

<b>2.9 &amp; 2.10 REFERENCE NO - 16/505706/FULL and 16/505707/LBC</b>			
<b>APPLICATION PROPOSAL</b> Planning permission and listed building consent for; Demolition of outbuildings and erection of 6 new dwellings and conversion of existing stable building/cold store into a residential dwelling.			
<b>ADDRESS</b> 20-22 Ospringe Street Faversham Kent ME13 8TL			
<b>RECOMMENDATION:</b> Grant subject to the receipt of amended drawings to show a reduced height of the rear garaging and studio flat.			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  There is a previous approval for residential development at this site and this new proposal preserves and protects the nationally important archaeological status of the site and the listed building within the site and wider the nearby listed building. Additionally this proposal preserves the character of the conservation area as a whole as had the previous scheme.			
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Town Council objection			
<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Newton Williams Properties Limited <b>AGENT</b> RDA Consulting Architects	
<b>DECISION DUE DATE</b> 19/09/16	<b>PUBLICITY EXPIRY DATE</b> 02/09/16		
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
SW/13/0700 and SW/13/0701	Demolition of outbuildings and development of 8 new dwellings and conversion of existing stable building/cold store		APPROVE

**1.0 DESCRIPTION OF SITE**

- 1.01 The site is located on Ospringe Street (A2) to the north of the junction of Water Lane with the A2. It lies within Ospringe conservation area and also forms part of the medieval Maison Dieu Hospital, the standing remains of which straddle Water Lane on the south side of Ospringe Street opposite. The Maison Dieu Museum is a scheduled ancient monument. To the rear, north of the site, lies Grove Close accommodating Waterstone Place, and to the south, west and east of the site are residential properties, a number of which have listed building status.
- 1.02 The site contains two dwellings, 22 and 20 Ospringe Street, however 22 fully and 20 partly, are excluded from the application. The primary buildings on the site are the former butchers' shop which is integral to 20 Ospringe Street, a grade II listed building and attached to this is the former butchers' cold store. The site also has a number of single storey outbuildings, a larger brick built garage lies adjacent to the pavement to Ospringe Street and stores and stables are also on the site but in some state of disrepair and of no historic or architectural merit.

## 2.0 PROPOSAL

- 2.01 These applications are submitted following the earlier grants of planning permission and listed building consent for the redevelopment of this site. However following the issuing of these, and the sale of the site, it became apparent that the scheme, particularly the terrace of four properties along Ospringe Street could not be built as approved as an easement around an underground pumping station controlled by Southern Water could not be built over.
- 2.02 Following negotiation between the applicants and Southern Water this was subsequently confirmed to be a 10m easement upon which no building could take place. This scheme needed to be redesigned to take account of this.

The scheme therefore is for the development of seven residential dwellings, which includes:

- 3 two bedroom houses
  - 2 three bedroom houses
  - A one bedroom flat
  - A one bedroom conversion
  - 7 dwelling units in total
- 2.03 The scheme involves the utilisation of the existing access as an in-only access to the site from the A2 with the all vehicular exit to the rear, as per the previous approval. Plots 1 and 2 are a pair of semi detached two storey 3 bedroom properties redesigned to accommodate the easement zone to the east. The redevelopment of the storage barn that adjoins no 20 Ospringe Street will retain the existing elevations and roofline and provides one bedroom accommodation. A terrace of three properties is proposed on Grove Place and the design has been reduced in massing from the previous approval. The garaging space and the one bedroom flat above have been located to the rear of the site and has been reduced in height further from the previously approved scheme.
- 2.04 The application is supported by comprehensive background documents including;
- A Heritage Impact Statement
  - A Statement of Significance relating to the Ospringe conservation area
  - A Design and Access Statement
  - A Site Investigation Report
  - An Ecological and Bat Survey
  - A Noise Assessment
  - An Air Quality Assessment
  - A Flood Risk Assessment
  - An Environmental Report
  - A Site Investigation Report, and
  - An Archaeological Trail Trenching Evaluation Report

## 3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance  
Conservation Area Ospringe  
Environment Agency Flood Zone 2  
Environment Agency Flood Zone 3

Listed Buildings MBC and SBC Ref Number: 1339/SW  
 Description: G II 20 AND 22, OSPRINGE STREET, FAVERSHAM, ME13 8TL

#### **4.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
 National Planning Practice Guidance (NPPG)  
 Development Plan: Swale Borough Local Plan Adopted 2008, saved policies E1 - General Development Criteria, E14 - Development involving Listed Buildings, E15 - Dev. Affecting a Conservation Area, E16 – Scheduled Ancient Monuments and Archaeological Sites, E19 - Achieving a High Quality Design and Distinctiveness, H2 - Providing for New Housing, T1 - Providing Safe Access to new development.

