SWALE BOROUGH COUNCIL

NOTICE OF MEETING, SUMMONS AND AGENDA

A Meeting of the Planning Committee will be held in the Council Chamber, Swale House, East Street, Sittingbourne on Thursday 17th August 2006 at 7:00 pm.

Members: Councillor Barnicott (Chairman), Councillor Prescott (Vice-Chairman), Councillors Mike Brown, Simon Clark, Christine Coles, Adrian Crowther, John Disney, Sandra Garside, Fiona Gowdy, Elvina Lowe, Jennie Ronan, Ben Stokes, Alan Willicombe, Jean Willicombe and Woodland.

Quorum = 5

M E H RADFORD
Director of Corporate Services, Governance and Scrutiny 07/08/2006

1. APOLOGIES FOR ABSENCE AND CONFIRMATION OF SUBSTITUTES

2. MINUTES

To approve the Minutes of the Meeting held on 20th July 2006 (Minute Nos. 235 - 241) as a correct record.

Any items shown in these Minutes as being deferred from that meeting may be considered at this meeting.

3. DECLARATIONS OF INTEREST

Members who have an interest to declare must declare the existence and nature of it at the start of the meeting.

Members are reminded that even if an interest has been declared in the Members Interests Register, it should still be disclosed at each meeting. Members are encouraged to seek advice in advance of the meeting if in any doubt.

PART B DECISIONS TO BE TAKEN UNDER DELEGATED POWERS

4. REPORT OF THE HEAD OF DEVELOPMENT SERVICES

To consider the attached report (Sections 1, 2, 4 and 5).

The Council operates a scheme of public speaking at meetings of the Planning Committee. All applications on which the public have registered to speak will be considered first. Requests to speak at the meeting must be registered with Democratic Services by noon on Wednesday 16th August 2006. Spaces are limited and will be offered on a first come, first served basis. A list of speakers will be tabled at the meeting.

5. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

To decide whether to pass the resolution set out below in respect of the following items: - That under Section 100A(4) of the Local Government Act
1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2, 5, 6 and 7 of Part 1 of Schedule 12A of the Act.

PART B DECISIONS TO BE TAKEN UNDER DELEGATED POWERS

6. REPORT OF THE HEAD OF DEVELOPMENT SERVICES

To consider the attached report (Section 6).
SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

17TH AUGUST 2006

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PART 5 Decisions by County Council and the Secretary of State on appeal, reported for information

PART 6 Reports containing “Exempt Information” during the consideration of which it is anticipated that the press and public will be excluded

ABBREVIATIONS: commonly used in this Agenda

CDA Crime and Disorder Act 1998
GPDO The Town and Country Planning (General Permitted Development) Order 1995
HRA Human Rights Act 1998
KSP Kent Structure Plan (adopted 1996)
SBLP Swale Borough Local Plan (2000)
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PLANNING COMMITTEE – 17th August 2006

PART 1

Report of the Head of Development Services

PART 1

Any other reports to be considered in the public session

1.1 Planning Enforcement Report

At the meeting in January 2006 I reported to Members those enforcement investigations which had been carried out to the 31st December 2005. I now present details of those matters referred to the Enforcement Team for investigation during the periods 1st January 2006 to 31st March 2006 and 1st April 2006 to 31st June 2006. Include at Part 6 of the Agenda the Enforcement Schedule detailing the current situation on those cases where Members have authorised the issue of enforcement proceedings.

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Location: Huon Cottage, Nursery Lane, Faversham, Kent

Proposal: Objection to confirmation of TPO No 4 of 2006

Application Valid: 12th April 2006

Recommendation: That TPO No. 4 2006 be confirmed.

Description of Proposal

This report relates to an objection to a Tree Preservation Order (TPO) made on the 12th April 2006 to protect one sycamore tree growing within the grounds of Huon Cottage, Nursery Lane, Faversham. The tree is shown as T1 on the Tree Preservation Order plan. The Order was made for the following reason:

“Policy E18 of the Swale Borough Local Plan states that the Borough Council will seek the protection of important trees in the local landscape. The Sycamore (Acer pseudoplatanus) is a healthy maturing specimen, which contributes significantly to the amenity of the area. A Section 211 Notice has been submitted to fell the Sycamore which in the Council's view would be detrimental to the character of the area. Therefore it is considered expedient to make the Sycamore subject to a TPO in order to secure its long-term retention.”

Relevant Site History & Description

Tree T1 is a large free-standing Sycamore which sits on the north-western boundary of the site behind Chambers Cottage.

Objections to the TPO

One letter of objection has been received from a resident of Huon Cottage. His comments can be summarised as follows:

- The sycamore tree is considered by most conservationists to be an invasive, exotic tree
- The tree does not contribute to the character of the area, and due to its type, height and position, it detracts from the area.
- He plans to fell the tree and plant heritage fruit trees, and believes this will significantly enhance the area.
Policies

Policy E18 (Protection of Trees) of the Swale Borough Local Plan is relevant here.

Discussion

The Council’s Tree Officer supports the confirmation of the Tree Preservation Order, and agrees with me that tree T1 is of appropriate amenity value to justify its imposition.

I note the objection raised by the resident, and would comment as follows:

- The Sycamore tree is visually prominent from a number of locations and as such fulfils the criteria necessary to be included within the TPO. It is a maturing specimen and in my opinion contributes to the visual amenity of the area.
- I recognise that self-seeded sycamore trees can sometimes grow in inappropriate locations, but this is not the case here, where it is well away from buildings.
- Alternative fruit trees planting will not provide the same visual impact that the sycamore trees currently gives.

Therefore whilst I note the concerns and objections raised I do not consider they amount to sufficient reason not to confirm the TPO. I consider the tree contributes greatly to the visual amenity of the surrounding area.

Summary and Recommendation

Objection is raised to the confirmation of Tree Preservation Order no 4 of 2006. The tree concerned is a sycamore located along the western boundary behind Chambers Cottage.

I consider that the tree contributes significantly to the character of the area and I therefore recommend that the Tree Preservation Order be confirmed.

List of Background Documents

1. Application Papers and Correspondence TPO No. 4 (2006).
2.1 SW/06/0430 (Case 16695) BORDEN

| Location: | Borden Free Range Egg Farm, Munsgore Lane, Borden. |
| Proposal: | Outline application for a detached dwelling and garage. |
| Applicant/Agent: | Mr R Mackenzie, C/o George Webb Finn, 43 Park Road, Sittingbourne, Kent, ME10 1DX |


Conditions

(1) Details relating to the siting, design and external appearance of the proposed buildings, and the landscaping of the site shall be submitted to and approved by the District Planning Authority before any development is commenced.

Grounds: No such details have been submitted.

(2) Application for approval of reserved matters referred to in Condition (i) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Grounds: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

(3) The development to which this permission relates must be begun not later than whichever is the later of the following dates:-
(a) the expiration of five years from the date of the grant of outline planning permission; or
(b) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Grounds: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

Continued....
(4) The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed or last employed in the agricultural business Borden Free Range Egg Farm, which occupies the plot edged in blue on the submitted location plan, or a widow or widower of such a person, or any resident dependants.

Grounds: In the interest of the amenities of the area and in pursuance of policies ENV1, RS1 and RS5 of the Kent Structure Plan and policies G1, E9 and H15 of the Swale Borough Local Plan.

(5) Before any development commences on the site a plan showing a parking area (providing for 2 parking spaces) shall be submitted to and approved in writing by the District Planning Authority. This area shall be surfaced in accordance with details, which shall first have been submitted to and approved in writing by the District Planning Authority and shall be constructed in line with the approved details before the dwelling hereby permitted is occupied. This area shall then be kept available for the parking of a car at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto.

Grounds: 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 and in pursuance of policies G1 and IN7 of the Swale Borough Local Plan.

(6) 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.

Grounds: In the interests of residential amenities and in pursuance of policies E2, E5 and E6 of the Swale Borough Local Plan.

Continued....
(7) Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out without the prior permission in writing of the District Planning Authority.

Grounds: In the interests of the amenities of the area and in pursuance of policies ENV1, RS1 and RS5 of the Kent Structure Plan and policies G1 and E9 of the Swale Borough Local Plan.

Reason for Approval

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area. In resolving to grant permission, particular regard has been had to the following policies: G1, H15 and E9 of the Swale Borough Local Plan and EN1, QL1 and HP5 of the Kent and Medway Structure Plan.

Description of Proposal

This proposal seeks outline planning permission for the erection of a detached dwelling and garage at Borden Free Range Egg Farm, (formerly known as Tomlins Orchard) Munsgore Lane, Borden.

The applicant has indicated that only means of access will be determined at this stage, with external appearance, siting, landscaping and design all to be reserved for future consideration.

The application site for the house measures 62 metres by 22 metres and would be located on the northwestern corner of the site. It would be set back from the road by 32 metres and would use the same access as the poultry farm.

The proposed access would be 14.5 metres wide adjacent to the road and the gate to serve the proposed dwelling and farm would be set back by 11.7 metres from Munsgore Road.

The applicant has submitted a planning statement with the application, which provides the history for the site and evidence to prove the functional need for the proposed dwelling. A copy of unaudited financial statements for the year ended 28\textsuperscript{th} February 2006 and for the year ended 20\textsuperscript{th} January 2005 have also been provided. These are adequately summarised in the Council’s Agricultural Consultant’s report which is appended to this report.

Continued....
2.1 (continued)        PART 2

**Site Description**

The application site is located outside the built up area boundary as defined in the adopted Local Plan and is therefore sited within a rural area. The Poultry Farm is located on the eastern side of Munsgore Lane, a few hundred metres to the north of the hamlet of Munsgore. The nearest residential properties are located over 110 metres to the north of the site.

The site is well screened from the road by mature hedgerow and is located within open countryside.

**Relevant Site History**

The site (formerly known as Tomlin’s Orchard) has a long and complex planning history, which reads as follows:

PN/98/05 - Prior Approval not required for the erection of a general-purpose agricultural building.

SW/99/40 – Permission refused for the temporary stationing of a mobile home, with associated hardstanding and widening of existing access as the applicants existing dwelling was considered close enough to enable a properly functioning agriculture enterprise.

SW/99/331 – Planning permission was refused for the temporary stationing of a mobile home, with associated hardstanding and widening of the access road for the same reason as SW/99/40.

An appeal against the refusal of SW/99/40 was allowed. The decision post-dated the refusal of SW/99/331.

SW/02/1136 – Permission refused for the erection of an agricultural dwelling with garage as a functional need for a dwelling had not been demonstrated.

SW/03/0131 – Permission for the retention of the mobile home and the stationing of an additional mobile home and poultry building was refused in 2003 as sufficient time had been given for the applicant to demonstrate the viability of the holding and it was thought that there was no justification to allow the mobiles to remain.

Subsequently, this development was granted planning permission at appeal. Members will note that this approval required that use should be discontinued on or before 30th April 2006. (See Appendix B).

Continued….
2.1 (continued)        PART 2

SW/03/622 - Permission approved for a Poultry building.

SW/04/892 – Permission approved for the erection of another poultry building.

**Views of Consultees and Other Representations**

Borden Parish Council object to this proposal for the following reason:

“It was felt that there is no significant agricultural justification for a dwelling on this farm. The accounts put forward were unaudited and the flock will not be increased until next year so it was felt that there was no need at the present time.”

Kent Highway Services have raised no objection to the proposal subject to conditions to ensure that space is provided for two cars on site and that the visibility splays remain unobstructed at all times.

The Head of Environmental Services have no objection to the proposal but have recommended a condition in regard the hours of construction and burning of waste. Whilst I have recommended a condition as part of the planning approval to ensure that the hours of construction are limited, the burning of waste can be dealt with under separate legislation and I therefore do not consider that this condition is necessary.

The full comments from the Council’s Agricultural Consultant are appended to this report.

However, in summary, he states that overall the applicant has demonstrated continued commitment to farming in the development and investment in this business to the point where income is now sufficient to provide him with a full time livelihood and warrant the construction of a relatively modest new dwelling for which there is a budget of some £80,000 subject to the sale of the mobile homes. On this basis the dwelling proposed appears financially sustainable from the farm income.

The Agricultural Consultant recommends though that to secure the long-term relationship of the dwelling to the rest of the holding it should be tied by a legal agreement.

Continued....
Other Representations

The Campaign to Protect Rural England objects to the above application. Given the early evidence of the commercial viability of this poultry enterprise, they might support a further temporary permission for temporary accommodation on this site. They see no overriding policy justification for the permanent structure proposed. They do not think, due to the scale of the enterprise, that there can be any justification for a house. If permitted, this proposal may lead to justification for others in the future. It is contrary to rural restraint policies.

One letter has been received from a local resident who raises a number of issues. These are summarised as follows:

- The house should be located in place of the mobile homes as this is on the lowest part of the land;
- Flooding already occurs on Munsgore Lane and the application should be considered in light of this.
- They wish to see a substantial scheme of tree and hedge planting;
- Materials should be sympathetic to the local built environment; and
- The existing mobile homes should be removed from the site.

Policies

Government guidance in PPS7 – ‘Sustainable Development in Rural Areas’ is pertinent here.

Kent and Medway Structure Plan
Policies EN1 (Protection of the Countryside), QL1 (Quality of Design) and HP5 (Housing in the Countryside) are relevant.

Swale Borough Local Plan
Policies G1 (General Development Criteria), H15 (dwellings for agricultural workers) and E9 (Protection of the Countryside) are also relevant.

Policy H15 is particularly relevant and states that planning permission for agricultural workers dwellings in the countryside will be permitted provided:

- There is a demonstrated need for a dwelling in association with the agricultural holding on which it is proposed to be located:
- The scale and design of the dwelling are appropriate in a rural location:
- No other suitable building in a suitable location is available, or capable of conversion for residential use.
- Any new building is located as close as possible to existing buildings and

Continued….  

• Adequate landscaping is undertaken to minimise the impact of the building on the countryside.

Policy H15 also states that the Borough Council will control by conditions the occupancy of any agricultural workers’ dwellings permitted under this policy to ensure that they are retained for use by persons solely or last employed in agriculture or their immediate dependants.

**Discussion**

Despite the history for this site and the concerns from the Parish Council that there is inadequate justification for a permanent dwelling, I consider that it is firstly important to consider this scheme in light of planning policies in order to determine whether there is a functional need for a permanent dwelling, and whether the business on the site is financially viable.

Annex A of Planning Policy Statement 7 “Sustainable Development in Rural Areas”, states that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which residential development may be justified is where accommodation is required, amongst other things to enable agricultural workers to live at their place of work.

PPS7 assets that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, provided:

(a) There is a clearly established existing functional need:
(b) The need relates to a full time worker, or one who is primarily employed in agriculture and does not relate to a part time requirement.
(c) The unit and the agricultural activity concerned have been established for at least three years: have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so.
(d) The functional need could not be fulfilled by another dwelling on the unit or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned: and
(e) Other normal planning requirements, for example on siting and access are satisfied.

In regard to this proposal, I will address each issue in turn:

Continued....
In regard to (a), the Council’s agricultural advisor states that the functional case for living on the site has been accepted for some time. This has been established and accepted by two appeal Inspectors who have allowed the mobile homes to remain on the site. In particular, an Inspector commented in the 1999 Appeal that there was “an essential requirement for the proper functioning of this free range egg unit for an agricultural worker to be available on the unit at most times. I therefore consider that the functional test set out in the policies of the Structure Plan, the emerging Local Plan and in PPG7 are satisfied”.

In regard to (b), the applicant’s agent has confirmed that Mr McKenzie is working full-time on the farm. Two Appeal Inspectors have also accepted this.

In regard to (c), financial viability, the advice of the Council’s Agricultural Consultant is crucial. He concludes that the business produces some £21,000 annual profit. In addition to this, further income potential should be realised now due to the fact that half of the flock was only introduced last August. A third poultry shed, as indicated by the applicant, would also allow average production to increase further.

In summary, the Agricultural Consultant states that Mr Mackenzie has demonstrated continued commitment to farming in the development and investment in this business to the point where income is now sufficient to provide him with a full time livelihood and warrant the construction of a relatively modest new dwelling for which there is a budget of some £80,000 subject to the sale of the mobile homes. On this basis the dwelling proposed appears financially sustainable from the farm income.

In regard to (d), The sale of his former home has provided the funds for the proposed new dwelling. I do not consider furthermore that there is another dwelling nearby that is suitable or available for the occupation of agricultural workers on this site.

In regard to (e) the main aim of this proposal is to have the minimum impact on the surrounding rural area and be in keeping with planning policies. In my opinion the dwelling is appropriately located as would be located close to the existing access and provides the applicant with views across the site. The site covers the same area allowed for the mobile homes in the previous appeals and I therefore consider that it is appropriate. The proposed access is appropriate with adequate visibility splays and as Kent Highway Services raise no objection to it I do not consider that it would be either unacceptable or detrimental to highway safety.

Continued…..
Importantly a condition has also been recommended in line with Policy H15 of the Swale Borough Local Plan to ensure that the dwelling remains for the use of persons employed in the business on the site. I consider that this condition is adequate and a legal agreement is not required as suggested by the Agricultural consultant.

In regard to the issues raised by the local resident, I have made Kent Highway Services aware of the flooding on the road. They did not, however, consider that this would be made any worse as a result of this new development and they also have not objected to the proposal on these grounds.

Members will note that the application for reserved matters that would be required before the dwelling could be erected would allow full control of site landscaping and the design and materials used.

**Summary & Recommendation**

This application seeks outline planning permission a detached dwelling and garage at Borden Free Range Egg Farm, Munsgore Lane, Borden, with access as the only matter to be determined at this stage.

As the applicant has met the test set out in Annex A of Planning Policy Statement 7, it is considered that that the functional need and financial viability of the agricultural holding has been established.

The dwelling is suitably located, with an adequate access. I therefore consider that this is an acceptable proposal, in keeping with policies in the development plan, and I recommend that permission be granted, subject to conditions.

**List of Background Documents**

1. Application Papers for Application SW/06/0430
2. Correspondence Relating to Application SW/06/0430
3. Application papers and correspondence for SW/04/892
4. Application papers and correspondence for SW/03/0622
5. Application papers and correspondence for SW/03/0131
6. Application papers and correspondence for SW/02/1136
7. Application papers and correspondence for SW/99/0331
8. Application papers and correspondence for SW/99/0040
9. Application papers and correspondence for PN/98/05
Location: 17 Vincent Road, Sittingbourne

Proposal: Erection of a new 3 bed detached house to rear of existing dwelling.

Applicant/Agent: Mrs J Hunting, C/o Ian Ferrar, 2 Haysel, Sittingbourne, Kent


SUBJECT TO: the views of Southern Water Services.

Conditions

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

Grounds: In pursuance of Section 91 of the Town and Country Planning Act 1990.

(2) No development shall take place until details of materials to be used on the external surfaces have been submitted to and approved in writing by the District Planning Authority. The development shall only be carried out in accordance with the agreed details.

Grounds: In the interests of visual amenity and in pursuance of policies ENV15, E48 and G1 of the Swale Borough Local Plan.

(3) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the District Planning Authority and these works shall be carried out as approved. These details shall include existing features, planting schedules of plants, noting species, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials and an implementation programme.

Grounds: In the interests of the visual amenities of the area and in pursuance of policies E49 and G1 of the Swale Borough Local Plan.

(4) All hard and soft landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the District Planning Authority.

Continued....
Grounds: In the interests of the visual amenities of the area and in pursuance of policies G1 and E49 of the Swale Borough Local Plan.

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

Grounds: In the interests of the visual amenities of the area and in pursuance of policies G1 and E49 of the Swale Borough Local Plan.

(6) 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.

Grounds: In the interests of residential amenities and in pursuance of policies E2, E5 and E6 of the Swale Borough Local Plan.

(7) Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out without the prior permission in writing of the District Planning Authority.

Grounds: In the interests of the amenities of the area and in pursuance of Policy G1 of the Swale Borough Local Plan.

Continued....
(8) The garage hereby permitted shall be used only for the parking of a private motor car or cars or for uses ordinarily incidental to the enjoyment of the occupiers of the dwelling house and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out on the site, in such a manner or in such a position as to preclude vehicular access to the garage.

**Grounds:** In order to ensure that adequate provision is made for the parking of motor vehicles and in order to safeguard the amenities of the area.

(9) The area allocated for the parking and turning of cars 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) Order 1995 or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) 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 dwelling hereby permitted.

**Grounds:** 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 and in pursuance of policies G1 and IN7 of the Swale Borough Local Plan.

(10) Before the dwelling hereby approved is first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved by the District Planning Authority.

**Grounds:** In the interests of highway safety and convenience and in pursuance of policy G1 of the Swale Borough Local Plan.

(11) The proposed access shall incorporate splays on both sides to the rear of the existing footway based on co-ordinates of 2.0m by 2.0m and which shall be kept free of obstruction above a height of 600mm.

**Grounds:** In the interests of highway safety and convenience and in pursuance of policy G1 of the Swale Borough Local Plan.

Continued....
(12) 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 by the District Planning Authority.

Grounds: In the interests of highway safety and convenience and in pursuance of policy G1 of the Swale Borough Local Plan.

Reason for Approval

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: H1, H5, G1 and E48 of the Swale Borough Local Plan and Policy QL1 of Kent and Medway Structure Plan.

Description of Proposal

Planning permission is sought for the erection of a 3 bedroom detached house to the rear of number 17 Vincent Road, Sittingbourne.

The application site measures 8.6 metres by 27.6 metres, leaving the existing dwelling with a garden of over 10 metres in length. The proposed dwelling would be located over 21 metres away from the rear of properties that face onto Vincent Road. Access to the property would be gained from Ambleside, a road that is located to the south of the site. The proposed dwelling would face this road, approximately 17 metres from the properties on the opposite (southern) side of the road.

The proposed property would be a two-storey detached dwelling, which would be set back from Ambleside by 8 metres to allow parking for two cars to the front of the site as well as an integral garage. The house itself would measure 7.1 metres by 10 metres and would be 7.3 metres in height. These dimensions are similar to those of the existing two-storey properties in the immediate vicinity.

The proposed house would have a garden of over 10 metres in length.

Site Description and Planning History

There is no relevant planning history associated with this site. Members will note though that planning permission was granted, under reference SW/77/532, for a dwelling on land rear of No. 23 Vincent Road (now known as No. 28 Ambleside). Like the application proposal, this property has a frontage to Ambleside.

Continued....
The application site is located in the rear garden of a semi-detached property located on the southern side of Vincent Road. It is located within the built up area of Sittingbourne and is located within an area characterised by a mix of housing types, the majority of which have long rear gardens. Ambleside, which consists of a number of terraced properties, runs immediately to the south of the site and would provide access to the proposed dwelling. Twenty metres to the west of the site, a detached dwelling has been built in the rear garden of Number 23 Vincent Road. The relationship between these houses, Nos. 28 Ambleside and 23 Vincent Road is comparable to that between No. 17 Vincent Road and the proposed dwelling.

