Planning Items to be submitted to the Planning Committee

26 APRIL 2007

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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 and Medway Structure Plan 2006
SBLP Swale Borough Local Plan (2000)
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1.1 **KCC Guide to Development Contributions and the Provision of Community Infrastructure**


(2) The Guide has been prepared in order to:

a) ensure that contributions towards community infrastructure and necessary services, where KCC is the Statutory Authority, are negotiated on the basis of sound planning policy;

b) address Circular 05/2005;

c) inform the formulation and implementation of planning policies emerging as a result of fundamental changes in the planning system, including the introduction of the:

   (i) Regional Spatial Strategy (South East Plan), which will replace the Kent & Medway Structure Plan (KMSP); and

   (ii) Local Development Frameworks, which will replace the existing Local Plans.

d) incorporate revised Pupil Product Ratios (PPR’s) in calculating contributions towards Education, Youth and Community services;

e) incorporate a methodology to assess the need for Adult Social Services; and

f) inform developers and landowners of their expected responsibilities so they can assess and have regard to any financial implications at an early stage of the planning and development process.
(3) In its introduction, the Guide notes that developer contributions are also likely to be sought for other non-KCC services and facilities, and that it is the district planning authorities that will normally be responsible for determining the amount and scope of developer contributions necessary for individual development proposals.

(4) A copy of the Guide has been placed in the Members’ Room, and can be viewed on the KCC web-site at www.kent.gov.uk/Community/regeneration/development-investment/.

Issue for decision

(5) This report seeks to inform Members of the Guide, and to gain the Committee’s approval for officers to have regard to it in their negotiations with developers in formulating Section 106 Agreements.

(6) The Guide provides a comprehensive assessment of the way that developer contributions are calculated for KCC services and facilities, and as such it will be extremely useful in Section 106 negotiations. As acknowledged in the Guide, however, developer contributions will also need to be secured for non-KCC services and facilities, for example affordable housing and public open space. In using the Guide, therefore, Officers will need to continue to ensure that these wider issues are also addressed and that an appropriate package of contributions is secured for each individual development.

(7) I am aware that some Members would wish to see a similar guide produced in regard to the services and facilities that fall to the Borough Council, and I would share this view. I gave this serious consideration when drawing-up the revised Local Development Scheme (LDS) for the Local Development Framework (LDF). However, I decided against doing this now primarily because the whole system of planning obligations is currently under fundamental review by the Government, which is proposing a new Planning-gain Supplement (PGS).

(8) In December 2006, the Department of Communities and Local Government published for consultation a document entitled ‘Changes to Planning Obligations: a Planning-gain Supplement consultation’. This document sets out in more detail the Government’s proposals for the PGS, building on the previous proposals published in December 2005 when the idea was first suggested.

(9) It would appear that Government is resolved to move to the PGS system, but it is not clear when a formal decision will be made and, more importantly, when it will commence and what the final details of the scheme will be. The PGS, though, will be a major shake-up of the current approach to developer contributions/planning obligations.
Consequently, I concluded that any work on a Swale guide should wait until the details of the new system are known.

(10) Members are simply being asked to note the new KCC guide and to agree that it be used to inform negotiations on Section 106 Agreements. The guide covers matters that would usually be addressed in such negotiations, and would not remove the need to consult with KCC on a site-by-site basis.

**Recommendation**

I recommend that the Committee note the new Kent County Council guide on Development Contributions and the Provision of Community Infrastructure, and agree that it be used to inform negotiations on Section 106 Agreements.

**Reasons for the Recommendation**

(11) The KCC guide will provide a useful reference source for both Officers and developers for KCC’s position on developer contributions in relation to their services and facilities.

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**List of Background Documents**

KCC Guide to Development Contributions and the Provision of Community Infrastructure, March 2007
Applications for which PERMISSION is recommended

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<tr>
<td><strong>Location:</strong> Land at Homestall Hill, Newnham, Faversham</td>
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<td><strong>Proposal:</strong> Revised application for the erection of stables, hay/straw store, tack room and mess room with use of land for horses</td>
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<tr>
<td><strong>Applicant/ Agent:</strong> Mr &amp; Mrs L Banks, c/o Graham Simpkin Planning, 2 The Parade, Ash Road, Hartley, Longfield, Kent, DA3 8BG</td>
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<tr>
<td><strong>Application Valid:</strong> 6 February 2007.</td>
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<td><strong>SUBJECT TO:</strong> The views of the Environment Agency, outstanding representations (closing date 18 April 2007) and further consideration of the precise siting of the proposed stables.</td>
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**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.

**Grounds:** In pursuance of Section 92(2) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

**Grounds:** In the interests of amenity and in pursuance of policies G1, E9, E13, E14, E48 and R12 of the Swale Borough Local Plan, and EN1, EN4, EN5 and QL1 of the Kent & Medway Structure Plan.

(3) No more than one horse, or pony, per acre of available grazing land on the application site shall be kept on the site.

**Grounds:** To prevent over-grazing, and in pursuance of policies G1, E9, E14, E48 and R12 of the Swale Borough Local Plan, and EN4 and EN5 of the Kent and Medway Structure Plan.

Continued . . .
2.1 (Contd) PART 2

(4) The entire of the land shown edged in red on the approved drawings shall be reserved for the grazing of horses and ponies at all times that the stables are in use.

Grounds: To prevent over-grazing, and in pursuance of policies G1, E9, E14, E48 and R12 of the Swale Borough Local Plan, and EN4 and EN5 of the Kent and Medway Structure Plan.

(5) The stables and use of land hereby permitted shall be used solely for the private keeping of horses, or ponies, and no event or show is to be held within the site.

Grounds: In the interests of local amenity and in pursuance of policies G1, E9, E13, E14, E48, IN4 and R12 of the Swale Borough Local Plan, and EN1, EN4, EN5 and QL1 of the Kent & Medway Structure Plan.

(6) Samples of external materials to be used on the development hereby permitted shall be submitted to and approved by the District Planning Authority before the development is commenced.

Grounds: In the interests of visual amenity and in pursuance of policies G1, E9, E13, E14, E48 and R12 of the Swale Borough Local Plan, and EN1, EN4, EN5 and QL1 of the Kent & Medway Structure Plan.

(7) 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 details of new boundary planting, which should ideally be locally sourced and comprising species of native provenance, means of enclosure, hard surfacing materials, and an implementation programme.

Grounds: In the interests of local amenity and in pursuance of policies G1, E5, E9, E13, E14, E48, E49 and R12 of the Swale Borough Local Plan, and EN1, EN4, EN5 and QL1 of the Kent & Medway Structure Plan.

(8) 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 local amenity and in pursuance of policies G1, E5, E9, E13, E14, E48, E49 and R12 of the Swale Borough Local Plan, and EN1, EN4, EN5 and QL1 of the Kent & Medway Structure Plan.

(9) 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.

Continued . . .
Grounds: In the interests of local amenity and in pursuance of policies G1, E5, E9, E13, E14, E48, E49 and R12 of the Swale Borough Local Plan, and EN1, EN4, EN5 and QL1 of the Kent & Medway Structure Plan.

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

Grounds: In the interests of local amenity and in pursuance of policies G1, B4, B5, E6, E9, E13, E14, E48 and R12 of the Swale Borough Local Plan, and EN1, EN4, EN5 and QL1 of the Kent & Medway Structure Plan.

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

Grounds: In the interests of local amenity and in pursuance of policies G1, B4, B5, E5, E9, E13, E14, E48 and R12 of the Swale Borough Local Plan, and EN1, EN4, EN5 and QL1 of the Kent & Medway Structure Plan.

(12) With the exception of one trailer for the storage of manure, no external storage or siting of materials or items of any kind including jumps, caravans, mobile homes, vehicles, mobile field shelters or trailers shall take place on the site.

Grounds: In the interests of rural amenity and in pursuance of policies G1, B4, B5, E9, E13, E14, E48 and R12 of the Swale Borough Local Plan, and EN1, EN4, EN5 and QL1 of the Kent & Medway Structure Plan.

(13) No part of the application site shall be sub-divided from the whole by means of permanent or temporary fencing or other means of enclosure, and no animals shall be kept on the site whilst any such sub-division is in place.

Grounds: In the interests of rural amenity and in pursuance of policies G1, B4, B5, E9, E13, E14, E48 and R12 of the Swale Borough Local Plan, and EN1, EN4, EN5 and QL1 of the Kent & Medway Structure Plan.

**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 or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to policies G1, B4, B5, E5, E6, E9, E13, E14, E48, E49, IN4 and R12 of the Swale Borough Local Plan; EN1, EN4, EN5 and QL1 of the Kent & Medway Structure Plan, and Planning Policy Statement 7 (PPS7).

Continued . . .
**Description of Proposal**

This application seeks permission for the erection of a stable block, incorporating a tack room, hay store, and mess room with associated change of use of land to keeping of horses, at a site on the corner of Homestall Hill and the Newnham Valley Road. The stable block is of a high standard of design, with weatherboarded walls and a plain clay tiled roof.

**Relevant Site History and Description**

The application site is a large field on the corner of Straight Hill and the Newnham Valley Road. The field slopes upwards away from the valley bottom and towards the M2 motorway. The proposed stables are situated in the upper, western corner of the field, away from the Valley Road and backing up against the M2.

This area of the field is screened from Straight Hill and the M2 by established trees, although there is little vegetation further down towards the Newnham Valley Road. The design & access statement comments the stables "will be seen from across the valley against a backcloth of trees within a small copse."

A previous application for stabling on the site – SW/06/0276 – featuring a poor design on a far smaller site was refused on design grounds and insufficient grazing space.

**Views of Consultees**

Norton, Buckland and Stone Parish Council has objected to the application, commenting that it is not a sustainable development and the site is unsuitable for the stabling of horses.

Newnham Parish Council has objected to the proposal on the grounds that the stable block is overly large, and the application site is poor pasture, unable to sustain 4 horses.

The Environment Agency has not yet commented; I will report further at the meeting.

Kent Highway Services raise no objection to the application, although I have recommended a condition regarding the proposed car parking provision.

**Other Representations**

Seven letters have been received from local residents, objecting on the following summarised grounds;

- The development will be used as a clubhouse in conjunction with the off-road motorbike race track in the adjacent field, rather than for keeping of horses;

Continued . . .
The adjacent motorbike track will disturb the horses;
- There are lots of unused, surplus stables in the area;
- The site is without adequate utilities;
- The land is unsuitable for horses, as it is covered with ragwort;
- The proposal to use the building as D.I.Y. livery is not financially viable;
- The building is overly large for 4 horses;
- The land is not large enough to sustain 4 horses;
- Owners may want their horses kept in separate paddocks, resulting in subdivision of the field;
- The site is remote and not secure;
- Setting of precedent;
- Development should not be allowed in the AONB;
- Commercial use should not be introduced to the AONB; and
- The land has no permission for recreational use.

Policies

G1, E9, E13, E14, E48, IN4 and R12 of the Swale Borough Local Plan; EN1, EN4, EN5 and QL1 of the Kent & Medway Structure Plan, and Planning Policy Statement 7 (PPS7).

Also relevant is policy RC9 of the Re-Deposit Draft Local Plan, which addresses the problem of over-concentration of horse related developments in one area.

The Councils' Supplementary Planning Guidance (SPG) “The Erection of Stables and Keeping of Horses” is also relevant to this application.

Discussion

I note the concerns of Norton Parish Council, although I am uncertain as to why they have objected on the grounds of unsustainability. Stables are a common feature of the countryside and, by their very nature, normally require a rural location that is often inaccessible other than by private vehicle.

The applicants' statement says that:

“in terms of traffic generation, it is considered that there will be between 4 and 8 visits by car per day to attend to the horses by their owners based upon a D.I.Y. livery system. It is entirely possible that more than one stable box will be occupied by horses belonging to the same family with a corresponding reduction in vehicular trips.”

I also recognise the points raised by the local residents, although a number of them are either not material planning considerations, or unrelated to this application.

Continued . . .
2.1 (Contd)          PART 2

There appears to be some confusion over the size of the land to be used for grazing, and the applicant has quoted two differing figures in the supporting documentation. 1.2 hectares was the size of the plot when permission was refused under SW/06/0276 – this has now been amended to around 3 hectares on the site plan, although the application form has copied over 1.2 from the previous application. 3 hectares for 4 horses is well in excess of the Council’s adopted guideline of 1 acre per horse.

In regards to security, the appellants comment that:

“bearing in mind the isolated location of the site, the building has been designed so that it can be completely closed up and therefore secure from intrusion, theft and vandalism when the stables are not attended.”

Further to the concerns regarding subdivision of the field into separate paddocks, I believe that this could be intrusive, and so have recommended a condition to prevent this.

I recognise the concerns of Newnham Parish Council in regard to the size of the building, but to my mind the proposal gives the appearance of a traditional agricultural barn, many of which are far larger than is proposed here.

The application site is within the Kent Downs AONB and an SLA; the above policies make it clear that protection and enhancement of these areas should be foremost when considering this type of application. The site is currently unused land that has become overgrown and unattractive, and does not make a positive contribution to the character and appearance of the area. I consider that the proposed stables would improve the appearance of the area, through tidying it up and returning it to a typical piece of land that one would expect to see in countryside locations.

The Kent Downs AONB management Plan comments that:

“the growth in horse riding and equine activities is playing an increasingly important role in the future of the land-based economy of the AONB. If managed in a positive and sympathetic manner, horse grazing can make a significant contribution to the management of grassland in the Kent Downs, helping to maintain the important pastoral component of the AONB’s natural beauty.”

Specifically concerning equine activities, PPS7 states that:

“horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies.”

I do, however, share some concerns about the detailed acting of the proposed stables, and am hoping to explore with the applicants a re-siting of the stable block in front of the copse adjoining the site, to lessen the impact on the skyline of the building.

Continued . . .
Summary and Recommendation

This application seeks permission for the erection of stables in the style of a traditional agricultural barn, with associated change of use of and to keeping of horses. The stables are of an appropriate design and the application site provides adequate grazing for 4 horses, in line with the Council’s adopted SPG.

Objections have been raised by the Parish Council regarding the size of the building and application site, and also by local residents concerned that the proposal will be used as a clubhouse for the adjacent motorbike club. I do not consider that this question is material to the merits of this application. However, I consider the application to be acceptable subject to consideration of the precise siting of the stables and therefore recommend that planning permission be granted.

List of Background Documents

1. Application papers for SW/07/0153.
2. Correspondence relating to SW/07/0153.
3. Application papers for SW/06/0276.
4. Correspondence relating to SW/06/0276.
Location: Former Garages Site at Ennerdale, Faversham

Proposal: Demolition of remaining garage units and redevelopment of site to provide 2 two bed (wheelchair accessible) semi-detached bungalows and associated parking plus 22 additional (non allocated) parking spaces for local residents

Applicant/ Agent: Swale Housing Association, c/o CYMA Architects Ltd, Crouchers Manor Barn, Westwell Lane, Westwell, Ashford, Kent, TN25 4JN

Application Valid: 17 January 2007

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 in the form of samples of materials to be used on the external surfaces 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 and policy QL1 of the Kent and Medway Structure Plan.

(3) The area shown on the submitted layout as vehicle parking spaces shall be provided, before the dwellings hereby permitted are first occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and for residents of the area as a whole and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such position as to preclude vehicular access to these areas.

Grounds: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity, and in pursuance of policies G1, IN4 and IN7 of the Swale Borough Local Plan and policy TP19 of the Kent and Medway Structure Plan.

Continued . . .
(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 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.

(5) 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.

(6) 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.

**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 or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: G1, H1, H4, IN6, IN7, and E48 of The Swale Borough Local Plan and QL1 and TP19 of the Kent and Medway Structure Plan.

**Description of Proposal**

Planning permission is sought for the demolition of 26 existing garage units currently on site and for the erection of 2 two bedroom (wheelchair accessible) semi-detached bungalows and associated parking; plus an additional 22 (non allocated) parking spaces for local residents.

Continued . . .
Relevant Site History and Description

The site is located in Ennerdale, within a large housing estate in Faversham. The site is within Faversham’s built up area boundary where the principle of new houses is acceptable. There are 26 garages currently on site, which the applicants have explained in a supporting statement dated (attached as Appendix A), are in a poor structural state and are nearing the end of their useful life. The applicants have informed the Council that there is an element of anti-social behaviour, which takes place on the site, causing a nuisance to the surrounding area.

Planning history:

An application for 3 two bed terraced houses and 2 two bed semi detached bungalow units was withdrawn in 2006.

Views of Consultees

The Faversham Town Council have recommended the application be refused for the following reasons:

- The parking survey carried out by the applicants is inadequate, unconvincing and does not spell out the true effect on parking conditions on the whole of the Love Lane estate.
- The question of access for disabled people from the site to the town centre has been given insufficient consideration.
- Emergency access in the vicinity of the site has not been given proper consideration.

The Town Council also say that there should be an overview of the whole estate regarding parking provision before individual sites are brought forward, and they would like to encourage proper consultation and involvement of all residents in the area before further proposals are brought forward.

Kent Highway Services has no objections to the proposal, subject to the above conditions.

Other Representations

I have received five letters of objection from local residents. The comments that they have raised have been summarised below:

- There are local residents who would like to rent some of the garages for which demolition is proposed in order to securely park their cars; therefore removing these garages should not have even been contemplated. The garages that are not being leased are currently being used to store rubbish. The applicants are claiming the garages are costly to maintain when actually they have spent very little money on their upkeep.

Continued . . .
• The provision of 22 additional car parking spaces will not alleviate the parking problems in the area, and could lead to accidents occurring in the future. If permission was to be granted, the new parking spaces should be allocated to those tenants who are losing the garages, which they currently rent.

• Car insurance premiums for people who currently rent the garages would increase as the cars would be parked on the street, while the value of the vehicles would depreciate due to the fact that they are no longer securely locked away in an area with high levels of vandalism. The applicants are not proposing to compensate local residents in any way, or seek to provide any additional policing of the area.

• The proposed bungalows are not designed in a manner that is in keeping with the surrounding area, and if permitted, could lead to further housing development on the estate. There is no justification for the two new bungalows, when you consider that parking facilities have been taken away from approximately 48 houses in the immediate vicinity. If new houses are to be given consent, they should be designed in a manner that is in keeping with their surroundings and should seek to preserve as many of the garages as possible.

• If permission was to be granted, access to the front or rear of the existing properties would be restricted even further than it currently is.

• The proposal has given insufficient thought as to how disabled people would access the town from the proposed dwellings.

• The applicants advised residents that they would be informed of any new proposals on the estate, and given the opportunity to comment before any submissions to the Planning Department; they have not been given this opportunity. The applicants themselves do not appear to have a firm understanding of the current parking situation on the whole estate. The current application should be rejected to allow for a much wider public consultation to be made.

Policies

The main considerations in determining this application are those of G1 (General Development Criteria), H1 (Land for New Housing Development), H4 (Small Housing Sites), IN6 (Retention of Parking Areas), IN7 (Parking and New Development), and E48 (High Standard of Design) of The Swale Borough Local Plan; and policies QL1 (Design) and TP19 (Parking) of the Kent and Medway Structure Plan apply.

Discussion

I consider that the main considerations in determining this application are whether or not the proposed design of the buildings are suitable to the location, and whether or not the proposal, or the loss of the existing garages, will have any significant adverse impacts on the surrounding area.

Continued . . .
Firstly, I shall consider the design and scale of the proposal to construct which is two new semi-detached bungalows in a relatively central location, within a large housing estate. Comments have been made by local residents criticising the design approach and the location of the new dwellings, as not being in keeping with the surrounding area. I believe the design of the proposed buildings is acceptable, even though they may not be identical to the existing buildings which are currently on site. The proposal offers a different type of dwelling to those which are currently available, and when the location of the site is considered, (centrally located within an existing estate), I feel that the proposed form of development is more appropriate here than a proposal which would seek to replicate the existing buildings. Single storey bungalows, by their very nature have far less visual impact both in terms of overlooking neighbouring properties and also in terms of their intrusion upon the wider area, as opposed to two storey houses. The applicants in their design and access statement have informed us that the buildings have been designed to meet a ‘very good’ Eco-Homes Standard, minimising energy and water usage as well as measures to reduce energy construction during their construction. I therefore believe the scale and design of the development to be acceptable.

Secondly, I shall consider whether or not the loss of the garages will have a negative effect on the area.

I have consulted Kent Highway Services, who raised no objection to either the loss of the garage or to the amount of additional parking spaces that have been proposed.

The applicants have explained in a supporting statement (please see Appendix A) that the garages are in a state of disrepair and that it is not economically viable for them to remain in their current use, although this has been contested by local residents.

The applicants have informed us that the garages are under used, and on inspecting the site, it became clear that many local residents prefer to park on the street instead. I feel that providing 22 unallocated car parking spaces, will help to alleviate some of the parking problems, however it is accepted that this will not solve the problems of the entire estate, as pointed out by the Town Council, but this issue would have to be addressed separately.

With regard to the Town Council’s further two points, Kent Highway Services have not objected to the proposal on grounds that emergency vehicles could not access the site, so I therefore regard that the application is acceptable in this respect. I accept that disabled access to the Town Centre would be improved if the proposal was located in the Town Centre, however I do not believe this is a reason to refuse the application.

Continued . . .
In response to some of the other comments made by local residents, I do not consider the effect of the proposal upon insurance premiums or vehicle value to be a planning issue, and therefore I am unable to take this into account when offering a recommendation. Comments have also been made relating to the restriction of access to existing properties should consent be granted. Even though I appreciate that there may be a slight worsening of the situation with the introduction of two new dwellings, I do not believe this would result in a serious inconvenience to the local residents. I therefore see no reason to object to this application, and do not believe that the proposal will give rise to any issues concerning loss of amenity.

It must also be noted that the applicant is required to provide low cost housing to those who require it, and it has also been considered that there is a need for more social housing within the Faversham area, which the proposal seeks to provide.

**Summary and Recommendation**

The proposal site is within Faversham’s built up area, where the principle of new houses is acceptable. The proposal also seeks to provide some much needed social housing.

I have considered all the objections to the application but for the reasons that have been stated above, I recommend that planning permission be granted.

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**List of Background Documents**

1. Application papers for SW/07/0058.
2. Correspondence relating to SW/07/0058.
3. Application papers for SW/06/0064.
4. Correspondence relating to SW/06/0064.
Planning Department
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

9 November 2005

Dear Sir

Re: Garages at Ennerdale, Faversham

The existing garages at the above site are at the end of their useful life and are in a poor structural state. They attract groups of teenagers who run along the top of the rows of garages, and who have smashed holes into the roof of many of the units. They also cause a nuisance to the adjoining properties.

Because of the low rentable value that these garage units attract it is not economically viable for us to repair the existing units, due to their current age and structural state. Likewise it is not economically viable to replace the units with new.

There are currently 26 no lock-up garages at the site of which 13 no are let to adjacent residents. On the estate we have a number of smaller garage sites which presently have 9 void units, which could be let to accommodate some of the decanted occupiers.

The site, like many such garage sites, is becoming a worsening security issue for us, and consequently the residents in the surrounding area. We have spoken to some of the local residents, all of whom have expressed their support of a housing development replacing the garages. Ennerdale estate is the focus of forthcoming regeneration for Swale Housing Association, and the garages at present form an unsightly focus point.

For this reason, and the economic reasons stated previously, it is our preference to redevelop the site to provide high quality, affordable housing, for which we currently have a long waiting list in this vicinity.

We trust that you will be able to support us in this proposal.

Yours faithfully

Louise Simms
Location: Carnalea Residential Home, 5-9 London Road, Faversham, Kent, ME13 8TA.

Proposal: Two-storey rear extension.

Applicant/Agent: Mrs Wake, c/o FDA Chartered Architects, Royal William House, 57 St Marys Road, Faversham, Kent

Application Valid: 30 August 2006 and as amended by drawings received 16 January 2007.

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 development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

Grounds: In the interests of residential amenity and in pursuance of policies B3, E36, E48 and G1 of the Swale Borough Local Plan, and QL1 and QL6 of the Kent & Medway Structure Plan.

(3) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the District Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be 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 & Medway Structure Plan.

(4) Details in the form of samples of materials to be used on the external surfaces of the extension hereby permitted shall be submitted to and approved by the District Planning Authority before any development takes place.

Continued . . .
Grounds: To ensure that the new work blends satisfactorily with the old and in pursuance of policies B3, E36, E48 and G1 of the Swale Borough Local Plan, and QL1 and QL6 of the Kent & Medway Structure Plan.

(5) 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 B3, E36, E48, E49 and G1 of the Swale Borough Local Plan, and QL1 and QL6 of the Kent & Medway Structure Plan.

(6) No development shall take place until a programme for the suppression of dust during the demolition of existing buildings and construction of the development has been submitted to and approved by the District Planning Authority. The measures 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 residential amenity and in the pursuance of Policy G1 of the Swale Borough Local Plan.

(7) Notwithstanding the details shown on the approved drawings a detailed specification of the proposed eaves treatment showing larger overhangs and the omission of club feet on the bargeboards, as well as half full size joinery details of all new external doors and windows shall be submitted to and approved by the District Planning Authority before any development takes place.

Grounds: To preserve or enhance the character or appearance of the conservation area and in pursuance of policies E36 of the Swale Borough Local Plan and QL6 of the Kent & Medway Structure Plan.

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

Grounds: To preserve or enhance the character or appearance of the conservation area and in pursuance of policies E36 of the Swale Borough Local Plan and QL6 of the Kent & Medway Structure Plan.

(9) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the west facing first floor extension hereby permitted.