Supplementary Planning Documents: Conservation Areas

#### **5.0 LOCAL REPRESENTATIONS**

5.01 One letter was received from a local resident commenting on overlooking issues and the historic nature of the site.

#### **6.0 CONSULTATIONS**

6.01 Faversham Town Council has objected to the proposal stating:

1. the width of the entrance from Ospringe Street is excessively wide which could encourage 2 way traffic
2. the proposed fibre cement weather boarding on the “stable building” would be harmful to the character of the conservation area and the setting of the listed building
3. the proposed new houses in Grove Place are of a scale which would dominate the listed building on Ospringe Street
4. the roof pitch of the houses on Grove Place is too shallow in juxtaposition with the listed building on Ospringe Street
5. the proposed soldier arches over external openings on the front elevation of the houses in Grove Place would be harmful to the character of buildings in the conservation area
6. the proposed “stable building” would appear high and out of scale with the proposed new house on the Ospringe Street frontage

They have also commented that;

- The Town Council notes that the ecological study was carried out in November whereas such studies should not be carried out after September in any given year.
- The Town Council would like to see evidence in the way in which the archaeological study has been taken into account in the design.
- The Town Council would like to be reassured that the brick boundary walls that existed on site have not been demolished without permission

6.02 The agent has responded to the Town Council comments, stating in summary that;

- The site entrance width is 3.5m as opposed to 6m in the approved scheme

- Natural timber weatherboarding is now agreed
  - The new terrace of houses on Grove Place are in fact lower than those previously approved
  - The scheme has been developed in liaison with Swale officers
  - The brick arches reflect those on nearby terraces houses
  - The “stable building” is similar to one previously approved, but is re-positioned
  - Archaeological study and trenches have informed the proposed layout, and
  - The rear wall has been partly removed and bricks cleaned ready for re-use on site
- 6.03 Natural England does not raise objection to the application assuming that Strategic Mitigation measures are secured in respect of The Swale etc SPA. As Members know the Council’s approach is not to collect such contributions for schemes of less than 10 dwellings.
- 6.04 Kent Highways and Transportation raises no objection to the application subject to conditions relating to cycle parking, car parking and turning areas, refuse storage facilities, surfacing, wheel washing, unloading and turning facilities during construction
- 6.05 KCC acting as Local Lead Flood Authority confirm that this scheme for less than 10 dwellings falls outside their remit, and do not comment on the applications
- 6.06 Southern Water has not objected to the proposal but has advised that the exact position of the nearby surface water culverted water course and its condition should be investigated before issuing a decision as to whether the development would be acceptable, and a condition requiring details of the foul and surface water drainage be attached to any permission.
- 6.07 The Environment Agency offers no objection to the proposed development provided conditions are included in any planning permission granted to ensure the use, inclusion and implementation of the use of measures that reduce surface water runoff. They also request that a sustainable drainage system plan should be submitted and approved by the lead local flood authority. Finished floor levels should be set at least 300mm above ground level and ground flood sleeping should not be permitted, as a precaution.
- 6.08 UK Power Network offered no objections to the proposed works.
- 6.09 Historic England initially objected to the proposal as it did less to enhance the streetscape in Ospringe than the approved scheme (not realising the reasons for the changes to the scheme). They also suggested seeking archaeological advice regarding the acceptability of the proposed piled foundations on buried remains on the site. They have since commented that;

*“We now understand that the change in orientation of the proposed range fronting Ospringe Street is in response to site restrictions placed by Southern Water. In our letter of 21 September 2016 we advised that this element would not preserve or enhance the character of the conservation area.*

*“In order to accommodate the site restrictions and as a way of better responding to the pattern of development that characterises Ospringe Street, we maintain that the design of the street-fronting range should as far as possible create a*

*continuous frontage in particular at roof level. Ospringe Street's strong pattern and detailing of doors and windows should also be taken into account and the current scheme could be improved by avoiding the use of unmatched windows.*