**Views of Consultees**

Kent Highway Services have raised no objection to the proposal subject to conditions to ensure that the proposed parking area is kept clear of obstruction, that the spaces are provided before the dwelling is occupied, that there is a properly consolidated and surfaced access, in regard to visibility splays and for the disposal of surface water.

The Head of Environmental Services has no objection to the proposal but has recommended a condition regarding the hours of construction, and burning of waste. Whilst I have recommended a condition as part of the planning approval to ensure that the hours of construction are limited, the burning of waste can be dealt with under separate legislation and I therefore do not consider that this condition is necessary.

Thirteen letters of objection have been received from local residents. The issues raised are summarised as follows:

- The proposal would lead to the construction of backland development out of keeping with the character of the area and harmful to amenities by reason of overshadowing and activity associated with the new dwelling.
- Loss of Privacy
- The new access would be dangerous and would prevent residents from parking outside their properties opposite, as the road is narrow at that point.
- Noise during construction.
- Insufficient on street parking.
- Drainage system would be unable to cope with this extra dwelling.
- The applicant does not own all the proposed development plot as there is a ransom strip to the rear of these properties.
- It would reduce the value of their property.
- The application is not comparable with 28 Ambleside Road (a detached property given permission in the rear garden of 29 Vincent Road).
- It would ruin their outlook.
- Inadequate parking is provided for a 3-bedroom house.
- It would lead to a proliferation of backland development.
They also draw attention to the application at 14 Vincent Road, which was dismissed on appeal last year (SW/04/1047) for the erection of a new dwelling in the rear garden.

Policies

Kent and Medway Structure Plan

Policy QL1 (Quality of development) is relevant.

Swale Borough Local Plan

Policies H1 (Land for New Housing Development), H4 (Small Sites), H5 (Infilling), E48 (Design of New Development) and G1 (General Development Criteria) are also relevant.

Discussion

In my view, the main issues in this proposal are those highlighted by the adjacent residents; in particular, why this scheme differs from the recent application at No. 14 Vincent Road, which Members may recall was recently dismissed at appeal; and whether the scheme is in accordance with planning policies.

In principle, I consider that residential development is acceptable on this site and is in accordance with planning policies as it is located within the built-up area boundary and located in an area which is residential in character. The scheme is suitably designed and the proposed property and adjacent dwelling would both have adequate garden sizes. The new dwelling would be located over 21 metres away from the rear of the adjacent properties which face onto Vincent Road. This distance is acceptable to prevent significant overlooking.

In addition to the above, it is also my view that this proposal would not amount to the construction of ‘backland’ development out of keeping with the character of the area and harmful to amenities of adjacent properties. It is notable that a dwelling has already been approved to the rear of 23 Vincent Road, which is only 20 metres to the west of the site. In addition to this, this proposal differs from the one recently refused to the rear of 14 Vincent Road. This dwelling would have access from, and a frontage to, Ambleside and residents of the new dwelling would not have to pass between existing dwellings nor would a new access be created resulting in the creation of activity to the rear of the site as the new residents would have direct access to an existing public highway.

In regard to the concerns of the local residents, I consider that the provision of three off street parking spaces is adequate to for a three-bedroom dwelling and meets the requirements of the Kent Vehicle Parking Standards. Kent Highway Services therefore raise no objection.
Issues relating to loss of value and loss of view are not material planning considerations.

With regard to the adequacy of existing sewerage, I have contacted Southern Water Services in regard to the issues of drainage.

I have also contacted the applicant in regard to land ownership and the possible existence of a ransom strip. I intend to update Members at the meeting in respect of land ownership.

**Summary & Recommendation**

In principle residential development is acceptable on this site. The proposed dwelling due to its location, size and design would not, in my view, be detrimental to the surrounding residential and visual amenity. Members will also note that this proposal is comparable to that previously approved on the nearby plot to the rear of No. 23 Vincent Road.

It is therefore recommend that the application be approved, subject to the views of Southern Water Services and further clarification regarding land ownership.

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**List of Background Documents**

1. Application Papers for Application SW/06/0786
2. Correspondence Relating to Application SW/04/1047
3. Appeal papers for SW/04/1047
4. Application papers and correspondence for SW/77/532
Location: Provender, Provender Lane, Norton, Kent, ME13 0ST

Proposal: Construction of one 6 bedroom house and four 2 bedroom cottages to fund repairs to Provender House.

Applicant/Agent: Princess Romanoff, C/o Ptolemy Dean Architects, 5 Dryden Street, Covent Garden, London, WC2E 9NB

Application Valid: 3rd February 2006 and as amended by letter and drawings received 19th April 2006.

RECOMMENDATION: That Members visit the site of this application, and the main house to fully appreciate the condition of the house, and the nature of the application site; and following that visit, that planning permission be granted subject to a Section 106 Agreement which ensures that the funds released are used to restore the main house, and that the applicant only sells the site with a restrictive covenant preventing any building other than in accordance with the current proposals.

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.


(2) Prior to the commencement of the development hereby permitted:

a) A site investigation shall be carried out to determine the nature and extent of any contamination.

b) A written report of the site investigation shall be prepared by a competent person. The report shall include the investigation results and details of a remediation scheme to contain, treat or remove any contamination, as appropriate. The report shall be submitted to and approved by the District Planning Authority.

c) The approved remediation scheme shall be fully implemented (either in relation to the development as a whole, or the relevant phase, as appropriate).

Continued....
d) A completion report shall be provided to the District Planning Authority by a competent person stating that remediation has been carried out in accordance with the approved remediation scheme, and the site is suitable for the permitted end use.

e) If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and appropriate remediation scheme agreed with the District Planning Authority.

**Grounds:** To ensure any contaminated land is adequately dealt with, and in pursuance of Policy E1 of the Swale Borough Local Plan

(3) 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 in writing by the District Planning Authority.

**Grounds:** To ensure that features of archaeological interest are properly examined and recorded in pursuance of policy E43 of the Swale Borough Local Plan and policy QL7 of the Kent and Medway Structure Plan.

(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 District Planning Authority. These details shall include existing features, planting schedules of plants, noting species, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

**Grounds:** In the interests of the visual amenities of the area and in pursuance of policies E49 and G1 of the Swale Borough Local Plan

(5) No development shall take place until details of earthworks and site levels, together with proposed slab levels of each proposed house or group of houses have been submitted to and approved by the District Planning Authority. These details shall include the levels and contours to be formed, showing the relationship of proposed levels to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

**Grounds:** In the interests of the visual amenities of the area, and in pursuance of policy G1 of the Swale Borough Local Plan.

Continued....
(6) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the District Planning Authority. Development shall be carried out in accordance with the approved details.

**Grounds:** In the interests of preserving the visual amenities of the area and in pursuance of policies QL1 of the Kent and Medway Structure Plan and G1 of the Swale Borough Local Plan

(7) Detailed elevational drawings at a scale of 1:20 and sectional drawings at a scale 1:1 of all new external joinery work and fittings together with sections through glazing bars, frames and mouldings, together with details of the relationship of joinery to wall planes, shall be submitted to and approved by the District Planning Authority before any development takes place.

**Grounds:** In the interests of the visual amenities of the area, in accordance with policies QL1 of the Kent and Medway Structure Plan and G1 of the Swale Borough Local Plan.

(8) Detailed sectional drawings at a scale of 1:20 showing the construction of the eaves of the dwellings shall be submitted to and approved by the District Planning Authority before any development takes place.

**Grounds:** In the interests of the visual amenities of the area, in accordance with policies QL1 of the Kent and Medway Structure Plan and G1 of the Swale Borough Local Plan.

(9) No dwelling shall be occupied until the areas shown on the submitted plan as car parking or garaging space has been laid out within the site in accordance with the approved drawings, and thereafter no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out on the land so shown in such a position as to preclude vehicular access thereto.

**Grounds:** 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 and in pursuance of policies TP19 of the Kent and Medway Structure Plan and IN7 of the Swale Borough Local Plan

(10) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
2.3 (continued) PART 2

**Grounds:** In the interests of the visual amenities of the area and in pursuance of policies E49 and G1 of the Swale Borough Local Plan

(11) 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 with the District Planning Authority.

**Grounds:** In the interests of the visual amenities of the area and in pursuance of policies E49 and G1 of the Swale Borough Local Plan

(12) If within a period of five years from the date of the planting of any tree or shrub that tree, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the District Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the District Planning Authority gives its written consent to any variation.

**Grounds:** In the interests of the visual amenities of the area and in pursuance of policies E19 and G1 of the Swale Borough Local Plan

(13) 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 to 1900 hours, Saturday 0730 to 1300 hours unless in association with an emergency or with the prior written approval of the District Planning Authority.

Within these hours, no impact pile driving shall take place except between the hours of 0900 hours to 1700 hours on Mondays to Fridays only.

**Grounds:** In the interests of the amenities of the area and in pursuance of Policy E2 of the Swale Borough Local Plan

(14) No structure or erection exceeding 1.05 m metres in height shall be placed in front of any of the lines drawn from points 2.4m back from the carriageway edge in the centrelines of each entrance to the northern and southern limits of the site frontage, and these areas shall permanently be kept clear of any tree, shrub, plant or other obstruction above 1.05m in height.

**Grounds:** In the interests of highway safety.

Continued....
(15) No burning of waste materials shall take on site during construction.

**Grounds:** In the interests of the amenities of the area and in pursuance of Policy E5 of the Swale Borough Local Plan

**Reason for Approval**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions the proposal, whilst it would not be in accordance with the development plan, would assist in the restoration and preservation of the special architectural and historic interest of the listed building. In resolving to grant consent, particular regard has been had to the following policies: EN1, QL1, QL7, QL8 and TP19 of the Kent and Medway Structure Plan and G1, E2, E5, E9, E39, E43, E49 and IN7 of the Swale Borough Local Plan.

**Introduction**

Residential development of five dwellings is proposed on a greenfield site in the rural area to provide funds for further restoration work to the main grade II* listed house to which the site is attached, albeit it is on the opposite side of Provender Lane. The proposal is therefore put forward in the knowledge that it is contrary to normal planning policies aimed at protecting the character of rural areas from new development. Instead it is based on the benefit of seeing the restoration of the main house for its own sake, and for its own contribution to the character of the area.

**Background to Provender**

Listed in 1952 from an external inspection only, the house is listed grade II*. This in itself makes it one of just 6 per cent of all listed buildings in the country. Recent research has revealed that it is of very early date in parts, and one of the most important houses in the Borough. It has been described in Country Life as "one of Kent’s most historic yet least known houses". Re-listing of Provender to Grade I status remains a possibility.

The interior reveals more about the house than the exterior, partly because the exterior, in particular the main front, was heavily "restored" in the 1920s to create a fashionable black and white look. The house now features work from every century from and including the fourteenth century, and is a house more akin to an ancient city block, with an accumulated diversity and quality that marks it out as of special importance.

The current family have rented and then owned the property since the nineteenth century. They married into the Russian royal family after the second world war, and the house now holds a collection of historic artefacts which makes it further unique.

Continued....
2.3 (continued)

The condition of the house is so poor for two main reasons. Firstly, the 1920s restoration used inappropriate hard cement which has trapped water behind it, leading to rotting of the timbers of the house. Secondly, following the death of Prince Andrew Romanoff in 1981, his late widow lived alone in a reclusive manner, neglecting necessary repairs, but paradoxically saving the house from the more normal processes of modernisation and change which may have reduced its historic value. The house is currently on the Council’s and English Heritage’s Buildings at Risk registers.

**The Process of Repair**

Following the death of Princess Andrew Romanoff in 2000 her daughter, the current applicant, has appointed architects to begin work on over £2 million worth of essential repairs. This work has been supported by the Council, by the Society for the Protection of Ancient Buildings and by English Heritage.

The Inland Revenue has exempted the estate (bar the application site) from Inheritance Tax in return for public access. Only about 5 houses in south-east England have been so exempted in the last 20 years.

Restoration work to the most at risk areas has already taken place, in particular to the north east range. Listed building consents have been granted where necessary, and further approvals have been granted for the restoration and conversion to become holiday lets to provide a source of income for on-going maintenance and repairs.

However, these changes have not yet secured the main fabric of the house. This restoration is likely to cost around £6 million, whilst the repaired house is estimated to then be worth approximately £2.5 million. It is this shortfall that the current proposal seeks to go some way towards filling. The applicant has plans to raise some finance in other ways, and proceeds from the sale of the application site are intended to lever out other grant funding, so the proposal is not one which will in itself leave a profit.

**The Description of the Proposal**

Provender itself has walled gardens, but also open farmland. For tax purposes English Heritage have assessed some of this farmland as integral to the importance of Provender, but this does not apply to the application site, which lies largely out of sight of the house.

The proposal is to erect one detached house, and a row of four terraced cottages, all in an attractive and high quality rural style. The cottages front the road in a typical manner, whilst the detached house lays back behind them.

Continued....
The drawings have been amended to clarify materials and parking arrangements, and the scheme is, in itself, of a good standard. The aim has been to mirror the scale, mix and scattered nature of buildings in the area, rather than to introduce a new landmark. The smaller cottages also address the Swale Housing Needs Survey which points to a lack of smaller housing units in the Borough.

The site itself is an open field, but including a highway drainage pond, surrounded by hedging and with a short road frontage.

**Justification for the Scheme**

The application is supported by a large and comprehensive report, from which much of the above is drawn. Importantly, this also identifies alternatives to the proposal, and how the proceeds will be used. In doing so it directly addresses English Heritage's advice on enabling development schemes, published in June 2001.

The applicants statement is long and comprehensive, and is available to Members. However, essentially it says that;

- Sale of the house might not be easy, and in any case the new owner would not have the long associations with the house that the current family have. Nor would they be obliged to open the house to the public. The associations with the Russian royal family would be lost.
- The house currently has a significant negative value.
- The proposals are unusual in enabling development terms because they are not felt to harm or fragment the heritage asset itself. Often building work involves conversion of houses into flats, or destroying a walled garden or other feature. Here the development retains the house unaffected, but the conflict with countryside protection policies is fully recognised.
- The proposals do not have significant tax implications that reduce the benefit to the house, as building elsewhere would do.
- The main problems with the house arise from the repairs done many years ago, rather than from any intentions of the owners.
- Alternative funding sources have been fully explored, but have not been found to be sufficient to meet the need.
- The scale of development is the minimum necessary to meet the need. In fact the funds will only go some way to funding essential repairs.
- The value of restoring Provender outweighs the long term harm to the community from the development itself.
- A Section 106 Agreement can ensure that all funds raised will be used specifically to restore Provender to an agreed standard.

Continued....
Since submission of the application, and in response to my queries, the applicant has submitted further details of the relationship between the amount of money likely to be raised from the development, and cost of repairs. This indicates that the sale of the site with planning permission might raise in excess of £475,000. These funds could, if matched and directed at the worst areas of the house, be sufficient to remove it from the Building at Risk register, meaning that it would be essentially sound, and that there would be limited justification for any further enabling proposals.

Finally, the applicant has confirmed that she is prepared to commit via a Section 106 Agreement to imposing a covenant on the sale of the site requiring that only the permitted scheme can be built. This removes the option that a purchaser can then seek to increase the amount of development on the site.

They have also provided a very brief summary of the proposal which I have attached as Appendix A to this item.

**Views of Consultees**

Norton Parish Council objects to the application because it is felt by them that the development is inappropriate in green space, and represents an incursion into the countryside. Whilst the architectural importance of Provender within the parish is both recognised and appreciated, they remain unconvinced that this is the only funding option available to fund the repairs.

They appreciate that the refurbishment of Provender is desirable, the immediacy of the requirement is not clear, especially as it means permanent loss of open countryside to development. They say that the development should only be considered as the very last resort, when all other possibilities have been exhausted, not as the only option for the current owners.

They also believe that the proposal could set a dangerous precedent, regardless of any provisions within a Section 106 Agreement.

Following receipt of amended drawings the Parish Council have confirmed that their original comments still stand.

English Heritage has provided a very detailed letter recommending that planning permission is granted. I have not sought to summarise the letter here, but I have attached it as Appendix B to this item.

The County Archaeological Officer has commented that the area may contain archaeological remains and that a condition requiring the implementation of a programme of work should be imposed on any planning permission granted.

Continued....
Kent Highway Services recommend refusal as the proposal is located in a position remote from services, employment opportunities and public transport, resulting in total reliance on the car for trips to shops, schools, employment and other services, and would be contrary to key aims to reduce growth in the number and length of motorised journeys. They also fear extra parking on Provender Lane which is narrow and with no pavements.

The Head of Environmental Services has recommended conditions to ensure that any land contamination is dealt with, and to limit hours of construction, especially piling, and to prevent burning on site during construction works.

**Other Representations**

The Faversham society has written to say that they understand the enabling role of the proposal, and that the site is an open field across the road from the Provender buildings. They say that the erection of a group of cottages on the road frontage is acceptable as it relates reasonably well to the existing group of buildings. However, the large house is in their view unconvincing as an alternative farmhouse and would compete with Provender in the hierarchy of buildings here. They add that the design is unconvincing as a farmhouse, results in large domestic enclosure extending into open countryside, and they recommend that just the cottages be built with the remainder of the land staying as field.

The local Campaign to Protect Rural England group has pointed out that however well designed the new houses will be against rural restraint policies in both the current and emerging local plans, in particular strategic policy protecting the countryside from unnecessary development, and policy aimed at allowing affordable rural exception site housing. They add that Provender Lane is narrow and unsuitable for additional traffic, and that the locality has been disturbed by new development for many generations, and that there is now a particularly strong case for preserving it as it standards. They hope that alternative means of paying for the restoration can be found.

The County Council Public Rights of Way Officer has pointed out that the public footpath along the northern boundary of the site is not of a defined width, although he suggests that it be assumed to be of 2m width, and that this area should not be encroached upon. He suggests that the applicants be informed of guidance relating to footpaths, including that planning permission does not grant a right to disturb or divert such a right of way.

One resident from along the lane who also owns a listed building has written to ask whether the rules about building in the countryside have now changed, as she has been refused planning permission, and she now wonders whether if the proposal is approved, she should apply again to fund extensive repairs to her thatched cottage, as her house is too insufficient to attract any English Heritage grant.

Continued....
Since submission of amended drawings I have received further correspondence.

Three neighbours have written to support the application with comments such as;

- The development will fit in well with the rural surroundings.
- As a means to obtain funds to resolve Provender, an architectural gem, it is worthy of support.
- The development will enhance Provender House and Provender Farmyard.
- The Parish Council were initially against the application, but now the majority are in favour.  
  (NOTE: This conflicts with the latest comments from the Parish Council.)
- The development should be carried out strictly in accordance with the drawings.

The Faversham Society have re-iterated their original comments.

**Planning Policies**

Planning Policy Guidance Note 3 (PPG3) sets out the Government’s policies on Housing. It states their aim of maximising the use of previously developed land for housing and sets a target that, by 2008, 60% of all housing would be on previously developed land or through conversion of existing buildings.

The importance of creating sustainable residential development is also highlighted by PPG3 and states that this should be achieved by linking development with public transport, promoting mixed development and the energy efficiency of new housing where possible.

PPS7 (Planning Policy Statement 7: Sustainable development in rural areas) states “new house building and other new development in the open countryside, away from established settlements or from areas allocated for development in development plans should be strictly controlled.” It further states that “Planning authorities should support a wide range of economic activity in rural areas”. PPG 13 Transport reiterates the message of PPG3 that “to promote more sustainable patterns of development and make better use of previously developed land, the focus for additional housing should be existing towns and cities.”

The main policy considerations in determining this application are those of policies E9, QL7 and QL8 of the Kent and Medway Structure Plan and policies SP1 (Sustainable Development), G1 (General Development Criteria), H1 (Land for New Housing Development), E9 (Protection of the Countryside) and E39 (Listed Buildings) of the Swale Borough Local Plan.

Continued....
These generally seek to protect the countryside from urban development, and to promote the rural economy. This is emphasised locally by policy EK6 of the Structure Plan which applies to the Faversham planning area, and which seeks to promote employment opportunities, and restrain housing provision to small sites well related to the urban framework, and avoiding outward spread. This goes hand in hand with policies to focus new housing at towns and villages, and not in remote rural locations where the only access is by private car.

Of direct relevance to the crucial question here about enabling development is English Heritage’s policy statement entitled “Enabling development and the conservation of heritage assets”. This is a practical guide to the pitfalls of enabling development, but the key point is that it presumes against enabling development unless all the following criteria are met.

- The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting
- The proposal avoids detrimental fragmentation of management of the heritage asset
- The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose
- The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid
- Sufficient financial assistance is not available from any other source
- It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits
- The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (ie the disbenefits) of providing the enabling development

One fundamental aspect of English Heritage’s guidance is that enabling development is essentially a public subsidy, and that as such financial issues are central to determining such proposals.

The advice also strongly warns against enabling schemes that cause harm to the heritage asset itself, as there are seen as self-defeating. The main question to be answered is stated as “whether the benefits would outweigh the harm”.

Continued….
Discussion

This application has consciously been submitted as an enabling development proposal. It has been the subject of very extensive pre-application consultations, and closely follows the requirements of the English Heritage policy statement. In my view it has been shown that the proposals meet all of the tests of the policy statement and, crucially, they do not harm the heritage asset itself.

This actually puts the proposals in a different position from most enabling proposals, as these do usually involve some kind of compromise to the very feature which is intended to be saved. Here, the conflict is not with protecting the house from harm, it is purely with rural policy. The implications for the character and future of Provender itself are all positive, and English Heritage have unreservedly supported the scheme provided adequate safeguards regarding funding and alternative proposals are put in place.

Enabling Development is an established and useful planning tool whereby society may secure the future of a heritage asset, provided that it is satisfied that the balance of public advantage lies in so doing. The assessment which needs to be made in determining the current application is whether the public gain outweighs public loss; ie. does the gain to the community by securing at least partial restoration of Provender outweigh the potential harm caused to the landscape and the compromise to national and local policy which presumes strongly against residential development in the countryside.

Decades of neglect at Provender have resulted in considerable dereliction and decay. I agree with the architect’s assessment that “the rate of decay is increasing. Parts of the building have already collapsed and other areas are now near to collapse.” Roofs and valley gutters are in urgent need of attention and many elements of the primary structure are deteriorating as a result of past repairs in cement mortar, water ingress and rot.

Provender appeared on the national Buildings at Risk Register in 2001 and is still one of the Borough’s 13 entries on the register.

The proposal for the development of four cottages and one house has been carefully considered and located to minimise impact on Provender. The form, scale and materials have been chosen to avoid any strident effect on the landscape. The use of natural boarding, articulated roof types, vernacular forms, and traditional styles of architecture will result in an interesting and harmonious small rural development. Glimpsed views on approach, or in the wider landscape, should be understated and interesting. Unlike many enabling developments, the impact on the setting of the listed house is minimal.

Continued…. 
The public harm needs to be considered in terms of landscape impact and compromise to planning policy.

