacceptable levels of overlooking to neighbouring properties;
 - Removal of trees will result in the loss of important landscape features;
 - The site is subject to flooding;
 - Surrounding infrastructure and services can not cope with the additional residents;

6.0 CONSULTATIONS

- 6.01 Upchurch Parish Council object to the application and made the following comments: *“Councillors have considered the application and have expressed reservations about access and egress onto Oak Lane. This is also the view of local residents who point out that Oak Lane carries the highest volume of traffic into the village centre and at this point is effectively a single lane road. Also it is only some 50 yards after a speed reduction of 30 m.p.h. from 60 m.p.h. is signed.”*
- 6.02 KCC Highways & Transportation state *“Whilst I have previously advised you that the application does not meet the criteria to warrant comment from Kent County Council, for your assistance I can confirm that the revised details do now demonstrate that the layout does provide sufficient parking provision for the proposed dwellings and visitor demand, and adequate turning space is included to allow vehicles to enter and exit the development in a forward gear from Oak Lane itself.”*

The visibility sightlines proposed for the new access are adequate, and the provision of a footway around the site to cater for pedestrian movement between the visitor

parking space and the proposed dwellings has enabled improvement to the junction with Wallbridge Lane, as a visibility splay to the north will now be available.

I would consider that the proposals are acceptable, and trust this is of assistance to you in your assessment of the application.”

After the receipt of amended drawings I again consulted with KCC Highways & Transportation who provided the following response:

“I would consider that the proposed development on balance provides a betterment to the operation of the public highway, as it gives the opportunity to create appropriate visibility sightlines for the junction of Oak Lane with Wallbridge Lane, which will be more active than the new vehicular access to the proposed dwellings.

The new access will be afforded better visibility than the neighbouring property that actually controls the hedge to the north of that existing dwelling, and there is no record of any problems identified with the use of that current access.”

6.03 Natural England state *“The above consultation relates to proposals for new dwellings within the zone of influence (6km) of the Thames Estuary and Marshes, Medway Estuary and Marshes, and The Swale Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites). It is the Council’s responsibility to ensure that the proposals fully adhere to the agreed approach within the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. Subject to the above, Natural England is happy to advise that the proposals may be screened out as not having a likelihood of significant effects on the designated sites.”*

6.04 I have consulted verbally with the Council’s Environmental Protection Team who raise no objection subject to conditions relating to construction hours and suppression of dust.

6.05 Health and Safety Executive *“does not advise, on safety grounds, against the granting of planning permission in this case.”*

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application papers and correspondence relating to planning reference 16/506986/FULL.

8.0 APPLICANTS SUPPORTING COMMENTS

8.01 A Design & Access Statement has been submitted with the application and in addition to this I set out the applicant’s supporting comments:

“The proposed development will improve the width and visibility of the existing road in this area, as it the intention to cut back the existing shrubs, trees and bushes that currently overhang into the road to install the proposed new driveway.

The road is well within a 30 MPH zone and has very good visibility in both directions. The new proposal means there is now only one access from the site on Oak lane, the other is an existing access.

There are already existing driveways closeby on this road and to our knowledge no serious accidents have occurred at this point in the road.

The road is also wide enough for 2 cars to pass side by side at this point, this will be aided by the clearing of shrubs etc.

The proposed driveways will have the appropriate vision splays installed and will be in full compliance with Kent highways requirements.

Also in support of the application, we feel that the proposed development will significantly enhance the street scene, as the existing dilapidated bungalow is the first thing seen on entry to the village.”

9.0 APPRAISAL

Principle of Development

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

Visual Impact

- 9.02 The existing dwelling on the site is a detached bungalow with amenity space surrounding the entirety of the property. Upon approaching the site, especially travelling north along Oak Lane the site has a verdant appearance which I believe any development upon this site should seek to retain. The layout of the site shows planting along the majority of the southern and eastern boundary of the site. As a result of this I am of the view that the character of the site would be sufficiently retained. The exact type of landscaping will be achieved via the inclusion of a relevant landscaping condition. As a result I am of the view that this element of the proposal is acceptable.
- 9.03 The three dwellings on the site will largely follow the building line of the properties to the north of the application site in Oak Lane. The surrounding properties are a mixture of single storey, two storey and two and a half storeys. The majority of surrounding properties are detached or semi detached. Therefore I am of the view that the design of the properties proposed are acceptable and would be in keeping with the surrounding pattern of development.
- 9.04 The proposal will introduce two separate parking areas, one in front of the semi detached properties and one accessed from the existing access to the site from Wallbridge Lane. Parking arrangements in the surrounding area are mixed with some areas of hardstanding prominent in the streetscene. I am of the view that the parking layout as proposed would not be significantly out of keeping with the surrounding area and consider this not to have an unacceptable impact upon visual amenities.

Residential Amenity

- 9.05 The closest proposed dwelling to No.114 Oak Lane would be separated from the main side elevation of this property by 4.4m and set back from the main rear elevation of this property by 2m. Due to this separation distance and the limited projection past the rear of this adjacent dwelling I do not consider that this would have an unacceptable impact upon the residential amenities of this property.

- 9.06 Due to the layout of the proposed properties the semi detached dwellings would be turned at a 90 degree angle from No.2 Wallbridge Lane. The result of this is that the property located in the northern most part of the application site would have sideway views into the rear private amenity space of No.2. The distance between the rear elevation of the proposed property and the central part of the private amenity space directly to the rear of No.2 would be 18m. I consider this distance to be acceptable as to not cause an unacceptable loss of privacy to neighbouring occupiers. The rear of the remaining semi detached property would be angled toward the flank wall of No.2 rather than the rear private amenity space and therefore I consider that unacceptable levels of overlooking from this property would not occur.
- 9.07 The private amenity space of the proposed detached dwelling would be located either side of the property. Opportunities for overlooking from the windows of the closest proposed property to the north would be heavily disrupted due to the angle of the view and as such I believe that the layout in this respect is acceptable.

Highways

- 9.08 I appreciate that this application has attracted a number of objections from local residents with the concern largely based around highway safety, the width of the existing road and the new access to the semi detached properties from Oak Lane. As a result of this, on receipt of the original application I gained the views of Kent Highways & Transportation and have set these out above in full. Subsequent to receiving these comments it was noted that the drawings did not fully correspond in relation to the site boundary and as a result the agent has submitted amended details. Due to both the level of interest that the application has attracted in relation to this issue and the amendments I considered it prudent to again consult Kent Highways & Transportation. I have set out their subsequent comments in full above and on this basis am of the view that the impact of the access upon highway safety or amenity would not be unacceptable. It has been taken into consideration that the development will allow for increased visibility at the Oak Lane / Wallbridge Lane junction (this will be ensured by condition 2 requiring compliance with the drawings). Furthermore, although it is appreciated that there is an existing hedge located within the curtilage of No.114 (which would be outside the control of applicant), the proposed access in Oak Lane would have better visibility than the current access of No.114 of which there is no record of any problems. As a result, as set out above it is considered that the development as a whole provides a betterment to the operation of the public highway.
- 9.09 The proposal also includes two independently accessible parking spaces for each property and turning space within the site boundary. As such, vehicles will be able to enter and exit the site in forward gear. There is also a visitor parking space indicated in the southern most part of the site. I refer to the comments of Kent Highways & Transportation who state that there is sufficient parking provision provided. I also note that there is a footpath indicated around the site which will provide safe pedestrian routes. I have included relevant conditions in relation to highway safety and convenience.

Other Matters

- 9.10 I note the further grounds of objection and respond as follows. In regards to the consistency between the drawings I have liaised with the agent and amended drawings have been received. None of the trees or vegetation on the site are protected and in my view are not of special amenity value, as such their removal

required would not be controlled by the Council. The site does not lie within Flood Zone 2 or 3 and as such the possibility of flooding is not considered to be an unacceptable risk. Finally, the application is for 3 dwellings and as such although there will be some additional use of local services I do not consider that this would be so significant as to be unacceptable. I also take into account that the development is below the threshold for developer contributions and as such these can not be requested.

10.0 CONCLUSION

10.01 I consider that the scheme is acceptable in terms of its impact upon residential and visual amenities. As set out above, the application has attracted a relatively large amount of objection, predominately in relation to the new access into Oak Lane, however KCC Highways & Transportation are of the view that the development is acceptable in terms of its impact upon highway safety and amenity. As a result I 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.

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

- 2) The development hereby permitted shall take place in accordance with the following drawings: 16.30.105 (received 21st September 2016); 16.30.106A (received 11th January 2017); 16.30.102AB (received 13th January 2017); 16.30.103AB (received 13th January 2017) and 16.30.104B (received 16th January 2017).

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

- 3) No development shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

Reason: In the interest of promoting energy efficiency and sustainable development and to ensure details are agreed prior to commencement of development.

- 4) Prior to the commencement of development, details of the external finishing materials to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure details are agreed prior to commencement of development.

- 5) No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a

type that will encourage wildlife and biodiversity.), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

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

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

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

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

- 8) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:-

Monday to Friday 0730 – 1800 hours, Saturdays 0830 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 9) The commencement of the development shall not take place until a programme for the suppression of dust during the demolition of existing buildings and construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity.

- 10) The area shown on the submitted layout as vehicle parking and turning space shall be provided, surfaced and drained before the use is commenced or the premises occupied, and 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) (England) Order 2015 (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.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 11) The garage hereby approved shall be kept available for the parking of vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land or in such a position as to preclude vehicular access thereto.

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

- 12) The access details as shown on drawing 16.30.104B (received 16th January 2017) shall be completed prior to the first occupation of the dwellings hereby approved.

Reason: In the interest of highway safety and convenience.

- 13) The 1.8m wide footpath as shown on drawing 16.30.104B (received 16th January 2017) shall be completed prior to the first occupation of the dwellings hereby approved.

Reason: In the interest of highway safety and convenience.

Habitats Regulations Assessment

This HRA has been undertaken without information provided by the applicant.

The application site is located approximately 2km south west of the Medway Estuary and Marshes Special Protection Area and Ramsar site which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitat Regulations).

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

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

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

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

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

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

For these reasons, I conclude that the proposal can be screened out of the need to progress to an Appropriate Assessment. I acknowledge that the mitigation will not be in place prior to occupation of the dwelling proposed but in the longer term the mitigation will be secured at an appropriate level, and in perpetuity.

The Council's approach to this application:

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

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

In this instance:

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

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.

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SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

17 AUGUST 2017

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

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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) (England) Order 2015

HRA Human Rights Act 1998

SBLP Swale Borough Local Plan 2008

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DEFERRED ITEMS

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PART 2

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2.2 Pg 22 - 24	17/502743/FULL	HARTLIP	Tevrin, The Street
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2.3 Pg 25 - 37	17/501755/FULL	FAVERSHAM	60 – 63 Preston Street
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2.4 Pg 38 - 60	17/500727/OUT	SITTINGBOURNE	Manor Farm , Key Street
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PLANNING COMMITTEE – 17 AUGUST 2017

PART 2

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended

REFERENCE NO - 17/503447/FULL			
APPLICATION PROPOSAL Conversion of garage into additional living accommodation with associated external alterations (part-retrospective).			
ADDRESS 3 Orchid Close Minster-On-Sea Kent ME12 3HH			
RECOMMENDATION - APPROVE			
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would not give rise to a loss of parking, due to the inadequate size of the garage, and is acceptable in all other respects.			
REASON FOR REFERRAL TO COMMITTEE Parish Council objection			
WARD Sheppey Central	PARISH/TOWN Minster-On-Sea	COUNCIL	APPLICANT Miss Gemma Hoffman AGENT DHA Planning Limited
DECISION DUE DATE 25/08/17	PUBLICITY EXPIRY DATE 28/07/17		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/95/0102	outline application for residential & leisure development & community hospital including housing, village shopping centre & community facilities, primary school, affordable & executive housing, golf course & club house, hotel, health farm including all necessary infrastructure & associated facilities	Approved	12.09.1197

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 No. 3 Orchid Close is a semi-detached property on a modern housing estate. The property has a driveway leading to the garage, providing off-road parking for one vehicle.

