

2.10 REFERENCE NO - 14/504619/FULL		
APPLICATION PROPOSAL Demolition of existing structures and erection of a restaurant/public house, Associated residential accommodation, car park, access, landscaping and ancillary works.		
ADDRESS Macknade Garden Centre Canterbury Road Faversham Kent ME13 8LX		
RECOMMENDATION- Grant subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is in line with local and national planning policies.		
REASON FOR REFERRAL TO COMMITTEE Number of objections received.		
WARD Watling	PARISH/TOWN Faversham	COUNCIL Faversham
		APPLICANT Marston's Plc AGENT Mr Alan Hughes
DECISION DUE DATE 10/12/14	PUBLICITY EXPIRY DATE 03/09/15	

RELEVANT PLANNING HISTORY

SW/13/0262- proposed motor vehicle showroom with linked valeting facility - withdrawn.

SW/10/1238- proposal for 4 retail units - approved.

SW/10/0742- proposed retail development - withdrawn.

SW/09/1297- change of use from garden centre to hand car wash - refused.

SW/09/0525- change of use from garden centre to hand car wash - refused.

SW/00/1102- outline application for A3 restaurant with associated parking and access alterations - refused.

SW/82/0912- display of garden and house plants and sundries in poly tunnel house, covered walkway and check out area - approved.

SW/81/1165- change of use to garden centre - approved.

SW/78/1159- erection of single storey builder's offices - refused.

SW/78/1158- erection of showroom for sale of motor vehicles - refused

SW/78/1157- erection of 3 residential units - approved.

1.0 DESCRIPTION OF SITE

1.01 The site is currently vacant and was most recently used illegally as a hand car wash facility. The former garden centre ceased trading some years ago. The site is located on the junction of Canterbury Road and Selling Road and

measures approximately 0.31 hectares. The site currently comprises a small cluster of derelict buildings and some vegetation.

- 1.02 The site lies within the designated countryside and outside of the designated built-up area of Faversham. The site lies adjacent to grade 2 listed Macknade Manor with an historic walled garden, currently used a restaurant located to the west of the application site. Part of the high boundary wall to the walled garden is located on the western boundary of the site, and this listed wall is in a state of disrepair.
- 1.03 Located on the other side of the A2 (to the north of the site) is a petrol filling station with a large forecourt. Situated to the east of the application site is a large car park serving the Macknade farm shop/café. Located to the south and west of the site is a cluster of buildings used for a mix of residential and farm uses, including Macknade Farm which comprises two grade II listed oast buildings.
- 1.04 The existing access to the site is via an access off Selling Road, south of its junction with Canterbury Road (A2).

2.0 PROPOSAL

- 2.01 Planning permission is sought for the demolition of the existing structures and erection of a restaurant/public house, associated residential accommodation, car park, access, landscaping and ancillary works.
- 2.02 The proposed building comprises approximately 528 square metres floorspace at ground floor and an associated manager's flat at first floor comprising approximately 129 square metres. The proposal also includes a terrace area to be used by the customers, a garden with children's play area, 51 car parking spaces (2 disabled spaces) and 6 cycles-stands.
- 2.03 The proposal seeks to cater for approximately 150 covers and will be operated by Marston's.
- 2.04 The existing access off Selling Road will be used and it is proposed to run a new second pedestrian access from Canterbury Road to provide connectivity to the proposed building's main entrance.
- 2.05 The small triangular-shaped area of land to the immediate north-east of the site is in separate ownership, but the agent has confirmed that subject to the owner's agreement, landscaping is proposed in this location to complete the overall development plot.
- 2.06 I am awaiting confirmation of the intended hours of operation; however the applicant has submitted a license application for the following hours:

Monday- Thursday 10am to Midnight
Friday 10am to 1am
Saturday 10 and to 1am

Sunday 10am to midnight

2.07 The application is supported by the following reports;

- Planning Statement
- Design and Access Statement
- Geo-Environmental Report
- Energy Recovery Statement
- Noise Assessment
- Archaeological Desk-Based Assessment
- Arboricultural Implications Assessment
- Transport Statement