*"We reiterate our advice that given the quality and particular character of the conservation area, we recommend the use of traditional building materials, rather than fibre cement cladding and UPVC windows in this case. Similarly the final architectural detailing of these buildings will be crucial to the success of this scheme. Subject to resolution of the architectural design of the frontage range, as described above, we recommend that large-scale details of key architectural features, such as windows, doors, eaves and porch canopies are sought by condition of any consent."*

- 6.10 The Council's Environmental Health Manager (EHM) comments that noise is a major factor at this locality and in an ideal world you would not locate a residential scheme here. However, the author of the report recognises the level of noise that exists here throughout the day and night and has had to take into account extreme measures to provide sufficient acoustic protection for any future residents. Essentially what is being proposed is a closed window scenario using a combination of passive acoustic and mechanical ventilation system which will need to comply with the Building Regulations.

The EHM accepts that this is probably the only noise mitigation measure that will suffice at this location, so it is reluctantly agreed.

With regard to Air Quality, there are no particular objections to the report, though there is a fundamental disagreement in its conclusion i.e. that no mitigation measures are necessary, even though it states that pollution levels will exceed the government guidelines. However the measures suggested for noise mitigation here will also be sufficient for air quality as well, i.e. in sealing the property with closed windows and relying on mechanical ventilation.

The EHM also notes that continuous running of the adjacent Air Quality Monitoring Station is essential and the proposed position represents a better outcome for this station. It needs to be required that the applicant ensures the safety of this work and also that the station is running for the maximum period of time during any movement.

Therefore no objection is raised, provided that:

- The mitigation measures are carried out exactly as described in the noise report, which will then also satisfy air quality requirements. If so, this will provide adequate protection for future residents.
- The air pollution monitoring station is protected during the development and moved safely and securely to its new location under the control

- 6.11 The County Archaeological Officer notes that piled foundations are now proposed which allow for important remains to be avoided, and he has recommended two planning conditions aimed at safeguarding archaeological remains on the site. He does not raise any objection to the applications.

## **7.0 BACKGROUND PAPERS AND PLANS**

SW/13/0700 and SW/13/0701LB: Demolition of outbuildings and development of 7 new dwellings and conversion of existing stable building/cold store APPROVED

## 8.0 APPRAISAL

- 8.01 The key issues with these proposals are the impact on the conservation of the heritage assets on and around the site which include important archaeological assets. The layout, design and detail of each building individually and the proposal as a whole needs to be assessed in these terms along with the impact seven dwellings would have on residential amenity and on the highway network in the immediate vicinity from this prominent site.
- 8.02 The NPPF promotes sustainable development and defines this as achieving economic, social and environmental objectives in a balanced way. The presumption in favour of sustainable development that underpins the NPPF includes approving development that is in accordance with the development plan unless there are adverse impacts that outweigh any benefits, or are restricted by the NPPF.
- 8.03 The definition of sustainability in the NPPF is predicated on the application of twelve core principles one of which is to "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". Failure to fulfil the objective of this principle, as well as others, is a signal that development is unsustainable and therefore not in accordance with the NPPF. In relation to heritage assets the NPPF states:
- "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."* (para 132).
- 8.04 The importance of the heritage assets on and around this site is considerable and as such the weight given to conservation in the determination of the application is correspondingly high. In addition the site is located within the built up area of Faversham and is in a sustainable location in terms of the availability of public transport and access to services and facilities which its occupiers would use and need, as such the principle of the development is acceptable.
- 8.05 Also relevant is the previous approval on this site (SW/13/0700 and SW/07/0701LBC) for a very similar scheme for 7 houses which was approved on 12 August 2014 and remains valid, but is unable to be implemented due to a utility-related constraint.
- 8.06 The layout, design and detailing of the proposal is not only important with regard to the character of the immediate area but particularly as the site is located within the Ospringe conservation area and with a high number of listed buildings and the Scheduled Ancient Monument close by. The Council's statutory duty under the 1990 Act is to have special regard to the desirability of preserving the listed buildings and their settings and any features of special interest which they possess, and to preserving or enhancing the character or appearance of Ospringe conservation area. In relation to the extent, nature and scale of the proposed development I consider the proposals to be appropriate to the urban and historic context. In that they are designed in a way which compliments the nature of development in Ospringe which is generally two-storey development which hugs the back of pavement line.