Grounds: To prevent unnecessary overlooking of adjoining properties and to safeguard the privacy of their occupiers in pursuance of policy G1 of the Swale Borough Local Plan.

Continued . . .
(10) 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, and QL1 of the Kent & Medway Structure 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 in writing with the District Planning Authority.

**Grounds:** In the interests of the visual amenities of the area and in pursuance of policies B3, E36, E48, E49 and G1 of the Swale Borough Local Plan, and QL1 and QL6 of the Kent & Medway Structure Plan.

(12) 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 and in pursuance of policies B3, E36, E48, E49 and G1 of the Swale Borough Local Plan, and QL1 and QL6 of the Kent & Medway Structure Plan.

**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 or prejudice highway safety or convenience, and would preserve or enhance the special character or appearance of the Conservation Area. In resolving to grant permission, particular regard has been had to the following policies: B3, E2, E36, E48, E49 and G1 of the Swale Borough Local Plan, and QL1 and QL6 of the Kent & Medway Structure Plan.

**Description of Proposal**

This application seeks permission for a two-storey rear extension at Carnalea Residential Home, London Road, Faversham.

The submitted design & access statement comments:

Continued . . .
“The proposal forms the final part of a three phase project to address a number of issues regarding the existing accommodation and the growing need for quality residential care in Faversham. Changes to the National Minimum Standards brought in by the Department of Health require that the number of existing shared bedrooms be reduced, the number of single bedrooms be increased and all bedrooms offer basic en-suite facilities.”

Permission was granted under SW/01/0776 for a two-storey rear extension, which has not been constructed. Changes to the building regulations, specifically Approved Document M 2004 edition – “Access and facilities for disabled people” have however altered the minimum requirements for internal spaces at facilities such as this. The previous approval is no longer acceptable therefore, and has led to the submission of this application, which seeks to enlarge the approved extension to comply with the new regulations.

The scheme was submitted in August 2006, but has since been amended to resolve issues relating to design and overlooking of nearby houses.

Relevant Site History and Description

The property is a large residential home for the elderly, set within a large garden and situated within the Faversham conservation area. It is bordered to the west and south by the existing residential properties at Ospringe Place and Brogdale Place; to the east by the adjoining owner’s/manager’s house; and to the north by the A2 London Road.

Carnalea is surrounded by a high garden wall, and there are a number of large established trees within the grounds – although some of these will have to be removed to make room for the extension.

As noted above, permission was granted under SW/01/0776 for a two-storey rear extension. This has not been constructed and now needs to be amended to allow for regulations contained within the building regulation Document M 2004.

Views of Consultees

Faversham Town Council, following consideration of the amended drawings, recommends approval.

The County Archaeologist has previously noted that the site is on the route of Watling Street – a Roman Road – and recommended a watching brief to be included in the conditions.

Other Representations

Four letters of objection were received to the original plans, and a further four on the amended plans. The issues raised can be summarised as follows:

Continued . . .
- Intensification of use;
- The building footprint should be restricted to that granted in 2001;
- Loss of trees – more should be planted;
- Increased noise;
- More light pollution/disturbance;
- More vehicles;
- Residents would benefit from fewer people and larger gardens;
- Design and materials are incongruous with existing;
- Harm to the conservation area;
- Loss of privacy;
- Loss of light;
- Noise disturbance during construction;
- Dust from construction; and
- Devaluation of surrounding properties.

A petition from local residents, with 8 signatures, has also been received in opposition to the application.

11 letters of support for an extension here were received prior to the application being received. Their points can be summarised as follows:

- The home provides a high standard of care for its residents;
- The community would benefit from more homes of this standard;
- “Improvements to the older section of the building will be a huge benefit to residents and staff alike;”
- Planning permission has already been passed for an extension;
- Overlooking of neighbouring properties is unlikely as residents of Carnalea spend little time in their rooms;
- New extension will remove unattractive flat roofs and metal fire escape.

**Policies**

Policy B3 of the Swale Borough Local Plan provides for extensions to existing business, subject to policy G1.

Policy G1 (SBLP) and QL1 of the Kent & Medway Structure Plan seek to ensure that new developments have regard to their surroundings, are of appropriate scale, design and appearance and do not harm residential amenity, among other things.

Policies E36 of the Swale Borough Local Plan, and QL6 of the Kent & Medway Structure Plan seek to preserve or enhance the character and setting of conservation areas.

Policy E48 (SBLP) seeks all new development to be of a high standard of design appropriate to its surroundings and reflecting local distinctiveness.

Policy E2 (SBLP) relates to noise disturbance. Policy E49 (SBLP) seeks to ensure that all developments provide a high standard of hard and soft landscaping.
The Council’s Supplementary Planning Guidance entitled “Conservation Areas” is also relevant.

**Discussion**

I recognise the comments from the surrounding residents, and note their concerns in regard to the impact of the development upon local amenity. The scheme is larger than previously approved – projecting 14m to the rear rather than 10.2m – but this is necessary to provide the extra space required in each room under Document M. No additional rooms have been proposed in excess of those granted under SW/01/0776.

Although large, the extension is still a significant distance away from neighbouring properties so as not to give rise to issues of loss of light or loss of privacy. Specifically in regard to privacy issues, I am led to believe that the residents of Carnalea spend little time in the upstairs bedrooms, as throughout the majority of the day they are in the downstairs living rooms.

I also recognise the letters in support of the application. The level of praise for the residential home, in my opinion, should be taken into account and it is apparent that the works are for the benefit of the residents.

There were a number of issues regarding distances between proposed side windows on the extension and those at no. 8 Ospringe Place. This was discussed with the agent and the design has been amended to remove a side extension – incorporating the space in the rearward projection – meaning that the distance between the windows is now in excess of the Council’s minimum standard of 21m. The majority of the windows on this elevation have also been removed to further reduce overlooking.

A number of trees are being removed to accommodate the proposal. This will add to the impact of the development, but I believe that an appropriate landscaping scheme would go some way to alleviating the issue. I have therefore recommended conditions accordingly.

The proposal is in my opinion of an acceptable design, and uses materials and architecture appropriate to the existing building and the conservation area. An area of existing concrete roof tiling is also being replaced with clay tiles to blend the extension with the existing property, and improve the building as a whole.

**Summary and Recommendation**

This application seeks permission for a rear extension to Carnalea Residential Home, Faversham. Permission was granted for a rear extension under SW/01/0776, but the introduction of the Disability Discrimination Act 2004 has meant that those proposals do not now conform to requirements.

This application extends the property further to the rear than previously approved, giving the necessary internal space to provide wheelchair turning circles, etc. and will give further space to provide care for the elderly; a facility that is at a premium within the area.

Continued . . .
The extension will be of greater prominence to surrounding neighbours but it is well designed and uses materials appropriate to the existing building and the conservation area. On balance, therefore, I consider this scheme to be of sufficient benefit to overcome issues raised by objectors.

Taking the above into consideration I recommend that planning permission be approved.

List of Background Documents

1. Application papers for SW/06/1055.
2. Correspondence relating to SW/06/1055.
3. Application papers for SW/06/0677.
4. Correspondence relating to SW/06/0677.
5. Application papers for SW/01/0776.
6. Correspondence relating to SW/01/0776.
Location: Johnson House (1-30) Burley Road, Sittingbourne

Proposal: Demolition of existing residential home and the development of 17 one and two bedroom flats with parking and amenity space

Applicant/ Agent: The Amicus – Horizon Group, c/o The Tooley and Foster Partnership, Warwick House, 116 Palmerston Road, Buckhurst Hill, IG1 5LQ

Application Valid: 27th February 2007

SUBJECT TO: the receipt of amended elevations clearly showing the extent of existing and proposed tree planting, the further views of Kent County Council in respect of education and other developer contributions and the views of Southern Water Services

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 (including British Standards details of the colour of the proposed render), 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, bin storage structure, hard surfacing materials, and an implementation programme.

Continued….
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 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.

(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) 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 and E2 of the Swale Borough Local Plan

(7) 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 residential amenity and in pursuance of Policies G1 and E2 of the Swale Borough Local Plan

(8) The areas allocated for car parking and turning and cycle parking on plan 4225 DE 01 Revision F shall be kept clear of obstruction and shall not be

Continued....
used other than for the parking of vehicles in connection with the development hereby permitted.

**Grounds:** In the interests of amenity and road safety and in pursuance of Policy G1 and Policy IN7 and IN8 of the Swale Borough Local Plan.

(9) Development approved by this planning permission shall not be commenced unless:

a) desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the District Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and

- refinement of the Conceptual Model, and

- the development of a Method Statement detailing the remediation requirements.

c) The site investigation has been undertaken in accordance with details approved by the District Planning Authority and a risk assessment undertaken.

d) A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the District Planning Authority. This should be approved in writing by the District Planning Authority prior to that remediation being carried out on the site.

Continued….
2.4 (Contd)

**Grounds:** To ensure that the proposed site investigations and remediation will not cause pollution of the environment or harm to human health, and in pursuance of Policy E1 of the Swale Borough Local Plan.

(10) The development of the site should be carried out in accordance with the approved Method Statement.

**Grounds:** To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health, and in pursuance of Policy E1 of the Swale Borough Local Plan.

(11) If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the District Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the District Planning Authority, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.

**Grounds:** To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health, and in pursuance of Policy E1 of the Swale Borough Local Plan.

(12) Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the District Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report.

**Grounds:** To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard, and in pursuance of Policy E1 of the Swale Borough Local Plan.

(13) Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material.

**Grounds:** To prevent pollution of controlled waters, and in pursuance of Policy E1 of the Swale Borough Local Plan.

(14) Development approved by this permission shall not be commenced unless the method for any piling foundations has been submitted to and approved

Continued....
in writing by the District Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

**Grounds:** The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer, and in pursuance of Policy E1 of the Swale Borough Local Plan.

(15) Notwithstanding the information provided, no development shall take place until details have been submitted to and approved in writing by the District Planning Authority, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as recycling facilities, water conservation and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

**Grounds:** In order to ensure sustainable development pursuant to Policy QL1 and NR1 of the Kent and Medway Structure Plan

(16) And any further condition as may be required as a result of a possible request for a developer contribution made by Kent County Council

**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, IN4, IN7, IN8, E1, E2, E43, E48, E49, H1 and H3 of the Swale Borough Local Plan.

**Description of Proposal**

Planning permission is sought for the demolition of the existing residential home and the erection of 17 one- and two-bedroom flats on land at Johnson House (Nos. 1 to 30), Burley Road, Sittingbourne. 30% of the units will be "affordable" and at least 25% will be designed to Lifetime Homes standards.

The development would be arranged into two blocks. An ‘L-shaped’ building enclosing the front of the site with Burley Road and turning the corner at the northern end of the site and consisting of thirteen flats is envisaged together with a second building at the western end of the site - facing Johnson Gardens - comprising a total of four flats built over ground-floor car parking.

The development fronting Burley Road would be two-storey, though a section of the northern end of this block, set back from the northern edge of the site, would

Continued....
be three-storey. The three-storey elements of the development would extend to a maximum height of approximately 9.3 metres.

The site extends to an area of 0.221 hectares.

Thirty-three car parking spaces are proposed, and the majority of these spaces would be within the courtyard of the development, rather than at the frontages of the site.

The plans show a bin storage area, where four 770 litre refuse bins would be accommodated.

A detailed supporting statement has been provided. Aspects of this document are discussed below.

An arboricultural report has been submitted.

**Relevant Site History & Description**

This application follows the refusal of an application (submitted under reference SW/06/1178) for the erection of fifteen 1,2 and 3 bedroom flats and two houses in December 2006. The two reasons for refusal related, firstly, to the massing of the proposal and the relationship with adjacent existing dwellings and, secondly, to the loss of existing trees on the Burley Road frontage.

The application before Members is significantly different from the refused scheme and fully addresses the reasons for refusal. In particular, the bulk of the building now proposed is significantly reduced where it addresses Burley Road and, secondly, the front of building has been set back from Burley Road in order to provide space for tree or shrub planting.

The discussion section expands upon these points and also explains how the car parking provision is significantly increased when compared to the refused scheme.

The site has no other planning history.

The application site is located in a predominantly residential area of Sittingbourne. Housing is typically two-storey and terraced. Johnson House Gardens, a public open space containing a number of mature trees is located immediately to the rear, west, of the application site.

**Views of Consultees**

The Head of Environmental Services raises no objection. Conditions are though recommended in respect of hours of construction, hours of pile driving and the

**Continued....**
burning waste. I have included conditions to address the first two issues. The burning of waste is covered under other legislation. I have therefore decided not to impose a condition to address it.

Kent Highways Services raise no objection.

The Environment Agency raises no objection. Conditions are though recommended in order to ensure that potential land contamination is appropriately remediated. These are included above.

The County Archaeological Officer raises no objection. Planning conditions are not required.

Kent County Council have provided a holding response and state that a developer contribution towards the cost of education and community services in the vicinity may be required. A final response is awaited. I hope to be able to update Members at the meeting.

I await the views of Southern Water Services.

**Other Representations**

Nine letters of representation have been received following local consultation, these include comments from the Johnson Garden Day Nursery. The issues raised are summarised as follows:

- insufficient car parking spaces are proposed, and some of the spaces may not be easy to park a car in – local car parking pressure will be exacerbated
- Access to the development should be a dedicated one, not one shared by other users
- Refuse bins associated with the development may be left out on the pathway
- Development could reduce light to adjacent dwellings
- Development could cause over-looking
- Trees may be removed to accommodate the development – will replacements be sufficient?
- Development would be out-of-keeping with the character of the area – ‘the colours are terrible’
- This proposal is not ‘much different’ from the scheme refused under planning reference SW/06/1178
- Social housing could result in harm to residential amenity
- The change to the extent and position of the three-storey parts of the development is welcomed
- Will existing services – for example sewerage - be adequate?

Continued....
Demolition of the existing building will cause nuisance to local residents – in particular, as a result of noise and dirt

The Sittingbourne Society has also made representations. They consider that: ‘the development is a great improvement on the present unsightly position. We support the application.’

Policies

G1 (general development criteria), IN7 (car parking), IN8 (cycle parking), E1 (land contamination), E2 (noise), E43 (archaeology), E48 (design), E49 (landscaping), H1 (residential development) and H3 (housing – re-development sites) of the Swale Borough Local Plan are pertinent to this application.

Discussion

The principle of the proposed development, which would replace an existing residential development in a predominantly residential area of Sittingbourne, is in my opinion acceptable.

The key issues of detail are as follows:

- Implications for car parking and highway safety
- Impact upon residential amenity
- Implications for the character and appearance of the area

Car parking and highway safety

Members will note that local residents have expressed concerns about the level of car parking proposed. I am mindful that Kent Highways Services raise no objection. I also note that 33 car parking spaces are proposed for the seventeen dwellings, all of which are small dwellings (six one-bed units and 11 two-bed units). This level of car parking provision is considerably above the minimum level that would be acceptable in this location, which as Members will be aware is within walking distance of the town centre.

It is also of note that the level of car parking proposed is six spaces more than had been envisaged under the re-development scheme refused in December 2006, which Kent Highways Services had raised no objection to. Cycle parking provision is also proposed. With all of these points in mind, car-parking provision does not amount to a reason for refusal here.

The proposed development – like the existing residential home on the site – would be accessed via a road connecting to Burley Road. Although I note the concern

Continued....
expressed with regard to this arrangement, Kent Highways Services do not object to this, and I consider the arrangement to be acceptable and not one likely to give rise to highway safety issues.

Residential Amenity

The proposed development would replace an existing two-storey development that has a substantial footprint. As the supporting statement explains, ‘the scheme is specifically designed not to be over-bearing and does not dominate its neighbours. It is inward looking and does not overlook other properties.’

I agree with this assertion.

The two-storey part of the development that would front Burley Road is of a similar bulk to the existing terraced houses in the vicinity, and its positioning and window-layout are such that harmful implications for residential development would not result. With regard to the three-storey parts of the development, these are both set well away from the nearest parts of adjacent dwellings. The three-storey element of the main block (which would contain Units 6, 12 and 15) has been designed to minimise its impact and sits back from the northern end of the development fronting Burley Road. A minimum gap of 17 metres between this part of the scheme and the facing dwellings (Nos. 36 to 40 Burley Road) would be retained. This is sufficient to preclude harmful impacts.

The other three-storey part of the scheme – the detached block that would contain units 13, 14, 16 and 17 – would be set well away from adjacent dwellings; approximately 30 metres away from the nearest dwelling in Burley Road and more than 20 metres from the nearest dwelling in Bassett Road. Members will note that elevation facing Bassett Road, to the south, would be a blank one. This building would not detract significantly from residential amenity.

Character and appearance of the area

As Members will probably be aware, the existing building is an uninspiring two-storey flat-roofed structure at odds with the character of the adjacent residential buildings.

The proposed scheme aims to enhance the character of the area. The supporting statement asserts that:

“The design is of a high-quality and responds, by its height and articulation, positively to the scale, layout, pattern and character of the local surroundings.”

Continued….
“The design is sympathetic to its surroundings in terms of scale, mass, appearance and materials, but rather than copy what exists around it, it will be a modern equivalent which will enhance the character of the area.”

Although the scheme is a modern one, in terms of materials, fenestration and roof form, the bulk of the buildings proposed would not be at odds with what currently exists in the vicinity. I disagree with the concerns expressed that the design is inappropriate in this area. Instead, the scheme will in my opinion enhance the local environment, adding colour and vitality.

Particular concern has been expressed with regard to the three-storey elements of the scheme. Members will note, firstly, that these are set away from Burley Road and, secondly, that substantial buildings – for example Johnson House (Nos. 31 to 36 Burley Road) – are already a feature of vicinity. Rather than detracting from the character of the area, the three-storey elements will complement the existing street-scene.

Concern has been expressed at the likely loss of trees, particularly on the Burley Road frontage. Members will note that the scheme envisages the retention of a tree at the south-western corner of the site, where an area of soft landscaping to measure approximately 18 metres by 13 metres is envisaged.

Although trees will be removed under this proposal, sufficient space will remain within the curtilage for suitable small-growing replacements. A landscaping condition is recommended above so that, among other things, such replacement planting can be secured.

Other issues

Members will note that a condition is recommended above in respect of ensuring that the development incorporates measures to minimise resource use. In addition, I have raised this issue with the applicant and hope to be able to report their response at the meeting.

Finally, I await the views of Southern Water Services. I hope to be able to update Members at the meeting.

Summary and Recommendation

Having considered all of the material considerations that the application gives rise, including the comments raised by local residents, I conclude that the development would not give rise to unacceptable implications for the character and appearance of the area, residential amenity or highway safety.

Continued….
The development would accord with the Development Plan. I therefore recommend, subject to the views of Southern Water Services and Kent County Council and amended plans and additional information, that planning permission be granted.

List of Background Documents

1. Application papers and correspondence for SW/07/0237
2. Application papers and correspondence for SW/06/1178
Location: 48 Preston Grove, Faversham.

Proposal: Demolition of existing house and erection of 10 flats.

Applicant/ Agent: Isere Properties Ltd, C/o Cook Associates, 1-2 Limes Place, Preston Street, Faversham, Kent, ME13 8PQ.

Application Valid: 8 January 2007

SUBJECT TO: Views of Kent Highway Services and clarification of the nature of proposed facing materials.

Conditions

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.


(2) 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 Structure 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. These details shall include existing features, planting schedules of trees and 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) No development shall take place until details of proposed floor levels have been submitted to and approved by the District Planning Authority. Development shall be carried out in accordance with the approved details.

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

(5) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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 samples.

**Grounds:** In the interests of preserving or enhancing the character of the conservation area and in pursuance of policies QL6 of the Kent and Medway Structure Plan and E36 of the Swale Borough Local Plan.

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

**Grounds:** In the interests of preserving or enhancing the special character and appearance of the conservation area, in accordance with policies QL6 of the Kent and Medway Structure Plan and E36 of the Swale Borough Local Plan.

(7) No flat shall be occupied until the areas shown on the submitted plan as car parking 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 or in such a position as to preclude vehicular access thereto.

**Grounds:** Development without adequate provision for the parking of cars is likely to lead to car parking inconvenient to other road users and detrimental to amenity and in pursuance of policies TP19 of the Kent and Medway Structure Plan and IN7 of the Swale Borough Local Plan.

(8) 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.

(9) If within a period of five years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of

Continued….
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

(10) 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.

(11) No structure or erection exceeding 0.6m metres in height shall be placed
between the curved walls forming each side of the proposed site entrance.

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

(12) No gates shall be installed within 4.5mn of the carriageway edge within the
proposed site entrance, and any such gates installed shall be hung to
swing inwards away from the carriageway.

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

**Description of Site and Relevant Planning History**

This site lies within the built-up area of Faversham and within its conservation
area. The site lies at the junction of Preston Grove with the A2, opposite Ashford
Road. It is a double plot but only has one house on it. In 2006 a similar
application to the current one was submitted, but this was later withdrawn in an
effort to address concerns of English Heritage and myself. The general tone of
these comments is described in the applicant's Design and Access statement,
attached as Appendix A to this item.

Continued....
Description of Proposal

This is a scheme for ten flats over four floors. Only one flat occupies the top floor, meaning that the third floor element of the building is quite a small part of the overall footprint. There is 1 one-bedroom flat and 9 two bedroom flats.

The proposal is well described in the Design and Access Statement at Appendix A and I commend this to Members. The design is unashamedly modern, but contains areas of brick panels and weatherboarding to root it to its location, and the very thin nature of the upturned gull wing roof (reflecting the roof style of a nearby listed building) means that the building's height is no greater than some nearby two and a half storey homes, given the site's sunken nature, set behind a high boundary wall.

Views of Consultees

Faversham Town Council recommend refusal of the application on 3 grounds:

1. Loss of a family house, of a type in short supply in Faversham.

2. The four-storey building being out of character with the area, and resulting in overlooking.

3. The increase in traffic movements and the difficult and dangerous junction of the A2/A251/The Mall/Preston Grove.

English Heritage, who raised concern over the original proposal, albeit they did not oppose the general approach, do not wish to offer any comments on this revised scheme.

Southern Water do not raise any comments regarding the proposal.

The County Archaeological Officer has recommended the imposition of a planning condition requiring a programme of work in view of the proximity of the site to Roman Watling Street.

I am awaiting the views of Kent Highway Services and hope to report further at the meeting.

Other Representations

The Faversham Society recommend refusal of the application on the basis that it represents over-development, that the access will be difficult and that the building is too tall. They feel that the higher parts of the building will be incongruous and overbearing. They also criticise the units themselves for being poorly designed

Continued....
and cramped, implying that there are too many units proposed.

I have received 26 letters opposing the development, citing the following summarised grounds:

1. Lack of water, sewerage, gas and electricity supply for 10 new homes. Construction traffic may damage existing services. How will communal wheelie bins be emptied on such a confined site?

2. Increased traffic during construction and afterwards with an increase of cars on site from 2 to 3 to at least 12. The site access is narrow and close to the busy junction on London Road. The 'no right turn' sign means traffic to the site will use Preston Lane and Preston Grove, which is narrow at this end. Highway safety will be put at risk.

3. The building itself may be environmentally friendly, but this does not take account of extra emissions from additional vehicles visiting the site. The flats themselves will suffer pollution from traffic on the A2.

4. The site is close to schools and the area has a lot of pedestrians, many of whom have to walk in the road on Preston Grove where there is no pavement for most of its length.

5. Lack of parking provision, especially for visitors, in an area close to the railway station which has previously suffered from on-street parking problems.

6. The site is within walking distance of many amenities and facilities, but not close enough to avoid the need to use the car for grocery shopping, due to the obstacle of the railway.

7. Increased noise for adjoining residents, and loss of light and privacy from the tall section of the proposed building.

8. The scheme is too intensive and will not fit in with the mainly detached housing in Preston Grove, and will result in the loss of a good family home. The Council should oppose demolition of the existing house.

9. This plot incorporates an unwanted original building plot, then felt unattractive to anyone to build on. To build the proposed flats would be detrimental to one of the main entrances to the town. There is no need for more flats in the town, and it might set a precedent for other sites.

10. The development will not fit in with the area, which is part of the town’s conservation area and would be detrimental to the setting of nearby listed buildings. The proposal will not enhance the area and will be tacky and out of scale.

Continued….
11. The design, copying the nearby unattractive Georgian houses is poor mimicry and will detract from their integrity.

12. Devaluation of adjacent property.

13. The submitted drawings do not show extensions to the adjacent house.

In contrast I have received 8 letters in support of the project, based on the following summarised issues:

1. The development offers affordable housing for first time buyers which is much needed in the area for our children to stay living in the town.

2. The contemporary architecture would be good for Faversham, as it has been for other medieval towns and cities, giving a positive modern impression at an important gateway.

3. The site is in need of development and this is a high quality scheme, reflecting the town's typical features.

4. The site is in an established residential area, with good transport links and the proposal seems to be a good example of Faversham meeting its housing needs on a brownfield site.

5. Trees will largely screen the building.

6. It is too narrow minded to refer to the 1970's housing on Preston Grove as setting the standard for the aesthetics of the conservation area – they are the ones not in keeping with the area, and are anonymous and soulless.

7. The site is well located for the railway station, town centre and schools and meets local and global aims.

**Relevant Planning Policies**

First and foremost this site lies within a built-up urban area, on previously development land close to the Town Centre and railway station. It is therefore a sustainable location for redevelopment and not unsuitable for a higher density of development. The site is approximately 0.1 ha, giving a crude site density of 100 dwellings per hectare, but such figures give misleading impressions at such small scale.

