

AGENDA

PLANNING COMMITTEE MEETING

Date: Thursday, 9 November 2017

Time: 7.00pm

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, James Hall, Nicholas Hampshire, Harrison, Mike Henderson, James Hunt, Ken Ingleton, Nigel Kay, Peter Marchington, Bryan Mulhern (Chairman), Prescott and Ghlin Whelan.

Quorum = 6

Pages

1. Fire Evacuation Procedure

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.

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.

The Chairman will inform the meeting that:

(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

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

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.

2. Apologies for Absence and Confirmation of Substitutes

3. Minutes

To approve the Minutes of the Meeting held on 12 October 2017 (Minute Nos. 274 - 283) as a correct record, subject to amending the wording on Item 2.2, 5 Park Avenue, Sittingbourne to read 'Mr Mark Joyce, an objector, spoke against the application.'

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 30 October 2017 (Minute Nos. to follow).

To consider applications:

17/502405/FULL – 5 Park Avenue, Sittingbourne, ME10 1QX

6. Report of the Head of Planning Services

1 - 50

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

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 8 November 2017.

7. Exclusion of the Press and Public

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

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

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
See note below.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and any employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes
 - (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) To make an order or direction under any enactment.
7. Information relation to any action in connection with the prevention, investigation or prosecution of crime.

8. Report of the Head of Planning Services

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To consider the attached report (Part 6).

Issued on Tuesday, 31 October 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, Services Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

9 NOVEMBER 2017

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PART 2 Applications for which permission is recommended

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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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PART 2

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PART 3

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PLANNING COMMITTEE – 9 NOVEMBER 2017**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 17/502419/FULL			
APPLICATION PROPOSAL Proposed single storey side extension to provide utility room and storage room and new porch/canopy.			
ADDRESS 50 Southsea Avenue Minster-on-sea Sheerness Kent ME12 2JX			
RECOMMENDATION - Approve			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL Proposed development would not give rise to unacceptable harm to residential or visual amenity.			
REASON FOR REFERRAL TO COMMITTEE Parish Council objection			
WARD Minster Cliffs		PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr Moon AGENT Mr Jonathan Williams
DECISION DUE DATE 20/07/17		PUBLICITY EXPIRY DATE 07/09/17	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/501767/FULL	Single storey rear and side extension, first floor side extension	GRANTED	26 Nov 2014
SW/04/0744	Two detached houses to replace existing and demolition of existing	GRANTED	4 August 2004

1.0 DESCRIPTION OF SITE

- 1.01 50 Southsea Avenue is a relatively modern, two storey detached dwelling. Parking is located to the front of the property with private amenity space to the rear.
- 1.02 It is located close to the junction with Minster Drive and Southsea Avenue and lies within the built up area boundary of Minster.
- 1.03 The area is characterised by residential properties, mainly detached bungalows/ two storey dwellings with off- street parking and landscaped gardens to the front of properties.
- 1.04 The property has previously been extended to the right hand side (south-east side).

2.0 PROPOSAL

- 2.01 This application seeks planning permission for the construction of a single storey side extension running for the full depth of the left (north-west facing) side of the house. The application also seeks retrospective planning permission for a new front porch/canopy and garage conversion.
- 2.02 The single storey side extension would sit close to the common boundary with no. 48 Southsea Avenue. It would project sideways by 2.4m and be 10m in length. The pitched roof would be constructed in clay coloured roof tiles to match existing. The proposed side extension would provide a store room to the front and a utility room to the rear. Double opening doors are proposed at the front and rear. No side windows are proposed.
- 2.03 Amended drawings were received after discussions with the agent regarding concerns about the impact of the side extension on the neighbouring property. In addition to this, after carrying out a site visit, it became apparent that the proposed plans had inaccuracies. The amended drawing 17.02.02B received 10 August 2017 addresses both these issues. The side extension would be set back from the existing two storey gable at the front by 1.7m and extend 1.6m beyond the existing rear elevation. As such, the side extension would not extend beyond the front and rear elevation of the neighbouring property at no. 48 Southsea Avenue. The amended drawing also now includes the already constructed porch/canopy and has been subject of re-consultations.
- 2.04 In addition to this, the agent was advised that planning permission was required for the conversion of the garage as a condition was placed upon the original planning permission (SW/04/0744). The amended drawing 17.02.01C received 12 October 2017 indicates the position of the garage before it was converted into living space and has been subject to further re-consultations.

3.0 PLANNING CONSTRAINTS

None

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies DM7, DM14 and DM16
- 4.02 Supplementary Planning Documents: Planning Guidance entitled “Designing an Extension – A Guide for Householders”. The Council’s SPD on extension and alterations explains that “Extensions or conversion of garages to extra accommodation, which reduce available parking space and increase parking on roads is not likely to be acceptable.” It further explains that “To make sure the extension to your front of your dwelling is of a good design, the Borough Council normally requires that it should have a pitched roof and that its projection should be kept to an absolute minimum. The Borough Council normally requires that front additions are kept to a maximum of 1.2m.”

5.0 LOCAL REPRESENTATIONS

- 5.01 One letter of objection has been received from a local resident on the grounds of overshadowing. A summary of their comments is as follows:

- The brick wall of the extension would be built right on the common boundary. Being no more than 0.98m from the partly glazed kitchen door, this would be very oppressive and result in loss of light.
- The proposed extension is close to the neighbouring property and may be subject to the Party Wall Act
- The close proximity of the extension could cause water to drain from the roof onto the neighbouring property.
- On the amended plans, the pitch and position of the roof has been altered and will block light into the bathroom window
- The extension will run the whole length of the side of the neighbouring property resulting in a very narrow, dark alleyway to the rear garden. In addition to overshadowing, this is unacceptable because it poses a security risk and potential health impact resulting in a claustrophobic development
- It will cause a serious imbalance to the appearance of the houses in this section of Southsea Avenue
- The garage conversion has now set a precedent such that any future applications by residents of this road will be met with approval

5.02 The amended drawing 17.02.01C has been the subject of re-consultations and the deadline for comments is now 2 November 2017. This report is subject to the receipt of additional comments which will be reported at the meeting.

6.0 CONSULTATIONS

6.01 Minster-on-Sea Parish Council originally supported the application subject to adequate parking being in place for a 4 bedroom property. However, following the re-consultation period, the Parish Council objected stating “*A site meeting is required to investigate issues relative to loss of light*”. The Parish Council quotes a local resident’s concerns regarding loss of light to the neighbouring property, suggesting this should be investigated.

6.02 Natural England had no comments.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application papers and drawings referring to application reference 17/502419/FULL

8.0 APPRAISAL

8.01 The main considerations in the determination of this planning application concern the impact of the side extension and porch/canopy on the visual amenities of the building and the surrounding area and the impact on residential amenity, together with the loss of the garage as a parking space upon the character and the appearance of the streetscene.

Design, impact on the character and appearance of the street scene and visual amenity

8.02 The proposed side extension would be visible from the front of the dwelling and from public vantage points to the south of the site. I consider this has been appropriately designed, I see no objection to the design approach taken here and I do not envisage harm to visual amenity.

- 8.03 The retrospective conversion of the garage has resulted in the loss of the property's only single garage. The question then is what impact that has on the streetscene and on parking provision at the property. In this road, provision has been made for the parking of cars within the curtilages of all dwellings. I note that the garage fell below the current minimum required width for parking vehicles. As a result, the retrospective conversion has not displaced parking to the front of the dwelling – it is already located there. In my opinion, it has not resulted in additional on-street parking or visual harm as the area of hardstanding is adequate for the parking needs of the property. Whilst the garage conversion has clearly resulted in all the car parking to the front of the dwelling, I do not consider this a reason for refusing planning permission here.
- 8.04 The retrospective application of the porch/canopy infills the small recessed area at the front of the building and is in line with the front building line. It projects 1.7m from the front elevation of the house and measures 2.7m wide and 3.6m high. It has a pitched roof constructed of red roof tiles. Whilst the projection of the front porch does not strictly conform to the Council's SPG, I am of the opinion that it is acceptable in this case as it is not a prominent feature on the street scene and does not extend beyond the front building line of the property. The red coloured roof tiles are not in keeping with the roof tiles on the main roof, however I consider it is acceptable in this case as there is a mix of materials used on the surrounding properties.

Residential Amenity

- 8.05 The proposed side extension will be built off the side boundary between the property and the neighbouring property, no.48. There is a side fence separating the two properties and the neighbouring property has a glazed door on the ground floor facing the fence which is 1.0m away from the side boundary. This door serves a kitchen which is not considered to be a habitable room and in any case, the main source of sunlight will be from the rear facing window which will be unaffected by the proposal. The side extension will be single storey with a low pitched roof; therefore I do not consider there to be any overshadowing issues. The side extension will have a brick built wall facing the side boundary therefore overlooking will not be an issue either.
- 8.06 There is no identifiable harm regarding the impact of the proposal upon the amenity of the residents of the other adjacent dwelling at no.52

Highways

- 8.07 There are two car parking spaces to the front of the dwelling which accords with adopted Kent County Council Highways and Transportation standards for a dwelling with 4+ bedrooms. There would be no resulting harm to highway safety and convenience.

Other Matters

- 8.08 Local concern makes reference to drainage issues. The plans show gutters to the front and rear side elevation and whilst the downpipes are not shown, they would have to be provided and would run into a soakaway. The plans also show that the roof will not overhang the fence line therefore there is no identifiable harm here.
- 8.09 Another local concern is the potential security risk. I acknowledge that security/crime is a material planning consideration, however in this case there is already a narrow alleyway to the side of the property and I do not consider the proposed side extension will materially increase this security risk.

9.0 CONCLUSION

- 9.01 This application for a single storey side extension to provide utility room and storage room, retrospective conversion of garage to living accommodation and porch/canopy is considered acceptable and I therefore recommend that planning permission be granted.

10.0 RECOMMENDATION – GRANT Subject to the following conditions;:

CONDITIONS

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which 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 not be carried out otherwise than in complete accordance with the approved drawing no: 17.02.02B received 10 Aug 2017.