2.0 PROPOSAL

- 2.01 This application seeks planning permission (part-retrospective) for the conversion of garage into additional living accommodation with associated external alterations. The rear of the garage has already been converted into a playroom.
- 2.02 The garage door will be removed and replaced with a UPVC to match those of the existing property. The existing driveway to the front of the garage will remain, providing off-street parking for one vehicle.

3.0 PLANNING CONSTRAINTS

- 3.01 None relevant

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 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.
- 4.02 Swale Borough Local Plan “Bearing Fruits 2031” (adopted 2017) policies DM14 (General Development Criteria); DM 16 (Alterations and extensions);
- 4.03 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.

5.0 LOCAL REPRESENTATIONS

- 5.01 One letter of objection has been received from the adjoining neighbouring, which states:

“As a direct neighbour my living room wall backs onto the garage (and it is where we must sit due patio doors and to aerial/sockets etc being on opposite wall). I am of course concerned over noise disturbance if the planning is approved. I specifically bought the house, with extra expense, as it is linked detached (with both neighbouring properties using garages as originally planned for) as I value my home time to relax without disturbance. Noise from the garage is very noticeable when it has been used for normal day-to-day DIY on occasion and when my neighbour’s dog was a puppy, therefore if it was converted to living accommodation potentially the noise would be disruptive throughout the day/evening impacting on the quality of my family’s time within our home. In addition I am concerned about the impact of parking which is already very busy outside both our properties and that of neighbouring homes. Are there plans for soundproofing that could guarantee no sound penetrating our home?”

6.0 CONSULTATIONS

- 6.01 Minster Parish Council object to the application, commenting:

“This will result in inadequate parking provision. To avoid this, Minster-on-Sea Parish Council believes the restrictive covenant should be upheld. It was part of the parking provision originally granted to allow development in the Thistle Hill estate to go ahead without impacting negatively in an area where density and parking present as major issues. Approval would set a precedent causing

insurmountable problems both for applicant and their neighbours adding to the existing problems of parking provision which would be unacceptable.”

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Application papers and drawings referring to application reference 17/503447/FULL
Application papers and drawings referring to application reference SW/95/0102

8.0 APPRAISAL

- 8.01 The site is located within the defined built up area boundary in which the principle of development is acceptable subject to amenity and other relevant policy considerations. The main considerations here are the impact of the proposal upon the residential and visual amenity of the area, as well as the impact upon residential parking.
- 8.02 The rear part of the existing garage has already been partly converted to living accommodation. This application seeks to regularise this change of use and to fully convert the entire garage to living accommodation. The use of the garages on this development is controlled by condition 33 of planning permission SW/95/0102, which prevents their conversion without the grant of planning permission.
- 8.03 The existing garage measures 3m internally, which is below the 3.6m minimum considered acceptable for parking of a car in the Kent Vehicle Parking Standards. As the garage has not been used as a residential parking space, and is of a size which prevents it being used as such I consider that there will not be fall in the parking provision at this property. The property benefits from one existing off street parking space on the driveway. The property has three bedrooms, and as such the requirement is for two off street spaces. However – it would be difficult if not impossible to successfully defend a refusal of planning permission here on the basis that the proposal would give rise to an increase in on street parking, as it is clear that the garage, even prior to its unauthorised conversion, was of insufficient size to accommodate a vehicle.
- 8.04 Given the above, is it clear that there would be no change to the parking provision or layout at the site, and that the proposal would not be significantly harmful to visual amenity in this regard.
- 8.05 I note the objection of the neighbours. However – in my view the level of noise and disturbance arising from normal domestic use of the garage as converted would not be significant and would not amount to a reason for refusing this application.

9.0 CONCLUSION

- 9.01 I consider that due to the narrow width of the existing garage being unsuitable for the parking of a modern vehicle and that the garage is not being used at present for the parking of a vehicle, 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 development hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reasons: In the interests of visual 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.

REPORT SUMMARY

REFERENCE NO - 17/502743/FULL			
APPLICATION PROPOSAL Installation of timber gates (Retrospective)			
ADDRESS Tevrin The Street Hartlip Sittingbourne Kent ME9 7TH			
RECOMMENDATION - GRANT			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development would not give rise to unacceptable harm to the adjacent conservation area, adversely affect the visual amenities of the area or harm highway safety or convenience.			
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection			
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Hartlip	APPLICANT Mr Collins & Miss Higglesden AGENT Kent Design Studio Ltd	
DECISION DUE DATE 22.08.2017	PUBLICITY EXPIRY DATE 10/07/17		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/508016/FULL	Erection of single storey rear extension and installation of a log burner flue, including alterations to the existing porch, internal layout, fenestration and external materials and changes to the existing driveway (amended 13.02.2017)	APPROVED	21.02.2017
SW/04/1565	Loft extension and internal alterations	APPROVED	17.12.2004

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 Tevrin is a detached chalet bungalow adjacent to the Hartlip Conservation Area. The property is set off the road, with a gated driveway leading to a detached garage and large well established garden to the rear. There are very limited views of the property from the street scene.

2.0 PROPOSAL

2.01 This application seeks retrospective planning permission for the installation of double timber gates measuring 3.5m wide by 1.5m high.

2.02 The gates are constructed of a natural hardwood, Iroko and are set approximately 5m from the edge of the highway, allowing vehicles to pull into the driveway safely from the highway. They open into the driveway.

3.0 PLANNING CONSTRAINTS

- Adjacent to Hartlip Conservation Area

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 Swale Borough Local Plan 2017 - DM14 (General Development Criteria), DM33 (Development affecting a conservation area).

5.0 LOCAL REPRESENTATIONS

- 5.1 No received.

6.0 CONSULTATIONS

- 6.1 Hartlip Parish Council object to the application, stating:

“Hartlip Parish Council objects to the application as the solid gates are out of keeping with other properties in The Street and will be conspicuous and the proposed development would not enhance the character of The Street and Conservation Area.”

- 6.2 Kent Highways do not raise any objection to the installation of the gates as they will be positioned approximately 5m from the edge of the highway, allowing sufficient space for a car to make safe entry and exit onto The Street.

7.0 BACKGROUND PAPERS AND PLANS

Application papers and drawings referring to application reference 17/502743/FULL.

8.0 APPRAISAL

- 8.1 Members will note that KCC Highways do not raise objection. The gates are set a sufficient distance back from the highway that a vehicle can pull off the road while the gates are opened. On this basis, I do not consider there to be harm to highway safety or convenience.

- 8.2 The fact that the gates are set back reduces their prominence in the streetscene. They are of timber construction, and are of an appropriate design. A more open design would have been preferable, but on balance I do not consider that the solid design of these gates causes harm to the character and appearance of the streetscene.

- 8.3 There are a number of gates of various designs and heights in the vicinity. Fanshaw, which is positioned on the opposite side of Hollow Lane to Tevrin, has high, solid wooden gates; Glenview Cottage, which is positioned diagonally opposite the application site has high slatted wooden gates.

- 8.4 In my view, the gates would preserve or enhance the special character of the conservation area, noting that they lie outside but adjacent to it.

9.0 CONCLUSION

- 9.01 I consider that the proposed gates are acceptable and do not have any adverse impact upon neighbouring amenity or highway safety; or have a negative impact upon the streetscene or adjoining conservation area. I therefore recommend that retrospective planning permission be granted.

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.

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REPORT SUMMARY

REFERENCE NO - 17/501755/FULL			
APPLICATION PROPOSAL			
Part retrospective application for the change of use of ground floor to accommodate an A1 (retail) or A2 (financial and professional) or A3 (restaurant area), and the retention of A5 (takeaway); conversion of ground, first and second floors to create 8no. apartments; part rear demolition, erection of extension to second floor to form staircase, the further conversion of the rear of building to form 3no. apartments with associated side extension, external alterations and creation of parking and cycle spaces.			
ADDRESS 60-63 Preston Street Faversham Kent ME13 8PG			
RECOMMENDATION GRANT subject to the receipt of amended plans to address the matters raised by KCC Highways and Transportation and to conditions as set out below			
SUMMARY OF REASONS FOR RECOMMENDATION			
The application has addressed the reasons for refusal from the previous scheme and fulfills the relevant policy criteria for additional housing and commercial uses in the Secondary Shopping Area.			
REASON FOR REFERRAL TO COMMITTEE			
Town Council objection			
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Roland Yeung AGENT Cook Associates Design Studio LLP	
DECISION DUE DATE 01/08/17	PUBLICITY EXPIRY DATE 07/06/17	OFFICER SITE VISIT DATE May 2017	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/509499/FULL	Appeal for 15/509499/FULL Part demolition of existing building, conversion of part of the existing premises to residential (6x1 bed and 8 X 2 bed) retaining the takeaway, first floor extension and external alterations	DISMISSED REFUSED	Dec 2016 Mar 2016
SW/97/0882	change of use to a restaurant together with accommodation at 1st and 2nd floor level – single storey rear extension and change of use of outhouse to residential accommodation at first floor	GRANT	
SW/96/0467 and SW/96/0468	demolition of the existing building and the construction of 14 one bed flats together with all associated parking	REFUSED	
SW/96/0076 and	ALLOWED ON APPEAL demolition of the existing building and the	REFUSED	

<p>SW/96/0077, SW/94/1154 and SW/94/1155</p>	<p>construction of 14 one bed flats together with all associated parking (amendment to scheme approved under SW/94/1154) demolition of the existing building and the construction of 11 one bed flats, 3 shops and associated parking</p>	<p>GRANT</p>	
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MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The property is large early 20th century commercial property with significant frontage along Preston Street. It is surrounded predominately by retail and other town centres uses as well as community and music venues. Currently the restaurant is closed but the take-away element remains open.
- 1.02 60-63 Preston Street is within the secondary shopping area as identified in Bearing Fruits 2031: The Swale Borough Local Plan 2017 and is within Faversham conservation area and adjacent to the Grade II listed Assembly Hall.
- 1.03 There is a separate building at the rear of the site that has been used as staff accommodation and between the two buildings is a covered yard with a sheet canopy of steelwork.
- 1.04 The site area is 0.13 hectares.

2.0 PROPOSAL

- 2.01 The scheme includes the conversion of the building to the rear of the premises to provide three residential units (two two-bedroom flats and one one-bedroom flat) and the provision of one two-bedroom ground-floor flat and the conversion of the upper floors of the main building from one duplex residential unit to seven flats (five two-bedroom flats and two one-bedroom flats). This amounts to a total increase of ten dwellings on the site. The flats range in size from 51 to 80 square metres in gross internal area.
- 2.02 The ground floor of the main building would in part retain the take away (A5) use and the conversion of the remainder of the ground floor frontage would be to commercial use, to be able to be used for A1 (retail) A2 (financial and professional services) or A3 (restaurant) use with one larger unit of 130 square metres and one smaller unit of 43 square metres.
- 2.03 The rear building consists of 2 flats at ground floor level (requiring the reinstatement of 5 windows) and a further 2 bedroom flat at first floor level with additional staff room and shower room for the takeaway this will replace the existing store and staff accommodation.
- 2.04 The central courtyard will provide 11 car parking spaces with access from Union Street to the rear of the site and cycle parking (for 12 bikes) for the residential and commercial units.

3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance
 Article 4 Faversham Conservation Area
 Article 4 Swale Article 4 directive
 Conservation Area Faversham

4.0 POLICY AND OTHER CONSIDERATIONS

4.01 The **National Planning Policy Framework (NPPF)**: paras 7 (three dimensions of sustainable development), 8, 11, 12, 14 (presumption in favour of sustainable development), 17 (core planning principles), 20, 21 (building a strong, competitive economy) 23, (ensuring the vitality of town centre) 34 (sustainable transport), 47, 49, 50 (delivering a wide choice of high quality homes), 56, 58 (good design), 69 (healthy communities), 131,(conserving and enhancing the historic environment) 159 (housing), 186 (decision taking), 187, 196,197 (determining applications); 204 (planning obligations) & 216 (weight to emerging policies).

4.02 **Bearing Fruits 2031: The Swale Borough Local Plan 2017**: ST1 (sustainable development), ST2 (targets for homes and jobs), ST3 (settlement strategy), ST4 (meeting local plan development targets), ST7 (Faversham area strategy), CP3 (high quality homes), CP4 (good design), DM7 (vehicle parking), DM14 (general development criteria), DM16 (Alterations and Extensions); DM17 (open space, sports and recreation provision) and DM33 (Conservation Areas).