Nevertheless, the Kent and Medway Structure Plan (K MSP) at policy HP4 encourages the effective use of land with densities over 50 dwellings per hectare being advocated in central urban areas and in locations with good public transport accessibility. Policies SS4 and HP2 of the Plan target the re-use of previously

Continued…. 
developed land within larger urban areas as part of its increasing reliance of previously developed land.

Being within the urban area of Faversham, the redevelopment of the site accords with KMSP policy SW1 (prevention of peripheral expansion of Faversham), and with Swale Borough Local Plan (SBLP) policies H1 and H3, subject to normal planning standards being met. These include SBLP policy G1 and KMSP policy QL1 which seek accordance with wider planning objectives relating to layout, highway safety, parking, amenity and design. Policy QL1 in particular requires all new development to be to a high standard and to respond to the scale, layout, pattern and character of their surroundings.

In addition to these points, the site lies within the Faversham conservation area where SBLP policy E36 and KMSP policy QL6 seek that the character of such areas is preserved or enhanced. In this respect it is useful to have regard to the Faversham conservation area character appraisal where it refers to this part of the town. The area concerned includes The Mall and Preston Lane which are not highly relevant here. In relation to Preston Grove it states:-

"Preston Grove

11.18. Preston Grove is rather similar in character to Preston Lane insofar as residential development here also mostly dates from the 20th century, but its form and appearance are rather more varied. Grove House, an early 19th century red brick house set side-on to the carriageway, is the key historical 'anchor' in the road; a large spreading copper beech tree in the road alongside gives it an additional sense of historical presence. Its large garden extends south to Nelson Street and is edged by an old red brick wall now attractively topped with a tangle of wisteria and other shrubs; this boundary, together with the open appearance of the garden behind, is a crucial part of the special character of the road. Further south is another interesting historical fragment, comprising a pair of three storey 18th century/early 19th century red brick houses with steps up to the front doors and an unusual side profile.

11.19 Preston Grove is also distinctive for a row of archetypal, inter-war, detached houses built in the 1930s, all more or less identical in design with gabled and rendered fronts, bay windows, arched and recessed entrance porches, and machine-made clay roofing tiles. Although only one house now still has its original timber windows and only one other has an original front garden wall, the group is sufficiently well preserved to be a distinctive 'inter war' feature of the road. Just opposite is a small group of 1990's detached houses arranged around a short, winding concrete-block paved access road, where the development is very clearly the product of a late 20th century 'design guide' approach; incorporated into it is Grove Cottage dating from the 17th century/early 18th century but now heavily refurbished.

11.20 The highway environment along Preston Grove has a slightly informal-looking appearance, with footways being absent for much of its length and the kerb line being a somewhat disjointed affair. In consequence, the road has a rather relaxed and ill-disciplined appearance, perhaps affirming its early 20th century origins before the full rigour of orderly highway layouts had been imposed. The isolated stretch of grass verge in front of the 1970 houses tends to reinforce the sense of informality, and the fact of Continued....
walls and other boundaries (old and new) being set a little haphazardly onto the edge of the carriageway helps to set this street environment a little apart from that of other suburban areas in the town."

The site lies at the junction of Preston Grove and London Road (A2) but the appraisal does not comment on this site's contribution to the character of London Road, other than to say that London Road marks the southern edge of Faversham where the town ends and countryside begins.

Policies of design and enhancement of major routes (E48 and E47 of the SBLP) seek design to enhance the area and reflect local distinctiveness, whilst policy E51 of the SBLP encourages energy conservation in new developments.

Policies IN4, IN7, IN8 and INI8 seek adequate access, parking, cycle parking and respect for the needs of pedestrians in all new developments.

**Discussion**

I recognise that there are local concerns about the nature and likely impact of the proposal. However, I am struck by the level of support for such an unashamedly modern design in such a focal location. I find that the proposal as a whole meets many of the aims of current planning policy, providing small affordable units on a previously developed site, with good access to local amenities and the town centre. It reflects the evolving nature of the architecture in Faversham, and to my mind makes a positive statement about the town, being designed by local architects who know the town very well.

There are local concerns most notably over highway safety and parking, scale design and the impact on the conservation area. I do not find any of these to be very substantial for a relatively small scale scheme in an established residential area where existing traffic management and on-street parking regimes render Preston Grove a quiet and relatively safe environment.

The scheme has been amended to accord with the initial reservations of English Heritage, and I consider that there is no reason to believe that the development will detract from the character of the conservation area any more than the existing house on the site does. In taking this view I am mindful that the proposal offers the opportunity to achieve new tree planting on the A2. Local opinion appears divided on the merits of the design approach. I take the view that the bold approach has sufficient merit to be given the benefit of any doubts.

The overall height of the building is not excessive due to site levels and the design of the roof. I could see far more conventional housing easily reaching the same height, although equally I do not have objection to a building this tall at this focal point.

Continued....
I do not share local concern over over-shadowing or loss of privacy to neighbours, and do not consider that noise or pollution will be significant problems.

I am still awaiting the views of Kent Highway Services (although they did not object to the earlier application), and I am also seeking clarification of proposed facing materials and proposed tree planting.

**Recommendation**

This is a modern, environmentally friendly scheme for much needed small affordable flats on a well located previously developed site. The architecture responds well to its surroundings, bar the relatively modern housing nearby, and will create a focal point at a gateway to the town.

I have considered local concerns about scale, design, traffic road safety, pollution, and loss of the existing family house, but none to my mind outweigh the clear advantages of the scheme.

I consider that the proposal will fit happily into its surroundings, albeit not to everybody's taste, and that planning permission should be granted.

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**List of Background Documents**

1. Application papers and correspondence for application SW/06/1456
2. Application papers and correspondence for application SW/06/0109
DESIGN STATEMENT

TO ACCOMPANY

PLANNING APPLICATION

IN RESPECT OF

48 PRESTON GROVE
FAVERSHAM
KENT
ME13 8JL

PROPOSED SCHEME FOR 10 FLATS

Cook Associates
Chartered Architects, Chartered Engineers
Interior Designers and Surveyors
1 Limes Place, Preston Street
Faversham, Kent ME13 8PQ

Tel: 01795 532834
SITE

The site, the subject of this planning application lies on the corner of Canterbury Road and Preston Grove, Faversham. It is opposite the Ashford Road (A251).

The site was developed some 45 years ago as part of a scheme of 4 houses, 3 of which got built. The fourth plot was incorporated as part of the garden of no. 48.

The site has a wall of some 2.2 to 2.6 m height. Part is brickwork and part is knapped flint.

The site lies some 750 mm below the pavement level of Canterbury Road and below the level of Preston Grove. There are no trees or other natural features of note on the site. To the East and West there are trees to the Canterbury Road frontage. These trees are 20 m plus in height.

The existing building is a detached house in dark brick and tile. It lies close to the boundary with the adjoining property. It has a detached garage that is set on the boundary line and is even further setback.

SURROUNDING AREA

The surrounding area is mixed. To The Mall and to Canterbury Road as far as the junction with Kingsnorth Road is tall terraced housing from the Victorian and Edwardian eras. Edith Road and Belmont Road are similar. Here are 3 and 4 storey units of attractive design with high ceilings and large rooms and windows.

Also in The Mall and in Preston Grove are Georgian buildings up to 3½ storeys in height. Additionally, in Preston Grove are late 20th century semi-detached and detached houses. Beyond Preston Grove in St Catherine’s Drive are terraced and detached units.

The Ashford Road has big houses from a mix of periods, but generally built within 150 years. Also in Ashford Road is the Fire Station, some housing and a tower.

The site, the subject of this application is a gateway site. It lies at the bottom of and facing one of the main feeder roads into Faversham. At present there is nothing of interest to see. There is no focal point. Just a roof sticking up beyond a high wall.
APPENDIX A  ITEM 2.5

AMENITIES

The site lies 200 m from the school buildings of The Abbey School, a high school. It lies 350 m from Ethelbert Road Primary Infants School.

310 m from the site is the main line railway station. Preston Street, the main shopping street is 390 m from the site. The nearest bank and main post office are both 520 m from the site.

THE PROPOSAL

The proposal consists of 2 storey development to Preston Grove, rising to 3 storeys on the corner of Preston Grove and Canterbury Road. The development is built over the car parking and vehicular entrance. The 3 storey units then run along Canterbury Road behind the high brick and flint wall that currently bounds the site and which is being preserved.

At the request of the planners the development steps back as it moves west. This allows the development to turn the somewhat anomalous row of detached houses at nos. 1 to 5 into a containing courtyard. The 1970s housing forming one side, the new development and an existing garage another and other housing and a garage make the third side. The frontage of this courtyard contains a yew and cedar and by setting back, we have agreed with the planners the planting of trees to our south-western corner so that they link with those existing trees. This will then create a strong grouping of trees to link with those in the Mall to the west and those in 41 Preston Grove to the east. The Planners intention is that this will give something of the feel of a "country lane" to this section of the A2, insofar as that is possible.

The development form of the new buildings is based on the withdrawn scheme. That was described by English Heritage as a promising contemporary design that seeks to use traditional materials in an interesting and contemporary fashion. However, it was felt by both English Heritage and Planning Officers that the 4 storey element, whilst important as a visual stop and focal point and the creator of scale and variation anchored the scheme too strongly to the corner. Whilst this is a traditional approach, to be found on the corner of the Mall with the Victorian houses, its strength here potentially distracts from the Listed Building which forms the generator of the architectural form of the new scheme. By relocating the 4 storey element to the western end it has a stronger link to the tall terraced buildings of the Mall and A2 as well as retaining a softened link to the listed buildings.

The building is to be constructed to Eco Homes 'Excellent' rating for sustainability and a reduced carbon footprint. Eco Homes is the green rating system of the Building Research Establishment and the system was introduced at the behest of the government.
APPENDIX A  ITEM 2.5

The building is designed to work within the street scene given the difficulty created by the fact that the site level is approximately 750 mm below pavement level and the site is also bounded by a high brick wall such that traditional housing would not work – as evidenced on the drawings where traditional buildings are placed on the site to show that the traditional form and 2 storey or 2½ storey units do not work in terms of scale or proportion.

The roof of the building is that of a gulls wing which reflects the character of the roof of the Georgian town houses. The cladding consists of red brick, stained feather-edged weatherboard and off-white panels with cover strips. These reflect the gables to the 1930s houses at the bottom of Preston Grove. The weatherboard is found traditionally in Faversham and particularly in rural areas although it can be found to older buildings in the Market Square. It has also been used for newer development in St Johns Road. Red brick is made in Faversham and is frequently found in the Conservation Area.

The form of the buildings in mass and height is comparable to the slightly taller listed town houses, the housing on the A2 in the Mall and generally within the Faversham Conservation Area. The buildings do not directly link to the 1960s and 1970s housing of Preston Grove which immediately adjoin the site but they do step down to 2 storeys to easily link with that housing.

The scheme will be designed to achieve at least a 'very good' pass in the BRE Eco Homes environmental green development scheme. It will utilise modern methods of construction. The ground floor will be raised above ground level, on steel beams that will run between pads. This will minimise site excavation works and reduce the extent of cart-away to about 10% of the norm. This substantially reduces traffic and therefore, greenhouse gas emissions.

The site is well located to schools, the railway station, church, medical centre, shops, etc. Users of those facilities will not therefore, need to use cars to access them. This is an essential aspect of the Eco Home aspirations as travel to school and work are responsible for nearly 25% of greenhouse gas emissions. From this point of view the site is ideally situated. The scheme will use timber frame construction in lieu of concrete or brick. This will reduce greenhouse gas emissions, reduce construction time on site by about 20 weeks and be sustainable construction. Cladding will be lightweight panels designed to give a colourful and varied façade. The cladding will be fitted much quicker than comparable brickwork.
PARKING

There will be secure bike storage for 12 bikes on the site. The main block will have a covered area beneath 2 upper storeys, at one end of the development. There will be bike storage here and refuse storage with 4 Eurobins well beyond the minimum level required and allowing for future re-cycling should Swale Borough Council go down that route.

There will be parking for 12 cars. This is a ratio of 1.2 cars per dwelling and allows for visitors parking. This is above the levels allowed for other recent development in Faversham, allied to the Town Centre, but which is not as well located in relation to the station as the site, the subject of this application (see section on ‘Amenities’). The layout also allows for temporary parking within the spacious front court.

IMPACT

It is not considered that the proposal will have undue impact. It is on a scale with the traditional housing of the area. It does not result in overlooking. It is further away from the boundary than the existing building and thereby produces less overshadowing. Parking is to the front and so will have less impact on no. 46 than the parking as laid out at present. The relevant date for shadow is 21 March. The requirement for acceptability is laid out in ‘Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice’, a BRE publication by Professor Stephen Littlefair and accepted by the Planning Inspectorate and the ODPM.

In designing a new development, the access to sunlight of adjoining buildings and gardens should be considered. In this case no. 46 is to the North and any shadow cast by the new building is of importance and therefore must be carefully considered. However, the existing dwelling casts shadow, as does the existing garage. In designing the new development we have sited it further from the boundary than the existing buildings. We have also ensured that the sprig closest to the boundary is only 2 storey. This is to minimise potential impact.

In his publication Professor Littlefair said that "no more than ⅔ and preferably no more than a quarter of any garden or amenity area should be prevented by buildings from receiving any sun at all on 21 March. If, as a result of new development, an existing garden or amenity area does not meet these guidelines and the area which can receive some sun on 21 March is less than 0.8 times its former value, than the loss of sunlight is likely to be noticeable".

In this case the shadow plans show that the proposed new development conforms with the standards laid out by Professor Littlefair.
APPENDIX A  ITEM 2.5

NOISE

Some noise will emanate from road traffic. This is similar to noise generated, but which has not prevented development on, the corner of Canute Road/ Canterbury Road, or Love Lane/ Canterbury Road or at Preston on the A2. The development, the subject of this application will have an external structure and glazing system designed to ensure noise internally is within the levels set out in PPG 24.

ACCESS

There is a difference in level between the road and the site. This leads to a ramped site access. Within the site levels do not differ greatly. All residents have access to all parts of the grounds.

Flats are accessible via stairs which will be to ambulatory disabled access standards defined in the Building Regulations. There is no requirement to provide lifts which would not be appropriate for a scheme of this size.

LANDSCAPING AND EXTERNAL SPACE

The site was originally designed to have a single large amenity area to the north. However after discussion with the Planners we have wrapped this around the building to ensure that there is a good sized landscaped area to the south. This area, which is readily accessed, allows the planting of trees to link to the cedar and yew adjoining. This will enable a significant belt of trees to give good impact to this section of the A2.

CONCLUSION

The scheme is designed of a scale to fit the area. It is designed to avoid loss of amenity to others. It is for residential units within a residential area. The scheme accords with local and national planning policies.
Location: 4 Seathorpe Avenue, Minster, Isle of Sheppey

Proposal: Outline Application for 4 three bed detached houses

Applicant/Agent: Mr P Turner, 4 Seathorpe Avenue, Minster, Isle of Sheppey, Kent

Application Valid: 16 March 2007

SUBJECT TO: Receipt of amended drawings and revised description; and the views of Kent Highway Services and Minster Parish Council, and any further representations (closing date 12 April 2007).

Conditions

(1) Details relating to the 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 (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.


(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

Continued....
carried out on such land or in 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.

**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 the interests of amenity pursuant to policy IN7 of the Swale Borough Local Plan and policy T3 of the Swale Borough Local Plan First Review Re-deposit Draft.

(5) The details submitted pursuant to condition (1) above shall show 2m x 2m pedestrian vision splays at both sides of all vehicular accesses hereby approved. None of the properties shall be occupied until the vision splay which serves it has been provided, and the approved vision splays shall be retained free of any obstruction over 0.6m above the access footway level.

**Grounds:** Development without adequate visibility for vehicle drivers emerging is likely to lead to potential hazards for pedestrians on the footway.

(6) The details submitted pursuant to condition (1) above shall not incorporate windows in the rearward (northern western) roof slope of the two chalet bungalows hereby approved, other than fenestration which lies flat to the sloping plane of the roof. Upon completion of these two dwellings, no alterations shall be made to the rear facing roofslope of either chalet bungalow (including the insertion of dormer windows) without the prior approval of the District Planning Authority.

**Grounds:** In order to avoid unacceptable overlooking of property to the rear in the interests of amenity pursuant to policy G1 of the Swale Borough Local Plan and policy E1 of the Swale Borough Local Plan First Review Re-deposit Draft.

**Reason for Approval**

Having taken all material considerations into account, it is considered that 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: H41, IN7 and G1 of the Swale Borough Local Plan and policies E1 and T3 of the Swale Borough Local Plan First Review Re-deposit Draft.

**Description of Proposal**

The site is occupied by a chalet bungalow which lies on a plot with a frontage Continued....
onto Seathorpe Avenue of 38m. It is proposed to demolish the property and to erect four dwellings in its place. Layout, scale and access are put forward for determination at this stage, with appearance and landscaping left for future determination.

A Design and Access Statement accompanies the application.

When submitted, the application related to the erection of four houses. However, I am awaiting amended drawings and description, following discussions with my officers, to show two houses and two chalet bungalows, in order to reduce the impact of overlooking of property to the rear.

The layout shows each plot having a width of 9.5m, with all gardens having depths of 10m, and driveways measuring 4.8m in length. However, I have requested that this latter distance be increased to a minimum of 5.5m, in accordance with normal parking standards. In order to accommodate the required parking, each dwelling will have to incorporate an integral garage. I will report further at the meeting.

This part of the Minster Cliffs area is built up, and characterised by a mixture of bungalows, chalet bungalows and houses. Whilst the majority of dwellings in the immediate vicinity have plot widths in excess of 12m, some (notably the houses lying immediately to the north) are on plots significantly less than 12m.

**Relevant Planning History & Description**

A very similar application for four 4-bedroom detached houses was submitted in November last year (ref SW/06/1105), and refused under my delegated authority for two reasons. One reason related to the fact that the gardens were unacceptably short (less than 7m deep). The other reason related to the fact that the proximity of the houses to the rear boundary, combined with the fact that large detached houses was proposed, would create severe overlooking for the properties at the rear, in particular 9 Howard Close.

**Views of Consultees**

I am awaiting the views of Kent Highway Services and will report further at the meeting. However, I have recommended conditions relating to parking and vision splays as recommended by them in response to the application refused last year.

I am also awaiting a response from Minster Parish Council and will report further at the meeting.

**Other Representations**

At the time of writing this report, six letters of objection from local residents

Continued....
have been received. Several people object to the fact that their properties would be overlooked. There are also parking problems at the junction with Seathorpe Avenue and Wards Hill Road, and parking becomes a particular problem in the evenings and at weekends.

Parking is seen as a major issue by several writers, and one resident also considers that the scheme represents over-development which will ruin the street scene.

**Relevant development plan policies**

Policies in the adopted Swale Borough Local Plan which are relevant include Policy G1 (General Development Criteria); H4 (Small Sites); E48 (Design of New Development); E49 (Landscaping of New Development); IN7 (New Development and Car Parking Provision); and H41 (Minster Cliffs Area). Policy E1 of the Swale Borough Local Plan First Review Re-deposit Draft is also a material consideration to be taken into account.

**Discussion**

The site lies in a built up area, where redevelopment is acceptable in principle. The erection of additional dwellings in a manner which uses land more efficiently accords with the principles set out in PPS3, with which Members are familiar.

The layout has been amended, and the dwelling sizes reduced, in an attempt to overcome the two reasons for refusal last year. The dwellings now have rear gardens of 10m depth and, as stated above, I have discussed replacing the two middle properties with chalet bungalows and await amended plans.

Members will note the condition above requiring the rearward facing rooms in these central two properties to be served only by ‘velux’ type rooflights, which will overcome any overlooking issues, in my view, and also improve the development by inevitably obliging the designs to be varied, when reserved matters are submitted for approval.

The properties generally follow the local ‘building line’ and will, if well designed, fit in with the street scene. Although smaller than some houses nearby, I am confident that the dwellings will not look out of place. Appearance and landscaping are of course reserved for future approval.

Policy H41 of the Swale Borough Local Plan is of particular relevance in that it encourages housing of good individual design and requires a minimum frontage of 12m for new property in the Minster Cliffs area. However, this policy has not been incorporated into the Swale Borough Local Plan First Review Re-deposit Draft, and the area is very mixed, with a variety of plot

Continued....
widths. Given this, and the emphasis (largely since the adoption of the local plan) on making better use of developable land, I do not consider that this application should be opposed for this reason alone.

I acknowledge residents’ concerns about parking problems in the area. However, each new property has been shown with parking in accordance with current parking standards and will therefore not add significantly to this problem. In view of their comments last year, I do not anticipate an objection from Kent Highway Services.

**Summary and Recommendation**

The application in my view addresses the previous problems of overlooking and garden depths, and meets normal parking standards. Although the plots are not 12m wide, they are not unusually narrow, and make efficient use of the land in this residential area.

I am awaiting amended drawings and a revised description, and will reconsult neighbours on any revisions received. Subject to no fresh issues being raised, and the views of Kent Highway Services and the Parish Council, I recommend that permission be granted.

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**List of Background Documents**

1. Application Papers for Application SW/06/1105
2. Application Papers for Application SW/07/0302
Location: The Old Gun Site, Marshbank Farm, Old Ferry Road, Iwade, Sittingbourne, Kent, ME9 8SW.

Proposal: Change of use of vacant land to form extension to existing scaffolding yard with portable office and store.

Application/Agent: Deverson Direct C/o Nigel Sands & Associates, 15 Colson Drive, Iwade, Sittingbourne, Kent.

Application Valid: 13 February 2007

Conditions
(1) The portable building hereby permitted shall be sited as shown on the submitted plan and shall be removed from the site not later than 30 April 2012,

Grounds: In the interests of the amenities of the area, in pursuance of policies G1, E9 and B4 of the Swale Borough Local Plan, and Policy QL6 of the Kent and Medway Structure Plan.

Reason for Approval
Having taken all material considerations into account, it is considered that 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, B3 and B4 of Swale Borough Local Plan; and QL6 of the Kent and Medway Structure Plan.

Description of Proposals
This is a retrospective application to change the use of a parcel of land approximately 17m x 24m to form an extension to the existing scaffolding company. The existing palisade fence would be extended around this rectangular parcel of land. It is also proposed to station a portacabin building on the site to provide office and w.c. accommodation for the scaffolding company. The building measures 12m x 6m whilst a small store building is sited within the north east corner of the existing yard.

Site History and Description
This application relates to an existing scaffolding business on the north west side of the Marshbank Industrial Estate. Access to the site is off of the Old Ferry Road and through the existing industrial estate. Immediately to the north of the application site is the Iwade Speedway track.

Continued....
In terms of relevant history planning permission was granted in September 1986 for the change of use of all of the existing buildings at Marshbank Farm to Class III Light Industrial (ref. SW/86/820).

**Views of Consultees**

Iwade Parish Council object to the application for the following reasons:-

"Due to the necessary industrial development in the countryside and also the disturbance it would cause to neighbouring residents. The vehicles would also be using the access road with fork lift trucks which was used by the speed track and this was a public road".

Kent Highway Services raise no objections to the proposal in respect of highway matters.

**Other Representations**

Two letters of objection have been received raising the following issues:-

- Owls and bats living in old buildings nearby may be affected by the works and should be protected.

One letter of no objection has also been received.

**Relevant Planning Policies**

The main considerations in determining this application are those of Policies E9 – Protection of the Countryside, E23 – Coastal Zone; B3 – Expansion of Business; B4 – Rural Employment and G1 – General Development Criteria of the Swale Borough Local Plan and Policies E1 – General Environmental considerations; RC1 – Helping to Revitalise the Rural Economy and B1 – Supporting and Retaining Existing Employment Land and Businesses.

**Discussion**

The proposal represents an acceptable expansion of an existing business in the countryside which would provide purpose built office premises for the company.

The site is surrounded by existing industrial and leisure uses and is away from public view. In terms of its visual impact on the countryside this is therefore very limited.

In terms of highway considerations, I note that the site is served by the existing access through the Marshbank Industrial Estate off the Old Ferry Road and that Kent Highway Services raise no objection to the proposals.

Continued....
I note that objectors raise concerns about the impact of the proposals on the bats and owls residing in existing buildings however these buildings are located some significant distance away from the application site. I therefore do not consider that an objection to the application can be sustained on these grounds alone.

**Summary and Conclusion**

I consider that the application is acceptable and as such I recommend approval.

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**List of Background Documents**

1. Application and correspondence papers for SW/07/0118
2. Application and correspondence papers for SW/86/820
Location: 19 Cumberland Drive, Lower Halstow

Proposal: Single storey side extension, porch and loft conversion

Applicant/ Agent: Mr D Monks, c/o G D McDonald, 39 Langdale Close, Rainham, Kent

Application Valid: 16 February 2007

SUBJECT TO: Receipt of block plan showing parking for three cars and Kent Highway Services comments on requested block plan.

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 and roofing tiles used in this 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 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 & IN7 of the Swale Borough Local Plan; E1, E24 & T3 of the Swale Borough Local Plan First Review Redeposit Draft.

Description

Planning permission is sought for a single storey side extension, loft conversion and porch at 19 Cumberland Drive, Lower Halstow.

The proposed side extension would be 2.3m wide, 6.65m in length and a maximum of 2.9m in height. The proposed extension would be set back 3m behind the front elevation of the dwelling and a car parking space is proposed to

Continued....
the front of it. The proposed loft conversion would include the erection of two pitched roof dormer windows within the rear roof slope and a velux window to the front. The proposal also involves the erection of a porch which would be 1.2m x 2.48m and be finished off with a 3.2m high tile pitch roof.