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

- (3) The materials used in the extension shall match exactly in type, colour and texture those of the existing property unless otherwise agreed, in writing, by the Local Planning Authority.

Grounds: In the interests of 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:

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

In this instance

The application was acceptable after amended drawings were submitted and no further assistance was given.

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



2.2 REFERENCE NO - 17/503778/FULL & 17/503779/LBC			
APPLICATION PROPOSAL Conversion of existing building into 4 self contained flats and storage area. New windows to be installed in new first floor kitchens.			
ADDRESS 124 East Street Sittingbourne Kent ME10 4RX			
RECOMMENDATION Grant planning permission and listed building consent subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would provide 4 residential units in a sustainable location without causing unacceptable harm to residential, visual or highway amenity. The proposal would also protect the special architectural features and historic interest of the listed building.			
REASON FOR REFERRAL TO COMMITTEE Recommendation is contrary to the views of Councillor Sarah Aldridge			
WARD Roman	PARISH/TOWN COUNCIL	APPLICANT Ashvin Properties LTD AGENT Mr Ken Crutchley	
DECISION DUE DATE 28/09/17	PUBLICITY EXPIRY DATE 08/09/17		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
None			

THIS REPORT RELATES TO TWO SEPARATE APPLICATIONS BUT THEY ARE REPORTED TOGETHER AS THE PROPOSAL IS SEEKING BOTH PLANNING PERMISSION AND LISTED BUILDING CONSENT FOR THE SAME PROPOSAL AT THE SAME PROPERTY. EACH APPLICATION SHOULD BE DETERMINED ON IT'S OWN MERITS.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises a link detached two storey listed building with a small amount of amenity space to the front of the building and private amenity space to the rear. The site lies within approximately 100m from the boundary of Sittingbourne town centre.
- 1.02 The surrounding area is comprised of a mixture of residential and commercial properties.

2.0 PROPOSAL

- 2.01 This application seeks planning permission and listed building consent for the conversion of the existing residential property into 4 self contained 1 bedroom residential units. The previous use of the property appears to be as a House in Multiple Occupation.

2.02 The proposal includes the insertion of two windows on the eastern flank elevation of the building. No other external changes are proposed to the building.

2.03 The ground floor will be comprised of a 1 bedroom studio flat, a 1 bedroom flat and a storage area. The first floor will be comprised of 2 x 1 bed flats. The flats will provide habitable floor area as follows:

Ground Floor 1 bedroom flat – 43sqm of habitable floorspace

Ground Floor 1 bedroom studio flat – 25sqm of habitable floorspace

First floor, 2 x 1 bedroom flats - 34sqm and 40.5sqm of habitable floorspace

2.04 The internal alterations include the bricking up of one existing doorway and the insertion of a new doorway within an existing wall.

3.0 PLANNING CONSTRAINTS

3.01 Grade II listed building.

4.0 POLICY AND OTHER CONSIDERATIONS

4.01 The National Planning Policy Framework (NPPF):at paragraph 131 states that *“In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.”*

4.02 Paragraph 132 goes onto state that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.”*

4.03 Paragraph 134 says that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

4.04 ST3, CP4, CP8, DM14, DM16 and DM32 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

4.05 Supplementary Planning Guidance regarding Listed Buildings and The Conversion of Buildings into Flats & Houses in Multiple Occupation.

5.0 LOCAL REPRESENTATIONS

- 5.01 A site notice was displayed close to the site and neighbouring properties were sent a consultation letter. 6 responses were received objecting to the application on the following grounds:

- The proposal is not providing any parking facilities and the surrounding roads have no capacity remaining;
- The storage area of the proposal should be converted to parking spaces.

6.0 CONSULTATIONS

- 6.01 Cllr Sarah Aldridge stated the following:

“Conversion of existing building into 4 self contained flats. As far as the application form states, no provision made for parking.

Parking in this area is a serious concern for residents and I am concerned on where residents from the 4 flats are supposed to park.”

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Application papers and correspondence relating to planning reference 17/503778/FULL & 17/503779/LBC.

8.0 APPRAISAL

Principle of Development

- 8.01 The application site lies within the built up area boundary and approximately 100m to the east of the Sittingbourne town centre boundary and the Central Sittingbourne Regeneration area. As such, the principle of residential development in this location is acceptable in principle subject to amenity considerations and the impact upon the listed building's special architectural or historic interest.

Visual Impact and impact upon the listed building

- 8.02 The proposed external alterations to the property are limited to the insertion of two windows into the flank elevation of the property. Due to the close proximity of the adjacent property views towards the flank elevations are extremely limited and as such I do not believe that this would give rise to any significant harm to visual amenities.
- 8.03 The host property is a 19th Century grade II listed building. The building has been subdivided internally and having undertaken a site visit it appears that the property has been in use as a House in Multiple Occupation (HMO). Over the course of time, the front of the building has been rendered, the original floorplan has been lost and an extension to the rear has significantly altered the rear elevation. As a result of these changes, currently the most notable features of the listed building are the location of the stairwell, the layout of the two front rooms, the chimney breast and the fireplaces. The proposed works will not impact upon any of these features. Therefore, as there has already been so much harm caused to the listed building by virtue of the works that have previously taken place it is my view that the proposal would not give rise to any serious additional harm. As a result I am of the view that

what is left of the buildings special architectural or historic interest will not be significantly harmed by the proposals.

Residential Amenity

- 8.04 The additional windows proposed in the side elevation face onto the flank wall of the adjacent property, No.126. I note this property has a window in its flank elevation however it is located high up in the elevation and appears to serve the loft space. Therefore, as the proposed windows are at first floor level and the gap between the properties is limited to approximately 1m, due to the difference in levels between the windows I do not believe that they would give rise to opportunities for harmful levels of mutual overlooking. In addition to this the property is not being extended and as such I take the view that the impact upon the residential amenities of the surrounding occupiers would not be unacceptable.
- 8.05 In terms of the future occupants of the units, I have assessed the floorspace provided against the requirements of the Council's SPG, The Conversion of Buildings into Flats & Houses in Multiple Occupation. The proposal is to convert the units into 4 x 1 bedroom units (one of the units will be a studio flat with a combined bedroom and living area). The units are all in excess of the floorspace requirements as set out in the SPG. Furthermore, the property is served by a garden of 22m in depth and 9m in width. As a result I am of the view that the proposal would provide suitable living conditions for the amenities of future occupiers of the development.
- 8.06 The proposal includes a storage area at ground floor level of a relatively generous size. In my view this could comfortably accommodate storage of bicycles for example and as such I have included a condition which requires the occupants of the flats to have access to the storage room in perpetuity.

Highways

- 8.07 As shown by the comments received by the Ward Councillor and local residents there is a concern in this area regarding the availability of parking. The property does not benefit from any off road parking and fronts onto a part of East Street which has double yellow lines on both sides of the highway.
- 8.08 As set out above the site lies approximately 100m outside of the town centre and as such in my view would be designated as an edge of centre location. Policy DM7 (vehicle parking) sets out that until such a time that a Swale Vehicle Parking SPD has been adopted the Council will continue to apply the extant Kent County Council vehicle parking standards. The Council has not yet adopted a parking SPD. The details contained within the *Kent Design Guide Review: Interim Guidance Note 3, 20th November 2008 – Residential Parking* divides areas into four categories – town centre, edge of centre, suburbs and rural. There is a clear distinction that can be made between town centre / edge of town centre areas and suburbs / rural areas in that *maximum* parking standards are applied to the former. The result of this is that developments within the town centre / edge of town centre, as is the case with this site, would be acceptable if no parking was proposed. In this case as the development is in line with the County parking standards it is therefore compliant with the Council's adopted policy and I take the firm view that a lack of parking in this case should not warrant a reason for refusal.
- 8.09 I also give weight to the previous use of the site which having undertaken a site visit appears to be as a HMO. Although there is no planning history related to this (the change of use from a single dwelling to HMO can be undertaken under permitted

development) I consider that the quantity of people occupying the property, and the consequent possible car ownership could fall as a result of this proposal.

- 8.10 I note that one of the comments received suggested using the storage area as parking space. However, the storage area forms part of the ground floor of the existing building and therefore I do believe that it would be realistic to remove this element and retain the first floor above, nor to carry out such works without significant harm to the listed building. In any case, such works would not provide significant off street parking.

Impact upon SPA and Ramsar Sites

- 8.11 I have for completeness set out a Habitat Regulations Assessment below. This confirms that whilst mitigation could be provided by way of developer contributions, this is not considered appropriate for developments under 10 dwellings. The cost of mitigation will be met by developer contributions on developments over 10 dwellings. In view of this it is not considered that the development will have a harmful impact on the special interests of the SPA and Ramsar sites.

9.0 CONCLUSION

- 9.01 The application site lies within a sustainable location and would provide four residential units without in my view giving rise to any significant harm to residential or visual amenities. Due to the very limited structural works that are proposed I also believe that what is left of the special architectural and historic interest of the listed building would be preserved.
- 9.02 I recognise that there is local concern regarding car parking provision in the surrounding streets. However, in this case, I have applied the County parking standards as required by policy DM7 of the adopted Local Plan and consider that the proposal complies with these requirements. As a result of this I take the view that the proposal would not give rise to serious harm to highway safety or amenity. On the basis of the above I recommend that planning permission is granted.

10.0 RECOMMENDATION – GRANT Planning permission and listed building consent subject to the following conditions:

For Planning Application ref 17/503778/FULL only

- 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 approved shall be carried out in accordance with the following drawings: 170409 Rev 001; 170410 Rev 001 and 170412 Rev 001 (all received 26/9/2017).

Reason: For clarity and in the interests of proper planning.

- 3) The storage area as shown on drawing 170409 Rev 001 (received 26/9/2017) shall be made available for use by the occupants of the residential units hereby approved and shall be kept available in perpetuity.

Reason: In the interest of residential amenities.

For Listed Building Consent application Ref 17/503779/LBC only

- 1) The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent 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) None of the existing three fireplaces (two within the ground floor front rooms and one within the first floor front room) shall be replaced or removed from the building.

Reason: In the interests of the special architectural and historic interest of the listed building.