The public gain includes:

- restoration of Provender,
- public access (on agreed terms) to one of the district’s finest houses,
- removal of the building from the Building’s at Risk (BAR) Register,
- an exemplary rural housing development which can be used as a benchmark for others,
- the benefit of not having to rely so heavily on the public purse for grants.

The architectural and historic importance of Provender is now well recognised. So too is the need to find a solution to the considerable conservation deficit involved in the repair and restoration and to remove it from the BAR Register. In completing the phase one restoration of the northeast range both architect and client have ably demonstrated ability and enthusiasm for achieving exemplary standards of restoration and repair. The completed northeast wing gives a small foretaste of what could be achieved if the enabling development were permitted.

From my point of view it appears that this proposal offers the best prospect for achieving a solution to the problems at Provender. There appears to be no workable alternative plan. The circumstances appear wholly exceptional. I have therefore come to the conclusion that, on balance, I can support the proposal.

I note that the Parish Council and others object to the proposals. I have to accept that the new houses will, in themselves, be harmful to the appearance of the area. If there existed another way to secure the restoration of the house, I would not wish to condone that harm.

However, I have explored the case in great detail, and I do believe that this is the very last resort, outweighing normal presumptions against buildings in the countryside and away from necessary services.

It is notable that there is indeed some local support for the case. I believe the balance is well struck here, and that the alternative is that the house will not be properly restored. This scheme allows proper repair, not just minimal weatherproofing, to be carried out, and this can be tied to the house via a Section 106 Agreement.

Continued....
Summary and Recommendation

This unique proposal seeks to secure the restoration of an important grade II* listed building which is currently on both the Council’s and English Heritage’s Buildings at Risk register. It does so in a way which does no harm to the value or character of the house itself, but I acknowledge that it does harm the countryside.

The key question is whether the benefits would outweigh the harm. My view is that the benefits do outweigh the harm. However, this is based on numerous visits to both the house and the application site. These have revealed to me the importance, but serious condition, of the house and I feel that to make a proper decision, Members ought also to visit both the house and the site.

I therefore recommend that Members visit the house and the site to see for themselves the competing interests, before determining the application which, if planning permission is to be granted, should be done only after completion of a Section 106 Agreement controlling use of funds raised, and requiring a covenant preventing any alternative form of development.

List of Background Documents

1. Application Papers and Correspondence for application SW/06/0150.

2. Application Papers and Correspondence for applications SW/01/508, SW/02/584, SW/02/585, SW/03/1461, SW/04/0866 and SW/06/145.
Location: 5 Murton Place, Seasalter Road, Graveney, Faversham, Kent, ME13 9DX.

Proposal: Conversion of existing garage to a kitchen.

Applicant/Agent: Mrs S Dixon, 5 Murton Place, Seasalter Road, Graveney, Faversham, Kent, ME13 9DX

Application Valid: 15th June 2006

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.


(2) The bricks used in the development shall match exactly in type, colour and texture those of the existing property unless otherwise agreed, in writing, by the District Planning Authority.

Grounds: In the interests of visual amenity and in pursuance of policies G1 and E48 of the Swale Borough Local Plan and Policy QL1 of the Kent and Medway Structure Plan.

Reason for Approval

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area. In resolving to grant permission, particular regard has been given to the following policies: G1 and IN7 of The Swale Borough Local Plan; and QL1 of the Kent and Medway Structure Plan.

Description of Proposal

Planning permission is sought to convert a garage to a kitchen, and to replace the garage door with a door and window. The work has already commenced, but has stopped pending determination of the application. The applicant has explained the nature of the works as replacing the garage door with a door and window. She has added that her driveway is 10m long, enough for two cars to park on. Lastly, she has apologised for the pre-emptive works.
**Relevant Site History and Description**

The site is located on Murton Place, off Seasalter Road in Graveney Faversham. It is part of an estate that was given approval in 1989. The estate had a condition placed upon the original planning permission, which stated:

‘The areas shown on the submitted plan as car parking 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) Order 1995 or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) 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’.

**Views of Consultees**

Kent Highway Services has no objections to the proposal providing the following conditions are included:

- The area set aside for parking is kept clear of obstruction, and only used for parking.
- Two spaces must be provided within the curtilage of the dwelling. These conditions continue to apply from the original permission.

**Other Representations**

One local resident has expressed views on this application, and although she is not opposed to the application, she has raised the following points:-

- she would have reason to be concerned if the garage had skylights inserted/another storey added.
- There is a covenant on all the properties in Murton Place not to alter the garages.

Continued….
Policies

The main considerations in determining this application are G1 (General Development Criteria), IN7 (Parking and new development), and E48 (High standard of design) of The Swale Borough Local Plan. Policy QL1 (Design) of the Kent Structure Plan is pertinent here.

Discussion

I note the original condition that was placed on the property and the comments from a neighbour with regard to this matter. However, in view of the fact that the house has a potential parking space at the side, and as Kent Highways have stated that they raise no objection to the conversion subject to provision of two car parking spaces (as standard for a two bedroom house), I feel the application is acceptable. The previous conditions retaining the car parking continue to apply. A car parking space should be at least 4.8m in length and therefore a total of 9.6m is needed. The length of the driveway is almost 10m in length with enough room for one car to be parked alongside the house, and therefore the proposal is acceptable.

Summary and Recommendation

The proposal is to convert an existing garage to a kitchen, and as there is adequate alternative car parking on site, I recommend that planning permission is granted.

Background Papers

1. Application papers for SW/06/0740.
2. Correspondence relating to SW/06/0740.
3. Planning Permission SW/89/482
Location: Land R/o Scocles Road, Minster, Isle of Sheppey, Kent

Proposal: change of use of land to keep and graze horses and erection of two stable block and pole barn (retrospective).

Applicant/Agent: Mrs Sally Ann Peters, 1 Skyline, 89 Chequers Road, Minster, Sheppey, Kent, ME12 3QL

Application Valid: 6th June 2006

Conditions

(1) The stables and grazing land hereby permitted shall be for private domestic use and for no other purpose, including leasing to individual occupants, or using as a livery stable or riding school.

Grounds: In the interests of the amenity of the area and in pursuance of Policies G1 and E9 of the Swale Borough Local Plan

(2) The change of use permitted shall not exceed a density of one horse per acre.

Grounds: To prevent overgrazing and in pursuance of Policies G1 & E9 of the Swale Borough Local Plan.

(3) No external lighting shall be provided on the site.

Grounds: In the interests of rural amenity and in pursuance of Policies G1 and E9 of the Swale Borough Local Plan

(4) No burning of straw or manure shall take place on site.

Grounds: In the interests of residential amenity and in pursuance of Policy G1 of the Swale Borough Local Plan.

(5) No external storage of material or items of any kind including jumps, caravans, mobile homes, vehicles, shipping containers or trailers shall take place on site.

Grounds: In the interests of rural amenity and in pursuance of Policies G1 and E9 of the Swale Borough Local Plan.

Continued…. 
**Reason for Approval**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: G1, E9, E48, and R12 of the Swale Borough Local Plan; E1, E6 & RC9 of the Re-Deposit Draft of the Swale Borough Local Plan First Review.

**Description of Proposal**

Retrospective planning permission is sought for the erection of a block of two stables and the change of use of land to keep and graze horses on land rear of Scocles Road, Minster. Planning permission is also sought for the erection of a pole barn.

The stables are located in the north west corner of the site, measure 7.3 metres wide, 4.4 metres deep, and have a maximum height of 2.9 metres. The proposed pole barn would be constructed of telegraph poles, with a sheet metal roof, and would measure 8.3 metres wide, 6.7 metres deep, and a maximum of 2.806 metres high. The site of the pole barn is currently occupied by a shipping container, which does not have the benefit of planning permission, and does not form part of this application.

**Relevant Site History & Description**

The application site is located in the countryside, outside the built up area of Minster. The land is accessed via a private track between nos. 39 and 41 Scocles Road, and lies 116 metres from Scocles Road. The application site is approximately 10.5 acres in size, and slopes steeply downwards towards Nelson Avenue to the south. The stables and proposed pole barn would be surrounded on two sides by hedgerow. The closest dwelling to these structures is over 80 metres away in Chiddingfield Close, which is separated from the application site by land and stables not associated with this application.

This site has not been the subject of any previous planning applications.

**Views of Consultees**

Kent Highway Services raise no objection.

The Head of Environmental Services raises no objection.
Minster Parish Council raise objection on the grounds that no drainage and waste disposal details have been provided.

**Other Representations**

Four letters of objection have been received, which raise the following points:

- The shipping container is an eyesore and should be removed;
- Manure close to boundary of one writer’s land is causing smells and flies;
- Commercial use of site would lead to increase in activity on shared private right of way, and increased noise and disturbance;
- Could lead to residential development on the site;
- Horses have damaged fence and garden of one writer;
- Number of horses using land is a concern;
- How will horses be watered?
- Will this lead to lighting being provided on site?
- Applications should not be made retrospectively;

No other representations have been received.

**Policies**

Policies G1 (General Development Criteria), E9 (Protection of the Countryside), E48 (Design of New Development) and R12 (The Keeping of Horses) of the adopted Local Plan, and E1 (General Development Criteria), E6 (Countryside) and RC9 (Keeping and grazing of Horses) of the Re-Deposit Draft of the Swale Borough Local Plan First Review are pertinent here.

Also of relevance is the Council’s adopted Supplementary Planning Guidance, entitled ‘The Erection of Stables and Keeping of Horses.’

**Discussion**

Whilst it is unfortunate that the change of use and development the subject of this application has been largely carried out, this has no direct bearing on the decision to be made. The application must be considered on its merits.

The use of land in the countryside for the keeping and grazing of horses is considered an appropriate use, which requires a rural setting. I therefore consider the proposed use to be acceptable as a matter of principle.

The existing stables are of an adequate design, and together with the proposed pole barn would be grouped together in an unobtrusive corner of the site. I consider the siting of the buildings to be appropriate. The existing stables have a corrugated metal roof. Whilst this is not the most sympathetic

Continued….
of materials, I do not consider that it causes harm to the character and appearance of the area. The stables are otherwise of timber construction and in my opinion are appropriate in this location. Equally, the pole barn, which would feature a sheet metal roof, is in my opinion acceptable. The site is well screened from the west and north, and I do not envisage significant harm to the character and appearance of the area as a result of the development proposed.

Kent Highway Services raise no objection, and I do not therefore envisage harm to highway safety and convenience arising as a result of this scheme.

I note the objections raised in respect of damage to property and use of a shared private right of way. These issues however are private legal matters and do not amount to material planning considerations.

With regard to the concerns of local residents in respect of potential external lighting and commercial use of the site, I would state that these can be controlled by the imposition of conditions (1) and (3) above, as can the number of horses allowed to be kept on the site, controlled by condition (2).

The shipping containers currently on site are in my opinion unsightly, and harmful to the character and appearance of the area. They do not though form part of this application, and I hope to be able to secure their removal without the need for formal enforcement action.

The lack of drainage provision on site is noted. However, as only two stables are proposed, there is no requirement for a drainage system under the terms of the adopted Supplementary Planning Guidance. With respect to the disposal of manure, I will seek details from the applicant of how this is disposed of at present and will update Members of my findings at the meeting. I note however that the Head of Environmental Services raises no objection to the application. I do not therefore consider that refusal of planning permission on such a basis is justified.

**Summary and Recommendation**

Retrospective planning permission is sought for the change of use of land and erection of stables on land rear of Scoles Road, Minster. The application also seeks planning permission for the erection of a pole barn. The scheme would not in my opinion harm the character and appearance of the area, nor residential amenity. I therefore recommend the grant of planning permission for this development subject to conditions.

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**List of Background Documents**

1. Application Papers for Application SW/06/627
2. Correspondence Relating to Application SW/06/627
Location: The Depository, Alexandra Road, Sheerness, Kent

Proposal: Conversion to 4 maisonettes

Applicant/Agent: Sheppey Removals, C/o D J Hobbs, 73 Marine Parade, Sheerness, Kent, ME12 2BE

Application Valid: 10th May 2006

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.


(2) No development shall take place until details of roofing tiles to be used on the development hereby permitted have been submitted to and approved in writing by the District Planning Authority.

Grounds: In the interests of visual amenity and in pursuance of policies E48 and G1 of the Swale Borough Local Plan.

(3) Details in the form of British Standards and commercial specifications of the proposed colouring of the painted external render shall be submitted to and approved by the District Planning Authority before the development is commenced and upon approval shall be carried out to the satisfaction of the District Planning Authority within three months of the completion of the development.

Grounds: In the interests of the visual amenities of the area and in pursuance of Policies G1 and E36 of the Swale Borough Local Plan.

(4) All windows and doors shall be of timber construction, and detailed drawings of all new external joinery work and fittings together with sections through glazing bars, frames and mouldings shall be submitted to and approved by the District Planning Authority before any development takes place.

Continued....
Grounds: To preserve the character of the building and that of the conservation area, and in pursuance of Policies G1, E36 and E48 of the Swale Borough Local Plan.

(5) No development shall take place until the size and manufacturers details of the roof lights hereby approved have been submitted to and approved in writing by the District Planning Authority.

Grounds: To preserve the character of the building and that of the conservation area, and in pursuance of Policies G1, E36 and E48 of the Swale Borough Local Plan.

(6) The development hereby permitted shall not be carried out otherwise than in complete compliance with the approved plans and specifications.

Grounds: As it is considered essential that no departure is made from the approved details which might detract from the character and appearance of the Conservation Area, in pursuance of Policies G1, E36 and E48 of the Swale Borough Local Plan.

(7) The areas shown on the submitted plan as car parking 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) Order 1995 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 dwelling(s) hereby permitted.

Grounds: In the interests of highway safety and convenience and in pursuance of Policies G1 and IN7 of the Swale Borough Local Plan.

(8) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times :- Monday to Friday 0730 - 1900 hours, Saturdays 0730 - 1300 hours unless in association with an emergency or with the prior written approval of the District Planning Authority.

Grounds: In the interests of residential amenity and in pursuance of Policy G1 of the Swale Borough Local Plan.

(9) No burning of waste or refuse shall take place on site other than may be agreed in writing by the District Planning Authority.

Grounds: In the interests of the amenities of the locality and in pursuance of Policy G1 of the Swale Borough Local Plan

Continued....
(10) All rainwater goods shall be cast in iron.

Grounds: In the interests of visual amenity, to preserve the character of the building and the character and appearance of the Conservation Area, and in pursuance of Policies E36 and E48 of the Swale Borough Local Plan.

(11) Notwithstanding the details shown on the approved plans, the south facing windows of the dwellings hereby approved shall be obscure glazed prior to the development hereby permitted being used and shall be thereafter so retained.

Grounds: In the interests of residential amenity and in pursuance of Policy G1 of the Swale Borough Local Plan

(12) Upon completion, no further development, whether permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out without the prior permission in writing of the District Planning Authority.

Grounds: In the interests of the amenities of the area and in pursuance of Policies G1, H8 and E36 of the Swale Borough Local Plan.

(13) The finished first floor levels of the dwelling hereby permitted shall be at least 5.8 metres above Ordnance Datum.

Grounds: To reduce the risk to life in the event of a flood and in pursuance of Policies G1, E23 and E24 of the Swale Borough Local Plan.

**Reason for Approval**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: G1, H7, E36, E37, E48, E49 & IN7 of the Swale Borough Local Plan.

Continued....
Location: The Depository, Alexandra Road, Sheerness, Kent

Proposal: Conservation Area Consent for demolition of rear element of building.

Applicant/Agent: Sheppey Removals, C/o D J Hobbs, 73 Marine Parade, Sheerness, Kent, ME12 2BE

Application Valid: 10th May 2006

Conditions

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


Reason for Approval

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan, and would preserve or enhance the special character or appearance of the Conservation Area. In resolving to grant consent, particular regard has been had to the following policies: G1, E36 and E37 of The Swale Borough Local Plan.

Description of Proposal

Planning permission is sought for the demolition of part of the existing building, and the conversion of the remainder into four 1 bedroom maisonettes at The Depository, Alexandra Road, Sheerness. Conservation area consent is also sought for the demolition of part of the existing building.

The existing rear element of the building is proposed to be demolished, and the area on which it stood would be utilised for four off street parking spaces and small private amenity spaces serving the maisonettes. The building proposed to remain on site would be divided equally into four maisonettes,
each with lounge/kitchen on the ground floor and one bedroom and a study. The building is ecclesiastical in character, although many of the original windows and openings appear to have been blocked off. This scheme proposes to re-use these openings, with the large front facing gothic arched window serving a bedroom. Two roof lights are proposed, in the north and east facing roof slopes.

The rear elevation of the building is proposed to be ‘made good’ to match the openings and porch on the front elevation.

The agent has submitted a supporting letter, indicating that the first floor sleeping accommodation would be provided at a minimum level of 5.8 metres above Ordnance Datum, and that he considers this addresses any issues in respect of flood risk.

**Relevant Site History & Description**

The site is located in an area considered to be at risk of flooding, in the Marine Town Conservation Area of Sheerness. The site lies within the built up area as defined in the adopted Local Plan. The site fronts onto Alexandra Road, and to the rear it abuts the end of Alma Street, a primarily residential cul de sac.

The building was formerly a Methodist Church, and it retains ecclesiastical features such as the arched windows to the front and side elevations of the main building proposed to be retained.

A public alleyway lies to the south of the site. Beyond this lies Alexandra Mews, a residential development which features windows serving habitable rooms facing the site.

A further public right of way lies adjacent to the rear of the site, and beyond this, leading eastwards away from the site, lies Alma Street, with a public house situated immediately to the southeast of the rear of the site, at no.1 Alma Street.

Temporary planning permission was granted for the use of the building as a furniture depository under application ref. SW/75/42. A succession of applications to renew this permission were granted until permanent planning permission was granted for this use under application ref. SW/00/0020.

**Views of Consultees**

This application is being reported to the Planning Committee at the request of the Ward Member, who states that there is local concern in respect of parking provision.

Continued....
Kent Highway Services raise no objection to the scheme, subject to a number of conditions, and comment as follows: 'The existing use of the site as a furniture depository would generate more traffic than a residential use. Four one-bedroom maisonettes are a low traffic generator, (plus the loss of HGV movements.) The only circumstance that policy would dictate no allowable reduction in parking within Alma Street would be if the development was within a Controlled Parking Zone, which this is not. On that basis it would be difficult to defend this on appeal if refused on highway grounds.

The Environment Agency raise no objection, subject to a condition in respect of sleeping accommodation. Members will note condition (13) recommended above.

The Head of Environmental Services raises no objection, subject to conditions in respect of hours of construction and burning of waste on site.

**Other Representations**

Seven letters of objection have been received, the contents of which can be summarised as:

- Parking in Alma Street is at a premium already, especially when customers of the pub park in the middle of the road;
- How would four extra parking spaces be managed and if there is residential parking for these spaces, why can't residential parking apply for the whole area?
- How will the area be kept safe whilst construction works are going on?
- The proposed parking spaces will result in the loss of existing on street spaces;
- Additional traffic will be harmful to road and pedestrian safety, and to customers entering/leaving the nearby public house;
- Access to parking spaces would be taken across public rights of way;
- Parking area would be gathering point for youths and would encourage antisocial behaviour;
- No reasonable sized garden areas;
- Too many dwellings for the location;

No other representations have been received.

**Policies**

The following policies of the adopted Swale Borough Local Plan are relevant:

G1 (General Development Criteria)
H7(Sub-division/Conversion into Flats)
E23(The Coastal Zone)
Discussion

I note the comments of local residents in respect of highway matters. However, Members will note the comments of Kent Highway Services above. In particular, if the building was put into efficient use as a furniture depository, the number of vehicle movements generated would be in excess of those anticipated as a result of the change of use proposed here. In addition, no objection is raised to the number or size of parking spaces proposed. Whilst therefore I am mindful of the objections of local residents, and indeed of the local Ward Member, I do not consider that planning permission could be refused on highway grounds.

The comments of the Environment Agency in respect of flood risk are noted and I recommend imposing condition (13) requiring first floor levels to be at a minimum of 5.8 metres above Ordnance Datum.

Clearly the issue of residential parking permits is an important issue for local residents. However, the parking spaces proposed under this application would be on private land, and the issue of restricted parking in Alma Street is not a material consideration here.

Members should also be aware that health and safety issues during the construction period are more appropriately dealt with under other legislation.

I consider that the key issues here are the impact of the demolition of the rear portion of the building and the external alterations to the remainder of the building on the character and appearance of the Conservation Area, and the impact of the proposed development on residential amenity.

Impact on character and appearance of Conservation Area

The rear portion of the building, proposed to be demolished is, in my opinion, of little architectural merit. It does not add to the special interest and character of the Marine Town Conservation Area, and its removal would not harm the character and appearance of the area. In addition, the removal of this part of the building would in my opinion leave a building more rational in form and less imposing in scale. The external alterations to the building would restore the ecclesiastical appearance of the building, and would enhance the appearance of the building, and that of the Conservation Area.

Continued....
Impact on residential amenity

I note that the proposed side windows serving the lounge/kitchen areas and the first floor studies of two of the proposed maisonettes would face side windows serving habitable rooms serving the adjacent dwellings. I therefore recommend imposing condition (11) requiring these windows to be obscure glazed in perpetuity in order to minimise any potential overlooking problems.

I also note that the rear windows would be closer than 21 metres to the facing first floor windows at the public house in Alma Street. However, this relationship is similar to the relationship between the public house and Alexandra Mews, and I do not therefore envisage significant harm to residential amenity as a result of the proposed development.

Summary and Recommendation

These applications seek Conservation Area consent and planning permission for the demolition of the rear part of the Depository, Alexandra Road, Sheerness, and the conversion of the remainder of the building to four one-bedroom maisonettes. I do not envisage harm to residential amenity, to highway safety and convenience or to the character and appearance of the streetscene and Conservation Area. I therefore recommend approval of both these applications subject to conditions.

List of Background Documents

1. Application Papers for Application SW/06/0577
2. Correspondence Relating to Application SW/06/0577
3. Application Papers and Correspondence relating to applications SW/75/42 and SW/00/0020.
Location: 125 High Street, Eastchurch, Sheppey, Kent, ME12 4DF

Proposal: Erection of a white PVCU conservatory to the rear of the property.

Applicant/Agent: Mrs P Nissanga, C/o Anglian Home Improvements, Conservatory Division, PO Box 65, Norwich, Norfolk, NR6 6EJ

Application Valid: 6th June 2006

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 for Approval

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area. In resolving to grant permission, particular regard has been had to the following policies: G1 & E48 of The Swale Borough Local Plan;

Description of Proposal

Planning permission is sought for a rear conservatory at no.125 High Street, Eastchurch. The proposed conservatory would have a footprint of 5.5 metres x 4.5 metres, with a height of 3.5 metres. The conservatory would be sited 1.5 metres from the side boundary of the site with no.123 High Street, 7 metres from the rear elevation of no.123, and would project 11m rearwards of this dwelling.