2.08 The agent has prepared a detailed Planning Statement which address comprehensively the guidance contained within the NPPF in relation to the Sequential Test for town centre uses. The sequential test makes the following summarised comments:

- Marston's do not operate any public houses within Faversham. The nearest Marston's public house is The Jenny Wren, located in Sittingbourne around 9 miles from Faversham
- The way that the proposed Marston's format operates is distinctly different to town centre public houses and restaurants
- A customer is unlikely to break or cancel their trip to a town centre (with its physical availability and variety of public houses and restaurants) to visit the proposed Marston's instead
- The business model characteristics of the proposed family public house/restaurant and associated requirements means it is not a facility that can readily be provided within a town centre setting because of e.g physical constraints of town centre locations, existing vacant units being unsuitable, the need for on-site parking, servicing requirements and road frontage to enable visibility
- Locating the low density proposal in a town centre may pose design challenges in terms of integrating the Marston's format into a town centre setting e.g dense urban form, streetscape or potential impact on heritage assets
- The town centre is not an appropriate location for the type of pass-by visitor Marston's is seeking to attract i.e. those already on the main road network
- The proposed public house/restaurant at the Former Macknade Garden Centre is sought to cater for a different catchment and type of customer than those catered for within the town centre
- The agent has analysed Faversham Town Centre for sequentially preferable sites- there are no other designated centres in close proximity to the application site
- Primary search of area focused on in/edge of centres sites of a suitable size to accommodate the proposal

- Recent High Court decision judge refers to the Dundee Supreme Court decision (Tesco Stores Ltd v Dundee city Council to highlight the need for a sequential approach to be carried out in the real world and that the sequential approach should address the question of *'whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site'*.
- Marston's are seeking opportunities to provide 150/180 cover pub/restaurants aimed at the family eating market and drawing from local and pass-by business and tourist markets
- Easy access by car and prominence to the road network is key to the success of this model
- Minimum size requirement is approximately 0.3ha
- The managers residential accommodation is a key element to the scheme
- In terms of the sequential test the agent has considered a minimum site size of 0.3ha
- Site search was carried out in July 2014 for vacant, under-used and actively marketed sites within and on the edge of Faversham town centre
- A number of development sites have been identified on the edge of Faversham town centre within the Swale Borough Local Plan Policies Map- these are large sites and identified for either housing or employment development
- 11 vacant units were identified within the town centre- the units varied in size from 60 square metres to 330 square metres. No suitably sized vacant units were available
- No potential edge of town centres sites were identified to be suitable in terms of the proposed use, short term availability and site size
- An impact assessment is only required for proposals exceeding 2,500 square metres gross of floorspace unless a different locally appointed threshold has been set by the LPA- Swale does not have a local threshold and therefore an impact assessment is not required as the proposal proposes 585 square metres of floorspace
- Faversham Town Centre contains seven public houses
- Likely to be a very limited overlap with existing provision in the town centre
- The existing public houses are predominantly 'wet' pubs which contrast with Marston's food orientated offer
- There is therefore a quantitative need for more restaurant/public house provision in Faversham and the wider area, in excess of that which will be met by Marston's
- The very different function of the town centre provision will limit competition with the Marston's proposal
- The proposal will have a minimal impact on existing, committed and planned public and private investment in the town centre and a minimal impact on town centre vitality and viability, choice and trade

2.09 Following meetings with the applicant’s significant improvements have been made to the original submission which includes the following:

- Re-positioning the building further back on the site and straight on with Canterbury Road boundary
- Major revisions to the scheme in terms of design approach- more of a barn style building similar to what was previously approved for the retail units
- Set back of terrace area to allow for greater and more appropriate landscaping along the front boundary with Canterbury Road (A2)
- Increased areas of landscaping especially along the front boundary of the site
- Greater articulation between main two storey element and west ‘side’ extension
- Clarification on impact on listed walled garden wall
- Reduced ground floor level window size to ‘side’ extensions
- Boarding on 2 storey element extended to ground floor window cill level
- Boarding above first floor level cill is to be vertical between windows, with horizontal below, and above on gable ends
- Monopitch roof over covered yard expressed as a gable feature facing Macknade Manor with rearrangement of yard area

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
No. of Storeys	1	2	+1
Parking Spaces	0	51	+51

4.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

Adjacent to listed buildings and listed wall.