Habitats Regulations Assessment

This HRA has been undertaken without information provided by the applicant. The application site is located approximately 3km south-west of The Swale Special Protection Area (SPA) and Ramsar site and 5.6km south-east of Medway Estuary and Marshes Special Protection Area and Ramsar site both of which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitat Regulations).

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

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

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

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

including walking, dog walking (particularly off the lead), and predation birds by cats.

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

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

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

The Council's approach to this application:

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

- 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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2.3 REFERENCE NO - 17/504563/PNQCLA			
APPLICATION PROPOSAL Prior notification for the change of use of 2 agricultural buildings into 3 dwellings. For it's prior approval to: <ul style="list-style-type: none">- Transport and Highways impacts of the development.- Contamination risks on the site.- Flooding risks on the site.- Noise impacts of the development.- Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed.- Design and external appearance impacts on the building.			
ADDRESS Paradise Farm Lower Hartlip Road Hartlip Sittingbourne Kent ME9 7SU			
RECOMMENDATION Prior Approval required and granted.			
SUMMARY OF REASONS FOR RECOMMENDATION The application conforms with the requirements of the permitted development rights afforded under Class Q of the General Permitted Development Order (2015), and as such permission can't be refused.			
REASON FOR REFERRAL TO COMMITTEE Called in by Ward Member and Parish Council objection			
WARD Hartlip, Newington And Upchurch		PARISH/TOWN Hartlip	COUNCIL APPLICANT Mr James Robson AGENT CYMA Architects Ltd
DECISION DUE DATE 27/11/17		PUBLICITY EXPIRY DATE 31/10/17	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
17/501265/COUNTY	County application for extraction of brickearth, access improvements, and restoration after exctraction is completed.	Objection raised by SBC, permission granted by KCC.	06.04.2017
The Council raised an objection to this County application (on land adjacent to the current application site) on the grounds of harm to residential amenity, from dust in particular. However the County Council ultimately granted permission for the works.			
16/502762/FULL	Conversion of redundant farm buildings to provide residential accommodation of 5 new dwellings with associated parking and garages.	Refused.	
The application was refused because of the site's remote location and the lack of any evidence to demonstrate that the buildings had been marketed for use as anything other than residential dwellings. There were also concerns in regards contamination of groundwater sources and displacement of protected species (bats, in particular). Members should note, however, that			

the current application is under the Prior Notification process and is not assessed under the same criteria as a full planning application.			
14/503400	County application for brickearth extraction on adjacent land.	Withdrawn	2014
14/501272	Prior Notification application for change of use from agricultural to a single dwelling (Scotts Hill Farm, Hartlip)	Refused, appeal allowed	20.10.2014
SBC refused the application on the grounds that the site was in an unsustainable location, but in allowing the subsequent appeal the Inspector made it clear that NPPG advised this was a suitable location and a sustainability test was not required.			
SW/04/1093	Change of use to non-domestic storage, light industrial use, and formation of a new access.	Refused.	2004
Reason for refusal centred on the design, location and scale of the proposed new access road detracting from the character and appearance of the rural area.			
SW/03/0871	Lawful Development Certificate for use as builder's workshop, storage of plant and equipment, and garaging of vehicles.	Refused.	2003
The LDC was refused as insufficient evidence was provided to adequately demonstrate that the buildings had been in use for storage and garaging. A subsequent appeal was dismissed by the Inspector.			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 Application site comprises two former agricultural buildings situated off Lower Hartlip Road. They are positioned at the end of a long private access track (approx. 180m) and comprise a collection of traditional brick and timber (with corrugated roofs and some corrugated wall sections) agricultural buildings in a loose knit farmyard layout.
- 1.02 The buildings appear to be in relatively reasonable condition, although deteriorating slightly through lack of use.
- 1.03 To the south, east, north and west are fields / orchards, with the residential properties known as Paradise Farmhouse and The Stables lying immediately adjacent to the northwest. There are a number of residential properties to the west and southwest.
- 1.04 The site lies approximately 2.2km from Newington village centre by road (2km via PRow), and 4km from Rainham town centre.
- 1.05 The submitted Design & Access Statement explains:

"The drive from Lower Hartlip Road to the site is about 180m long. The land in the ownership of the applicant covers an area of about 4,300msq or 0.43 hectares and is the former farmyard and agricultural buildings to Paradise Farm. The original farmhouse is located to the north of the site and is in separate ownership. The access drive has a gated entrance to the site and continues along the boundary to the grounds of the former farmhouse, through the site from west to east and on into the open agricultural land to the east. The access road is in a separate ownership, but the Land Registry Documents (K886028 see Appendix 1) confirms that the land at Paradise Farm, that is the

subject of this application, enjoys the right of access over the access road, and to the passage of gas, electricity, water and foul waste water.”

2.0 PROPOSAL

- 2.01 This is an application submitted under the prior notifications (PN) procedure for the conversion of the buildings to form three residential dwellings.
- 2.02 Members should note that, because this is a PN application, it is a technical assessment of the facts of the scheme to determine if it accords with the specified requirements as set out by Class Q of the General Permitted Development Order (2015), and not an objective assessment of the planning merits of the development. If the proposal meets the requirements of Class Q it can't be refused.
- 2.03 The scheme seeks to convert the two existing buildings into three residential dwellings. This will be done through internal alterations and installation of necessary services, the insertion of new doors and windows, and installation of replacement roof covering. No extension of the buildings is proposed.
- 2.04 Block 1 (directly in front of the access road) is the larger of the two and is roughly L-shaped. It will be divided in half so that each “arm” of the L forms a single semi-detached dwelling – plots 1 and 2. Each dwelling will have three bedrooms (two within the roof space) and associated bathroom, kitchen, dining room, etc.
- 2.05 Block 2 (to the rear of Paradise Farmhouse) will be converted into a single, three-bed dwelling with associated living space.
- 2.06 Each dwelling will have a private garden area and car parking space.

3.0 SUMMARY INFORMATION

	Proposed
Net Floor Area	383sqm
Parking Spaces	3
No. of Residential Units	3

4.0 PLANNING CONSTRAINTS

- 4.01 None.

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 The main consideration here is the requirements set out by Class Q of the General Permitted Development (England) Order (2015) (as amended), which sets out the permitted development requirements for conversion of agricultural buildings to residential dwellings.
- 5.02 The conversion of agricultural buildings (other than in conservation areas, SSSIs, and Areas of Outstanding Natural Beauty) is now permitted development by virtue of Class Q of the Order, subject to certain limitations and to an application for prior approval in relation to matters of:
- Transport and Highways impacts of the development.
 - Contamination risks on the site.

- Flooding risks on the site.
- Noise impacts of the development.
- Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed.
- Design and external appearance impacts on the building

5.03 The National Planning Practice Guidance (NPPG) provides commentary on the working of Class Q, and states the following (my emphasis in bold):

What are the residential uses?

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

Are any building works allowed when changing to residential use?

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

Are there any limitations to the change to residential use?

There are some limitations to the change to residential use. The Class Q rights cannot be exercised where works for the building, extending or altering of a building, or the installation of additional or replacement plant or machinery for the purposes of agriculture under the existing agricultural permitted development, have been carried out on the established agricultural unit since 20 March 2013, or within 10 years before exercising the change to residential use, whichever is the lesser. The agricultural permitted development rights are

set out in Class A (a) or Class B (a) of Part 6 of Schedule 2 to the General Permitted Development Order (agricultural buildings and operations).

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

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

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

*The procedure for prior approval is set out in the Town and Country Planning (General Permitted Development) (England) Order 2015. This procedure was amended in April 2014 to make clear **that the local planning authority must only consider the National Planning Policy Framework to the extent that it is relevant to the matter on which prior approval is sought, for example, transport, highways, noise etc.***

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

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

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

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

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority

would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

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

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

- 5.04 The policies of the adopted Local Plan do not fall to be considered here, as this is a technical assessment of whether or not the scheme meets the requirements of Class Q, as above.

6.0 LOCAL REPRESENTATIONS

- 6.01 Four letters of objection have been received from Cllr Wright in his capacity as an adjoining neighbour, in which he suggests that the application is invalid, the scheme is not permitted development and raises the following summarised points:

- The site is occupied under an agricultural tenancy [NB: it isn't];
- He has not given his consent as landlord [NB: he is not the landlord of the application site outlined in red];
- The red line includes land under his ownership [NB: the drawings have been corrected to exclude land not owned by the applicant]
- The drawings are incorrect [NB: they have been corrected];
- The buildings come close to the permitted allowance of 450sqm [NB: they do not exceed 450sqm];
- Does not comply with the NPPF requirements for sustainable development;
- Access track is in private ownership and there may be additional maintenance requirements arising from increased use;
- The amended drawings do not indicate how the site will access the highway network [NB: it is not a requirement that they do so];
- Sheep will be grazed in the field adjacent to the access track;
- The access track is not wide enough for vehicles to pass;
- Increased traffic onto Lower Hartlip Road;
- Junction between access track and Lower Hartlip Road is inadequate;
- He will be erecting a gate across the access road, and vehicles will have to stop on the highway to open it with consequent highway safety issues;
- The site may be contaminated;
- The site is within a water protection zone [NB: outer zone, zone 3];
- Agricultural pesticides on nearby fields may drift across the site;
- The buildings may have been used for storage of agricultural pesticides and chemicals;
- Burning took place in a pit on the site;
- Permission has been granted for brickearth extraction on fields to the east [NB: with an 80m buffer zone];

- The new dwellings could use agricultural PD rights to construct additional buildings [NB: they couldn't, as they would not benefit from agricultural PD rights]; and
- Various criticisms of inaccuracies within the submitted D&A and ecology report [NB: these are not required for the purposes of a PN application and I give them little weight in any instance];
- The site is not an agricultural holding of 15 acres [NB: this is not a requirement under Class Q];
- Unsustainable location;
- Will be a difficult site to deliver development on; and
- Parts of the building were originally thatched.