Continued....
Relevant Site History & Description

No.125 High Street is a large detached building located in the built up area of Eastchurch. It is set back significantly from the highway, and the front area of the site is currently used for parking. To the west, no.127 High Street is set back significantly from no.125. To the east, no.123 High Street is set forward of no.125, which projects significantly to the rear.

The site has been the subject of a number of planning applications over the past 20 years. Of importance is application SW/05/494, which granted planning permission for the change of use of the site from a residential care home to bed and breakfast accommodation, and under SW/05/1548, where planning permission was refused for an additional car parking area, kitchen extract and rear extension. The rear extension proposed under that application was located on the site of the conservatory under consideration here, but projected further to the rear, and was more significant in height. Planning permission was refused in part due to the impact of the extension on the residential amenities of the occupiers of no.123 High Street.

Views of Consultees

Eastchurch Parish Council raise objection to the scheme, and comment that ‘there is no internal access to/from existing building’ and that ‘the property is already overdeveloped.’

Other Representations

No other representations have been received.

Policies

Local Plan Policies Policy G1 (General Development Criteria) and E48(Design of New Development) are relevant here.

Discussion

The design of the proposed conservatory is acceptable, and as it is only single storey, I do not envisage significant overlooking occurring. I note the comments of the Parish Council in respect of the internal arrangements shown on the drawings. This is not in my opinion a material consideration to be taken into account here. Equally, I do not consider that the addition of a relatively modest conservatory to the rear of this building would give rise to overdevelopment of this large plot of land.

I consider the key issue here to be the impact of the proposed conservatory on the residential amenities of the occupiers of no.123 High Street.

Continued....
Whilst I note that the conservatory would project significantly rearwards of no.123, it would be located in my opinion a sufficient distance from the adjacent property to successfully negate any demonstrable harm to residential amenity by virtue of loss of outlook or sunlight. In addition, the roof of the proposed conservatory would pitch away from the boundary with no.123 High Street. In this respect, the impact of the conservatory proposed here would be markedly less than that of the extension previously refused planning permission which featured a relatively tall, brick built flank elevation facing no.123 High Street. Furthermore I do not consider that the proposed conservatory would give rise to such significant harm to residential amenity that planning permission could justifiably be refused.

**Summary and Recommendation**

This application seeks planning permission for a rear conservatory at no.125 High Street, Eastchurch. I consider the design of the proposed conservatory to be acceptable, and I do not envisage significant harm to residential amenity. I therefore recommend that permission is granted.

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**List of Background Documents**

1. Application Papers for Application SW/06/0743
2. Correspondence Relating to Application SW/06/0743
3. Application Papers & Correspondence relating to Applications SW/05/0494 & SW/05/1548.
Location: Land Adjacent to Cornerways, Knoll Way, Warden, Sheppey, Kent, ME12 4PA

Proposal: Detached Bungalow and garage/store.

Applicant/Agent: Mrs J Skilton C/O Kent Design Partnership, Grove Dairy Farm Business Centre, Bobbing, Sittingbourne, Kent, ME9 8NY.

Application Valid: 12th July 2006

SUBJECT TO: The views of Kent Highways Services and the receipt of any outstanding representations (closing date 9th August).

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.


(2) No development shall take place until details of facing materials, facing bricks and roofing tiles to be used on the development have been submitted to and approved in writing by the District Planning Authority.

Grounds: In the interests of visual amenity and in pursuance of policies E48 and G1 of the Swale Borough Local Plan.

(3) 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 District Planning Authority and these works shall be carried out as approved. These details shall include existing features, planting schedules of plants, noting species, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Grounds: In the interests of the visual amenities of the area and in pursuance of policies E49 and G1 of the Swale Borough Local Plan.

Continued....
(4) 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 District Planning Authority.

**Grounds:** In the interests of the visual amenities of the area and in pursuance of policies E49 and G1 of the Swale Borough Local Plan.

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

**Grounds:** In the interests of the visual amenities of the area in pursuance of policies E49 and G1 of the Swale Borough Local Plan.

(6) The garage/store hereby permitted shall be used only for the parking of a private motor car or cars or for uses ordinarily incidental to the enjoyment of the occupiers of the dwelling house and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out on the site, in such a manner or in such a position as to preclude vehicular access to the garage.

**Grounds:** In order to ensure that adequate provision is made for the parking of motor vehicles and in order to safeguard the amenities of the area, in pursuance of Swale Borough Local Plan Policy G1.

(7) 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.

**Grounds:** In the interests of residential amenity and in pursuance of policies E2 and G1 of the Swale Borough Local Plan.

Continued....
Reason for Approval

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: G1, H5 & IN4 of the Swale Borough Local Plan; E1 & H2 of the Swale Borough Local Plan First Review Redeposit Draft.

Description of Proposal

Planning permission is sought for a detached bungalow and garage/store at land adjacent to Cornerways, Knoll Way, Warden. The proposed dwelling would be 13.6m in width, 11m in length and 6.5m in height with two dormer windows to the front roof slope. The proposed dwellinghouse would be sited in-line with the adjacent dwelling Kathleen.

The proposed detached garage/store would be located to the rear of the proposed dwelling. The garage would be 5.8m in length and 5.5m in width.

Site Description and History

The site presently forms part of the side garden of Cornerways. The streetscene is primarily made up of detached and semi-detached bungalows and chalet bungalows with the exception of Cornerways, which is a two-storey house. Both Cornerways and Kathleen are set back from, and elevated above the highway and raised up from the main streetscene.

Views of Consultees

Warden Parish Council raise objection on the following grounds

“ I have no doubt that an application to build an estate would be refused but over the last two years the number of new builds and two dwellings where one was demolished would equate to a small estate. The resources and services on the Island are already stretched, and until this situation has been dealt with any more building would be a disservice to the existing council tax payers”

No comments have been received from Kent Highway Services and I hope to report their views to Members at the meeting.

Continued….
Other Representations

No other comments had been received at the time of writing this report, although the period for consultations does not expire until 9th August. I will therefore report the receipt of any further views at the meeting.

Discussion

The majority of the streetscene comprises of bungalows and chalets and the proposal would therefore be, in my opinion, a suitable form of development for this location. It would also be of similar design to the opposite property Thornbank, with dormer windows of almost identical proportions. I consider therefore that the proposed dwelling would not cause demonstrable harm to the character and appearance of the streetscene.

The proposed dwelling would not project rearwards of either adjacent property. I therefore do not anticipate significant harm caused to the residential amenities of the adjoining properties.

The comments raised by Warden Parish Council are noted, however it would be difficult to oppose the erection of one dwelling for this reason alone.

Summary and Recommendation

The proposed dwelling would be of a suitable design, similar to properties within the vicinity and would not therefore cause unacceptable harm to the appearance of the streetscene. I recommend that permission is granted accordingly.

List of background papers

1. Application papers and correspondence relating to SW/06/0879
Location: Unit 5, South Quay, Upper Brents, Faversham, Kent, ME13 7DZ.

Proposal: Extraction system and porta-cabin to be sited on the end of unit 5.

Applicant/Agent: M J Cannon C/o Crown Joinery, Unit 5 South Quay, Upper Brents, Faversham, Kent, ME13 7DZ.

Application Valid: 8 May 2006 and as clarified by details received on 4th July 2006, and by letter dated 12th July 2006.

Conditions

(1) This permission shall exist solely for the benefit of Crown Joinery Co. and for no other persons or company.

  Grounds: As permission has only been granted in recognition of the special circumstances of the health and safety issues present in the joinery works.

(2) The dust pollution extraction unit, portable cabin building, and any associated equipment hereby permitted shall be removed from the site within 3 months of Crown Joinery Co. vacating the premises.

  Grounds: In the interest of the visual amenity and in pursuance of policies G1 and E48 of the Swale Borough Local Plan, and QL1 of the Kent & Medway Structure Plan.

(3) Within 1 month of the date of this permission details of a scheme of cladding for the dust pollution extracting system shall be submitted to, and approved in writing, by the District Planning Authority. Upon approval the scheme shall be implemented within 1 month of the date of the approval unless otherwise agreed in writing by the District Planning Authority.

  Grounds: In the interest of the visual amenity, and in pursuance of policies G1 E48 of the Swale Borough Local Plan, and QL1 of the Kent & Medway Structure Plan.

(4) A scheme of soundproofing for the dust pollution extraction system shall be submitted to and approved by the District Planning Authority and upon approval shall be carried out before the first use of the system.

Continued....
Grounds: In the interest of health and safety, and local amenity, and in pursuance of policies G1, E2 and E5 of the Swale Borough Local Plan, and QL1 and NR5 of the Kent & Medway Structure Plan.

Reason for Approval

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: G1, E2, E5, E48 and B3 of the Swale Borough Local Plan, and QL1, NR5 of the Kent & Medway Structure Plan.

Description of Proposal

This application seeks retrospective permission for the installation of a dust extraction system at a joinery works on the Upper Brents Industrial Estate, and also for the siting of a porta-cabin adjacent to the extractor unit.

Relevant Site History and Description

The joinery works is situated on the end of a block of 6 units, 2nd row in from the entrance to the estate. It is roughly 80m from the nearest residential dwellings.

The extractor unit is situated on the southern end of the building, adjacent to the access road running through the estate. The unit itself is roughly 2m wide x 3.5m high, although it is elevated up above the roof of the building in order to remove dust and expel it into a skip / container sited beneath the unit. It is constructed of what appears to be galvanised steel.

The proposed porta-cabin measures 3.5m x 2.7m and is roughly 2.5m high. The unit is to manufacturer’s specifications, clad in plastic coated steel and with aluminium framed windows.

Relevant planning history relates more to the estate as a whole, rather than unit 5 specifically:

Continued....
Views of Consultees

Faversham Town Council recommend refusal on the grounds that “the proposed duct extraction will have a detrimental effect on the appearance of the surrounding area.” They comment further, stating that “the Town Council are sympathetic to the need for this business to comply with health and safety requirements and feel that it should be possible to re-site the duct extraction and filtering plant in a less intrusive way so that its visual impact is reduced.”

The Council’s environmental protection team recommends a condition regarding acoustic enclosure on the fan unit, in order to protect neighbouring properties.

No other representations have been received.

Other Representations

One letter from the occupant of the unit directly opposite has been received, objecting on the grounds that the noise and dust created by the unit inhibits the staffs’ ability to work properly.

No other representations have been received.

Policies

Policies G1 (general principles), E2 (noise), E5 (air quality), E48 (design) and B3 (business premises) of the Swale Borough Local Plan, and QL1 (general principles & design), NR5 (pollution) of the Kent & Medway Structure Plan apply.

Discussion

The applicant has submitted a supporting statement with the application, in which he states that the business is required to have the extractor unit by the Health & Safety Executive in order to continue trading.

“If we cannot obtain approval, we will have no option except to cease trading, resulting in the redundancy of 8-10 employees. I am sure that you will appreciate that my employees cannot be expected to inhale harmful dust particles; this is exactly what the extraction system was supposed to prevent. If this application is not approved, it is certain that the issue will be taken up by the HSE, who will undoubtedly apply a closure notice on the business.”

Continued....
The statement continues on to say that the structure is not permanent, and can be relocated if and when the company moves from the premises. A personal permission would ensure that the unit is removed should this happen in the future.

I recognise the comments of the Town Council, although I do not consider that the proposal will be harmful to the appearance of the area. The proposal site is within an industrial estate, with typical metal clad buildings. The appearance of the unit would be mitigated by appropriate cladding which I have recommended to be conditioned above.

I also note the comments from the owner of the unit opposite, but would suggest that with appropriate cladding the noise of the unit will be reduced. I also understand that the appropriate filters and receptacle have not yet been installed upon the unit, as the applicant stopped installation once he was informed of the need for planning permission. Once in place, these will reduce the dust to acceptable levels.

I do not consider that the siting of the proposed porta-cabin raises serious concerns. The building is portable and can be removed should the business relocate.

**Summary and Recommendation**

This proposal seeks retrospective planning permission for the erection of a dust extraction system, and to site a porta-cabin, at a joinery works within the Upper Brents industrial estate, Faversham.

The extraction system is required by the Health & Safety Executive to remove dust from inside the joinery works. Should permission be refused the company would be required to cease trading. Noise, dust and visual amenity issues have been raised, but I consider that these can be dealt with through condition.

The siting of the porta-cabin raises no serious concerns, in my view.

Taking the above into account I recommend that planning permission be granted.

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**Background papers**

1. Application papers for SW/06/0588
2. Correspondence relating to SW/06/0588.
Location: Hursell Farm, Off Chaffes Lane, Upchurch, Sittingbourne, Kent

Proposal: Temporary Siting of mobile home.

Applicant/Agent: Mr & Mrs D Hursell, 210 Woodlands Road, Gillingham, Kent

Application Valid: 25th May 2006 and as amended by block plan and clarified by letter received 10th July 2006

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.


(2) The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004), and any dependent of such a person residing with them (but including a widow or widower of such a person).

Grounds: As the development has been approved only in recognition of the functional need for an agricultural dwelling at the farm, in pursuance of Policies G1 and H15 of the Swale Borough Local Plan.

(3) The building hereby permitted shall be removed and the site restored to the satisfaction of the District Planning Authority on or before 1 September 2009

Grounds: In order that the position may be reviewed at the end of the period stated and in pursuance of Policies G1 and H15 of the Swale Borough Local Plan

Continued….
(4) No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the District Planning Authority. The approved details shall be implemented prior to the occupation of the mobile home.

Grounds: In the interests of the amenities of the area, and in pursuance of policies G1 of the Swale Borough Local Plan.

Reason for Approval

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: G1, H15 & E9 of the Swale Borough Local Plan.

Description of Proposal

This application seeks planning permission for the stationing of a mobile home in connection with the agricultural holding at Hursell Farm, off Chaffes, Lane, Upchurch. The proposed mobile home would be occupied by Mr & Mrs Hursell, who run the holding, and would be sited adjacent to an existing barn, which was approved under application SW/05/1141. The plans have been amended, reducing the scale of hardstanding surrounding the proposed mobile home.

The applicants have submitted a lengthy business plan, and have recently also submitted a supporting letter, indicating that they intend to butcher the meat produced on the farm in an enclosed area within the barn. Members should note that the butchering of meat produced at the site would not require the benefit of planning permission, but would need to be registered by our Environmental Health Department.

Relevant Site History & Description

The site is located approximately 520 metres from Chaffes Lane, down a private access track. The land is already in use for agricultural purposes. The applicants rear pigs, and produce pork which they sell locally and at farmers markets. The land falls away steeply to the south, and a hedgerow forms the southern boundary of the site with agricultural land beyond. To the west, the land is used for equestrian purposes. A gas pipeline lies in the vicinity of the application site, and a public footpath runs through the application site (although not in the vicinity of the proposed mobile home.)
Application SW/05/0750, for the erection of a farm building and stationing of a mobile home, was withdrawn last year. Planning permission was however granted for the erection of an agricultural building, the barn currently under construction on site, under application SW/05/1141.

**Views of Consultees**

Our Agricultural Advisor raises no objection to the proposal, and considers that the stationing of a mobile home here for occupation by the applicants meets the relevant tests of Planning Policy Statement 7. This is however based on the proviso that the butchering of meat produced at the farm continues either on site or somewhere else nearby.

The Health and Safety Executive raises no objection.

Southern Gas Networks raise no objection.

Kent Highway Services raise no objection.

Swale Footpaths Group raise no objection, providing the public footpath would not be affected by the proposal.

Upchurch Parish Council raise concern in respect of the application, and comment as follows:

1. **Considerable concern was expressed at the intention of the applicant, should they receive planning permission for a temporary siting of a mobile home, to increase the acreage and thereby expand the business.**

2. **It has been noted that the kitchen at 210 Woodlands Road, Gillingham has been registered by the local authority as a food preparation area allowing them to butcher pork at home. Would this activity remain at 210 Woodlands Road, Gillingham, or would it be transferred to the temporary mobile home?**

3. **It has been noted that there would be a sizeable number of various equipments including trailers for mucking out and collecting of straw. There is concern as to how these waste materials will be disposed of.**

4. **Considerable concern at the inevitable increase in traffic movements to and from Hursell Farm via Chaffes Lane. The applicant has stated their intention to expand activities i.e. going to farmers markets; public buying direct from them on site.**

Continued….
2.11 (continued) PART 2

5. *There is a footpath crossing part of the land at Hursell Farm and it is felt that pigs roaming would deter people from using this footpath. Every effort must be made to keep this footpath in use.*

6. *It is also felt that full consultation with and views of neighbours are taken into consideration.*

7. *It is felt that the applicants should have realised possible difficulties associated with their intended business and should have sought and obtained the requisite planning permissions before embarking on this venture. It is tantamount to retrospective planning permission.*

**Other Representations**

Three letters of objection have been received, which raise the following issues:

- This is agricultural land and should stay as such;
- There are enough mobile homes in Upchurch already;
- Will set a precedent;
- Insufficient drainage on site;
- Siting of a mobile home is not a temporary measure;
- Site is in the countryside and new home should not be approved;
- Applicants should move to an existing farm with existing facilities;

Two letters of support have also been submitted, which can be summarised as:

- Good to see a family run business;
- The quantity of livestock on the site requires a full time presence;
- One local resident has not noticed any increase in noise or traffic since Hursell Farm has been operating;

No other representations have been received.

**Policies**

Planning Policy Statement 7: The Countryside sets out statutory tests under which planning applications for agricultural dwellings must be considered. An extract from PPS7 reads as follows:

‘If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

Continued....
(i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);

(ii) functional need;

(iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;

(iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and

(v) other normal planning requirements, e.g. on siting and access, are satisfied.”

The following Development Plan Policies are relevant:

Kent and Medway Structure Plan

SS8 (Development in the Countryside)
EN1 (Protecting Kent’s countryside)

Swale Borough Local Plan

G1 (General Development Criteria)
E9 (Protection of the Countryside)
H15 (Agricultural Workers’ Dwellings)

Discussion

I note the objections of the Parish Council and local residents. However, the majority of these do not amount to considerations, upon which this application can be determined. Consideration should be given to consider the proposed mobile home, and not the impact of the existing agricultural use of this site on the surrounding area.

I note the objections raised in respect of drainage from the proposed mobile home. I therefore recommend imposing condition (4) which requires details of proposed drainage to be approved in writing and then fully implemented prior to the use of the mobile home.

Members will of course be aware that the erection of agricultural dwellings in the countryside is one of the few exceptions to the Borough and County Council’s Policies of rural restraint. However, each application must be examined on its merits, having regard to the criteria as set out in PPS7 and must accord with Policy H15 of the Local Plan. In this case, the Council’s

Continued….
Agricultural Consultant considers that the application meets the relevant tests of PPS7 providing that the applicants continue to butcher and sell their pork themselves. As the applicants have now confirmed this to be the case, I therefore consider that the proposed mobile home is acceptable as a matter of principle.

The site of the proposed mobile home is in my opinion appropriate. It would be screened from view from the south by a hedgerow, and would be adjacent to the existing barn, which would screen it reasonably well from the east. Although the mobile home would be clearly visible from the public footpath that traverses the site, I do not envisage significant harm to the character and appearance of the area.

No harm to residential amenity is envisaged as a result of the proposed stationing of the mobile home, which would be sited a very significant distance from any nearby dwellings.

I recommend imposing a condition requiring the mobile home to be removed after three years, which will allow the operation of the agricultural enterprise to be reassessed and to inform the decision on any future application for residential use of the site.

**Summary and Recommendation**

This application seeks planning permission for the stationing of a mobile home at Hursell Farm, off Chaffes Lane, Upchurch. The proposed mobile home is considered to accord with Policy H15 of the Local Plan and to meet the tests of PPS7 in respect of agricultural dwellings in the countryside, and would not in my opinion harm the character and appearance of the area.

I therefore recommend the grant of planning permission for a temporary period of three years.

**List of Background Documents**

1. Application Papers for Application SW/06/0629.
2. Correspondence Relating to Application SW/06/0629.
3. Application papers and correspondence relating to applications SW/05/0750 and SW/06/1141.
Location: Kemsley Fields, Kemsley, Sittingbourne, Kent

Proposal: Erection of buildings for industrial (B2) and/or distribution (B8) use with ancillary offices, vehicle parking areas, landscaping, formation of accesses and associated infrastructure. (Approval of Reserved Matter pursuant to SW/95/0099).

Applicant/Agent: Gazeley UK Ltd, C/o D Morgan, Planning & Development Director, Gazeley House, Rockingham Drive, Linford Wood, Milton Keynes, MK14 6PD

Application Valid: 8th June 2006

SUBJECT TO: subject to further supporting information, the comments of Kent Police and Kent Highways Services, and the receipt of the further views of the Highways Agency, Health and Safety Executive and the Environment Agency and amended plans as may be required by them

Conditions

(1) The hard and soft landscape shown on the drawings hereby approved 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 a programme to be agreed with the District Planning Authority.

Grounds: In the interests of the visual amenities of the area and in pursuance of policies E49 and G1 of the Swale Borough Local Plan.

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

Grounds: In the interests of the visual amenities of the area in pursuance of Policies E49 and G1 of the Swale Borough Local Plan.

Continued....
(3) A detailed scheme of external lighting shall be submitted to and approved by the District Planning Authority before the development is commenced. Any external lighting installed at the site shall then be in strict accordance with the approved scheme, unless otherwise agreed in writing by the District Planning Authority.

**Grounds:** In the interests of minimising light pollution, and in pursuance of Policies G1 and E6 of the Swale Borough Local Plan.

(4) The external surfaces of the buildings and structures hereby approved shall be of the colours specified on the approved drawings or, where colours are not specified, in accordance with details agreed in writing by the District Planning Authority, unless otherwise agreed in writing by the District Planning Authority.

**Grounds:** In the interests of the character and appearance of the area and in pursuance of Policies G1 and E48 of the Swale Borough Local Plan.

(5) Notwithstanding the information specified in the supporting letter dated 31st May 2006, full details of proposed measures to be incorporated in the development to minimise the environmental impact (including measures to minimise water consumption and carbon dioxide emissions, and to minimise resource use during construction) shall be submitted to an approved in writing by the District Planning Authority before the development is commenced. The development shall then be implemented in accordance with the approved details.

**Grounds:** In order to minimise the environmental impact of the development and in pursuance of Policy G1 of the Swale Borough Local Plan, and Policy QL1 (iii) (e) of the Kent and Medway Structure Plan.

(6) Any further conditions recommended by the Environment Agency, the Highways Agency, or Kent Highways Services.

**Reason for Approval**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: G1, E2, E6, E14, E28, E48, E49, E70 and B30 of the Swale Borough Local Plan.

Continued....
**Description of Proposal**

This application seeks the approval of reserved matters for the erection of four buildings for general industrial (Class B2) and storage and distribution (Class B8) use, with ancillary office space, on land at Kemsley Fields, Kemsley, Sittingbourne.

Associated infrastructure, including access roads, car and lorry parking, balancing ponds, new and diverted drainage ditches, is also envisaged.

In particular, approval is sought for all five reserved matters – access, landscaping, design, external appearance and siting – pursuant to outline planning permission granted under references SW/95/0099 and SW/05/0255 in January 2004 and May 2005 respectively.