- 8.07 Facing onto Grove Place the small terrace of three houses is of a simple and restrained design. I note the comments from the Town Council that these proposed new houses are of a scale which would dominate the listed building on Ospringe Street. However a new drawing submitted on 5 October shows the previously approved semi-detached units dotted in red over the new scheme graphically illustrates the new scheme is lower and has less of a dominant effect than the previously approved scheme and therefore I find it to be acceptable, and that it does not dominate the existed listed building.
- 8.08 I note the additional comment from the Town Council that the roof pitch of these houses is too shallow in juxtaposition with the listed building on Ospringe Street however such an amendment would contradict the earlier point regarding the relationship between the new houses and the existing house on Ospringe Street and I consider the proposed design to be acceptable.
- 8.09 The houses also have soldier arches over external openings on the front elevation which reflect the brick arches that are on existing terraces within the immediate vicinity of the site.
- 8.10 The main Ospringe Street elevation retains the character of the area by being close to the pavement with its design being required to change due from the previous approval due to the utility restrictions. However, the street elevation is attractive and retains the many detailed design features that characterise the area. The pair of houses are of a design and style to be in keeping with the area and are thus acceptable.
- 8.11 At 20 Ospringe Street the proposals involve the replacement of the damaging shopfront on the listed building with a restored elevation. The elevation shown on drawing no 16.117.14 P1 shows 4-pane casement windows on both the ground and first floor and a 4 panel front door. These details were required under the previous approval and are therefore acceptable and the value in the restored façade is accepted and a great benefit of the proposal. The former butchers ' cold store is the weather boarded building immediately adjacent to the former butchers' shop where relatively minor works required to the building and the conversion is considered acceptable in principle as it secures a sustainable future for the building.
- 8.12 The final building is the 3 car garage and studio flat over located to the rear of the site tucked behind the new properties on Ospringe Street. It is therefore quite removed from the historic character of the front of Ospringe Street and related more to the modern buildings of Waterstone Place to the rear and those in Grove Place.
- 8.13 I note the Town Council consider it to be high and out of scale with the proposed new house on the Ospringe Street frontage. Following discussions with the agent a revised drawing is expected showing a lower ridge and eaves line and an increased pitch in the roof so the accommodation can largely sit in the roof space. Additionally the parking spaces underneath have been enclosed by double opening timber doors dark stained to match the timber-boarded finish to the walls. Additionally, subject to compliance with the Building Regulations, access to the unit to be provided by a simple, black-painted (non-slip) external metal stair, with access to the garden area for the flat to be provide around the northern end of the building, and the space underneath equally divided into 3 covered, secure parking spaces.

- 8.14 The revised details additionally show the removal of some of the tarmac hardstanding and the use of hard wearing resin-bound shingle surface and the replacement of the close boarded fencing around the perimeter of the parking area/court with brick walling, a condition has been recommended to ensure these details are to be agreed.
- 8.15 I note the scheme detail originally showed the use of artificial “Cedral” boarding however the applicant has confirmed that timber weatherboarding will be used on the buildings. I have recommended a condition to ensure this.
- 8.16 The masterplan and vision for the site and the design and detailing of the buildings individually and the site as a whole have been considered in relation to the historic nature of the site’s location and the character and appearance of the area. Furthermore the distinction between the value of the heritage assets and the resultant pressure on the design to fit in along Ospringe Street is contrasted by the more modern buildings and approach taken to the rear of the site to link with the character to the north and has in my view been successful.
- 8.17 Whilst the previously approved layout was preferable in townscape terms, the revised layout in my view achieves a good and acceptable result in this respect that would with high quality materials and detailing, lead to a scheme that would enhance the character and appearance of the Ospringe Conservation Area at the location, as well as improving the setting of the adjacent listed buildings.
- 8.18 I am satisfied that the residential amenity of those not only to the north but also on Ospringe Street and Grove Place would not be adversely affected by the proposal. The windows in the new dwellings are of an appropriate distance from the existing development and the high level windows in the garage block/studio would not result in overlooking to the residents in Waterstone Place. Furthermore, whilst the site is largely currently unoccupied and the level of activity would increase in the site, I do not consider this would cause an adverse impact.
- 8.19 The site is located on a busy stretch of the A2, particularly being opposite Water Lane. However, I am aware that the existing site entrance had been used for many years in connection with the butchers’ shop for deliveries and customers. This is now closed and the conversion of the shop to residential accommodation is included within the application.
- 8.20 The applicant proposes that the site will only be accessed from the A2 as an “in-only” route as the entrance is currently not wide enough to accommodate two-way traffic and will be 3.5m in width. This is less than the existing available entrance space between the two buildings and less than the 6m approved with the previous application. The vehicles would then leave the site to the north, (rear) via a newly created “out-only” exit into Grove Close (using the applicant’s unencumbered Right of Way) over land that is already used by residents, staff and visitors to Waterstone Place and into Grove Place. Kent Highways and Transportation has required, and I have recommended a condition, to provide the details to enforce this arrangement to ensure abuse does not take place, this was also acceptable under the previously approved scheme. Additionally the car parking and cycle parking are all acceptable
- 8.21 The hard landscaping for the scheme is much improved by the use of a hard wearing resin-bound shingle surface and the harshness of the parking court be broken up by the introduction of a feature tree and associated planting bed. The proposed removal of some of the tarmac surface being substituted with a hard-wearing resin-bound