6.02 Two additional letters have been received from other residents, and raise the following summarised issues:

- The application doesn't meet the requirements of Class Q;
- Increased traffic is unacceptable;
- Agricultural use of the buildings has been abandoned;
- The access road is private and the new dwellings should be made to contribute to its upkeep;
- No highways assessment has been submitted;
- Lack of vehicle sight lines;
- The development affects a farm tenancy agreement [NB: the application site is not subject to an agricultural tenancy agreement];
- Unsustainable location;
- Potential for flooding from drainage;
- *"Reserve the right to plant or build any gardening structure to block any view any new proposal or build next door would have to protect our privacy;"*
- Potential for contamination on the site; and
- Noise and disturbance.

7.0 CONSULTATIONS

7.01 Hartlip Parish Council has objected to the scheme on the following summarised grounds:

- The access road is in private ownership;
- Within an impractical and undesirable location;
- Outside the built up area and not designated for residential development;
- The site is contaminated;
- Site is within a minerals safeguarding area;
- Brickearth extraction is due to commence on nearby land; and
- Wildlife in the area would be disturbed.

7.02 Kent Highways and Transportation have no objection, but I have asked for further comments to clarify vehicle access to the site. In this regard I refer to their comments in respect of the previous application for planning permission to convert the buildings to dwellings (ref. 16/502762/FULL):

"The bend in the road is in favour of the site, as the access is on the outside of it, so the sightlines are actually pushed forwards into the road. A car waiting to emerge from the access can be seen from around 110m south of the access, and getting on for around 85m from the north. Approaching vehicles will therefore view a car from a reasonable distance"

To be honest, I think you'd struggle to object, as it would be hard to demonstrate that traffic from 5 houses would be significantly worse than the traffic that could be possible from agricultural use of the site and its existing buildings. Given the length of the access track, and the level of activity expected, it's likely to be very infrequent that 2 opposing vehicles would meet exactly at the access point onto Lower Hartlip Road, and should it occur somewhere along the length of the track itself, this wouldn't affect the public highway where our interest would be."

- 7.03 Further to receipt of a contamination survey the Council's Environmental Health Manager has no objection subject to the contamination condition set out below. He also suggested an hours of work / deliveries condition, but it is not within the Council's powers to impose those on a PN application, as we are only looking at the scope of the development itself and not the associated construction activities.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The application is accompanied by all relevant and necessary drawings.
- 8.02 Of particular relevance is application ref. 14/501272 (PINS ref. 3003010), which relates to Scotts Hill Farm, a nearby property in Hartlip. In allowing the appeal the Inspector commented:

"3. National Planning Practice Guidance (PPG) makes it clear that the permitted development right in this class does not apply a test in relation to sustainability or location. Therefore, the appeal would not fail on this ground. It would not appear to be an impractical location for conversion, as it has its own access from a main road and there is no evidence that the conversion works necessary could not be undertaken at the site.

4. The location and siting would not be undesirable; the appeal building is small, is visible from the road and is not seen as part of the open countryside. Therefore, a residential use would not be incompatible with its surroundings. I have taken account of the footpath, but in this location the change of use to the appeal building, including a domestic curtilage, would have very little impact in the landscape. The appeal building would not be considered as an isolated house in the countryside as it is only 85 metres from a residential area, visible from a partly residential road and close to the settlement boundary. The decisions referred to by the Council are not relevant because they either pre-date the PPG alterations relating to class Q, are located much further away from the settlement or relate to a holiday let (with little indication of a specific distance from the village)."

9.0 APPRAISAL

Principle

- 9.01 Of relevance to the considerations of this Prior Notification are the historic applications noted above. The 2003 application sought a lawful development certificate for non-domestic storage, but was refused by the Council on a lack of evidence and subsequently dismissed by the Inspector at a public inquiry, where the validity and accuracy of the appellant's submissions were criticised.

- 9.02 In 2004 a retrospective planning application was submitted for light industrial use of the buildings. This was refused on the grounds that such a use would be harmful to local amenity. Shortly thereafter an enforcement notice was served against the unauthorised light industrial use, which consequently ceased.
- 9.03 Whilst there has been an unauthorised light industrial use of the buildings, their lawful use remains as agricultural and there has not been any other use for an unbroken period of 10 years within the planning history for the site that would alter this situation. Therefore, the last *lawful* use of the buildings was for agriculture and the consideration of this case can proceed as a matter of principle.

Class Q criteria

- 9.04 I'd reiterate that it is important for Members to note from the outset that this is not an application for planning permission; it is a request to determine whether or not prior approval is required **only** in relation to:
- Transport and Highways impacts of the development.
 - Contamination risks on the site.
 - Flooding risks on the site.
 - Noise impacts of the development.
 - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed.
 - Design and external appearance impacts on the building
- 9.05 As a result, this is purely a technical assessment of the issues outlined in the GPDO (as set out at 5.03 above), which itself grants deemed planning permission for the development, and would normally be dealt with entirely under delegated powers. It has been referred to Members because the powers delegated to the Head of Planning require proposals which have a recommendation contrary to a view stated by the Parish Council to be reported to Planning Committee. (I would note, however, that the only relevant, material planning considerations they have raised are in respect of site contamination, which is discussed in detail below). Please note that the ward member has also "called in" this item so that it is reported to the planning committee for members consideration.
- 9.06 I am of the opinion that the proposal now being considered wholly complies with the conditions as set out in Class Q of the GPDO 2015 and the advice of the NPPG (as set out at 5.03 above). The agent has described in their Planning Statement how the proposal meets all of the requirements of Class Q and I concur with their views.
- 9.07 Set out below are the matters that fall to be considered under Class Q (and accompanying paragraph W) of the GPDO 2015.

Transport and Highways Impacts of the Development

- 9.08 The application, because it amounts to the creation of fewer than 6 dwellings, falls short of the agreed threshold for Kent Highways to comment. I have, however, asked for their detailed comments and will update Members at the meeting. Nonetheless, the creation of three dwellings is unlikely to give rise to significant numbers of additional vehicle movements to cause harm to the wider highway network sufficient to require the Council's prior approval. Parking and turning is available within the site, and would similarly not require prior approval in my opinion.

- 9.09 I note objections received in respect of the private access road, but this does not form part of the adopted highways network, and is thus not a matter for consideration. Use of a private access is a private legal matter to be agreed between the owner and the applicant, and is not a material planning consideration under Class Q. (I have, however, been given a copy of the Land Title by Cllr Wright, and note that it appears to grant unrestricted rights of access for occupiers / users of these buildings along the access road by foot, vehicle, horse, cart, and all other modes of transport.)
- 9.10 I note Cllr Wright's suggestion that he intends to erect a gate close to the highway, and that this will affect highway safety. This appears to me, to be an attempt to stymie the development, and will potentially put all users of the highway at risk. However, the gate is not in place at present and should therefore be afforded little weight in the decision-making process, in my view. I have also had regard to appeal decisions where highway access has been a factor in refusing prior approval on highways grounds, and where subsequent appeals have been dismissed. However, these appear to largely relate to sites where there was a significant *combination* of factors (poor visibility, unmade access road, high road speed, position in relation to existing highway junctions, etc.) and I do not consider that there are direct comparisons between those and this site to the extent that the application could justifiably be refused.
- 9.11 Subject to further comments from Kent Highways I do not consider the Council's prior approval is required in respect of highways and transport.

Noise Impacts of the Development

- 9.12 Residential use of the buildings would not give rise to such substantial noise or disturbance so as to require the Council's prior approval. A certain degree of noise is to be expected during conversion works, but this would be short-lived and is a factor of development in general.
- 9.13 In my opinion there is little potential for significant noise and disturbance to future residents from existing surrounding activities, which largely amount to grazing, agricultural land, residential uses, and a commercial nursery. I do note that Kent County Council has recently granted permission for brickearth extraction on the land to the east, however. This has potential for noise disturbance, but due to the buffer zone to be incorporated around the existing adjacent dwellings I consider that this is unlikely to be to a degree that would seriously harm residential amenity or justify a refusal here. Furthermore I note that the Borough Council did not raise an objection on noise grounds when consulted on the County application.

Contamination Risks of the Site

- 9.14 The Council's Environmental Health Manager identified that the site, because of its past agricultural use, may be contaminated. Agricultural buildings are often used for the storage of chemicals, which can require some remediation once the use has ceased. A contamination survey was submitted (as additional information) further to his comments, which he has assessed and considers to be acceptable. The EH Manager therefore raises no objection subject to the condition set out below, which requires evidence to show that the remediation works identified in the contamination survey have been carried out as necessary.
- 9.15 The need for planning conditions, in itself, suggests that the Council's prior approval is required on this aspect of the development. However, the Council has the powers to grant its prior approval subject to the imposition of the suggested conditions, which is

in accordance with the regulations and has been done on previous similar applications – 17/501760/PNQCLA is one such conditional approval granted at Brent Orchard, Lower Halstow, earlier this year.

- 9.16 Therefore, subject to the condition requested by the EH Manager I consider that the Council's prior approval is required in respect of contamination, and should be granted.

Flooding Risks on the Site

- 9.17 The site is not within a defined Flood Zone, and the Council's prior approval is therefore not required in this regard.

Location or Siting

- 9.18 The site lies adjacent to existing residential dwellings, and close to Hartlip and Newington. The land is served by an existing vehicular access via Lower Hartlip Road. The NPPG, case law, and also the appeal decision in relation to Scotts Farm (as above) indicate that this location can't be considered unsustainable for the purposes of the consideration of an application for prior notification, and I therefore consider that prior approval is not required in this respect.
- 9.19 There is a pair of listed cottages to the west of the site, fronting on to Lower Hartlip Road. These are a minimum of approximately 260m from the nearest part of the buildings to be converted, and therefore unlikely to be affected by the proposed conversion.
- 9.20 With regard to proposed brickearth extraction on land to the east, as discussed above, I do not consider that this would be seriously harmful to the extent that this could be considered an unsuitable location for residential development.

Design or External Appearance of the Building

- 9.21 The design of the proposed dwellings is, in my opinion, acceptable. They will have a mixture of traditional (stable doors, shutter, crittal style windows, etc.) and modern details (bi-fold doors) but will, on the whole, be of a good standard of design. I do not consider that the proposed appearance of the buildings would be harmful to the character or appearance of the site or the wider countryside, and prior approval is therefore not required in this regard.