Countryside location.

5.0 POLICY AND OTHER CONSIDERATIONS

5.1 Swale Borough Local Plan Policies- FAV1 (The Faversham and Rest of Swale Planning Area), SH1 (Settlement Hierarchy), E1 (General Development Criteria), E6 (The Countryside), E14 (Listed buildings), E16 (Archaeological sites), E19 (Achieving high quality design and distinctiveness), B5 (Existing and New Tourist Attractions and Facilities), C1 (Existing and new community facilities), T1 (Safe access for new development), T3 (Vehicle Parking for New Development) and T4 (Cyclists and Pedestrians).

5.2 National Planning Policy Framework Paragraphs 14, 17, 24 and guidance contained within the National Planning Practice Guidance.

Paragraph 14 states that:

At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

For **plan-making** this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

For **decision-taking** this means:

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

Paragraph 17 states that (extract):

'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
- *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*
- *encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*

- *conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations'*

Paragraph 24 states that:

'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.'

Paragraph 26 states that:

'When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.'*

5.3 **Planning Practice Guidance**

The National Planning Practice Guidance provides more specific advice in relation to 'Ensuring the vitality of town centres' and provides the following guidance:

'The National Planning Policy Framework sets out two key tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accord with an up to date Local Plan – the sequential test and the impact test. These are relevant in determining individual decisions and may be useful in informing the preparation of Local Plans.

The sequential test should be considered first as this may identify that there are preferable sites in town centres for accommodating main town centre uses (and therefore avoid the need to undertake the impact test). The sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test. The impact test

determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy). It applies only above a floorspace threshold as set out in paragraph 26 of the National Planning Policy Framework.

It may not be possible to accommodate all forecast needs in a town centre: there may be physical or other constraints which make it inappropriate to do so. In those circumstances, planning authorities should plan positively to identify the most appropriate alternative strategy for meeting the need for these main town centre uses, having regard to the sequential and impact tests. This should ensure that any proposed main town centre uses which are not in an existing town centre are in the best locations to support the vitality and vibrancy of town centres, and that no likely significant adverse impacts on existing town centres arise, as set out in paragraph 26 of the National Planning Policy Framework.

The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.

It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). Wherever possible, the local planning authority should support the applicant in undertaking the sequential test, including sharing any relevant information. The application of the test should be proportionate and appropriate for the given proposal. Where appropriate, the potential suitability of alternative sites should be discussed between the developer and local planning authority at the earliest opportunity.

The checklist below sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test:

- with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.*
- is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*

- *if there are no suitable sequentially preferable locations, the sequential test is passed.*

In line with paragraph 27 of the National Planning Policy Framework, where a proposal fails to satisfy the sequential test, it should be refused. Compliance with the sequential and impact tests does not guarantee that permission is granted – local planning authorities will have to consider all material considerations in reaching a decision.

