

<b>2.2 REFERENCE NO - 16/506511/FULL</b>		
<b>APPLICATION PROPOSAL</b> New vehicular access drive with double gates and detached garage, as amended by drawing nos. WC1652.01A, WC1652.02B, WC1652.03A, WC1652.04A, WC1652.05 and WC1652.06 received on 06 December 2016.		
<b>ADDRESS</b> 1 Wheelwrights Cottages, Lewson Street, Norton Kent ME9 9JN		
<b>RECOMMENDATION:</b> Approve subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal, with the attached conditions, would not cause any unacceptable harm to the listed building or its setting nor to the character and appearance of the area and would comply with the development plan.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Parish Council Objection		
<b>WARD</b> Teynham And Lynsted	<b>PARISH/TOWN COUNCIL</b> Norton, Buckland And Stone	<b>APPLICANT</b> Mr Ian Mynott <b>AGENT</b> Wyndham Jordan Architects
<b>DECISION DUE DATE</b> 26/10/16	<b>PUBLICITY EXPIRY DATE</b> 06/01/17	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>
16/501625/NMA	Non Material Amendment-lateral repositioning of 2 rooflights	GRANTED
15/505023/FULL	Erection of detached 1 ½ storey 2 bedroom barn style dwelling	GRANTED
14/501478/FULL	Erection of detached 1 ½ storey 3 bedroom barn style dwelling	REFUSED
SW/12/0666	Erection of fences, gates and shed	GRANTED
SW/11/0310 & SW/11/0311	First floor rear extension, internal alterations, installation of flue, first floor dormer window and removal of west roof slope dormer window.	GRANTED

**1.0 DESCRIPTION OF SITE**

- 1.01 1 Wheelwrights Cottage, a Grade II listed building, one of a pair, located on the corner of Lewson Street and Norton Lane in Norton. The site is located within the built up area boundary for the village and falls within the Lewson Street conservation area.
- 1.02 Planning permission was recently granted for a separate dwelling within the garden, to the south of the dwelling on the site of a former single storey barn style workshop building that was destroyed by fire. This was shown to share the current gated access to the house, but this application essentially now seeks to provide a new vehicular entrance for the main house, leaving just the new house (not yet built) to use the original existing access.
- 1.03 The site adjoins open fields to the south west and to the east and south east across Norton Lane, other residential properties and the village of Lewson Street lie to the north and north west.

## **2.0 PROPOSAL**

- 2.01 The original submission was for a new driveway adjacent to the property featuring tall solid entrance gates close to the highway boundary. This would replace the pedestrian entrance at this point.
- 2.02 However, following discussions, the application has been amended to show traditional five bar gates set back from the highway, but the application also now includes a new detached single garage building. The pair of timber 5 bar gates are shown to be set back over 5.0m into the site. Hazel fencing at a height of 0.9m is shown to line the brick paving which will provide the driveway to the gates, with the new garage set well to the rear of the house.
- 2.03 Within new visibility splays shown on drawing no WC1652.02B the existing front fencing and hedge are to be reduced to 0.9m tall.
- 2.04 The proposed new garage is located at the end of the brick drive in the rear of the garden of 1 Wheelwrights and is to be positioned adjacent to the proposed new dwelling.
- 2.05 The garage is to measure 6m in length and 3m in width and will have a single pitched plain tiled roof, timber windows and doors with stained weatherboarding and galvanised iron gutters and downpipes
- 2.06 The application is supported by a Design and Access Statement and a Heritage Asset Assessment. An accompanying listed building consent application (16/506512/LBC) has been found not to be necessary and is not being considered further. However, comments submitted in relation to that application are dealt with below.

## **3.0 PLANNING CONSTRAINTS**

Conservation Area Lewson Street  
Listed Buildings MBC and SBC Ref Number: 1082/SW

## **4.0 POLICY AND OTHER CONSIDERATIONS**

- 4.01 The National Planning Policy Framework (NPPF)
- 4.02 Development Plan: Swale Borough Council Adopted Local Plan 2008: Saved policies E1, E14, E15 and T1.
- 4.03 Emerging Swale Borough Local Plan "Bearing Fruits 2031" Proposed Main Modifications June 2016 Policies DM14, DM32, DM33

## **5.0 LOCAL REPRESENTATIONS**

- 5.01 Four letters from two local residents have been received, their comments in relation to this application are summarised below:
- This application builds upon the applicant's ambition to derive two quite separate and independent properties out of the existing site at 1 Wheelwrights Cottages. To that end, this application is logical, but it is not without problems