Other matters

- 9.22 As noted above, the Council has very limited powers under which it can consider these sorts of application, and these have been set out in detail above. Comments raised in respect of rights of access, minerals safeguarding, agricultural pesticides, ecology, brickearth extraction, public transport, rural protection policies, etc. are not material to the consideration of this proposal and do not amount to reasons to refuse prior approval.

10.0 CONCLUSION

- 10.01 This proposal meets the requirements of Class Q and is acceptable. However further details are required in respect of potential contamination on the site, and in this regard a condition is necessary to secure the relevant works / information.

10.02 I note local objections but they do not amount to a reason for the Council to justifiably refuse consent under the very limited scope of the Class Q prior notifications procedure.

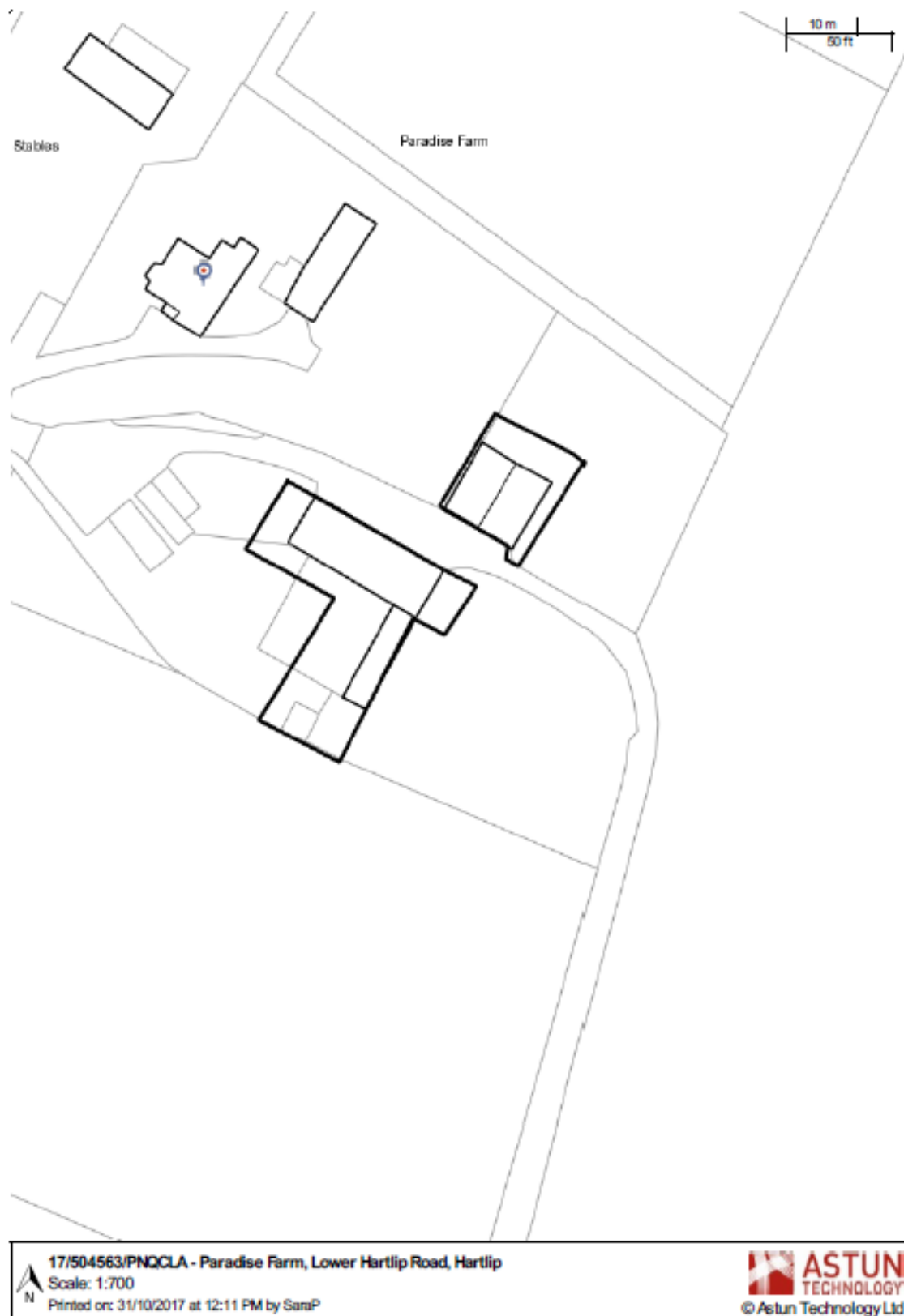
10.03 Therefore, with the above in mind, I recommend that the Council's prior approval is required in respect of contamination risks at the site, and should be granted subject to the condition set out below.

11.0 RECOMMENDATION – PRIOR APPROVAL IS REQUIRED AND IS GRANTED
Subject to the following condition:

- 1) No development shall be commenced until a Closure Report, including full verification of the submitted remediation method statement (and incorporating details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site) has been submitted to and approved in writing by the Local Planning Authority. Any material brought onto the site shall be certified clean.

Reason: To ensure any contaminated land is adequately dealt with.

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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PLANNING COMMITTEE – 9 NOVEMBER 2017**PART 3**

Report of the Head of Planning

PART 3Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 16/505002/FULL			
APPLICATION PROPOSAL Demolition of existing structure and erection of a three storey, two bedroom dwellinghouse.			
ADDRESS 70 High Street, Blue Town, Sheerness, Kent, ME12 1RW			
RECOMMENDATION That the Council would have refused planning permission for the application had an appeal against non-determination not been submitted to the Planning Inspectorate.			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposal would give rise to unacceptable risk to human life as a result of the flood risk, not outweighed by the benefits of the scheme.			
REASON FOR REFERRAL TO COMMITTEE An appeal has been submitted against the non-determination of this application. This is to determine what the Council's decision would have been.			
WARD Sheerness		PARISH/TOWN COUNCIL Sheerness	APPLICANT Michael Morgan AGENT KCR Design
DECISION DUE DATE 16/08/16		PUBLICITY EXPIRY DATE 12/05/17	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/07/0181	Two houses to replace existing store (outline)	Withdrawn	02/04/07

1.0 DESCRIPTION OF SITE

- 1.01 70 High Street is a single storey workshop/store situated on a small, triangular shaped plot in Blue Town. It is in a bad condition and has a poor visual appearance in the street scene. The site falls within a conservation area and there are a number of listed buildings within its vicinity, though none directly adjacent or opposite.
- 1.02 The surrounding area is mixed in use, including dwellings, a heritage centre and a public house. Opposite the site is the walled off Sheerness dockyard. The design of many buildings within the area is of the historic and traditional nature often seen within designated heritage locations.

2.0 PROPOSAL

- 2.01 The proposal seeks planning permission for the demolition of the existing workshop/store and its replacement with a three storey dwelling.

- 2.02 It would have a maximum depth of 7m and a maximum width of 5m. It would measure 7.9m in height to the eaves with a ridge height of 9.2m. It would be of a design (and use of materials) to mimic the adjacent three storey buildings to the west.

3.0 PLANNING CONSTRAINTS

- 3.01 Conservation Area Sheerness: Royal Naval Dockyard and Bluetown
- 3.02 Environment Agency Flood Zone 3

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).
- 4.02 Development Plan: Policies CP 4, DM 1, DM 2, DM 7 and DM 14, DM 19, DM 21, DM 32 and DM 33 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017".

5.0 LOCAL REPRESENTATIONS

- 5.01 None received

6.0 CONSULTATIONS

- 6.01 KCC Highways & Transportation have no comments to make
- 6.02 The Environment Agency objects to the proposal (discussed below)

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 The application is supported by a Heritage Statement, Design & Access Statement and a Flood Risk Assessment.

8.0 APPRAISAL

- 8.01 The site is within the defined built up area boundary in which the principle of development is acceptable subject to the other relevant policy considerations outlined below.

Residential amenity

- 8.02 The new dwelling would be set no further forwards or rearwards than its neighbours and there are no dwellings directly to its north, east or south. I consider there would be no significant harm in terms of overbearing, overshadowing or overlooking issues.
- 8.03 There would be some private amenity space provided, which albeit small, would be of a similar size to that provided for other dwellings in this area. I consider the proposal would provide acceptable living space for its future occupiers.
- 8.04 Had I been minded to recommend approval, I would have recommended a standard hours of construction condition, to ensure the prevention of unacceptable noise nuisance. I consider the proposal acceptable in terms of residential amenity.

Visual amenity

- 8.05 The site falls within a conservation area and is close to some surrounding listed buildings. There is a duty placed upon the Council to ensure the character and appearance and the setting of these areas and buildings are preserved or enhanced.
- 8.06 The dwelling would be of a replica period design similar to the existing pair of semi-detached buildings immediately to the west. It would be set down and back from these which would, in my view, respect their original form.
- 8.07 I originally had some specific design concerns in relation to the side elevation and the way it followed the slanted boundary of the plot with no fenestration to break up its bulk. It was suggested that this eastern flank elevation be stepped in from the boundary to give it a more traditional form and allow some fenestration to be inserted.
- 8.08 Amended plans were received in line with this recommendation. In my view, when taking into account the extremely poor condition and appearance of the existing building, I consider the proposal would now be a visual improvement in the street scene and would enhance the character and appearance of the Conservation Area and the setting of the nearby Listed Buildings. I consider the proposal acceptable in terms of visual amenity, but had I been minded to recommend approval, I would have included joinery and materials conditions.

Parking

- 8.09 There would be no provision for additional off-street parking. I consider this to be an edge of centre location, which according to the Kent Vehicle Parking Standards; would normally be expected to provide 1 off-street parking space. However in this case, the High Street features predominantly on-street parking already and many of the properties in the area do not have their own on curtilage parking. However I do not consider that the on street parking this situation has reached saturation point. As such, I do not believe the proposal would give rise to significant harm to highway safety/convenience or visual amenity in terms of parking.

