SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

6 DECEMBER 2007

Standard Index to Contents

PART 1  Reports to be considered in public session not included elsewhere on this Agenda

PART 2  Applications for which permission is recommended

PART 3  Applications for which refusal is recommended

PART 4  Swale Borough Council’s own development; observation on County Council’s development; observations on development in other districts or by Statutory Undertakers and by Government Departments; and recommendations to the County Council on ‘County Matter’ applications.

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

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

ABBREVIATIONS:  commonly used in this Agenda

CDA  Crime and Disorder Act 1998

GPDO  The Town and Country Planning (General Permitted Development) Order 1995

HRA  Human Rights Act 1998

K&MSP  Kent and Medway Structure Plan 2006

SBLP  Swale Borough Local Plan (2000)

INDEX OF ITEMS FOR PLANNING COMMITTEE – 6 DECEMBER 2007

- Minutes of last Planning Committee Meeting
- Minutes of any Working Party Meetings

1.1 HARTLIP
   SW/07/0925 ‘The Stables’, Paradise Farm, Lower Hartlip Road
   Pg 1 - 7

2.1 MINSTER
   SW/07/0098 Phase 2, Land between Thistle Hill Way and Heron Drive
   Pgs 1 – 8

2.2 MINSTER
   SW/07/0099 Phase 3, Land between Thistle Hill Way and Heron Drive
   Pgs 9 – 16

2.3 WARDEN
   SW/07/1209 Land adj 45 Imperial Drive
   Pgs 17 – 21

2.4 TEYNHAM
   SW/07/1241 74 Honeyball Walk
   Pgs 22– 24

2.5 SELLING
   SW/07/1202 Land r/o Lavender Cottage, The Warren
   Pgs 25– 31

2.6 RODMERSHAM
   SW/07/1027 Ilex, Rodmersham Green
   Pgs 32 – 38

2.7 TUNSTALL
   SW/07/1291 Hawarden, Tunstall Road
   Pgs 39 – 43

2.8 FAVERSHAM
   SW/07/1231 Land on former Eurocentre Site, off Whitstable Road
   Pgs 44 – 65

2.9 STALISFIELD
   SW/07/1152 Kennelling House, Kennelling Road
   Pgs 66 – 68

2.10 FAVERSHAM
   SW/07/1224 4, 5, 11, 16, 19, 23, 25, 27, 30, 32, 33, 34, 40 Gange Mews, Middle Row
   Pgs 69 – 74

2.11 & 2.12 NEWINGTON
   SW/07/1217 & SW/07/1218 62 High Street
   Pgs 75 – 89

2.13 EASTCHURCH
   SW/07/1050 Greenways, Eastchurch Road
   Pgs 90 – 94

2.14 SITTINGBOURNE
   SW/06/1082 94 High Street, Milton Regis
   Pgs 95 – 99
<table>
<thead>
<tr>
<th></th>
<th>Location</th>
<th>SW Code</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.15</td>
<td><strong>BORDEN</strong></td>
<td>SW/07/1127</td>
<td>11 Westfield Gardens, Danaway</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.16</td>
<td><strong>TUNSTALL</strong></td>
<td>SW/07/1111</td>
<td>Land off Shimmin Road, Kent Science Park</td>
</tr>
<tr>
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<tr>
<td>2.17</td>
<td><strong>BOBBING</strong></td>
<td>SW/07/1194</td>
<td>Former Keycol Hospital, Rook View</td>
</tr>
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<td></td>
<td></td>
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</tr>
<tr>
<td>2.18</td>
<td><strong>BADLESMERE</strong></td>
<td>SW/07/1186</td>
<td>1 Boundsgate Cottages, Ashford Road</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>3.1</td>
<td><strong>DODDINGTON</strong></td>
<td>SW/07/0546</td>
<td>Wellwood Farm, Seed Road</td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>5.1</td>
<td><strong>MINSTER</strong></td>
<td>SW/06/1193 &amp; ENF/07/0007</td>
<td>Ben Nevis, Eastchurch Road</td>
</tr>
<tr>
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<td></td>
<td></td>
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</tr>
<tr>
<td>5.2</td>
<td><strong>SITTINGBOURNE</strong></td>
<td>TN/07/0009</td>
<td>Land at St Paul’s Street, Milton Regis</td>
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<tr>
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</tr>
<tr>
<td>5.3</td>
<td><strong>EASTLING</strong></td>
<td>SW/05/1316</td>
<td>Tootsie Farm, Elverland Lane</td>
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</table>
Location: ‘The Stables’, Paradise Farm, Lower Hartlip Road, Hartlip, Nr Sittingbourne, Kent, ME9 7SU

Proposal: Proposed Oak framed ground floor rear extension

Applicant/Agent: Mr John Wright, c/o Jane Hooker, 2 Oast Cottage, Frinsted, Nr Sittingbourne, Kent

Application Valid: 6 August 2007

Observations

Members will recall considering this application for an extension at the meeting of 13th September 2007. A copy of the committee report and minute are attached as Appendix A. The lean-to extension, as proposed, would have sat beneath a cat-slide roof of slate, which would have masked the original eaves line. The roof main house comprises peg tiles.

The proposal was considered acceptable in principle. However, there was some discussion at the meeting about the form of the roof, and I expressed concerns about a slate roof being added to a peg tile roof, with no visual break at eaves level.

Members concluded that the new roof should sit immediately beneath the eaves, to create a visual separation between the old and new roof. It was resolved to permit the application subject to appropriate design amendments.

Since the meeting, various discussions have been held with the applicant’s agent and revised drawings have been exchanged. It was agreed by letter dated 2nd October that a clay tiled roof sitting immediately below the eaves line would be acceptable.

Continued . . .
The applicant is now not prepared, however, to set the roof of the extension below the eaves line, whether using slate or clay roof tiles, but wishes to continue the line of the house roof, and change the pitch about halfway down to accommodate a tiled roof over the extension. This is essentially as the application was submitted, but now proposing to use tiles to match the main roof rather than slates.

In my view this would not have as satisfactory an appearance as the roof form agreed by Members, although I acknowledge that the building is not listed, does not lie in an area with any special conservation designation, and the extension itself is not located in a prominent position when seen from any public viewpoint.

I hope to discuss the matter with the applicant again, and will report further at the meeting, but would welcome Members further instruction regarding this matter.

Responsible Officer: Andy Jeffers (Area Planning Officer)

List of Background Documents

1. Application Papers for Application SW/07/0925
2.11 SW/07/00925 (Case 05656)

Location: 'The Stables', Paradise Farm, Lower Hartlip Road, Hartlip, Sittingbourne, Kent, ME9 7SU.

Proposal: Proposed oak framed ground floor rear extension.

Applicant/Agent: Mr John Wright C/o Jane Hooker, 2 Oast Cottage, Frinsted, Nr Sittingbourne, Kent.

Application Valid: 24 July 2007

SUBJECT TO: Receipt of any further representations (closing date 10 September 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) Notwithstanding the details put forward, 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 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: As it is considered essential that no departure is made from the approved details which might detract from the special character of the building or prove detrimental to its setting in pursuance of policies E48 and G1 of the Swale Borough Local Plan.

Continued...
Reason for Approval

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: policy QL1 of the Kent and Medway Structure Plan policies G1, H9 and E48 of the Swale Borough Local Plan and policies E1 and E19 of the Swale Borough Local Plan First Review Re-deposit Draft.

Description of Proposal

'The Stables' is an attractive 19th Century two storey dwelling constructed of red stock brick below a peg tiled roof.

This is an application to construct a single storey extension at the rear. The extension would measure 13m by 5m, and replace an existing lean-to structure of similar height and footprint. The extension would sit beneath a cat-slide slate roof, with fenestration to match the existing house. The exterior would be clad with oak weatherboarding; and the windows and doors would be made from purpose made solid oak.

The extension would accommodate a dining room, utility room and study. A new chimney is also shown as part of the application.

Relevant Planning history and site description

The property was converted from a redundant stables building following a permission in 1991 (ref SW/91/119). That permission required, amongst other things, the works to be carried out in complete accordance with the permitted drawings and removed permitted development rights for future extensions. The rear lean-to structure was shown removed on those drawings, but is still in existence today.

It is a rectangular building, with fenestration at the front and sides, but has none at the rear (north elevation) where the extension is proposed.

There is various other Planning history relating primarily to Paradise Farm itself, of which this building formed part, and permission was granted for a small extension to a detached barn in 2005, but none of direct relevance to this application for an extension to this house.

Views of Consultees

The views of Hartlip Parish Council are awaited and will be reported at the meeting.

Continued
Other Representations

One letter of support has been received from relatives of the applicant living in Paradise Farmhouse. The letter stresses the applicants’ need for space, and the fact that the proposed extension would give views over the rear garden and paddock. The writers believe that it is well designed.

The closing date for any further representations is 10th September 2007 and I will report any further comments received to Members at the meeting.

Relevant Development Plan Policies

Policies in the Development Plan which are of relevance include policy QL1 of the Kent and Medway Structure Plan; policies G1(General Development Criteria), H9 (extensions of buildings in the countryside) and E48 (high standards of design) of the Swale Borough Local Plan; and policies E1(General Development Criteria) and E19 (achieving high quality design and distinctiveness) of the Swale Borough Local Plan First Review Re-deposit Draft.

The Council’s Supplementary Planning Guidance on "The Conservation of Traditional Farm Buildings" is also relevant in the consideration of this application.

Discussion

Paradise Farm Stables is a mid 19th Century brick-built stable range which was successfully converted without loss of character following the grant of planning permission in 1991. It is a good example of its kind/date deriving its character from its vernacular materials and the functional arrangement of door, window and hayloft openings. Its simple form and single aspect (with blind rear elevation) are an expression of the building’s original use as a stable. The corrugated lean-to at the rear is a 20th Century addition.

One of Swale’s adopted Supplementary Planning Guidance notes (SPG) “The Conservation of Rural Farm Buildings” has some relevance, in that paragraph 5.10 reads: “the purpose of converting a traditional building will be to adapt it with the minimum of alteration for the purpose required. As such it will not normally be considered appropriate to extend the existing building to accommodate the use”.

Whilst I acknowledge the guidance in the above SPG, the proposed extension is a relatively well-mannered and low-key affair which takes the footprint of the existing rear lean-to. The increased roof pitch masks the original eaves line of the stables by creating a slate covered cat-slide roof. The other aspects of the design, including the brick chimney stack, are all well considered.
2.11 (Contd)

**Summary and Recommendation**

This is an application for an extension to an unlisted house in the countryside. I consider that the replacement of the existing rear structure in the manner put forward is acceptable and will not be harmful either to the appearance of the building or the character and appearance of the area as a whole.

Subject to the receipt of any further representations (Closing date 10\textsuperscript{th} September), I recommend that permission be granted.

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**List of Background Documents**

1. Application Papers for Application SW07/0925
2. Application Papers for Application SW/91/119
Planning Committee

13th September 2007

SW/07/0925 (2.11)

Proposed oak framed ground floor rear extension, 'The Stables', Paradise Farm, Lower Hartlip Road, Hartlip, Sittingbourne.

Mr John Wright

The Area Planning Officer advised that Hartlip Parish Council raised no objection. He considered that clay tiles would be better than slate as currently proposed, and that the roof form of the extension should be altered to expose the existing eaves line.

RESOLVED That application SW/07/00925 be delegated to Officers to approve subject to conditions (1) to (3) in the report and subject to appropriate design amendments.
PART 2

Applications for which PERMISSION is recommended

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**Location:** Phase 2, Land between Thistle Hill Way & Heron Drive, Minster, Isle of Sheppey, Kent.

**Proposal:** Approval of reserved matters of outline planning permission SW/04/1059 for erection of 122 dwellings and associated highways and public open spaces.

**Applicant/Agent:** Mr David Newberry, c/o Mr James Galpin, 75 High Street, Tunbridge Wells, Kent TN1 1XZ.

**Application Valid:** 23rd January 2007 and as amended by additional drawings received on 27th June 2007 and amended drawings received on 4th July, 5th July and 10th July 2007.

**SUBJECT TO:** The receipt of amended drawings regarding safety, highway and design issues

**Conditions**

(1) 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 Policy G1 of the Swale Borough Local Plan.

(2) 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.

Continued . . .
(3) Adequate underground ducts shall be installed to the satisfaction of the District Planning Authority before any of the buildings hereby 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:** 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) 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 property consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and highway.

**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.

(5) 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 shall 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 or 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.

(6) 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.

Continued . . .
2.1 (Contd) PART 2

(7) 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, renewable energy 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.

(8) Any other condition recommended by Kent Highway Services.

Reason for Approval

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: H1, G1, E50, E51, IN21, H2, H10, IN7, H25 and H26 of the Swale Borough Local Plan; Policies E1, E19, H2, H8 and T3 of the Swale Borough Local Plan First Review Re-Deposit Draft and Policies QL1, HP4 and TP19 of the Kent & Medway Structure Plan.

Description of Proposals

This reserved matters application proposes matters of detail for 122 residential units pursuant to outline approval reference: SW/04/1059.

The development would comprise of various different dwelling types and would include 2 bedroom flats, 2 bedroom semi-detached and terraced houses, and 3 bed semi-detached and terraced houses. All properties would be two or three 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:-

‘Design of streets and spaces.

The creation of routes within the site set up important visual axes which should be responded to by the built form and by the emphasis of visual nodes.

In town square locations the built form should provide a visual bookend.

Continued . . .
In avenue routes the buildings at the end of the route should form focal points.

In mews streets the buildings should deviate from the linear to provide interest to the streetscape within the length of the blocks.

In less dense areas the built form will allow glancing views within the site to encourage the continuation of movement around the housing.”

**Site Description and History**

The application relates to the parcel of land approximately 2.69 hectares in size, located to the north of the main spine road which serves the Thistle Hill development and to the east of Heron Drive. Immediately to the north is a vacant parcel of land and the social housing at Lapwing Close, to the south is land subject of planning permission Ref: SW/07/0097 for 93 dwellings which is allocated for residential development. To the west, north and east of the site is currently open land allocated for residential development forming part of the Thistle Hill development.

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 for up to some 1000 houses to be built at the site. 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 there have been various subsequent applications for amendments to this phasing. Most significantly, planning permission was granted in September 2005 for non-compliance with condition (4) of SW/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. It should also be noted that the period to submit all the outstanding reserved matters was extended to 11th September 2010 under application ref: SW/04/1058, which was granted permission also in September 2005.