**Site Description and Relevant History**

The application relates to a 2 storey semi-detached dwelling within the built-up area of Lower Halstow. The property has a driveway to its side with a single garage to the rear.

Previous history includes planning application ref. SW/06/1228 for a two-storey side extension that was refused permission in December last year due to a potential terracing effect and that the proposed garage was not large enough to accommodate a car.

**Views of Consultees**

Lower Halstow Parish Council raise concerns over the loss of the garage and parking to the side of the house and that the front Velux window may result in overlooking to the neighbouring houses.

Kent Highways Services raise no objection subject to the receipt of a block plan showing three parking spaces to be provided. I hope to report further on this to Members at the meeting.

**Other Representations**

Two letters of objection have been received from residents, their comments can be summarised as follows:

- The extension would lead to a terracing effect
- The proposed roof light would overlook properties across the road
- Three parking spaces should be provided as the number of bedrooms has increased
- The existing garage is used for repairs by a third party, these cars will presumably now be on the driveway or on the footpath.
- I will not be able to manoeuvre my motorbike out of garage without now moving all the cars on my driveway
- Waste/bin will now be stored at the front of the property and could be vandalised.
- The dormer windows are not in keeping with the area and set a dangerous precedent.

Continued....
Relevant development plan policies

Policies G1 (General Development Criteria), H8 (Extension to, and Replacement of, Dwellings in the Built-up Area) & IN7 (New Development and Car Parking Provision) of the Swale Borough Local Plan are relevant.

Policies E1 (General Development Criteria), E24 (Alterations and Extensions) & T3 (New Development and Car Parking Provision) of the Swale Borough Local Plan First Review Redeposit Draft are also relevant.

The Council’s adopted Supplementary Planning Guidance entitled ‘Designing an Extension’ is also pertinent here.

Discussion

As a result of the proposals one car parking space would be provided behind the front elevation of the dwelling and as such would accord with the Council’s adopted Supplementary Planning Guidance. I note that Kent Highways Services raise no objection to three car spaces being provided. Two of these are shown on the block plan and from a site visit it is clear that a third space could be provided, and an amended block plan has been requested to clarify the situation.

The proposed dormer windows to the rear of the property would be pitched roofed and in proportion with the existing roof slope and as such would therefore be in accordance with the Council’s Guidance. I do not therefore consider that they would result in either significant harm to the character and appearance of the existing dwelling or cause harm to the surrounding area. The proposed porch would extend 1.2m to the front of the dwelling, in accordance with the limits set out in the Supplementary Planning Guidance. I consider its design with a tile pitch roof acceptable and I am of the view that it would not detract from the appearance of the dwelling or the existing streetscene.

The proposal includes a single storey side extension which in comparison with the previous two storey extension would not result in the sense of openness of the streetscene being lost. This is because the extension would leave a gap between the properties at first floor, in accordance with the SPG, and would not in my opinion result in demonstrable harm to the appearance and character of the area. The proposed materials and design of the side extension would not, in my opinion, result in significant harm to the character and appearance of the streetscene.

I note the concerns raised by residents and the Parish Council some of which have been addressed above. I address their remaining concerns below.

I consider that due to the oblique angle of the proposed Velux roof light and the distance across the road of 25m from this window to the neighbouring properties that it would not result in significant overlooking to these properties.

Continued....
I do not consider it would be reasonable to refuse an application on the presumption that car repairs would occur at the site. Furthermore I am of the opinion that the level of anticipated activity suggested by the objector would exceed an ancillary use to the existing dwelling and would therefore require planning permission in its own right.

Where the applicants choose to locate their dustbins is not a material planning consideration and cannot be considered as a reason for refusal of an otherwise acceptable application.

**Summary and Recommendation**

The proposed development would not cause demonstrable harm to the character and appearance of the dwelling itself or to the streetscene.

I therefore recommend approval of this application subject to the receipt of an amended block plan and the further views of Kent Highway Services.

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List of Background Documents

1. Application Papers for Application SW/07/0050
2. Correspondence Relating to Application SW/07/0050
3. Application Papers and correspondence relating to SW/06/1228
Location: The Playa, The Leas, Minster, Isle of Sheppey

Proposal: Side/rear extension to existing public house, extension to car park and landscaping

Applicant/ Agent: Pride Developments South Ltd, c/o Malcolm Rowlett, Shenstone, West Cliff Gardens, Westbrook, Margate, Kent, CT9 5DT

Application Valid: 16 January 2007

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 in the form of samples of materials to be used on the external surfaces 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 of the sound attenuation properties of the proposed construction shall be submitted to and approved in writing by the District Planning Authority. The construction of the extension shall proceed in strict accordance with the approved details.

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

(4) Glazing to the east side elevation of the extension hereby permitted shall be non-openable and shall remain so in perpetuity, and the remainder of the wall will have a recognised acoustic quality, details of which should be submitted and approved in writing by the District Planning Authority. The construction of the extension shall proceed in strict accordance with the approved details.

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

(5) Details of an acoustic barrier to be erected along the boundaries of the development site shall be submitted to and approved in writing by the District Planning. The extension hereby approved shall not be used until the acoustic barrier has been erected, and the barrier shall remain in place in perpetuity thereafter.

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

(6) 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 show details of a landscaped buffer to the rear boundary of the site, and shall also 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.

(7) 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.

(8) 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.

(9) The area shown on the submitted layout as vehicle parking spaces shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority prior to the first use of the extension hereby permitted, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Continued....
Order revoking and re-enacting that Order, shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

**Grounds:** In the interests of highway safety and convenience and visual amenity 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, E2, E5, E48, E49 & IN7 of the Swale Borough Local Plan.

**Description of Proposal**

Planning permission is sought for an extension and for an enlarged car park at ‘The Playa’ public house The Leas, Minster. The proposed extensions comprise a small rear extension on the west side of the building and a substantial rear and side extension to the east.

The proposed extensions would result in the building having a footprint of 32.6 metres wide, and a maximum of 21 metres deep. The main side extension would be single storey, but would have a high pitched roof (with a ridge height of 7 metres) with glazed front and rear facing gables. The front of the building would feature French doors all along the ground floor.

The proposed car park envisages 45 spaces being provided, with a row of fifteen spaces at the rear of the site, a bank of 23 spaces in the centre of the site, and 7 spaces along the side boundary of the site with no.19 The Leas.

**Relevant Site History & Description**

The site is located within the built up area of Minster, and fronts public open space adjacent to the beach. The area on which the proposed car park would be located is currently laid to lawn. To the rear of this area are the rear gardens of dwellings in Southsea Avenue. The existing car park is sited to the west of the existing building.

A previous application for extensions and alterations to the building (reference SW/04/0607) was withdrawn prior to determination.

Continued....
Views of Consultees

The Head of Environmental Services raises no objection, subject to conditions in respect of the soundproofing of the building.

Kent Highway Services raise no objection subject to the above condition in respect of parking spaces.

Minster Parish Council raise no objection.

Other Representations

One letter raising concerns has been received, the contents of which can be summarised as follow:

- Will a noise limiter be fitted in the bar/restaurant?
- Will existing conifers be cut down?
- Application is well presented, and the writer is very pleased to see that concerns of neighbours have been taken into account;

Five letters of objection have been received. Their contents can be summarised as follows:

- Loss of value;
- Loss of view;
- Noise and disturbance;
- Overlooking and loss of privacy;
- Light pollution;
- Pollution from car fumes;
- Loss of moisture in soil due to planting;
- Customers may watch one writer’s child;
- Parking would be inadequate;
- Over-development of site;
- Approval could lead to future application for a second storey above proposed single storey extension;
- Will not benefit the locality and will be detrimental to the residential area;

Policies

The following Policies of the Swale Borough Local Plan are relevant:

G1 (General Development Criteria)
E2(Noise Pollution)
E5(Air Pollution)
E48(Design of New Development)
E49(Landscaping of New Development)

Continued....
Discussion

The site is located within the built up area of Minster and is in my opinion of such a size to be able to accommodate the proposed extension without significant harm to the visual amenities of the area. The main side extension would be located 15 metres from the eastern side of the boundary of the site, and I do not consider that this would give rise to a development which would be cramped in appearance.

The design of the proposal, although somewhat over-reliant on the use of French doors, is in my opinion acceptable.

Whilst I note the objections raised in respect of highway matters, I also note that Kent Highway Services raise no objection to the scheme. I therefore consider the access and parking arrangements to be acceptable in this respect.

Loss of value to adjacent properties is not a material consideration, and I do not consider that loss of view amounts to a reason for refusal here.

With regard to overlooking, I note that the proposed extensions would be single storey only, and that the extensions and the car park would be a minimum of 45 metres and 20 metres respectively from the rear elevations of the dwellings in Southsea Avenue. I do not envisage significant overlooking as a result of these proposals.

I consider the key issue here is the impact of the proposed extensions and car park on residential amenity.

With regard to noise emanating from the proposed extensions, I note that the Head of Environmental Services considers that, with appropriate soundproofing and non-opening windows, the proposal would not give rise to significant noise disturbance over and above that which is already generated by the existing building. I recommend imposing conditions (3) and (4) above in order to ensure that appropriate soundproofing is provided in accordance with the recommendations of the Head of Environmental Services.

I note the objections in respect of noise and disturbance, and light and air pollution from the proposed car park. I also note that the plans show a large landscaped buffer along the rear of the site. This buffer would in my opinion help to reduce any significant light pollution, and I note that the Head of Environmental Services raises no objection in respect of air pollution. The Head of Environmental Services does though comment that landscaping alone on this boundary would be insufficient in itself to negate noise pollution.

Continued….
I have sympathy with the concerns of local residents in respect of this matter, and I am aware that complaints have been made to the Council in the past in respect of the activities carried out at the site.

I consider this to be finely balanced case. Clearly, occupiers of the properties in The Leas and Southsea Avenue should reasonably expect to enjoy their dwellings and gardens without suffering from significant noise and disturbance. The use of the car park, especially late at night, would in my opinion cause demonstrable harm to residential amenity.

However, I note that the Head of Environmental Services considers that a suitable fence or other boundary treatment would reduce any noise and disturbance generated to an acceptable level.

On balance, and only if an appropriate boundary treatment were to be erected at the site, I do not consider that the use of the proposed car park would generate an unacceptable level of noise and disturbance over and above the current situation. I recommend imposing condition (5), which requires the erection of an acoustic barrier along the rear boundary of the site.

**Summary and Recommendation**

Planning permission is sought for the erection of rear side extensions and the construction of an enlarged car park at ‘The Playa’, The Leas, Minster. The design and scale of the proposals are in my opinion acceptable, and I do not envisage harm to the character and appearance of the area. I have concerns that the proposed car park could cause harm to residential amenity by virtue of noise and disturbance. This is in my opinion a finely balanced case. However, with an appropriate boundary treatment and landscaping scheme in place, I do not consider that the impact on the occupiers of neighbouring properties would be such that planning permission should be refused. I therefore recommend approval.

**List of Background Documents**

1. Application Papers for Application SW/07/0054
2. Correspondence Relating to Application SW/07/0054
3. Application papers for Application SW/04/0607
Location: Sheppey Court, Halfway Road, Isle of Sheppey

Proposal: Demolition of 1960’s extension and remodel existing listed building, new replacement three storey building to norther boundary to create 16 residential units. Also refurbish existing shed and convert to secure cycle store

Applicant/ Agent: Swale Housing Association, c/o The Tooley and Foster Partnership, Warwick House, 116 Palmerston Road, Buckhurst Hill, Essex, IG9 5LQ

Application Valid: 12 February 2007

SUBJECT TO: the receipt of appropriately amended drawings

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 a Planning obligation under s.106 of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 1991) or other mutually acceptable legally binding agreement has been concluded with the District Planning Authority relating to the provision of middle and secondary school places and library facilities in accordance with Kent County Council’s requirement for development contributions towards the cost of education and community facilities, and which also requires the removal of the tank room from the roof of the listed building and the making good of the roof of the listed building, the removal of the planter, the restoration of the secure cycle shed, the replacement of uPVC windows in the lodge with timber windows, the demolition of the 1960s extension to the listed building, and the restoration of the windows on the listed building.

Grounds: In order to secure adequate contributions towards the educational requirements of residents in the vicinity increased as a result of this development and to ensure the details in the approved plans showing alterations and refurbishment to the listed building are completed.

Continued....
(3) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the District Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be 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 ENV18 of the Kent Structure Plan.

(4) No development shall take place until details in the form of samples of materials to be used on the external surfaces 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.

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

**Grounds:** In order to safeguard the special architectural and historic interest of the locality and the Listed Building and in pursuance of Policies G1 and E39 of the Swale Borough Local Plan.

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

**Grounds:** In order to safeguard the special architectural and historic interest of the locality and the Listed Building and in pursuance of Policies G1 and E39 of the Swale Borough Local Plan.

(7) Full details of the refurbishment of the ‘secure cycle storage’ shall be submitted and approved in writing prior to the commencement of the development hereby permitted. Such details shall include full and authentic restoration of the structure, joinery, walls, roof, rainwater goods and decoration. No unit shall be occupied prior to the completion of the refurbishment.

**Grounds:** In order to safeguard the special architectural and historic interest of the locality and the Listed Building and in pursuance of Policies G1 and E39 of the Swale Borough Local Plan.

(8) Prior to the commencement of any works hereby permitted detailed drawings of all new external and internal joinery work including windows, doors and door frames, together with sections through all members

*Continued….*
including glazing bars, frames and mouldings and showing the relationship to the face of the wall, at a scale of 1:20 and 1:1 or 1:2 shall be submitted to and approved in writing by the District Planning Authority.

**Grounds:** In order to safeguard the special architectural and historic interest of the locality and the Listed Building and in pursuance of Policies G1 and E39 of the Swale Borough Local Plan.

(9) All 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 incorporate the submitted landscape masterplan, and shall include planting schedules of plants, noting species, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, specifications of the approved bollards, 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.

(10) 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.

(11) 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.

(12) All new hard landscaping shall be in bound gravel.

**Grounds:** In the interests of visual amenity and to preserve the setting of the listed building and in pursuance of Policies G1, E39 and E49 of the Swale Borough Local Plan.

(13) All trees to be retained must be protected by barriers and or ground protection, as recommended in Clause 7 and as shown in figure 2 of British Standard 5837: 2005 ‘Trees in relation to construction – Recommendations’ before any equipment, machinery or materials are brought onto the site and before any demolition, construction or stripping of Continued….
soil commences; and shall be maintained intact until all machinery, equipment and surplus materials have been removed from the site. No alterations or variations to the approved works or tree protection measures shall be carried out without the prior written approval of the Local Planning Authority;

**Grounds:** To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance of the development, and in pursuance of Policies G1 and E19 of the Swale Borough Local Plan.

(14) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stem or roots other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works shall be carried out in accordance with British Standard 3998: 1989 ‘Tree Works’. If any retained tree is removed, uprooted or destroyed or dies, a replacement tree shall be planted and that tree shall be of such size and species, and shall be planted at such a time and in a position to be agreed with the Local Planning Authority, as may be specified in writing by the Local Planning Authority;

**Grounds:** To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance of the development, and in pursuance of Policies G1 and E19 of the Swale Borough Local Plan.

(15) The mortar mix for the reconstruction of the historic gate pier shall be submitted to and approved in writing by the District Planning Authority prior to the commencement of the development hereby permitted. The approved mortar mix shall be used on the reconstruction of the gate pier, unless otherwise agreed in writing by the District Planning Authority.

**Grounds:** In the interests of visual amenity and to preserve the setting of the listed building and in pursuance of Policies G1 and E39 of the Swale Borough Local Plan.

(16) The emergency access bollards shown on the approved plans shall be installed on site prior to the occupation of the dwellings hereby approved, and shall thereafter be retained in perpetuity.

**Grounds:** In the interests of visual amenity and to preserve the setting of the listed building and in pursuance of Policies G1 and E39 of the Swale Borough Local Plan.

**Reason for Approval**

Having taken all material considerations into account, it is considered that subject

Continued....
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, E19, E24, E39, E40, E41, E44, E48, E49, IN4, IN7 of the Swale Borough Local Plan.

2.11 SW/07/0224 (Case 7914) SHEERNESS

Location: Sheppey Court, Halfway Road, Isle of Sheppey

Proposal: Listed Building Consent for demolition of 1960’s extension and remodel existing listed building, new replacement three storey building to norther boundary to create 16 residential units. Also refurbish existing shed of convert to secure cycle store

Applicant/Agent: Swale Housing Association, c/o The Tooley and Foster Partnership, Warwick House, 116 Palmerston Road, Buckhurst Hill, Essex, IG9 5LQ

Application Valid: 12 February 2007

SUBJECT TO: the receipt of appropriately amended drawings

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.


(2) No development shall take place until details in the form of samples of materials to be used on the external surfaces 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 development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

Grounds: In order to safeguard the special architectural and historic interest of the locality and the Listed Building and in pursuance of Policies Continued....
G1 and E39 of the Swale Borough Local Plan.

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

**Grounds:** In order to safeguard the special architectural and historic interest of the locality and the Listed Building and in pursuance of Policies G1 and E39 of the Swale Borough Local Plan.

(5) Full details of the refurbishment of the ‘secure cycle storage’ shall be submitted and approved in writing prior to the commencement of the development hereby permitted. Such details shall include full and authentic restoration of the structure, joinery, walls, roof, rainwater goods and decoration. No unit shall be occupied prior to the completion of the refurbishment.

**Grounds:** In order to safeguard the special architectural and historic interest of the locality and the Listed Building and in pursuance of Policies G1 and E39 of the Swale Borough Local Plan.

(5) Prior to the commencement of any works hereby permitted detailed drawings of all new external and internal joinery work including windows, doors and door frames, together with sections through all members including glazing bars, frames and mouldings and showing the relationship to the face of the wall, at a scale of 1:20 and 1:1 or 1:2 shall be submitted to and approved in writing by the District Planning Authority.

**Grounds:** In order to safeguard the special architectural and historic interest of the locality and the Listed Building and in pursuance of Policies G1 and E39 of the Swale Borough Local Plan.

(6) The mortar mix for the reconstruction of the historic gate pier shall be submitted to and approved in writing by the District Planning Authority prior to the commencement of the development hereby permitted. The approved mortar mix shall be used on the reconstruction of the gate pier, unless otherwise agreed in writing by the District Planning Authority.

**Grounds:** In the interests of visual amenity and to preserve the setting of the listed building and in pursuance of Policies G1 and E39 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 preserve the special architectural or historic...
interest of the listed building. In resolving to grant consent, particular regard has been had to the following policies: G1, E39 & E48 of The Swale Borough Local Plan.

**Description of Proposal**

These applications seek planning permission and listed building consent for works to and within the curtilage of Sheppey Court, Halfway Road, Halfway. The works to the listed building comprise the demolition of a 1960s rear and side extension to the building, the removal of a tank room on the roof of the building and the conversion of the listed building into four units of residential accommodation together with refurbishment of the building. Also proposed is the erection of a terrace of six three-bedroom houses with six one-bedroom flats above. The scheme also envisages widening the access to the site, involving alterations to the boundary wall fronting Halfway Road, providing additional parking spaces within the site, and the removal of a number of trees.

The scheme comprises various parts, as follows:

**Alterations to the listed building**

The existing 1960s side and rear extension to the listed building projects to both sides of the building, forming a ‘T’ shaped footprint. The proposed development includes the demolition of this extension, and the removal of the existing tank room that sits on the roof of the listed building.

The internal works to the listed building comprise the removal of much of the (non-original, 1960s-70s) interior, its subdivision into a four-bed house, a three bed and two, two-bed maisonettes. The remaining internal original features are concentrated at the front of the listed building, with two original fireplaces, staircase and window shutters all proposed to be retained.

**Proposed new build – ‘Block B’**

The proposed new terrace of dwellings referred to as block B would be sited five metres from the northern boundary with open agricultural land. This block would be approximately 40 metres wide, a maximum of 10.5 metres deep, and would have a height of 9 metres (approximately 2.6 metres above the eaves line of the listed building.) The design of this block would be broadly identical to that of the proposed extension to the listed building, with the key difference that a second floor (housing the proposed flats) is proposed.

**Proposed parking and access arrangements**

Access to the site is proposed to be taken via the existing access onto Halfway Road. However, it is proposed that the access would be widened (involving the relocation of a gate pier on the boundary wall) to provide sufficient width and

Continued….
visibility. The existing car park at the site is proposed to be extended, and 6 parking spaces are shown abutting the original carriage driveway to the listed building. Part of the carriage driveway would be blocked by emergency access bollards. In all, 27 off street parking spaces are proposed.

The application details show that a number of trees are proposed to be removed, in particular those between the listed building and proposed Block B. An aboricultural survey and landscape "statement of intent" have been submitted.

Also proposed is the refurbishment of an existing outbuilding to the rear of the site, for use as a bicycle shed. No details of this have been submitted, and the agent requests that this be dealt with by conditions.

**Relevant Site History & Description**

Sheppey Court is a substantial building, with a large ‘parkland’ curtilage of more than 1 hectare. Its early history is unclear, but the current building probably replaced an earlier house (called the Red House) in about 1820. It is a handsome neo-classical building with generous gardens, a lodge house and a walled boundary to Halfway Road.

The site is located within the built up area of Halfway, and in an area considered to be at risk of flooding.

The site was until recently in use as accommodation for the elderly, and is owned by Swale Housing Association. The existing extensions were carried out in the 1960s, at which time the property was in the ownership of the Sheppey Rural District Council. Much of the original interior in the rear half of the listed building has been lost. However, the front half is in much better condition, retaining fireplaces, doors and door surrounds, the staircase, cornices, picture rails, skirtings and shutters.

Applications for planning permission and listed building consent were submitted last year (references SW/06/1226 and SW/06/1227) for a scheme similar to that proposed here, but which also included the erection of a large replacement extension to the rear and side of the listed building. This application was withdrawn prior to determination.

**Views of Consultees**

Kent Highway Services have requested amendments to the plans in respect of the size of some of the parking bays, and the additional provision of a number of disabled parking bays.

Southern Water do not wish to comment on the scheme.

Continued....
Kent County Council advises that developer contributions are required in respect of education and community facilities.

The Environment Agency raise no objection.

The County Archaeological Officer raises no objection subject to the above condition requiring the implementation of a watching brief.

The Garden History Society, the Georgian Group, SPAB, the Victorian Society, the Ancient Monuments Society, the 20th Century Society and RCHME have not commented on the application. Any comments received from these bodies will be reported to Members at the meeting.

The Historic Buildings Committee of the Council for the Protection of Rural England, in its capacity as agent for the Council for British Archaeology, raise objection and comment as follows:

> ‘Whilst we welcome the abandonment of the proposed extension to the listed building and the distancing of the new block to the site boundary, we consider that any new building permitted in this same curtilage should be of appropriate size and architectural style.

> PPG15 3.5 (iii) makes clear that the setting of a listed building must be protected.

> If such massive block (in a style once favoured by twentieth century public housing schemes) were to be allowed in the grounds of Sheppey Court, it would damage the open outlook from the house, and the views of the historic building across a wide area would be dominated and spoilt by its big new overbearing neighbour.’

**Other Representations**

Two letters of objection have been received, which can be summarised as follows:

- Three storey building would be out of character with the area and would be intrusive;
- Proposals would lead to intensified use of access close to a dangerous junction;
- Visibility from access would be poor and consequently dangerous;
- Site is in a flood risk area;

No other representations have been received.

**Policies**

The following Policies of the adopted Swale Borough Local Plan are pertinent:

Continued....
The site is located within the built up area and therefore residential development here is considered acceptable as a matter of principle.

With regard to education and community facility contributions, I recommend imposing the above condition requiring these to be provided via a section 106 agreement.

There are a number of ambiguities in the plans, which I have raised with the agent, and hope to have resolved at the meeting.

I consider that there are seven key issues in respect of this application – the design of the proposed development, the impact of the proposed development on the Listed Building and its setting, on the character and appearance of the area and on residential amenity, the loss of trees at the site, flood risk and highway matters.

Continued....
1. Impact on the listed building

In considering whether to grant consent, the Council is required to have special regard to the desirability of preserving the listed building and its setting. The proposed demolition of the 1960s extension and the removal of the tank room are in my opinion to be welcomed. They relate poorly to the listed building, the 1960s extension in particular is poorly constructed and both the existing extension and the tank room harm the listed building and its setting. In addition, the refurbishment of the listed building is to be welcomed. I recommend that these elements of the scheme are required to be carried out as part of the section 106 agreement.

Any new development within the setting of a listed building has the potential to harm the character of the listed building and its setting. It would in my opinion be preferable for the conversion of the listed building to go ahead without the proposed new dwellings. However, it is inevitable that some form of development be permitted in place of that which is to be demolished and I am convinced that the siting of block B is the most appropriate location for it. The space created between the block and the listed building is valuable in respecting its setting. Whilst preferably the new block would be two storey in form, the building has been designed to minimise the visual impact of the third storey. I do not consider that the proposed new dwellings would have a significant impact on the setting of the listed building.

Sheppey Court enjoys a mature parkland setting which enhances its value as a listed building. An intrinsic part of this is the carriage driveway to the front of the original building, which appears in early lithograph prints of the house. The proposed layout envisages 6 car parking spaces taking access from this driveway, and the majority of the driveway would be protected by emergency access bollards. I consider such an arrangement to be acceptable, as it would preserve much of the carriage driveway and would prevent parking on the adjacent soft landscaped area.