The development is significant in scale. The total floor space proposed amounts to 172,562 square metres. Of this total, 10,116 square metres would be office space. This floor space would, as noted above, be divided between four buildings.

The floor areas of the individual buildings would be as follows:

- Unit 1: 99,478 square metres
- Unit 2: 40,783 square metres
- Unit 3: 19,693 square metres
- Unit 4: 12,508 square metres

The buildings, which have been designed with common features such as roof form, external appearance and colouring, would extend to a maximum height of 18 metres; Unit 4 would have a lower ridge height of 15 metres.

The applicant has provided a supporting letter that sets out key aspects of the development under the following headings ‘site branding’, ‘form of development’, ‘employment information’, ‘training initiatives’ and ‘environmental initiatives’. The letter is attached as Appendix 1.

**Relevant Site History & Description**

As noted above, this application seeks the approval of details pursuant to the outline planning permission previously granted (under references SW/95/0099 and SW/05/0255).

For the avoidance of doubt, SW/05/0255 related to the deletion of condition 7(ii) of SW/95/0099 and allowed for ‘development beyond 140,000 square metres of Class B2 and Class B8 floorspace prior to the opening of the Milton and Kemsley Distributor Road.

Continued....
2.12 (continued) PART 2

The outline approval establishes the principle of ‘industrial and business park’ use on a total of 119 hectares of land at Kemsley Field, of which the application site represents approximately 43 hectares of the total area towards the south-western edge.

The outline planning permission followed lengthy discussions during which issues such as vehicular access, public transport, flood risk, site drainage and nature conservation implications were resolved. The decision notice (a copy of which is attached as Appendix 2) sets out a number of planning conditions intended to minimise the impacts of the development in these and other areas. Therefore the broad parameters of development on the site have been established and Members consideration here is limited to the reserved matters set out above.

Having said this, the Development Guidelines agreed specifically for the land the subject of this application and in pursuance of condition (4) of SW/95/0099 warrant comment. The Guidelines, which were agreed in March 2006 following consultation with, among others, Iwade Parish Council, the Ward Councillors, the Highways Agency, the Environment Agency and English Nature, set out a number of parameters to inform this detailed submission for approval of reserved matters.

The application site occupies land at Coldharbour Marshes, a flat low-lying area to the north of Sittingbourne. The western edge of the site adjoins the rail link between Sittingbourne and Sheerness and is also in close proximity to the A249 Trunk Road.

Substantial existing industrial development, particularly the Knauf plasterboard factory and the Kemsley Mill paper factories are located close to the application site.

**Views of Consultees**

Southern Water raises no objection.

The Health and Safety Executive have provided an initial response that reads as follows:

“As the proposed development is within the Safeguarding Zone of a licensed explosive site, the details of the consultation have been forwarded to HSE’s Explosive Inspectorate for their consideration. They will send a response direct to you.”

I hope to be able to update Members at the meeting.

Continued….
The Lower Medway Internal Drainage Board has no objection in principle to the development. Their response also explains that they have been working in conjunction with the applicant’s consultants in respect of drainage for this development. Site drainage is one of the issues covered by planning conditions on the outline approval.

English Nature raises no objection to this proposal. The consultation response explains that they have been involved in pre-application dialogue with the developer and that the buildings proposed and the planting and drainage ditch arrangements are such that the adjacent wildlife designations will not be unacceptably impacted upon. In particular, it is noted that ‘visual intrusion [from the development] should not significantly influence the behaviour of birds using the designated sites.’

The Environment Agency (EA) do not raise objection to this proposal. However, concern is expressed that the site is at risk from tidal flooding. In particular, it is suggested that the access should be ‘at a higher level if they are to provide a dry access away from the development…we do not believe that the current arrangements will provide a safe route from the site to higher ground.’

The EA are in discussion with the applicant in order to resolve this matter. I hope to be able to update Members at the meeting.

The EA also seek clarification in respect of anticipated water levels in local water-ways receiving runoff from the site. Advice is offered in respect of the management of ditches in order to safeguard the interests of water vole populations.

The Highways Agency have responded to consultation and suggest that based on the information provided the application should be refused. However, I believe that this recommendation arises from a misunderstanding of the application for which approval is sought. The principle of 140,000 square metres of commercial floor space on the Kemsley Fields site was approved as recently as May 2005. My officers are in contact with the Highways Agency and I hope to be able to update Members at the meeting.

Iwade Parish Council raise no objection. However, an extract from their response raises a number of points and reads as follows:

“It was felt that G Park was very impersonal and did not promote the area, and might lead to problems when complex is established.

Continued....
Under Policy B30, of the Swale Borough Local Plan July 2000, it stated planning permission has been agreed for a 120 hectare business park at Ridham. Development shall proceed in accordance with a development brief to be submitted to, and approved by, the Borough Council. Before any consideration on this application, the Parish Council require to see the development brief as this was not submitted and these plans can not be considered until this is received.

The Parish Council felt strongly that English Nature and Kent Wildlife Trust are kept informed and that a Reptile and Amphibian Surveys be undertaken.

Also the Parish Council would like to know what planning gain for the village would be received with this development.”

Bobbing Parish Council have ‘no objection as long as all the relevant archaeological and environmental details have been investigated. As the area is fairly ‘wet’ it would be inappropriate to have building held up for a rare species.’

One of the Ward Councillors has provided two sets of comments on this proposal. Her observations are summarised as follows:

- The principle of business use is accepted
- A business park modelled on Kings Hill – with office buildings laid out in a landscape setting - would be appropriate, rather than ‘all those huge buildings'
- Large buildings are ‘not practical for a semi-rural area'
- The development proposed would be a blot on the landscape
- ‘More Heavy Goods Vehicles are not needed in the area'

The views of Kent Highways Services, Kent Police and the The Head of Environmental Services are awaited. I hope to be able to up-date Members at the meeting.

**Other Representations**

The application was advertised in the local press, five site notices were posted and a neighbour consultation exercise was undertaken. No other representations have been received.
Policies

The key Swale Borough Local Plan policies here are as follows:

- Policy B30, which states that ‘planning permission has been agreed for a 120 hectare business park at Ridham…alternative employment proposals for the site, or renewal of planning permission, will be considered against the policies in this Plan.’
- Policy E70, which states that the highest standard of new development will be sought in northern Sittingbourne ‘in order to achieve a new (improved) environmental standard in accordance with the Thames Gateway Planning Framework Principles.’

Policies G1 (general development criteria), E2 (noise), E6 (light), E48 (design), E49 (landscaping), E14 (special landscape areas), E28 (designated areas) should also be noted.

As Members will be aware, the site falls with the Thames Gateway. The principles set out in RPG9a, the planning framework for the Gateway, are therefore applicable. Among other things, RPG9a seeks to achieve a high quality of design for new development in the Thames Gateway.

Discussion

As noted above, the principle of industrial and storage and distribution uses on this site has already been established.

The key issues here therefore relate to the details. I will consider these in turn under the following headings:

- The proposed building layout and the landscape implications
- Implications for adjacent designated areas
- Vehicle parking and internal traffic circulation
- Traffic implications for public highway network
- Flood risk
- Other issues arising from consultation

Building layout and landscape implications

An extract from the supporting letter explains the applicant’s rationale for the particular building form envisaged:

“You will recall that we met some weeks ago to discuss our initial proposals and as a result a number of changes have been made to the drawings which comprise the current submission.

Continued….
As you are aware we have the benefit of an outline planning permission which permits B2 and B8 uses on the site. We will be marketing the development primarily for B2 and B8 uses and seek approval for a total 162,446 sq metres (1.75m sq ft) of such floorspace.

The development for which we are seeking reserved matters approval comprises four buildings which could be used in a variety of combinations of those uses. The commercial agency advice we have received indicates that the market demand in this location site is likely to be primarily for units of the sizes we are proposing, albeit that it may ultimately prove desirable to subdivide certain of the buildings depending on occupier requirements. Furthermore, we are advised that demand is expected to be predominantly, but not exclusively for logistics ie. B8 activities.

This approach accords with the Borough Council’s Economic Development Strategy which recognises that logistics and transport employment in particular are expected to grow in the Thames Gateway. The Council’s policy is to support and encourage high quality investment in key sites such as G Park Sittingbourne and our development is intended to fully achieve that objective, being aimed primarily at “blue chip” companies which are likely to be major UK or international firms. The Council’s Strategy also recognises the need to seize clear market driven prospects as these come forward.

Kent County Council and agencies such as Locate in Kent have identified the significance of the economic development opportunities in the Thames Gateway area in particular for industrial, distribution and warehousing uses. The proximity of Sheerness Docks creates opportunities for distribution activities related in particular to the importation of food products which is a predominant function of this port.

Subject to market demand it is possible that Unit 4 could be subdivided into four or more smaller units to provide a greater variety of accommodation and type of employment available.”

Members will also note that the Economic Development Officer endorses this proposal. An extract from his response reads as follows:

“The site itself is appropriate to the B2/B8 uses that the development proposes. Whilst this produces a lower job density figure than would likely be provided by B1 uses, the nature and location of the site is unlikely to be attractive to the market to provide substantial B1 development in the foreseeable future.

Continued....
The proposed form of development does offer an opportunity to build on an existing strength within the local economy, with logistics in particular recognised as a key sector for the local economy for the future, within the Economic Development Strategy. The nature of the development in terms of scale and location will be high profile and is likely to produce interest from national and international occupiers, that existing B2 and B8 sits and premises within the Borough could not emulate. It is hoped and anticipated that the introduction of an increasing number of these ‘blue chip’ occupiers will contribute positively to the local economy, not only through job creation per se but through a commitment to raising skill levels within the local workforce and creating an impetus to the increasing average wage levels found within the Borough.

Gazeley’s own commitment to working with local partners on training and employment issues has not yet been discussed in any detail, but is very welcome and is something the economic development unit would wish to pursue vigorously.”

It is also important to point out that approved Development Guidelines for the site note, at Paragraph 4.5.1, that the site ‘could accommodate relatively large footprint buildings for distribution or production purposes’.

I am mindful, in addition, that the buildings would sit in a landscape that is already defined to a large extent by a small number of substantial industrial buildings. Members will note that both the Knauf plasterboard factory and the papermills are broadly comparable in terms of size. Having said this, the proposed buildings have would be accompanied by a landscaping scheme carefully designed to minimise the landscape impact; the perimeter of the site would be landscaped and on the northern side, where the development would adjoin the Site of Special Scientific Interest (SSSI), a vegetated buffer is proposed.

Members will also note that the proposed colour scheme of the four main buildings entails a graduation of shades of colour intended to help minimise the landscape impact of this substantial proposal.

With all of these various points in mind, I consider that the proposed disposition and sizes of building proposed are acceptable in landscape terms and befitting of the Thames Gateway in this regard.

**Implications for adjacent designated areas**

As noted above, the site adjoins land designated on account of the flora and fauna present. In particular, the RAMSAR, Special Protection Area and SSSI designations have been bestowed.

Continued....
English Nature raise no objection to the proposals, noting that the proposed planting scheme and the colouring of the main buildings would help ensure that animals using the designated site would not be significantly adversely affected by the development.

**Vehicle parking and internal traffic circulation**

The views of Kent Highways Services are awaited. I am though mindful that this application follows various discussions to which Kent Highways Services contributed. I will update Members at the meeting.

**Traffic implications beyond the site**

As noted above, the acceptability in public highway terms of industrial and/or storage development on a substantial scale such as envisaged here has previously been agreed for the Kemsley Fields site. With this in mind, I am hopeful that initial objection to this application made by the Highways Agency can be resolved.

**Flood risk**

Discussions with the Environment Agency are on-going in respect of their initial concern that access roads proposed under this scheme could be vulnerable to tidal flooding. I intend to update Members at the meeting.

**Other issues arising from consultation**

Iwade Parish Council have queried whether ‘planning gain for the village’ would result from this development. As Members may well be aware, although the outline planning approval was subject to a legal agreement that required the developer to enter into various undertakings, none of these amounted to a direct benefit for the village.

Having said this, the development would clearly result in significant job creation (the applicant anticipates the creation of up to 2,000 jobs), which would benefit the locality.

**Summary and Recommendation**

Although the matters relating to flood risk and highway implications remain to be resolved, I am confident that these issues can be agreed upon. The development is significant in scale, and will have an impact on the visual appearance of the area. However, in my view the development would not give rise to unacceptable implications for the character and appearance of the area, or the adjacent designated sites.

Continued….
I consider that the development would accord with the relevant policies in the adopted Local Plan and the advice and objectives in the planning guidelines for the Thames Gateway.

I therefore recommend, subject to further supporting information, the comments of Kent Police and Kent Highways Services, and the receipt of the further views of the Highways Agency, Health and Safety Executive and the Environment Agency and amended plans as may be required by them, that the submitted reserved matters be approved.

**Background papers**

1) Application papers and correspondence for SW/06/0718

2) Application papers and correspondence for SW/05/0255

3) Application papers and correspondence for SW/95/0099
Location: Land between Cromwell Road/Brielle Way, Sheerness, Kent.

Proposal: Outline application for the construction of Classes B1 (Business), B2 (General Industry) and B8 (Storage/Distribution) Units and all associated external works.

Applicant/Agent: Priority Sites Limited c/o W H Saunders Partnership LLP, 24 Castle Gate, Newark, Notts, NG24 1BQ.


Conditions

(1) Details relating to the siting, design and external appearance of the proposed buildings, the means of access thereto and the landscaping of the site shall be submitted to and approved by the District Planning Authority before any development is commenced.

Grounds: No such details have been submitted.

(2) Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.


(3) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.


Continued....
(4) Prior to the commencement of the development hereby permitted:

(a) a site investigation shall be carried out to determine the nature and extent of any contamination.

(b) A written report of the site investigation shall be prepared by a competent person. The report shall include the investigation results and details of a remediation scheme to contain, treat or remove any contamination, as appropriate. The report shall be submitted to and approved by the District Planning Authority.

(c) The approved remediation scheme shall be fully implemented (either in relation to the development as a whole, or the relevant phase, as appropriate).

(d) A completion report shall be provided to the District Planning Authority by a competent person stating that remediation scheme, and the site is suitable for the permitted end use.

(e) If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and appropriate remediation scheme agreed with the District Planning Authority.

**Grounds:** To ensure any contaminated land is adequately dealt with, and in pursuance of Policy E1 of the Swale Borough Local Plan.

(5) No piling, soakaways, or infill materials shall be employed on the site unless details of their nature have first been submitted to and approved in writing by the District Planning Authority.

**Grounds:** In order to safeguard controlled waters from contaminated materials which may already be, or could be brought on to the site, and in pursuance on Policies NR3 of the Kent Structure Plan and E4 of the Swale Borough Local Plan.

(6) No development shall be commenced until a scheme for the disposal of foul and surface waters have been approved by the District Planning Authority. This scheme shall show that before being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have capacity and

Continued....
details compatible with the area being drained. Such scheme as is approved shall thereafter be implemented at the appropriate time during the development to ensure that all premises and all hard surfaced areas are adequately drained before first use.

Grounds: To prevent pollution of the water environment, and in pursuance of Policy E4 of the Swale Borough Local Plan.

(7) The use of the premises hereby permitted shall, other than in respect of unattended storage, be restricted to the hours of 7.00 a.m. to 7.00 p.m. on weekdays, 7.00 a.m. to 12 noon on Saturdays, and shall not take place at any time on Sundays or Bank Holidays.

Grounds: In the interest of residential amenity and in pursuance of Policies G1 and E2 of the Swale Borough Local Plan.

(8) Access doors and fire escape doors shall be kept closed at all times between the hours of 21.00 and 07.00 except for the explicit purpose of access to and egress from the premises.

Grounds: In the interests of residential amenity and in pursuance of Policies G1 and E2 of the Swale Borough Local Plan.

(9) The use of audible reverse warning signals shall be prohibited between the hours of 21:00 and 07:00.

Grounds: In the interests of residential amenity and in pursuance of Policies G1 and E2 of the Swale Borough Local Plan.

(10) Deliveries to the new industrial units shall be restricted to the following hours: 0700 – 1900 Mondays to Fridays and 0800 – 1900 on Saturdays, and at no time on Sundays and Bank Holidays.

Grounds: In the interests of residential amenity and in pursuance of Policies G1 and E2 of the Swale Borough local Plan.

(11) The details submitted pursuant to condition 1 above shall show adequate land reserved for the parking of vehicles and cycles (in accordance, where appropriate, with the currently adopted Kent County Council vehicle parking standards) and for the loading and off-loading of commercial vehicles, and upon approval of the details no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out on the land so shown or in such a position as to preclude vehicular

Continued…. 
or cycle access to these reserved areas; such land and access thereto shall be provided prior to the occupation of any premises hereby permitted and shall be used for or be available for use for the parking, loading and off-loading of vehicles and cycles at all times when the premises are in use.

**Grounds:** The development, without the provision of parking, loading and off-loading space, would be detrimental to amenity and likely to lead to inconvenience and danger to road users by virtue of vehicles parked on the public highways amenity, and to encourage use of alternative means of transport, in pursuance of Policies T17 of the Kent Structure Plan and IN7 and IN8 of the Swale Borough Local Plan.

(12) Adequate underground ducts shall be installed before any of the buildings hereby permitted are occupied to enable telephone services and electrical services to be connected to any premises within the application site without resource to the erection of distribution poles and overhead lines, and not withstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 no distribution pole or overhead line shall be erected other than with the express consent of the District Planning Authority.

**Grounds:** In the interests of the amenities of the area and in pursuance of Policy G1 of the Swale Borough Local Plan.

(13) 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 District Planning Authority.

**Grounds:** In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings, in pursuance of Policies G1 and E2 of the Swale Borough Local Plan.

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

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

**Grounds:** In the interests of the amenities of the area and in pursuance of Policies G1 and E2 of the Swale Borough Local Plan.

Continued….
(15) 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.

Grounds: In the interests of the amenities of the area and in pursuance of Policies G1 and E2 of the Swale Borough Local Plan.

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

Grounds: In the interests of highway safety and convenience and in pursuance of policy IN4 of the Swale Borough Local Plan.

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

Grounds: In the interests of the amenities of the area and in pursuance of policies G1 and E5 of the Swale Borough Local Plan.

(18) No burning of waste or refuse shall take place on site during either demolition or construction works.

Grounds: In the interests of the amenities of the area and in pursuance of policies G1 and E5 of the Swale Borough Local Plan.

(19) Adequate precautions shall be taken during the period of demolition and construction to prevent the deposit of mud and/or other debris on the public highways.

Grounds: In the interest of highway safety and convenience and in pursuance of policies G1 of the Swale Borough Local Plan.

(20) The access to the site shall be securely gated during the hours outside the operating hours of the premises hereby permitted, in accordance with details which are first to be submitted to and approved by the District Planning Authority.
Grounds: In the interest of the amenities of the area, with special reference to the amenities of residents of the area, and in pursuance of Policies G1 and E2 of the Swale Borough Local Plan.

(21) The development hereby permitted shall not be brought into use until highway improvements to Cromwell Road, including the provision of street lighting and pedestrian footways, have been carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

Grounds: In the interests of amenity and highway safety and in pursuance of Policies G1 and IN4 of the Swale Borough Local Plan.

(22) The development hereby permitted shall not be brought into use until the existing access road onto Brielle Way that runs along the western edge of the development site, has been stopped up and replaced with a footway/cycleway in accordance with a design and specification to be approved in writing by the Local Planning Authority and to the full satisfaction of the Local Planning Authority.

Grounds: In the interests of amenity and highway safety and in pursuance of Policies G1 and IN8 of the Swale Borough Local Plan.

Reason for Approval

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following Policies: G1, B1, B2, E1, E2, E3, E4, E5, E6, IN4, IN7 and IN8 of the Swale Borough Local Plan; EP2 and TP19 of the Kent and Medway Structure Plan.

Description of Proposal

This application relates to a 1.59 hectare parcel of land on the eastern side of Brielle Way (A249), between this road and Cromwell Road. Outline planning permission is sought for erection of Class B1 (Business), B2 (Industrial) and B8 (Storage and Distribution) units and all associated external works.

The application seeks the principle of this development on the land with all matters reserved for future consideration, although the application is accompanied by an indicative layout of how the site could be developed with two accesses off of Cromwell Road.

Continued....
The indicative plan also shows a proposed total floor area of 47,000 ft\(^2\) (4,366 m\(^2\)) in various sized units with a total of 97 car parking spaces, together with cycle and bin storage provision.

**Relevant Site History and Description**

The site occupies an important location on the strategic route network and the approach to Sheerness. To the east of the site is the Sheerness to Sittingbourne railway line beyond which is the 2 storey residential properties in Linden Drive, to the west is port related businesses mainly car storage areas and to the south is open countryside.

Immediately to the north of the application site is another vacant parcel of land currently owned by the Council. In August 1989 outline permission was granted on this land for erection of a petrol station with car showroom, workshops, restaurant and associated car sales building (Ref: SW/88/1561). Reserved matters were subsequently submitted but withdrawn prior to determination.

In respect of the planning history of the application site, permission was granted in September 1991 for the erection of a 3000 m\(^2\) food processing factory (Ref: SW/89/1419). Subsequently in November 1992 an outline application was submitted for fuel filling station, truck stop building, tourist information centre, fast fit garage, car showroom and family restaurant which was withdrawn (Ref: SW/92/1031).

**Views of Consultees**

Kent Highway Services raise no objection to the application, provided conditions are imposed relating to: the provision of highway improvements to Cromwell Road; provision of adequate parking and turning facilities; and the stopping up of an existing access road onto Brielle Way replaced by a footway/cycleway.

The Environment Agency raise no objection subject to conditions being imposed relating to dealing with possible land contamination and surface water drainage. The Agency also advise that Kent Wildlife Trust, English Nature and Lower Medway Internal Drainage Board should be consulted on the application.

Southern Water raise no objection and recommend that a condition be imposed relating to details of surface and foul water sewerage.

Lower Medway Internal Drainage Board state that they would wish to see surface water drainage details before commenting further.  

Continued….
Southern Gas comment that low and intermediate pressure gas mains adjoin the site and care should be taken when developing sites for these pipelines and that the developer should contact them for further information.

The Head of Environmental Services raises no objection to the application subject to the imposition of conditions relating to any potential for land contamination, restrictions on hours of construction and use, details of any mechanical ventilation systems and details of position and angles of lighting.

No comments have been yet been received from the Highways Agency and I would hope to report their comments to Members at the meeting.

Other Representations

I have received one letter from local residents raising the following summarised points:-

- no explanation of what constitutes the proposed uses.
- no details of the proposed buildings.
- protect residents from eyesores such as waste, rubbish and noise.
- prevent existing lorry park being used as a dump during construction period.
- existing lorry park to the north should be visually improved.

Relevant Planning Policies

Policy B1 of the Swale Borough Local Plan provides for new employment development on sites as shown on the proposals map or within built up areas.