Policy DM1 – Maintaining and enhancing the vitality and viability of town centres and other areas is the relevant policy here. It states:

“In town centres and other commercial areas, planning permission will be granted for development proposals, in accordance with the following:

...

2 Within the defined secondary shopping areas, as shown on the Proposals Map, or within a Local Centre as defined by Policy DM2 [Proposals for Main Town Centre Uses], the Borough Council will permit non-retail uses, including residential, provided that they would not:

- a. lead to a significant concentration of non-retail floorspace or housing or the loss of significant retail frontage;*
- b. result in the loss of existing residential accommodation or a use important to the community; and*
- c. lead to a loss of residential amenity...”*

5.0 LOCAL REPRESENTATIONS

5.01 One letter was received from a local resident who did not object to the application but was concerned about the lorries, builders and skips potentially in Union Street which he states has an on-going problem with large vehicles and others using the street and causing inconvenience to residents.

6.0 CONSULTATIONS

6.01 **Environment Agency**: We have no comments to make on this planning application as it is for a change of use in Flood Zone 1, with foul drainage going to a mains sewer. It therefore falls outside our remit as a statutory planning consultee.

- 6.02 **UK Power Networks:** Have no objections to the proposed works
- 6.03 **Scotia Gas Networks Ltd (SGN):** Commented that their mains record show that a low/medium/intermediate pressure gas main near the site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system and where required confirm the position using hand dug trial holes.
- 6.04 **Southern Water:** Stated that they require a formal application for a connection to the sewer to be made by the applicant and that foul and surface water sewerage disposal details should be submitted.
- 6.05 **Historic England:** Commented that on the basis of the information available to date, they did not wish to offer any comments.
- 6.06 **Natural England:** The above consultation relates to proposals for new dwellings within the zone of influence (6km) of the Thames Estuary and Marshes, Medway Estuary and Marshes, and The Swale Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites). It is the Council's responsibility to ensure that the proposals fully adhere to the agreed approach within the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. Subject to the above, Natural England is happy to advise that the proposals may be screened out as not having a likelihood of significant effects on the designated sites.
- 6.07 **Kent Police:** Commented that having reviewed the on line plans and documentation, the applicant/agent has not demonstrated that they have considered crime prevention or have attempted to apply the seven attributes of CPTED in their Design and Access Statement (D&AS). Further, to date, we have had no communication from the applicant/agent and there are other issues that may need to be discussed and addressed including a formal application for BREEAM and Secured By Design (SBD) if appropriate. They required a condition to ensure these details were named available.
- 6.08 **KCC Flood and Water Management:** The development is considered to be 'low risk, and the following advisory comment is made: *"Redevelopment on brownfield land has the potential to rectify or reduce flood risk. For developments which were previously developed, the peak runoff rate from the development must be as close to the green-field runoff rate from the development as reasonably practicable for the same rainfall event, but must not exceed the rate of discharge from the development prior to redevelopment for that event. The discharge rate must also take account of climate change."*
- 6.09 **KCC Highways and Transportation:** Commented that i) The existing access on Union Street appears to have served several properties and various traffic uses over time and it is felt that the proposed development would not represent a significant increase in vehicular movement in this town centre location. A swept path drawing for a fire tender turning in at the access would need to be produced. It is understood that the refuse collection area will lie within an acceptable distance from Union Street for refuse operatives.

ii) It is noted that the parking provision is purely for residents, allowing one space per flat, whilst the proposed A2, A3 and A5 uses have nil provision. Given the central location of the site I would consider this acceptable, as the site is in close proximity to two public car parks and there are no parking restrictions on Union Street in the evenings for restaurant customers. I would recommend that a suitable scheme is introduced to ensure that the parking provided is reserved for residents.

iii) Further to the above I would, however, like to see cycle provision on-site for the commercial uses, an additional 4 spaces for cycles should be adequate to cover the need likely to be generated by a small office and restaurant, as the proposals suggest. These would need to be separate from the residential cycle storage and easily accessible from the Union Street frontage.

Amended plans have been requested to address these points, and I will update Members at the meeting.

6.10 **County Principal Archaeological Officer:** No archaeological measures are required in connection with the proposal.

6.11 **Faversham Town Council:** Recommendation: Refuse

Comment:

- 1) Concern over loss of retail space and past history of the site
- 2) Suggest the application is referred to Swale Full Planning Committee.
- 3) A site visit should be undertaken involving Faversham Town Council

6.12 **Environmental Protection Team Leader:** There is potential for noise and odour from the existing and proposed commercial use to impact on the proposed residential properties and would have no objection to the application provided that conditions were included to protect residential amenity these are to include protection of the servicing times of the building, the prevention of noise transmission and the extraction/treatment of fumes/odours.

6.13 **Housing Services:** Commented that as per affordable housing policy DM8, on sites with 11 or more dwellings, in Faversham we would seek 35% affordable housing, rounded up to provide up to 3 affordable homes. The new affordable housing policy requires a 90:10 split in favour of affordable rented housing, to deliver 2 affordable rented homes with 1 shared ownership home. I can confirm that there is a requirement for affordable housing in the Faversham area for all types and sizes of affordable accommodation

However, as this site results in a net increase in housing numbers by 10 units as 1 already exists at the site and hence falls below the threshold (of 11 or more dwellings) for affordable housing.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application papers and correspondence relating to planning reference 17/501755/FULL and 15/509499/FULL.

8.0 APPRAISAL

8.01 The assessment needs to be made as to whether the proposal is acceptable in terms of the vitality and viability of Faversham town centre and additionally the impact on the character of the Conservation Area.

Implications for town centre vitality and viability

- 8.02 The previous application at this site proposed that the main building to be converted to provide 4 flats on the ground floor, 5 on the 1st floor and a further 2 on the 2nd floor additionally the separate rear building was to provide 3 further units (14 in total) and staff facilities for the takeaway which was shown to remain.
- 8.03 The application was refused and this decision was upheld on appeal. The reason for refusal was that *“the proposal will lead to a significant concentration of residential use in this part of Preston Street which is defined as a secondary shopping area, which would result in a detrimental impact on the vitality and viability of the area”*.
- 8.04 However, the proposal before Members now proposes two ground-floor commercial areas and the retention of the take-away rather than a full residential frontage. The change of use is to enable the use of these units for either A1 (retail) A2 (financial & professional services) or A3 (restaurant).
- 8.05 Bearing Fruits 2031: The Swale Borough Local Plan 2017 seeks the retention of vital and viable uses within the secondary shopping area to ensure vitality continues and that uses support the wider health and viability of the shopping environment.
- 8.06 Paragraph 7.1.5 - which supports Policy DM1 - states that: *“In the defined Secondary Shopping Areas, a wider mix of uses will be permitted as appropriate, including residential, although vital and viable uses, such as retail, should continue to be retained. Despite their secondary shopping status, it remains important to ensure that the vitality of these areas continues, and where possible, is improved to provide attractive shopping environments.”*
- 8.07 Policy DM1 continues that the Borough Council will only permit non-retail uses, including residential, provided they would not, amongst other things, *“lead to a significant concentration of non retail frontage or the loss of significant retail frontage”*
- 8.08 A change of use from the restaurant to either A1 retail or A2 business/services from the current A3 use would not require planning permission so as it is now shown with this submission it is a reasonable assumption to make that these changes can occur here and relatively easily at the site, particularly given this large space and the arrangement of the proposed units.
- 8.09 As I have discussed above, the policy situation remains the same since the last application and particularly given the adoption of the new local Plan, local policy seeks the retention of vital and viable uses within the secondary shopping area to ensure vitality continues and that uses support the wider shopping environment.
- 8.10 Additionally and given the Swale Settlement Strategy (Policy ST3), Faversham falls within tier 2 and therefore is a sustainable and acceptable location for new residential development given the transport links, services and facilities the town has to offer.
- 8.11 I do, however, remain concerned that as commercial unit 1 at 130sqm and commercial unit 2 at 43sqm could still be vulnerable to pressure to be converted to residential use. However, given the Article 2(3) status of the site (in a Conservation Area) which would not enable this conversion to be undertaken under the existing

permitted development rights and a planning application would therefore need to be made.

- 8.12 Given the mix of residential and its location above and to the rear of the commercial element of the site in this proposed development I consider the scheme adheres to the spirit and the letter of Policy DM1, which is concerned – as set out above - with maintaining the vitality and viability of Faversham's secondary shopping area.

Heritage Implications

- 8.13 In addition, a thorough assessment of the impact of the proposal on Faversham conservation area is required particularly given the numerous changes to the building that are proposed.
- 8.14 There is, firstly, a statutory duty on the Council to preserve heritage assets, especially those of significant value. This is a primary consideration given the subject building is in the Faversham conservation area and adjoining a listed building (the Former Drill Hall). Review of all the architectural detail is needed to be sure that there are no areas of the scheme that will seriously harm the area and indeed the actual building that is an important part of the street scene in the area.
- 8.15 The principal concern of the proposal is the impact the proposed changes would have on the front elevation, which faces onto Preston Street, the main street in the conservation area. The building is already very dominant on the front elevation and dominates its neighbours, including the grade II listed 64 Preston Street. However, the proposal does not increase the height or bulk of the building or change its relationship with its neighbours.
- 8.16 There is no objection to the proposed changes to the frontage, which includes two new windows at second floor level corresponding to two on the first floor, I have included a condition below to ensure the windows and their detailed design are safeguarded.
- 8.17 The application has been amended to retain shops on the ground floor in order to retain protected shopping frontage. The requirement for retail shopfront to be retained is important to the conservation character and appearance of the street frontage. As well as contributing to the commercial vitality of the town centre, it provides active pedestrian frontage to Preston Street. This appearance on the street must be retained by a good quality shopfront design that is appropriate to the building and its setting.
- 8.18 Some historic features of the shopfront survive including the terrazzo stallrisers and these might be considered for restoration in the designing of the new shopfront however I have included a condition to ensure the final detail of the shopfront is acceptable and appropriate.
- 8.19 The rear elevations will not result in harm to the conservation area and external appearance should be enhanced by the removal of the external stairs and the new garage doors, new doors and windows.

Residential Amenity

- 8.20 There will be a restricted outlook from some of the windows on the dwellings (Units 2 and 3) in the rear building, but this is not considered to be unacceptable. I also note that there would be three rear-facing first-floor windows on this block and that the

separation distance with the dwellings in Union Street behind would be approximately 12 metres. I note, however, that there are currently four windows to habitable rooms at first-floor level on this building, and consider that, as such, this element of the proposal is acceptable.

- 8.21 There will be some mutual overlooking between the two buildings of this development, however, given the arrangement of the buildings and the allocation of primary habitable space and the distances involved - approximately 20 metres - I do not consider it to be to an unacceptable degree.
- 8.22 I note whilst there is some amenity space attached to the rear block of 3 residential unit the main building does not provide much, however due to the town centre location and its amenities and the size of the one and two bedroom units I do not consider this to be unacceptable.

Developer Contributions and Affordable Housing

- 8.23 The Local Plan requires affordable housing provision at a rate of 35% on developments of 11 units or more within this area. Furthermore, the Developer Contributions Supplementary Planning Document requires developer contributions on schemes of 10 units or more. However, paragraph 31 of the NPPG states:

- 8.24 *“There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-built development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the written ministerial statement of 28 November 2014 and should be taken into account.*

These circumstances are that;

•contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)”

- 8.25 The Written Ministerial Statement (WMS) of 28 November 2014 on Small Scale Developments by Brandon Lewis, Minister for Housing and Planning also states that:

“Due to the disproportionate burden of developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought.

By lowering the construction cost of small-scale new build housing and home improvements, these reforms will help increase housing supply. In particular, they will encourage development on smaller brownfield sites and help to diversify the house building sector by providing a much-needed boost to small and medium-sized developers, which have been disproportionately affected by the Labour Government’s 2008 housing crash.”