Impact of the change of use

- 8.10 The Local Plan considers that the loss of employment sites should be acceptable only when not viable or suitable for the area. In my opinion, the existing workshop/storage unit occupies a very small, awkwardly shaped plot and does not amount to a viable employment unit, further demonstrated by the fact that it is currently vacant. Furthermore, although the area in general is mixed in use, there are a number of dwellings adjacent to the site. I consider the unit's replacement with a residential dwelling would be an appropriate use in this case.

Flood Risk

- 8.11 The site falls within Flood Zone 3 and proposes the introduction of a more vulnerable use (residential accommodation). In such cases, a Flood Risk Assessment (FRA) is required. No such assessment was originally submitted and the Environment Agency objected to the proposal for this reason.
- 8.12 Following this, an FRA was submitted and the Environment Agency re-consulted. The Environment Agency responded to the detail in the FRA and stated that the site is shown to have a flood risk to a potential depth of 2.1m when climate change is

taken into account in the 1 in 200 year event. As such, it is considered that residential development at ground floor level here is unacceptable and the Environment Agency maintained their objection.

- 8.13 To overcome this objection, it was recommended that either the ground floor levels of the building would need to be raised or all residential accommodation would need to be moved to first floor level and above, with a less vulnerable use at ground floor level. No such amendment was received and an appeal against non-determination submitted in the meantime. As such, it is considered that the proposal would give rise to unacceptable risk to human life, which is not outweighed, in my view, by the benefits of the visual improvement of the site and the provision of an additional dwelling in a sustainable location.

9.0 CONCLUSION

- 9.01 Taking into account all of the above; I recommend that Members resolve that the application would have been refused as a result of the flood risk if an appeal against non-determination not been submitted.

- 10.0 RECOMMENDATION** – That had an appeal against non determination not been submitted to the Planning Inspectorate that planning permission would have been refused for the following reason:

- (1) The proposal would introduce more vulnerable residential accommodation into an area of Flood Zone 3 which is at risk of flooding to a depth of 2.1m when climate change is considered in the 1 in 200 year event. As such, it would give rise to significant and unacceptable risk to human life not outweighed by the benefits of the proposal. The proposal would therefore be contrary to policies DM 14 and DM 21 of “Bearing Fruits 2031: The Swale Borough Local Plan 2017” and to the advice of paragraphs 99 and 100 of the National Planning Policy Framework.

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council’s website.



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3.2 REFERENCE NO - 17/504171/FULL			
APPLICATION PROPOSAL Proposed replacement residential annexe.			
ADDRESS Little Woottons, Elm Lane, Minster-on-Sea, Kent, ME12 3SQ			
RECOMMENDATION - Refuse			
SUMMARY OF REASONS FOR RECOMMENDATION The proposal, by virtue of its scale and footprint, would amount to a separate dwelling and would be harmful to the character and appearance of the original dwelling.			
REASON FOR REFERRAL TO COMMITTEE Recommendation contrary to the written view of the Parish Council.			
WARD Sheppey Central		PARISH/TOWN COUNCIL Minster-on-Sea	APPLICANT Mr & Mrs Woollett AGENT Oakwell Design Ltd
DECISION DUE DATE 12/10/17		PUBLICITY EXPIRY DATE 19/09/17	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
17/503718/SUB	Submission of details pursuant to condition 3 (details of cladding/weatherboarding) for planning permission 17/502002/FULL)	Approved	19/07/17
17/502002/FULL	Erection of three storage enclosures adjacent to existing workshop	Approved	16/06/17
17/500352/PAPL	Pre-application advice – Four car storage enclosures adjacent to existing boundary	N/A	10/03/17
SW/10/1001	Lawful Development Certificate – Proposed swimming pool enclosure and gym	Refused	21/09/10
SW/89/1404	Outline application for three dwellings	Refused	11/09/89

1.0 DESCRIPTION OF SITE

- 1.01 Little Woottons is a two storey, detached house set within large grounds. The main dwelling, which retains a traditional character, fronts Elm Lane. To its rear (east side), there is a large garden with a number of more modern outbuildings, including an existing detached annexe measuring 10.5m x 6.5m, with a maximum height of 4.3m. To the south, vehicular access is taken from further along Elm Lane, where there is a driveway and a number of storage/workshop outbuildings adjacent to the site boundary. To the north lie a number of dwellings leading towards Chequers Road.
- 1.02 This site forms a boundary of the built up area. The main dwelling and some of land to the rear falls within it (including the location of the proposed replacement annexe) - the rest falls outside of it, and is therefore considered to be within the countryside.
- 1.03 The street scene on the approach towards the site from the north is residential in nature with dwellings of varying designs and sizes. Beyond this, the street scene is open, rural and verdant in nature.

2.0 PROPOSAL

- 2.01 The proposal seeks planning permission for the replacement of the existing detached annexe with a larger one in the same location. It would measure approximately 12.3m in width x 10.8m depth. It would have both pitched and flat roof elements, measuring approximately 2.7m in height to the eaves with a maximum height of 4m.
- 2.02 It would be built in red facing brick with grey slate roof tiles and aluminium joinery. The annexe would be self-sufficient from the main dwelling with all of its own facilities.

3.0 PLANNING CONSTRAINTS

- 3.01 None relevant

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).
- 4.02 Development Plan: Policies CP 4, DM 7 and DM 14 of “Bearing Fruits 2031: The Swale Borough Local Plan 2017”.

5.0 LOCAL REPRESENTATIONS

- 5.01 The adjacent neighbour at 16 Elm Lane, raises no objection and sees no reason why the proposal should not go ahead.

6.0 CONSULTATIONS

- 6.01 Minster Parish Council fully supports the application.

7.0 BACKGROUND PLANS AND PAPERS

- 7.01 A planning statement and accompanying doctor's letter have been submitted to support the application and they set out the personal circumstances which have given rise to it. Mrs Woollett suffers with hypertension, knee problems and severe arthritis which results in her having mobility issues and requiring ground floor accommodation.

The ground floor of the house also has a number of level changes and steps and it is considered that (for this and a number of other reasons) it would not be appropriate to extend or alter the main house or adapt the existing annexe. It is stated that the size and layout of the new annexe (designed with wheelchair access in mind) would allow for Mr & Mrs Woollett to live comfortably within it while family would reside in the main dwelling.

8.0 APPRAISAL

- 8.01 The relevant part of the application site is within the defined built up area boundary in which the principle of development is acceptable, subject to the other relevant considerations outlined below.

Residential Amenity

- 8.02 The annexe would be set approximately 2m in from the boundary with 16 Elm Lane, whereas the existing one is much closer at just 0.5m away. On the other hand, its width would increase by almost 6m. However, the separation distance between the annexe and the main dwelling at 16 Elm Lane would be 8.5m. As a result of this, the large garden at number 16, and its low level, single storey form, I do not believe the proposal would give rise to significantly harmful overbearing or overshadowing impacts upon the neighbour.
- 8.03 There would be 2 windows in the northern elevation facing the neighbouring property. These would serve a bathroom and toilet, but could have been conditioned to be obscure glazed if I were minded to recommend approval. Given the lack of any other surrounding dwellings, I have no concerns in terms of the placement of the rest of the fenestration, and consider there would be no significant harm in terms of overlooking. I consider the proposal acceptable in terms of residential amenity.

Vehicle Parking

- 8.04 The site would retain a large off-street vehicle parking and turning area, and I have no concern regarding the parking provision.

Visual Amenity

- 8.05 The annexe would not be visible in the street scene, nor particularly so from the wider countryside given its gently sloping form away from the site. Given the wide range of design and use of materials in the area, and its single storey form, I have no serious concern in terms of its modern design. In this regard, I consider no significant harm to visual amenity.
- 8.06 I do nonetheless have serious concern in terms of the overall scale of the annexe. Though of a similar depth to the existing annexe, it would be almost 6m wider and, at over 12m, would have a footprint larger than the original house and similar to the house as extended today.
- 8.07 It is appreciated that the site has evolved over time with a number of outbuildings present, and there is a recent grant of planning permission for the erection of another storage unit (17/502002/FULL). However, I consider these to have varied scales and placements around the site such that no individual one is particularly intrusive. In contrast, the proposed annexe, by virtue of its scale and footprint, would in my view have a dominant and intrusive presence on the site in a manner harmful to the character and appearance of original dwelling, which retains a traditional character. I consider the proposal to be unacceptable in terms of visual amenity as a result. This amounts to a reason for refusal.

Other Matters

- 8.08 The scale and layout of the annexe would allow it to be entirely self-sufficient from the main dwelling with all of its own facilities. I consider there to be a fine balance between that which amounts to an annexe and a new dwelling. This proposal includes a kitchen, dining room, snug, sitting room, study, separate bathroom and toilet, and a bedroom. In my view, I consider the balance to have been tipped such this would amount to a new dwelling, contrary to the nature of application that has been made. This amounts to a reason for refusal. Annexes are generally expected to remain subservient to and reliant upon the main dwelling. The supporting document

states that there is no intention for the annexe to be used for anything other than this, and that the applicants would be happy for it to be removed once it has served its purpose. However the decision cannot be made on this basis. Other than in truly exceptional circumstances, the approval of a permanent building should not be subject to conditions which require the demolition of that building. Any attempt to impose such conditions here would in my view be vulnerable to challenge at appeal, the net result of which would be the deletion of such a condition, leaving the building to remain on site indefinitely.

- 8.09 The supporting statement also makes reference to the previous approval of a new dwelling within the grounds of the dwelling on the opposite side of the road, Sud Regarde (SW/04/1215). However, this application specifically proposed a new dwelling and also addressed the relevant additional considerations such as defined boundaries, private amenity space, separation distances etc. This does not in my view amount to a reason to approve this proposal for an annexe.
- 8.10 Reference has also been made to a previous approval for a large extension to a dwelling to the north east (Martindale) for use as an annexe (SW/11/0064). This however was integrated with the main dwelling with no kitchen and a shared dining room. Again, I do not consider this to amount to a justification to approve this application.
- 8.11 Finally, I refer to the personal circumstances of the applicants and consider whether these outweigh the harm identified above. While it is apparent that the main dwelling makes for an increasingly unsuitable living arrangement, for which I have sympathy, I do not consider this to justify the sheer scale of the annexe proposed, nor to outweigh the harm I have identified above. Ultimately, such personal circumstances cannot justify permanent development that is otherwise unacceptable as the works will inevitably survive well beyond the end of the personal needs, and Members have had to recognise this issue on a number of previous occasions.