Policy B22 is a specific policy for this site and the land to the north, which allows for employment uses (B1, B2 and B8) on these sites subject to a high standard of design appropriate to its prominent location, and appropriate criteria in Policy G1 being satisfied. Policy E47 is also important in the consideration of this application as it refers to the enhancement of strategic routes which encourages and expects developments to make a positive contribution to the local environment. Other relevant Local Plan Policies are G1 (General Development Criteria), E1 (Contaminated Land), E2 (Noise), E4 (Emissions), E5 (Air), E6 (Lighting), E23 and E24 (both relate to flood risk). In terms of travel Policies IN4 (access) and IN7 (parking) are relevant.

In the Re-Deposit Draft Local Plan the application site continues to be allocated for employment use under Policy B13.

Discussion

This is a wholly outline application with all detailed matters reserved at this stage.

Continued....
The site lies within the built up area, surrounded predominately by industrial uses and has long been allocated for employment uses in the Local Plan. The principle of employment use on this site is established. However its development has proved difficult. It remains an open vacant site which is visually unattractive and vulnerable to unauthorised use.

The site is located in a key position on the strategic route network and at the entrance to Sheerness and the site is suitable for a range of employment uses in accordance with the application particulars.

In terms of the likely traffic implications of the development of this site on the A249 I still await the comments of the Highways Agency and I hope to report their views to Members at the meeting.

I note the comments of the nearby resident and would state that only the principle is being sought by this application and that the detailed concerns raised will be issues for a future reserved matters application to deal with. Nevertheless several issues such as potential noise, contamination and surface water and sewerage can be addressed by the imposition of appropriate conditions at this stage.

Clearly the future reserved matters application will need to show that a high standard of layout/design and landscaping has been provided to reflect the site's prominent location.

I note that other adjoining sites have substantial planting of native shelterbelts along the A249 and I would want to see similar planting taking place on this site in order to soften the proposed development.

**Recommendation**

This is an outline application which proposes the development of this prominent site for employment uses which is in accordance with its allocation in the Local Plan.

I therefore consider that in principle outline planning permission should be granted, subject to conditions and the views of the Highway Agency and other consultees as set out above.

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**List of Background Documents**

1. Application Papers for Application SW/06/0685.
2. Correspondence relating to Applications SW/92/1031, SW/89/1419 and SW/88/1561.
Location: 27 Cliff Gardens, Minster, Isle of Sheppey, Kent, ME12 3QY

Proposal: Erection of 2 dwellings (amendment to development approved under application SW/04/0971)

Applicant/Agent: Touapis Investments Ltd, C/o Artlab Architects Ltd, 15 London Road, Sittingbourne, Kent, ME10 1NQ

Application Valid: 16th June 2006

SUBJECT TO: The receipt of a streetscene elevation, and appropriately amended elevations.

Conditions

(1) No further development shall take place until details of facing materials, facing bricks and roofing tiles to be used on the development have been submitted to and approved in writing by the District Planning Authority.

Grounds: In the interests of visual amenity and in pursuance of policies E48 and G1 of the Swale Borough Local Plan.

(2) No further development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the District Planning Authority and these works shall be carried out as approved. These details shall include existing features, planting schedules of plants, noting species, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Grounds: In the interests of the visual amenities of the area and in pursuance of policies E49 and G1 of the Swale Borough Local Plan.

(3) 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 District Planning Authority.

Grounds: In the interests of the visual amenities of the area and in pursuance of policies E49 and G1 of the Swale Borough Local Plan.

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

**Grounds:** In the interests of the visual amenities of the area in pursuance of policies E49 and G1 of the Swale Borough Local Plan.

(5) Before the dwellings hereby approved are first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed.

**Grounds:** In the interests of highway safety and convenience and in pursuance of Policies G1 and IN7 of the Swale Borough Local Plan.

(6) The areas shown on the submitted plan as car parking and garage spaces 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) Order 1995 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 dwelling(s) hereby permitted.

**Grounds:** In the interests of highway safety and convenience and in pursuance of Policies G1 and IN7 of the Swale Borough Local Plan.

(7) The approved accesses shall incorporate splays on both their sides to the rear of the existing footway based on co-ordinates of 2.0m x 2.0m and which shall be kept free of obstruction above a height of 600mm.

**Grounds:** In the interests of highway safety and convenience and in pursuance of Policies G1 and IN7 of the Swale Borough Local Plan.

**Reason for Approval**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: G1, H3, H4, E48 & IN7 of the Swale Borough Local Plan.

Continued....
Description of Proposal

This application seeks planning permission for the erection of two dwellings at 27 Cliff Gardens, Minster. The proposal under consideration here is an amended resubmission of a scheme approved by Members under reference SW/04/0971 at the Planning Committee Meeting on 29 September 2004. Work on the permitted scheme has started on site.

This application differs from the previous approval in three respects only. The previous proposals showed one dwelling (House 1) having a gable to the front and a hip to the rear, and the other (House 2) having a hip to the front and a gable to the rear. Both are now shown with a hip to the front and a gable to the rear. Both inward facing cat slide roof slopes of the dwellings are proposed to be extended, such that they would begin flush with the first floor rear elevation of each dwelling, and both would now feature an additional single roof light, providing light to a store area. Finally, the front facing fenestration of House 2 has been amended to match that of House 1.

No other aspect of the scheme has been amended. The dwellings remain the same height and scale as previously approved, the parking provision and access and the location of the dwellings remain the same, and the rear garden provision also remains the same.

Relevant Site History & Description

The site was formally occupied by a bungalow, and is located within the built up area boundary for Minster. The streetscene contains a mix of dwelling types and sizes. The adjacent dwelling to the east of the site is a two storey house whilst to the west lies a bungalow.

As stated above, planning permission was granted under application SW/04/971 for the demolition of a bungalow and erection of two dwellings. The construction of these dwellings has commenced. However, it became apparent that the development was not proceeding in accordance with the approved plans. Work on site has since ceased, and this current application has been submitted for the applicant to seek to regulate matters.

Views of Consultees

Kent Highway Services raise no objection

Minster Parish Council raise no objection.

Other Representations

Six letters of objection have been received, raising the following issues:

Continued.....
2.14 (continued) PART 2

- The dwellings have been built too high, not in accordance with the approved plans, and similar to schemes which have been refused here in the past. The roofs of the dwellings are too steeply pitched, and the dwellings have been built above the ground floor level of no.25 Cliff Gardens, contrary to what is shown on the approved plans;
- The driveway and garages are not accessible – will lead to parking problems on road;
- Planning permission should not be granted retrospectively;

No other representations have been received.

**Policies**

Policies G1 (General Development Criteria), H4(Small Sites), H5(Infilling), E48(Design of New Development), E49(Landscaping of New Development) and IN7(New Development and Car Parking Provision) of the adopted Swale Borough Local Plan are pertinent, as are Policies E1 (General Development Criteria,) E19 (Achieving high quality design and distinctiveness), H2 (Provision for new housing), and T3 (Vehicle Parking for New Development) of the Re-Deposit Draft of the First Review of the Swale Borough Local Plan.

**Discussion**

Many of the objections to the scheme relate to the height of the proposed dwellings in relation to those adjacent. This results from an error in the original plans, which show the height of the adjacent house incorrectly. This relationship has been reproduced on the plans submitted under this application. The proposed dwellings have however been accurately built, in so far as they match the ridge heights of those shown on the approved plans. The fact that the relationship of the proposed and existing adjoining dwellings is incorrectly shown on the plans is extremely unfortunate. I am awaiting appropriately amended plans, accurately showing the relationship of the proposed dwellings with those to either side of the application site, together with a streetscene elevation.

Having said this, I do not consider that the failure to show the correct relationship with the adjacent dwellings can prevent the implementation of the planning permission already granted.

Given the above, and that the original planning permission can be implemented, Members should consider the deviations from the approved plans, i.e the alterations to the roof and front fenestration of the dwellings shown on the plans under consideration. I acknowledge that local residents raise objection on highways grounds, but I note that Kent Highway Services raise no objection. I would further advise that planning permission has already been granted for the layout and number of parking spaces shown, together with the accesses.

Continued....
I consider the alterations to the roofs to be satisfactory. The hipped roof to the front of House 1 in place of a gable mirrors the approved design of House 2, and in my opinion lessens the visual impact of the dwelling by reducing its bulk in the streetscene. The design is not in my opinion harmful to the character and appearance of the area.

The proposed extension to the catslide roofs of the dwellings, and the proposed roof lights would face into the site, would serve store rooms and would not be readily visible from outside the site. I do not envisage harm to the character and appearance of the streetscene. As they would serve storage spaces this will avoid significant overlooking.

Finally, the revised fenestration on the front elevation of House 2 would mirror that of House 1. I consider this to be acceptable and do not envisage demonstrable harm to visual or residential amenity.

**Summary and Recommendation**

This application seeks retrospective planning permission for two dwellings at 27 Cliff Gardens. The dwellings were originally approved under application SW/04/0971, but have not been built in accordance with the approved plans.

Whilst the circumstances surrounding this application are unfortunate, the design and layout of the scheme now put forward is in my view acceptable. The amendments under consideration here are relatively small and would not in my opinion significantly impact on the character and appearance of the area, nor on residential amenity.

Subject to the receipt of amended elevations, and a streetscene elevation, I therefore recommend that permission is granted.

**List of Background Documents**

1. Application Papers for Application SW/06/0697
2. Correspondence Relating to Application SW/06/0697.
3. Application papers and correspondence relating to application SW/04/0971.
Location: Thornfield, Thornhill Road, Warden, Isle of Sheppey, Kent, ME12 4HF

Proposal: Variation of condition (4) of planning permission granted under SW/02/0458 to allow one additional caravan on site.

Applicant/Agent: Mr Ackleton, Thornfield, Thornhill Road, Warden Bay, Sheerness, Kent, ME12 4HF

Application Valid: 16th June 2006

Conditions

(1) No more than three caravans shall occupy the site at any time unless a variation is first agreed in writing by the District Planning Authority.

Grounds: In the interests of the visual amenities of the area and in pursuance of Policy G1 of the Swale Borough Local Plan

Reason for Approval

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: G1, H12, E9 and IN7 of the Swale Borough Local Plan; E1, E6 & H4 of the Re-Deposit Draft of the First Review of the Swale Borough Local Plan.

Description of Proposal

This application seeks to vary condition (4) of planning permission SW/02/0458 for the stationing of two gypsy caravans at ‘Thornfield’, Thornhill Road, Warden Bay, to allow the stationing of an additional caravan. Permission was granted on appeal in 2003, and condition (4), imposed by the Inspector, reads as follows:

“No more than two caravans shall occupy the site at any time unless a variation is agreed in writing by the local planning authority.”

Continued....
The applicant has submitted a short supporting statement, indicating that the additional caravan is required for his son, who is shortly to be married and thus requires his own space. The site is 36 metres wide, and 39 metres deep, and the proposed caravan would be set back 16 metres from the frontage of the site, close to, and parallel with the northern boundary of the site, facing the existing touring caravan on the southern boundary.

**Relevant Site History & Description**

The site is located outside the built up areas of Warden and Eastchurch, and is thus considered to be countryside. The northern boundary of the site is occupied by a mature hedge, whilst the applicant has undertaken planting along the southern and eastern boundary of the site.

Planning permission was refused in 2002 for the use of the land for a long stay caravan pitch for a gypsy family under application SW/02/0458. Planning permission was however granted at appeal by the Planning Inspectorate. The occupation of the site is restricted to gypsies only, and condition (4) of this permission limits the numbers of caravans on the site to two at any one time.

**Views of Consultees**

Kent Highway Services raise no objection, but comment that two additional parking spaces are required on site for the proposed additional caravan.

Warden Parish Council raise objection, and comment as follows:

‘The Council objects most strongly to this application on the grounds that it is an overdevelopment of this site. This could set a precedent for the other children to have their own caravans in the future.’

**Other Representations**

Three letters of objection have been received, which are summarised as follows:

- Sheppey’s coast is already covered with caravans;
- Will ruin unspoilt stretch of countryside;
- No justification for approval;
- Contrary to Council policy;
- Do not want any more caravans there.

No other representations have been received.

Continued….
Policies

ODPM Circular 01/06 was published earlier this year. The Circular sets out Government planning guidance in respect of gypsy sites, and is relevant here.

The following Development Plan Policies are relevant:

**Adopted Local Plan**

G1 (General Development Criteria)  
H12 (Gypsy Sites)  
E9 (Protection of the Countryside)

**Re-Deposit Draft of First Review of Local Plan**

E1 (General Development Criteria)  
E6 (The Countryside)  
H4 (Providing accommodation for gypsies and travelling showpersons)

**Discussion**

The principle of the use of this site as a gypsy site for two caravans has already been established. The key considerations here are therefore (1) whether an additional caravan on this site would be contrary to Development Plan policies and Government guidance, and (2) whether an additional caravan would harm the character and appearance of the area. All the other conditions imposed by the appeal inspector would remain in place.

(1) **Development Plan Policy**

The Planning Inspectorate has already accepted the principle of the use of this site, and the gypsy status of the applicants, which is not at issue here.

The policies of the adopted and Re-Deposit Draft of the Local Plan both pre-date the publication of the recent Government Circular. However, both should be given weight in the decision making process. Both Local Plan policies state that, on acceptable sites, planning permission shall be granted for up to a maximum of four caravans, providing this would result in no significant harm to the character and appearance of the area. There are no provisions within Circular 01/06 which contradict these Policies. I therefore consider the proposed additional caravan to be acceptable as a matter of principle.

Continued....
(2) Impact on character and appearance of area

The site is relatively deep, and the existing and proposed caravans would be grouped reasonably closely together towards the rear of the site, set well back from Thornhill Road. In addition, the proposed additional caravan would be located immediately adjacent to a mature hedge, which would effectively shield it from view from the north. In my opinion the siting of the caravan in the position proposed would minimise its visual impact. I do not consider that a single additional caravan represents an overdevelopment of this site. The caravans would all be set back behind a significant area of soft landscaping. I do not consider that the development would appear cramped or over-intensive.

I note the concerns of the Parish Council that this proposal, if approved, could set a precedent. Members will of course be aware that each application is considered on its own merits, and the approval of this scheme would not necessarily lead to any further approvals either on this site or any other.

I note the comments of Kent Highway Services. However, there is sufficient off street parking at this site for at least six vehicles, and I do not envisage that the addition of a single caravan here would result in significant additional demand for parking.

**Summary and Recommendation**

This application seeks planning permission for the stationing of an additional caravan at an existing gypsy site at ‘Thornfield’, Thornhill Road, Warden. The proposal complies with the policies of the adopted and Re-Deposit Draft of the Local Plan, and with ODPM Circular 01/06. I do not envisage harm to the character and appearance of the area, and I therefore recommend that permission is granted.

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**List of Background Documents**

1. Application Papers for Application SW/06/0782
2. Correspondence Relating to Application SW/06/0782
3. Application papers, correspondence and appeal decision relating to application SW/02/0458.
Location: 119 Anne Bolyen Close, Eastchurch, Sheppey, Kent, ME12 4DT

Proposal: Detached Garage

Applicant/Agent: Mrs M McGrath C/O Mr D Hobbs, 73 Marine Parade, Sheerness, Kent, ME12 2BE

Application Valid: 25th May 2006

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.


(2) No development shall take place until details of facing materials, facing bricks and roofing tiles to be used on the development have been submitted to and approved in writing by the District Planning Authority.

Grounds: In the interests of visual amenity and in pursuance of policies E48 and G1 of the Swale Borough Local Plan.

(3) The garage hereby permitted shall be used only for the parking of a private motor car or cars or for uses ordinarily incidental to the enjoyment of the occupiers of the dwelling house and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out on the site, in such a manner or in such a position as to preclude vehicular access to the garage.

Grounds: In order to ensure that adequate provision is made for the parking of motor vehicles and in order to safeguard the amenities of the area, in pursuance of Swale Borough Local Plan Policy G1.

Continued....
(4) The proposed access shall incorporate splays on both its sides to the rear of the existing shared drive based on co-ordinates 2.0m x 1.5m and which shall be kept free of obstruction above a height of 600mm.

**Grounds:** In the interests of highway safety and convenience and in pursuance of policy G1 of the Swale Borough Local Plan.

**Reason for Approval**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: G1, H8 & IN4 of the Swale Borough Local Plan; E1 & E19 of the Swale Borough Local Plan First Review Redeposit Draft.

**Description of Proposal**

Planning Permission is sought for a detached garage at 119 Anne Bolyen Close, Eastchurch. The proposed garage would be 5.9m in length and 2.8m in width and would be 3.5m in height at its highest point. The proposed garage would be located at the bottom of the rear garden with its flank wall adjacent to Anne Bolyen Close, the garage would front onto a private access road and would face three properties.

**Site Description and History**

The property is one of a pair of semi-detached houses on the east side of Anne Boleyn Close, within the built-up area of Eastchurch. The rear garden is enclosed by a 2.5 m high brick wall along all three boundaries. In front of the brick wall along the north and west boundaries is a mature hedgerow approximately 2 m in height.

**Views of Consultees**

Kent Highways Services raised no objection subject to conditions.

Eastchurch Parish Council raise objection on the following grounds:

“In order to build the proposed garage a large amount of hedgerow would have to be removed from an area which is landscaped. Also the garage access is very close to the bend in the road. The Planning Committee should also note that the property already has an integral garage”
Other Representations

Two letters of objection have been received together with three emails, from the two objectors.

Their comments can be summarised as follows

- They have spent a great deal of time and money improving the view and do not wish to look out onto a brick wall.
- The existing hedge is a pleasant.
- The hedgerow is home to vast amounts of bird life that are important to local wildlife. This would be lost if the hedge is removed.
- Increased traffic directly to the front of their property, which is only passed by vehicles for the other properties and not for manoeuvring in an area, which does not allow for more than one vehicle at a time.
- Increase in noise and light from headlights into our front windows
- Obstructing natural light to our windows.

Policies

Policies G1 (General Development Criteria), H8 (Extension to, and Replacement of, Dwellings in the Built-up Area) & IN4 (New Development and Highway Considerations) of the Swale Borough Local Plan are relevant here.

Policies E1 (General Development Criteria) & E19 (alterations and Extensions) are also relevant.

Discussion

The proposed garage is relatively small in size and would be well screened from the main road and access road by the existing brick wall and hedgerow with only a proportion of the roof being visible above it. I therefore consider that the proposal would not be obtrusive nor cause significant harm to the character and appearance of the streetscene.

The proposed design and materials would be in keeping with the surrounding area and the existing dwelling. It is my opinion that demonstrable harm to the surrounding area would not be caused.

I note the concerns raised by residents which I address below.

The proposed garage would only necessitate the removal of a 2.8m wide section of the hedge with the hedge being reduced on both sides of the new access to create visibility splays. I consider that although the view from adjacent owners windows will change, the proposal would not cause significant harm to visual amenity. I do not consider that a significant impact on the wildlife would occur from the removal of such a small piece of hedgerow.
I acknowledge the concerns raised by the objectors that the proposal would lead to increased traffic and noise/light disturbance. The addition of one parking space would not in my view, result in an unacceptable increase in traffic movements or create an increase in noise or light pollution. I also note that Kent Highways Services have not raised objection.

**Summary and recommendation**

The proposed garage would not have a detrimental impact on the streetscene nor on highway safety and would be well screened from the main road and adjoining properties. I therefore recommend that planning permission be granted subject to conditions.

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**Background papers**

1. Application papers and correspondence relating to application SW/06/0671
Location: 2 Fairleas, Sittingbourne

Proposal: To demolish existing garage and build 2 storey extension on side of house.

Applicant/Agent: Mr S Swain, 2 Fairleas, Sittingbourne, Kent ME10 4LS

Application Valid: 5th June 2006.

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.


(2) The facing materials to be used shall exactly match in terms of colour, texture and type those at the existing dwelling unless otherwise agreed in writing by the District Planning Authority.

Grounds: In the interests of visual amenity and in pursuance of Policy G1 of the Swale Borough Local Plan.

(3) The development hereby permitted shall not be occupied until a plan has been submitted and approved by the District Planning Authority to show that 3 car parking spaces (including 1 garage space) can adequately be provided on the site. The areas shown on the submitted plan as car parking space shall then be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto.

Grounds: 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 in pursuance of policy G1 of the Swale Borough Local Plan.

Continued…. 
(4) The garage hereby permitted shall be used only for the parking of a private motor car or cars or for uses ordinarily incidental to the enjoyment of the occupiers of the dwelling house and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out on the site, in such a manner or in such a position as to preclude vehicular access to the garage.

**Grounds:** In order to ensure that adequate provision is made for the parking of motor vehicles and in order to safeguard the amenities of the area, in pursuance of Policy G1 and IN6 of the Swale Borough Local Plan.

**Reason for Approval**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: G1, IN7 and H8 of the Swale Borough Local Plan.

**Description of Proposal**

Planning permission is sought to demolish the existing garage to the side of this semi detached property and to replace it with a two storey side extension that would accommodate an integral garage and an additional bedroom at number 2 Fairleas, Sittingbourne.

The proposed extension would extend out to the side (south-east) of the existing property by 5 metres. It would be 7.65 metres in length and 7 metres in height to the top of the pitch. The latter two measurements being the same as those at the existing dwelling.

Bricks and tiles are proposed to match the existing property, with the original garage doors being re-used.

**Site Description and Planning History**

The application site is located within the built up area boundary as defined in the Local Plan and is situated in a housing estate built in the late 1960s.

Number 2 Fairleas is located to the south of this estate and is situated at the southern end of a row of semi detached properties. The entrance to Warren Close is located 10 metres to the south of the boundary of the property. Properties in Warren Close – which describes an L shape - are located 20 metres to the rear of the proposed extension and the existing property and are also situated 27 metres to the south.
SW/82/126 – Planning permission was approved for a single storey rear extension and garage to the side of the property.

**Views of Consultees**

Kent Highway Services have no objection to the proposal subject to conditions in regard to retaining the garage and parking area, ensuring that there will be adequate parking on site for 3 cars and also to ensure that there would be a properly consolidated and surfaced access. As the dwelling and access is already in place I do not consider that the last condition is necessary.

**Other Representations**

Three letters of objection have been received from local residents. They oppose the application for reasons summarised as follows:

- It would amount to the over-development of the site;
- Not be in keeping with the estate;
- Be within close proximity to surrounding properties;
- Not be a decent outlook for properties to the rear and would detract from the view from the front of the house, and it would
- Reduce the value of their properties

One of these residents states however that he would not object to the scheme if it was single storey.

**Policies**

Polices G1 (General Polices), H8 (Extensions to dwellings in the built up area) and IN7 (Parking for new Development) of the Swale Borough Local Plan are all relevant to this proposal.

The Supplementary Planning Guidance; 'Designing an Extension a Guide for Householders' is also relevant.