- 8.26 With particular regard to the fact that the wording of the Local Plan policy DM8 has very recently been amended to “11 dwellings or more” in light of comments from the Maidstone Borough Council’s Local Plan Inspector, I consider that no affordable housing contributions should be sought. In relation to developer contributions, the normal range of requirements will not be sought for the same reason. However, a payment will be required to mitigate the impact upon the SPA and RAMSAR sites as

set out in the comments from Natural England which is the approach that has been agreed within the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM). This payment is £223.58 per dwelling which for 10 additional dwellings will total £2,235.80 In addition to this, a payment is required for refuse bins which totals £1,775.

8.27 In relation to when this payment will be made the NPPG states the following:

“Positively worded conditions requiring payment of money or other consideration: No payment of money or other consideration can be positively required when granting planning permission. However, where the 6 tests will be met, it may be possible use a negatively worded condition to prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into of a planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure).”

8.28 As a result of the above, I have included a negatively worded condition below which requires, prior to the commencement of development, the contributions as set out above to be paid via a suitably-worded Section 106 Agreement.

9.0 CONCLUSION

9.01 I consider that the previous reason for refusal has been addressed in this amended application by the inclusion of two commercial units on the ground floor of the main building fronting Preston Street and the retention of the takeaway. The proposal would provide a total of 11 residential units in a sustainable location, for which there is a strong policy presumption at both national and local level. The provision of the residential units above the commercial ground floor of the main building and the converted residential block to the rear of the site are acceptable in terms of sustainability and in design, conservation and amenity terms and therefore I recommend that planning approval be granted.

10.0 RECOMMENDATION – GRANT Subject to the receipt of amended plans to address the matters raised by KCC Highways and Transportation, and 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 the permission is granted.

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

- (2) Notwithstanding the drawings hereby approved, drawings at a scale of 1:10 of the shop fronts with vertical and plan sections at 1:2 showing design details (including window joinery with glazing bars and framing details) to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority in writing before any work in connection with this permission is commenced; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area.

- (3) The proposed windows on the front elevation shall match those of the existing metal frames, samples of which shall be submitted to the council prior to the commencement of the development hereby permitted. The development shall then be carried out in complete accordance with the approved samples.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area.

- (4) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason for the condition: In the interest of Security, Crime Prevention and Community Safety

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

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (6) No development beyond the construction of foundations shall take place until full details of the method of disposal of foul and surface waters have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: In order to prevent pollution of water supplies and to ensure adequate drainage provision is provided.

- (7) During construction provision shall be made on the site to accommodate operatives' and construction vehicles loading, off-loading or turning, and parking for site personnel / operatives / visitors. Such parking shall be provided prior to the commencement of the development.

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

- (8) No demolition/construction activities shall take place, other than between 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours Saturday with no working activities on Sunday or Bank Holiday.

Reasons: In the interests of residential amenity

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

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (10) The scheme of tree planting and landscaping shown on the submitted plans shall be carried out within 12 months of the completion of the development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

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

- (11) The ceiling and floor that separated the residential and commercial units shall resist the transmission of airborne sound such that the weighted standardised difference (DnT,W+Ctr) shall not be less than 53 decibels. The weighted standardized difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 10140; 2011 Acoustics- Measurement of sound insulation in buildings and of building elements- Part 4: Field measurements of airborne sound insulation between rooms. Should this not be achievable details shall be submitted to and approved in writing by the Borough Council and carried out in accordance with the approved details.

Reasons: In the interests of residential amenity

- (12) Prior to the first occupation of the residential units, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the DEFRA publication Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems January 2005. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

Reason: In the interests of residential amenity

- (13) The vehicle parking spaces shown on the approved drawings shall be provided, surfaced and drained before the dwellings hereby permitted are first occupied, and shall thereafter 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 2015 (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.

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

14) Prior to occupation of the dwellings hereby approved the cycle parking facilities as shown on the approved drawings shall be provided and shall thereafter be retained in perpetuity.

Reason: To promote sustainable transport methods.

15) There shall be no servicing of the building, no goods shall be loaded or deposited and no commercial vehicles shall arrive, depart, be loaded or unloaded, within the application site before 07.00hrs; or after 19:00hrs; hours Mondays to Fridays: before 08:00hrs or after 19:00hrs hours on Saturdays or at any time on Sundays or Bank Holidays.

Reasons: In the interests of residential amenity

(16) All deliveries to customers from the A3 (Restaurant) or A5 (Takeaway use) commercial parts of the uses hereby permitted shall take place only through the front doors of the premises on to Preston Street, and no deliveries to customers shall be made using any vehicles that are at these times parked to the rear of the premises.

Reasons: In the interests of residential amenity

(17) No development shall take place until details of an obligation to provide or contribute to mitigation measures to offset the potential impact of the recreational needs arising from the approved development on the integrity of the Thames Estuary and Marshes, Medway Estuary and Marshes, and The Swale Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites) and contribution for the refuse bins for the dwellings hereby approved has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In order to offset the impact of the development on SPAs and Ramsar sites and in order to provide sufficient refuse bins for the dwellings.

INFORMATIVES

- 1) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove , Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

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 acceptable as submitted and no further assistance was required.

The application was approved without delay.

The applicant/agent was provided formal pre-application advice.

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.

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REPORT SUMMARY

REFERENCE NO - 17/500727/OUT			
APPLICATION PROPOSAL Outline application for residential development for up to 50 dwellings with access off Chestnut Street (All others matters reserved) as amended by drawings received 31/05/2017			
ADDRESS Manor Farm Key Street Sittingbourne Kent ME10 1YU			
RECOMMENDATION: Grant subject to the views of the Housing Services Manager; conditions as set out below; the signing of a suitably worded Section 106 Agreement; clarification in respect of open space management; and the resolution of the brick earth issue.			
SUMMARY OF REASONS FOR RECOMMENDATION: Site is allocated for residential development in Bearing Fruits 2031: The Swale Borough Local Plan 2017 (Policy A21) and proposal is in accordance with national and local planning policy			
REASON FOR REFERRAL TO COMMITTEE: Parish Council objection; local objections			
WARD Borden And Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Balmoral Land (UK) Ltd AGENT	
DECISION DUE DATE 13/06/17	PUBLICITY EXPIRY DATE 14/06/17	OFFICER SITE VISIT DATE Two separate site visits	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	
SW/04/0095	Application for 27 new dwellings	Refused	
SW/03/0224	Application for 39 new dwellings	Refused	

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site consists of an open field, which runs alongside the old A249 Chestnut Street, which leads from the Key Street Roundabout. To the north lies the main A2 London Road, with Sittingbourne town centre a little over a mile and a half to the east. To the south there is a sizeable electricity substation; to the immediate east and north are existing residential dwellings found within Cherryfields and Dental Close.
- 1.02 The field appears to have been fallow for some while; I understand that there were originally orchards on the field, which have since been removed. The field slopes downwards quite noticeably from east to west, with a sizeable difference in levels between the eastern and western sides of the field; the lowest point is the northwest corner which has a level of 26.5m AODN (Above Ordnance Datum Newlyn; Sea level); whilst the highest point is on the southern corner, which has a level of 37.3m AODN.
- 1.03 Two public rights of way are found on or adjacent to the field; one runs north/south along the eastern boundary of the field (ZR118), and would not be affected by the proposal. The other runs east/west towards the southern boundary (ZR117), and part of the proposal is the slight re-alignment of that footpath.

2.0 PROPOSAL

- 2.01 As stated above, this is an outline application for up to fifty residential dwellings, with all matters save for access reserved for future consideration.
- 2.02 The application is accompanied by an indicative site layout which has since been amended; however, it is important in this case to remember that this is illustrative only, as the only matter, barring the principle of development, to be considered here is that of access. Nevertheless, the indicative drawings show a non-linear layout with a mix of dwelling types and sizes, all with private gardens and off-road parking
- 2.03 The dwellings are shown on the storey heights drawing as a mix of single, two and two & a half storey buildings, with illustrative drawings showing one (no.) single storey dwelling; forty-seven (no.) two storey dwellings; and two (no.) two-and-a-half storey dwellings. Fifteen would have two bedrooms; twenty-eight would have three bedrooms; and seven would have four bedrooms. Five dwellings would be allocated as affordable housing.
- 2.04 The proposed access is not the existing access to the field; that access being rather near to a bend in the road leading from Key Street towards Danaway, almost adjacent to the Key Street roundabout itself. The proposed access is situated 150 metres further southwest along Chestnut Street, to enable better sight lines from the site, which would give visibility splays of 2.4m by 53m in a northeasterly direction, and 2.4 m by 90 metres in a southwesterly direction.
- 2.05 The illustrative drawing shows 59 private open parking spaces, 25 private spaces in garages or car barns, and 10 allocated visitor parking spaces.
- 2.06 The site is situated within an area where brickearth extraction is generally required before development. This matter will be discussed later in this report.
- 2.07 The proposal is accompanied by the following documents:
- Archaeological Assessment
 - Flood Risk Assessment
 - Landscape Assessment
 - Noise Assessment
 - Planning Statement
 - Transport Statement
 - Design and Access Statement
 - Ecology Assessment
 - Topographical Survey
 - Tree Survey

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	2.02	2.02	Nil
No. of Residential Units	Nil	Up to 50	Up to +50
No. of Affordable Units	Nil	Up to 5	Up to +5

4.0 PLANNING CONSTRAINTS

- 4.01 Allocated Site – housing development (Policy A21 of the Swale Borough Local Plan 2017)
- 4.02 Site of archaeological interest

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 The National Planning Policy Framework (NPPF): Paragraphs 7 (Sustainable Development), 14 (Presumption in favour of sustainable development), 47 and 50 (Delivering a range of high quality housing), 57 (High quality design) and 143 (Minerals extraction).
- 5.02 The Swale Borough Local Plan 2017: Policies ST1 (Sustainable Development), ST2 (Development Targets for Homes), ST5 (Sittingbourne Area Strategy), CP3 (Delivering high quality housing), CP4 (Good design), A21 (Smaller allocation sites as extensions to settlements), DM6 (Transport demand and impact), DM7 (Vehicle parking), DM8 (Affordable housing), DM14 (Development criteria), DM17 (Open space provision), DM19 (Sustainable design and construction), DM21 (Water, flooding and drainage), DM28 (Biodiversity) and DM31 (Agricultural land).
- 5.03 The Swale Landscape and Biodiversity Appraisal shows that the site is with the category of the Borden Mixed Farmlands. This suggests that the condition of the area is moderate, and the sensitivity of the land in question is moderate.
- 5.04 The site is allocated for housing under policy A21 of Bearing Fruits 2031: The Swale Borough Local Plan 2017. The requirements of the policy will be further discussed later within this report in the 'Appraisal' section.. Policy A21 reads as follows:
 - *“Lies close to the A2 Watling Street. Any planning application for development proposals on these sites will need to have considered the possibility of archaeological remains being on site.*
 - *Financial contributions include those toward primary education, health and junction improvements at Key Street A249/A2.*
 - *Through an integrated landscape strategy consider:*
 - *The creation of a new attractive urban edge to Sittingbourne, with substantial landscaping to achieve the integration of development in a fashion that minimises its impact upon the separation of Sittingbourne with Bobbing.*
 - *The assessment and, where possible, the retention of remaining orchard trees (a UK BAP priority habitat).*
 - *Determine such matters as the presence of protected species, whilst retention of habitat as far as possible and mitigation will secure a net gain in biodiversity.”*
 - The policy envisages a minimum of 30 dwellings on 2.3 hectares of land
- 5.05 'Developer Contributions' Supplementary Planning Document (2009):.
- 5.06 Clauses 4, 6 and 7 of Policy DM7 of the Kent Minerals and Waste Local Plan.