The impact test only applies to proposals exceeding 2,500 square metres gross of floorspace unless a different locally appropriate threshold is set by the local planning authority.'*

6.0 LOCAL REPRESENTATIONS

6.1 Twenty one letters of objection to the application have been received making the following summarised comments:

- The choice of a Marstons Two for One public house and eatery is clearly the wrong one in this particular position
- This proposal is very different to SW/10/1238- 4 retail units and the approved scheme should not set a precedent for this scheme now proposed
- This proposal would take business away from the public houses in the town, town centre pubs are likely to lose trade
- The building would dominate the approach from the southern side of Faversham
- The proposal could be located in a less sensitive area within Faversham- away from listed buildings
- The current state of the site should not mean that inappropriate development should take place on this site
- Another Marston's Pub is not necessary- there are 2 already located within 8 miles of the application site
- The impact on the listed residential Coach House would be dramatic- sunlight would be obscured
- Loss of sunlight to the walled kitchen garden at Macknade Manor
- Located in close proximity to a number of listed buildings
- Impact on amenity due to noise generation from the kitchen extractors
- Concerns about lack of parking spaces- possibly causing highway safety concerns
- Noise from staff leaving the premises
- Concerned that the staff numbers provided are not a true reflection on actual staff numbers needed for a 150 cover restaurant
- Noise created from numerous refuse collections, deliveries to the site, bottle collection- conditions are required to address these
- Concerned about odour and visual impacts from the proposed elevated pergola- it would also attract noisy smokers
- Normally residential accommodation is resisted south of the A2, in this case a managers flat is proposed

- Visitors and staff unlikely to use public transport especially if leaving the site later in the evening
- No details of sewage treatment for the site has been provided
- Concerned that Selling Road cannot cope with this extra traffic
- Concerned about site levels
- The setting of Macknade Manor as a heritage asset should be a prime consideration
- Impact on the investment potential of an established business (Reads Restaurant)
- Severe adverse impact on the amenity of local residents and the hotel guests of Macknade Manor
- Customers may use the adjacent car park at Macknade Fine Foods
- There is no business case for adding yet another public house to Faversham
- Site should be used for offices or housing
- This site is set within a rural setting
- This large modern building will be out of keeping with the existing streetscene of the area
- The extension to Macknades Fine Foods and the Love Lane development will already increase traffic on the A2- the surrounding infrastructure will not be able to cope with the additional volume of traffic
- Scale and style of the development is not in keeping with the rural nature of the Faversham environment
- Concerned that the stability of the listed wall
- Concerned about the proposed site levels- the building will be substantially higher than the natural site levels
- Tranquil setting of Macknade Manor and its setting would be compromised especially for guests
- Amenity impact and loss of privacy to the Coach House
- Noise generated by the car park is not assessed in the noise survey
- Site levels should be used to mitigate the noise and visual impacts of the scheme on the adjacent dwelling and Reads restaurant with guest rooms
- The building would be visible from the wider views of Macknade Manor
- Concerned about the hours of operation and the resulting impact of the late hours of operation on the site

6.2 Two letters of no objection or support have been received making the following summarised comments:

- Site has previously been a petrol filling station and then a busy garden centre
- The vacant site is an eyesore
- Landscaping would improve the site

6.3 The Faversham Society does not object to this application in principle. However, they suggest that alterations may be required to the junction and that these could be the subject of a Section 106 Agreement.

7.0 CONSULTATIONS

- 7.01 Faversham Town Council raises no objection to the proposal and state that *'the pub would provide a family dining experience not presently available in the town'*.
- 7.02 Highways England offers no objection to the proposal.
- 7.03 Kent Highway Services raise no objection to the proposal subject to included conditions.
- 7.04 Kent County Archaeology raises no objection to the proposal and recommends a planning condition.
- 7.05 The Council's Tourism Officer supports the application provided that attention to detail is provided through a well laid out car park with appropriate access and egress arrangements to the site as this is a busy area given its proximity to the A2.
- 7.06 The Council's Climate Change Officer raises no objection- condition requiring building to be constructed to BREEAM 'Good' Standard or an equivalent standard.
- 7.07 I can confirm that the Environmental Service Manager has not raised an objection to the license application or the proposed hours of use.

8.0 BACKGROUND PAPERS AND PLANS

- 8.1 Application papers for application 14/504619/FULL

9.0 APPRAISAL

- 9.1 I consider the key issues to be the principle of the development, the impact on the amenities of the surrounding area, impact on the adjacent listed buildings and grounds and the adequacy of the parking provision.