**Discussion**

As this property is located within the built up area boundary, in principle I consider that it would be acceptable to extend this property. However in accordance with Policy G1 of the Swale Borough Local Plan it is important to consider whether this proposal would have a detrimental impact on the surrounding visual amenity, residential amenity and also on highway safety. I will address each point in turn:

Continued....
Visual amenity

The proposed extension would be the same height and scale as the existing dwelling; it would also be set in line with the existing property and would use the same materials so I do not consider that it would be out of keeping with the existing house nor would it be out of keeping with the street scene.

In addition to this, I do not consider that this proposal would dominate or be an overdevelopment of the application site as there would still be adequate space on the site for a 10 m long garden, as well as the appropriate number of car parking spaces. A ‘terracing’ effect would not result.

Residential Amenity

The main concern expressed by local residents is that this proposal would be in close proximity to their properties and would therefore detract from their outlook. As the proposed addition would be located over 27 metres away from properties to the south of the site, with a grass verge and road junction in between, I do not consider that it would be detrimental to the outlook of properties to the south of the site.

In addition to this, as the proposed extension would extend no further rearwards that the existing dwelling I do not consider that the application could be refused on the grounds that it is too close to properties to the rear of the site. As the extension would be located over 20 metres away from these properties to the rear of the application site, it is my view that this two storey extension would not overshadow or cause significant loss of light at that distance.

Whilst I sympathise with the local residents’ concerns, loss of value to their property and loss of view are not material planning considerations and can not be taken into account when determining this proposal.

Highway Safety

There is adequate space on site for the parking of the number of cars generated by the additional bedroom. In addition to this Kent Highway Services have no objection to the proposal subject to conditions. I therefore consider that this proposal is acceptable on highway grounds.

Summary & Recommendation

Planning permission is sought for the demolition of a garage and the erection of a two storey side extension at 2 Fairleas, Sittingbourne.

Continued....
It was considered that as the proposed extension would not be detrimental to the visual amenity of the property itself or the surrounding area. It would also not be detrimental to the amenity of surrounding residents.

I therefore recommend that this application be permitted subject to conditions as set out above.

List of Background Documents

1. Application papers and correspondence for SW/06/0719
2. Application papers and correspondence for SW/82/0126
Location: Park Resorts, Ashcroft Coast Holiday Park, Plough Road, Minster, Sheppey, Kent, ME12 4JH

Proposal: Two non-illuminated free standing signs, repositioning of two existing flagpoles and the erection of four additional flagpoles

Applicant/Agent: Park Resorts Ltd C/O Leisure Concepts, The Trading Estate, Common Lane, Kennilworth, Warks, CV8 2EL

Application Valid: 26th May 2006

SPLIT DECISION

Recommended for Approval

Two non-illuminated freestanding signs

Conditions

(1) The existing signs shown on drawing no.996.05A as ‘existing sign to be removed’ shall be removed prior to the display of the signs hereby approved.

(2) Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.

(3) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

(4) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.

(5) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(6) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, waterway or aerodrome (civil or military).

Continued....
Recommended for refusal

Four additional flagpoles and repositioning of two existing flagpoles

Reason

(1) The proposed flagpoles would, by virtue of their location, size and prominence be unnecessary and intrusive signage, adding unacceptably to clutter on the site in a manner detrimental to the character and appearance of the streetscene and the countryside. The proposed flagpoles would be contrary to Policies G1 and E53 of the Swale Borough Local Plan and to paragraphs 2.2 and 4.1 of the Council’s adopted Supplementary Planning Guidance entitled ‘The Design of Shopfronts, Signs and Advertisements’, which seek, amongst other things, to resist the proliferation of signage, and to restrict intrusive and prominent signage outside built up areas.

Description of Proposal

Members should note that the Advertisement Regulations allow parts of this type of application to be granted consent, others to be refused. For simplicity I am reporting it in this section of the agenda.

Advertisement consent is sought for the erection of two freestanding non-illuminated signs, one either side of the entrance at Ashcroft Coast Holiday Park, Plough Road, Minster. The proposed signs would be 3 metres wide and 1.88 metres high.

Advertisement consent is also sought for the repositioning of two existing flagpoles, and the erection of four additional flagpoles. The proposed flagpoles would be 5.5 metres high with three each located either side of the entrance to this holiday park.

Site Description and History

Ashcroft Coast Holiday Park is outside the built-up area of Minster, in the countryside. Despite there being rows of trees surrounding the application site, it is relatively prominent, and is clearly visible from both directions along Plough Road.

There are a number of existing signs at and adjoining the application site. These include two signs approved under application SW/98/0988, (which would be replaced by those under consideration here), and three other large signs, none of which have the benefit of advertisement consent. My officers are currently seeking the removal of these unauthorised signs, either by negotiation, or ultimately by way of prosecution proceedings.

Continued....
Advertisement consent was refused for a temporary sign at this site under application reference SW/02/0352.

The two existing flagpoles proposed to be relocated under this application do not have the benefit of advertisement consent. They have though been on site for a significant number of years.

**Views of Consultees**

Kent Highways Services raise no objection.

Minster Parish Council raise no objection.

Eastchurch Parish Council raise objection stating the following:

“This rural area has already been encroached upon enough with the current signage. It is felt that there is no need to advertise the park actually At the site, because by the time a visitor sees the signs, he is already there!”

**Other Representations**

No other representations have been received.

**Policies**

Policies G1 (General Development Criteria), E9 (Protection of the Countryside) and E53 (New Shopfronts, Signs and Advertisements) of the Swale Borough Local Plan are relevant here. Also of relevance is the Council’s adopted Supplementary Planning Guidance, entitled ‘The Design of Shopfronts, Signs and Advertisements.’

**Discussion**

Under the Advertisement Regulation, advertisement consent applications can only be determined on highway and amenity grounds. I note that Kent Highway Services raise no objection to the proposed signage, and therefore the key issue here is the impact of the proposed signs on the visual amenities of the area.

The signs proposed here would replace existing signs which are much taller, and consequently more prominent. In addition, as they would replace the existing signs, there would be no increase in signage at the site as a result of the proposed signs. The proposed signs would be set well back into the site, and as such would be sited less prominently than the existing. I do not therefore envisage the proposed signs giving rise to demonstrable harm to the character and appearance of the area.

Continued....
The two existing flagpoles would, when combined with the four additional proposed flagpoles, result in visual clutter at the site, harmful to the character and appearance of the area. The flagpoles would be clearly visible for a long distance along Plough Road causing significant harm to the visual amenity of the surrounding area. In my opinion they would represent a proliferation of unnecessary signage, which would cumulatively be harmful to the character and appearance of the area, contrary to the Policies of the Local Plan and the adopted Supplementary Planning Guidance.

The retention of two existing flagpoles in my opinion is unobjectionable, and would not appear excessive. However, whilst I note that the applicants propose the relocation of the two existing flagpoles the plans do not distinguish between existing and proposed flagpoles. I do not therefore consider it possible to recommend approval for the relocation of the existing flagpoles, as the plans do not specifically detail which flagpoles (of the six shown) are the existing.

**Summary and recommendation**

This application seeks advertisement consent for the erection of two non-illuminated signs, the relocation of two existing flagpoles and the erection of four additional flagpoles. The two signs, which would replace two existing signs, would not in my opinion harm visual amenity.

However, the proposed flagpoles would in my opinion be prominent and obtrusive structures, which would add to the visual clutter at the site, and would cumulatively harm the character and appearance of this rural streetscene.

I therefore recommend that advertisement consent be granted for the proposed signs, and refused for the proposed and relocation of existing flagpoles.

**Background papers**

1. Application papers and correspondence relating to application SW/06/0515
2. Application Papers and correspondence relating to applications SW/02/0532 and SW/98/0988
Location: Land at Homewood Avenue, Sittingbourne, Kent, ME10 1HJ

Proposal: Telecommunication Notification for the installation of a 12.5m Replica Telegraph Pole with 2G and 3G antennas contained within a wood effect Glass Reinforced Plastic (GRP) shroud and associated equipment cabinet.

Applicant/Agent: 02, C/o Turner & Partners, The Old Hospital, Ardingly Road, Cuckfield, Haywards Heath, West Sussex

Application Valid: 6th July 2006

SUBJECT TO: the receipt of any further representations (closing date 7th August 2006).

Recommendation: Prior approval is not required.

Introduction

This is a notification to the Council of the applicants’ intention to exercise their permitted development rights to erect new telecommunications equipment. As the mast does not exceed 15m in height its erection does not require a planning application as it is to be erected by a licensed telecommunications operator.

The regulations merely require the operator to submit to the Council a plan showing the proposed location and a written description of the mast and equipment. This procedure then allows the Council to ask for further information and to require that this be submitted to and agreed by the Council before the permitted right to erect the mast can be implemented.

The limit for the Council’s decision is 56 days from submission failing which the applicant is free to proceed with the installation. In this case, the 56-day period expires on 31st August 2006.

In this case, as is now normal, the operator has gone well beyond their legal duty. They have submitted a comprehensive report, a fully detailed location and site layout plan and full plans of the intended mast and cabinets. They have also explained in some detail that they require a mast here, as there is currently an inadequate provision of the 02 service in this area, due to the lack of appropriate mobile radio base stations in the immediate area.

Continued....
**Description of Proposal**

This application envisages the erection of a 12.5 metre high slim-line monopole on land at Homewood Avenue. The base station and the associated equipment cabinet (1898mm x 798mm x 1650 mm high) – would be located approximately three metres from the carriageway edge at a point forty metres west of the junction with Ufton Lane.

The supporting letter explains that the installation is required ‘to provide 2G and 3G coverage to the immediate residential area and has been sited with a view to minimising the impact on the area. The installation has been designed to resemble a Street Furniture pole with the antennas contained within a shroud.’

Coverage plots have been provided to graphically illustrate the improved signal that the development would provide in the vicinity.

The applicant has contacted my officers at the pre-application stage and considered possible alternative sites in the locality.

The application is also accompanied by a certificate stating that the development would be in accordance with the ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines on public exposure to radio frequency radiation.

**Relevant Site History and Description**

This particular site has no relevant planning history. However, prior approval was sought elsewhere in Homewood Avenue under reference TN/02/0019, for a ten-metre telegraph pole-style telecommunications installation about 90 m to the west, in early 2002. The application was refused for the following reason:

“*The siting proposed would be close to the junction of Chaucer Road and Homewood Avenue. The proposed telegraph pole would have a height of 10 metres. The proposed siting and the height of the structure would make it a prominent and incongruous feature, to the detriment of the visual amenity of the area. As such, the proposal is contrary to Policy IN25 of the Swale Borough Local Plan.***

The proposed site is within an area of green sward in Homewood Avenue. The road features mainly semi-detached and short terraces of two-storey houses set back from Homewood Avenue, which in this vicinity features a wide swathe of grass on the southern side of the road. The immediate vicinity is characterised by a number of mature street trees and a substantial screen of planting, which forms the side garden boundary to Number 157 Ufton Lane. The lamp columns in the area measure approximately eight metres in height and are situated close to the kerb line.
Views of Consultees

Kent Highways Services raise no objection.

Other Representations

286 letters of objection have been received. The majority of these letters are individually signed, addressed and dated copies of a standard letter that goes into considerable detail. A copy is appended to my report. The issues raised by the objectors letters are summarised as follows:

- Site notice poorly located – hazardous for interested parties to view
- Insufficient time for interested parties to contribute to decision making process
- Limited pre-application consultation
- Health risk – technology not proven as being safe
- Kent County Council and others do not allow masts on their land
- Dutch government research suggests a risk to health from 3G base stations (for telecommunication apparatus)
- The precautionary principle espoused by the Stewart Report should be applied
- Development would impact adversely on the landscape, which currently has pleasant open character
- Insufficient landscape planting to screen development
- Insufficient consideration of mast sharing alternatives
- Insufficient consideration of ‘sites more remote from the proposed site’
- District Planning Authority should investigate whether less sensitive sites exist
- Provision of an ICNIRP complaint certificate is not sufficient to negate the need for full and proper consideration of health risks
- Loss of amenity to people of Sittingbourne
- Local Plan should include a policy on such things as siting and appearance of telecommunications apparatus
- Development would encourage youths to congregate and vandalism or graffiti could result
- Development is unacceptable due to proximity to schools, nursing homes and other community residential uses
- Council has a biased commercial interest
- Mobile phone coverage is ‘more than adequate in this area’
- Property values will decrease as a consequence of the development; in a case where the Ombudsman found maladministration, the Local Authority was made to pay compensation for property de-valuation
- Disruption to television and other telecommunications reception
- Development would harm local flora and fauna and is within the ‘root spread’ of existing trees

Continued....
• Council – corporately and individually – would be vulnerable to potential litigation if the development is approved
• Applicant has not demonstrated that ‘they have control of the site for a period of at least ten years’
• A similar proposal to erect a telecommunications mast on land just to the west was refused in 2002
• The development is in a location where installation and maintenance will cause inconvenience.

I can also report that two ward councillors have contacted my officers to express their objection, and to draw attention to the telecommunications apparatus refused for a site to the west (TN/02/0019) in 2002.

The Oaks Infant School have also expressed an objection to this proposal.

The closing date for comments is 7th August 2006 and I will up-date Members at the meeting.

**Planning Policies**

This notification is not an application for planning permission and the principle of the operator being able to erect a mast of this height is not for consideration. To that extent, planning policies relating to the granting of planning permission have to be read in the correct context.

The main policy considerations in determining this application will be those of Policies G1 and IN25 of the Swale Borough Local Plan. Policy G1 sets out the general development criteria while Policy IN25 specifies that any mast should be sited, designed and finished to minimise any adverse impact upon the appearance and amenity of the surroundings.

Government advice in PPG8 “Telecommunications” encourages the establishment of national networks of mobile telecommunications technology. It makes clear that, where an operator has certified that the proposal will operate within ICNIRP guidelines (as here), it should not be necessary for local planning authorities to consider further the health aspects and concerns about them.

In relation to prior notifications such as this one, the guidance indicates that the following are relevant considerations;

> “Factors to be considered concerning the appearance of the mast and ancillary apparatus include materials, colour and design. The use of appropriate materials and colouration may allow a mast to blend more easily into its surroundings. Features of design which an authority may

Continued....
wish to consider include dimensions; overall shape; and whether the construction is solid or forms an open framework. They should also consider with the developer the availability of alternative designs which might be more suited to the local environment.

Factors concerning siting may involve:

- the height of the site in relation to surrounding land;
- the existence of topographical features and natural vegetation;
- the effect on the skyline or horizon;
- the site when observed from any side, including from outside the authority’s own area;
- the site in relation to areas designated for their scenic or conservation value;
- the site in relation to existing masts, structures or buildings including buildings of a historical or traditional character;
- the site in relation to residential property; and
- any other relevant considerations.

In considering the siting and appearance of a mast together with its associated development, the scope for landscaping and screening to reduce the impact of the development on its surroundings will be an important consideration.”

Discussion

There has been considerable local opposition to this proposal and I understand the concerns raised. However, as noted above, this application does not allow consideration of the principle of the development.

I agree that mast sharing is an approach favoured by the Government guidance set out in PPG8. In this instance, existing masts capable of accommodating additional antennae are not readily available within the applicant’s search area.

The potential implications for the character and appearance of area are an important consideration here and these are considered below. I will then consider the various other issues raised by correspondents.

The proposed monopole would, as noted above, be erected in an area that is already characterised by street furniture, including 8 m high street lamps, and street trees.

Members will note that a substantial number of local people have expressed concern that the development would be harmful to the local landscape. Attention is drawn to the existing mature tree planting in the immediate

Continued….
proximity of the development and to the street lamps in the vicinity. The proposal is for a slim structure with the antennae contained under a shroud. With these factors in mind, I do not anticipate a significantly harmful visual impact.

I must also stress that the proposal refused for a 10 m high telecommunications pole and equipment on land to the west of this site in 2002 shared development on a more prominent site, immediately adjacent to a road junction and without mature street trees in the immediate vicinity to soften the visual impact of the development.

Local residents suggest that the site and the development would not lend themselves to landscape planting. I agree with this analysis. With the above in mind I do not consider that additional landscape planting is required.

I am aware of course that residential properties are located in the vicinity of the proposed development, and of the concerns expressed by residents in respect of their amenity generally and health risks in particular. Members will know that where the application is accompanied by a certificate of ICNIRP compliance, and is in line with the Government guidance set out in PPG8 “Telecommunications”, the presence of dwellings or local residents’ perception of a health risk does not constitute in itself a reason for refusal. I am mindful that this has been the approach generally taken by Planning Inspectors in dealing with this issue in appeals against the refusal of planning permission for telecommunication developments such as this.

Similarly, I note the reference to the number of schools and other community uses in the surrounding neighbourhoods and the objection raised by The Oaks Infant School. None of these are adjacent to the site and, as the applicant’s analysis shows, none of the schools are within three hundred metres of the site. In any event, given that an ICNIRP compliance certificate has been provided it would not be appropriate to refuse the development on grounds of health risk to users of these amenities.

Members will note the various other points raised by local residents. None of these amount, in my analysis, to a reason for refusal. However, a number of them require further comment.

With regard to pre-application discussions by the developer, the applicant has contacted my officers with regard to potential telecommunications development in this vicinity and has sent consultation letters to local schools.

With regard to local consultation for this application, my officers have arranged for local residents to be consulted and for a site notice to be displayed. As far as the position of the site notice is concerned, I do not accept that it is inaccessible.

Continued....
Summary and recommendation

I appreciate that a substantial number of local residents oppose the scheme. However, having considered the material considerations and the areas of concern raised by local residents, I conclude that this development would not result in an unacceptable impact upon the local street-scene.

With regard to health risk, Members will note that a certificate of ICNIRP compliance has been provided. In line with the advice in PPG8 – “Telecommunications”, the application should not be refused on grounds of potential health risk.

The development would accord with the advice in PPG8 and Policies G1 and IN25 of the Swale Borough Local Plan.

I therefore recommend, subject to any further representations (closing date 7th August 2006), that the applicant be informed that prior approval is not required.

List of background documents

1. Application papers and correspondence for TN/06/0073
2. Application papers and correspondence for TN/02/0019
Location: Fulston Manor Farm, The Meadows, Sittingbourne.

Proposal: Approval of Reserved Matters for phase three of proposed residential development consisting of 235 dwellings.

Applicant/Agent: David Wilson Homes Eastern Ltd c/o Clague, 62 Burgate, Canterbury, Kent CT1 2BN.

Application Valid: 15th June 2006 and as amended by letter received 28th July 2006.

SUBJECT TO: The receipt of amended plans and the further views of Kent Highways Services and neighbour consultees in the light of these.

Conditions

(1) No development shall take place until details of facing materials, facing bricks and roofing tiles to be used on the development have been submitted to and approved in writing by the District Planning Authority.

Grounds: In the interests of visual amenity and in pursuance of Policies E48 and G1 of the Swale Borough Local Plan.

(2) All garage and parking courts shall be surfaced in block paving, shall incorporate gates at their entrances and personnel activated lighting to garages and walls, according to a detailed scheme which has been previously agreed in writing by the District Planning Authority, either as part of the landscaping submitted as a reserved matter pursuant to the outline approval or as otherwise agreed.

Grounds: In the interests of public amenity and safety pursuant to Policies E50 and G1 of the Swale Borough Local Plan.

(3) The areas shown on the submitted plan as car parking, garages and garage space, turning and access space shall be kept available for such use at all times and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending that order), 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 which they serve.

Continued....
Grounds: 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, and in order to provide adequate parking pursuant to Policy G1 of the Swale Borough Local Plan.

(4) Public street lighting columns within the development shall be fitted with the wiring necessary to accommodate the "Hawkeye" surveillance system at the time of their installation, in locations agreed by the District Planning Authority.

Grounds: In the interests of public amenity and safety pursuant to policies E50 and G1 of the Swale Borough Local Plan.

(5) Notwithstanding the provision of Article 3(1) and of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall of any dwelling fronting on the site access roads, footpaths, cycleways, open space or any other open "front area" other than those shown on approved drawings without the consent in writing of the District Planning Authority.

Grounds: In the interests of visual amenity, pursuant to Policy G1 of the Swale Borough Local Plan.

(6) Details of measures proposed to ensure that the development incorporates recycling facilities, water conservation and energy efficiency devices shall be submitted to and approved by the District Planning Authority. These shall be incorporated into the development hereby approved and implemented before the development is first occupied.

Grounds: In order to ensure sustainable development pursuant to Policy QL (iii) (e) of the Kent and Medway Structure Plan and Policy E51 of the Swale Borough Local Plan.

(7) The flats-over-garages proposed on plot numbers 295, 318, 371, 477 and 491 shall not feature first-floor windows to habitable rooms on elevations facing adjacent dwellings except where those windows would have a cill height of at least 1.65 metres above finished floor level.

Grounds: In the interests of residential amenity, and in pursuance of Policy G1 of the Swale Borough Local Plan.

Continued….
(8) The road link into Crossways shall be constructed and surfaced to adoptable standards in accordance with the terms of the outline approval, but shall be closed off to vehicular traffic (other than bicycles) with bollards (or such other methods as may be agreed in writing by the District Planning Authority) throughout the period of construction and until such time as an agreement has been made with a bus operator to operate a bus service through the link.

**Grounds:** In order to protect the amenities of local resident throughout the period of construction and until it is available for its designated purpose as a public bus link, pursuant to policy G1 of the Swale Borough Local Plan.

(9) And any further conditions recommended by Kent Highways Services.

**Reason for Approval**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: G1, H1, H43, H48, E48, E49, E50 and IN6 of the Swale Borough Local Plan.

**Description of Proposal**

Approval of reserved matters is sought for the erection of 235 dwellings on land at Fulston Manor Farm, Sittingbourne. However, as discussed below, the applicant intends to submit amended plans showing various changes to the proposals. These will include an increase in the number of dwellings proposed to 238, changes to a number of the house types and to the position and orientation of a small number of the footprints. I will report further at the meeting.

The application site, known as Phase 3, extends to an area of 8.3 hectares.

Approval is sought for the siting, design and external appearance. A subsequent application would be required for the outstanding reserved matters. Landscaping details, to include boundary treatment, would need to be provided as part of this subsequent application.

The development, which has been amended following the initial submission, shows a combination of houses, flats and bungalows. The mix includes detached, semi-detached and terraced buildings.
The density of this phase would be just below 30 dwelling per hectare, but the design statement explains that the overall density for Fulston Manor Farm (which as described below) includes the previously approved Phases 1 and 2 would be approximately 40 dwellings per hectare.

A Development Brief, was submitted at the time of the outline approval and was adopted for Development Control purposes at that time. The design statement submitted with this application explains that “the design proposals have been generated by a careful study of the Development Brief, looking at the site, its relationship with the Town Centre and analysis of the most appropriate architectural character for this part of Kent. The main design principles behind the master planning of the residential scheme also derive from, and accord with, the principles of New Kent Design.”

The design statement also notes that: “the scheme has been designed with varying character areas to create a diversity of architectural styles to reflect traditional village evolution. These will provide a variety of references and experiences throughout the development. They will include:

- A Main Town Square
- Town Squares within Residential Areas
- Green Abbey Street
- High Street
- Mews Courts
- Green Routes”

As noted above, the applicant intends to submit amended details showing adjustments to the layout and the substitution of a number of the existing house types for new house types. I do not anticipate that these changes will have a pronounced impact upon the quality of the development. I hope to be able to report amended plans at the meeting.