6.0 LOCAL REPRESENTATIONS

Twenty-six letters and emails of objection have been received from local residents. Their comments can be summarised as follows:

- *‘There is a lot of information within all the supporting documents which is extremely time consuming to read, digest and understand. This makes it difficult to provide full comments for objections’*
- The land behind Cherryfields (which adjoins the northeastern corner of the site) is two to three metres higher; this would lead to overlooking and overshadowing
- Would lead to increase in traffic at the Key Street roundabout and on the A249
- Previous applications for less houses on this site were refused
- The proposal site is not in the Local Plan
- Massive increase in vehicle movements
- Increase in pollution from vehicles
- No new infrastructure: roads, schools and surgeries are at breaking point
- Bungalows and affordable homes are needed; not executive homes
- Loss of trees on boundary
- Flooding and subsidence problems
- Access too near to Key Street roundabout
- Bungalows on boundaries would be better
- Will set a precedent for development at Wises Lane
- Loss of countryside gap between Sittingbourne and Newington
- Brownfield sites are preferable for development
- Inaccuracies within the submitted Transport Statement
- Not enough parking or visitor spaces
- Loss of views
- Topography of site is very steep
- Proposed play area in dangerous position close to road
- Increase in use of public rights of way
- No safe cycle route across Key Street roundabout
- Loss of Grade I agricultural land
- Layout too dense – allocated for a minimum of 30 dwellings in Local Plan
- Adverse impact on wildlife
- Development will devalue my property
- Safety concerns regarding electricity station
- Bird and bat boxes are not as good as natural habitat

7.0 CONSULTATIONS

7.01 Borden Parish Council objects to the application and their comments read as follows:

‘Lack of provision of Schools, particularly Primary Schools, accessible by sustainable transport.

Insufficient provision of Hospitals and GP services

The land itself is Grade 1 agricultural land and should be protected for Agricultural use. Uncertainty about the availability, price and quality of food within the UK arising from climate change, development of the Asian/Chinese economies and population growth has been exacerbated by the recent decision to leave the EU. Further loss of production capacity and the local economic development opportunity to construction would not be prudent.

Environmental pollution: The number of vehicles currently using the Key street junction, A2 and old Maidstone Road create high pollution levels during peak hours. This occurs particularly on Chestnut Street and Danaway where earth banks created to separate the A249 from residential areas now create high pollution zones because of limited air movement and queuing traffic. The development is not sustainable with regard to transport or air quality, since it will lead to further congestion on the A2, A249 and rural lanes Traffic exiting this development onto Chestnut Street will cause further congestion to an already inadequate road system. There are Highways safety concerns arising from parked commuter vehicles and HGV's adjacent to the proposed junction between the new development and Chestnut Street. No figures are supplied for actual peak hours between 05.45 and 07.00 when commuters use the routes. The A249/A2 (Key Street) roundabout is unable to cope with existing traffic at peak times which will only worsen with the Iwade and Sheppey developments. Traffic from the main Sittingbourne town and the Northern residential areas of Sittingbourne i.e. Sonara Fields, Kemsley, Iwade etc. converge on Key Street Roundabout; many drivers use Chestnut Street to try and bypass the congested areas, leading to long delays at the Stockbury roundabout and reduced safety for residents along Maidstone road. Chestnut Street is also used in times of accidents on the A249. As a consequence the whole road systems becomes blocked due to the high volume of vehicles and use of wide vehicles. This is contrary to the statement on Page 21, 6.1.5 of the Transport Statement.

Any designed road exiting onto Chestnut Street will create a rat-run for traffic trying to avoid the current bottlenecks. As a consequence, there will be a detrimental impact on the safety and quality of life for residents/public. Improvements to the Key Street Roundabout and the Stockbury Roundabout should be undertaken before any further development takes place Insufficient parking spaces; appears to be one per property?

In the past KCC Minerals and Waste have raised objections to applications in this area.

The topography of the site means that the land sits much higher than current housing abutting the boundaries. The proposed two storey properties to the rear of existing housing will in fact be the equivalent of a three-storey building.

Loss of valuable wildlife habitat: Should the Borough Council be minded to approve this application we would ask that the following be taken into consideration:

Bungalows should be built to the rear of existing properties in Cherryfields any other properties impacted; this will in effect due land being higher on the site appear as two-storey buildings and will not cut out light.

We would request that an archaeological survey be carried out prior to any development owing to the history of the area.'

- 7.02 The Environment Agency raises no objection.
- 7.03 UK Power Networks raises no objection.
- 7.04 Scotia Gas Networks raises no objection.
- 7.05 The Lower Medway Internal Drainage Board raises no objection.
- 7.06 Natural England raises no objection.

- 7.07 Southern Water raises no objection, subject to the inclusion of Informatives as noted below.
- 7.08 Highways England acknowledges that the proposal might put pressure on the roundabout at Key Street, although they suggest that the impact would be limited. They encourage the developer to discuss the matter with KCC Highways and Transportation. Their comments are as follows:

'Having examined the above application, while we accept that the development alone will have a limited impact on the Key Street junction (A2 / A249), evidence submitted to and agreed at the Swale Local Plan Examination concluded that at times the junction is operating over capacity and going forwards we are aware that there will be a severe cumulative impact on the junction due to committed, consented and emerging Local Plan development. Therefore now and in to the future there are SRN related safety, journey reliability and operational efficiency issues that need to be addressed.

While it would be open to any applicant to propose individual mitigation, we believe it would be more sensible for there to a single co-ordinated response of the right type delivered at the right time to mitigate the cumulative impacts of all likely development. A cumulative mitigation scheme is being developed by Kent County Council and Swale Borough Council.

We therefore look forward to hearing from the applicant as to which direction they wish to take. They may wish to make their decision based upon a conversation with KCC/SBC regarding the progress of the cumulative mitigation scheme.'

- 7.09 KCC Highways and Transportation comment in full as follows:

'It is acknowledged that the proposed development does form one of the allocated sites within the Local Plan that has now been approved by the Planning Inspector and is due to be adopted within the coming days, so the principle of residential development in this location will be supported by the weight of that Plan. Consequently, the Highway Authority will work with the Applicant to agree what measures are required to accommodate the development and its impact on the local highway network.

I have reviewed the proposed trip rates used in the Transport Statement, and undertaken my own TRICS calculation using selection filters that I consider comparable to the location of this site. My calculations did derive a slightly higher generation of traffic, suggesting a further 6 movements during the AM peak and 3 more during the PM peak to give totals of 32 and 29 respectively. Over the period between 07:00 to 19:00, my analysis indicated a total of 264 vehicle movements. It is not considered that the difference between the two TRICS interrogations is a significant material difference when viewed against the existing traffic on the highway network.

The development is proposed to be accessed from a simple priority junction onto Chestnut Street, and I accept that this would be the correct design approach. The junction matrix in TD 42/95 of the Design Manual for Roads & Bridges recommends this type of road junction is used when accommodating the amount of vehicle numbers travelling along the main road and expected to be generated from the development. The position of the proposed access will be within the current national speed limit section of Chestnut Street, close to the transition point of the 30mph speed limit approaching Key Street roundabout. However, the Transport Statement suggests that the 30mph limit will be extended further south, past the proposed access, and visibility splays of 2.4m by 43m would be appropriate based on that speed. It should be noted that the extension of the 30mph limit will need to be the subject of a Traffic

Regulation Order that requires consultation, and has to be considered in the road environment and other influencing factors. These are described in the DfT circular 01/2013, so it cannot be taken for granted that the proposed extension to the speed restriction will be allowed. I therefore believe that it would be more appropriate to provide sightlines at the proposed junction based on measured speeds at this location.

Notwithstanding the above uncertainty regarding vehicle speeds, it is demonstrated by the drawing provided in Appendix E (of the Transport Assessment) that visibility splays of at least 2.4m by 90m to the southwest, and 2.4m by 87m to the northeast of the junction are generally available, and splays far in excess of these are achievable due to the extent of the highway land that could be used to facilitate longer sightlines. I am therefore content that appropriate sightlines can ultimately be provided for the proposed access, and these can be secured through the technical approval process associated with the Section 278 Highway Agreement that will have to be entered into by the developer to permit construction of the new junction and any other off-site highway works required. The developer will also be expected to fund the costs of processing and implementation of the proposed Traffic Regulation Order.

The vehicle swept path analysis that has been submitted demonstrates that the site can be accessed by a refuse freighter and pantechnicon type removals lorry, although I note that these do utilise the full width of Chestnut Street to carry out their manoeuvres. This section of Chestnut Street does attract on-street parking from commuters and also customers of the nearby Tudor Rose public house, which restricts the width of carriageway. It will also be necessary to consider the introduction of waiting restrictions in this vicinity to protect the movement of vehicles through this section. As before, the cost of funding this Traffic Regulation Order will fall upon the developer.

Although a footway exists along the entire northern side of Chestnut Street, the provision along the southern side from Key Street roundabout stops short of the proposed access. The drawings submitted do appear to indicate that this footway will link all the way into the development, but is beyond the red line boundary and does not indicate whether this is intended to represent an extension to the existing footway. For clarity, it would be appropriate to secure this off-site highway work through a planning obligation, so that it is provided as part of the Section 278 Agreement works.

To accord with the emerging Local Plan, this site is expected to contribute towards improvements of the Key Street/A249 junction. Based on the levy that has been applied to other developments that will send traffic through this junction, it would be appropriate to seek a financial contribution of £51,667. The Section 106 Agreement will therefore need to include for that provision.

Whilst the planning application has been made in Outline, with only access to be considered at this time, I do note that an indicative site layout has been submitted, and reference is made within the Transport Statement to the parking provision within the development. As these are considerations for any subsequent Reserved Matters application, should the Local Planning Authority grant approval to the current application, then those aspects of the proposals will be assessed at that time. Please note that the response being provided by Kent County Council Highways and Transportation now should not be taken as any acceptance of the details submitted beyond those of Access only. However, I would suggest that the parking category that this development will fall in should be Suburban Edge, rather than the Suburban category referred to in the Transport Statement. When assessing those details at the Reserved Matters stage, the development layout and details will be expected to be in accordance with the appropriate design guidance. It should be noted that the parking guidance, IGN3, does not count garages towards the parking provision, and independently accessible parking spaces are sought instead of tandem arrangements. This is likely to influence the final design of the development layout.

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

- *Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.*
- *Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.*
- *Provision of measures to prevent the discharge of surface water onto the highway.*
- *Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.*
- *Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.*
- *Completion of the identified off-site highway works*
- *Undertaking to progress the Traffic Regulation Order for the speed limit extension*
- *Undertaking to progress the Traffic Regulation Order for waiting restrictions*
- *Contribution of **£51,667.00** towards junction improvements'*

7.10 KCC Development Contributions Team requests the following contributions (based on 50 dwellings being approved and built under a reserved matters application):

- Primary Education (towards enhancement of Borden Primary School) - **£166,200.00**
- Secondary Education (towards Phase 3 of expansion of Westlands Secondary School - **£117,990.00**
- Community Learning (towards new equipment to support additional Adult Education in the new Sittingbourne Hub) - **£3,021.35**
- Youth Service (towards additional youth facilities and equipment in Sittingbourne) - **£1,879.17**
- Libraries (towards equipment and bookstock costs of new library in Sittingbourne Hub) - **£11,350.00**
- Social Care (towards fit out costs of Sittingbourne Care Hub) - **£3,166.50**
- The Contributions Team also request that one of the affordable homes on the site be suitable for wheelchair access; and that High Speed Fibre Optic Broadband connection be incorporated into any reserved matters proposal for the development.

7.11 The Greenspaces Manager requests a contribution of **£43,050.00** (£861.00 per dwelling) towards the provision of off site play equipment at Grove Park. He also notes that, if the greenspace on site is to be maintained by SBC after completion, a ten year commuted sum will also be necessary. I will update Members at the meeting.

7.12 The NHS Swale Clinical Commissioning Group requests a financial contribution of **£18,000.00** towards expanding existing facilities within the vicinity of the development, in the form of funding for services and staff.

7.13 The Environmental Protection Team Leader requires a contribution of **£4,300.00** (£86.00 per dwelling for a refuse and a recycling bin).

7.14 No response has been received from the Housing Services Manager. I will update Members at the meeting, although I note that five dwellings or 10% of the total dwellings proposed are earmarked for affordable housing.

7.15 KCC Ecology raise no objection, subject to a landscaping condition included below.

- 7.16 KCC Flood and Water Management raise no objection, subject to conditions included below.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 Application papers and drawings relating to application 17/500727/OUT
- 8.02 Application papers and drawings relating to application SW/04/0095
- 8.03 Application papers and drawings relating to application SW/03/0224

9.0 APPRAISAL

- 9.01 The key issues to consider in this case are those of the principle of development; residential amenity; landscape and visual amenity; highway issues and infrastructure concerns; minerals issues; the use of agricultural land; and the density of development. I will deal with each of these matters in turn.