shingle surface is agreeable. A suggestion of granite setts sunk into this to discreetly to indicate the position of the parking spaces and the bin storage zone for collection days has been made. The recommended condition will deal with the detail of this.

- 8.22 Also the replacement of close boarded fencing around the perimeter of the parking area/court with brick walling is a welcomed design improvement to the scheme.
- 8.23 The sensitive nature of the site in terms of the potential impact on the archaeological value of National Importance was a significant factor in the assessment of the application. I note the concern from Faversham Town Council regarding the suitability of the foundation design. However, given the extensive discussions and liaison with the County Archaeological Officer and the applicant's experts and I am satisfied that, with the attached conditions, the proposal is acceptable and that the archaeological significance of the site will be maintained and protected.

## 9.0 CONCLUSION

- 9.01 The principle of dwellings on this site is to my mind acceptable as supported by Members' approval of a similar scheme for seven units on the site in 2014. As then, the main issues are whether the new proposal would preserve and protect the nationally important archaeological status of the site and the listed building within the site and wider the nearby listed buildings and whether this proposal preserves the character of the conservation area as a whole as had the previous scheme.
- 9.02 I am satisfied that the agreed foundation design, along with the attached conditions will sufficiently protect the archaeological value on the site, and that the new layout, design and detailing, again along with the attached conditions, will produce a scheme that will preserve and enhance the listed buildings on the site and in the locality and preserve and enhance the character of the conservation area as a whole.

## 10.0 RECOMMENDATION – GRANT Subject to the following conditions;

### CONDITIONS - 16/505706/FULL

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

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

- (2) The development hereby approved shall be carried out in accordance with the following approved drawings:

16.117.09 P1, 16.117.10 P1, 16.117.11 P1, 16.117.12 P1, 16.117.13 P1, 16.117.14 P1, 16.117.15 P1, 16.117.16 P1, 16.117.17 P1, 16.117.19 P1, 16.117.19 P1, 16.117.29 P1, 16.117.21 P1, 16.117.22 P1 and 16.117.23 P1,

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

- (3) No demolition of the garage and stores building situated to the eastern side of the site's frontage to Ospringe Street shall be begun unless and until a contract has been let for development which includes the erection of the two semi-detached dwellings shown as Plot 1 and Plot 2 on approved drawing 16.117.11 P1.

Reasons; In order to prevent along term gap in the street frontage in order to preserve the character and appearance of the conservation area

- (4) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reasons: Piling or other penetrative methods of foundation design can potentially result in unacceptable risks to underlying principal aquifer by, for example, drilling through different strata and creating preferential pathways for contaminants. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

- (5) Prior to the commencement of development detailed plans for finished floor levels for Plots 1 and 2 shall be submitted to and approved by the Local Planning Authority. Upon approval, the details shall be incorporated into the development as approved.

Reasons; To reduce flood risk.

- (6) Prior to the commencement of development hereby approved full details of foul and surface water drainage arrangements shall be submitted to and approved by the Local Planning Authority. Upon approval, the details shall be incorporated into the development as approved.

Reasons; To prevent any increased risk of local flooding and to protect water quality.

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

Reasons: In the interests of residential amenity and to ensure that these details are agreed before works commence.