Loss of trees

With regard to the loss of trees on the site, these are mainly concentrated to the north of the site, close to and on the site of proposed ‘block B’. However, these trees are not prominent or historically significant as part of the landscape design, and their removal would not in my opinion significantly harm the character and appearance of the area, nor the setting of the listed building. Furthermore, these trees have in the past been poorly pruned by severe crown lifting of the lower canopy. Whilst the loss of these trees would be noticeable in part from outside the site, it would be most noticeable from within the site. I do not consider that these trees are of sufficient quality to warrant protection, and I note that the landscape masterplan espouses a more comprehensive and structured scheme with...
species that are more in-keeping with the setting of the building. Subject to the above conditions in respect of the protection of the remaining trees, I consider this element of the scheme acceptable.

Flood Risk

The site lies within a flood risk area. However, the current scheme does not propose any ground floor sleeping accommodation. In addition, the previous use of the site as a residential home involved a significant amount of ground floor sleeping accommodation. Part of the supporting paperwork which accompanies these applications addresses flood risk issues here and I note that the Environment Agency raises no objection to the proposals. I do not therefore consider that potential flood risk to the occupants of the proposed dwellings amounts to a reason for refusal.

Highway Matters

I note the comments of local residents in respect of the capacity of Halfway Road and highway safety. However, Kent Highway Services raise no objection to the principle of the development, nor to the safety of the proposed access onto Halfway Road. They do however note that four of the proposed parking bays are undersized, and request that the plans be amended to increase the bay sizes in line with the Kent County Council Vehicle Parking Standards. I have requested that the plans be amended, and hope to be able to present the amended plans to Members at the meeting.

Residential Amenity

The location of the site and the siting of the proposed development within it would not in my opinion give rise to harm to the residential amenities of occupiers of dwellings outside the site boundaries. The key consideration here is whether the occupiers of the proposed dwellings would suffer from a substandard degree of residential amenity. Block B would be sited in excess of 21 metres from the listed building. I do not therefore envisage significant overlooking between the proposed dwellings.

Only six of the dwellings proposed under these applications would benefit from private amenity spaces, and those provided would be relatively small in scale. The private spaces proposed, serving the three bedroom houses in block B, would be, at five metres in depth, half the size I would normally expect such dwellings to have. I am though mindful of the large area of soft landscaped parkland curtilage which is proposed to be retained within the site. Given that this significant area of amenity space is available to potential residents here, I do not consider that the minimal amount of private amenity space proposed amounts to a reason for refusal.

Continued….
Design of Block B

I am satisfied that, although somewhat uninspiring, the design of the proposed new development is acceptable, and would not cause harm to the listed building or its setting. The style of the proposed building is uncompromisingly modern and whilst it is essentially a rectangular block, I consider that with very high quality materials and attention to detailing, it would provide an appropriate contrast to the classical form of the listed building.

Impact on the character and appearance of the area

To the north of the application site lies flat agricultural land. Block B would be sited five metres from the northern boundary of the site with this land, and would therefore be visible from a significant distance from the north. However, the impact of the proposed development would be mitigated by the fact that, from public vantage points at the end of Sheerness High Street, it would to a significant extent be visible in the context of the existing development off Halfway Road.

The impact of this development could be lessened by siting the proposed block closer to the listed building, or by relocating it to the southern side of the site. However, neither of these solutions is ideal. Relocating the block to the southern side of the site would place it within the parkland area of the curtilage of the listed building that is in my opinion of most value in terms of the setting of the listed building. Furthermore, siting the block closer to the listed building would increase the impact of the block on the listed building to the extent that it would visually compete with it, and cause demonstrable harm to its setting.

Whilst the block would in its current position be a visible and significant building, I do not consider it would harm the character and appearance of the area and in my opinion its proposed siting would cause the least harm to the setting of the listed building.

Summary and Recommendation

These applications seek planning permission and listed building consent for the demolition of an existing extension, the erection of a new extension and of a block of houses and flats at Sheppey Court, Halfway Road, Halfway.

The scheme as submitted is, I consider, largely acceptable. I do not envisage significant harm to the character and appearance of the area, nor to residential amenity, highway safety and convenience or to the setting and historic character

Continued....
of the listed building. Subject to the above conditions, and to the receipt of appropriately amended drawings, I recommend approval for both applications.

List of Background Documents

1. Application Papers for Application SW/07/0223 & SW/07/0224
2. Correspondence Relating to Application SW/07/0223 & SW/0224
3. Application Papers for Application SW/06/1226 and SW/06/1227
Location: Parcel 9A, Thistle Hill, Minster, Sheppey

Proposal: Approval of Reserved Matters pursuant to outline planning permission SW/04/1059 for residential development with associated infrastructure for 25 units for registered social landlord (as first stage of overall development of Parcel 9 consisting of 88 units in total).

Applicant/ Agent: Places for People C/o Bovis Homes Ltd, The Manor House, North Ash Road, New Ash Green, Longfield, Kent


SUBJECT TO: The further views of Kent Highway Services

Conditions

(1) No gate, fence, wall or other means of enclosure shall be erected forward of any wall of a house which fronts a highway (including a footpath) or open space, otherwise than in accordance with the details submitted in the application particulars.

   Grounds: In the interests of visual amenities of the locality and in pursuance of Policy E50 of the Swale Borough Local Plan.

(2) Adequate underground ducts shall be installed to the satisfaction of the District Planning Authority before any of the buildings thereby permitted are occupied to enable telephone and television 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 notwithstanding the provision 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 interest of the visual amenities of the area and in pursuance of Policy E50 of the Swale Borough Local Plan.

(3) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and highway.

   Continued....
Grounds: To ensure that the development is served by an adequate means of access and in pursuance of Policy IN7 of the Swale Borough Local Plan.

(4) During construction, any facilities for the storage of oils, fuels or chemicals shall be site on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Grounds: In order to prevent pollution of underground water courses and in pursuance of Policy E4 of the Swale Borough Local Plan.

(5) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Grounds: In order to prevent pollution of underground water sources and in pursuance of Policy E4 of the Swale Borough Local Plan.

(6) No development shall take place until details have been submitted to the District Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as recycling facilities, water conservation and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

Grounds: In order to ensure sustainable development pursuant to Policy QL1 (iii) (e) of the Kent and Medway Structure Plan.

(7) Any other condition recommended by consultees or arising from amended plans.

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, H48, G1, E50, E51, E52, IN21, H2, H10, IN7, IN18, IN15, IN17, S16, H25 and H26 of the Swale Borough Local Plan.

**Description of Proposals**

This reserved matters application proposes matters of detail for 25 residential units either 2 or 3 bedroom dwellings and include semi-detached and terraced properties and flats, pursuant to outline approval reference: SW/04/1059.

The development would comprise of 4 different dwelling types and would include 8 x 2 bedroom flats, 4 x 2 bedroom semi-detached houses, 6 x 2 bedroom terrace houses, 4 x 3 bed semi-detached houses and 3 x 3 bed terrace houses. All properties would be 2 storey in height and would have 2 parking spaces allocated either on or off curtilage.

The application is accompanied by a Design and Access Statement in which it states under “The Design” section that:

> “The proposed scheme for Parcel 9A is for 25 dwellings developed by Registered Social Landlord “Places for People” as the first phase of a larger development of 88 dwellings. This number forms part of the total of 88 units for Parcel 9 and is in addition to the provision of affordable units as stated in Section 106 Agreement.

> All will be 2 storey high only, but to avoid monotony the varied depth of the buildings will produce varied rooflines.

> The buildings themselves will be simple, understated, traditional cottage style. The materials pallet will reflect this character.

> The concept of the layout for Parcel 9A, is to create 2 storey built forms around the perimeter of the site defining the road alignment whilst providing access to internal parking courts and more secluded blocks to the rear.

> The access roads follows the site boundary and forms a loop road linking this development with the adjacent Ward Homes site.

> Car parking areas have been defined by walls and planting zones into courtyards each holding no more than 8 cars. Car parking is located close to their associated owners for surveillance and security.”

**Site Description and History**

The application relates to a parcel of land approximately 0.61 hectares in size, located to the west of the main spine road. To the north is Public Open Space Continued....
with a pond, to the east beyond the spine road is land allocated for a school and village centre, to the south is land allocated for another residential development whilst to the west an open field abuts the boundary but this is allocated for future residential development in both the adopted and emerging Local Plans.

Most significant in terms of planning history is the granting of outline planning permission SW/95/0102 in September 1997. This approved the residential and other development of the site and contains numerous conditions relating to access and infrastructure provision, phasing, archaeology, affordable housing, community woodland and significantly, the requirement for the submission and approval of an overall development brief for the site. The brief was prepared and submitted. It shows the disposition of roads, footpaths and cycleway, housing, community facilities, woodland and public open space and was considered and approved by the Planning Sub-Committee in October 1997.

The outline planning permission Ref: SW/95/0102 phases the entire development of housing at Thistle Hill, and it is important to note that condition (4) specifically prevents the construction and occupation of more than 340 dwellings before the A249 Iwade to Queenborough Improvement Scheme (including the new bridge to the Isle of Sheppey) is open to traffic.

However, an application was refused permission but subsequently allowed on appeal in January 2000 for the non-compliance with condition (4) of SW/95/0102. This application included various improvements to the junction at Cowstead Corner (Ref: SW/02/1018) and allowed for an additional 200 dwellings (540 in total) could be constructed prior to the completion of the A249 Improvement Scheme.

Since then planning permission was granted in September 2005 for non-compliance with condition (4) of SwW/95/0102 to allow an additional 150 dwellings (above the previous 340 limit) to be constructed prior to the opening of the A249 Road Improvements (Ref: SW/04/1059), which were subsequently completed in 2006.

Members should also note that reserved matters pursuant to outline SW/04/1059 for the residential development of 87 units to the south of the application site were granted permission in March last year (Ref: SW/05/1173) and this is currently under construction.

**Views of Consultees**

Minster Parish Council raise no objection to this application.

Southern Water Services raise no objection as the development forms part of the original 1000 dwellings allocated at Thistle Hill.

Continued....
Kent Highway Services raise objection due to detailed issues relating to specific parking spaces for individual dwellings, lack of cycle parking, storage facilities and lack of sufficient visitor parking spaces.

The Crime Reduction and Architectural Liaison Officer has no major issues to raise regarding the proposals and offers some advice relating to pathways, landscaping, car parking, public access bin and cycle storage, perimeter and boundary dwellings.

The Lower Medway Internal Drainage Board raise no objection provided that details of all surface water drainage are submitted to and approved by the Board.

**Other Representations**

Three letters of objection have been received, including one from CPRE Kent raising the following issues;

- Lower Road not suitable to take further traffic until it is upgraded to include lighting, cycle paths and footpath.
- Designs of dwellings fall short of Policy E9 of the emerging Local Plan, due to lack of variety in design, uniform rooflines and segregated car parking spaces.
- No local need for these houses and no jobs in the area for potential occupants of these new houses.
- In terms of sustainability within Swale social housing development should match local need and be deferred until that need emerges.

**Planning Policies**

The site is shown as a site with planning permission for residential development by virtue of Policy H25 of the Swale Borough Local Plan. The provision of affordable housing on the development, as required by Policy H10 of the Local Plan, is tied into the original approval of the development and to the accompanying Section 106 Agreement. Planning Policy Statement 3 Housing, seeks to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live, amongst other things.

Other relevant policies from the Swale Borough Local Plan include H1 and H25 (Large housing sites with planning permission), G1 (General Criteria), E50 (Design), E51 (Landscaping, and E52 (Security of Design), IN21 (disposal of foul and surface water), H10 (affordable housing), IN7 (car parking), IN7 (cycle provision), IN15 (link to public transport), IN17 (cycle routes) and IN18 (Pedestrians).

Continued....
Kent Design has been adopted as a Supplementary Planning Document. The applicants state that they have planned this phase to accord with the objectives of Kent Design, whilst also having regard to the approved Development Brief for the site.

In terms of the emerging Swale Borough Local Plan First Review Re-Deposit Draft, Policy H2 states that:

“All proposals for new residential development including renewal and reserved matters applications, will be expected to make the most efficient use of land and provide a range of house types and sizes appropriate to the location and nature of the site and reflecting the identified need in the area. In designing new residential development the objective should be to create more sustainable forms of development in accordance with the other policies in the Local Plan.”

With this in mind Policy H8 (Thistle Hill) states that:

“Under Policy H5(4) the remaining part of the Thistle Hill site, as shown on the Proposals Map, is reallocated for an additional 500 dwellings of which 30% will be provided as affordable dwellings. The precise number of additional dwellings to be provided will be determined by a revised Development Brief and the Master Plan for the site, which must be agreed by the Council before reserved matter approval will be granted for more than the original 1,000 dwellings intended for the site.”

**Discussion**

This proposal is in accordance with the terms of the outline planning permission and approved Development Brief for this important site. Members have previously agreed that to meet Local Plan housing requirements this land should be developed. They have also agreed the precise boundaries of the development and agreed to the broad layout of housing, woodland, open space and community facilities. This application seeks to give details of the built form without changing the principles which have been agreed.

It is a reserved matters application for the erection of 25 residential units on 0.61 hectares of land at Thistle Hill. Outline approval, with conditions was granted in September 1997 (SW/95/102) subject to a Section 106 Agreement. A Development Brief was also agreed. The Brief calls for a range of house types, sizes, styles and densities across the whole site. The application proposes a range of house types and sizes, including flats.

Members will be aware that earlier phases of housing at Thistle Hill are well under way. The scheme comprises a mixture of housing types, and is intended to continue the style and form of the earlier developments to the south of the application site.

Continued....
I note that Kent Highway Services raise objection to the current scheme due to various detailed matters regarding parking spaces, lack of sufficient visitor parking spaces and provision of cycle storage. Amended plans have been submitted to address the Highway Authority’s concerns and I hope to be able to report their comments on these amended plans at the meeting.

With regard to the design of the dwellings and the layout itself through negotiations between Council Officers and the Agent the scheme has been amended to reflect some much improved better traditional house designs. Furthermore the layout has been amended to allow buildings to properly address spaces and to provide more interesting and varied streetscenes particularly facing the Spine Road. The recently received amended plans reflect the outcome of the negotiations with Officers and I believe represent a significant improvement on the original submitted scheme.

I am aware that Members have raised concerns about new developments and methods of water efficiency in the past and I note in the developer’s Design and Access Statement that it states:

*Bovis building specification promotes sustainability by including the following:

- Low energy design, both in use and construction
- Selecting and using timber from sustainable sources
- Thermal insulation within wall cavities, insulation for loft, thermal double glazing etc
- Water butts provision for all dwellings
- No external water taps
- Double flush toilets
- Flow restrictors for showers
- Use of condensing boilers
- Surface Water Strategy*

I am satisfied that all the issues regarding the wider Thistle Hill site have or are being satisfactorily addressed. There are still a number of detailed points as stated above but these are relatively minor and I hope to have addressed these in time for the meeting.

**Summary and Recommendation**

This is an acceptable scheme in accordance with the Local Plan and the Development Brief for the site. Subject to the further views of Kent Highway Services, and the above conditions, I recommend that approval of reserved matters be granted.

**List of Background Documents**

1. Application papers for Application SW/06/1446
2. Correspondence relating to Application SW/95/0102, SW/02/1018, SW/04/1059 and SW/05/1173
Location: Land adjoining 67 London Road, Teynham, Sittingbourne

Proposal: Redevelopment of the site to provide 5 apartments with five off-street parking spaces

Applicant/ Agent: Mr & Mrs J Talmage, c/o Artlab Architects Ltd, 15 London Road, Sittingbourne, Kent, ME10 1NQ

Application Valid: 7 February 2007 and as amended by letter and drawings received 5th April 2007

SUBJECT TO: Views on amended drawings (closing date 23rd April 2007)

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 development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

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

(3) No development shall take place until details in the form of samples of materials to be used on the external surfaces 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.

(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 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 and

Continued....
QL1 of the Kent & Medway Structure Plan.

(5) The areas shown on the submitted plan as “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 dwellings 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, and QL1 and TP19 of the Kent & Medway Structure Plan.

(6) Detailed drawings of all 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. The development shall be carried out in accordance with the approved details.

Grounds: In the interests of preserving or enhancing the character or appearance of the conservation area, and in pursuance of policies E36 and E48 of the Swale Borough Local Plan, and QL1 and QL6 of the Kent & Medway Structure Plan.

(7) No development shall take place until constructional details at a scale of 1:5 of the eaves, verges and dormer windows have been submitted to and approved in writing by the District Planning Authority.

Grounds: In the interests of preserving or enhancing the character or appearance of the conservation area, and in pursuance of policies E36 and E48 of the Swale Borough Local Plan, and QL1 and QL6 of the Kent & Medway Structure Plan.

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

Grounds: In the interests of preserving or enhancing the character or appearance of the conservation area, and in pursuance of policies E36 and E48 of the Swale Borough Local Plan, and QL1 and QL6 of the Kent & Medway Structure Plan.

(9) 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 and QL1 of the Kent & Medway Structure Plan.

(10) 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 and in pursuance of policies E49 and G1 of the Swale Borough Local Plan and QL1 of the Kent & Medway Structure Plan.

(11) The 2.0m x 2.0m vision splays shall be kept clear of any obstruction over 0.6m above adjacent pavement level at all times that the access to the site is in use.

Grounds: In the interests of highway safety.

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 or prejudice highway safety or convenience, and would preserve or enhance the special character or appearance of the Conservation Area. In resolving to grant permission, particular regard has been had to the following policies: G1, E36, E48, E49, H1 and IN7 of the Swale Borough Local Plan, and QL1, QL6 and TP19 of the Kent & Medway Structure Plan.

Observations

This application was reported to the last meeting as Item 2.10. At the meeting I reported the views of Kent Highway Services, which had not been fully addressed in the amended drawings and which required further work. I also reported that the applicants had clarified to my satisfaction a number of points raised in detail by local residents about the accuracy of the drawings, with particular reference to practical issues such as internal headrooms.

Members resolved to defer the matter for further information on matters of design and density. In response the applicants have submitted further drawings to more clearly show the internal arrangements, and to deal with the concerns of Kent Highway Services. They have also sent a letter, attached as Appendix A to this item, to clarify matters of concern to Members.

Continued....
I have re-consulted on these new details with Lynsted and Kingsdown Parish Council, Kent Highway Services, and those local residents who previously raised concerns over the proposals. The closing date for comments is 23rd April 2007 and I expect to be able to report further at the meeting.

**Recommendation**

It is for Members to decide whether, in the light of the applicant’s response, there exist any sound reasons not to grant planning permission. I believe there can be little doubt that the building can be built to the submitted drawings, and that it would work.

With regard to site density, I see no reason to object to the number of units for its own sake given that I am not aware of any unacceptable consequences arising from the number of units proposed, or any reason to believe that any particular reduced number of units would overcome any such consequences.

As such I again recommend that planning permission is granted.

**List of Background Documents**

1. Application papers and correspondence for SW/07/0160

______________________________
4th April 2007

Mr. Graham Thomas
Planning Department
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Dear Mr. Thomas,

REDEVELOPMENT OF LAND ADJOINING 67, LONDON ROAD, TEYNHAM, KENT. (Application no. SW/07/0160 GDT)

Following the recent planning committee meeting on 29th March, in which the above scheme was deferred, we have made several amendments to the drawings in response to the comments and objections made to the scheme.

Please find enclosed 2 no. copies of our drawings numbered 2317/P02 rev C, 2317/P03 rev C and 2317/P04. A summary of our amendments and responses are outlined below.

Item 01 - Comments from Kent Highways

- We have consulted with the KCC Highways Authority in relation to the 4.8m width they have requested for the access and they have agreed that in accordance with standards set out in The Institute of Civil Engineers Design Bulletin 32, a minimum width of 4.1m would be sufficient in this location to allow two cars to pass. Hence we have amended it accordingly.
- We have widened the two end car spaces either side of the block of 4, to 2.7m as advised.
- We have widened the distance between the 4 parking spaces at the rear of the property and the Western boundary to 7.44m at its narrowest point.
- We have recessed the entrance doorway to Apartment AP01 so as not to obstruct the vehicular route through the passageway.

Item 02 - Conservation Officer Consultation

- We have increased the verge overhangs as requested.
- All roof lights have been drawn as conservation type with a central vertical bar.
- We have shown timber cladding at first floor level of the rear wing.

Item 03 - Planning Officer's Suggestions

- We have altered the South (London Road) and the East sectional Elevation to show Brick up to First floor level.
- The rear window to AP04 has now been changed to a triangular window at high level, removing the possibility of overlooking 4 Station Road.
- The corner window to AP05 which was overlooking no. 61 London Road has now been removed.
- (This addresses concerns of overlooking outlined in letter from Mr. Lilliot)
- In order to widen the parking bays at the rear of the site (see Kent Highways objection), we have moved the rear wall at ground level only, showing a lean to roof above it. (See East Sectional Elevation).
APPENDIX A ITEM 2.13

Item 04 - Points outlined in Letter from 24 London Road

- 6 and 7. - regarding pedestrian access - we have widened the access to the site, omitted the gates and closed the gap between properties.
- 9. we have removed instances of overlooking at the rear and side of the property
- 12. The mid section of the roof glazing to bedroom in flat AP03 is openable. Detail to be designed.
- 17. All staircases in the building have been designed to satisfy current building regulations (rises and goings are in compliance with part M Ambulant Disabled requirements and this will be further demonstrated in our Building Control submission – please refer to drawing no. 2317/P04)
- 18. We have altered several windows on the elevations to allow for openable casements.
- 20. The panel shown on the front window to bedroom in flat AP02 is a boarded openable panel next to a fixed window to allow for rapid ventilation.
- We have omitted the large triangular window at the rear of the property and replaced it with a standard openable casement.
- All flue and vent positions will be designed in accordance with the approval of the conservation officer and will not be located at the front of the building.
- 23. The lounge/Kitchen/Diner area to Flat AP03 has an opening section of wall in the East facing part of the corner window.
- 37, 40 and 41 - We acknowledge the regrettable typing error in the design statement relating to a bus stop location on Park Road. We have since omitted this and other errors in the document.

We understand that there have been additional concerns expressed to the density of the development. This development is of a density that makes the optimum economic use of the site and the number of units reflect the viability required to fund the high quality design inherent in this application such as this prominent conservation area.

We thank you for your continued support on this scheme and trust the above meets with your approval, but if you have any further queries, please do not hesitate to contact us.

Yours sincerely,

Sonya Flynn B.A. (Hons) Arch DipArch RIBA
Artlab Architects Ltd

Cc. Mr. & Mrs. John Talmage

- SWALE BOROUGH COUNCIL
- 5 APR 2007
- PLANNING SERVICES
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.

4.1 SW/07/0001 (Case 22448) QUEENBOROUGH

**Location:** Land between A249 Neatscourt Roundabout and Rushenden Road, including parts of Neatscourt Marshes, Sheppey, Kent.

**Proposal:** Construction of the Rushenden Relief road, including a road bridge crossing the Sittingbourne to Sheerness railway line, surface water drainage systems, environmental mitigation measures, highway lighting, footways and combined cycleway/footbridge over the tidal pond providing a pedestrian link to Queenborough together with any necessary diversion of statutory undertaker's plant.

**Applicant/Agent:** Seeda and Kent County Council Highways Advisory Board, C/o Jacobs, Miller House, 43-51 Lower Stone Street, Maidstone, Kent, ME15 6GB.

**Application Valid:** 20 December 2006

**SUBJECT TO:** The views of the Head of Environmental Services and the Highways Agency.

**NO OBJECTION BE RAISED.**

**Conditions**

I recommend that conditions covering the following issues should be imposed should permission be granted.

1. That all the recommended noise and vibration mitigation measures, including the use of ‘quiet’ surface materials, bunding and fencing, are the subject of conditions to ensure that they are carried out in full, together with any additional measures recommended by the Head of Environmental Services.

Continued....
(2) That all details of the surface water drainage scheme be subject to appropriate conditions in consultation with Southern Water Services, Lower Medway Internal Drainage Board an the Environment Agency to secure the implementation and that the approved scheme be adequately maintained.

(3) That all mitigation measures and long term maintenance of wildlife interests are subject to appropriate conditions in consultation with Natural England and Kent Wildlife Trust.

(4) That a full landscaping scheme be subject to appropriate conditions to secure its implementation and the approved scheme adequately maintained.

(5) That precise details of the bridge including lighting are discussed with and agreed by the District Planning Authority.

(6) That methods of working and construction times be subject of conditions to minimise disruption to local residents and wildlife interests.

(7) That all mitigation measures and long term maintenance of archaeological interests are subject to appropriate conditions in consultation with English Heritage.

Description of Proposal

This is an application for determination by the County Planning Authority.

The scheme consists of a new length of road linking the existing A249 Neatscourt roundabout with Rushenden Road just to the north of Cullet Drive/Rushenden Road junction. The road will provide access along its length to proposed development areas as identified in the proposed Queenborough/Rushenden Regeneration Master Plan via the use of a number of roundabouts.

It is intended that the proposed construction programme for the road would start in July 2007 with completion in December 2009.

The proposed road would be mostly built on a raised embankment which would rise from 1.5 metres in the east to approximately 8 metres adjacent to the Sheerness-Sittingbourne railway line.

The road would be broken down into the following various sections designed to cater for predicted traffic flows and to gradually scale down from the A249 dual carriageway to the urban area along Rushenden Road:—

Continued…. 
The proposals would involve the construction of a road bridge over the Sittingbourne to Sheerness railway involving the road being on a raised embankment approximately 8.0m high over the railway together with bridge parapets and noise fencing this will increase the perceived height to some 10m above adjacent ground levels at the highest point.