Principle

- 9.2 Local residents have commented that there is no need for a local pub in this area. The need for such a facility is not a determining factor in the outcome of this application in my opinion. I have considered the previous uses for the site in particular the approved retail units and I therefore consider this site to be a brownfield site in need of development.
- 9.3 With regards to the nature of the proposed development I am of the view that this is an acceptable use for the site bringing a vacant site back into a viable use. Furthermore, I am firmly of the view that the proposal will not have a significant detrimental impact on other town centre uses, in particular other public houses, as Marston's offers a restaurant package that is not already found in Faversham. In addition, the sequential test requires that other town centre sites should be considered prior to allowing out of town centre sites to

come forward. In this instance I am of the opinion that there is no other suitable site located within the town centre that is available and able to accommodate this type of development. By its very nature a Marston's restaurants/public house caters for passing customers and they are mostly located in close proximity to infrastructure facilities. The application has been submitted with a detailed Planning Statement and Section 7 of that statement provides a well informed sequential test analysis- the findings of which are outlined in Section 2 of this report. The Sequential Test findings clearly confirm that there are no suitable sites available within the town centre that meet the required business model of the proposed public house/restaurant. The agent further refers to recent Case Law where the judge confirms that the sequential sites, under the sequential test, should be suitable for the end user and should not require the business model to be adapted to suit the site. I am also in agreement with the findings in as such that there are no vacant and available sites within the town centre for Marston's to locate to without compromising the needs of the business in terms of location, size and passing customers.

- 9.4 Turning to possible edge of town centre sites again, I am of the view that any sites that are available at this moment in time are either too large, not suitable in terms of location or have been allocated for other uses within the adopted Swale Borough Local Plan 2008 and within the emerging Local Plan.
- 9.5 The proposed floor space of 585 square metre means that an Impact Assessment assessing the impact on the town centre uses, in particular the impact on the other public houses in the town centre is not required in this instance, in line with guidance contained in paragraph 26 of the NPPF. However the planning statement does address the impact of the proposed use on the town centre public houses and indicates that Marston's would not compete with the other town centre uses due to its unique business model and focus on the food industry rather than 'wet' trade.
- 9.6 I am therefore of the opinion that this proposal could not be located in the town centre and also does not have a significant impact on other town centre uses due to the nature of the business proposed. I therefore, consider it important to assess the proposal in terms of its impact on the surrounding amenity, the listed buildings and grounds and any traffic implications.

Impact on amenities

- 9.7 I note that we have received a number of objections to the proposal, focusing in some cases on the likely impact on the amenity of the nearby residential properties. It is important to view the site in context with its surrounding area. It is located next to the busy and much used A2 (Canterbury Road), adjacent to the Macknade complex (which has recently received planning permission for an increase of the retail/café element) and a petrol filling station is located on the other side of the road. All of these existing uses contribute and have an impact on the residential amenity of the area and I am of the view that though residents of these properties would experience some noise from the pub/restaurant, this would not be significant to warrant a reason for refusal.

- 9.8 Although local residents are concerned about the potential for anti-social behaviour associated with the public house and noise impacts, I am of the opinion that this matter alone can be adequately addressed by the appropriate management of the pub and by working in conjunction with the Police and Anti-Social Behaviour Officers should the need arise. I do not consider that the application should be refused on this basis.
- 9.9 The applicant has submitted noise attenuation measures for the plant to be installed on the public house. The implementation of these measures should limit the levels of noise generated by these features ensuring that there would be no undue disturbance to local residents. I have added a condition requiring these mitigation measures to be carried out in accordance with the submitted report. I am though awaiting the final views of the Head of Environment Services and will report these to Members at the meeting.
- 9.10 The proposed play area and outdoor seating would be located to the front of the building facing out towards Canterbury Road thereby, ensuring that noise is reduced by the distance from the properties while the building itself which would provide a sound barrier.
- 9.11 The building would be visible from both Canterbury Road and Selling Road and is located in a very prominent corner location easily seen on approach to Faversham. Officers have had various discussions with the applicant and architect to achieve a well thought out design that does not just reflect the standard design approach of Marston's. The architect has successfully amended the design (see Section 2 above outlining the changes) to reflect the discussions with officers and I am of the opinion that the use of different finishing materials and use of some interesting design features ensures a good quality of design which will have a positive impact on the surrounding area. I consider that the overall design of the building is acceptable. I therefore, consider that there would be no detrimental impact on the amenities of the surrounding area as a consequence of the development.