- (8) Prior to the commencement of development hereby approved, details shall be submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

Reasons: In the interest of promoting energy efficiency and sustainable development and to ensure that these details are agreed before works commence..

- (9) Prior to the commencement of development hereby approved, constructional details at a scale of 1:1 or 1:2 of the roof ridge and hips and eaves (also showing guttering design) and verges, dormer windows, flat arches, door hoods, chimneys shall be 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 order to preserve the special architectural or historic interest of the listed building and to preserve or enhance the character and appearance of the conservation area and to ensure that these details are agreed before works commence.

- (10) Prior to the commencement of the development joinery details for all new and replacement windows and doors shall be submitted and agreed (1:10 scale for elevations and 1:1 or 1:2 part vertical and plan sections-to show architraving, window head and cill/sub cill plus adjoining masonry/joinery so the reveal depths are ascertained). The development shall be carried out in accordance with the approved details.

Reasons: In order to preserve the special architectural or historic interest of the listed building and to preserve or enhance the character and appearance of the conservation area and to ensure that these details are agreed before works commence.

- (11) Prior to the commencement of the development hereby approved, samples of facing materials (despite the details in the submission no Cedar boarding shall be used on any building on the site) including the use of timber weatherboarding, and of proposed finishing colours, and or proposed roofing materials are to be submitted to and approved in writing by the Local Planning Authority.

Reasons: In order to preserve the special architectural or historic interest of the listed building and to preserve or enhance the character and appearance of the conservation area and to ensure that these details are agreed before works commence.

- (12) Prior to the commencement of the development details of the sliding gate shall be provided and details agreed by the Local Planning Authority.

Reasons: In order to preserve the special architectural or historic interest of the listed building and to preserve or enhance the character and appearance of the conservation area and to ensure that these details are agreed before works commence.

- (13) Prior to the commencement of the development a specification for repointing works shall be submitted to and agreed and approved in writing by the Local Planning Authority.

Reasons: In order to preserve the special architectural or historic interest of the listed building and to preserve or enhance the character and appearance of the conservation area and to ensure that these details are agreed before works commence.

- (14) 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.

- (15) No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reasons: To ensure that due regard is had to the preservation in situ of important archaeological remains.

- (16) Prior to the commencement of the development to prevent problems of excessive noise to rooms on the south façade of the development facing the A2 Ospringe Street, the glazing units shall be non-opening and acoustically glazed, details of which are to be submitted to and approved in writing by the Local Planning Authority. Fresh air from the rear of the development shall be drawn into the whole house by means of mechanical ventilation.

Reasons: In the interests of residential amenity and to ensure that these details are agreed before works commence.

- (17) Prior to the commencement of the development details of the mechanical ventilation systems that will be installed in Plots 1 and 2 (the semi detached houses on Ospringe Street), shall be submitted to and approved by the Local Planning Authority and upon approval the approved equipment shall be installed, maintained and operated in a manner which prevents the transmission of noise and vibration to neighbouring premises. A scheme of annual maintenance shall be agreed to ensure that the continuing ventilation of the houses is assured.

Reasons: In the interests of residential amenity and to ensure that these details are agreed before works commence.

- (18) Prior to the commencement of the development details for the necessary protection of the Council's Air Quality Monitoring Station or temporary re-siting and its subsequent reinstatement are to be submitted and agreed in writing from the Local Planning Authority

Reasons: In the interests of continued monitoring of the local air quality and to ensure that these details are agreed before works commence.

- (19) Details for the provision of wheel washing facilities on site and the provision of construction vehicle loading/unloading and turning facilities shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of work on site and for the duration of construction.

Reasons: In the interests of highway safety and the amenities of the area and to ensure that these details are agreed before works commence.

- (20) No development shall take place until full details of both hard and soft landscape works including the disposition of various hard surfaces within the site and the marking out of car parking and refuse bin storage spaces for collection days, 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 agreed before works commence.

- (21) A 2m square sample panel of brick and flint walling shall be erected on site on the line of the proposed brick and flint boundary wall on Ospringe Street for inspection and approval by the Local Planning Authority prior to completion of the remainder of the wall. The development shall be carried out in accordance with the approved sample panel.

Reasons: In order to preserve or enhance the character and appearance of the conservation area

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

Reasons: In order to preserve the special architectural or historic interest of the listed building and to preserve or enhance the character and appearance of the conservation area.