So far detailed approval for 946 dwellings has been granted (including Phase 1 at this development) and some 453 dwellings have been built or are under construction up to January this year. The number of units to be considered under this planning application will be above the 1,000 units referred to in the adopted Development Brief for Thistle Hill.

Continued . . .
Views of Consultees

Minster Parish Council (MPC) object as they consider

"the density is inappropriate in a rural location. The height is predominately three storey which is not in keeping with the area. The buildings look like prisons. MPC also has concerns regarding the green spaces in front of dwellings with reference to access and parking. They also note that the emergency access point as shown on future phase is NOT permitted under Condition 8 of SW/95/102."

The Environment Agency raise no objection to the application.

The Kent Police Crime Reduction and Architectural Liaison Officer has no major issues to raise regarding the proposals and offers some advice relating to hawkeye camera system, routes and overlooking of footpaths and car parking areas, fencing to rear gardens, location of bin storage areas and secure by design building scheme.

The Lower Medway Internal Drainage Board raise objection due to the number of developments put forward for this part of Thistle Hill. The Board are not satisfied that surface water drainage aspects of the development have been designed thoroughly. However I understand amended plans and designs for surface water drainage have recently been submitted to and approved by the Board who no longer raise objection provided the system is regularly maintained. I will advise Members further on this issue at the meeting.

Other Representations

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

- The capacity of the road between Cowstead Corner and Bartons Hill is not sufficient to accommodate the additional traffic.
- Lack of infrastructure on the Island to accommodate even more people including lack of school places, hospital beds, play areas etc.

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.

Continued . . .
Other relevant policies from the Swale Borough Local Plan include H1 (Housing development) and H25 (Large housing site with planning permission), G1 (General Criteria), E51 (Landscaping), H10 (affordable housing), IN7 (car parking), IN8 (cycle provision), IN15 (link to public transport), IN17 (cycle routes) and IN18 (Pedestrians).

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**

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 build form without changing the principles which have been agreed.

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 elsewhere at Thistle Hill.

Continued . . .
With regard to the design of the dwellings and the proposed layout itself, as a result of negotiations between Officers and the Agent, particularly at the pre-application stage, the development has been developed to reflect traditional house designs. Furthermore the layout has been developed to allow buildings to properly address spaces and to provide more interesting and varied streetscenes, particularly facing the open spaces and main access roads through the development. However I note the Parish Council's comments and I have sought further amendments to the design of the dwellings and street elevations. I hope to report further on this at the meeting.

In respect of the issues raised by the Crime and Reduction and Architectural Liaison Officer, the agent is aware of these matters and is in discussions with them to try to address some of their concerns. I will hope to report further on this to Members at the meeting.

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

"Sunlight and Energy Efficiency

The orientation of the site, the gentle south-westerly facing slope and the 'protective' nature of the blocks in the development all contribute to an essentially economic layout which will accept well designed and insulated houses which perform well without reliance on expensive alternative sources.

The house types can accommodate passive solar collectors such as single or double height conservatories and the orientation of each dwelling will maximise the available daylight.

Although the dwellings will meet current energy standards, the form of the development utilising terraces is inherently energy saving as it minimises external walls."

This proposal however by increasing the number of units granted permission on this site to over 1,000 would not be in accordance with the outline planning permission and in particular the adopted development brief for this important site. Furthermore, I note Policy H8 of the emerging Local Plan which states:

"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 matters approval will be granted for more than the original 1,000 dwellings intended for the site."

I am aware that considerable work has been done by the developer to produce a new Development Brief, which will be submitted to the Council very shortly to enable a formal consultation process to be undertaken. However in the intervening period I am unclear how we proceed with current planning applications for developments at Thistle Hill.

Continued . . .
I have raised this with the developer who has sought legal advice on this and suggests that a unilateral undertaking could be provided phasing the development on this site and the adjoining parcels of land (Phases 1 – Ref: SW/07/0097 and 2 – Ref: SW/07/0098) all of which are owned by the same developer.

The developer suggests wording for an undertaking along the lines of:

“The occupation of dwellings on phases 1, 2 and 3 on the land between Thistle Hill Way and Heron Drive (planning application nos. SW/07/0097, SW/07/0098 and SW/07/0099) will be phased as follows:

1. No more than 143 dwellings shall be occupied before October 2008.

2. No more than 193 dwellings shall be occupied before October 2009.”

Whilst I recognise that this is a way forward for the developer to obtain a reserved matters permission, clearly if the Council grants permission prior to the adoption of the new development brief then none of the community benefits which the Council requires as part of an increased number of units above 1,000 can be negotiated on these 2 applications. I have sought the Borough Solicitor’s views on these issues and will report further at the meeting.

Summary and Recommendation

Whilst in general this is an acceptable scheme, if the Council grants permission then the number of units at Thistle Hill will exceed 1,000 and no new development brief is in place currently, which is contrary to the emerging Local Plan Policy H8. I have sought legal advice on this policy dilemma and will advise Members at the meeting whether or not the Council should grant permission for this application.

Responsible Officer: Andy Jeffers (Area Planning Officer)

List of Backgrounds Documents

1. Application paper for Application SW/07/0098
2. Correspondence relating to Application SW/95/0102, SW/02/1018, SW/04/1059, SW/04/1058, SW/96/1446, SW/07/0097 and SW/07/0099
Location: Phase 3, Land between Thistle Hill Way & Heron Drive, Minster, Isle of Sheppey, Kent

Proposal: Approval of reserved matters of outline planning permission SW/04/1059 for erection of 98 dwellings and associated highways and public open space

Applicant/Agent: Mr David Newberry, c/o Mr James Galpin, 75 High Street, Tunbridge Wells, Kent TN1 1XZ.

Application Valid: 23rd January 2007 and as amended by additional drawings received on 27th June 2007 and amended drawings received on 4th July, 5th July, 10th July 2007 and

SUBJECT TO: The receipt of amended drawings regarding design issues and the views of the Head of Legal Services

Conditions

(1) 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 Policy G1 of the Swale Borough Local Plan.

(2) 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.

(3) Adequate underground ducts shall be installed to the satisfaction of the District Planning Authority before any of the buildings hereby 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.

Continued . . .
2.2 (Contd)

**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) 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 property consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and highway.

**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.

(5) 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 shall 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 or 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.

(6) 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.

(7) 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, renewable energy 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.

Continued . . .
(8) Any other condition recommended by Kent Highway Services.

**Reason for Approval**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: H1, G1, E50, E51, IN21, H2, H10, IN7, H25 and H26 of the Swale Borough Local Plan; Policies E1, E19, H2, H8 and T3 of the Swale Borough Local Plan First Review Re-Deposit Draft and Policies QL1, HP4 and TP19 of the Kent & Medway Structure Plan.

**Description of Proposals**

This reserved matters application proposes matters of detail for 98 residential units pursuant to outline approval reference: SW/04/1059.

The development would comprise of various different dwelling types and would include 2 bedroom flats, 2 bedroom semi-detached and terraced houses, and 3 bed semi-detached and terraced houses. All properties would be two or three 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:-

"Design of streets and spaces.

The creation of routes within the site set up important visual axes which should be responded to by the built form and by the emphasis of visual nodes.

In town square locations the built form should provide a visual bookend.

In avenue routes the buildings at the end of the route should form focal points.

In mews streets the buildings should deviate from the linear to provide interest to the streetscape within the length of the blocks.

In less dense areas the built form will allow glancing views within the site to encourage the continuation of movement around the housing."

Continued . . .
Site Description and History

The application relates to the parcel of land approximately 1.94 hectares in size, located to the north of the main spine road which serves the Thistle Hill development and to the east of Heron Drive. Immediately to the north is the former railway line and the Harps Estate to the west is the social housing at Lapwing Close, to the south is a vacant parcel of land subject of planning application SW/97/0097 for residential development whilst to the east is Scoles Road and beyond which is open countryside. To the south of the site is currently open land allocated for residential development forming part of the Thistle Hill development.

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 for up to some 1000 houses to be built at the site. 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 there have been various subsequent applications for amendments to this phasing. Most significantly, planning permission was granted in September 2005 for non-compliance with condition (4) of SW/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. It should also be noted that the period to submit all the outstanding reserved matters was extended to 11th September 2010 under application ref: SW/04/1058, which was granted permission also in September 2005.

So far detailed approval for 946 dwellings has been granted (including Phase 1 at this development) and some 453 dwellings have been built or are under construction up to January this year. The number of units to be considered under this planning application will be above the 1,000 units referred to in the adopted Development Brief for Thistle Hill.

Views of Consultees

Minster Parish Council (MPC) object as they consider

"the density is inappropriate in a rural location. The height is predominately three storey which is not in keeping with the area. The buildings look like prisons. MPC also has concerns regarding the green spaces in front of dwellings with reference to access and parking. They also note that the emergency access point as shown on future phase is NOT permitted under Condition 8 of SW/95/102."

Continued . . .
The Environment Agency raise no objection to the application.

The Kent Police Crime Reduction and Architectural Liaison Officer has no major issues to raise regarding the proposals and offers some advice relating to hawkeye camera system, routes and overlooking of footpaths and car parking areas, fencing to rear gardens, location of bin storage areas and secure by design building scheme.

The Lower Medway Internal Drainage Board raise objection due to the number of developments put forward for this part of Thistle Hill, the Board are not satisfied that surface water drainage aspects of the development have been designed thoroughly. However I understand amended plans and designs for surface water drainage have recently been submitted to and approved by the Board who no longer raise objection provided the system is regularly maintained. I will advise Members further on this issue at the meeting.

Other Representations

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

- The capacity of the road between Cowstead Corner and Bartons Hill is not sufficient to accommodate the additional traffic.
- Lack of infrastructure on the Island to accommodate even more people including lack of school places, hospital beds, play areas etc.

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 (Housing development) and H25 (Large housing site with planning permission), G1 (General Criteria), E51 (Landscaping), H10 (affordable housing), IN7 (car parking), IN8 (cycle provision), IN15 (link to public transport), IN17 (cycle routes) and IN18 (Pedestrians).

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.

Continued . . .
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**

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 build form without changing the principles which have been agreed.

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 elsewhere at Thistle Hill.

With regard to the design of the dwellings and the proposed layout itself, as a result of negotiations between Council Officers and the Agent, particularly at the pre-application stage, the development has been developed to reflect traditional house designs. Furthermore the layout has been developed to allow buildings to properly address spaces and to provide more interesting and varied streetscenes, particularly facing the open spaces and main access roads through the development. However I note the Parish Council’s comments and I have sought further amendments to the design of the dwellings and street elevations. I hope to report further on this at the meeting.

In respect of the issues raised by the Crime and Reduction and Architectural Liaison Officer, the agent is aware of these matters and is in discussions with them to try to address some of their concerns. I will hope to report further on this to Members at the meeting.

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

“Sunlight and Energy Efficiency

The orientation of the site, the gentle south-westerly facing slope and the ‘protective’ nature of the blocks in the development all contribute to an essentially economic layout which will accept well designed and insulated houses which perform well without reliance on expensive alternative sources.

The house types can accommodate passive solar collectors such as single or double height conservatories and the orientation of each dwelling will maximise the available daylight.

Although the dwellings will meet current energy standards, the form of the development utilising terraces is inherently energy saving as it minimises external walls.”

This proposal however by increasing the number of units granted permission on this site to over 1,000 would not be in accordance with the outline planning permission and in particular the adopted development brief for this important site.

Furthermore, I note Policy H8 of the emerging Local Plan which states;

“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 matters approval will be granted for more than the original 1,000 dwellings intended for the site.”

I am aware that considerable work has been done by the developer to produce a new Development Brief, which will be submitted to the Council very shortly to enable a formal consultation process to be undertaken. However in the intervening period I am unclear how we proceed with current planning applications for development at Thistle Hill. I have raised this with the developer who has sought legal advice on this and suggests that a unilateral undertaking could be provided phasing the development on this site and the adjoining parcels of land (Phases 1 – Ref SW/07/0097 and 2 – Ref SW/07/0098) all of which are owned by the same developer. The developer suggests wording for an undertaking along the lines of:

“The occupation of dwellings on phases 1, 2 and 3 on the land between Thistle Hill way and Heron Drive (planning application nos. SW/07/0097, SW/07/0098 and SW/07/0099) will be phased as follows:

1. No more than 143 dwellings shall be occupied before October 2008.
2. No more than 193 dwellings shall be occupied before October 2009.”

Continued . . .
Whilst I recognise that this is a way forward for the developer to obtain a reserved matters permission, clearly if the Council grants permission prior to the adoption of the new development brief then none of the community benefits which the Council requires as part of an increased number of units above 1,000 can be negotiated on these 2 applications. I have sought the Borough Solicitor’s views on these issues and will report further at the meeting.

**Summary and Recommendation**

Whilst in general this is an acceptable scheme, if the Council grants permission then the number of units at Thistle Hill will exceed 1,000 and no new development brief is in place currently, which is contrary to the emerging Local Plan Policy H8. I have sought legal advice on this policy dilemma and will advise Members at the meeting whether or not the Council should grant permission for this application.

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**Responsible Officer: Andy Jeffers (Area Planning Officer)**

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**List of Backgrounds Documents**

1. Application paper for Application SW/07/0099.

2. Correspondence relating to Application SW/95/0102, SW/02/1018, SW/04/1059, SW/04/1058, SW/96/1446, SW/07/0097.
Location: Land adj 45 Imperial Drive, Warden, Sheppey, Kent, ME12 4SB

Proposal: Detached house

Applicant/Agent: Harrisford Ltd, c/o D J Hobbs, 73 Marine Parade, Sheerness, Kent, ME12 2BE

Application Valid: 17 October 2007 as amended by letter and drawings received 15 November 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 of facing materials, facing bricks and roofing tiles to be used on the development have been submitted to and approved in writing by the District Planning Authority.

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

(3) Pedestrian visibility splays measuring 2m x 2m with no obstruction over 0.6 m above the adjacent footway level shall be provided at both sides of each new access to the parking spaces, prior to the commencement of any other development in this application, and the visibility splays shall be subsequently maintained free of any such obstruction.

Grounds: In the interests of highway safety.

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

Continued . . .


(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.

(7) The area shown on the submitted layout as vehicle parking spaces (c/s) for both the new property and for no.78 Emerald View shall be provided before the new dwelling is occupied. These areas shall be retained, and no permanent development, whether or not 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 a position as to preclude vehicular access to these reserved parking spaces.

*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.