- The approved new dwelling is not shown on the submitted drawings, but this will considerably reduce the area available for parking
- Given the intention to retain the existing hedging and the height of the proposed new fencing, the location of the proposed access drive will not afford the driver any sight of oncoming traffic in either direction as he exits into Lewson Street, whether travelling forward or backwards
- This must represent a significant safety hazard on this, one of the narrowest parts of Lewson Street, particularly since it is so close to the junction with Norton Lane
- The applicant previously promised in 2015 to remove a caravan parked on their current driveway due to lack of parking space, but it is still there. Any caravan parked adjacent to the cottage will greatly impact upon and detract from the visual amenity of the listed building in the conservation area – a condition should be imposed that no caravan may be parked on the site of the proposed access
- The applicant's argument that the proposed access will alleviate the hazard of the existing access is unfounded as the new access is only a few yards away on the same blind corner; it will be a double hazard as two cars will be able to leave at the same time which cannot happen with just one access
- The suggestion is made to close the existing access and just use this new proposed access, including opening up the access and reducing the hedging, possibly with electric gates
- House nearby had conditions imposed in 1993 when permission was granted for a new house and query whether the same condition, sight lines, gates set back from the highway and a parking spot for deliveries should apply here too

## 6.0 CONSULTATIONS

- 6.01 Norton Buckland and Stone Parish Council commented by letter dated 14/09/16 following consultation on the original scheme, opposing the application, stating that;

“The Council believes that the access shown on the plans submitted would create an unnecessary hazard. As submitted on the plan the proposed entrance is bordered one one (sic) side by a 1.8 metre hedge and on the other by a close boarded fence of the same height. Further one side of the driveway has a close boarded fence along part of it's length, to the gateway. These factors result in the exit through the proposed gateway being completely blind to the driver of any vehicle exiting the site either in reverse or going forward.

“The Council were a little surprised that the current proposal is presented on the site plan prepared prior to that for the new dwelling on the site approved under permission 15/505023/FULL which has different fencing arrangements. However the proposed street scene presented with this application appears to show hedging in place of equal heights (1.8 metres) to both sides of the new opening with the same resultant obstruction to visibility.

“The Council also notes that in previous design and access statements submitted by the applicants when submitting plans for approval of the new dwelling the following statements were made.

*'By maintaining the existing access serving the cottage there will be no detrimental effects upon the existing street scene with the formation of new openings' (Design and Access statement submitted with application 14/501478/FULL Aug 2014)'*

*'Referring to her (The Planning Officer) email of 15/01/15, she remained of the view that retaining the existing access was the best solution, but with parking moved to the south side of the existing garage building.' (Design and access statement with 15/505023/FULL July 2015)'*

"Clearly the subject of access has been considered throughout the planning process and the Council sees no reason why a previously rejected, and potentially hazardous change should now be accepted.

"Norton Buckland & Stone Parish Council therefore opposes this application and urges that it be refused."

- 6.02 Following re consultation with the amended drawings, the Parish Council did not initially respond. However, following a request for clarification of their position from the case officer an email was received which stated;

"To clarify matters, our letter of 24th September 2016 (copy attached) is the only communication you have from the Parish Council, regarding resolutions of the Council and therefore formally, on which you can base your decisions.

"The revised application was briefly noted at our meeting of 9th Jan 2017 when it was concluded that the revised driveway plans now met the conditions recommended by Highways and that therefore no objection to the **configuration** of the proposed plan should be raised. No resolution of the Council was made.

"However, you will note that the other objection is to the very principal of a second driveway from the premises (which the Council considers to be hazardous, and which you have previously rejected on a number of occasions (note quotes in our letter of 24/09/16)."

By this, I assume the Parish Council is in fact referring to their letter dated 14/09/16 which is quoted in full above.

- 6.03 Kent Highways and Transportation (KHT) commented on the original application and stated that

*"The existing access to 1 Wheelwrights Cottage is even closer to the Norton Road/Lewson Street junction than that which is proposed in this application, as such the new access is considered safer in terms of proximity to the junction"*

They did, however, ask that the gates be set back 5.5m from the edge of the public highway and be inward opening. They further required evidence of the visibility splays and considered the brick paving to be suitable.

- 6.04 Following submission of the amended details KHT were satisfied with the location of the access gates and the fact they are inward opening. They raised no objection provided that the visibility splays were provided and maintained under 0.9m, the use of a bound surface for at least the first 5 metres of the access from the edge of the

carriageway and that the gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

## **7.0 BACKGROUND PAPERS AND PLANS**

7.01 Application papers and plans for application 16/506511/FULL

## **8.0 APPRAISAL**

8.01 This application needs to be considered on a number of issues, the principle of the development including the Council's statutory duty to have special regard to the desirability of preserving the listed building and its setting and to preserving or enhancing the character or appearance of the Lewson Street conservation area, visual amenity, residential amenity, highway safety, landscaping, and finally the design of the proposal needs to be assessed.