9.0 CONCLUSION

- 9.01 Taking into account all of the above; I consider the proposal would be harmful to visual amenity and comparable to a new dwelling, contrary to the nature of the application. I therefore recommend that the planning permission be refused.

10.0 RECOMMENDATION – Refuse for the following reasons:

- (1) The proposed annexe, by virtue of its scale and self-sufficiency from the main dwelling would amount to a new dwelling, contrary to the stated nature of the application. Furthermore, it would, by virtue of its scale and footprint, have a dominant and intrusive presence on the site and would detract from the character and appearance of the original dwelling in a manner harmful to visual amenity. The proposal would therefore be contrary policies CP 4 and DM 14 of 'Bearing Fruits 2031: The Swale Borough Local Plan 2017'.

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.



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3.3 REFERENCE NO - 16/508521/FULL			
APPLICATION PROPOSAL			
Conversion of former storage building (originally built for agricultural purposes) into 1 No. 2 bed dwelling and 1 No. 3 bed dwelling with associated parking and amenity space			
ADDRESS Tranquility Otterham Quay Lane Upchurch Kent ME8 7UT			
RECOMMENDATION Refuse			
SUMMARY OF REASONS FOR REFUSAL			
The application site lies within an unsustainable countryside location and the applicant has failed to sufficiently demonstrate that there is no demand for an alternative use of the building for employment or community purposes or that the building would be undesirable or unsuitable for a non residential use in its own right.			
REASON FOR REFERRAL TO COMMITTEE			
Called in by Cllr John Wright			
WARD Hartlip, Newington And Upchurch	PARISH/TOWN Upchurch	COUNCIL	APPLICANT Mr C Agley AGENT Richard Baker Partnership
DECISION DUE DATE 04/04/17	PUBLICITY EXPIRY DATE 28/02/17		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/506513/FULL	Conversion of existing redundant building to form one no. two bedroom dwelling and one no. three bedroom dwelling with associated amenities.	Refused	27.07.2016
SW/13/1119	Change of use to dwelling; alterations to window and door configuration; and internal alterations.	Refused	18.11.2013
SW/06/0520	Outline application for the demolition of 12 garages and workshop and closure of existing access road, and the erection of four detached houses, the conversion of the old social club into two semi detached cottages and the construction of a new access road to adoptable standards.	Refused and subsequently dismissed at Appeal	26.07.2006
SW/00/0219	Erection of 10 four & five-bedroom houses, each with either integral or detached double garages, combined with the construction of a new road.	Refused and subsequently dismissed at Appeal	03.05.2000
SW/76/0309	Continued use as workshop for car repairs.	Refused	08.06.1976

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located in the countryside to the west of Upchurch and comprises a now vacant two storey building, situated amongst a number of other buildings.
- 1.02 The building measures approximately 18m in length and ranges between 5.6m and 4.3m in width. It is 4.5m to the eaves and 6.1m to the ridge. The building is orientated approximately north to south and is agricultural in character with a roller shutter door in the northern flank.
- 1.03 On the southern end of the building it adjoins a terrace known as Hubbards Cottages. The garden for No.3 abuts the full length of the host building and the access track and parking area abuts the northern and eastern flanks.
- 1.04 A row of 12 detached garages are located to the east of the building, on the other side of the access track and a detached workshop sits to the north. The dwelling known as 'Tranquility' is situated to the northeast, behind the garages.
- 1.05 The site is accessed by a track which runs from the northwestern corner and there is a large area of open grass / paddock behind the garages, to the south of Tranquillity.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for the change of use of the existing redundant building to 1 x 2 bedroom dwelling and 1 x three bedroom dwelling with 2 existing garages allocated to the new dwellings in addition to 6 parking spaces. External amenity space 13m in width and ranging between 10 – 11m in depth is provided on the opposite side of the garages to the building.
- 2.02 The application proposes to insert two windows onto the eastern elevation and to remove the roller shutter door on the northern elevation and to inset a section of glazing.
- 2.03 A number of internal alterations are also proposed which would create a lounge / diner, kitchen and w.c. at ground floor level for each dwelling and then bedrooms and a bathroom for each dwelling at first floor level.

3.0 PLANNING CONSTRAINTS

- 3.01 None

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (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.
- 4.02 Development Plan: Policies ST1, ST3, DM3, DM7, DM14 and DM16 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

Policy DM3 – The rural economy – is central to this application and I set out the relevant parts as follows:

'Planning permission for residential development will not be permitted where this would reduce the potential for rural employment and/or community facilities unless the site/building(s) is demonstrated as having no demand for such purposes or its use would be undesirable or unsuitable.'

The relevant sections of the supporting text to this policy are as follows:

"A factor affecting the development of the rural economy is the limited availability of land and buildings. Such locations are often an attractive and more lucrative prospect for residential use. To retain the availability of rural buildings for employment, the Council will only grant planning permission for their residential use where evidence is provided that shows that there is no demand for them to be used for employment, or if they are wholly unsuitable for any employment use. Evidence of demand should include the results of efforts made to market the building, normally with a planning permission, as available for employment use."

And:

"Even if the site or building is currently vacant, evidence will need to show that it is neither viable nor likely to become viable and that alternative employment uses have been robustly tested. This will also include the applicant having marketed the enterprise or the property for its commercial/community use for a reasonable period in a manner and at a price that reflects that use."

- 4.03 Supplementary Planning Documents: Supplementary Planning Guidance – The Conservation of Traditional Farm Buildings.

5.0 LOCAL REPRESENTATIONS

- 5.01 Surrounding occupiers were sent a consultation letter and a site notice was displayed close to the site. 2 letters of support were received stating that the site should be allowed to be converted to residential use and that these occupiers would object to an industrial or commercial development.

6.0 CONSULTATIONS

- 6.01 **Cllr John Wright** stated *"I believe this redundant farm building due to its location and position attached to existing residential buildings would make a fine residential development."*

Industrial or community uses would NOT be suited due to the building being attached to existing residential buildings, and backing onto their amenity space.

It is in a sustainable position with a bus service that runs and stops along that road. It is close to Rainham and other new build 200 yards along the road with all the services that one would wish to see.

An ecological report has been received and due consideration and alternative homes for bats can be conditioned and any work supervised so there is minimal disruption to their environment.

There is ample car parking and the existing windows that could over look the neighbour's garden can remain as is fixed and obscure so there is no intrusion to their amenity.

There is no objection from the neighbours or the Ward Councillor,

Therefore should there be a recommendation for refusal I would wish this application to be called in for the committee to decide and this time have a site visit to see the circumstances."

6.02 **Upchurch Parish Council** stated that *"Councillors have considered the application and have no comment to make save neighbours' comments should be taken into consideration."*

6.03 **KCC Biodiversity Officer** stated that *"We have reviewed the ecological information submitted with the planning application and we are satisfied that it provides a good understanding of the ecological interest of the proposed development site. The bat emergence surveys have confirmed that common and soprano pipistrelle bats are roosting within the building and the works are likely to impact the bat roosts."*

An outline bat mitigation strategy has been submitted and it has confirmed that the following mitigation will be incorporated in to the site:

- 2 Schwegler 2f Bat boxes – to provide bat roosts during the construction works.
- Two bat tiles (with bitumen felt underneath) to provide integrated roosts

We advise that the mitigation is sufficient to retain the bat interest of the site."

The Biodiversity Officer has recommended three conditions related to bat mitigation, biodiversity and lighting design if planning permission is granted.

6.04 **Natural England** set out that *"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."*

6.05 The **Environmental Protection Team** state that *"The site lies immediately outside the boundary of an historic landfill known to take inert waste. As site investigations are known to have been undertaken at nearby properties, overlying the landfill itself, these have been consulted to obtain an idea of land conditions in relation to landfill gas. These reports have concluded that no special precautions are required to protect the proposed development from ingress of soil gases. Results of previous gas monitoring would suggest that there is a low risk that significant volumes of methane or carbon dioxide soil gas being generated from underlying made ground, although it would be prudent to ensure that all service entries are sealed into the building's floor slab. The site lies within an area where basic radon protection measures are not required for new properties, extensions or conversions."*

Recommend a condition related to construction hours.

- 6.06 **Kent Wildlife Trust** set out that *“The presence of European Protected Species, specifically a bat roost, has been detected. In order to comply with the relevant legislation and policy, a condition should be attached to consent, should the Council be minded to grant it, requiring the developer to obtain a European Protected Species Licence from Natural England before work commences, and that the development is carried out in accordance with the details within the licence. Subject to such a condition, Kent Wildlife Trust has no objection to the application.”*
- 6.07 **Southern Water** *“requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.”*

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Application papers and correspondence related to 16/508521/FULL.

8.0 APPLICANT'S SUPPORTING DOCUMENTS

- 8.01 The application includes a Supporting Statement and a Design and Access Statement produced by the agent. This sets out the history of the building, the site, the difficulty there has been in letting the building, access and design.
- 8.02 The applicant has also submitted a statement which sets out rebuilding costs; rental marketing; planning status and planning considerations.
- 8.03 A letter from Buckey & Ward dated 5th August 2015 states that they will be removing the host property from their register as it has created no enquiries over the previous 6 months.
- 8.04 A page from the advertisement section of the Sittingbourne News Extra dated 28/9/2016 has also been submitted which reads: *‘Upchurch, For rent ex-farm building. B1 statues (sic), 180 square meters. 2 Floors. 6 Month let. £4.00 per square metre.’*
- 8.05 An advert from the website ‘Gumtree’ has also been submitted which includes a picture of the host property and is advertised as ‘Ex farm building, Gillingham, £720’. It is stated on the screenshot of the webpage submitted that the advertisement has been viewed 320 times and has received two replies.

9.0 APPRAISAL

- 9.01 Members may recall that a similar proposal was reported to Planning Committee on 21st July 2016 under 15/506513/FULL. This application was refused for four reasons. Therefore in this current case I am of the view that the main considerations will rest upon whether these reasons for refusal have been overcome and whether any additional matters have arisen in the intervening period.