(8) The upper floor north facing window to the side of no78 Emerald View shall be infilled using bricks to match those used in the construction of that property before the new dwelling hereby permitted is occupied.

*Grounds:* In accordance with the submitted drawings and in order to avoid unacceptable overlooking pursuant to policy G1 of the Swale Borough Local Plan and policy E1 of the Swale Borough Local Plan First Review Re-deposit Draft.

(9) Upon completion, no extensions, whether permitted by Class A of Part 1 of Schedule 2 Town and Country Planning (General Permitted Development) Order 1995 or not (or any order replacing or re-enacting that order), shall be carried out without planning permission.

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

Reason for Approval

Having taken all material considerations into account, it is considered that 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: policy QL1 of the Kent and Medway Structure Plan; policy G1 of the Swale Borough Local Plan; and Strategic Policy 1 and policy E1 of the Swale Borough Local Plan First Review Redeposit Draft, in coming to this decision.

Description of Proposal and site description

This is an application to erect a detached house on a corner plot of land occupied partly by garages and the flank garden to 78 Emerald View, and partially enclosed behind an unattractive concrete panel fence.

The site has a frontage to Imperial Drive of about 13.5m, and a maximum depth of 16m, and is owned by the owner of 78 Emerald View.

The dwelling would have two bedrooms, would be constructed of brick with a pitched roof, and have a front elevation in keeping with this area of mixed architectural styles. It has been designed in such a way as to avoid overlooking at the rear, with a stairway and bathroom above kitchen at the back (although in any event this elevation faces the flank wall of the applicant’s property, where the only upper floor flank window is to be infilled).

The dwelling respects the building line where it fronts Imperial Drive. One of the garages would be retained to the side of no45 Imperial Drive and the second used as side parking for the proposed house.

The garden has a depth of 4.5m from the back of the rear projection and 6.3m from the main rear wall, but has an overall width of 11m.

A Design and Access Statement accompanies the application.

Relevant Planning history

There is no relevant Planning history relevant to the site itself, although number 78 Emerald View has a two storey side extension.

Views of Consultees

Kent Highway Services states that the parking spaces should be increased to 2.9m in width, where they abut a wall or fence on both sides. I have received amended drawings addressing this issue.

Continued . . .
With regard to the concerns of the Parish Council, their comments read:

“I have been made aware that the Parish Council are concerned that the new access for No. 78 Emerald View is too close to the junction with Imperial Drive. However, being located approximately 19m from the junction with Imperial Drive, I consider that the access is far enough away from the bend to provide sufficient visibility for drivers using the access to see and be seen by approaching vehicles”

**Other Representations**

As noted above, Warden Parish Council object to the application, referring to the side extension at 78 Emerald View, and expressing concern about over development and the safety of having access points and car spaces close to the main road around the estate.

Two residents have written to object. One, on the opposite side of Imperial Drive at St James Close, is concerned about overlooking.

The immediate neighbour at 45 Imperial Drive refers to assurances from the original house building company that the land would not be built on, notes the existing concrete fence (which obscures highway visibility), and is worried about the writer’s own garage if the two which join it are demolished to erect the new property.

**Relevant development plan policies**

Policy QL1 (Quality of Development and Design) of the Kent and Medway Structure Plan; policy G1 (General Development Criteria) of the Swale Borough Local Plan; and Strategic Policy 1 and policy E1 (General Development Criteria) of the Swale Borough Local Plan First Review Re-deposit Draft, are all relevant to the consideration of this application. Planning Policy Statement 3 (PPS 3:Housing) has also been taken into account.

**Discussion**

This is a relatively small piece of land in a residential area which is unsightly at the moment and poorly used. The demolition of two garages will not affect parking provision, since parking is shown for both existing and proposed properties.

Members will note the comments of Kent Highway Services on the Parish Council's concerns, and I agree that this is not untypical of many schemes accepted in residential areas such as this, with access points this distance from the corner.

Continued . . .
The house is appropriately designed and will not result in unacceptable overlooking of properties nearby. The flank elevation to Imperial Drive will be prominent, with the side wall and side/rear garden fence set forward of other properties in Emerald View, but the building line here varies and side elevations are inevitably prominent on corner plots. The demolition of the existing garages could take place without planning permission, and care during their removal is a matter for the developer.

The primary issue, in my view, is whether this is over development resulting in demonstrable harm.

The design has been carefully handled, to show a two bedroomed property with a garden which, although not having the depth we would normally wish to see, has a reasonable width. In my view a refusal because of insufficient garden would not be appropriate. It meets the general principles of making the best use of developable land put forward in PPS3 and elsewhere. This is not a typical building plot but, on balance, I do not consider that it would be sufficiently harmful to refuse, and provides a small unit of accommodation in a residential area. I have however recommended a condition which will mean that future extensions, which might lead to over development, are brought within planning control.

**Summary and Recommendation**

This is a proposal to erect a modest house on a small plot. In my view it does not result in demonstrable harm and would make the best use of a site within a residential area.

I accordingly recommend that Planning permission is granted.

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**Responsible Officer**: Andy Jeffers (Area Planning Officer)

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**List of Backgrounds Documents**

1. Application Papers for Application SW/07/1209
2. Correspondence Relating to Application SW/07/1209
Location: 74 Honeyball Walk, Teynham, Nr Sittingbourne, Kent, ME9 9TL

Proposal: Conservatory to rear of property

Applicant/Agent: Mr & Mrs Stickens, 74 Honeyball Walk, Teynham, Nr Sittingbourne, Kent, ME9 9TL

Application Valid: 24 October 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 bricks to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing building in terms of type, colour and texture.

Grounds: In the interest of visual amenity and in pursuance of policies G1 of the Swale Borough Local Plan, 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. In resolving to grant permission, particular regard has been had to the following policies: G1 & H8 of The Swale Borough Local Plan QL1 of the Kent and Medway Structure Plan.

Description of Proposal

The application is for a rear conservatory. It protrudes to the rear of the property by 2m on the boundary, then extends 1.9m across the rear of the property before extending a further 1.72m. It then continues across the rear of the property for 4.4m and returns at the end of the two storey element of the property.

Continued . . .
Relevant site history and site description

The application is at 74 Honeyball Walk, a two storey end of terrace property located on a large corner plot within the built up area boundary of Teynham.

This application has been submitted following the withdrawal of an earlier application (SW/07/0913) which showed the conservatory extending 3.15m from the rear of the property adjacent to the neighbours boundary.

The neighbouring property, no 76 has a single storey brick built rear extension which protrudes 2m from the rear elevation of no 74.

Previous relevant planning history includes SW/01/287 for a Garage Extension

Views of Consultees and Other Representations

Teynham Parish Council comment that:

- The extension seems a little overpowering
- The revised extension has been brought into line with no 76 but the part protruding has glazing overlooking no 76, some screening should be put in place to allow for privacy
- Adequate roof drainage facilities will be provided in way of abutment of adjoining property to minimise problem of damp walls

No responses from neighbours have been received at the time of writing report. I will update Members should any be received.

Policies

Swale Borough Local Plan Policies
Policies G1 (General Development Criteria) and H8 ( Extensions to, and replacement of dwellings in urban area)

Kent & Medway Structure Plan
Policy QL1 (Quality and Design)

Discussion

The proposed conservatory is to be level with the neighbours’ rear extension, adjacent to the common boundary. The conservatory then goes away from the boundary by nearly 2m before extending by a further 1.7m to the rear and continuing for a further 4.4m across the rear of the property. The conservatory is of a size and design to be acceptable, and is an acceptable extension to this modern property, and no adverse impact on amenity would result.

Continued . . .
I consider that the 1.9m return away from the common boundary is sufficient to mitigate the 1.7m protrusion of the conservatory. Furthermore I note that fencing and extensive vegetation exists along the boundary with no 76 and therefore consider this will further screen the conservatory.

I note the comments of the Parish Council, however I do not consider the conservatory to be overpowering to the property and that sufficient screening already exist.

**Summary and Recommendation**

Based on the above, I recommend that planning permission be granted.

**Responsible Officer: Graham Thomas (Area Planning Officer)**

**List of Backgrounds Documents**

1. Application Papers for Application SW/07/1241
2. Correspondence Relating to Application SW/07/1241
3. Application Papers for Application SW/07/0913
4. Application Papers for Application SW/01/287
Location: Land r/o Lavender Cottage, The Warren, Selling, Faversham, Kent, ME13 9PL

Proposal: New property in garden of Lavender Cottage

Applicant/Agent: Mr B Bruce, c/o Brian Wicks Architect, 1 Rhode Common Cottages, Selling, Faversham, Kent, ME13 9PT

Application Valid: 16 October 2007 and as amended by drawings received 21st November 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) Before the development hereby permitted is first used, the proposed window in the first floor south west elevation to the ensuite shall be obscure glazed and shall subsequently be maintained as such.

Grounds: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers and in pursuance of policies G1 of the Swale Borough Local Plan, and QL1 of the Kent & Medway Structure Plan.

(3) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the south west and north east facing first floor side elevations hereby permitted unless agreed in writing with the District Planning Authority.

Grounds: To prevent the overlooking of adjoining properties and to safeguard the privacy of their occupiers and in pursuance of policies G1 of the Swale Borough Local Plan, and QL1 of the Kent & Medway Structure Plan.

(4) 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:

Continued . . .
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 G1 and E2 of the Swale Borough Local Plan, and QL1 of the Kent & Medway Structure Plan.

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

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

(6) Details in the form of samples of materials to be used shall be submitted to and approved by the District Planning Authority before any development takes place.

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

(7) No development hereby permitted shall take place until a cross sectional drawing of the exact levels on site and the slab level of the house in relation to the surrounding properties has been submitted to and approved in writing by the District Planning Authority.

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

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

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

Continued . . .
(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) 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.

**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) Notwithstanding the approved drawings the internal dimensions of the garage (length) shall be 5.5m to comply with Kent Vehicle Parking Standards)

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

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

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

**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, H5 of The Swale Borough Local Plan; and QL1 and HP5 of the Kent and Medway Structure Plan

Continued . . .
Description of Proposal

The application is for the building of a two storey, four bedroom property located in the rear garden of Lavender Cottage, The Warren Selling.

The entrance to the site is to the rear of Lavender Cottage, off the end of the cul-de-sac, adjacent to the driveway to 4 The Warren. The house is to be 11.8m in width, at the widest point and 11.7m in depth, at the widest point, it also accommodates an integral garage. A rear garden of 14m at the furthest point and 3m at the closest point to the house is proposed. The rear of the property is level with the rear elevation of the neighbouring property 4 The Warren. Amended drawings now show tile hanging at first floor level to enhance the appearance of the proposed house.

Additional information has been supplied by the agent stating that

“The property has been located to sit comfortably within it’s plot so as not to dominate the site. The level of area of site for the house is 900mm lower than the main garden to Lavender Cottage and no. 4 The Warren. However, the ground level of the new house will be set at half way between the lower hollow level and the higher surrounding garden to Lavender Cottage and no. 4 The Warren.

The proposed elevation as seen from The Warren road indicates the new house sits attractively between Lavender Cottage and no. 4 The Warren. The height of the main ridge is lower than no. 4 The Warren and Lavender Cottage.

Internally the property provides for an attached single garage, ground floor living room, dining room, kitchen and utility room. On the first floor a master bedroom with en suite shower room, main bathroom and three further bedrooms.

The house have been designed to be sympathetic in materials and scale to the neighbouring properties. Tiled roofs of the have been selected to both single and two storeys of the house, brick walls to the ground floor and first floor wall on the north east elevation adjacent to No. 4 The Warren. All other first floor walls to be tile hung to agreed tiles. Timber windows and doors to be stained.

The new house will be well screened and surrounded by various existing planting. A heavy line of trees and shrubs run along the boundary to no. 4 The Warren to the North East and to the old Police House and Ashley House towards the West.

The house has been so arranged as to maximise light internally to the living room and dining room.

The house design and position will allow the dwelling to be sympathetic to it’s location and setting and provide high quality living accommodation set within the existing hamlet.”

Continued . . .
Relevant Site History and Site Description
The site is located within the built up area boundary of Selling. The Warren is a cul-de-sac with large detached houses located in large plots. There is no previous planning history for this site but Lavender Cottage has a number of previous permissions namely:

- SW/02/0299 APPROVAL two storey side extension at Lavender Cottage
- SW/88/0317 APPROVAL extension to enlarge lounge and dining room
- SW/86/1174 APPROVAL amendment to approved design of dwelling house
- SW/85/835 APPROVAL erection of 4 detached houses & garages (approval of reserved matters of SW/84/618)
- SW/85/765 APPROVAL first floor extension
- SW/84/0618 APPROVAL outline application for 4 houses

Views of Consultees
Selling Parish Council object to the application stating that having visited the site and members are not able to support the application on the grounds it is considered too large for the plot and too close to the adjoining property thereby creating an intrusion on their privacy. Of major concern is that the entrance to The Warren…already creates serious highway problems…the lane is used by heavy commercial vehicles using Gaskins. Any increase in vehicular movement (which would undoubtedly arise) at the junction of The Warren would seriously exacerbate the problems that already exist.

Kent Highway Services commented that the internal dimensions of the garage need to be increased to 5.5m to comply with Kent Vehicle Parking Standards

Other Representations
6 letters of objection have been received from local residents, their comments are summarised as follows:

- No objection in principal to a new house being built on the adjoining garden but object to these plans as the house is too close to the adjacent house.
- All the other houses in The Warren are widely spaced and in the proposed position the new house would be totally out of character
- The development would result in additional traffic and congestion in the narrow cul-de-sac
- The driveway of the proposed house is adjacent to that at no 4 with a high fence separating the two, this would be an accident waiting to happen
- Proposes an alternative position for the house moved away from the exit to no 4, increasing the space between no 4 to match the wide spacing of houses in The Warren, give a straight boundary, a more impressive frontage

Continued . . .
The Warren is a private road owned by the residents in nos. 1, 2, 3 & 4 who are responsible for maintenance. Lavender Cottage only has rights of access and does not own any of The Warren.

The north west first floor windows will have a clear view of much of our rear garden, leading to loss of privacy.

Coppersfield is constructed at a higher land level than the proposed house and therefore the south west ground floor window will have a clear view of the back of our house.

South east elevation of the proposed house looks directly into rear of Lavender Cottage.

Will reduce value of houses.

Narrow entrance will not be commensurate with the neighbouring houses.

Adverse outlook would impact on value and saleability of property.

Potential damage to road and utilities.