A footpath/cycle link between the Relief Road and Borough Road would be provided which may be raised on an embankment some 1.5m above ground level and a steel bridge would be constructed across the existing tidal pond.

The proposals would also involve a large area of concrete at the former Twyfords site in Rushenden Road being broken up and crushed to provide a substantial amount of the material needed to form the embankment construction of the Relief road to the west of the railway line.

As a result of the proposed development it is intended that part of Cullet Drive should be stopped up to form a cul-de-sac and turning head.

A noise barrier 1.8m high would be constructed along part of the embankments closest to residential properties in Queenborough and Rushenden. The road would be lit by street lighting for the whole of its length.

For such a major development an Environmental Assessment is required. Moreover, the site is within 2km of SSSI – The Medway Estuary and Marshes Ramsar site and the Swale Estuary Ramsar site. The application consists of forms and sets of plans, an environmental Statement in 2 volumes and a Design and Access Statement (which is attached as Appendix A) in support of the application.

**Relevant Site History and Description**

The site is described under the non-technical summary which accompanies the application as the following:-

"N2.1 The proposed site covers approximately 21.5 hectares and is located to the south-east of Queenborough and north-east of Rushenden on the Isle of Sheppey. The planning application area, shown in Figure NTS2, can be considered in terms of two distinct areas; land to the west of the railway, which is currently in commercial use or derelict, and land to the east of the railway, which is currently grazing marsh. The existing topography of the site is predominantly flat, with a micro-topography varying by approximately 1.5

Continued...."
metres along the length of the proposed road corridor.

N2.2 The proposed development area is banded to the east by the new corridor of the A249(T), to the north by informal recreational areas, residential development and commercial development, to the west by the estuary and to the south by agricultural land and existing areas of imported car storage owned by Medway Ports Ltd. South and west of the proposed road corridor lies the Medway Estuary and Marshes Site of Special Scientific Interest, Special Protection Area and the Ramsar site (SSSI/SPA/Ramsar), an area of nature conservation designated at national, European and internal level respectively.

N2.3 To the north-east of the proposed road corridor lie Furze Hill and Barrows Hill, which form some of the highest points on the Isle of Sheppey. Land to the south and south-east is predominantly expansive open grazing marsh, with only isolated farms and residences between the road corridor and the River Swale. The settlement of Rushenden lies to the south-west of the site alongside the West Swale Estuary, with land to the west of the railway and south of the proposed road corridor comprising a range of commercial land uses and open expanses of concrete used for the storage of imported vehicles. Land abutting the northern parts of Rushenden and southern parts of Queenborough is predominantly industrial, commercial or derelict with historic town of Queenborough itself extending to the north-wet and north of the site. Key features surrounding the site are shown on Figure NTS3."

Views of Consultees

In the context of this application the Borough Council is itself a consultee. The views of consultees will be taken into account by the County Planning Authority, and any conditions recommended by statutory and other bodies will be considered for inclusion if planning permission is granted. I shall not therefore repeat the comments at length here. However, of the consultations received so far, the following are particularly noteworthy:

The Environment Agency raises objection on water quality grounds as the measures to fully address the risks of contamination from road drainage on the quality of the receiving surface watercourse environment are not adequate. Pollution prevention measures such as bypass oil/petrol interceptors prior to any discharge should be included, together with Penstock valves to address any major road spillages. If permission is granted the Agency recommends various conditions relating to construction phase, biodiversity, groundwater protection, contamination, fisheries and waste management.

Queenborough Town Council welcome the proposal to direct commercial traffic away from Queenborough but also state the following:-

"1. Some concern was expressed over the proposed width of the single carriageway sections of the road, which, it was felt, might cause difficulties to larger commercial vehicles e.g. car transporters."

Continued....
2. The site of contractors' offices, material dumps etc, should be chosen carefully, so as to obviate disturbance and inconvenience to residents caused by vehicles travelling to and from these sites.

3. When the new road is completed, active steps should be taken to discourage commercial traffic from travelling from Sheerness Docks to the Rushenden industrial sites via the Whiteway/North Road/Rushenden Road route.

4. It is noted that a footpath/cycleway is proposed, linking the new road with Borough Road and that this will, in theory, provide a safe route for children travelling from Rushenden to Queenborough First School. However, members wished to emphasise the need for the inclusion of adequate pedestrian crossings at suitable location(s) along the new road. It is not clear what type of crossing is envisaged at the points shown on drawing number B0316200/DA/01."

Natural England (NE) has a number of concerns about the proposal which have not been properly addressed by the Environmental Statement. However, NE have met the applicant to discuss a number of issues including provision of compensatory grazing marsh habitat and the "Appropriate Assessment" and anticipate many of their concerns will be addressed.

Kent Wildlife Trust raise a number of concerns such as:-

- "the EIA does not assess the effects on the integrity of the European sites, but instead leaves this to be dealt with by the appropriate Assessment,

- the ES fails to deal with the cumulative impacts of development, and

- there is insufficient detail regarding the provision of compensatory habitat.

The lack of this information in the EIA means that insufficient information is provided on which to base an assessment of this application and its compliance with planning policies. The applicants therefore cannot demonstrate compliance with Swale Local Plan policy E11 in respect of the Borough's biodiversity conservation and the application can be assessed against the criteria set out in Swale Local Plan Policy E12 with regard to European sites. Furthermore, the application does not satisfy Policy EN6 of the Kent Structure Plan, as the development proposals have not demonstrated that they will not adversely affect internationally and nationally important sites.

We must therefore object to the application. However, we note that an Appropriate Assessment is to be prepared, prior to the determination of this application, which will address these issues, and we will be happy to review our comments when this information is available."

Comments from the Highways Agency are still awaited and I hope to report their comments to Members at the meeting.

Continued....
Southern Water Services recommend imposition of a condition relating to
details of surface water disposal to be submitted and approved prior to
construction.

English Heritage raise no objection and recommend imposition of conditions
regarding archaeological mitigation.

Lower Medway Internal Drainage Board require conditions regarding
attenuation of all surface water drainage.

The Queenborough Society raise no objection but note that the development
will cause an increase in traffic on many of the existing roads in particular at
the existing Rushenden Road mini roundabout with Railway Terrace and
Queenborough Gyratory System. Also little reference in the surface water
drainage strategy to the influence and importance of Queenborough Creek on
the drainage of the area. Lastly, the lighting columns on the bridge will have a
total height of 18m above ground level and should be reduced at this point as
they will dominate the surrounding area.

Other Representations:

One letter of objection has been received raising the following concerns:-

- Lack of information regarding mitigation on water voles.
- Impact of changes in water quality will have on the wildlife associated
  with drainage ditches.
- Carrying out of any maintenance and management works on the
ditches to be done only in winter months due to impact on water voles
  and other aquatic species.
- Level of impact on bats would be high and of regional importance due
to presence of Serotine bat and the potential of changes in water
  quality.
- Footpath proposal across the marshes will have an impact on the
breeding area for waders especially Redshank due to increasing
number of people in the area.
- Potential loss of important foraging habitat for great crested newts.
- DEFRA licence required before taking any mitigation work is
  undertaken.

Planning Policies:

The Design and Access statement summarises at length the policy context of
this application, and I shall not repeat them all here, except to note the most
significant, as follows:

Regional Planning Guidance (RPG) 9 provides the regional planning
framework for the South East for the period up to 2021. RPG9 contains key
Continued....
development principles which aim to ensure its continued environmental, economic and social health. Amongst the main principles that are relevant to this proposal are that urban areas should become the main focus for development through making them more attractive, accessible and better able to attract investment.

Policy NK3 of the adopted Kent and Medway Structure Plan recognises Queenborough and Rushenden as a strategic development area with the aim of supporting economic regeneration and diversification. It identifies the area for mixed-use development for housing, employment and community facilities in association with environmental improvements and transport infrastructure such as the Rushenden Relief Road.

Policy IN33 of the adopted Local Plan seeks the provision of a new road link between the A249 and Rushenden (ie, the Rushenden Link Road) and the proposals map indicates a safeguarded route.

As Members will be aware, the Local Plan is under review. Policy AAP6 gives a policy context for the regeneration of Queenborough and Rushenden and emphasises the importance of new employment development and infrastructure (including the Relief Road) being developed as part of the overall delivery of a balanced community. Policy T9 shows a route to be safeguarded for the Relief Road and to prevent development that would prejudice its delivery.

Discussion

The need for a link road between the A249 and Rushenden is in my view overwhelming for the reasons set out in the text to the adopted and emerging Local Plans cited above. It is long held policy at all levels and is essential for the economic well being of this part of Sheppey. I would point out that the route of the Relief Road has now slightly changed from that in the adopted Local Plan. After pre-application consultations and discussions the route is now shown to be further to the north than originally shown and results in the new road alignment displacing some existing operational port land which is replaced within the adjoining Neatscourt Phase 1 planning application (Ref SW/07/06/1468).

In addition there are a number of issues which should be addressed in the consideration of this application.

Alternatives to the Road

The non technical summary considers this aspect and states the following:-

"The AAP, Masterplan and Relief Road development proposals are orientated towards the regeneration of land in and around Queenborough and Rushenden and Continued...."
for this reason, with a specific focus area, alternative sites have not been considered. Alternative routes for the proposed Relief Road have been tested through public consultation and the current alignment is considered to represent the best option when considering the potential environmental affects and constraints associated with the options available".

Noise and Vibration

Planning Policy Guidance Note (PPG) 24 makes it clear that the impact of noise is a material consideration in the determination of planning applications. Chapter 15 of the Environmental statement examines the impacts of noise and vibration at length. An assessment of the potential noise and vibration from the new road has been made using the criteria set out in the Design Manual for Roads and Bridges, and Calculation of Road Traffic Noise 1988.

The existing noise climate around the site has been established through the monitoring of noise levels at 4 locations within Queenborough and Rushenden and predictions of noise levels associated with existing traffic flow along the main local roads. The noise surveys undertaken showed that road traffic is likely to be the main source of noise in the area but that prevailing noise levels are relatively low.

An assessment of construction noise has shown the potential noise levels at selected residential properties on a worst case scenario. The assessments results show that the distances to the nearest properties are such that increases in noise during the construction period are not anticipated to be substantial.

The Environment Statement concludes a number of things including:

"15.6.4 In order to minimise the impacts of noise from new or improved road schemes, the following control measures will be implemented to protect noise-sensitive receptors that have been identified in close proximity to the proposed scheme:

- reduce the noise of the road at source, by using a low noise road surface such as Stone Mastic Asphalt (SMA)
- construct an acoustic barrier, such as a fence, wall or earth mound that will impede the transmission of noise from the road. For properties on the southern edge of Queenborough, mitigation in the form of a 2.0 metre high screen would reduce the predicted impact at this location from 'substantial' to 'slight'. For properties on the northern edge of Rushenden, a 1.5 metre high barrier would provide sufficient attenuation to noise levels to change the assessment of the significance of potential noise changes to 'neutral' for this receptor."

Ecology

The proposed development is in a sensitive location with respect to ecology Continued...
and nature conservation. To the south and west of the proposed road lies the Medway Estuary and Marshes SSSI/SPA/Ramsar whilst to the south and south east is the Swale SSSI/SPA/Ramsar. The main ecological interest of these designated areas is for birds but the SSSI and Ramsar designations also reflect the importance of other plants and animals within this area. The non technical summary concludes that:-

"N8.2 A wide range of ecological surveys have been undertaken across the AAP extent between 2004 and 2006. These have determined the importance of areas of the site for wintering birds, breeding birds, water voles, reptiles, amphibians, invertebrates and plants. The proposed development will result in the removal or disturbance of much of the existing grazing marsh on the site to the east of the railway and the loss of approximately 250 metres of existing ditches on the site, areas of which are of importance for water valves and invertebrates. There is also the potential for disturbance to birds using the designated area to the west of the site during the concrete break-up and crushing. The predicted effects of the proposed development with respect to the loss of grazing marsh habitat.

N8.3 Consultation with Natural England, the Environment Agency and other nature conservation bodies has determined the need to provide replacement habitat for habitats lost, with this replacement habitat needing to be sufficiently close to the development site and with the correct characteristics such that it could be used by species displaced as a result of the development activities. At least 850 metres of replacement ditches will be constructed within the site and these will be of a design agreed with nature conservation bodies such that they will, once established, provide an increased area of suitable habitat for the species using the existing ditches on the site. Land for the creation of replacement grazing marsh and grasslands is being sought by SEEDA and this will need to be approved by Natural England prior to the determination of the planning application".

Water Environment

Being low-lying and close to the Swale, the area to the south of Queenborough has been subject to periods of flooding over the years. There is an existing network of water bodies across the Neatscourt Marshes which combined from an extensive system of land drainage.

However, it would appear that none of the proposed road corridor comes within the Swale floodplain according to predictive mapping of the Environment Agency.

The Environmental Statement concludes that:-

"N11.3 The existing site to the east of the railway is predominantly permeable (grazing marsh) and the majority of rainwater falling on the site will either enter the ground, drain to watercourses relatively slowly or evaporate. The proposed development will change the characteristics of this land to become a site that is predominantly impermeable. Key effects associated with this change are that there will be an increase in the volume of rainwater to be managed within drainage features Continued...."
in addition to an increase in the rate at which this water will enter ditches. If unmanaged, this increase in surface water has the potential to change the drainage characteristics on land adjacent to the site or potentially result in flooding. To the west of the site, the existing surfaces are impermeable, with storm water generated entering a main drain along Rushenden Road. The proposed embankments will increase the permeable area and although the storm water from the road to the west of the railway will be discharged into the existing main once the road is completed.

N11.4 A network of new ditches has been incorporated within the adjacent Neatscourt Phase 1 site. These ditches have been designed to fulfil three key functions; to store storm water generated by the impermeable surfaces from other areas within the site, to provide replacement habitat (as discussed above) and to provide replacement for the loss of flood storage. The extent and design of the ditch network has been agreed with the Environment Agency. Storm water from the eastern section of the Relief Road will be discharged into ditches adjacent to the road and with the proposed strategic drainage network, there are no adverse effects predicted with respect to off-site receptors."

Landscape and Visual Effects

The application site comprises of open grazing marsh and some hardstanding. It is low lying and overlooked by areas of higher ground and adjoins areas of extensive marshes that allow for wide uninterrupted views. The visual impact of the proposed road on the landscape has been assessed from various public viewpoints and dwellings with assessment of potential changes in view helped by the use of photomontages showing the scale and location of the road in the existing landscape. Landscape character has been assessed through various site visits and reference to published assessments by both Kent County Council and Swale Borough Council.

The non technical survey concludes that the existing landscape is on the urban fringe but predominantly rural in character to the east of the railway line. The development of the road will have an urbanising effect on the area and this will result in a number of changes to views and the local landscape character. The proposed embankment, bridge and lighting columns will be most prominent from views closer to the site (eg. Furze Hill and southern part of Queenborough) with limited effects further afield to the south and east of the application site.

Changes in the views from residential properties will be most obvious from those eg, Neats Court Manor which directly face the site with a more limited impact on views for those properties with filtered or glimpsed views of the road.

The Environmental Statement in Chapter 11 concludes that:-

"11.61 Many of the predicted effects of the proposed Relief Road with respect to landscape and visual impact are due to the presence of the structure within Continued...."
the existing landscape, the height of the embankment leading to the railway bridge crossing and the movement of vehicles along the road (particularly high-sided vehicles). Effective mitigation measures for the majority of these impacts are difficult to achieve but there is potential for reducing the magnitude of effects from specific receptors. Mitigation measures could include some additional planting of trees and shrubs which could also assist in the immediate vicinity of the railway, and off site along the railway.

11.62. Off-site landscape works between the Relief Road and Neats Court Manor would assist in reducing the visual intrusion to this receptor, with opportunities including the potential creation of mounding or hedgerow planting on the land between the old A249 and new A249. This would also have the benefit of reducing the current (and more significant) effects of the A249 corridor from this receptor.

11.6.3 Additional planting for backs of gardens could be offered to residents located on the south side of Eastern Avenue. The small length of hedgerow along Rushenden Road could be replaced along the eastern sides of the aligned sections. The proposed drainage ditches to be created at the base of embankments will be planted with emergent macrophytes, including reedbeds, which will provide some improved landscape integration.

Summary and Recommendation

A site visit by the County Council's Planning Committee has been arranged for 23rd April 2004, and officers and Members of the Borough Council's Planning Committee are invited. It may be that other issues will arise from this. However, the completion of this road has been part of the policies of this Council for many years and is supported by Central Government. It is an essential part of infrastructure for the regeneration of Queenborough and Rushenden. It is not without adverse consequences, but I am confident that the issues have been addressed in a responsible way and will be scrutinised closely by the County Planning authority. I have sympathy with those living nearby, but believe that the applicants have taken measures to mitigate the impacts as far as possible given the constraints of the scheme, and that the benefits are extremely significant for the future prosperity of the area as a whole.

There are a number of concerns which I have noted above. They generally repeat the concerns raised by Kent Wildlife Trust and Natural England with respect for the need for the developer to carry out an Appropriate Assessment and to provide compensatory habitat as a result of these proposals. The applicants are aware of these concerns and are in discussion with the various parties to address these concerns.

Continued....
I am still awaiting the comments of the Head of Environmental Services, but subject to this, to the receipt of further clarification and to conditions as summarised above, I welcome this proposal and recommend that no objection be raised.

List of Background Documents

1. Application papers for Application SW/07/0001.
2. Correspondence relating to Application SW/07/001.
Rushenden Relief Road

Design Access Statement

December 2006
Rushenden Relief Road
Design and Access Statement for the Planning Application

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Appendix 1 - Drawing No. B0316200/DA/01
1 Introduction

1.1 Queenborough and Rushenden on the Isle of Sheppey are at the eastern end of the Kent element of the Thames Gateway growth initiative. It is an area of commercial and housing growth and essential town centre regeneration that urgently needs transport improvements to sustain this agenda.

1.2 Formal planning permission is to be sought for construction of the Rushenden Relief Road in order to relieve heavy goods traffic on Main Road, Queenborough and to provide access to the proposed areas of development identified in the Local Plan.

1.3 The Scheme is a key element of transportation infrastructure being provided by the public and private sector to support and maintain the momentum of the economic regeneration and growth agenda to this part of Thames Gateway.

2 Description of the Development

2.1 The scheme consists of a new length of road linking the existing the A249 Neatscourt roundabout with Rushenden Road just to the north of the Cullet Drive/Rushenden Road junction. The scheme will provide access along its length to proposed development areas identified in the proposed Master Plan (see paragraph 3.20) via the use of roundabouts.

2.2 The proposed scheme is illustrated on drawing number B0316200/PA/002 included in the planning application documentation.

2.3 The preferred construction programme for this scheme is to start work in July of 2007 with completion in December 2009.

2.4 The scheme is to be funded via South East England Development Agency (SEEDA) with contributions from Department Communities and Local Government (DCLG) and Developers. It will be promoted by SEEDA, Kent County Council (KCC) and Swale Borough Council (SBC).

2.5 The scheme is to be constructed on land owned or procured by SEEDA. SEEDA have already entered into agreement with existing land owners over the majority of the site and will transfer the land required for the Relief Road to the highway authority (KCC).

2.6 The proposed scheme will be designed and constructed in accordance with the standards and requirements of the highway authority. To assist this element ongoing meetings, correspondence and dialogue has taken place with officers of Kent Highway Services (KHS) Mid Kent Division and also officers at SBC over highway geometry, planning and consultation matters.
3 Site Assessment and Policy Context

3.1 The towns of Queenborough and Rushenden have for many years been identified as an area in need of positive action to achieve economic regeneration. The area has suffered from a relatively isolated location and poor economic performance resulting from the decline of local industry in the past. In planning policy terms, the town also lies within the Thames Gateway growth area.

3.2 In recognition both of its location within the wider Thames Gateway growth area and the local needs for economic regeneration, the town has been identified as a location for significant new development in successive strategic and local planning documents.

Regional Planning Policy – Thames Gateway

3.3 A large part of Swale district, including Sittingbourne and the whole of the Isle of Sheppey, falls within the Thames Gateway area. Regional policy for Thames Gateway is set out in Regional Planning Guidance for the South East (RPG9 - 2001), the Thames Gateway Planning Framework (RPG9a - 1995), and the Government's Sustainable Communities Plan (2003).

3.4 These documents identify the Thames Gateway as a nationally important sub-region for the delivery of new development, and in particular local economic growth and the provision of new infrastructure to serve existing communities.

3.5 RPG9a notes in section 6.11 that Sittingbourne and the Isle of Sheppey have both suffered substantial job losses in the recent past, with unemployment exceeding 20% in 1993. It identifies therefore that economic regeneration is the main (but not the sole) planning issue.

3.6 RPG9a recognises the significance of the deep sea port of Sheerness as an important focus for regeneration, both on the island and on the mainland, in that it is a significant employer in its own right and supports indirectly several hundred more jobs. RPG9a supports the bringing forward of suitable locations for 'value added' processing and for distribution and transshipment uses, to build upon the success of the port. It also advocates the delivery of an adequate supply and range of new housing on the Island to support economic development.

Strategic Planning Policy – The Adopted Kent and Medway Structure Plan 2006

3.7 Policy NK3 of the Kent and Medway Structure Plan (2006) identifies Queenborough and Rushenden as a strategic development area with the objective of supporting economic regeneration and diversification. It identifies the area for mixed-use development for housing, employment and community facilities in conjunction with environmental improvements and transport measures, including the Rushenden Relief Road.
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3.8 Policy FP3 of the Structure Plan specifically identifies the area of Neatscourt Marshes as a strategic employment location, and a priority for delivery. Paragraph 6.17 of the supporting text states that the success of the Plan and the impact on the employment structure and growth that it seeks to provide depends upon the delivery of the Strategic Employment Sites. Paragraph 6.14 of the supporting text notes that employment land allocations are intended primarily for office, manufacturing and warehousing use, but that in practice other uses may occupy that land.

3.9 The provision of new business development at Neatscourt is also an integral element of the Adopted Swale Borough Local Plan (2000). In terms of the principle of new business development at Neatscourt, paragraph 2.2.12 of the Plan explains that the 1996 Structure Plan required the provision of 905,000 sq m of new employment space to be provided by 2011, and identifies that one of the five major sites required to deliver this quantum of new development is Neatscourt, Queenborough.

3.10 Policy IN33 of the Local Plan seeks the provision of a new direct road link between the A249 and Rushenden (i.e. the Rushenden Relief Road) at the earliest opportunity, and the Proposals Map identifies a line to be safeguarded for this route.

3.11 The principal of the Rushenden Relief Road is therefore wholly in accord with the adopted Local Plan, which in turn accords with the Structure Plan and RPG9a provisions for the Isle of Sheppey.

Adopted Supplementary Planning Policy – The Queenborough and Rushenden Development Framework

3.12 The Relief Road falls within Zone 7, and comprises part of area 6 (Neatscourt, Crown Estate), and area 7 (Car/distribution storage).

3.13 The route of the Relief Road has been the subject of further specific consultation since the approval of the Development Framework and has been subject to more detailed design and further discussion, which has led to the adoption of a route slightly further to the south. The result is that the new road alignment relates in the loss of operational Port land, which is shown to be replaced within the adjacent Neatscourt Phase 1 planning application.

Emerging Local Plan Policy and the emerging Queenborough and Rushenden Masterplan

3.14 Swale Borough Council is currently in the process of preparing a replacement to the adopted Local Plan, in the form of The Draft First Review of the Swale Borough Local Plan (2005), as Modified. Although this Plan has not yet been adopted, it is reaching an advanced stage of preparation, with an inquiry into the Deposit Draft having taken place over the summer of 2006.

3.15 Strategic Policy III states the Council's intention to optimise economic potential by, inter alia, broadening the economic base to create a strong and more diverse economy and supporting the implementation of the employment land commitments in the Plan. Strategic Policy TG1 confirms that a priority of the Council will be the implementation of already identified major employment sites.
3.16 Paragraph 4.7 of the Draft Local Plan states that the bulk of new employment provision required to meet current Structure Plan requirements will be provided from a number of long standing sites which mainly due to road infrastructure constraints have not come forward earlier. It identifies that a priority for the Plan is to secure the implementation of these sites, which 54 ha of land at Neatscourt, Queenborough, as set out in Policy B10. Policy B2 states that planning permission for employment development on land allocated for such use on the Proposals Map will be granted.

3.17 Policy B14 provides further policy in respect of the Neatscourt allocation. It states that the Council will grant permission for employment uses (primarily B2 and B8), and notes that development should accord with the adopted Development Framework and Masterplan to be prepared for the wider area (including making a proportionate contribution to physical and social infrastructure required as part of the Masterplan), and taking into account:

- Access to the site, including the provision of part of the Rushenden Relief Road;
- Mitigation and compensation for loss of grazing marsh;
- The safeguarding of residential amenity;
- The impact on landscape;
- The retention, protection and upgrading of existing flood protection measures; and
- The phasing of development within the site.

3.18 Policy AAP6 provides a policy context for the wider regeneration at Queenborough and Rushenden, and establishes the significance of new employment development and infrastructure (including the Rushenden Relief Road) coming forward as part of the overall delivery of a balanced community.

3.19 Policy T9 relates to the protection of a route for the Rushenden Relief Road, and to preventing development that would prejudice its provision.