**Relevant Site History**

Outline planning permission for the development of the 22 hectares at Fulston Manor Farm was approved in 2004, under reference SW/00/1174. The decision followed, as noted above, the approval of a development brief approved in September 2000, and was accompanied by an agreement under Section 106 of the 1990 Planning Act.

Amongst other things, the outline approval was linked closely to the phased provision of the Swanstree Avenue extension, required a dropping-off point at the school to be provided before any houses are occupied, a bus link to Crossways, and the provision of 25% of the units as affordable housing. Education contributions are also covered by the Section 106 Agreement, as is a contribution towards public transport.

Continued....
A community orchard, which has now been provided, and extensive open space along Highsted Road also formed part of the outline requirements, and the necessity to provide one Neighbourhood Equipped Area for Play (NEAP) before the occupation of the 100th dwelling, and three Local Areas for Play (LAPS) throughout the 22 hectares site.

The footpath known as "Half Mile Path" (ZU29) dissects the site, running from Highsted Road in the northwest, diagonally across the Fulston Manor site, to its south eastern boundary, where it meets Highsted Road.

Reserved matters approval has already been granted for several areas of residential development at Fulston Manor Farm. The key approvals are as follows:

Phase 1 (reference SW/04/0310) – 189 units on the northern part of the site
Phase 2 (reference SW/05/0061) - 115 units on the northern and eastern parts of the site

This development is now well underway and a number of dwellings are now occupied.

**Views of Consultees and Other Representations**

My officers have adopted a Development Team approach in order to give co-ordinated and coherent advice to the applicant, both at the pre-application stage and following the submission of the proposals.

The scheme before Members reflects the input given to the applicant by the Development Team.

Kent Highways Services are broadly content with the proposals as currently shown subject to some minor adjustments to parking areas for individual plots. However, amendments to the layout are awaited and I will be re-consulting Kent Highways Services on these.

The Head of Environmental Services raises no objection. The suggested conditions replicate conditions imposed on the outline approval and are therefore not included in this report.

English Nature raise no objection. It is suggested though that ‘opportunities to build-in measures to enhance local biodiversity’ should be taken.

Kent Wildlife Trust share the view of English Nature with regard to biodiversity. I am awaiting the response of the applicant to these suggestions, and will update Members at the meeting.

Continued….
Kent Police make a number of observations on the layout proposed but conclude that the development shows ‘well thought out neat clusters of housing with limited levels of permeability’.

The Public Rights of Way Officer raises no objection. Attention is drawn though to the Public Right of Way that crosses the Fulston Manor Farm site and to the need for this route to remain unobstructed by the proposals. The proposed layout shows this right of way forming a key part of the development, providing a pedestrian link through the various phases of residential development and connecting them with the proposed Neighbourhood Equipped Area for Play and the existing development to the north.

Lower Medway Internal Drainage Board do not object. However, in order to ensure that surface water drainage problems do not occur, they have asked that the effectiveness of soakaways be investigated and that engineering proof that they will work be provided. I have asked the applicant to respond on this issue.

Southern Water Services raise no objection.

Environment Agency raise no objection.

Other Representations

Seven letters of representation have been received in response to local consultation.

One of the letters expresses support for the application. The six other letters raise objection, principally to the construction of a bus link as required by the outline approval, but raising additional issues. The reasons for these objections are summarised as follows:

- Bus link with Crossways would result in the loss of the quite character of this ‘cul-de-sac’ and increased noise, traffic pollution, crime and vandalism.
- How will the barrier on the ‘bus-link’ be controlled to restrict vehicular access between Crossways and the new development?
- Who will be responsible for repairs to this system?
- If the link is not restricted to buses, extra traffic would pose a threat to road safety, particularly for small children playing in the area.
- Is it appropriate for bus traffic to use Crossways, which was not designed for this and has never previously been considered appropriate for use by buses?
- Is the cycle route to be continued through Crossways and Northwood Drive?

Continued....
• The bus / cycle / pedestrian link should not be provided.
• Is the fencing between 62 Crossways and the new development to be replaced?
• Too many new houses are being built in the area
• Development would exacerbate the existing water shortage in the south-east
• Development would add to pressure on local schools, hospitals and road infrastructure
• Development is not of standard comparable to the 1960s development of Crossways – garden sizes are smaller and over-looking would result
• The density of the development would be too high and the development is not of sufficient quality
• The dwellings will be over-priced and the development is motivated by greed
• The previous orchard has thrived until recently and is not redundant
• Rare animal species are present in the vicinity

**Policies**

Policies G1 (general development criteria), H1 (housing), H43 (Sittingbourne housing sites), H48 (housing at Fulston Manor Farm), E48 (design), E50 (safety and security in design), E51 (energy conservation) and IN7 (parking and new development) of the Swale Borough Local Plan are pertinent here.

The corresponding policies in the Swale Borough Local Plan First Review Re-Deposit Draft, in particular, Policies E1 (general development criteria), H2 (housing development), H5 (housing allocations) should also be noted.

**Discussion**

The development of the Fulston Manor site accords with Local Plan policy, and has been agreed (together with a bus link to Crossways) at outline stage.

As noted above, reserved matters approval has already been given for two substantial phases of residential development at Fulston Manor Farm. These approvals set a high standard both in terms of the layout of buildings and in terms of architectural treatment and use of materials.

This proposal builds upon many of the positive aspects of these earlier phases, and I consider that the development reflects the principles set out in both the Development Brief and the Kent Design Guide.

Continued.....
In particular, I consider that the layout envisaged, which as noted above would be divided into distinct ‘character areas’, would enable the new housing area to develop a distinct sense of place. Within the development, individual parts of the site would in turn have distinctive features. By making places within the development memorable, the area would not only be a pleasant place in which to live but would be legible; residents and visitors would be able to readily navigate around the development. It is also worth noting that the permeable layout is designed to promote walking and cycling in preference to car use for short journeys.

The development has been arranged in a way that would minimise the potential for over-looking, both between properties within the development and to existing dwellings on the land to the west. I am also of the view that dwellings would not suffer a poor level of light and outlook as a result of these proposals.

The proposed houses and bungalows would generally feature 10 metre gardens as a minimum. Properties backing onto the western boundary incorporate a 5m buffer zone, making 15m to the rear of these dwellings in total.

As noted above, Kent Highways Services are in broad agreement with the proposals, though several minor adjustments to the layout are suggested.

The design statement identifies the conservation of natural resources and minimisation of pollution as a development objective. My officers have emphasised to the applicant the need for this development to include features that would contribute to this objective. I have asked the applicant to give careful consideration to this issue and provide details of positive measures to be incorporated in the proposals that would help minimise the use of water, energy and other resources. I will update Members at the meeting.

Members will note that a number of concerns raised by local residents have been expressed in respect of the link between this development and Crossways, which is located immediately to the west of the southern corner of this proposal. Members may well recall that the principle of a link for pedestrians, cyclists and bus traffic has been established with the grant of outline consent for residential development at Fulston Manor Farm and the layout overall has been influenced by this requirement. Indeed, a condition of the outline planning permission requires that the bus link be provided before 201 dwellings have been occupied on the Fulston Manor Farm site. It is not therefore appropriate to revisit the principle of this link here. However, I share the residents’ desire to ensure that this link includes an effective mechanism to ensure that motor vehicles other than buses are not able to use the link. I have asked for the plans to be amended to clearly show details of how this would be achieved.

Continued....
The comments of local residents raise issues relating to the pressure the development would place on water supplies and local services such as education and healthcare. These issues were considered under the outline application and they should not therefore be reconsidered here. The matters put forward for determination at this stage are siting, design and external appearance.

Despite the development being one that I am able to offer support for and one that will enhance the quality of the built environment in this area, the applicant has asked to amend the development and my officers have undertaken discussions in respect of the proposed amendments. The majority of the layout of buildings and the interconnecting roads and spaces will remain unchanged. However, I am awaiting amend plans showing three additional dwellings, changes to a number of the house types and the repositioning of a number of the dwellings on the plots. I do not anticipated that these changes will have a pronounced impact upon the overall quality of the development. I do though intend to reconsult local residents in order that their views may be taken into account. I will up-date Members at the meeting. On balance, however, I feel able to report the application to Members at this meeting, since the changes to a development of this size are relatively minor.

Summary & Recommendation

This application seeks approval for the ‘siting’, ‘external appearance ‘ and ‘design’ of 235 dwellings on Phase 3 of Fulston Manor Farm, Sittingbourne. The principle of development already has approval.

The development proposed is of a high quality of design; efficient use is made of land and the layout and house types are such that a distinctive sense of place will be created along with a pleasant living environment.

Furthermore, the proposal would accord with the Development Brief for the site.

As noted above, the applicant has belatedly asked to make amendments to the development. My officers have met the applicant to discuss the proposed changes which would result in a number of the house types being altered, adjustments to the layout and an increase by three dwellings in the total number of units proposed.

Although I await the final amended plans, I anticipate that these changes will not significantly reduce the quality of the development.

Continued....
I therefore recommend, subject to the receipt of amended plans, the further views of Kent Highways Services and further comments in response to neighbour consultation, that reserved matters approval be granted.

List of Background Documents

1. Application papers and correspondence for SW/06/0330
2. Application papers and correspondence for SW/05/0061
3. Application papers and correspondence for SW/04/0310
4. Application papers and correspondence for SW/00/1174
5. Application papers and correspondence for SW/00/1175
Report of the Head of Development Services

PART 4

Swale Borough Council’s own development; observation on County Council’s development; observation of development by Statutory Undertakers and by Government Departments; and recommendations to the County Council on ‘County Matter’ applications.

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<th>SW/06/0792</th>
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**Location:** Halfway Cemetery Lodge, Western Avenue, Halfway, Sheerness, Kent, ME12 3BS

**Proposal:** Outline application for two 3 bedroom dwellings with integral garages.

**Applicant/Agent:** Swale Borough Council, C/o Woodstock Associates, 53 Woodstock Road, Sittingbourne, Kent, ME10 4HJ

**Application Valid:** 19th June 2006

**SUBJECT TO:** any further representations (closing date 3rd August 2006)

**Conditions**

1. Details relating to the siting, design and external appearance of the proposed buildings, the means of access thereto and the landscaping of the site shall be submitted to and approved by the District Planning Authority before any development is commenced.

   **Grounds:** No such details have been submitted.

2. Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

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

Continued....
(3) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.


(4) The details submitted pursuant to condition (1) above shall show adequate land to the satisfaction of the District Planning Authority, reserved for the parking or garaging of cars (in accordance with the currently adopted Kent County Council Vehicle Parking Standards) which land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not shall be carried out on such land (other than the erection of a private garage or garages) or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Grounds: 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 and in pursuance of Policy IN7 of the Swale Borough Local Plan.

(5) No development shall take place until:
   a) a site investigation has been carried out to determine the nature and extent of any contamination.
   b) a written report of the site investigation has been prepared by a competent person. The report shall include the investigation results and details of a remediation scheme to contain, treat or remove any contamination, as appropriate. The report shall be submitted to and approved by the District Planning Authority.
   c) the approved remediation scheme has been fully implemented (either in relation to the development as a whole, or the appropriate phase, as agreed in writing) and
   d) a completion report has been provided to the District Planning Authority by a competent person stating that remediation has been carried out in accordance with the approved remediation scheme, and the site is suitable for the permitted end use.
   e) if during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and appropriate remediation scheme agreed with the District Planning Authority.

Continued…. 
Grounds: To ensure any contaminated land is adequately dealt with, in pursuance of policies G1 and E1 of the Swale Borough Local Plan.

(6) 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.

Grounds: In the interests of residential amenity and in pursuance of Policy G1 of the Swale Borough Local Plan

(7) No burning of waste or refuse shall take place on site other than may be agreed in writing by the District Planning Authority.

Grounds: In the interests of the amenities of the locality and in pursuance of Policy G1 of the Swale Borough Local Plan

Reason for Approval

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: G1, E1, H4, H5, E48, E49 & IN7 of the Swale Borough Local Plan.

Description of Proposal

This application seeks outline planning permission for the demolition of public toilets and a garage, and the erection of a pair of semi-detached dwellings on land at the Halfway Cemetery Lodge, Western Avenue, Halfway. All detailed matters are reserved for future consideration. The application is submitted on behalf of Swale Borough Council which owns the land, but I understand that the intention is to dispose of the site with the benefit of outline planning permission.

The application site measures 15.4 metres in width and 24.3 metres in depth. An indicative layout plan has been submitted with the scheme, showing how a pair of semi-detached dwellings could be accommodated on the site with appropriately sized rear gardens and sufficient off street parking spaces both for the proposed and existing dwellings.

Continued…
A block plan also shows a possible site for replacement public toilets. The Borough Council does not require the benefit of planning permission for the erection of small ancillary buildings such as public toilets and as such this does not form part of the scheme proposed here. However, I understand that the Council is committed to replacing the public toilets that would be lost as a result of the development proposed here elsewhere within the cemetery grounds.

**Relevant Site History & Description**

The site is located within the built up area, adjacent to the entrance to Halfway Cemetery. The existing lodge is a two storey house, with no flank windows facing south towards the application site. The site is currently occupied by a public toilet, an integral garage serving the Cemetery Lodge, whilst to the rear is an area issued for storage by Council landscaping contractors.

The adjacent dwelling to the south, no.23 Western Avenue, is a chalet bungalow, with two flank windows facing the application site and a rear conservatory.

There is no relevant planning history for this site.

**Views of Consultees**

Kent Highway Services raise no objection subject to conditions.

The Head of Environmental Services raises no objection subject to conditions.

**Other Representations**

One letter of objection has been received, the contents of which can be summarised as follows:

- The land should be used for burial space rather than additional houses;
- The proposed houses will be very small in size;
- Would cause loss of light and overlooking to adjacent dwelling (no.23).

No other representations have been received to date. The closing date for comments is 3rd August, and I will report any further views to Members at the meeting.

**Policies**

The following policies of the adopted Local Plan are relevant:

Continued….
Policy G1 (General Development Criteria)
H4(Small Sites)
H5(Infilling)
E48(Design of New Development)
E49(Landscaping of New Development)
IN7(New Development and Car Parking Provision)

Discussion

The site is located within the built up area, and the redevelopment of the site for residential purposes is therefore acceptable as a matter of principle.

I note that Kent Highway Services and the Head of Environmental Services raise no objection, and I therefore consider the scheme to be acceptable in respect of highway and environmental health matters, subject to the above conditions. Kent Highway Services recommend a number of conditions in respect of access details. The access arrangements at the site are not though to be determined here, and the conditions suggested would be more appropriately considered during the course of a 'reserved matters' application.

The key issues here are whether the site is capable of accommodating two dwellings of adequate size, and whether this can be done without consequent harm to the residential amenities of the occupiers of the adjacent dwelling, and to the character and appearance of the streetscene.

Streetscene

The indicative layout submitted by the agent shows a form and scale of development that would not in my opinion harm visual amenity. The dwellings shown on this layout appear reasonably spaced, and would not appear as an over-intensive, cramped development on this plot. The streetscene is mixed, with mainly houses and a few bungalows and chalet bungalows forming the built development in the area. I do not consider that either houses, chalet bungalows or bungalows would appear incongruous with the character and appearance of the area. The width of the plot does make it likely that the proposed development on this site would be two-storey in form. I do not foresee demonstrable harm caused to the character and appearance of the streetscene if the site is developed with a pair of houses as shown on the indicative drawings.

Continued…..
Residential Amenity

This application is in outline, and seeks to establish only the principle of developing the site with a pair of semi-detached dwellings. I do though consider that there is sufficient space on the site to accommodate a pair of such dwellings without causing demonstrable harm to residential amenity of the adjoining properties by reason of any significant overshadowing. In addition, it is perfectly feasible that any dwellings on this site could be designed and sited so as to avoid significant overlooking. The indicative layout shown on the submitted plans is a reasonable scheme, which would not in my opinion result in demonstrable harm to residential amenity by virtue of overshadowing or overlooking. The access details will be shown (and conditions imposed) at reserved matters stage.

Summary and Recommendation

This application seeks outline planning permission for the erection of a pair of semi-detached dwellings on land at the Cemetery Lodge, Western Avenue, Halfway. I do not envisage harm to the character and appearance of the area, and I consider that the development of the site could be arranged in such a manner as to not cause significant harm to the residential amenities of the adjoining properties. Accordingly and subject to the receipt of any further representations, I recommend that outline planning permission be granted.

List of Background Documents

1. Application Papers for Application SW/06/0892
2. Correspondence Relating to Application SW/06/0792
5.1 SW/05/1390 Case 15731  Construction of retaining walls, decking and landscaping  33 Cobham Chase, Faversham, Kent

APPEAL ALLOWED

The Inspector commented as follows:-

"Decision"

1. I allow the appeal, and grant planning permission for the construction of retaining walls decking and landscaping of an existing terrace at 33 Cobham Chase, Faversham, Kent ME13 7QD in accordance with the terms of the application, Ref SW/05/1390, dated 19 October 2005, and the plans submitted therewith, subject to the following condition:

   No use shall be made of the top level decking and shed until details of the proposed enclosure and access at the front of the top level decking have been submitted to and approved in writing by the local planning authority. These works shall be carried out as approved prior to the commencement of the use of the top level decking and shed and shall be retained thereafter.

2. The back garden of the appeal site rises steeply towards the rear boundary. The change in levels is part of a general rise in the topography between houses in Cobham Chase and those in Old Gate Road. The steep slope towards the rear of the gardens is therefore a feature of numerous houses in the locality, and views between properties are not uncommon.

3. The works have already commenced, partly, I understand, in accordance with a previous planning permission. I am required to deal with the proposal on the basis that it is for the erection of the scheme and not for its retention. I have therefore considered it on this basis.

   Continued....
4. The main issue in this case is the effect of the proposal on the privacy enjoyed by the occupiers of neighbouring properties. The appellant has submitted photographic evidence demonstrating that existing ground levels rise up to similar heights as the proposed decking. Hence, the proposal is unlikely to make a substantial difference to the levels in various parts of the garden, although the provision of decking could change the use made of different areas.

5. The Council’s concern regarding privacy reflects that of a neighbour, who has expressed concern regarding the impact of the top level of decking, including the relocated shed thereon, on privacy. The appellants argue that this part of the proposal is for a private courtyard space which would be defined by panel fencing. Thus, they submit that the proposal is an opportunity to afford privacy rather than to remove it.

6. The submitted drawings do not provide full details of the form of enclosure proposed to be placed across the front of the top level decking. I therefore consider it necessary and reasonable to impose a condition to allow the local planning authority to retain control over the detailed design of this aspect. This will allow the appellants to achieve their stated objectives whilst protecting the living conditions of neighbouring residents. Subject to the imposition of this condition, I consider that the proposal complies with the requirements of policy G1 of the Swale Borough Local Plan (2000) in relation to its effect on the privacy enjoyed by neighbouring residents.

7. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.”

Observations

A regrettable decision in which the Inspector did not share the Council’s view that the proposal would be detrimental to the privacy of the adjacent neighbouring dwellings.

List of Background Documents

1. Planning Inspectorate Appeal Decision reference APP/V2255/A/06/20018601/NWF

2. Appeal Papers (statements and correspondence)

3. SBC Decision on Application SW/05/1390
5.2 SW/05/1344 Case 5444 Demolition of former bake house and new build to form 2 dwellings 16 Athelstan Road, Faversham, Kent

APPEAL ALLOWED

The Inspector commented as follows:-

"Decision"

1. I allow the appeal, and grant planning permission for demolition of former bake house and new build to form two dwellings at 16 Athelstan Road, Faversham, Kent ME13 8QL in accordance with the terms of the application, Ref SW/05/1344, dated 11 October 2005, and the plans submitted therewith, subject to the following conditions:

1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.

2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building at No 16 Athelstan Road.

3) Each of the car spaces to be provided shall be kept available for the parking of a car at all times.

Main Issue

2. The main issue is whether or not the proposed dwellings would provide satisfactory living conditions for future occupiers.

Reasons

3. The appeal property is attached to a former shop at the junction of Athelstan Road and Kingsnorth Road within a predominantly residential area.

4. The Council is concerned that the amenity areas proposed are too small and states that a house should normally have a garden with a minimum length of 10m. The Council refers to Local Plan Policy G1. However this policy deals with residential amenity in general terms and does not refer directly to the provision of gardens. I have not been asked to consider any other Local Plan policy or supplementary planning guidance which might deal more specifically with this issue. In these circumstances I have given only limited weight to the Council's stated expectation that houses should normally have gardens 10m in length.
5. The proposed amenity areas are restricted in size. In my view they would provide some limited, but useable, outdoor space for future occupiers. Planning Policy Guidance Note 3: Housing states that inflexible planning standards should be avoided and that it is important to create communities which offer a choice of housing and lifestyle. I consider that the appeal proposals would provide accommodation that would appeal to households that do not have a requirement for a conventional garden.

6. Planning permission has been granted for the redevelopment of the appeal site to provide two flats. I am told that those proposals are almost identical to the appeal scheme, the only difference being that the proposed building would be divided horizontally rather than vertically. The Council has not explained why it is that this difference changes the needs of the occupiers for garden space, other than by reference to its expectation that houses should normally have 10m gardens. Given that the units will be the same size, I can see no reason why the alternative internal layout now proposed affects this issue.

7. The Council also suggests that this is a locality where traditional gardens are the norm. Whilst this may be true, it is a point which relates to character and appearance rather than to the living conditions of future occupiers of the appeal site. I consider that there is no material difference between the appeal proposals and the approved scheme with regard to impact on the character and appearance of the locality.

8. In conclusion I find that the appeal proposals would provide satisfactory living conditions for future occupiers and would accord with Local Plan Policy G1 which seeks to ensure that development is not harmful to residential amenity.

9. The occupiers of 2 nearby properties in Athelstan Road have expressed concerns relating to the demolition of the bake house, overlooking of gardens and lack of car parking. However the approved scheme would also involve demolition of the bake house. In my view the effect of the appeal scheme with regard to overlooking and car parking would be the same as that of the approved scheme. The appellants have referred to other planning decisions taken by the Council. I do not have full details of those decisions and have decided this appeal on its own merits.

Continued....
10. The Council has suggested conditions relating to facing materials and the retention of the proposed parking spaces. I consider that a condition regarding facing materials is needed to protect the appearance of the locality. A condition requiring the proposed parking spaces to be kept available for their intended purpose is needed to ensure that the proposals make adequate provision for car parking.”

**Observations**

A clear decision in which the Inspector states that proposal would provide adequate amenity area, and satisfactory living conditions, for future occupiers.

**List of Background Documents**

1. Planning Inspectorate Appeal Decision reference APP/V2255/A/06/2012144/WF
2. Appeal Papers (statements and correspondence)
3. SBC Decision on Application SW/05/1344