Concerned the closeness of the building to the borders of my property.

Concerned the proposal will result in overlooking and block considerable sunlight to the garden of adjacent properties.

**Policies**

Swale Borough Local Plan Policies

Policies G1 (General Development Control Criteria), H1 (Housing Provision), H4 (Small Sites), H5 (Infilling)

Kent & Medway Structure Plan: Deposit Plan Policies QL1 (Quality of Design) and HP5 (Housing in Rural Areas)

**Discussion**

The application is for the construction of a two storey detached house in the rear garden of Lavender Cottage, The Warren Selling. The site is located within the built up area boundary of Selling and as such residential development is acceptable in principle, I therefore consider that the main issue in determining this application is the effect on the residential amenities of the occupiers of adjoining residential properties.

The proposed house is located adjacent to the boundary with no 4 The Warren however the north east elevation does not show any windows and therefore they will not encounter any overlooking from this elevation. The north west elevation contains two first floor windows which will look towards the very end of the garden of Copperfields, with some outlook onto the rear of no 4. However although this is a change to the current position enjoyed by the occupants I do not consider this to be sufficient to warrant refusal of the application.

Continued . . .
The agent notes that the site is 900mm lower than that of no 4 and as such the impact will be less. The impact of the new property will have an affect on the occupiers of no 4 but on balance this arrangement is not unacceptable. I note the suggestion to resite the property but this will produce further issues relating to its relationship and impact on Copperfields to the south west. I do not consider that the proposed siting is unacceptable.

Currently the side of the new property will face Copperfields on the south west elevation, however this first floor en-suite window can be conditioned to be obscured glazed and should not produce overlooking or warrant refusal of the application. Again with this property the new dwelling will be a substantial change to the current outlook form the property but I do not consider that it would cause sufficient harm to warrant refusal of the application.

Residents and the Parish Council are concerned about the increased traffic movements within The Warren and the safety of the access onto Selling Road. Kent Highway Services however have not objected to the scheme on these grounds.

I note the comments form the owners of The Warren who state they will deny access to The Warren for any developer vehicles and for any future access to the proposed property. This issue however is a private legal matter and is not able to be a material consideration in the determination of this application.

**Summary and Recommendation**

On balance, as the principle of the development is acceptable I don’t consider that the residential or visual amenity of the neighbouring properties, although affected to some degree is sufficient to warrant refusal of the application. I feel that the new property will sit comfortably in these surroundings.

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**Responsible Officer: Graham Thomas (Area Planning Officer)**

**List of Backgrounds Documents**

1. Application Papers for Application SW/07/1202
2. Correspondence Relating to Application SW/07/1202
3. Application Papers for all applications referred to in the report.
Location: Ilex, Rodmersham Green, Rodmersham, Sittingbourne, Kent ME9 0PT

Proposal: First Floor extension and porch to existing bungalow and erection of detached garage

Applicant/Agent: Mr S Cross c/o Nigel Sands & Associates, 15 Colson Drive, Iwade, Sittingbourne, Kent ME9 8TT.


SUBJECT TO: Any further representations (closing date 10th December 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 samples of facing materials, facing bricks and roofing tiles to be used on the development have been submitted to and approved in writing by the District Planning Authority.

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

(3) Prior to the commencement of any works hereby permitted detailed drawings of all new external 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. The development shall then be implemented in accordance with the approved details.

Continued . . .
Grounds: In order to safeguard the special architectural and historic interest of the locality and the Conservation Area, in pursuance of Policies G1 and E36 of the Swale Borough Local Plan, and Policies E1, E15 and E19 of the Re-Deposit Draft of the Swale Borough Local Plan First Review.

(4) Prior to the commencement of any works hereby permitted detailed drawings of the eaves at a suggested scale of 1:5 shall be submitted to and approved in writing by the District Planning Authority. The development shall then be implemented in accordance with the approved details.

Grounds: In order to safeguard the special architectural and historic interest of the locality and the Conservation Area, in pursuance of Policies G1 and E36 of the Swale Borough Local Plan, and Policies E1, E15 and E19 of the Re-Deposit Draft of the Swale Borough Local Plan First Review.

(5) Prior to the commencement of development, cross sectional drawings at a scale of 1:20 showing the proposed structural changes to the dwelling shall be submitted to and approved in writing by the District Planning Authority. The development shall then be implemented in accordance with the approved details.

Grounds: In order to safeguard the special architectural and historic interest of the locality and the Conservation Area, in pursuance of Policies G1 and E36 of the Swale Borough Local Plan, and Policies E1, E15 and E19 of the Re-Deposit Draft of the Swale Borough Local Plan First Review.

(6) All brickwork shall be laid in Flemish Bond, and prior to the commencement of the development, a 1 square metre sample of brickwork shall be submitted to and approved in writing by the District Planning Authority. The brickwork of the development hereby approved shall be carried out wholly in accordance with the approved details, unless otherwise agreed in writing by the District Planning Authority.

Grounds: In order to safeguard the special architectural and historic interest of the locality and the Conservation Area, in pursuance of Policies G1 and E36 of the Swale Borough Local Plan, and Policies E1, E15 and E19 of the Re-Deposit Draft of the Swale Borough Local Plan First Review.

(7) Notwithstanding the details shown on the approved plans, no trickle vents shall be used on the dwelling.

Continued . . .
Grounds: In order to safeguard the special architectural and historic interest of the locality and the Conservation Area, in pursuance of Policies G1 and E36 of the Swale Borough Local Plan, and Policies E1, E15 and E19 of the Re-Deposit Draft of the Swale Borough Local Plan First Review.

(8) All rainwater goods shall be of cast iron construction.

Grounds: In order to safeguard the special architectural and historic interest of the locality and the Conservation Area, in pursuance of Policies G1 and E36 of the Swale Borough Local Plan, and Policies E1, E15 and E19 of the Re-Deposit Draft of the Swale Borough Local Plan First Review.

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

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

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, 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, H8, E36 and IN7 of The Swale Borough Local Plan; QL1 and QL6 of the Kent and Medway Structure Plan; and E1, E15, E19 and T3 of the Re-Deposit Draft of the Swale Borough Local Plan First Review.

Description of Proposal

This application seeks planning permission for a first floor extension and front porch to ‘Ilex’, a bungalow at Rodmersham Green. The application also seeks planning permission for a detached double garage to the rear of the site. The description of the development has recently been amended to make reference to the proposed porch and garage.

Continued . . .
The plans for the proposed extension have been amended to accord with the comments of the Conservation Officer, and are markedly different from those originally submitted.

The proposed extension to the dwelling would result in a double-hipped roof, with a 1.5 metre increase in ridge height to 7 metres. The detailing proposed includes exposed rafter feet, Kent Peg roof tiles, timber windows and doors, tile hanging at first floor level, and the replacement of the existing outer brick skin of the bungalow with red stock bricks. A catslide roof to the side is proposed. The proposed porch would measure 1.9 metres wide, 3.5 metres high and would project 1.2 metres to the front.

An existing attached garage to the side of the dwelling is proposed to be demolished, to allow vehicular access to the rear of the site. The proposed garage would be sited in the rear corner of the site and would measure 6.5 metres deep, 7.66 metres wide. The garage is also proposed to use timber windows and doors, Kent Peg tiles and stock bricks.

Relevant Site History & Description

‘Ilex’ is located in the built up area of Rodmersham Green, and in the Rodmersham Green conservation area. The existing dwelling is an unremarkable 20th century bungalow and is in a streetscene where two storey houses predominate.

Although the existing building is single storey, it nonetheless occupies a prominent position fronting the green. To the north east of the site lies the vehicular access and garage serving ‘Orsett House’, with the dwelling itself some 16 metres from the boundary with ‘Ilex’. The domestic curtilage serving ‘Orsett House’ wraps around the rear of ‘Ilex’. ‘Vine Cottage’ lies to the south east, separated from the boundary by 3 metres, and has a ground and first floor windows facing the site.

An application for a first floor extension and garage was submitted earlier this year SW/07/0697 but was withdrawn prior to determination

Views of Consultees

Rodmersham Parish Council raise objection, and comment as follows:

“Since Ilex is in such a prominent position on Rodmersham Green, the proposed upper floor extension should be as unobtrusive as possible. Therefore, the ‘cat slide’ roof facing Orsett House is a mistake, too dominating. Simple gable ends, each end, would be much better, and the proposed porch with columns is out of scale with the house. More importantly – where is the garage going – it should be shown on this application. Further thought should be given to this application.”

Kent Highway Services raise no objection to the scheme.

Continued . . .
Rodmersham Parish Council have not yet commented on the basis of the amended description. The closing date for representations is 10th December, and I will update Members at the meeting.

Other Representations

One letter of support has been received, which states that ‘if done well, and in-keeping with other properties in the areas, this application should be an asset. At present the existing building is becoming an eyesore and is not in-keeping with other properties around the green.’

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

- Cat-slide roof is a mistake – gable ends would be better;
- Chimney should be sited towards centre of building rather than at edge;
- Porch is out of scale with house;
- Proposal should be as unobtrusive as possible;
- No evidence that proposal relates to village green and other dwellings in vicinity;
- Building design not suited to conservation area with numerous listed buildings and would detract from well balanced mix of houses fronting green;
- Proposed design is inferior and mediocre;
- Existing bungalow is not a great design, but has mellowed and does not offend the landscape of the green.

No other representations have been received, although the closing date is 10th December and I will report any further comments to Members at the meeting.

Policies

The following Policies of the Development Plan are pertinent here:

Kent and Medway Structure Plan
QL1 (Quality of development and design)
QL6 (Conservation Areas)

Swale Borough Local Plan
G1 (General Development Criteria)
H8 (Extension to, and Replacement of, Dwellings in the Built-up Area)
E36 (Development in or Adjoining a Conservation Area)
IN7 (New Development and Car Parking Provision)

Continued . . .
Discussion

The application site is located in the built up area, and an extension of the scale proposed here is therefore acceptable as a matter of principle.

I note that Kent Highway Services raise no objection to the proposal.

The proposed extension would not in my opinion give rise to significant harm to residential amenity by virtue of overshadowing or overlooking due to its position relative to the adjacent dwellings.

The key issue is in my opinion the design of the extension, its impact on the character and appearance of the streetscene and on the conservation area.

The scheme as amended carries a number of local vernacular architectural features, including the cat slide roof, the low eaves line, the exposed rafter feet and the use of local vernacular materials. I do not consider the design to be out of place in a Kentish village setting, and, in itself, I consider the design to be acceptable.

The proposed extension would increase the scale of the building quite significantly, and the site is located in a prominent and important position in the conservation area. I do not though consider that the proposal would look out of place in the streetscene. It would be sited in-between two existing two-storey houses, and would not be of a bulk or scale that would harm the character of the streetscene or the setting of the green.

The key test for development in conservation areas is whether it preserves or enhances the character and appearance of the conservation area. Whilst the existing bungalow is less prominent than the proposed extension, it is of a poor design and looks out of place in such a setting. I conclude that, taking into account the increase in scale proposed, the proposed extension would preserve the character and appearance of the conservation area and would not cause harm to the character and appearance of Rodmersham Green or the wider area.

I note the objection of the Parish Council and local residents in respect of the proposed cat-slide roof. I do not though consider that it dominates the appearance of the dwelling, and I am not convinced that it would cause demonstrable harm to the character and appearance of the area.

Continued . . .
Similarly, the proposed porch is not in my opinion an uncommon feature of dwellings in such settings, and I do not envisage it causing demonstrable harm to the character of the building, the streetscene, or the Rodmersham Green Conservation Area.

**Summary and Recommendation**

This application seeks planning permission for the construction of a first floor extension, porch and garage at ‘Ilex’, Rodmersham Green, near Sittingbourne. I do not envisage the proposal causing harm to residential amenity, or to the character and appearance of the streetscene, the conservation area or the setting of Rodmersham Green. I consider the proposals to be acceptable, and subject to no fresh issues being raised by the further comments of the Parish Council and any other representations (closing date 10 December 2007), I recommend approval.

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**Responsible Officer: Jim Wilson (Area Planning Officer)**

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**List of Backgrounds Documents**

1. Application Papers and Correspondence for Application SW/07/1027
2. Application Papers and Correspondence for Application SW/07/0697
Location: Hawarden, Tunstall Road, Tunstall, Sittingbourne, Kent, ME10 1YQ

Proposal: Conversion of existing bungalow to two storey dwelling

Applicant/Agent: Mr & Mrs Smith, c/o Nigel Sands & Associates, Wises Oast Business Centre, Wises Lane, Borden, Sittingbourne, Kent, ME9 8LR

Application Valid: 6 November 2007

SUBJECT TO: the comments of Tunstall Parish Council and any other representations (closing date 12 December 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking and re-enacting that Order) (with or without modification), no windows/dormer windows [other than those expressly authorised by this permission] shall be constructed in the first floor extension hereby permitted.

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

Continued . . .
**Reason for approval**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: G1, H8, E36 & IN7 of the Swale Borough Local Plan, E1, E15, E19, E27 & T3 of the Re-Deposit Draft of the Swale Borough Local Plan First Review.

**Description of Proposal**

This application seeks planning permission for alterations to ‘Hawarden’, an existing bungalow located in Tunstall Road, Tunstall. The proposed alterations are the addition of a first floor and new roof, and which would amount to the conversion of the dwelling into a chalet bungalow.

No increase in the footprint of the dwelling is proposed. The extension would result in an increase in ridge height from 6.1 metres to 7.05 metres (an increase of 0.95 metres,) and an increase in the eaves height from 2.6 metres to 3.9 metres (an increase of 1.3 metres.) Two rear and one front facing first floor windows are proposed, with a single east facing roof light serving a bathroom. There are no west facing first floor windows proposed.

The dwelling would project 1.5 metres rearwards of the adjacent house to the east, and would be sited 4 metres from this dwelling. The proposed extension would not project rearwards of ‘Alverstoke’, the adjacent bungalow to the west. Alverstoke has 5 flank windows facing the site, which serve a kitchen, bathroom, bedroom and study. The front facing windows would be in excess of 30 metres from Orchard Cottage, the dwelling to the south west of the site.

**Relevant Site History & Description**

‘Hawarden’ lies within the built up area, and is adjacent to the Tunstall Conservation Area. ‘Alverstoke’ (the bungalow immediately to the west of the site) and Hawarden are the only two single storey dwellings in the immediate vicinity. The majority of dwellings in the streetscene are two storey houses, including ‘Ballochantuy’, the adjacent dwelling to the east.