3.20 SEEDA has appointed a consultant team, led by Rummey Design Associates, to prepare a Masterplan for the overall redevelopment of the Queenborough and Rushenden Regeneration Area, elaborating upon the principles already established in the Adopted Development Framework. This Masterplan is the subject of on-going discussion with SBC, and it is anticipated that it will in due course be approved as a Supplementary Planning Document.

3.21 The proposals for Rushenden Relief Road and Neatscourt Phase 1 have been prepared in tandem with the preparation of the Masterplan, and by the same consultant team, to ensure consistency between the current development proposals and the emerging Masterplan.

**Summary of Policy Context**

3.22 The Development Plan for the area currently comprises the Adopted Swale Local Plan (2000) and the Adopted Structure Plan (2006). Both documents identify the need for the Relief Road and development of employment land at Neatscourt marshes as an integral and indeed fundamental part of their strategies for the delivery of economic development.
3.23 In the Adopted Local Plan, the development of the Neatscourt site is required to meet the requirements of the 1996 Structure Plan up to 2011. Policies B1 and B21 create a sound basis for the principle of employment development on the site, subject to the specific provisions of Policy B21 in respect of safeguarding the amenities of residents to the north. Policy IN33 of the Adopted Local Plan also supports the early provision of the Rushenden Relief Road.

3.24 In the Adopted Structure Plan, Policy FP3 identifies Neatscourt as a strategic employment location, and a priority for implementation.

Summary of Socio-Economic Context

3.25 The Queenborough and Rushenden area has seen a decline in traditional industries since the Second World War, and now suffers from a lack of employment opportunities. It is an area of relative deprivation, with a significant requirement for new employment, social, and educational opportunities.

Physical Context

3.26 A detailed description of the application site and the surrounding area is provided as part of the Environmental Statement, Part 1, Section 2. The application site currently comprises mainly grazing marsh, with associated drainage ditches, but also contains at its western side land currently used for Port related car storage.

3.27 To the east of the railway line the site adjoins Neatscourt Marshes, Queenborough is to the north, the new A249 is to the east and to the south there is the existing port parking. Further south is marsh part of the Medway Estuary and Marshes SSSI/SPA/Ramsar site.

3.28 To the west of the railway the site adjoins further port parking to the south, Rushenden Road and Rushenden estate to the south and west, a number of industrial estates and Queenborough to the north.

Related Planning Applications

3.29 SEEDA are preparing a planning application for development of Neatscourt Phase 1, this is programmed to be submitted to SBC at around the same time as the submission of the Relief Road to KCC.

4 Use

4.1 The purpose of the designed Rushenden Relief Road is to improve existing local transport infrastructure by reducing freight traffic in residential areas and to enable development of land to the south of Queenborough.

4.2 A number of design options were discussed with the local community to ensure that the final design met with local aims. First responses to the provision of a relief road were extremely positive, a majority of the comments received imply that the construction of a relief road is long overdue and something the community has sought after for many years.
Rushenden Relief Road
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4.3 Residents agreed with the designed option for the following reasons:
- It splits commercial and residential traffic.
- Causes minimum disruption during construction.
- Allows access to future developments along the relief road.
- On completion there will be less heavy traffic in Queenborough, making the area safer for pedestrians.

4.4 There will be a corridor for Statutory Undertakers plant, to provide services to the new developments. New mains will provide supplies of gas, water, electricity, telecommunications and removal of foul water from the adjacent development sites included in the master plan.

4.5 The Relief Road provides a transport corridor for vehicles, pedestrians and cyclists. No specific provision has been made for equestrian usage.

5 Layout

5.1 The layout has been designed to current national standards, Design Manual for Roads and Bridges, to provide a link from the existing Nealscourt Roundabout on the A249 to a new roundabout to be constructed on Rushenden Road. A further three roundabouts are to be constructed along the Relief Road. These will provide access to future commercial developments.

5.2 Footways and cycleways will be provided to gain access to the proposed commercial developments and to Borough Road to the south of Queenborough, (see drawing number B0316200/DA/01 in Appendix 1). The design has also taken into account the views of the local community.

5.3 Key constraints considered during the design of the road were:
- Railway line.
- Bridge clearance.
- Area of special scientific interest.
- Overhead HV cables and pylons
- Creating usable development plots.
- Complying with current Highway Design and Safety Standards and Guidance.
- Providing adequate traffic capacity.
- Existing features.
- Minimising impact on ecology.

5.4 The main barrier and design issue of the Relief Road is the Sittingbourne to Queenborough railway line. The only feasible option is to bridge the railway line. Following discussions with network rail the clearance of the bridge has been agreed to comply with their design standards and takes allowance of future needs of the rail transport infrastructure This has fixed the height of the road at the railway, the vertical alignment has then been designed to minimise the height of the embankments to:
- reduce the requirements for imported fill material,
- minimise the visual impact on the existing marsh land.
APPENDIX A ITEM 4.1

Rushenden Relief Road
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5.5 The section of road between the A249 and the approach embankments is slightly elevated, approximately 1m high, to enable the highway to be drained to existing and proposed water courses and reduce the risk of flooding. Details of flood risk have been assessed in the flood risk assessment carried out by GC Partnership and submitted with this planning application.

5.6 The layout has been developed in consultation with SEEDA as leaders of the development of the whole regeneration site particularly Neatscourt Phase 1.

5.7 Part of Cullett Road will be stopped up to form a cul-de-sac and turning head provided. This is necessary to avoid a complicated and unsafe combination of junctions in close proximity.

6 Scale

6.1 Carriageway widths have been design to reflect traffic need and gradual sense of transfer from the high speed distributor Road (A249) down to the residential roads at Rushenden Road.

6.2 The height of road on embankment will be approx 8.0 high where it crosses the railway. Additional features of bridge parapets and noise fencing will increase the perceived height to approx. 10m above adjacent ground levels at the highest point.

7 Ecology and Environment

7.1 A detailed description of the ecological surveys and assessments undertaken as part of the consideration of this site are provided as part of the Environmental Statement Report.

7.2 Key landscape and ecological constraints considered in the design of the road were:-
- Bats
- Water Voles
- Reptiles
- Nesting birds

7.3 There are two areas within 2km of the scheme that are SSSI's. These areas are the Medway Estuary and Marshes Ramsar site and the Swale Estuary Ramsar site. Although the site does not extend to these areas the design will have an indirect impact on them.

7.4 The main policies for ecological issues in the UK that are significant to this scheme are:-
- Conservation (Natural Habitats & c.) Regulations 1994, as amended.
- Wild Mammals Protection Act, 1896.
- Natural Environment and Rural Communities Act 2006.
Rushenden Relief Road
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7.5 Advance ecological mitigation works will be carried out as part of the adjacent Neatscourt Phase 1 - development works) these include:-
• Compensatory ditches to replace ditches disturbed by the relief road.
• New ditches will be planted to provide replacement habitat.
• Habitat management to minimise the impact on breeding birds and reptile.
• Trapping and translocation of water voles and reptiles to be carried out prior to the commencement of the Relief Road.

7.6 Two culverts are provided to maintain the balance of the hydrology either side of the Relief Road. Mammal crossing facilities will be provided adjacent to the culverts.

7.7 During the construction phase measures will be incorporated into the construction process to reduce noise, dust, human disturbance and other potential causes of pollution.

7.8 A noise barrier 1.8m high will be provided along part of the embankments, closest to residential areas of Queenborough and Rushenden to reduce the impact from traffic noise using the new road.

8 Landscaping

8.1 The landscaping proposals are to provide simple grassed verges and embankments to maintain the marshland character.

8.2 Ditches adjacent to the highway will act as drainage ditches and be used to replace environmental habitats lost to the road.

8.3 A more detailed Landscape assessment has been carried out as part of the Master Plan and Neatscourt Phase 1 planning application assessments prepared by SEEDA and submitted to Swale Borough Council.

8.4 Should the landscape strategy of the area, including future regeneration, change in line with planning policy the further landscaping along the highway boundaries and embankment slopes could be incorporated into the scheme.

9 Appearance

9.1 The character of each section of road has been designed to cater for predicted traffic flows and to gradually scale down from the A249 Dual Carriageway to the urban area along Rushenden Road.
• Dual 7.3m carriageways – A249 to Roundabout 1
• Single 7.3m carriageway – Roundabout 1 to Cullett Drive Roundabout.
• Single 6.0m carriageway – Cullett Drive Roundabout to Rushenden Road.

9.2 The appearance of the highway will be that of a standard highway, that gives user a sense of security and safety.

9.3 The scheme will be lit by a scheme of street lighting along its length to add to the sense of safety and security.
APPENDIX A  ITEM 4.1

Rushenden Relief Road
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10 Access

10.1 Key access considerations during the design of the Relief Road have been.
   * Pedestrian
   * Cyclist
   * Vehicle
   * Public Transport
   * Interchange
   * Inclusive

10.2 Footway and cycleway facilities have been provided as detailed on drawing No. B0316200/DA/01 along anticipated desire routes.

10.3 Crossing points for pedestrians and cyclist will be provided at safe locations on both Roundabouts 1 and 2 and the Cuffett Drive Roundabout. Contrasting tactile paving will be provided at crossing locations.

10.4 A link from the Relief Road to Borough Road, Queenborough has also been provided; this will require a bridge across the tidal pond. This link will provide an additional connection to footpath ZB50.

10.5 No specific arrangements have been made for bus stops within the scheme as the bus companies will not have demand for a bus stop until the adjacent developments are completed. Footway links have been provided between roundabouts 1 and 2 to allow for the installation of Bus Stops once the bus companies are willing to provide a service. Sufficient land is available to widen the footways in the vicinity of the bus stops.

10.6 The maximum gradient of the footways is 5.8% this is on the approach embankment to the rail bridge, this is greater than the recommended maximum gradient for inclusive mobility 5% but less than the recommended absolute maximum of 8%. The rest of the site has gradients more suitable for use by the mobility impaired.

10.7 No provision has been made for equestrian users.
5.1 SW/04/0713 (C14173) – Russetts, Warden Road, Eastchurch

**APPEAL DISMISSED**

The Inspector commented as follows:

> Appeal Ref: APP/V2255/C/06/2019757
> Russetts, Warden Road, Eastchurch, ME12 4HA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr D Carolan against an enforcement notice issued by Swale Borough Council.
- The Council's reference is RB/KM.
- The notice was issued on 19 June 2006.
- The breach of planning control as alleged in the notice is the erection of a fence in excess of 1 metre tall adjacent to a highway.
- The requirements of the notice are to remove the fence or reduce it to a height not exceeding one metre and remove from the land any rubble or debris caused by doing so.
- The period for compliance with the requirements is three calendar months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision:** The appeal is dismissed and the enforcement notice upheld.

The appeal on ground (a) and the deemed application for planning permission

1. This ground of appeal is, in effect, that permission should be given to retain the fence as erected and at the date of issue of the notice. In August last year another Inspector considered whether planning permission should be given for the same fence through an appeal under s78 of the Act. Ground (a) of this appeal raises exactly the same issues as those considered by my colleague. They are the impact on the street scene and character of the area and the impact on highway safety. My colleague concluded, in summary, that the fence appeared unduly prominent and stark in this section of the lane and conflicted with development plan policy. He also concluded that it provided an unacceptable continuation of sub-standard visibility for drivers emerging from Sixth Avenue onto Warden Road.

Continued . . .

5.1 (Contd)
2. There has been no change in the material circumstances and no materially different considerations to those before my colleague. Both appellants and local planning authorities are entitled to expect and anticipate consistency in the decision making process. Nevertheless I have revisited the main issues raised. The fence is obtrusive and out of character with what is essentially a rural lane with development on one side; it imparts a suburban character where there is a rural feel. There are other fences some distance away on Warden Road but it appears they are lawful through the passage of time. That does not justify the council taking no action where they are able to do so and harm arises, as in this case. The visibility – at 2.4m x 9m – is very substandard and a road safety hazard, even though traffic flows are not great. I note that the appellant says that he intends to amend the alignment of the fence to meet the Highway Authority’s requirements, however that is not part of the deemed application for planning permission. In any event it would not overcome the other objection to the fence. I note the appellant requires a fence to keep his dog within the confines of the property but that can be achieved without this particular fence. I conclude that planning permission should not be given for this particular fence. The appeal fails on ground (a).

The appeal on ground (f)

3. The appellant does not provide any specific information to support this ground of appeal. The requirements of the notice are to either remove the fence or reduce it to a height that would be permitted development. Bearing in mind that one of the objections is a highway one the purpose of the requirements is not simply to remove the injury to amenity. The primary purpose is thus to restore the land to its condition before the breach took place. In practical terms that means removal of the fence or its reduction to what could be constructed without the need for planning permission. Whether some alternative alignment or design of fence could overcome the highway and street scene objections is not an appropriate matter to be considered under this ground. The test is whether what is required by the notice is excessive in terms of restoring the land to its condition before the breach took place; it is not. The appeal fails on ground (f).

Conclusions

4. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

5. I dismiss the appeal and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Continued . . .
Full support for the Council's Enforcement Notice. The Inspector considered that this particular fence caused harm to both highway safety and the character and appearance of the area, and that the requirements of the Notice for the fence’s removal were appropriate.

**List of Background Documents**

1. Planning Inspectorate Appeal Decision Reference: APP/V2255/C/06/2019757
2. Appeal Papers
APPEALS ALLOWED

The Inspector commented as follows:

"Two appeals relating to land at Bell Farm Lane, Minster, Kent MIE12 4JB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals were made by Mr Smith against an enforcement notice issued by Swale Borough Council, but by agreement are being pursued by the current owners of the land, Mr and Mrs Johnson.
- The Council's references are ENF/06/011 & ENF/06/012 - Case: 21897.
- The notices were issued on 2nd March 2006.
- The period for compliance with the requirements of the notices is three months.
- The appeals are proceeding on the grounds set out in section 174(2)[a] and [g] of the Town and Country Planning Act 1990 as amended.

Appeal Ref: APP/V2255/C/06/2011188 - use as a caravan site

- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land from agriculture to use as a caravan site involving the stationing of a caravan for residential use.
- The requirements of the notice are (i) Cease using the Land or any part thereof for the stationing of mobile homes or caravans used for human habitation. (ii) Remove from the Land all mobile homes and caravans. (iii) remove from the Land all rubbish or debris caused by or associated with the stationing of and subsequent removal of the mobile homes and caravans.

Summary of Decision: The appeal is allowed subject to the enforcement notice being corrected in the terms set out below in the Formal Decision.

Appeal Ref: APP/V2255/C/06/2011102 - hardsurfacing and cesspit

- The breach of planning control as alleged in the notice is the construction of hardsurfacing and the excavation of soil to create a large pit for the purpose of accommodating a metal tank for use as a cesspit not associated with the agricultural use of the land.
- The requirements of the notice are (1) Remove the hardsurfaced area and reinstate and make good the land to its original condition. (2) Remove the metal tank from the Land. (3) Reinstate the excavated area to its original condition.

Summary of Decision: The appeal is allowed subject to the enforcement notice being corrected in the terms set out below in the Formal Decision.
**Preliminary Matters**

1. Though initially made by a Mr Smith the appeals are being pursued on behalf of the present owners of the site, Mr and Mrs B Johnson, who occupy it with their extended family. Upon consideration of the Appellants' evidence the Council accepted that the Johnson's were gypsies, and that they had long established links with the area. The two appeals are linked by the purpose of providing a residential gypsy caravan site use of the land, so I shall in the main consider them together.

2. Though both notices refer to agricultural use, there is no evidence that the site has been used for agriculture. It appears to have come into being as part of a plotland development, perhaps when plotlands were laid out in the South East of England during the interwar years. I shall correct the enforcement notices to delete the references to agriculture.

**Planning Policy and Main Issues**

3. The appeal site is situated on the north shore of the Isle of Sheppey, and its northern boundary rests on the cliff face that drops down to the Thames Estuary. The site is within the Sheppey Cliffs and Foreshore Site of Special Scientific Interest (SSSI), which is noted primarily for its geological interest. In June 2006 English Nature/Natural England commented on the proposals that, though of a type likely to damage the special interest of the SSSI, in this case the scale of operations would not in themselves appear to be damaging the SSSI. There was no evidence to contrary effect and I shall proceed on this basis.

4. The Sheppey Cliffs are subject to rotational landslip and erosion, with the evidence suggesting that on average the land is lost at the rate of a metre a year. The nearest occupied part of the appeal site is about 23 metres from the present edge of the cliff. Though the parties differed on what rate of erosion should be assumed for this particular site, taking opposing viewpoints thereon, both acknowledged that a temporary planning permission could be appropriate in this regard. This would be consistent with relevant Local Plan policies.

5. English Nature pointed out that if measures were necessary to protect any residential use on what is an unstable cliff face, such use could be unfavourable to the SSSI. They concluded that unless residential occupation could safely take place without the construction of any coastal defences, the appeals should be refused. A professional study concludes in part that the Lane is not likely to be threatened for at least thirty years and probably much longer, and that the rate of cliff slippage could be further delayed by a ditch to intercept ground water. No coastal defences in the normal sense of the term, or construction of walls to hold back cliff slumping, are suggested as being necessary. The Council considered that even a drainage, interception ditch could harm the SSSI by retarding the process of cliff erosion that is fundamental to its interest. A temporary planning permission of

Continued . . .
suitable duration need not, however, require or encourage such work to be done. I have concluded that provided only such a temporary permission is granted, the proposal need not harm the SSSI.

6. The site is situated in land not shown on the adopted Local Plan as within a settlement. Its development is thus potentially in conflict with a raft of well established Kent and Medway Structure Plan 2006 and Swale Borough Local Plan 2000 policies for the protection of the character and openness of the countryside. Nevertheless a Local Plan criteria based policy H12 offers conditional support to private gypsy caravan sites and does not debar locating such sites in the countryside, though a reference from criterion (9) thereof to policy G1 which seeks in part to avoid an unacceptable impact on the natural environment suggests that there can be situations in which countryside protection considerations should prevail. National policy relating to gypsies is now principally set out in Office of the Deputy Prime Minister Circular 01/2006, to which I shall refer further below.

7. From my inspection of the site and area, and from consideration of the representations made I have concluded that the main issues in this case are the effect of the use upon the objectives of countryside protection policies, and whether any harm thereto is outweighed by a need for gypsy caravan site accommodation.

Consideration

8. As to the effect upon countryside protection policies, there are four residential caravans on the site, accommodating respectively the Appellant couple, their married son and his wife, and two other older children. The caravans are situated on a hardsurfaced area set back from the Lane. The greater part of the site remains unsurfaced and this was evidently its former condition. The site abuts the developed parts of the Belle Farm Lane former plotland. In terms of sustainability, proximity to services, and access along the Lane it is indistinguishable from the wide variety of caravan, mobile home, and permanent dwelling land uses that are juxtaposed within the plotland, including use as gypsy caravan sites. From the west it will be seen against and appear part of the developed area. It therefore does not have the substantial adverse effects likely to be associated with an isolated residential caravan site situated in the countryside.

9. On the other hand the site is previously undeveloped land, and though it has developed land to its east and south, it abuts open land to its north below the cliff and also to its west along the edge of the cliff north of the Lane. The caravan site use is thus an extension of the developed area. The fact that the site and others immediately to the west appear to be vacant land evidently associated with plots as amenity or garden land does not make the appeal use any the less an extension of the developed area. Despite the intention to maintain the Continued . . .

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2I therefore attach little weight to Council arguments raising these matters, as potentially conflicting with various criteria of Policy H12.
present setback of caravans from the Lane, and the potential for planting, I consider that the residential caravan site will remain apparent as such within the local landscape. This is particularly the case as four caravans are provided for, necessarily giving the hardstanding a substantially developed appearance. I have concluded that the appeal development will cause material harm to the objectives of countryside protection policies.

10. While I have reached the foregoing conclusion on the basis of the individual merits of the appeal proposal; I noted that at the hearing no convincing planning argument could be put to me, or is self evident, to distinguish the appeal site from garden/amenity land to the west along the remaining undeveloped north side of the Lane. I therefore consider that planning permission for the appeal site would make it harder for the Council to resist similar development of this adjoining land.

11. For the Appellant it was argued, drawing upon an Inspector’s comment in another case\(^3\) that a gypsy caravan site looks like one that to be realistic it was difficult to imagine one not having a degree of adverse impact upon rural character, and accordingly that harm to the appearance of the countryside should not automatically rule out a gypsy caravan site use under policy H12. I have already stated my conclusion that policy H12 does not necessarily debar gypsy caravan sites in the countryside. I therefore turn to the second issue of whether the harm to countryside protection is outweighed by a need for gypsy caravan site accommodation.

\(^3\) Appeal Decision APP/V2255/C/03/1124292 dated 10 February 2004.

12. There is an agreed and well documented shortage of gypsy caravan pitches within Kent and the South East of England generally. It is national policy set out in Circular 01/2006 that the planning system shall meet these along with other housing needs through the Local Development Framework (LDF) process. I was told that work on the LDF for Swale had been necessarily delayed by work on an emerging local plan review\(^4\). A survey of gypsy accommodation needs by a group of West Kent local authorities was however stated to be well likely advanced, and likely to be complete in time to inform the LDF process. No indication could be given to me at the hearing of when that process was likely to result in provision of additional gypsy accommodation. There was, however, similarly no evidence to suggest that this process need take longer than the 3-5 years envisaged by paragraph 12(c) of the Circular or that the necessary provision could not be made.

\(^4\) The emerging gypsy policy therein pre-dates Circular 1/2006, has been objected to by the Regional Government Office, and has yet to be reported on by the Local Plan Inspector. I therefore attach little weight to it.

13. As to Swale, I noted that the last two counts of gypsy caravans in January and July 2006 had shown a minimum of 20 (rising to 31) gypsy caravans parked on unauthorised sites that were not tolerated by the Council. This is a significant proportion of the total number of

Continued . . .
caravans within the Borough, and though information from the counts falls far short of what may be expected of the forthcoming survey of gypsy accommodation needs, I consider that it strongly suggests that there is an unmet need within the Borough.

14. The Council’s monitoring of the private gypsy sites that it had approved under policy H12 indicated that of some 72 caravans approved, only 47 were currently present. The Council argued that this indicated that there might not be a significant need for new pitches within the Borough, and that also there was an opportunity for further caravans to be added to some of the existing sites. The Council accepted, however, that none of the monitored sites were entirely vacant. It follows that any use of the apparent spare capacity depends upon owner/occupiers being prepared to accommodate others on their sites. These private sites will, however, have been bought for a particular family, and are likely to be kept for use by that family rather than made available to non-related gypsies. Even where this might be acceptable in principle, there was no evidence of what proportion if any of the sites had the physical capacity and facilities to allow two separate non-related occupations with suitable separation and privacy. As to need it was not clear to what extent the observed vacancy levels could be attributed to the tendency of gypsies to travel using their touring caravans while leaving a larger or static van behind. I have concluded that I should give little weight to the suggestion that the apparent under use of private sites indicates a lesser requirement to provide sites for gypsies in Swale.

15. It was common ground that the turnover of pitches on Council owned gypsy caravan sites was "almost non-existent". This was stated to be particularly significant for the Appellants, who would be dependent upon rented pitches as their capital had been spent on the purchase of the appeal site, and would not be recovered if the appeal were dismissed. I was told that the Appellants had previously shared a site at Hextable on a grace and favour basis, paying with services rather than money. They had had to leave Hextable because of the growing family accommodation needs of the host family. They had previously not had a settled base, and if forced to leave Bell Farm Lane envisaged a return to roadside camping. Apart from the normal disadvantages of such transitory and un-serviced accommodation, they needed a settled site in that area to facilitate the fortnightly Court authorised parental access rights of their son to his child.

16. At the hearing but evidently not prior to it the Council raised the possibility of the Appellants being accommodated on the nearby Patch of Heaven site. I attach little weight to this possibility, as it would require a planning permission to allow a greater number of caravans on that site than hitherto approved. In any event there was no evidence that the evidently friendly relations between the two neighbouring pitch occupiers would extend to sharing a single site.

Continued . . .
17. Having regard to all the foregoing matters I have concluded that there is a need to provide additional caravan site accommodation for gypsies in this part of Kent, and that the Appellants, personally have a need to be accommodated and no suitable alternative site is known or likely to be available to them. Against this I have concluded that the appeal use involves material harm to countryside protection policies, and in any event taking into account cliff erosion I consider that the site is not suitable for permanent gypsy caravan site use. Nevertheless as the under provision of sites is to be addressed for the Borough and Kent generally through the LDF process, I consider that a temporary period of occupation would represent an appropriate and proportional balance between meeting the present need for accommodation and limiting harm to countryside protection objectives. I have thus concluded that the harm to countryside protection policies is outweighed by the need for gypsy caravan accommodation to that extent.

18. Circular 01/2006 refers to 3-5 years as the period within which a significant increase in the number of gypsy and traveller sites in appropriate locations is to be sought, I consider this indicates the generally appropriate upper limit for a temporary permission. In this particular case a precautionary approach to cliff slippage suggests that the lesser three year period is appropriate. I shall quash the enforcement notices and grant temporary planning permission for the use, and necessarily also for the hardstanding and cesspit upon which the use relies. There is no justification for retaining these latter works in the absence of a caravan site use, as both in varying measure reduce the rural and undeveloped character of the site. I have concluded that they too should be removed when the caravan site use ends, with a slightly longer period to allow for their physical removal after the use ceases.