Principle of Development

- 9.02 The first reason for refusing the 15/506513/FULL application was as follows:

“The development site lies outside of any built up area settlement, as defined by the Swale Borough Local Plan 2008, where policies of rural restraint state that development will not be permitted unless a reasonable and sustained effort to secure an alternative re-use of the site for employment or community purposes has been demonstrated; that the building would be undesirable or unsuitable for a non

residential use or where residential use is the preferred way to retain the historic building. Furthermore, given the currently advanced stage of the Emerging Local Plan, Bearing Fruits 2031, the limited benefits of the development would not outweigh the harm caused and would result in unsustainable and unjustified residential development in the countryside in a manner harmful to its character, appearance and wider amenity value. The proposal is therefore contrary to policies E1, E6, RC6 and H2 of the Swale Borough Local Plan 2008; policies ST1, ST3 and DM14 of the Emerging Local Plan (Bearing Fruits 2031 - Proposed Main Modifications June 2016) and to the wider aim of achieving sustainable development as set out in the National Planning Policy Framework.”

- 9.03 Since the decision was issued on the previous application, Bearing Fruits 2031: The Swale Borough Local Plan 2017 has been adopted. As a result the Council can now give full weight to the policies contained in the recently adopted development plan.
- 9.04 The application site lies outside of the defined built up area boundary and therefore lies within the countryside. In locations such as these, policy DM3 (which effectively replaces policy RC6 of the 2008 Local Plan) provides the criteria which the application will need to satisfy, as set out in the policy section above.
- 9.05 I firstly take into account the letter that has been submitted from Buckey & Ward Estate Agents, dated 4th August 2015. This is same letter that was provided as part of the previously refused application. This letter states that they will be withdrawing the premises from their register as the property ‘*has created no enquiries at all over the last six months*’. The letter also states that ‘*I do feel the location has been the hindrance*’, however, it was noted in the Committee Report for the previously refused application that the original advertisement clearly set out that the property benefits from a ‘*great location*’. In addition to this, the assessment of the 15/506513/FULL refused application also found that this information from Buckey & Ward had not made it clear how widely the marketing was distributed and whether this estate agent specialises in residential or commercial lettings / sales. As a result it was not felt that this satisfied the requirement for a reasonable and sustained effort to secure an alternative re-use of the building. As this same letter has now been submitted in support of the current application, in relation to this evidence I see no reason to come to a different conclusion.
- 9.06 Additional information has been submitted in support of the current application in the form of a newspaper advertisement and an advertisement posted on the website ‘Gumtree’. The newspaper advertisement was displayed in the Sittingbourne News Extra, 28th September 2016 edition. I do not believe that displaying an advertisement for one week could in any way satisfy the requirements for robustly testing the employment / community use as required by the adopted policy and therefore give this supporting information extremely limited weight. In terms of the listing on the Gumtree website I firstly note that although the applicant’s covering letter submitted on 1st August 2017 in relation to this states that the advert was posted from the beginning of May I can see no evidence to corroborate this. In any case, the Gumtree advertisement in my view is not a robust way in which to test the demand of the building as they are not a property agent. Furthermore, I note that the submitted screenshot of the advertisement shows that there were 2 replies to the advertisement. No details have been submitted in relation to these replies and as such I also do not believe that the submission of this advertisement would satisfy the requirement of the policy.

- 9.07 Policy DM3 also sets out that residential development could also be acceptable if employment and / or community facilities would be undesirable or unsuitable. I note that the applicant has included the following paragraph within their statement (which quotes the same figures as set out in the supporting statement for the 15/506513/FULL application):

"I have received quotes of the cost to convert the outbuilding into offices/workshop of between £100,000 to £200,000. With monthly repayments on a business loan and management costs/fees the building would make little profit, if any at all, and is therefore not commercially viable."

As assessed in the Committee Report for the previously refused application, it is unclear from the paragraph above whether the works are wholly necessary for the re-use of the building. Furthermore, there are no details provided as to where this figure was derived from or indeed who arrived at this. In any case, we would expect to see evidence of the basis for these quotes and a full structural survey from a suitably qualified person if this was intended to be relied upon. None of this has been forthcoming in the application and as such I take the view that the Council can not be satisfied that the building is undesirable or unsuitable for a non residential use.

- 9.08 I also note that the supporting text of policy DM3 states that *"Evidence of demand should include the results of efforts made to market the building, normally with a planning permission, as available for employment use"* (my emphasis). I note that the Gumtree advert describes the building as 'ex farm building', the newspaper advert suggests that it has B1 status whilst the description of the application refers to former storage and agricultural uses. The applicant's supporting statement sets out that *"the building has been redundant for the past 25 years."* There is clearly some uncertainty over the history of this building however, based upon the planning history as set out above, going back to 1976 there hasn't been an approval on this site. As such, I am not convinced that the property has a relevant planning permission for employment use as required for market testing and as set out the supporting text of the policy.
- 9.09 However, regardless of the lawful use of the building, I do not believe that a reasonable and sustained effort has been made to market the building for employment or community uses. Some of the evidence submitted in support of the 15/506513/FULL application has been repeated and as the aims of the newly adopted policy are comparable to the policy which the previous application was assessed against I again take the view that these details do not provide sufficient evidence that the policy has been satisfied. Although further information has been submitted, as set out in the assessment above I do not believe that they in any way constitute a robust testing of demand for either employment or community uses. As a result I am of the view that the proposal fails to satisfy policy DM3 of the adopted Local Plan and would be unacceptable as a matter of principle in this countryside location.

Visual Impact

- 9.10 The proposed conversion involves largely internal works and the insertion of two additional windows. The SPG, at paragraph 5.7 advises that existing windows or openings should be used and the pattern of openings should be informal to avoid a domestic appearance. In this case two additional windows are proposed on the east elevation and the replacement of the roller shutter door on the north elevation with a 4 pane section of glazing in the same sized opening. As such, I consider that the

insertion of only two new openings, which are modest in scale would not seriously harm the character of the existing building or visual amenities.

Residential Amenity

- 9.11 The second reason for refusing the previous application was as follows:

“The existing ground floor windows on the west elevation, located on the boundary with the private amenity space of No.3 Hubbards Cottages would give rise to an unacceptable loss of privacy and would provide opportunities for mutual overlooking of both this neighbouring property and the host property which would be significantly harmful to the residential amenities of existing and future occupiers. This would be contrary to policies E1 and E24 of the Swale Borough Local Plan 2008.”

The windows in question have now been annotated as obscure glazed and fixed shut. As such I take the view that this would overcome the above reason for refusing the previous application. I also note that the rooms which these windows would serve have additional openings and therefore the use of obscured glazing in these windows would not give rise to unacceptable harm to any future occupiers of the units. If I had been minded to recommend approval I would have included a condition to ensure that this was carried out. The host property is not being extended by the proposal and the majority of the remaining windows face onto an area of hardstanding. As such I take the view that the proposal would not give rise to any unacceptable harm to residential amenities.

Protected Species

- 9.12 The third reason for refusal under 15/506513/FULL was as follows:

“The application site which includes a redundant building has been submitted without the benefit of a Phase 1 Ecological Survey. Therefore the Council is unable to be certain that the proposal would not have a detrimental impact upon protected species and as such the application is contrary to Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System.”

A Bat Outline Mitigation Plan has been submitted with the application and I have consulted with the County Biodiversity Officer who has raised no objection subject to conditions as set out above. Therefore I take the view that the third reason for refusal has been overcome and the imposition of relevant conditions would have mitigated against any harm to protected species if I had been minded to recommend approval.

Parking

- 9.13 The fourth reason for refusal in relation to the previous application related to insufficient parking provision and read as follows:

“The proposal for two dwellings includes two parking spaces within garages and four visitor spaces. The garage spaces are not considered to be parking spaces and as such with the other spaces reserved for visitors the application would not provide sufficient car parking spaces for future occupiers of the development. This would likely lead to car parking that was to the inconvenience of other road users and would be contrary to policies of E1 and T3 of the Swale Borough Local Plan 2008.”

The application as now submitted includes 6 bay parking spaces with two of the garages allocated to the new dwellings. The bays satisfy the KCC size requirements and the number of parking spaces is adequate for the size and number of dwellings proposed. On this basis I take the view that the above reason for refusal has been overcome and the proposal would not give rise to unacceptable harm to highway amenity.

Impact upon SPA and Ramsar Sites

- 9.14 I have for completeness set out a Habitat Regulations Assessment below. This confirms that whilst mitigation could be provided by way of developer contributions, this is not considered appropriate for developments under 10 dwellings. The cost of mitigation will be met by developer contributions on developments over 10 dwellings. In view of this it is not considered that the development will have a harmful impact on the special interests of the SPA and Ramsar sites.

10.0 CONCLUSION

- 10.01 Although the proposal has in my view overcome three of the four reasons for refusing the previous application on the site, I take the view that the application falls somewhat short of robustly testing and therefore demonstrating that there is no demand for an alternative use of the building or that the building would be unsuitable for non residential use. As such the proposal is in my view contrary to policy DM3 of the adopted Local Plan. As the site lies within the countryside I believe that the proposed conversion of the building into residential use would be unacceptable in principle. For this reason I recommend that planning permission is refused.

11.0 RECOMMENDATION – REFUSE for the following reasons:

- 1) The development site lies outside of any built up area settlement, as defined by Bearing Fruits 2031: The Swale Borough Local Plan 2017, where policies of rural restraint apply. The application has failed to demonstrate a reasonable and sustained effort to secure an alternative re-use of the site for employment or community purposes or that the building would be undesirable or unsuitable for a non residential use. The proposal would therefore result in unsustainable and unjustified residential development in the countryside in a manner harmful to its character, appearance and wider amenity value. The proposal is therefore contrary to policies ST1, ST3, DM3 and DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 and to the wider aim of achieving sustainable development as set out in the National Planning Policy Framework.

Habitats Regulations Assessment

This HRA has been undertaken without information provided by the applicant. The application site is located approximately 1.3km south east 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 two 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 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.



By virtue of paragraph(s) 1, 2, 3, 4, 5, 6, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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