Land opposite the site is open and in use as a paddock. To the rear, the closest dwelling is no.121 Park Drive, which is in excess of 30 metres from ‘Hawarden’. 

Continued . . .
Members may recall resolving to refuse planning permission for the conversion of ‘Hawarden’ to a two-storey house at the meeting on 21 June this year. The reason for refusal related to the impact of the proposed extension on the residential amenities of the occupiers of ‘Alverstoke’, the bungalow to the west of the site. This previous scheme envisaged an increase in ridge height of 2.5 metres, and an increase in eaves height of 2.2 metres.

**Views of Consultees**

Kent Highway Services raise no objection.

No comments have been received from Tunstall Parish Council. The closing date for representations is 12 December. I will report any comments received to Members at the meeting.

**Other Representations**

No letters of representation have yet been received. The closing date for representations is 12th December. I will report any comments received to Members at the meeting.

**Policies**

The following Policies of the Development Plan are relevant:

**Swale Borough Local Plan**

- Policy G1 (General Development Criteria)
- H8(Extension to, and Replacement of, Dwellings in the Built-up Area)
- E36(Development in or Adjoining a Conservation Area)
- IN7(New Development and Car Parking Provision)

**Re-Deposit Draft Swale Borough Local Plan First Review**

- E1 (General Development Criteria)
- E15 (Development Affecting a Conservation Area)
- E19 (Achieving High Quality Design and Distinctiveness)
- E24 (Alterations and Extensions)
- T3 (Vehicle Parking for New Development)

**Kent and Medway Structure Plan**

- QL1 (Quality of Design and Development)

**Discussion**

The site is located within the built up area. Development of the kind proposed here is therefore acceptable as a matter of principle.

Continued . . .
I note that Kent Highway Services raise no objection to the proposal. I do not envisage harm to highway safety or convenience as a result of the proposed development.

The proposed extension would not in my opinion give rise to a significant degree of overlooking to the surrounding dwellings.

The key issues here are in my opinion the impact of the proposed extension on the residential amenities of the occupiers of ‘Alverstoke’ and ‘Ballochantuy’, and on the character and appearance of the streetscene and Conservation Area.

**Residential Amenity**

I do not consider that the proposed extension would cause demonstrable harm to the residential amenities of the occupiers of ‘Ballochantuy’. Whilst this house has two first floor flank windows, they are either secondary only or serve non-habitable rooms. In addition, the first floor extension would not project markedly past the rear of this dwelling and the separation of 4 metres between the two dwellings leads me to conclude that no significant harm to residential amenity by virtue of overshadowing would occur.

The agent has attempted to address Member’s concerns relating to the impact on the adjacent bungalow ‘Alverstoke’. The increase in ridge height of the dwelling has been reduced by in excess of 1.5 metres, and the increase in eaves height by 0.9 metres from the previous, refused application. In addition, it is no longer proposed to increase the height of the existing front projecting element of the dwelling. This would clearly lessen the impact of the proposed development on the residential amenities of the occupiers of ‘Alverstoke’. In my opinion the scheme would not result in significant harm to the residential amenities of the occupiers of ‘Alverstoke’ such that planning permission should be refused. The development now proposed would not in my opinion be overbearing, and would not overshadow the flank windows at ‘Alverstoke’ to a significantly worse degree than the existing bungalow.

In addition, it is the Council’s well established practice that overshadowing to flank windows should not lead to the refusal of planning permission for an otherwise acceptable scheme. To do so would in effect give the occupiers of properties with flank facing windows significant rights over land which they do not own.

Furthermore, I note that the proposed extension would not project rearwards of ‘Alverstoke’ and I do not envisage significant overshadowing to the rear windows of this dwelling.

Continued . . .
The relationship with ‘Alverstoke’ would be less harmful than that between the application site and the adjacent house, and I note that the roof of the proposed extension would pitch away from ‘Alverstoke’, which would further lessen the impact of the scheme on the occupiers of ‘Alverstoke’.

I do not consider that the proposed extension would cause demonstrable harm to residential amenity. The scheme is in my view acceptable.

I do though recommend removing normal permitted development rights for the insertion of new windows into the extension, as such development could in my opinion give rise to a significant degree of overlooking to ‘Alverstoke’.

Impact on Streetscene and Conservation Area

The application site lies to the east of the Tunstall Conservation Area. Whilst the increase in height of the dwelling would make it a more visible structure when viewed from within the Conservation Area, it would be seen in the context of the other dwellings fronting this part of Tunstall Road. I consider that no material harm to the character and appearance of the conservation area would result from the proposed extension.

The streetscene is characterised predominantly by two storey houses, (with ‘Hawarden’ and ‘Alverstoke’ being the exception.) The simple form of the proposed extension leads me to conclude that it would not amount to cramped development which would harm the character of the streetscene. It would, in my opinion, sit comfortably with the existing development in the vicinity.

Summary and Recommendation

This application seeks planning permission for the erection of a roof extension, which would have the effect of converting an existing bungalow to a chalet bungalow at ‘Hawarden’, Tunstall Road, Tunstall. I consider the design of the extension to be acceptable, and do not envisage significant harm to residential amenity or to the character and appearance of the area. In addition, I consider that the scheme would have a neutral impact on the character of the Tunstall conservation area. Subject to the above conditions, the comments of Tunstall Parish Council and the receipt of any other representations (closing date 12th December 2007) received, I recommend approval.

Responsible Officer: Jim Wilson (Area Planning Officer)

List of Backgrounds Documents
1. Application Papers for Application SW/07/1291
2. Correspondence Relating to Application SW/07/1291
3. Application Papers & Correspondence relating to Application SW/07/0451
Location: Land on former Eurocentre Site, off Whitstable Road, Faversham, Kent

Proposal: A proposed care home which consists of 38 bed emi/residential dementia, 24 beds acute/nursing dementia care, 18 beds general nursing care and 10 beds ypd units.

Applicant/Agent: Southern Cross Healthcare, c/o DWA Architects Ltd, 39 Blossom Street, York, YO24 1AW

Application Valid: 22 October 2007

SUBJECT TO: Views of the Town Council

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 approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the District Planning Authority, comprising:

a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the District Planning Authority prior to any intrusive investigations commencing on site.

b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

Continued . . .
c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

**Grounds:** To ensure any contaminated land is adequately dealt with.

(3) Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the District Planning Authority shall be carried out in full (or in phases as agreed in writing by the District Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the District Planning Authority.

**Grounds:** To ensure any contaminated land is adequately dealt with.

(4) Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

**Grounds:** To ensure any contaminated land is adequately dealt with.

(5) No development shall be commenced until a method for any piling foundations has been submitted to and approved by the District Planning Authority. Any piling thereafter undertaken shall be carried out in accordance with the approved method(s).

**Grounds:** To prevent pollution of the water environment.

Continued . . .
(6) No development shall be commenced until a scheme for the disposal of surface waters has been approved by the District Planning Authority. This scheme shall show that before being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have capacity and details compatible with the area being drained. Such scheme as is approved shall thereafter be implemented at the appropriate time during the development to ensure that all premises and all hard surfaced areas are adequately drained before first use.

**Grounds:** To prevent pollution of the water environment.

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

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

(8) No development shall take place until details in the form of samples or commercial specification of materials to be used on the external surfaces of the building have been submitted to and approved in writing by the District Planning Authority.

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

(9) 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.
(10) During construction of the development adequate space shall be provided on site, in a position previously agreed by the District Planning Authority, to enable all employees to park within the site.

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

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

**Grounds** In the interests of the amenities of the area.

(12) During construction works, adequate precautions shall be made for preventing the spread of mud and similar substances onto the public highway, in accordance with details which shall be submitted to and approved by the District Planning Authority prior to the commencement of any works hereby permitted. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

**Grounds:** In the interests of the amenities of the area.

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

**Grounds:** In the interests of the amenities of the area.

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

**Grounds:** In the interests of the amenities of the area.

Continued . . .
2.8 (Contd)

(15) The areas shown on the submitted plan as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the premises 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 TP19 of the Kent Structure Plan and IN7 of the Swale Borough Local Plan.

(16) 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 amenities of the area, and in pursuance of Policies E49 and G1 of the Swale Borough Local Plan.

(17) 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.

(18) No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the District Planning Authority.

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

(19) Details of any mechanical ventilation system that will be installed shall be submitted to and approved by the District Planning Authority, and upon approval shall be maintained and operated in a manner which prevents the transmission of odours, fumes, noise and vibration to neighbouring properties.

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

Continued . . .
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 First Review Re-Deposit Draft Swale Borough Local 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 without harming the setting of the listed building within the site. In resolving to grant permission, particular regard has been had to the following policies; QL1 and TP19 of the Kent and Medway Structure Plan and G1, E49, IN4, and IN7 of the Swale Borough Local Plan, and policy MU2 of the First Review Re-Deposit Draft Swale Borough Local Plan.

Description of Site and its Planning History

This proposal is for a revised scheme on a small part of this large previously developed, but now cleared site. The overall site extends to almost 8 ha (over 18 acres) and was previously heavily developed with buildings related to cold storage and distribution. All buildings have recently been demolished and approved redevelopment is now underway.

The current application site is just 0.384 ha on the northern boundary of the site, immediately behind housing on the south side of Whitstable Road.

In terms of planning history, the most significant matter is the approval of the site’s mixed use redevelopment in early 2007. This was approved in accordance with the review of the Swale Borough Local Plan, where the site is allocated for a mixed use redevelopment subject to approval of a Development Brief. The Brief was prepared by the applicants in consultation with the local community and officers, and was agreed by the Executive on 23rd June 2006 with amendments, and subsequently ratified by full Council on 28th June 2006.

The approved redevelopment (SW/05/1375) is for 289 houses and flats and 15,064m² of mixed employment floorspace. The area of the current application is approved as a 60 bed nursing home, a surgery and a children’s nursery. It was said at the time that the Primary Care Trust would not fund a surgery here, but the option of an alternative type of surgery was left open.

In September this year Members considered a scheme, which is almost identical to the current proposal, to erect a 90 bed residential care home on the area approved for the 60 bed care home, doctor’s surgery and children’s nursery. That application was refused on the following grounds:

Continued . . .
“The Council considers that the scale of the proposed residential home at 90 bed spaces, and without other facilities previously approved for the site, will create high demands on existing local health services and is excessive in relation to the scale of the town and its local health care provision. A such, the Council does not believe that the proposal represents a sustainable development, and would not result in a proper balance between the needs of the community and the maintenance of a well functioning settlement, in a manner contrary to Policy SP1 of the Kent and Medway Structure Plan.”

The current proposal attempts to address their concerns, following a presentation made to Ward Councillors and party spokespersons on 3rd October.

**Description of Proposal**

This proposal is again for a building of almost exactly the same shape, size, position and design as the already approved care home, surgery and nursery for this part of the site. Instead of it being a combined nursing home/surgery/nursery block, the same building form is now simply a nursing home, with 90 rather than 60 beds. However the breakdown of care is now clarified.

The proposal is for 38 beds providing elderly mentally infirm (emi) residential dementia care, 24 acute/nursing dementia care beds, 18 general nursing care beds, and a small younger persons disability unit of 10 beds.

There are minor design changes from the approved building which include the creation of additional rooms in approved roofspace, lit by dormer windows and roof windows. This has little effect upon the overall appearance of the block, but has the effect of increasing the floor-space of this commercial building above the amount previously approved. This can be seen as a benefit to Faversham’s need for more employment floorspace.

The application is supported by a full Design and Access Statement, and a Transport Plan. From these, I draw the following points:

1. The applicants are the country’s largest provider of quality nursing and residential care homes, with 652 care homes encompassing over 33,000 beds employing over 33,000 people in the UK.

2. The applicants work closely with Social Services Departments and Primary Care Trusts.

3. There is no demand in the area for the approved doctor’s surgery or children’s nursery.

4. The external design and materials closely follow the approved scheme, with brick and coloured weatherboarding.

Continued . . .
5. The home will wrap around a private garden space, but face out across an open space at the heart of the overall site development.

6. The applicants actively encourage car-sharing and alternatives to use of the car by staff.

7. Potential residents will generally be infirm, but for those who are not, the location offers easy access to the town and local facilities.

8. The accommodation will be fully compliant with up-to-date National Care Standards and will be registered with the Commission for Social Care and Inspection (CSCI).

9. 25 car parking spaces are provided, plus an ambulance bay, which is expected to be more than adequate.

10. About 90 staff will be employed over a three-shift 24 hour a day pattern.

11. The rapid growth in the number of elderly people in England (a rise of almost 57% between 1995 and 2001) means that this home will be very much in demand, especially with closure of existing homes due to rising standards.

12. Each floor of the home will provide a different level of care to meet varied needs.

13. The home will generate considerable local economic benefit in services and use of local facilities.

This proposal is also supported by an Operations Statement, which seeks to clarify the nature of the proposal, and its relationship to local health care resources. The text of this statement is included as Appendix A to this item.

**Views of Consultees**

The Town Council are due to consider this proposal on 26th November. I will report further at the meeting.

The Environment Agency raise no objection to the application subject to conditions regarding land contamination, soakaways, and infill material. I have recommended conditions that I consider necessary to address these points.

Southern Water do not object to the application, but due to problems of local sewerage capacity, may use their powers to require improvements to local sewers, and they seek a planning condition requiring details of surface water drainage to be submitted to and approved by the Council. I have recommended such a condition.

Continued . . .
I have not yet received comments from Kent Police. However, as this scheme is so similar to that already approved for the site, and they did not object to the recent similar application I do not anticipate any significant fresh issues arising.

Kent Highway Services raise no objection to the proposal subject to conditions regarding on-site personnel parking, unloading and turning, precautions to keep mud etc off the road, and operational parking provision. I have recommended suitable conditions, bar on-site loading etc due to the confines of the site and the fact that the site is set back away from the highway and is not large enough to accommodate large vehicles beyond the footprint of the building during construction.

Kent Highway Services have further commented on the level of parking provision proposed. They say that the maximum parking standard for this development is 29 spaces, and that the proposal for 25 spaces is acceptable given the location of the site, the likely source of staff and the applicant’s travel plan. They could not therefore support an objection on grounds of inadequate parking provision.

The Head of Environmental Services raises no objection to the proposal subject to conditions to deal with possible land contamination, and to control hours of work, dust suppression and burning during construction. He also recommends a condition to safeguard nearby residents from nuisance from any ventilation systems. I have recommended suitable conditions above.