- 9.02 Principle of Development: A number of objectors have correctly noted that two previous planning applications have been refused on this site. Those refusals resulted from the fact that under both the 2002 and the 2008 Local Plans, this land was situated outside the built up area boundary and was not allocated for housing. However, under the auspices of the newly approved Bearing Fruit 2031: The Swale Borough Local 2017, the status of the land has changed, with the land being allocated for housing under Policy A21 of the Swale Borough Local Plan 2017. As such, with the status of the land changing, the principle of residential development on this land also changes, with such a principle now being acceptable and in accordance with Policy A21.

It should be noted that the site is allocated for a minimum of 30 dwellings; up to 50 are proposed in this application. However, the accompanying illustrative drawing would suggest up to 50 could be accommodated on this site, whilst still providing adequate public and private amenity space, parking and high levels of residential amenity. This matter will be further discussed later in this report.

- 9.03 Residential Amenity: In terms of residential amenity, I do agree with the concerns of residents in Cherryfields, which is located directly east of the northeast corner of the site. I have visited two of these residents and viewed the situation from their homes, and it is surprising to note how dramatically and rapidly the ground levels change between the existing rear gardens in Cherryfields and the eastern boundary of the proposal site, with a rapid rise in topography of between two and three metres. This would indeed result in issues of overlooking and possibly overshadowing to certain properties within Cherryfields.

The applicant has helpfully submitted indicative site layouts with the application, although access is the only issue to be decided under this outline application. A number of local residents correctly noted the possible issues which would result should this layout be confirmed. It must again be noted that layout is not an issue for decision in this application, but the applicant is advised to take note of Condition (5) below, recommending that when submitting a reserved matters application (should Members

resolve to approve this outline application), the dwellings on the plots nearest to Cherryfields should be single storey, to minimise harm to the residents of Cherryfields.

I do am not of the opinion that the proposal would raise any other issues relating to an unacceptable erosion of residential amenity.

9.04 Highway Issues: A number of concerns have been raised with regard to highways issues and the impacts upon same from the development. I note the response received from KCC Highways and Transportation, which I included in full earlier in this report, for Members' information. That response suggests that the impact of the proposal upon highway amenity would be limited, and this would be negated further by the proposed changes to the Key Street Roundabout. I am happy to accept the expert opinion of KCC Highways and Transportation; much thought has obviously gone into their response, and the concerns raised have been carefully addressed by their findings.

9.05 Infrastructure Issues: A number of concerns have also been raised with regard to infrastructure issues, with particular reference to schools places, medical services, etc. Whilst I understand these concerns, I note the requests for contributions towards schools and facilities, libraries, NHS services, highways improvements, greenspaces, etc. so would argue that suitable financial recompense would be obtained via a s.106 to improve services in the area. As such, I consider that the impact of the development would be substantially negated by these improvements paid for by the developer, and as such, I deem this objection to have been answered. The amounts required are as follows:

- **£51,667.00** towards junction improvements'
- Primary Education (towards enhancement of Borden Primary School) - **£166,200.00**
- Secondary Education (towards Phase 3 of expansion of Westlands Secondary School) - **£117,990.00**
- Community Learning (towards new equipment to support additional Adult Education in the new Sittingbourne Hub) - **£3,021.35**
- Youth Service (towards additional youth facilities and equipment in Sittingbourne) - **£1,879.17**
- Libraries (towards equipment and bookstock costs of new library in Sittingbourne Hub) - **£11,350.00**
- Social Care (towards fit out costs of Sittingbourne Care Hub) - **£3,166.50**
- **£43,050.00** (£861.00 per dwelling) towards the provision of off site play equipment at Grove Park.
- **£18,000.00** towards expanding existing NHS facilities within the vicinity of the development.
- £223.58 per dwelling, or **£11,179.00** for 50 dwellings is required to mitigate potential impacts on the Swale Protection Area.
- A 5% administration and monitoring fee.

- 9.06 **Minerals Issues:** The site is identified for brick earth extraction prior to development in the Kent Minerals and Waste Local Plan (KMWLP) Adopted April 2017, and the KCC Minerals Extraction Team have registered a holding objection. The developer has argued that the site should be exempt under Criterion 7 of Policy A21 of The Swale Borough Local Plan 2017, as follows:

'Policy DM 7 Safeguarding Mineral Resources states 'Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding, where it is demonstrated that either 7. it constitutes development on a site allocated in the adopted development plan'.

Whilst we appreciate the Local Plan has not been adopted, it can be given significant weight as it is at an advanced stage. As the application site is included in the draft Local Plan in Policy A14- Sittingbourne 2. Manor Farm we believe the application can be permitted as it will adhere to #7 in Policy DM 7.

In addition to this, Bearing Fruits 2031: The Swale Borough Local Plan Proposed Main Modifications June 2016 proposed a number of amendments. In 6.5 Proposed housing allocations there is no reference of concern relating to safeguarding minerals which might be present on site, therefore requiring a Minerals Assessment.

This has been recognised on other proposed housing sites (but importantly not on Manor Farm) where Main Modifications have been included, Minerals Assessments on the followings proposed housing allocations have been proposed:

Larger Allocations

*Stones Farm, Sittingbourne
Land at the Western Link, Faversham
Preston Fields, Faversham
Iwade Expansion
Land north of High Street, Newington*

Smaller Allocations

*Ham Road, Faversham
West of Brogdale Road, Faversham*

Due to the forthcoming allocation of the site for housing and no representations or main modifications being proposed relating to a Minerals Assessment being required, we believe the site meets exemption #7 in Policy DM 7 and can therefore be supported.'

- 9.07 Policy A14 doesn't specifically highlight mineral safeguarding as an issue on this site as it does others, nevertheless the LP makes it clear (Section 4, paras 4.1.65 – 4.1.67) that where reserves are identified on site allocated for development we will ensure the developer works with the Minerals Planning Authority to ensure timely working of the site, provided that there is a suitable and viable outlet for the resource and without it creating an unreasonable impact on the viability and therefore affecting the development coming forward.

Regarding the developers' interpretation that they would be exempt because the site would be within an adopted development plan, the County Council as Mineral Planning Authority does not share this interpretation and considers that it is contrary

to national planning guidance, the KMWLP and runs counter to the views of the Inspector who found the KMWLP sound in 2016.

The National Planning Policy Framework (NPPF) makes clear that the responsibility for facilitating the sustainable use of minerals applies to all planning authorities. The NPPF is crystal clear that development needs to take account of minerals and not needlessly sterilise resources.

Specifically looking at this site – it is very small (50 dwellings) and therefore not likely to yield any amount of resource that would be practical or of economic value. Furthermore any extraction, given the small size, is likely to affect viability to such an extent as to render the whole scheme a non-starter. I would imagine that it why the LP Policy A14 doesn't explicitly specify a minerals assessment is needed. The developer has therefore been advised to have discussions with KCC without the need to do a minerals assessment.

The applicant's agent has heeded the above advice and discussed the matter at length with colleagues at KCC Minerals, who are in the process of preparing a response. I will update Members on this situation at the meeting.

- 9.08 Development on Agricultural Land: Policy DM 31 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 states that development on best and most versatile agricultural land (the land in question is Grade 1 Agricultural land) will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries. An overriding need in this case is considered to be the housing need of this Borough. Policy DM 31 states that development on best and most versatile agricultural land will not be permitted unless the site is allocated by the local plan. In this case, the site is included as an allocation in the Local Plan. Paragraph 112 of the NPPF states that 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 higher quality. In this case I consider that the overriding argument in respect of the loss of best and most versatile agricultural land is that the need for housing outweighs the need for agricultural land and the fact that this site is included as an allocation site is of overriding significance.
- 9.09 Landscape Impact and Visual Amenity: The Swale Landscape Character and Biodiversity Appraisal 2011 indicates that the surrounding landscape is of moderate quality with moderate sensitivity to change. The application site is not within a designated landscape area and is not noted for its special quality or character. I therefore conclude that the development of this site for housing would cause no significant harm to the character or appearance of the countryside/landscape and that any harm can be adequately mitigated against through retention and reinforcement of vegetation along the boundaries of the site.
- 9.10 Density of Development: It will be noted that Policy A21 of the Swale Borough Local Plan 2017 states that the site is allocated for a minimum of 30 properties. The present outline application allows for up to 50, which would amount to a density of 24.8 dwellings per hectare. However, the indicative layout drawings do appear to show that the site can accommodate fifty dwellings whilst allowing for public and private amenity areas and parking, as previously noted above. Although it must be remembered that details of layout would be dealt with under a Reserved Matters application, should Members be inclined to support this Outline application, the indicative layout has shown that the site could comfortably accommodate up to fifty dwellings, and I consider that level to be acceptable in principle.

Policy A21 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 states that one issue to be addressed on this allocated site would be 'The creation of a new attractive urban edge to Sittingbourne, with substantial landscaping to achieve the integration of development in a fashion that minimises its impact upon the separation of Sittingbourne with Bobbing.' Having carefully studied the illustrative site layout, I am of the opinion that sufficient space along the western and southern borders has been provided to ensure that this is the case.

- 9.11 I note the points raised by objectors, but I believe that the matters noted above address those points.
- 9.12 In terms of surface and foul drainage, I note the comments of relevant consultees (see paragraphs 7.07 and 7.16 above) and have included conditions to ensure that any issues raised are adequately addressed.
- 9.13 With regard to any implications for the Special Protection Area, a contribution of £11, 179.00 is sought in mitigation.

10.0 CONCLUSION

10.01 As such, and on balance, I therefore recommend that this outline application be approved, subject to the conditions below.

11.0 RECOMMENDATION – GRANT Subject to clarification in respect of open space management; the views of the housing Services Manager, the resolution of the brick earth issue; the signing of a suitably worded Section 106 Agreement; and the following conditions:

CONDITIONS

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

Reason: 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.

Reason: 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.

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

- (4) Pursuant to Condition (1) above, the reserved matters application shall show no more than a total of 50 dwellings, and the dwellings shall be no more than 2.5 storeys in height

Reason: In order to comply with Policy A21 of The Swale Borough Local Plan 2017 and in the interests of safeguarding the local landscape.

- (5) Pursuant to Condition (1) above, the reserved matters application shall show only single storey dwellings in the north east corner of the site (marked on the illustrative site layout drawing no. DHA/11507/06 Rev A and the illustrative proposed storey heights plan no. DHA/11507/04 Rev A as plot numbers 35 - 39 inclusive), adjacent to the existing properties in Cherryfields

Reason: In view of the rise in the topography of the land, which would result in issues of overlooking and overshadowing to existing properties in Cherryfields, if those new properties were to be of more than one storey

- (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.

Reason: In the interests of public amenity and safety.

- (7) 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.

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

- (8) The landscaping details submitted pursuant to condition (1) shall include full details of both hard and soft landscape works including existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (9) No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - a) All previous uses

- b) Potential contaminants associated with those uses
 - c) A conceptual model of the site indicating sources, pathways and receptors
 - d) Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) 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.
 4. 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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent pollution of controlled waters and comply with the National Planning Policy Framework.

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

Reason: To prevent pollution of controlled waters and comply with the NPPF.

- (11) 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.

Reason: To prevent pollution of controlled waters and comply with the NPPF

- (12) 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 in writing by the local planning authority. This detailed drainage scheme shall demonstrate that the surface water generated by

this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of within the curtilage of the site. The risk of ground instability associated with discharge of surface water into the underlying soils should be assessed and the infiltration rates confirmed with a suitable ground investigation.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- (13) No building hereby permitted shall be occupied until details of the implementation; maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- (14) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority (in consultation with the Environment Agency); this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- (15) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be collected and disposed of via infiltration features located within the curtilage of the site.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions, and to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- (16) Development shall not begin until details are submitted to and approved in writing by Local Planning Authority (in consultation with the Environment Agency and the Lead Local Flood Authority) of measures within the drainage scheme that ensure silt and pollutants resulting from the site use can be adequately managed to ensure there is no resultant unacceptable risk to controlled waters as a result of infiltration of surface water from the development. The details shall only then be implemented in accordance

with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions, and to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- (17) Prior to the commencement of the development, a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works.