### **Principle of Development**

8.02 In determining this application the Council has a statutory duty to have special regard to the desirability of preserving the listed building and its setting and to preserving or enhancing the character or appearance of the Lewson Street conservation area. There is a strong statutory presumption towards preserving heritage assets and their settings and against development which falls short of these objectives.

8.03 Furthermore the NPPF requires that "*great weight should be given to the assets 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.*"

8.04 With the above in mind I consider that this is a relatively simple application for a detached garage and a new vehicular access to it. Given the location, design and size of the garage and the proposed use of traditional timber 5 bar gates, and the access arrangements the proposal does not have a detrimental impact on the listed building itself, nor on the conservation area as a whole.

### **Visual Impact**

8.05 The garage building is set back within the site and is of a design and size, with appropriate materials to be acceptable and thus will have minimal impact on the listed building specifically and the conservation area and streetscene generally. Additionally the alterations required to the front of the site to enable the new brick driveway and gates, which in themselves are acceptable, are relatively minor given the expanse of the frontage of the site. The reduction in the hedgerow and the fencing to enable adequate visibility will be a benefit of the scheme and will enable a greater view of the listed property.

### **Residential Amenity**

8.06 The proposal would have no impact on residential amenity.

### Highways

- 8.07 Kent Highways and Transportation has re-assessed the application following the amended drawings and remain of the view that the access is considered safe in terms of proximity to the junction of Norton Road and Lewson Street. They have raised no objection and were clear in their satisfaction with the scheme. I have attached the conditions they recommend regarding the gates, the maintenance of the visibility splay and the gradient and surfacing of the driveway.

### Landscaping

- 8.08 The site currently benefits from an existing high hedgerow and fencing. However, part of this is within the visibility splays for the new access and will be retained but reduced and maintained at 0.9m. The driveway will be lined with matching hazel fencing as current exists on the site and reclaimed bricks are proposed for the driveway, for which I have included a condition to ensure they are appropriate.

### Other Matters

- 8.09 I note the comments from the local residents but I must clarify that when Members granted planning permission for the 1 ½ storey 2 bedroom dwelling (15/505023/FULL) at the site, it was in the knowledge that this was to be a separate independent dwelling, this is not “an ambition”; it is what has been granted planning approval. I consider their additional comments regarding the visibility splays and the gates being set back etc were all addressed by the amended drawings.
- 8.10 I note the comments from the Parish Council who are satisfied with the configuration of the proposal. However, they refer to comments in relation to two different planning applications and conclude that “*the subject of the access has been considered and see no reason why a previously rejected, and potentially hazardous change should now be accepted*”. In fact the arrangement as per this application had not been previously considered. It has now been given support by Kent Highways and Transportation and I do not consider this to be a potentially hazardous access.

## 9.0 CONCLUSION

- 9.01 This is a relatively minor scheme for a new garage and vehicular access to serve it. The proposal has been considered in the context of the nearby listed building and the sites setting within the conservation area and from a highway safety and design viewpoint. Given the details of the proposal and the attached conditions I consider there would be no demonstrable harm to the streetscene or the character and appearance of the area and nor would it cause harm to the setting of the nearby listed building. I note the concern of the Parish Council but the access has judged to be safe and the amendments have addressed the other raised concerns. Therefore I recommend that planning permission be granted.

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

### CONDITIONS

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings: WC1652.01A, WC1652.02B, WC1652.03A, WC1652.04A, WC1652.05, and WC1652.06 including the provision of a timber 5 bar gate.

Reason: In the interests of proper planning and for the avoidance of doubt.

- (3) Prior to the commencement of development, details in the form of samples of the garage roof tiles and the reclaimed bricks for the driveway 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.

Reason: In the interest of visual amenity and to ensure that these details are approved before works commence.

- (4) The entrance gates are to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.

Reason: In the interests of highway safety and convenience.

- (5) Prior to the first use of the new access the provision of the areas between the carriageway edge and the sight lines shown in red on approved drawing WC1652.02B shall be cleared of any obstructions over 0.9 metres above carriageway level, and thereafter these areas shall be kept clear of any such obstruction in perpetuity.

Reason: In the interests of highway safety and convenience.

- (6) The gradient of the access shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

Reason: To ensure that a satisfactory means of access is provided for the site.

- (7) The first 5 metres of the access from the edge of the highway shall be formed in a bound surface to prevent deposition of loose material on to the carriageway.

Reason: In the interests of highway safety and convenience.

**The Council's approach to this application:**

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

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.