Parking provision

- 9.12 I have consulted Kent Highway Services (KHS) on this application who have raised no objection. KHS confirms that the level of traffic activity associated with the proposal would be acceptable on the local highway network and that this use would be expected to generate similar levels of traffic during the afternoon peak as the existing garden centre and previously approved retail use of the site but significantly less during the morning peak hour. It is accepted that while the pub/restaurant would continue to generate activity during the evening and night beyond that of the garden centre this would not be during the busy times on the highway network and would therefore not create any capacity issues at the junction of Selling Road with the A2 Canterbury Road. KHS have also confirmed that the swept path analysis demonstrates that the development can adequately accommodate the movement of articulated and rigid HGV's likely to service the premises. In addition the parking provision complies with the relevant parking standards for

a business of this size and nature and as such I do not consider it necessary to seek additional provision within the site. The provision of 51 spaces is consistent with similar developments within the County and is considered to be an appropriate amount.

Impact on the setting of the listed building and grounds

- 9.13 It is clearly important to fully consider the impact on the setting of the adjacent listed buildings, namely Macknade Manor and the Oast House, both grade II listed. The architect has addressed the comments made by officers by amending the design to create a more architecturally attractive barn style building and setting the building back into the site. Setting the building back into the site creates a better view of the grade II listed wall of Macknade Manor. Following the revisions to the scheme the building is now less eclectic and makes use of more traditional materials which is a great improvement in design terms. I therefore am supportive of the design changes and of the view that there is no significant impact on the setting of the listed buildings.
- 9.14 I have added a condition requiring details of existing and proposed site levels to ensure that any impact is reduced through site level consideration. I am of the view that though there is a change proposed to the site levels the site can accommodate some changes to the site levels.

10.0 CONCLUSION

- 10.01 The proposal, following some changes, is considered acceptable in terms of design and impact on the surrounding area. The site is located in a prominent location and I am of the view that the careful design ensures that the development can be viewed as a gateway development on approach to Faversham.
- 10.02 I therefore recommend that planning permission is granted subject to receipt of comments from the Environmental Service Manager.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with drawings

3251/P100 Revision B; 3251/P103 Revision A; 3251/P104 Revision O; 3251/P105 Revision J; 3251/P106 Revision D; 3251/P107 Revision J; 3251/P110 Revision A; 3251/P111; 3251/P112; 3251/P115; 3251/P116 Revision D; J49.06/01; J49.06/02 Revision A; 298-80/M/01 Rev A and 12089:SK09A.

Reasons: In the interests of proper planning.

3. Prior to the commencement of development, details in the form of samples of external finishing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and works shall be implemented in accordance with the approved details.

Reasons: In the interests of the visual amenities of the area and to ensure that these details are approved prior to commencement of development.

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

Reasons: In the interests of the visual amenities of the area and to ensure that these details are approved prior to commencement of development.

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

Reasons: In the interests of residential amenity

6. Detailed drawings at a suggested scale of 1:5 of all new external and joinery work and fittings together with sections through glazing bars, frames and mouldings shall be submitted to and approved by the Local Planning Authority before any development takes place. The development shall be carried out in accordance with the approved details.

Reasons: In the interest of preserving or enhancing the character and appearance of the surrounding area and to ensure that these details are approved prior to commencement of development.