Reason: In the interests of residential amenity, highway safety and amenity.

- (18) No development shall take place until:
- a) a site investigation has been carried out to determine the nature and extent of any reptile or bat population within or adjacent to the building in accordance with the advice of Natural England
 - b) a written report of the site investigation has been prepared by a competent person. The report shall include the investigation results and details of a scheme to ensure the long-term health and well being of any reptile or owl population within or adjacent to the building. The report shall be submitted to and approved by the Local Planning Authority in writing.
 - c) the development shall then be implemented in accordance with the approved scheme

Reason: In order to safeguard protected species that may be present within or adjacent to the building.

- (19) The details submitted in pursuance of condition (1) shall show adequate land reserved for parking in accordance with the Approved County Parking Standards and, upon approval of the details this area shall be provided, surfaced and drained before any building is occupied and shall be retained for the use of the occupiers of, and visitors to, the dwellings. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and detrimental to highway safety and amenity.

- (20) None of the dwellings shall be occupied until space has been laid out within the site in accordance with details to be submitted and approved in writing by the Local Planning Authority for cycles to be securely stored and sheltered.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits and to ensure that such matters are dealt with before development commences.

- (21) 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, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted 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.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner and to ensure that such matters are dealt with before development commences.

- (22) 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 on any other day except between the following times :-
Monday to Friday 0900 - 1700 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (23) No demolition or construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times :-
Monday to Friday 0730 - 1800 hours, Saturdays 0830 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (24) Prior to the commencement of development a programme for the suppression of dust during the construction of the development shall have been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity and to ensure that such matters are dealt with before development commences.

- (25) Prior to the first occupation of a dwelling the following works between that dwelling and the adopted highway shall be completed as follows:
- (A) Footways and/or footpaths shall be completed, with the exception of the wearing course;
 - (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
 - (1) highway drainage, including off-site works,
 - (2) junction visibility splays,
 - (3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

- (26) Within 6 months of construction commencing a detailed landscaping plan and management plan must be submitted to the LPA for written approval. The submitted information must include the following:

- A landscape plan incorporating the ecological enhancement measures detailed within chapter 9 of the Ecology Assessment, Ethos Ecology (December 2016)
- Details of how the proposed planting will be established
- A five year rolling management plan for the site
- When habitat monitoring will be carried out
- When management plan reviews will be carried out

The measures shall be implemented in full accordance with the submitted information prior to the occupation of development.

Reason: In the interests of preserving biodiversity and visual amenity

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.

INFORMATIVES:

- (1) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>
The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (2) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW, (Tel: 0330 303 0119 or www.southernwater.co.uk).
- (3) Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.
- (4) KCC wishes to make the applicant aware that Superfast Fibre Optic Broadband 'fibre to the premises' should be provided to each dwelling of adequate capacity (internal minimum speed of 100mb) for current and future use of the buildings.
- (5) All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended) and as such any vegetation must be removed outside the breeding bird season, and if this is not possible an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works must cease within that area

- 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: HABITATS REGULATIONS ASSESSMENT

Context

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

For proposals likely to have a significant effect on a European site, the Conservation of Habitats and Species Regulations (2010) requires the Council to make an appropriate assessment of the implications for the site. Para. 119 of the NPPF states that *"The presumption in favour of sustainable development ... does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."*

Given the scales of housing development proposed around the North Kent SPAs, the North Kent Environmental Planning Group (NKEPG) commissioned a number of reports to assess the current and future levels of recreational activity on the North Kent Marshes SPAs and Ramsar sites. NKEPG comprises Canterbury, Dartford, Gravesham, Medway and Swale local authorities, together with Natural England and other stakeholders. The following evidence has been compiled:

- Bird Disturbance Study, North Kent 2010/11 (Footprint Ecology).
- What do we know about the birds and habitats of the North Kent Marshes? (Natural England Commissioned Report 2011).
- North Kent Visitor Survey Results (Footprint Ecology 2011).
- Estuary Users Survey (Medway Swale Estuary Partnerships, 2011).
- North Kent Comparative Recreation Study (Footprint Ecology 2012).
- Recent Wetland Bird Surveys results produced by the British Trust for Ornithology.
- Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy (Footprint Ecology 2014).

In July 2012, an overarching report summarised the evidence to enable the findings to be used in

the assessment of development. The report concluded (in summary):

- There have been marked declines in the numbers of birds using the three SPAs.
- Disturbance is a potential cause of the declines. The bird disturbance study provided evidence that the busiest locations support particularly low numbers of birds.
- Within the Medway, the areas that have seen the most marked declines are the area north of Gillingham, including the area around Riverside Country Park. This is one of the busiest areas in terms of recreational pressure.
- Access levels are linked to local housing, with much of the access involving frequent use by local residents.
- Bird disturbance study - dog walking accounted for 55% of all major flight observations, with a further 15% attributed to walkers without dogs along the shore.
- All activities (i.e. the volume of people) are potentially likely to contribute to additional pressure on the SPA sites. Dog walking, and in particular dog walking with dogs off leads, is currently the main cause of disturbance.
- Development within 6km of the SPAs is particularly likely to lead to increase in recreational use.

Natural England's advice to the affected local authorities is that it is likely that a significant effect will occur on the SPAs/Ramsar sites from recreational pressure arising from new housing proposals in the North Kent coastal area.

The agreed response between Natural England and the local authorities is to put in place strategic mitigation to avoid this effect – a 'strategic solution.' This provides strategic mitigation for the effects of recreational disturbance arising from development pressure on international sites and will normally enable residential development to proceed on basis of mitigation provided avoiding a likely significant effect.

This strategic approach is set out in the Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy (Footprint Ecology 2014). It will normally require the creation of on-site mitigation, such as the creation of open space suitable for dog walking and, secondly, via payment of a dwelling tariff for off-site impacts. The money collected from the tariff would be used by the North Kent Councils and its partners for mitigation projects such as wardening, education, diversionary projects and habitat creation. The policy context for such actions is provided by policies CP7 and DM28 of the Local Plan 2017.

Associated information

Natural England's email to SBC dated 6th April 2017 has also been considered; in particular that they have raised no objections subject to contributions towards strategic mitigation.

The Assessment of Land at Manor Farm, Sittingbourne

The application site is located approximately 2km to the southeast of The Swale SPA. Therefore, there is a medium possibility that future residents of the site will access footpaths and land within these European designated areas.

Measures are to be taken to reduce the impact on the SPA and these would be built into the development in respect of the provision of public open space.

This assessment has taken into account the availability of other public footpaths close to the site and to a lesser extent, the open space proposed within the site. Whilst these would no doubt supplement many day-to-day recreational activities, there would be some leakage to the SPA. However, the commitment of the applicant to contribute £223.58 per house to address SPA recreational disturbance towards through strategic mitigation in line with recommendations of the

Thames Medway and Swale Estuaries SAMM as detailed above, will off-set some of the impacts. This mitigation will include strategies for the management of disturbance within public authorised parts of the SPA as well as to prevent public access to privately owned parts of the SPA.

Conclusions

Taking the above into account, the proposals would not give rise to significant effects on the SPA. At this stage it can therefore be concluded that the proposals can be screened out for purposes of Appropriate Assessment.

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REFERENCE NO - 17/503326/LBC			
APPLICATION PROPOSAL Listed Building Consent to add one additional photovoltaic panel to the three already approved; increase the size of all four panels from that previously approved; and the omission of one approved rooflight on the south-facing roofslope of approved rear extension			
ADDRESS 46 Tanners Street Faversham Kent ME13 7JL			
RECOMMENDATION Approve			
SUMMARY OF REASONS FOR RECOMMENDATION: Proposal is generally in accordance with national and local planning policy, and the proposal will not cause unacceptable harm to the character and setting of the listed building			
REASON FOR REFERRAL TO COMMITTEE – Applicant is SBC Employee			
WARD St. Ann's	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr & Mrs Stonor AGENT	
DECISION DUE DATE 31/08/17	PUBLICITY EXPIRY DATE 18/08/17	OFFICER SITE VISIT DATE 26 th July 2017	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/507323/FULL & 15/507328/LBC	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. (NB. Work has now commenced on implementing these consents)	Approved	20/01/2016
SW/10/0888 and SW/10/0889	Planning Permission and Listed Building Consent for the 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 (Not implemented)	Approved	02/03/2012
SW/07/1167 and SW/07/1168	Planning Permission and Listed Building Consent for two storey rear extension	Withdrawn	28/12/2007
SW/87/0033 and SW/87/0034	Planning permission and Listed Building Consent for two storey side extension (Implemented)	Approved	07.05.1987

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.

2.0 PROPOSAL

- 2.01 The present proposal is for the same extensions and alterations, but adding an extra solar-voltaic panel to the already approved three panels on the roofslope of the proposed extension, whilst reducing the number of rooflights on the south-facing roofslope from three to one. It should be noted that the proposed panels are a little deeper than those originally proposed. No other changes are envisaged. The permitted photo-voltaic array would in its entirety measure 2.7 metres by 1.2 metres; with the proposed additional panel, and larger panel, the proposed array would measure 3.6 metres by 1.7 metres.
- 2.02 It should be noted that the present LBC application is accompanied by an application for a Non Material Amendment, which the Council's Constitution allows for determination under delegated powers. A Non-Material Amendment is a small planning application for a minor change to an approved scheme which would have no material effect. However, as the building is listed, and there is no provision within the Planning and Listed Buildings Act for any minor changes to an approved scheme, a new LBC application is required, hence the present application.
- 2.03 The proposal has been referred to the Planning Committee as the applicant is a member of staff.

3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

Conservation Area Faversham

Environment Agency Flood Zone 2

Listed Buildings SBC Ref Number: 1243/SW

Description: G II 46 TANNERS STREET, FAVERSHAM, ME13 7JL

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF): Paragraphs 132 & 133 (Designated Heritage Assets)

Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies DM14 (Development Criteria), DM32 (Listed Buildings) and DM33 (Conservation Areas)

5.0 LOCAL REPRESENTATIONS

- 5.01 Faversham Town Council raises no objection.

6.0 CONSULTATIONS

6.01 No other consultation correspondence has been received.

7.0 APPRAISAL

- 7.01 The key material considerations in the assessment of this LBC application are whether the increase in size and number of the proposed photovoltaic panels would harm the character and setting of the listed building in question, which in itself forms a key element of the Conservation Area street scene at the relevant location.
- 7.02 The elevation of the approved extension will be quite visible from a gap in the building frontage between 42 and 46 Tanners Street, whereby the photo-voltaic array could be clearly seen. This matter has been discussed with the applicants, and it has been suggested that the planting of two semi-mature evergreen trees (such as holly) near to the boundary wall south of the house would considerably screen the extension. This offer has been accepted and a condition for same is duly given below.
- 7.03 It will be noted that a photo-voltaic array on this roofslope has already been approved. Whilst the array presently under consideration would be larger, I am of the opinion that, by approving the original array, this has set a precedent in this particular case, (and only for this particular case), and the additional panel does not alter that precedent.
- 7.04 I further note that the introduction of the fourth panel, though increasing the size of the array, would also result in the omission of two of the previously approved rooflights also shown on this roofslope. This omission will vastly improve the appearance of the roofslope, making it far less 'busy' and therefore having a lesser visual impact upon the character and setting of the host building and also the surrounding conservation area.
- 7.05 As the applicants have willingly agreed to mitigation measures (the two new trees), which would soften the visual impact of the larger array, I am now of the opinion that the proposed minor changes can be supported.
- 7.06 It should be noted that, in addition to the new conditions noted below, the original conditions have also been added, as the works previously permitted have only just been started, and it is important that the works are undertaken in accordance with the approved drawings.

8.0 CONCLUSION

- 8.01 As such, and on balance, I therefore recommend that the application be approved, subject to strict accordance with the conditions noted below,

9.0 RECOMMENDATION – APPROVE, subject to the following conditions:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 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/PP005BD, NE_103INST, 064/PPC013 and 3 KPS Joinery drawings rec on 07/09/15.