**Other Representations**

I have received eighteen letters opposing the scheme, including three from local surgeries, the comments of which are summed up in that from the Newton Place Surgery (which I attach as Appendix B to this item), three from existing care homes in the town, one from Kent County Council Adult Services and eleven from residents living close to the site.

Existing care homes make the following summarised points:

1. This scheme changes the balanced nature of the approved scheme, simply creating a wholly residential development, at odds with the direction of Government Policy on the development of land.

   **Note:** This comment was made in ignorance of the substantial employment development aspect of the site.

2. There is now a lack of support mechanisms within the scheme and it represents a breach of the terms of the original planning permission.
3. The need is not clear, it ignores the Cottage Hospital, and is now based on a 15 minute, rather than 6 minute, drive time of the town, effectively taking in the catchment areas of other towns. Why has this catchment area been widened?

4. The proposed residents will be amongst the most dependant categories of residents possible, requiring constant nursing care, and significant GP input for things that nurses simply cannot deliver, such as prescriptions and medication reviews. The concept of a self sufficient nursing home as a mini hospital is not realistic, and district nurses will also be further stretched.

5. If the applicants later changed their care categories or increased the number of bed spaces without needing further planning permission, it might place additional strain on local services. There is insufficient demand for the categories of care proposed, and it is not accurate to say that homes need to become larger, or that care needs always become more complex.

6. Lack of car parking and increased traffic to deal with larger regular deliveries of supplies.

7. A potential major fire hazard, with massive implications for local rescue services.

Letters from local residents focus on the following issues.

8. Height of the building at four storey will dominate the skyline, and blocking views and sunlight, and the proposed use of the roofspace will add to this.

9. Loss of privacy from the 114 windows in the building.

10. The plan has not been the subject of public consultation by the developers.

11. The omission of the originally approved doctor’s surgery will increase the strain of local doctors and affect local health services.

12. There is currently no local demand, nor is there likely to be in the short term.

13. The proposed refuse store is positioned close to the boundary with private gardens. No details of this building are provided, and it will be a nuisance from smells from clinical and medical waste, especially in warmer weather, as well as requiring lorry access close to gardens for waste disposal.

Continued . . .
14. The supporting statements with the application contain discrepancies and appear to be poorly put together.

15. Employment provision is likely to be paid little more than minimum wages, and would compete with local health services for staff. Staffing rather may be inadequate, and they may not all be trained to NVQ2 standard and perhaps there will be failures leading to the spread of infection.

16. Lack of car parking.

17. Possible noise disturbance from deliveries, ambulances and confused and vulnerable patients shouting and screaming when the many windows are open.

18. The plans are the same as those refused in September.

Kent Adult Social Services have reiterated that their future agenda, allied to Government targets, is to maintain people in their own homes, or as homely environment as possible, and reducing the numbers in institutional settings. They query the applicants' evidence base, which as far as they are concerned shows a reduction in the number of beds purchased by the local authority. Hence, they express concern that the local need for this development has not been established, and it may result in people being drawn in from outside the area, bringing additional strain on existing health and social care resources not currently planning for this development.

I have also received one letter in support of the proposal, which explains that there is little nursing home availability in the area, and none at Faversham. The writer’s mother had to be placed in Sittingbourne, making it difficult for relatives to visit, and they would have benefited from having her closer to home.

**Relevant Planning Policies**

The site lies within the built-up area of Faversham.

PPS1 encourages sustainable development, and supports the plan led system where proposals should be determined in accordance with the plan, unless material considerations indicate otherwise.

Kent and Medway Structure Plan (KMSP) policy QL1 seeks to ensure that all new development preserves or enhances the character of the area, and that the distinctive character of settlements is conserved and improved, and that new development does not detract from the quality and character of the area. Policy SS4 seeks to prioritise the use of previously developed land in

Continued . . .
sustainable locations. Policy SW1 applies to Swale as a whole, but for Faversham the Plan’s aims are to restrict peripheral growth, improve employment opportunities and provide and husband land in established employment uses, along with meeting local housing needs.

Many previously relevant policies of the Swale Borough Local Plan have not been 'saved' after the end of September, but of those that remain, the following are relevant.

Policy B1 (SBLP) provides for new employment development within the built-up area. Policy B2 provides for the retention of employment land unless it is appropriate located, no longer suitable, or is not in demand for employment use.

Policy E49 (SBLP) asks for the submission of landscaping proposals in connection with development proposals involving new building.

Within the adopted Local Plan the site has no particular status, reflecting its on-going use when the Plan was being prepared. Tested against this Plan the site should be retained as a valuable employment site in a context where restrained housing provision is being achieved.

However, the very clear context for this proposal is the Deposit Draft First Review of the Plan. This has policies which continue the lost provisions of the adopted Local Plan and it has a site specific policy for what had become a derelict site. The draft Local Plan sees the wider site as a key previously developed site on which many of the town’s medium term needs can be met.

Accordingly policy MU2 of the draft Local Plan provides as follows:

‘Policy MU2

The Borough Council will grant planning permission of 8 hectares of land at the former Eurocentre site, Whitstable Road, Faversham, as shown on the Proposals Map, for a mixed-use development comprising commercial development and housing. Development proposals will accord with a Development Brief to be submitted to, and approved by, the Borough Council that will comprise:

1. an enterprise village for mainly B1 uses, comprising approximately 15,000 square metres floorspace located in the vicinity of, and including the retention and re-use of, the listed former goods station building; and

2. a housing development of approximately 200 dwellings that meets the full range of housing needs in the town, including the provision of 30% as affordable housing. The provision of the housing will be phased with the provision of the employment floorspace.

Continued . . .
Development proposals will provide a high quality development that embraces the principles of Kent Design. Where considered necessary by the Borough Council, the developer will provide, or make a contribution towards the provision of, new community facilities and improvements to the local transport network.

Development will be phased so as to ensure that the housing and employment elements proceed in an integrated and co-ordinated way. To enable the employment objectives for the site to be secured, it may be necessary for the housing element to subsidise the delivery of the employment development. The phasing development, and the mechanism for the delivery of the employment provision, will need to be considered in detail in the Development Brief to be prepared.”

As mentioned above a Development Brief has been prepared by the applicants, working with officers, and this was approved with amendments at the Executive on 23rd June 2006, and ratified by full Council on 28th June 2006. The brief was published in final form in October 2006.

The brief considers the planning context and background to the site, and identifies its opportunities and constraints. It notes the site’s central and accessible location and indicates that it could support 15,000 square metres of new employment floorspace and up to around 280 new dwellings of which at least 30% will be affordable.

The brief calls for the development to respond to its urban context, to act as a vehicle for restoration and re-use of the former railway goods station, and to encourage walking and cycling. It also sets out broad aims in terms of the phasing of residential and employment development. Finally, it sets out the community benefits arising from the scheme, which will be secured via a Section 106 Agreement including affordable housing, restoration of the listed building, improvements to the Jubilee Centre car park, better access along Whitstable Road, better facilities on the recreation ground and funding for community needs.

In terms of the current proposal, the brief does not call specifically for a nursing home, or for a surgery or children’s nursery. Instead, it indicates that the commercial development areas of the site can include C2 Residential Institutions (as proposed here) and D1 (non-residential institutions) alongside more traditional employment uses.

The brief is the key policy document against which the planning application must be assessed.

**Discussion**

This is a small part of a very major development for Faversham. The site as a whole is recognised as an opportunity to provide for the town’s needs in a central and sustainable location.

Continued . . .
The application closely aligns with the provisions of the Development Brief. As part of the 15,064 square metres (now increased as part of this scheme) of employment floorspace in the brief, it helps to realise the major aim of planning policy for Faversham.

The employment floorspace provision across the site will now exceed that which is called for in the brief, and whilst the Executive deleted the positive support of the brief for health based uses, I believe that this proposal can be seen as a valid form of employment, and compatible with the requirements of the brief. Certainly, the applicants consider that there is demand for the nursing home, without being dependent on public funding. They therefore see the use as needed and deliverable and part of the brief’s clear requirement for a minimum quantum of employment floorspace.

This re-submitted application has attracted far more opposition than the original scheme for this proposal, or indeed that for the redevelopment of the wider site did.

Some of this is based on the misconception that the building is larger than that already committed to by the extant approval. In reality, the building is almost identical to the approved 60 bed nursing home, doctor’s surgery and children’s nursery building. The differences amounts to six new window facing east, not northwards towards existing housing, within the roof space of the two storey wing. There is no fourth floor in the building, and the relationship of building mass and windows to existing houses is as before, with no greater implications for overshadowing or loss of privacy.

The omission of the inevitably busy doctor’s surgery and children’s nursery should substantially reduce the levels of activity, traffic, noise and possible disturbance for local residents.

The refuse store is as previously proposed, but in the light of strongly expressed concern over the position and potential for nuisance I will be exploring with the applicants the nature of this building, its likely implications and the potential for it to be re-located.

With this latter proviso in mind, I am entirely satisfied that the scheme preserves or improves amenities for residents living adjacent to the site.

The wider issue of need and affect on local healthcare services features strongly in objections. This appears to break down into two areas, the lack of provision on the site, and lack of need/strain on local services.

Members will recall that there always was doubt about the likelihood of the surgery and children’s nursery elements or the approved schemes taking off. Indeed, some were concerned that the notion of a nursing home was merely a diversion from the eventual inevitability of this part of the site being developed for further housing. The fact that this site has been marketed and purchased...
by the applicants for a nursing home answer those critics. The applicants have conducted research into local demand for nursing care accommodation. This does not show a strong demand now, but it does show a growing demand which will exceed the planning provision within the next ten years.

This, to my mind, is what planning is all about. The scheme anticipates demand and provides for it in advance, providing the community with the facilities it needs when they are needed rather than lagging behind. There is to my mind no doubt that this number of nursing care beds will be needed in the town in the near future. This private sector initiative, on a central and existing accessible site, can provide these beds in a built form that is largely already approved.

If built, it will be for the care sector to address its demands and opportunities. The Council's duty in this case is to look at land-use issues. I can see absolutely no objection to a nursing home use at this location, such use has already been approved, and is in accordance with emerging Local Plan policy and the Development Brief for the site.

I do not consider that there is sufficient difference between the approved and proposed schemes for this site to being to mount a case for refusal of planning permission. I have considered all the objections to the proposal, and none alter that view.

**Recommendation**

Whilst I have not heard from the Town Council, which did not object to the earlier scheme, I have considered all objections that have been submitted. My previous recommendation was for approval, and I have seen nothing that persuades me that recommendation was other than appropriate.

I will be exploring the implications of the refuse store with the applicants, but in other respects I find no reason to reject this proposal on planning grounds. I do not believe that the arguments over health care provision amounts to a reason for refusal, any more than they might do with any residential or other development. These matters must be addressed by other agencies.

Accordingly, my recommendation is that planning permission be granted

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**Responsible Officer:** Graham Thomas (Area Planning Officer)

**List of Background Papers**

1. Application Papers and correspondence for SW/07/0840.
2. The Development Brief for the Eurocentre Site.
3. Application Papers and Correspondence and appeal decision for application SW/01/483 and SW/05/1375.
4. Application Papers and Correspondence for application SW/07/1231
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<tr>
<th>APPENDIX A</th>
<th>ITEM 2.8</th>
<th>PART 2</th>
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<td>APPENDIX A (Contd)</td>
<td>ITEM 2.8</td>
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OPERATIONS STATEMENT

From Southern Cross Healthcare Group Plc.

In support of the Planning Application

For

Former Euro Centre Site, Whitstable Road, Faversham

Prepared by
DWA Architects Limited
39 Blossom Street,
York
YO24 1AQ
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Fax: 01904 544449
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OCTOBER 2007
Following our meeting on the 3rd October 2007 with Swale Borough Council Planning Department and representatives of the planning committee, we hereby set out the basis of our operations presentation at this meeting in response to concerns raised regarding the refused application.

THE NEED

Firstly, we tackle the matter of demographics and principally need for a 90 bed home. The demographics data presented to you and attached herewith also indicates the provisions and needs for care within a fifteen minute drive time of the site. It can be seen from this that the fifteen minute drive time does not include the centres of Sittingbourne, Whitstable or Canterbury. The data provided shows a need by 2017 of some 150 additional beds within this area. In addition to this, these statistics do not provide detailed data in relation to care needs. Currently the market for care provision is primarily based around residential care and a large proportion of the homes referred to in the demographic data will be residential only homes rather than nursing care homes. The reality is that government guidelines lean towards care in the home for as long as possible, therefore the need for residential homes will reduce over time on this basis whereas in fact nursing home provision and dementia care provision will increase based on the increasingly complex care needs of patients. Often it is found that the patients in residential care homes in fact are in need of more complicated nursing care which cannot be provided by these residential homes. The proposal for this site would be to provide a home with predominantly nursing care facilities, very little of which exists in the locality. This care would be divided up into a number of different categories within the home including dementia care, respite care, intermediate care and possible close care facilities as well as general elderly nursing beds.

As the care needs of patients become more complex the size of the home able to provide these care needs increases. It is therefore now quite common for nursing homes to be formed of the size proposed for this site in order that this mixture of care can be provided in various wings of the building and that adequate support staff and facilities can be provided to deal with these complex needs.

Therefore this state of the art new nursing care facility in the area we believe will cater for existing needs within the locality and is being developed on this basis.
EFFECT ON LOCAL SERVICES

Concern was raised regarding the effect on current medical provision in Faversham with a perceived increase on demand for these services due to this care home development. In fact, as pointed out this can have a reverse effect as many people currently cared for in residential homes require regular doctors' visits as there is no nursing provision within these homes. A large nursing home provides in-house medical services including administration of drugs, other nursing care needs, thereby reducing the pressure on local healthcare services and doctors. Furthermore, care homes of this size have their own treatment rooms etc and doctors can therefore treat the care homes as mini doctors' surgeries which will create a more efficient operating environment for the doctors seeing their existing patients. Local patients who enter the nursing home will have the right of course to use their existing doctor. Local doctors may also wish to provide services to the care home, however medical services for the care home including opticians, dentists and the like are paid retainers and therefore such a care home would not provide additional burden on the local healthcare services. Local doctors have a choice whether or not to be retained by the care home.

In this respect, the nursing care home can be perceived as a mini hospital providing substantial nursing provision, drug administration and storage along with in-house treatment and rehabilitation facilities. The home is self sufficient with its own in-house laundry and kitchen; there is therefore no burden on external service providers for general services to the home and therefore limited traffic.