7. No development shall take place until constructional details at a suggested scale of 1:5 of the eaves and ridges have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: In the interest of preserving or enhancing the character and appearance of the surrounding area and to ensure that these details are approved prior to commencement of development.

8. Prior to works commencing on site details of the flat roof plant installation area at a scale of 1:100 shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: In the interest of preserving or enhancing the character and appearance of the surrounding area and to ensure that these details are approved prior to commencement of development.

9. Prior to the works commencing on site details of parking for site personnel/operatives/visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Reasons: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety, and to protect the amenities of local residents and to ensure that these details are approved prior to commencement of development.

10. No development shall take place until full details of the method of disposal of surface waters have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reasons: In order to prevent pollution of water supplies and to ensure that these details are approved prior to commencement of development.

11. The building hereby approved shall be constructed to BREEAM 'Good' Standard or an equivalent standard and prior to the use of the building the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved unless otherwise agreed in writing by the Local Planning Authority.

Reasons: In the interest of promoting energy efficiency and sustainable development and to ensure that these details are approved prior to commencement of development.

12. Details in the form of cross-sectional drawings through the site, of the existing and proposed site levels (including typical cross sections along the west and south boundaries) shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

Reasons: In order to secure a satisfactory form of development having regard to the nature of the surroundings of the site, and to ensure that these details are approved prior to commencement of development.

13. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reasons: To ensure that features of archaeological interest are properly examined and recorded and to ensure that these details are approved prior to commencement of development.

14. The noise mitigation measures as set out in the Planning Noise Assessment Report 14/0389/R1-2 dated 2nd October 2014 shall be installed and maintained in accordance with these approved details and shall be operated in a manner that prevents the noise emissions to neighbouring premises.

Reasons: In the interests of residential amenity.

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

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the District Planning Authority.

Reasons: In the interests of residential amenity.

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

- A statement of why lighting is required, the proposed frequency of the use and the hours of illumination.
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
- Details of the number, location and height of the lighting columns or other fixtures.
- The type, number, mounting height and alignment of the luminaries.
- The beam angles and upwards waste light ratio for each light.
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties.

Reasons: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings,

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

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

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

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

19. During construction provision shall be made on the site to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Reasons: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

20. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reasons: In the interests of highway safety and convenience.

21. The premises shall be used for the purpose of a public house/bar and/or restaurant and for no other purpose, including any other purposes in Class A3 and A4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reasons: In the interests of the amenities of the area.

22. As an initial operation on site, adequate precautions shall be taken during the progress of the works to prevent the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority prior to commencement of development.

Reasons: In the interests of amenity and road safety and to ensure that these details are approved prior to commencement of development.

23. The area shown on the submitted layout as vehicle parking space shall be provided, surfaced and drained before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015

(or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

24. The building shall not be occupied until space has been laid out within the site in accordance with the details shown on the application plans for cycles to be parked.

Reasons: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety.

25. The access details shown on the approved plans shall be completed prior to the commencement of any other works authorised by this permission, the occupation of any buildings hereby approved, the use of the site being commenced, and the access shall thereafter be maintained.

Reasons: In the interests of highway safety.

26. Before the building hereby permitted is first occupied, the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the access and points on the carriageway edge 43m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 0.9m above the nearside carriageway level and this area shall thereafter maintained free of such obstruction at all times.

Reasons: In the interests of highway safety.

27. The use of the premises as a bar/restaurant hereby permitted shall be restricted to the following hours:

Monday-Thursday 10am to Midnight
 Friday and Saturday 10am to 1am
 Sunday 10am to midnight

Reasons: In the interests of amenities of the area.

The Council's approach to this application:

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

Offering pre-application advice.
 Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the applicant/agent was advised of minor changes required to the application and these were agreed and the application was determined by the Council's Planning Committee where the applicant was able to present his case to Members in person.

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.