- (23) All facing brickwork on the development hereby permitted shall be constructed in Flemish bond.

Reasons: In order to preserve the special architectural or historic interest of the listed building and to preserve or enhance the character and appearance of the conservation area.

- (24) Chimney stacks shall be built in traditional brickwork and not using applied slips or other false work.

Reasons: In order to preserve or enhance the character and appearance of the conservation area

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

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

Reasons: In the interests of residential amenity.

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

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

Reasons: In the interests of residential amenity

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

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

- (28) During the approved works the applicant, or their agents or successors in title, shall secure the recording of any historic fabric that will be removed as part of the demolition and conversion works. In particular, the remains of a small brick wall on the street frontage which may be the location of a loop embrasure in WW2 covering the nearby pillbox at the Ship Inn.

Reasons: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- (29) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with.

Reasons: To ensure any unsuspecting contamination encountered during development is dealt with in line with the principles of the NPPF to protect groundwater in the underlying principal aquifer.

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

Reasons: In the interests of highway safety and convenience

- (31) 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.

- (32) For the first 5 metres of the access from the edge of the highway the use of a bound surface is required, the details of which shall be agreed in writing by the Local Planning Authority.

Reasons: In the interests of highway safety

- (33) The provision of 14 secure, covered cycle parking facilities shall be made prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority, these shall then be permanently retained.

Reasons: In the interests of promoting means of travel other than the private car.

- (34) Prior to the occupation of any of the dwellings details of a scheme of signage and physical measures to effect the one-way in and out traffic arrangement for the site shall be submitted to and approved by the Local Planning Authority. Upon approval, the approved signage and other measures shall be installed prior to the occupation of the first of any new dwellings, and the signage shall be retained and maintained in accordance with the approved details at all times.

Reasons: In the interests of highway safety.

- (35) Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out without the prior permission in writing of the Local Planning Authority.

Reasons: In the interests of the amenities of the area

- (36) No infiltration or surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters

Reasons: To prevent pollution of groundwater within underlying Principal Aquifer

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

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

- (38) The areas shown on the submitted drawing 16.117.11 P1 as car parking and turning space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwellings hereby permitted.

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

- (39) 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.

- (40) No pipework, ducts, vents, trickle vents, tile vents, ridge vents, flues, meter boxes, alarm boxes, grilles, overhead cables or other appendage shall be attached to any elevation of the buildings without the prior written consent of the Local Planning Authority.

Reasons: In order to preserve the special architectural or historic interest of the listed building and to preserve or enhance the character and appearance of the conservation area

**Habitats Regulations Assessment**

This HRA has been undertaken without information provided by the applicant. The application site is located within 6km The Swale 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 Borough 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 less than 10 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:

- 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.

#### **CONDITIONS - 16/505707/LBC**

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

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

- (2) Prior to the commencement of the development joinery details for all new and replacement windows and doors shall be submitted and agreed (1:10 scale for elevations and 1:1 or 1:2 part vertical and plan sections-to show architraving, window head and cill/sub cill plus adjoining masonry/joinery so the reveal depths are ascertained). The development shall be carried out in accordance with the approved details.

Reasons: In order to preserve the special architectural or historic interest of the listed building and to preserve or enhance the character and appearance of the conservation area.

- (3) Prior to the commencement of the development hereby approved, samples of facing materials, and of proposed finishing colours, and or proposed roofing materials are to be submitted to and approved in writing by the Local Planning Authority.

Reasons: In order to preserve the special architectural or historic interest of the listed building and to preserve or enhance the character and appearance of the conservation area.

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

Reasons: In order to preserve the special architectural or historic interest of the listed building and to preserve or enhance the character and appearance of the conservation area.

- (5) All facing brickwork on the development hereby permitted shall be constructed in Flemish bond.

Reasons: In order to preserve the special architectural or historic interest of the listed building and to preserve or enhance the character and appearance of the conservation area.

- (6) During the approved works the applicant, or their agents or successors in title, shall secure the recording of any historic fabric that will be removed as part of the demolition and conversion works. In particular, the remains of a small brick wall on the street frontage which may be the location of a loop embrasure in WW2 covering the nearby pillbox at the Ship Inn.

Reasons: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

NB For full details of all papers submitted with these applications 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.