We endeavour to construct homes in areas where local public transport can be used for staff members. Staff, being on a 24 hour shift, have varied shift times from normal peak rush hour times locally and therefore have a limited impact on the increased traffic.

Southern Cross Healthcare PLC operate a green travel plan in respect of staff also. As can be seen from nationally available parking standards and traffic data for nursing care homes in fact there are relatively quiet neighbours with very limited traffic flow and parking problems in comparison with general residential developments. There is not a significant change in traffic flow between a sixty and ninety bed home.
Set out below are the proposed split of the ninety bed home into the various care categories, again as discussed at our meeting:

Residential Dementia Care

One of the major problems for people suffering with dementia is the loss of ability to recognise / comprehend hazards and risks. Typically, relatives will report episodes where the person has gone missing from the house, left the gas on etc. This needs to be balanced with the need to try and retain as much familiarity for the individual as possible. Our dementia residential houses provide security for the individual in a hazard controlled environment. The resident and their family are encouraged to make their 'room' as personalised as possible to encourage familiarity. As well as the safety aspect, our staff are trained with the Alzheimer's Society in providing stimulating and meaningful daily activities / life skills with all of our resident. The aim being to encourage the resident to regain some of the basic living skills that they may have lost. In addition to the programme of daily living, the majority of our dementia houses have sensory rooms, which are of specific benefit to those experiencing sensory deprivation and restlessness.

Nursing Dementia Care

At some point the person with dementia will require a greater level of input from staff including qualified nurses. Our nursing dementia houses offer the same level of accommodation but there are increased staffing levels there to offer the increased support in personal care that our residents may require. Our qualified nurses are trained and experienced in dementia care. As the illness progresses the symptoms become more unstable and unpredictable and the individual may present behaviours that are challenging to the untrained carer. We assist the individual by monitoring behaviours assisting us to identify situations that may be more distressing for the individual, and therefore able to plan a programme of activity / assistance that promotes the residents skills and reduces their anxieties. Our qualified nurses are on hand 24 hours a day, and are trained in the use of certain medications that may be prescribed for the persons suffering with dementia. This means that medication is only ever used for the benefit of the individual, and not to make caring for the individual easier. In addition to the programme of daily living, the majority of our dementia houses have sensory rooms, which are of specific benefit to those experiencing sensory deprivation.
General Nursing Care

Our nursing care homes provide specialist accommodation and care for people with nursing needs. Typically our rooms are single and families are encouraged to personalise them. We are able to provide nursing intervention in a dignified manner in the privacy of the residents' own room. All of our care homes have a range of specialist equipment including hoists, assisted baths and showers. They also have the benefit of having built relationships with various other professional services such as GPs, chiropody, physiotherapy and dieticians amongst others. All of nursing care homes have carers trained to NVQ2 standard and activity staff. The aim of care being to provide individualised care to our residents in a way that promotes their feeling of independence and control over their care. Qualified nurses are on duty 24 hours a day and as well as being experienced in the care of the elderly, they are also qualified in PEG feed, catheterisation, tissue viability care, nutrition etc. all of our nursing care homes are working towards the 'Gold Standard' framework for palliative / end of life care.

We trust this provides an outline of our discussion and answers to the various points and queries raised at our meeting. If you do have any further queries regarding the operational elements of the care home then please do not hesitate to make contact with us.
30 October 2007

Dear Mr. Thomas,

Re: Application No. SW/07/1231

Thank you for the notification of the above application.

Our concerns remain largely the same as previously stated for application SW/07/0840, which does not seem significantly different from this one. We will however expand on the comments submitted with this particular application.

The GP’s recognize the need to provide adequate facilities to support an ageing population but would dispute the claimed need for a provision of such size in Faversham. The document states that the nursing care home 'can be perceived as a mini hospital' yet nowhere that we can see does it make any mention of the existing facilities at Faversham Cottage Hospital or seek the views of the Primary Care Trust (PCT) on its future involvement or possible expansion in provision of services on the existing site. You may not be aware that existing GP’s are already responsible for patient admissions and ongoing care in wards at the Cottage hospital, which is far more conveniently placed in terms of the geographical location of the three GP Practices in Faversham and therefore easier to support.

Whether or not there is, or could be, existing capacity to cater for the proposed 18 bed general nursing care element within the Cottage Hospital should be investigated with the PCT before this application is determined.

The statement that the development could reduce the demand for GP services is at best optimistic and from experience simply not true. By definition such care home patients are in need of high levels of medical support and I can assure you that we are required to visit existing nurse led nursing homes on an almost daily basis. Certainly as frequently, if not more so, than residential homes whose lower level demands are largely catered for by the Primary Care Trusts community services, District Nurses etc. Indeed I have to ask why the applicant is proposing to provide treatment rooms that can be treated as ‘mini doctors surgeries’ if they are not expecting frequent need for GP support.
If this support was simply by a retained GP for all patients in Care Home there would be no problem, but the majority of occupants will clearly be local and registered with a local GP. As the document states they will have the right to use their existing GP and all current evidence points to the fact that they will continue to do so.

Despite the comments we are satisfied that the reality is that the burden on our services will increase significantly as a result of this development and, given our fixed resource, this will inevitably be at the expense of some other existing service.

We would remind you that these services will already be put under considerable strain by the population increase that will result from the housing development surrounding the site of this application.

We believe that considerably more discussion is required, in particular with Eastern & Coastal Kent Primary Care Trust, in order to ensure that a suitable level of medical provision can be funded and made available to support such a development without any detrimental affect on existing services before any agreement to it is given.

Should you wish to discuss any aspect of our comments I would be happy to do so.

Yours sincerely,

Dr A Taylor
Senior Partner.
Location: Kennelling House, Kennelling Road, Stalisfield, Faversham, Kent, ME13 0JQ

Proposal: Oak frame 3 bay garage

Applicant/Agent: D J Breaker, Kennelling House, Kennelling Road, Stalisfield, Nr Faversham, Kent, ME13 0JQ

Application Valid: 28 September 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 boarding to be used in the development hereby permitted shall be featheredged weatherboarding.

Grounds: In the interests of preserving the special character of the Area of Outstanding Natural Beauty, the Special Landscape Area and in pursuance of policies G1, E13 and E14 of the Swale Borough Local Plan, QL1, EN4 and EN5 of the Kent and Medway Structure Plan and policies E1, E9 and E19 of the Re-Deposit Draft Swale Borough Local Plan First Review.

(3) Samples of the proposed roofing tiles shall be submitted to and approved in writing by the District Planning Authority before any development hereby permitted is commenced.

Grounds: In the interests of preserving the special character of the Area of Outstanding Natural Beauty, the Special Landscape Area and in pursuance of policies G1, E13 and E14 of the Swale Borough Local Plan, QL1, EN4 and EN5 of the Kent and Medway Structure Plan and policies E1, E9 and E19 of the Re-Deposit Draft Swale Borough Local Plan First Review.

Continued . . .
**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, IN7, H9, E9, E13 and E14 of the Swale Borough Local Plan, QL1, EN1, EN4 and EN5 of the Kent and Medway Structure Plan and policies E1, E6, E9, E19, E24, T3 and RC4, of the Re-Deposit Draft Swale Borough Local Plan First Review.

**Description of Proposal, Site and Planning History**

The application seeks planning permission for a detached three bay garage in the grounds of the property. The garage would be oak framed, with oak external boarding under a plain clay tile roof. The site is within the countryside an Area of Outstanding Natural Beauty and a Special Landscape Area.

Permission for a 3 bay garage, store and workshop was refused in June 2007, as the proposal was deemed too large for the site and if permitted would have competed with the main property to the detriment of the surrounding area in terms of size. A similar application was refused in August 2007 for the same reason as stated above.

This proposal is for a far smaller garage, typical of many built to serve larger rural houses.

**Views of Consultees and Other Representations**

Stalisfield Parish Council has objected to the application stating that they feel the double height roof is out of keeping with the vernacular of a cart shed and could see no justification for this.

No other comments have been received but I shall report further at the meeting.

**Relevant Planning Policies**

Policies G1 (general principles), IN7 (Parking), H9 (Rural Extensions), E9 (Countryside), E13 (AONB) and E14 (SLA) of the Swale Borough Local Plan, QL1 (Design), HP5 (Residential Development in the Countryside), EN1 (Countryside), EN4 (AONB) and EN5 (SLA) of the Kent and Medway Structure Plan and policies E1 (General), E6 (Countryside), E9 (Protected Landscapes), E19 (Design), E24 (Extensions), T3 (Parking) and RC4 (Extensions), of the Re-Deposit Draft Swale Borough Local Plan First Review. Continued . . .
Discussion
The main point for discussion here is whether or not the proposal has overcome the reasons for refusing the previous two applications on site. The previous two applications proposed garage buildings that had more resemblance to a new dwelling than an outbuilding, in that they contained domestic looking gable windows, rooflights, and a corner tower. These proposals were refused as it was felt that the new buildings they contained would have competed in terms of size and scale with the main house to the detriment of the surrounding area.

The revised proposals show a building that resembles an agricultural building and is designed to look like an outbuilding rather than a new dwelling. The application no longer proposes a workshop and store and does not contain the windows and tower feature that added to the over domesticated appearance of the previous applications.

Stalisfield Parish Council has objected to the application stating that they feel the proposal is too tall and are of keeping with the vernacular of a cart shed, (a design approach which the applicants have aimed to achieve).

In their supporting statement the applicants have stated that they have designed the building to resemble an agricultural building which one may expect to find in the Kent Downs Area of Outstanding Natural Beauty and Special Landscape Area, and that the height of the roof is a fundamental part in achieving this.

I have carefully considered the proposal, and agree with the applicants in that the building has been designed in an appropriate manner that is in keeping with the rural surroundings. The main dwelling, although it is a new build, has been carefully, and appropriately designed to fit in with the surrounding area and in my opinion does so very well. I have no reason to believe that the applicants would not adopt the same approach to this application and if completed, believe that a building constructed to resemble an old cart shed would be entirely acceptable in this location.

Summary and Recommendation
I have considered the application as well as the objection from Stalisfield Parish Council, and the reasons for refusing the previous two applications, but believe this revised scheme is acceptable to the surrounding area, and therefore recommend that planning permission be granted.

Responsible Officer: Graham Thomas (Area Planning Officer)

List of Backgrounds Documents
1. Application and correspondence papers for application SW/07/0304
2. Application and correspondence papers for application SW/07/0815
3. Application and correspondence papers for application SW/07/1152
## Location:
4,5,11,16,19,23,25,27,30,32,33,34,40 Gange Mews, Middle Row, Faversham, Kent ME13 7ED

## Proposal:
Replace existing windows with UPVC windows

## Applicant/Agent:
Pegasus Luxury, Unit 17, Access 4-20 Estate, Bellingham Way, Aylesford, Kent ME20 6SP

## Application Valid:
19th October 2007

## SUBJECT TO:
Views of the Town Council

### 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 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

### 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, H8 and E36 of the Swale Borough Local Plan, QL1 and QL6 of the Kent and Medway Structure Plan and E1, E15, E19 and E24 of the Re-Deposit Draft Swale Borough Local Plan First Review.

### Description of Proposal

This proposal seeks planning permission to replace some of the existing windows at Gange Mews in Faversham from timber to uPVC.

Continued . . .
The applicants have described the proposal well in their Design and Access Statement, which can be found at Appendix A to this item, and emphasise that the Duraflex windows which are proposed here have been designed to best replicate the windows on the existing building. They incorporate a slim frame and specially designed three part Georgian bars so that they continue as far as possible the elegance and slenderness of timber framed windows.

The residents of the flats have requested that the application be submitted, after the original timber windows installed approximately twenty years ago when the building was constructed have rotted away and are now falling apart. There are also concerns among the residents of inflated heating bills and increased maintenance costs should they be required to retain the timber windows. It must also be noted, that all of the windows that are to be replaced front only into the development itself, and none would be readily viewable from any road or public footpath surrounding the site.

**Relevant Site History and Description**

Gange Mews is sheltered housing for the elderly and comprises of 50 apartments. The minimum age for residence is 60 although many of the occupants are considerably older than this. The site is situated within the Faversham Conservation Area, where the Council would normally seek to restrict the use of uPVC in favour of timber for all windows and doors. The applicants have however attempted to justify why on this occasion exceptional circumstances apply.

There is no planning history for the site, since consent was approved for the apartments to be erected in 1986.

**Views of Consultees**

Faversham Town Council have not yet commented on the application but I will report further at the meeting.

11 letters have been received supporting the application and have made the following comments:

- The residents of Gange Mews should not have to make a formal application to change their windows; the property is not listed.
- The windows are all made in Sittingbourne and none are being imported.
- Has the Council not heard that everyone is being asked to save energy?
- The new windows will look the same as the existing windows.
- The existing windows are cold and draughty and are in need of replacing.

Continued . . .
2.10 (Contd)

- The Council's vigilance in the conservation area should be applauded, however the new windows will be beneficial to the residents of Gange Mews.
- There are several properties in Gange Mews that already have uPVC windows.

One letter has been received objecting the application stating that the properties are within a conservation area, and similar applications have been turned down elsewhere.

**Policies**

The main policy considerations in determining this application are those of G1 (General), H8 (Urban Alterations) and E36 (Conservation Areas) of the Swale Borough Local Plan, QL1 (Design) and QL6 (Conservation Areas) of the Kent and Medway Structure Plan and E1 (General), E15 (Conservation Areas), E19 (Design) and E24 (Alterations and Extensions) of the Re-Deposit Draft Swale Borough Local Plan First Review.

**Discussion**

The Council's normal practise is to resist changing windows from timber to uPVC in the Conservation Area, and has recently placed an Article 4(2) direction in Faversham prevent these changes, which are often deemed to be inferior, from taking place. The Council has in the past refused applications that seek to replace timber windows with uPVC equivalents even though they might be considered more environmentally friendly, keep the interior of homes warmer and are cheaper to purchase.

Residents of Gange Mews have written to the Council to express their frustration that the proposal requires planning permission in the first instance, however as apartments do not have any permitted development rights planning permission is required as a matter of fact. Comments concerning the fact that the windows are locally made are also considered to be irrelevant. Those supporting the application believe that the windows look no different to those which they are replacing, whereas the objector to the application has stated that the Council has refused applications elsewhere in the conservation area on the grounds that those proposals did alter the appearance of their respective buildings in a negative way. They key issue here is whether or not the Council should make an exception in this case, or determine the application in the same manner as previous applications and refuse planning permission.