Reason: 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

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

- (4) Details showing the exact siting, species and planting specification of two new trees alongside the south eastern part of the existing boundary wall shall be submitted to and approved in writing by the Local Planning Authority before the solar array is installed. Thereafter, the trees must be planted in the first planting season following the installation of the solar array.

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

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

Reason: 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.

APPENDIX 1

Dear Andrew

Proposal: Listed Building Consent to add one additional photovoltaic panel to least visible part of south-facing roof of (previously approved (Ref: 15/507328/LBC)) replacement extension

Ref: 17/503326/LBC

Location: 46 Tanners Street, Faversham, ME13 7JL

Please find below our response to the Conservation Officer's comments on the above application. The Conservation Officer's comments are in plain text and our responses are in italics.

For information, the previously approved scheme, which included three solar panels on the south-facing roof of 46 Tanners Street is referenced 15/507328/LBC and was granted on 20th January 2016.

Scheme assessment

- The key material considerations in the assessment of this LBC application are whether the increase in size and number of the proposed photovoltaic panels would harm the character and setting of the listed building in question, which in itself forms a key element of the Conservation Area street scene at the relevant location.
- The elevation of the approved extension will be quite visible from a gap in the building frontage between 42 and 46 Tanners Street (see my photo below from our site visit yesterday).



- The proposed revision to the solar array on the roof slope in question means that this much larger array (which would visually dominate the area of roof slope that can clearly be seen from the footway) would be highly visible, and represent something of an unwanted visual intrusion into an otherwise largely traditional, somewhat rustic roofscape.

Please see the image below, where the position of the proposed additional solar panel is indicated. As can be seen, the majority of the proposed additional panel (the red rectangle on the photograph) is obscured from view. Indeed, the proposed additional panel is much less prominent than the three already permitted panels that will be sited immediately to the left of the proposed additional panel.



- In a less heritage sensitive location and/or in relation to the roof slope of a building that is shielded/screened to some degree by established and protected trees, this would be unlikely to represent such a significant issue, but the proposal as it stands, given the specific nature of the context in which it would be seen, raises valid heritage impact concerns in my mind that I struggle to see being overcome.

The three already permitted panels will be more visible than the proposed additional panel. The visual prominence of the three permitted panels has already been assessed and approved as part of the permitted scheme (15/507328/LBC). At that time (January 2016) the assessment as set out in the Report to Planning Committee, para 7.05, was 'The proposed installation of photovoltaic panels does need to be assessed additionally. They are to be sited 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.' The proposed fourth panel would also be a low profile design. Whilst we acknowledge that that area of panels is increased in this revised scheme the principle of well-designed solar panels on the extension to a listed building was established at this location in the granting of Listed Building Consent 15/507328/LBC. We consider the incremental increase in area in this revised scheme to be modest and not significant enough to warrant a change of position from the planning authority.

- In NPPF terms, the level of harm that would arise just from the development in its own right, is one that would fall squarely within the 'less than substantial harm' bracket. However, there is little or no public benefit that would arise from this proposed change to the approved scheme, and whilst it is an accepted planning system principle that each and every proposal should be considered on its own merits, precedent can and often does come into the equation and it concerns me that were we to allow this revised solar array scheme as proposed, we might find it difficult to then resist similar proposals for solar arrays in similarly, or even more sensitive areas. The cumulative impacts in such a scenario could be much more significant...

We would argue that there is a small public benefit to this application in that the array will be generating renewable energy and therefore taking less energy from the National Grid. We also argue that there is not a significant, if any, public detriment that hasn't already been considered and approved in the permitted design.

The four solar panels for which we seek approval are part of a thoughtful and contemporary extension to a Grade II Listed Building, the design of which is the result of many years of work, in

partnership with the previous Conservation Officer at Swale Borough Council. We believe that there is public benefit in a well-considered building of innovative, high-quality design, with integrated renewable energy, demonstrating how a listed building can be appropriately extended and adapted for the climate and context in which it is being built.

The precedent for a solar array in this location was set when the three-panel design was permitted. The additional panel does not alter the setting of that precedent. We therefore contend that this point is not relevant.

- I am aware from our recent site visit that there are no other locations within the curtilage of the application property whereby the proposed larger solar array might be installed with less or no real visual impact, so I accept it realistically needs to be installed on the south-facing roof slope of the approved extension. Clearly however, it does not need to be as large as is now proposed, although I do fully appreciate that this larger array makes the installation more cost effective, and the overall development more sustainable, certainly over a long timeframe.

Conclusion

- As the approved extension is a long way from completion still, rather than dismissing this revised proposal at this stage, I would like to explore whether there is some form of mitigation that might enable the proposed larger solar array to be installed without any material harm to the way in which the listed building and Conservation Area street scene in question is/will be perceived. This might be achieved from the planting of one or more carefully sited trees close to the front boundary wall (to the south of the house) and/or by possibly juggling the position of the rooflights and solar array on the roof of the extension, such that the solar array could be positioned closer in to the rear roof slope of the main house, so that less of it would be visible from the footway. This might for instance necessitate losing the remaining rooflight on the south-facing roof slope of the extension and replacing this on the north-facing roof slope. I appreciate from a very brief look at the floor plans that this second possible mitigation option might be a non-starter from the applicants' perspective, but I am willing to explore either of these options with you and them if it might lead to the situation in which the sustainable construction aspect of the extension proposal can be improved without materially impacting on the heritage sensitivity of the application property and its immediate environs.

We appreciate the Conservation Officer's recognition that the south-facing rooflight is an essential element of the permitted design around which the plan and section of the scheme has been designed, and as he might expect we are not willing to lose this rooflight from the permitted design. However, we are prepared to follow his proposal of the planting of one or more carefully sited trees close to the front boundary wall (to the south of the house) and hope this mitigation means that, bearing in mind the arguments set out above, the application can be recommended to the Planning Committee for approval.

Re-consultation

- In the event of the scheme currently before us being amended in any way that would materially affect its design/appearance and/or would materially affect its wider setting, please ensure that the Design & Conservation Unit is formally re-consulted.

Tim and Anna Stonor, 31st July 2017



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Appeal Decision

Site visit made on 31 May 2017

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date:

Appeal Ref: APP/V2255/D/17/3172123
15 Pearl Walk, Sittingbourne, ME10 5AG

- 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 Jason May against the decision of Swale Borough Council.
 - The application Ref 16/507361/FULL, dated 4 November 2016, was refused by notice dated 23 December 2016.
 - The development proposed is: *'To extend garden wall on unused ground on boundary line of house/land owned.'*
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 1) The proposal's effect on the character and appearance of the area; and
 - 2) The proposal's effect on the living conditions at No 14 Pearl Walk, with specific regard to outlook.

Reasons

Character and appearance

3. The pathway between the appeal site and No 14 Pearl Walk acts as an entrance into the estate, performing both a physical and a visual function. The open, grassed area allows for views towards Spinel Close from the main road, giving a sense of spaciousness to both users of the pathway and other pedestrians nearby.
 4. The intended fencing would be positioned hard up against the path and would extend outwards from No 15's side wall, at a point just behind its frontage. It would then taper inwards to bound a narrow, green border, running to a point on the side wall close to the rear end of its garden. I consider that this spaciousness would be significantly reduced and materially harmed by the erection of a 1.8m high fence in this location.
 5. I note the appellant indicates that the verge is often littered and dog-fouled and enclosing it for incorporation into the property's garden would ensure its maintenance and enhance the area. However, in my judgement the combination of the length, height and location of the fencing would mean that users of the path would feel an unwelcome sense of enclosure whilst, to
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passers-by, the quality of open views would be lost. I consider that this loss outweighs those benefits put forward by the appellant.

6. On this main issue I conclude that the proposal would be harmful to the character and appearance of the area, and would be contrary to the design objectives of Policies E1 and E19 of the Council's Borough Local Plan (LP).

Living conditions

7. No 14, on the opposite side of the footpath, is set behind a shallow front garden. Its frontage has two windows from which the path is visible. One of the windows is obscurely glazed whilst the other, although lighting a habitable room, is secondary to the room's larger bay window which is set within the building's side elevation. This orientation would mean that the side bay would not be affected by the proposal.
8. The front window would not face directly towards the line of the proposed fence. Given also that the enclosure fence would be of standard garden fence height and sufficiently distanced from the window, I do not consider that the particular circumstances would result in an appreciable loss of outlook from the window. The proposal would not be to the occupiers' detriment in this regard.
9. On this main issue I conclude that the proposal would not be harmful to the living conditions of neighbouring occupiers, and would not conflict with the objectives of LP Policy E1 which, amongst other things, serves to safeguard such interests.

Other matters

10. The appellant has provided a series of photographs taken from various points on the estate showing the relationship of flank walls to their respective boundaries. I have had regard to these but none properly reflect the particular circumstances relating to the appeal site and its immediate surroundings.
11. In this context neither the absence of any objection to the proposal by other parties nor the appellant's suggestion that the Council could exercise control over the type of fencing by way of a planning condition are sufficient factors such as to outweigh the harm I have identified would result. My conclusions are therefore unaffected.

Conclusion

14. Although I have found that the living conditions at No 14 would not be adversely affected this is outweighed by my conclusion as to the harm that would result to the area's character and appearance. I consider this to be significant.
15. For the above reasons, and having had regard to all matters raised, the appeal is dismissed.

Timothy C King

INSPECTOR

Appeal Decision

Site visit made on 24 July 2017

by Clive Tokley MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 July 2017

Appeal Ref: APP/V2255/D/17/3175854
25 Meadow Rise, Iwade, Sittingbourne, ME9 8SB.

- 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 M Hancock against the decision of Swale Borough Council.
 - The application Ref 17/501059/FULL dated 24 February 2017 was refused by notice dated 2 May 2017.
 - The development proposed is described as a two-storey side and rear extension replacing existing conservatory. Extend garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council raises no objection to the extension at the front of the garage or to the relationship between the proposal and No 27 Meadow Rise. I have no reason to disagree with the Council's views on those aspects of the proposal. The main issue is the effect of the proposal on the living conditions of the occupiers of No 23 Meadow Rise as regards light and outlook.

Reasons

3. No 25 Meadow Rise forms a semi-detached pair with no 23 at the head of the cul-de-sac. The proposal would replace the single-storey rear conservatory at No 25 with a two-storey extension. No 23 is a narrow house and the full width of its ground floor at the rear is occupied by a kitchen/diner. The dining area of No 23 is closest to No 25 and is lit by a rear-facing window. The kitchen/diner is also served by a rear-facing glazed door, which provides access to a paved patio area, and a side-facing window. No 23 has a sitting room at the front of the house but my impression was that the dining area was an important part of the living space of the household.
 4. The 3m deep flank wall of the proposal would be positioned 1m from the boundary with No 23. The proposed extension would be off-set from the boundary and behind the garden wall/fence; nevertheless it would be a dominant structure when seen from the rear patio of No 23. It would also be seen through the rear-facing window from within the kitchen/diner and would detract from the outlook from that room.
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5. The extension would lie to the south west of No 23 and would cast a shadow over part of the patio area; however that area would continue to receive direct sunlight for much of the day. The proposal would be likely to cut out some direct sunlight to the dining area window, but taking account of the other light sources to that room I consider that the proposal would not unacceptably detract from sunlight or daylight.
6. The appellant distinguishes between the first floor and ground floor of the proposal and focuses on the effect of the proposal on the upstairs windows of No 23. However my concern lies with the effect of the whole proposal on the ground floor accommodation and the rear patio area of that property. I consider that the proposal would be an un-neighbourly structure that would be unacceptably dominant and would detract from the outlook from the rear patio and ground floor rear window of No 23.
7. The proposal would conflict with the objectives and guidance set out by the Council's *Designing an Extension; A Guide for Householders* and with Policies E1 and E24 of the *Swale Borough Local Plan 2008* which seek to ensure that residential amenity is protected. In this respect those policies are consistent with the National Planning Policy Framework which indicates that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

8. Taking account of all matters I have concluded that the proposal would have an unacceptably harmful effect on the living conditions of the occupiers of No 23 Meadow Rise as regards outlook and that the appeal should not succeed.

Clive Tokley

INSPECTOR

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