19. There was substantial agreement on other conditions, such as the need to restrict use of the site to gypsies as now defined for planning purposes by Circular 1/2006. The Council sought frontage landscaping. Though the permission is of limited duration in this case I consider that this is justified by the desirability of partially screening the concentrated bulk of the four caravans, and the appropriateness of providing a hedgerow of mixed native species rather than relying upon the single species laurel planting currently in place. Conditions limiting permissible activities on the site, and defining the siting of the caravans in relation to the Lane (and thus also the cliff edge) were not in dispute. The Appellant suggested a condition removing permitted development rights relating to ancillary buildings, but as some have already been provided and the permission is for a limited period I shall rather require removal of any such structures at the end of the permitted period.

5 Circular 01/2006 at paragraphs 41-46 is relevant in this connection.
20. Having reached the foregoing conclusions on the appeals on ground (a) seeking planning permission, the appeals on ground (g) that sought more time to comply with the notices if they were upheld are no longer before me for decision.

FORMAL DECISIONS

Appeal Ref: APP/V2255/C/06/2011188 use as a caravan site

21. I direct that the notice be corrected by deleting the words "...from agriculture... " from the notice allegation.

22. Subject to this correction I allow the appeal, quash the notice, and grant planning permission on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely use of land as a residential caravan site at Bell Farm Lane, Minster, Kent referred to in the notice subject to the following conditions:

1) This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in paragraph 15 of Office of the Deputy Prime Minister Circular 01/2006.

2) The use hereby permitted shall be for a limited period being the period of three years from the date of this decision. At the end of this period the use hereby permitted shall cease, all caravans vehicles, materials, sheds, buildings and equipment brought on to the land or erected thereon in connection with the use shall be removed, and the land shall be restored to its former condition.

3) Not more than four caravans shall occupy the site at any time.

4) No caravan shall be sited nearer than 10 metres to the Lane, or further than 3.5 metres from the Lane.

5) The site shall not be used for any commercial purpose, including the storage of materials and vehicles.

6) No waste material shall be burned on the site.

7) Within one year from the date of this decision a hedge composed of 80% Hawthorn, 15% Hazel and 5% of either Dogwood, Holly, Field Maple or Guelder Rose shall be planted behind the entire length of the existing fence along the frontage of the site, and along the western boundary from the front of the site to a point at least 13 metres back from Bell Farm Lane. Such planting shall consist of a double staggered row of plants, the rows being a maximum 46cm apart, and each plant on each row being a maximum of 51cm apart. Any trees or shrubs removed, dying, being severely damaged or
becoming seriously diseased within two years of the planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing by the Borough Planning Authority, and within whatever planting season is agreed.

23. I direct that the notice be corrected by deleting the words “not associated with the agricultural use of the land” from the notice allegation.

24. Subject to this correction I allow the appeal, quash the notice, and grant planning permission on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely construction of hardsurfacing and the excavation of soil to create a large pit for the purpose of accommodating a metal tank for use as a cesspit on land at Bell Farm Lane, Minster, Kent referred to in the notice subject to the condition that the hardsurfacing and cesspit hereby permitted shall be removed and the land restored to its former condition on or before three years and 28 days from the date of this decision.”

Observations

A disappointing outcome, where the Inspector concluded that demand for gypsy sites within the Borough and the needs of the appellants, outweighed the harm that the use of the site has on the character and appearance of the countryside. Taking a precautionary approach with regard to potential cliff erosion, the Inspector therefore granted temporary planning permission for 3 years for the use of the land as a caravan site for human habitation and for the retention of hard surfacing and a cesspit.

List of Background Documents


2. Appeal Papers and Correspondence.

3. Enforcement Notices reference ENF/06/11 and ENF/06/12.
5.3 SW/06/0485 (C8788) – Proposed residential development to rear of 343 & 345 Minster Road, Minster, Sheppey, Kent – comprising fourteen one bedroom retirement flats

APPEAL DISMISSED

The Inspector commented as follows:

"Appeal Ref: APP/V2255/A/06/2025759
343 and 345 Minster Road, Minster-on-Sea, Sheerness, Kent ME12 3NR"

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Dr F Clune and Mr R Fountain against the decision of Swale Borough Council.
- The application Ref SW/06/0485 (Case no 8788), dated 12 April 2006, was refused by notice dated 7 June 2006.
- The development proposed is residential development to the rear of 343 and 345 Minster Road, Minster-on-Sea, Sheppey, Kent comprising fourteen one bedroom retirement flats.

Summary of decision: The appeal is dismissed

Procedural matters

1. The application is accompanied by a drawing showing a potential site layout, with the proposed development served from a new access drive off Minster Road (created by the demolition of 345 Minster Road). Also shown are details of existing and proposed tree planting. Only, siting, design and external appearance are, according to the application form, thus reserved for future consideration. I have considered the proposal on that basis.

Site description

2. The appeal site is embedded in a solidly residential part of Minster and consists of a now overgrown part of the extensive rear garden of 343 Minster Road extending to just under 0.3 ha. It is bordered on all sides by the back gardens of surrounding properties, the boundary being marked along its rearmost side (to the gardens of houses and bungalows in Blatcher Close), with tall conifer trees. Most of the houses fronting Minster Road are substantial detached and semi-detached properties dating from the middle of the 20th century. However, the property to be demolished for the proposed access is a relatively narrow-fronted, vacant and much neglected detached house of no particular quality. There is no suggestion that it ought to be retained, and I see no reason for any different stance.

Continued . . .
The main issues
3. From the written representations and my inspection of the site and its surroundings, I consider that there are two main issues in this case. The first is the effect of the proposed development on the character and appearance of the area. The second is its impact on the living conditions of the occupiers of neighbouring dwellings, primarily in terms of noise and general disturbance.

Planning policies
4. The most relevant part of the statutory development plan for the area is the Swale Borough Local Plan 2000 (LP2000). In particular, policy H1 says that permission for new residential development will be granted for sites within existing built-up areas provided (among other things) more general criteria in policy H3 are met. These include a range of safeguards covering, among other things, nature conservation interests, the quality of the local environment and important open spaces. Policy G1 includes a further requirement to ensure that there is no demonstrable harm to residential amenity.

5. A first review of the Local Plan (LP2005) has now reached second deposit stage and it is expected that the Inspector’s report on objections will be published later this year. It is, therefore, a further material consideration in this case although the policies in it referred to specifically by the Council (E1, H1 and H2) do little more than repeat those in the adopted plan. As the statutory development plan still has the greatest weight, I refer only to LP2000 in my reasoning and conclusions.

Inspector’s reasoning
Issue 1: Character and appearance
6. The Council’s contention that the area is characterised only by frontage housing (and an absence of “tandem” or “backland” development) holds true for the Minster Road and Harps Avenue, which are the two main thoroughfares hereabouts. The position with regard to Blatcher Close is, however, less straightforward. Development there takes the form of a small estate of houses built off Harps Avenue and includes a group of inward-facing properties encircling a green. Those along one side of this green are reached from a network of paths off garage courts and parking areas, so may be regarded as an exception to the otherwise prevailing form of development albeit not, strictly speaking, “backland”.

7. Whatever the case may be in that respect, the proposed development would stand well back from the road and the width of the access would, in comparison to the plot sizes on either side, be relatively narrow. Requisite sight lines can, because of the gentle curvature of Minster Road past the proposed site entrance, be achieved without alteration of frontage boundaries. Indeed, with suitable surface treatment and the tree planting proposed the access would, I consider, be little more conspicuous than a well-constructed bell-mouth into a private drive for garaging and entirely in keeping with the area. The development would also have no direct physical or visual effect on the
5.3 (Contd) PART 5

Harps Avenue and Blatcher Close frontages at all. Notwithstanding the general absence of backland development in the area as whole, it thus seems to me that a secluded group of dwellings on the appeal site would have no significant impact on the existing street scene.

8. While I am aware that surrounding householders have enjoyed an open view across the land for many years, the land has not been available for public access and, as such, does not contribute to local recreation provision. Nor, is there any suggestion by the Council that it is needed for any open space purpose and, in its present state, it cannot be said to make much of a positive contribution to the quality of the local environment either. The surrounding lengthy rear gardens would remain undiminished and I observed large swathes of land south of Blatcher Close that more amply define the open qualities of the area than this enclosed parcel of garden. Despite suggestions to the contrary from local residents, I also saw no obvious signs of wildlife during my inspection or, more particularly, anything that may now be attractive to protected species or could be regarded as a rare habitat, even in an urban area. Rather, I find this to be a relatively sizeable area of surplus back garden where, because of the urban location, there is scope to make more efficient use for housing in line with national planning advice in Planning Policy Note 3 “Housing” (PPG3). To do so in an appropriate fashion would not harm the character or appearance of the area or conflict with LP2000 policies H1 and H3, and should be facilitated rather than resisted.

Issue 2 – Living conditions

9. The proposed access would be about 5 m wide with, in addition, a footpath alongside the boundary to 343 Minster Road and a landscaped buffer alongside the boundary to 347 Minster Road. Although not shown in the submitted landscaping details, I understand that it is also intended to construct some form of noise attenuating fence along at least one of these boundaries in order to minimise any disturbance arising from vehicles travelling along the access to and from the site. In these circumstances, there would be no need for vehicles to wait near the site entrance for on-coming cars or pedestrians to pass and, given the small sizes of the few windows facing the drive, it seems to me that provided the proposed traffic calming measures are suitably designed, the flanks of these houses would be reasonably protected from passing traffic noise.

10. Nonetheless, 14 parking spaces are proposed at the southern end of the drive, together with a manoeuvring area for service vehicles. Noise from activity here would impact particularly severely on the Harps Avenue gardens that border this part of the site and on the gardens bordering the major part of the access drive beyond the flanks of the Minster Road frontage houses. Even with the acoustic fencing proposed, this would, I consider, contrast greatly with the general quietude that has long prevailed here and which neighbouring householders might reasonably expect to be able to continue to enjoy. While it is contended that vehicle movements associated with elderly

Continued . . .
persons’ flats would be few in number there is no guarantee in this case that the flats would be occupied solely by such residents. There is, for example, no planning Obligation proffered under Section 106 of the Town and Country Planning Act 1990 to this effect, and a condition limiting occupancy to persons over, say, 55 years old, would not preclude regular and frequent car and other vehicular usage concentrated in this noise sensitive part of the site.

11. There is also no means to limit any noise and disturbance arising simply from the no small numbers of people that would be resident within the main body of the site itself, and emanating either through open windows and doors or through use of external amenity areas. While I note that normal privacy distances have been adhered to in the illustrative layout, the greater part of this separation is shown to be provided by the length of the surrounding gardens. Indeed, because of the size and shape of the site, the proposed flats would necessarily have to be positioned very close to the boundaries. There is, in my estimation, greater propensity for overlooking from first floor flats than from two storey houses with only bedrooms at first floor level, and acoustic fencing would be unlikely to be effective with regard to noise exposure from this height. I further observed several gaps in the existing line of conifers along the south side of the site (several of which also showed signs of die-back), while new tree planting proposed on the other boundaries would be likely to take many years to provide full and effective screening. Any amelioration from vegetation would therefore be unlikely to be significant either in the short or longer term.

12. For all of these reasons, I am not convinced by the illustrative material that the site can satisfactorily accommodate either the amount or height of development now being proposed, without significant detriment to the quiet and private enjoyment of their properties by many of the surrounding existing householders. Rather, it is my conclusion that this proposal would be likely to give rise to demonstrable harm to residential amenity, in conflict with LP policy G1, and have an unacceptable impact on the living conditions of the neighbouring occupiers.

Other matters and overall conclusion:

13. I note that this scheme has been purposely designed to address the Council’s concerns about a previous scheme for 5 dwellings on the site, which was later dismissed on appeal (albeit for only part of the reasons voiced in the Council’s decision notice). Relative to that scheme, the proposed access has now been re-sited and widened in order to address noise and highway safety criticisms, and the type of accommodation has been changed in order to better reflect what I understand to be the Council’s perception of local need. However, in making those adjustments, it seems to me that the proposals have regressed as much as, if not more than, they have been enhanced. This is particularly so with the much increased number of units now proposed. I do not doubt that this would be a suitable location for Continued
elderly persons’ accommodation, being as it is in a cloistered backland location yet having level and proximate access to local shops and a bus service. However, in my experience considerably more units would be needed in order to justify a warden-controlled development. Even if some mechanism were devised to limit occupancy to elderly people only, it must therefore be expected that future occupiers would be relatively “active” or independent elderly, whose lifestyle and travel patterns are unlikely to be much different from households in general. In order therefore to meet the criticisms I have made of the present scheme, it seems to me that there would need to be a greatly reduced number of properties proposed, and that these should be mainly, if not wholly, of single storey form. That would result in development well below the density range that PPG3 commends. However, in the absence of any opportunity to enlarge the site and thus separation distance from the boundaries, it would at least go some way to making beneficial use of land that would otherwise be sterilised. No such scheme is before me however, and it will be for others to determine the merits of any alternative proposal that may come forward.

14. Whatever the case may be in that respect, and notwithstanding my finding on the first main issue, I find that the scale and intensity of this proposed development and the usage of associated parking would impact harmfully on the living conditions of neighbouring occupiers. In the light of that finding, there is no need for me to adopt any view on the request that has been made on behalf of the County Council for a developer contribution towards community infrastructure. Nonetheless, I have considered that and all other matters raised in the representations and find nothing to warrant a decision other than in accordance with policy G1 of the statutory development plan, or to alter my conclusion that this proposal is unacceptable in residential amenity terms. The appeal therefore fails.

**Formal decision**

15. For the above reasons, I dismiss this appeal.”

**Observations**

A welcome decision. Whilst the Inspector did not consider backland development here to be unacceptable in principle, he concluded that the proposed development would harm the amenities of the occupiers of adjacent dwellings by virtue of overlooking, noise and general disturbance and dismissed the appeal accordingly.

**List of Background Documents**

2. Appeal Papers
3. SBC decision on Application SW/06/0485
5.4 SW/06/0474 (C5182) – Additional unit to form 3 bedroom mid-terrace dwelling between approved units 9 and 10 (SW/05/0967) – Former Hernhill CEP School, Church Hill, Hernhill, Faversham

APPEAL ALLOWED

The Inspector commented as follows:

“Preliminary Matters

1. The Council granted planning permission in 2005 for 11 dwellings on the school site as a whole. The permitted scheme involves converting and extending the former school buildings for residential use as well as erecting a number of new dwellings. The new dwellings permitted include a pair of semi-detached houses (units 9 and 10). The proposal before me is to create a terrace of three houses in place of previously approved units 9 and 10. There would be no significant change to the size or shape of the building and no significant change to its outward appearance. Since the building would remain more or less the same externally, units 9, 10 and 11 as now proposed would all be smaller units than previously approved units 9 and 10 – three three-bedroom units in place of two four-bedroom units. I saw at my site visit that development had started on the school site as a whole, although the building in question had not yet been constructed.

2. Both the appellant and the Council have described the proposed development as an additional unit to form a mid-terrace dwelling between approved units 9 and 10, in other words as a modification to part only of the wider development. In this appeal I shall follow the same approach. However, as the appeal site includes the whole of this proposed building, it seems to me that the description of the proposed development should refer to all three units rather than simply one unit and I have amended the description accordingly. The main parties have indicated that they raise no objection to the amendment.

Decision

3. I allow the appeal and grant planning permission for an additional unit to form a three bedroom mid-terrace dwelling between units 9 and 10 as approved under Council ref. SW/05/0967 with corresponding reductions in the size of the two formerly approved units at the former Hernhill CEP School, Church Hill, Hernhill, Faversham, Kent ME13 9JR in accordance with the terms of the application (Ref. SW/06/0474), dated 25 March 2006, and the plans submitted therewith, subject to the conditions set out in the attached schedule.

Reasons for Decision

4. The background to the permission granted under ref. SW/05/0967 – the need to fund a new primary school – has been explained to me. I appreciate therefore that permission was granted for exceptional reasons, the site being in an area of rural restraint where permission would not normally have been granted. However, for the purposes of Continued . . .
this appeal, the permission exists and represents a fallback position. In other words, in considering the merits of the proposal before me, I have to consider what the appellant could lawfully construct in any event and assess whether the current proposal would cause material harm which would not arise from the approved scheme. I consider that the main issues in this appeal are the effect of the proposed development on the character and appearance of the area; whether an additional dwelling in this location would be acceptable having regard to policies aimed at reducing dependence on the private car; and whether an additional dwelling in this location would be acceptable having regard to the availability of local services.

5. I have already indicated that there would be no significant change to the size or shape of the building and no significant change to its outward appearance. I understand that the Council’s parking requirement for three three-bedroom houses is the same as that for two four-bedroom houses. As a consequence, no change whatever is proposed to the external environment of the building. In my view the proposed development would not cause any significant harm to the character or appearance of the area.

6. The occupiers of three three-bedroom houses might, possibly, make more trips by car than the occupiers of two four-bedroom houses. However, I consider that it would difficult to estimate reliably what the difference, if any, would be, given the very small numbers of dwellings involved. I accordingly do not regard any harm that might be caused in this respect to be sufficiently tangible to justify my withholding permission.

7. I take a very similar view of the pressure that an additional dwelling might exert on local services. The occupiers of three three-bedroom houses might, possibly, make more demands on services (for instance, schools) than the occupiers of two four-bedroom houses, but again it would be difficult to say with any certainty what the difference, if any, would be. I again conclude that any harm that might be caused in this respect would not be sufficiently tangible to justify my withholding permission.

8. In the light of the above I consider that the proposed development would not be in conflict with the policies of the Kent and Medway Structure Plan 2006 or of the Swale Borough Local Plan 2000 to which my attention has been drawn.

9. I have considered all other matters raised, but find none that leads me to a different conclusion. I shall therefore allow the appeal. I have had regard to the conditions suggested by the Council and I have borne in mind that it would be desirable for the conditions on the permission I am granting to be consistent, as far as possible, with the conditions imposed on the permission granted under ref. SW/05/0967. In addition to the standard time condition, I consider the following to be reasonable and necessary conditions in respect of facing materials (including external joinery), hard and soft landscaping and

Continued . . .
underground ducting for telephone and electrical services (to ensure a satisfactory appearance to the development); a condition in respect of boundary treatment (to ensure a satisfactory appearance to the development and to protect privacy); a condition to clarify proposed finished floor levels (because these details are not given in the application); a condition requiring details of foul and surface water drainage to be submitted and approved (to ensure these matters are properly addressed); a condition to secure on-site wheel-cleaning facilities (to prevent mud and debris being deposited on the public highway); and a condition to limit hours of work (in the interests of the amenities of the occupiers of nearby properties). I shall make a number of adjustments to these conditions to ensure that they are clear and enforceable and to reflect the advice in Circular 11/95.

**Schedule of conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.

2. Details of the materials to be used for the external surfaces of the building, including joinery work, shall be submitted to, and approved in writing by, the local planning authority before any development commences. The building shall be constructed in accordance with the approved details.

3. Details of the materials to be used for the hardsurfaced areas of the site shall be submitted to, and approved in writing by, the local planning authority before any development commences. The hardsurfaced areas of the site shall be constructed in accordance with the approved details.

4. Before any development commences, a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, shall be submitted to, and approved in writing by, the local planning authority. All planting, seeding and/or turfing forming part of the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which die within a period of five years from the completion of the development, are removed or become seriously damaged or diseased, shall be replaced in the first available planting season with others of similar size and species unless the local planning authority gives prior written consent to any variation.

5. Before any residential unit hereby permitted is first occupied, telephone and electrical services shall be provided for the development by means of underground ducts in accordance with details which shall first have been submitted to, and approved in writing by, the local planning authority.

Continued . . .
6. No development shall take place until a scheme for the treatment of the boundaries of the site, using walls, fences, gates or other means of enclosure, has been submitted to, and approved in writing by, the local planning authority. Before any residential unit hereby permitted is first occupied, the walls, fences, gates or other means of enclosure shall be erected as approved and thereafter they shall be permanently retained.

7. Before any development commences, a detailed plan showing all proposed finished floor levels in relation to the existing and proposed ground levels of both the site and the surrounding land shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the plan so approved.

8. No development shall take place until full details of the arrangements for the disposal of foul and surface water have been submitted to, and approved in writing by, the local planning authority. Before any residential unit hereby permitted is first occupied, the development shall be completed in accordance with the details so approved.

9. No development shall take place until on-site wheel-cleaning facilities have been provided in accordance with details which shall first have been submitted to, and approved in writing by, the local planning authority. Once provided, the on-site wheel-cleaning facilities shall remain available for use during the whole of the site preparation and construction period. All vehicles leaving the site shall use the facilities.

10. No site preparation or construction work shall take place on the site on Sundays or public holidays. On all other days no site preparation or construction work shall take place on the site outside the following times:

   0730 – 1900 on Mondays to Fridays
   0730 – 1300 on Saturdays.

Observations

Members have steadfastly refused to permit any increase in housing numbers on this site. On this basis I determined this application under delegated powers, and I am somewhat disappointed that the very obvious principles of restraint on development in rural areas have been rather lightly set aside by this Inspector.

List of Background Documents

1. Planning Inspectorate Appeal Decision Reference: APP/V2255/A/06/2027955.
2. Appeal Papers
3. SBC decision on Application SW/06/0474
5.5 SW/06/0636 (C4811) – Conversion of garage to family room, bedroom extension and detached double garage – 8 School Lane, Newington

APPEAL PART ALLOWED AND PART DISMISSED

The Inspector commented as follows:

"Appeal Ref: APP/V2255/A/06/2027117
8 School Lane, Newington, Kent, ME9 7LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr P Taylor against the decision of Swale Borough Council.
- The application Ref SW/06/0636, dated 15 May 2006, was refused by notice dated 12 July 2006.
- The development proposed is conversion of existing garage to family room, bedroom extension and detached double garage.

Decision
1. I dismiss the appeal insofar as it relates to a detached double garage.

2. I allow the appeal in all other respects and I grant planning permission for the conversion of existing garage to family room and for a bedroom extension at 8 School Lane, Newington, Kent, ME9 7LB in accordance with the terms of the application, Ref SW/06/0636, dated 15 May 2006, and the accompanying drawing no KC060426 and site plan so far as relevant to the development hereby permitted and 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.

Main Issue
3. I consider that the main issue is the effect of the proposed garage on the character and appearance of the area including the setting of the adjoining listed building.

Reasons
4. The appeal site contains a modern detached house. It is proposed to construct a freestanding garage in the front garden utilising existing walls that enclose a parking area.

5. Other than Parsonage House to the west the properties on the northern side of this short section of School Lane are set well back from the road. As remarked upon by the previous Inspector (Ref APP/V2255/A/00/1042091) the open and undeveloped front gardens create a sense of spaciousness. In this context, the siting of the proposed garage would be uncharacteristic and intrude into the existing pattern of open spaces.

Continued....
6. The front garden of the appeal property is well screened by evergreen trees. Nonetheless, these are not permanent features and should not be relied upon, in my view, to mask otherwise unacceptable forms of development. In any event, the proposed garage would be clearly seen through the front entrance. Because of its bulk it would detract from the openness of the street scene. The appellant has suggested replacing the pitched roof with a flat one to mimic those on the opposite side of School Lane. However, this would not overcome the more fundamental objection to the size and positioning of the garage and would result in a more utilitarian and unsightly appearance.

7. The front garages on the houses across the road are more modest in size and are integral to the overall design. They can be distinguished from the scheme before me. I therefore find that the proposed garage would harm the character and appearance of the area. Consequently it is contrary to Policies G1 and E48 of the Swale Borough Local Plan which expect that development is well sited and appropriate to its surroundings.

8. Parsonage House is a listed building notwithstanding the works referred to by the appellant. At present the proposal would have little bearing on the immediate setting of its private curtilage because of the line of trees but these may be removed or die. In that event, the proposed garage would be disruptive since it would be in front of the main elevation. Furthermore, the wider setting of Parsonage House encompasses the mix of buildings in School Lane. As the garage would be incompatible with the locality this wider setting would also be adversely affected, albeit to a lesser degree. The proposal therefore conflicts with Local Plan Policy E39 which seeks to preserve the setting of listed buildings.

9. The Council has no objections to the conversion of the existing garage or the rear extension. On the front elevation it is proposed to replace the garage door with a bow window to reflect the main house. Whilst this would be close to the boundary with 6 School Lane I am satisfied that no harm would be caused to the living conditions of its occupiers.

10. The rear extension involves the continuation of a shallow roofslope and two new dormertype windows. There would be no impact on the listed building because of an intervening two-storey projection. Although it would extend some distance beyond the rear of No 6 the extension’s bulk would be minimised by its design and it would be set away from the shared boundary. Furthermore, the orientation of the buildings means that any overshadowing would be minimal. I therefore conclude that the conversion and extension are acceptable and comply with the general development criteria in Local Plan Policy G1.

11. The Council has not suggested any conditions. However, in the interests of the appearance of the area I consider that external materials should match the existing house.

12. I have had regard to the comments made about possible future development around Newington. I also appreciate the appellant’s

Continued....
frustration at not being able to arrange a meeting with Council officers. However, these matters do not alter my findings. Therefore for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed in part and dismissed in part.”

Observations

A good decision. The Inspector dismissed the appeal as it related to the detached double garage. This was the element of the proposals that had given rise to particular concern, because of the likely harm to the setting of the adjacent listed building and the wider street-scene. The parts of the development that have been allowed in the conversion of the garage and the rear extension had not featured in the reason for refusal.

List of Background Documents

1. Planning Inspectorate Appeal Decision Reference: APP/V2255/A/06/2027117/WF.
2. Appeal Papers APP/V2255/A/06/2027117/WF.
3. SBC decision on Application SW/06/0636