The Article 4(2) direction was put on many properties within the Faversham Conservation Area, to restrict changes that would be considered detrimental to the character and appearance of the conservation area, such as replacing timber windows with uPVC. The Article 4(2) direction does however only relate to elevations which front onto a highway, a waterway or an open space.
They do not restrict changes to the rear of property that are not seen from the public domain, as these have no bearing on the character or appearance of the conservation.

Although Gange Mews is not subject to the Article 4(2) direction, the same criteria that is used to determine such cases can be applied here, and the question of whether or not the proposal would be detrimental to the conservation area is key in determining the application. As explained by the applicants, all of the windows that form part of the application are not readily visible from the public domain, only from within the confines of the Gange Mews development I therefore consider that the proposal will not have an unacceptable impact on the Conservation Area, and therefore the proposed changes can be accepted.

I have also considered the benefits in terms of the warmth and low maintenance that the proposal could bring to the elderly residents of Gange Mews, and believe that the proposal will increase the quality of life to the elderly occupants of Gange Mews. Although these grounds have been argued unsuccessfully in the past, in this case because I do not consider that the proposal will be detrimental to the character or appearance of the conservation area, I believe that the new windows will bring about other benefits to the occupants that would further justify planning permission being granted.

Summary and Recommendation

Having considered the above points, I acknowledge that it is not normally the Council’s practice to accept uPVC windows in the conservation area, however as none of the windows are readily visible from the public highway I believe that an exception can be made in this case and I recommend that planning permission is granted.

Responsible Officer: Graham Thomas (Area Planning Officer)

List of Background Papers

1. Application papers for SW/07/1224
2. Correspondence relating to SW/07/1224
Pegasus Luxury
Home Improvements (Kent) Ltd
Windows - Conservatories - Facias - Soffits - Guttering - Extensions

Design & Access Statement

Reference: Replacement windows to Gange Mews flats.

Before this planning application was made to Swale Council we had a two month consultation period with the Residents and the Management Company of this residential block.

A lot of time and research has been taken in sourcing UPVC windows that would improve the energy efficiency, security and the practicality of these windows but without detracting from the character and integrity of this building. We have had site meetings with Heather Murton and Tom Foxell from planning and conservation to make sure that we are not changing the appearance of the building.

The Residents interviewed several companies before selecting Pegasus and more importantly the specific Duraflex profile that we are able to offer.

The benefit of the Duraflex profile is that it uses slim frames that enable the design of these windows to match with the other windows in the building even to the point were special three part Georgian astrical bars have been specially manufactured to copy the original windows on a like for like basis, so therefore retain all the features of the original windows.

The original wooden windows were installed twenty years ago when Gange Mews was first built. The contractors used very cheap soft wood budget windows with a coat of white gloss on them. Over the years these windows have required constant maintenance and have now rotted so badly that in some cases they are literally falling out. Obviously they would not meet current required energy ratings and would fail any tests applied by FENSA. Age Concern have also viewed some of the old windows and reported that they are not good quality and badly need upgrading.

As a result the residents are very concerned about their energy loss, the effect on global warming and of course security is a big concern especially as the residents of Gange Mews are elderly. The requirements for residency is that you must be a minimum age of 60 years. Some of the applicants are considerably older than this and are in there nineties.
This is a close community of people with very similar requirements. The applicants are all concerned about their heating bills, security and maintenance to their properties at their time of life.

This is why they have collectively opted for UPVC windows that can deliver fantastic U-values of 1.7 with internal beading and Saracen locks that are state of the art. Even the UPVC has a colour fastener added at the production stage to prevent it from fading and yellowing over time. This will prevent the need of further change, cleaning or any further maintenance.

There are some special features available with these windows that could not be reproduced in wood and there are the special hinges that enable the residents to open their windows so that they can easily clean the outside whilst standing on the inside. They also have a secondary locking position which enables them to fully engage the ten point locking system even though the window is open half an inch so they can allow fresh air to circulate whilst you are out or sleeping without fear of a break in.

Our Surveyor has visited the site and carried out a detailed survey to confirm that the new windows can be set back in the brickwork as the old windows were in order to keep the finished installation as close to original design as possible.

The only windows that are being proposed to change with this application are within the development and would not be viewable from the road or pathways surrounding the site.

Gange Mews is a private residential area that has a gated front which is kept closed at all times and is not open to the public. It does not offer a pathway to any other area than Gange Mews so only the residents of Gange Mews would be walking around this site. Gange Mews has been built with a tall wall running around the whole perimeter and this blocks the view to 80% of the site.

The only part of the site viewable from the road, Tesco’s car park or Garfield Place is the flats on the south side of the building and these are not going to be changed.

Some of the windows within Gange Mews courtyard area have already been changed to UPVC and it is hard to determine easily which ones they are as the existing wooden windows are asymmetrical and therefore look similar to most UPVC although the new ones would be even more true to the existing wooden ones.

I am enclosing some photographs with this statement in order to assist with this application and to highlight the inclusion of this development which as previously stated is not over looked by passers by. I have also enclosed an Ordnance Survey map showing boundaries in red and windows in blue. You can see from this document that you cannot see these windows from the road or path. I would also like to point out that the street immediately adjacent to Gange Mews is Garfield Place and all of the Victorian houses in this street are fitted with various different types and shapes of UPVC windows already.

I can also confirm that there is easy access to all windows and adequate on site parking is readily available for our fitting team.
Location: 62 High Street, Newington, Nr Sittingbourne, Kent, ME9 7JL

Proposal: Demolition of existing building and erection of 3 terraced houses and 3 garages and 3 parking spaces

Applicant/Agent: Manor Homes (SE) Ltd, c/o Sylvia Kus Architects, 11C Hardings Avenue, Southborough, Tunbridge Wells, TN14 0TU

Application Valid: 18 October 2007

SUBJECT TO: The further views of residents on amended plans addressing parking layout (closing date 12.07) and the receipt of further amended plans.

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. The development shall only be carried out in accordance with the agreed details.

Grounds: In the interests of visual amenity and in pursuance of policies QL1 and QL6 of the Kent and Medway Structure Plan and G1 of the Swale Borough Local Plan.

(3) No development shall take place until a scaled cross section showing the existing ground levels of the site and the proposed levels of the buildings has been submitted to and approved in writing by the District Planning Authority. The development shall then proceed in accordance with the approved details.

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

Continued . . .
(4) Notwithstanding the details submitted, all windows and doors shall be timber. Detailed drawings of all new external joinery work and fittings together with sections through glazing bars, frames and mouldings (including full-scale sections) shall be submitted to and approved by the District Planning Authority before any development takes place.

Grounds: To ensure that the new work exactly matches the old in pursuance of policy QL6 of the Kent and Medway Structure Plan and policies G1 and E36 of the Swale Borough Local Plan.

(5) A constructional cross section through the eaves, verges, fanlights, chimneys and brick arches of the development, with details at a scale of 1:5 must be submitted to and approved by the District Planning Authority before development is commenced. The development shall then proceed in accordance with the approved details.

Grounds: As it is considered essential that the details used do not detract from the special character of the building or prove detrimental to its setting and in pursuance of policy QL6 of the Kent and Medway Structure Plan and policies G1 and E36 of the Swale Borough Local Plan.

(6) Manufacturer’s details and dimensions of the proposed roof lights shall be submitted to and approved by the District Planning Authority before the development is commenced. The development shall then proceed in accordance with the approved details.

Grounds: As it is considered essential that the details used do not detract from the special character of the building or prove detrimental to its setting and in pursuance of policy QL6 of the Kent and Medway Structure Plan and policies G1 and E36 of the Swale Borough Local Plan.

(7) A sample of 1sqm sample of brickwork shall be submitted to and approved by the District Planning Authority before development is commenced. The development shall then proceed in accordance with the approved details.

Grounds: As it is considered essential that the details used do not detract from the special character of the building or prove detrimental to its setting and in pursuance of policy QL6 of the Kent and Medway Structure Plan and policies G1 and E36 of the Swale Borough Local Plan.

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

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

(9) 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.

(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) 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.

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

**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 and IN4 of the Swale Borough Local Plan.

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

**Grounds:** In the interest of the visual amenities and in pursuance of policies E48 and E36 of the Swale Borough Local Plan.

(15) No meter boxes, vents, duct, grilles or trickle vents shall be installed without the prior approval of the District Planning Authority.

**Grounds:** In the interests of preserving the character and appearance of the Newington High Street Conservation area and in pursuance of policies G1 and E36 of the Swale Borough Local Plan and QL6 of the Kent and Medway Structure Plan.

(16) No further development, whether permitted by Classes A, B, C, or D of Part One of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995 or not, shall be carried out without the prior permission in writing of the District Planning Authority.

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

(17) No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the District Planning Authority, comprising:

a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the District Planning Authority prior to any intrusive investigations commencing on site.

b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

Continued . . .
c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

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

(18) Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the District Planning Authority shall be carried out in full (or in phases as agreed in writing by the District Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the District Planning Authority.

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

(19) Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

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

(20) The commencement of the development shall not 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 in writing by the District Planning Authority. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the District Planning Authority.

Continued . . .
2.11 (Contd)

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

(21) All windows on the front façade are to be non-openable. Before the development is occupied a scheme of mechanical ventilation to be fitted in each dwelling to draw air from the rear façade to the front rooms shall be submitted to and agreed by the District Planning Authority. The scheme to be approved shall also include details of long-term maintenance.

Grounds: In the interests of residential amenity and in pursuance of policy G1 and E5 of the Swale Borough Local Plan.

Reason for Approval
Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal 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, H3, E1, E2, E5, E36, E39, E49, IN7 & IN4 of the Swale Borough Local Plan; QL1, QL6, QL8 & TP19 of the Kent and Medway Structure Plan, E1, E2, E14, E15, E19, H2 and T3 of the Swale Borough Local Plan Re-Deposit Draft First Review.

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<tr>
<th>2.12 SW/07/1218</th>
<th>(Case 21570)</th>
<th>NEWINGTON</th>
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<tbody>
<tr>
<td>Location:</td>
<td>62 High Street, Newington, Nr Sittingbourne, Kent, ME9 7JL</td>
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<tr>
<td>Proposal:</td>
<td>Conservation Area Consent for the demolition of brick two-storey light industrial building</td>
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<tr>
<td>Applicant/Agent:</td>
<td>Manor Homes (SE) Ltd, c/o Sylvia Kus Architects, 11C Hardings Avenue, Southborough, Tunbridge Wells, TN14 0TU</td>
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<td>Application Valid:</td>
<td>18 October 2007</td>
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<td>SUBJECT TO:</td>
<td>Views of Conservation Officer and receipt of additional plans</td>
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Conditions

(1) No demolition work shall take place until the contract has been let for the construction of the approved replacement building.

Continued . . .
Grounds: In the interests of visual amenities of the area and in pursuance of policies QL6 of the Kent and Medway Structure Plan and policies E36 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, 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: QL6 of the Kent and Medway Structure Plan and E36 of the Swale Borough Local Plan.

Description of Proposals

(SW/07/1218)

Conservation Area Consent is sought to demolish a two-storey brick, light industrial building at 62 High Street, Newington. It covers an area of approximately 10m by 11m and faces onto the High Street running through the centre of Newington.

(SW/07/1217)

Planning permission is sought for the demolition of the existing building and the erection of three terraced houses with three garages and three parking spaces. The proposed terraced houses would be located in a similar position to the existing light industrial building, facing onto the High Street. The proposed terrace would measure 12.85m in width, 9m in depth and would have a ridge height of approximately 9m. The front elevation would have a two-storey appearance and the rear elevation would be three storey as there are rooms proposed in the roofspace.

The proposed terrace would be of a similar height to the dwelling located immediately to the west of the site and approximately 1m higher than the dwelling located immediately to the east of the site. The terrace would be constructed in brick, with a clay-tiled roof. Amended plans showing details of the colour of the brick are awaited. The terrace has been designed in a Victorian terrace style, emulating local features. The proposed dwellings would each have a garden depth of 11m.

Continued . . .
The proposal also includes a single storey pitched roof garage block at the rear (south) of the site. The garage provides three spaces with an additional space for each dwelling in front of the garage. The garage would be set a minimum of 1m from the rear boundary. The plans and description have been amended to increase the garages to conform to Kent Vehicle Parking Standards and to accurately describe the number of garages. Consultation on these amendments expires on 3 December and I will report any further views received at the meeting. Access to the site would be via the existing access located to the west of the existing building, the terrace has been curved at the western corner to provide sufficient visibility splays.

The proposed terrace would be located 7m from the listed building to east and would involve the loss of 1.2m of the bank between the two. Amended plans have been sought to clarify the retention of this area and the grass verge in front of it.

The applicant has provided an air quality assessment and evidence of the unfeasibility of the premises as an employment use. These are available for Members to view.

**Site Description and History**

The site is within the built-up area boundary and is also within the Newington Conservation Area. The area is characterised by diverse historic buildings, many of which are listed, including the grade 2 listed building immediately to the east of the site. The surrounding buildings tend to be 2, 2½ and 3 storeys and generally abut the pavement of the High Street.

There is relevant planning history for the site, which Members will no doubt be aware of. This includes:

SW/06/0867 & SW/06/0868 – Planning application and listed building consent for a scheme with similarities to the one now before Members, but for the erection of four houses. Officers at Planning Committee meeting on September 2006 recommended this application for approval. Members refused the application on harm to the conservation area, by loss of a landscape gap adjacent to the listed building, and loss of an employment use. This application involved the loss of 4.2m of the landscape gap between the properties.

The subsequent appeals were dismissed, although the Inspector stated that the site did not have potential for continued employment use but that the loss of the raised landscaped gap between the site and a listed building would cause harm to the character and appearance of the conservation area. The Inspectors Report is appended.

Continued . . .
There are two applications submitted in 2007, reference numbers SW/07/0117 & SW/07/0124, which are undetermined.

These applications for planning permission and conservation area consent are for a proposal identical to the scheme dismissed at appeal.

**Views of Consultees**

Kent Highway Services have commented on the amended plans and raise no objection.

Newington Parish Council have commented that the building may become listed and raise objection until further information is brought forward.

The Head of Environmental Services raises no objection subject to the conditions included above.

The Conservation Officer raises no objection.

**Other Representations**

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

- If the site becomes a building site it will become harder to sell my property as this has already happened to the front of my house.
- The property to be demolished is of local importance, adds to the streetscene and should not be demolished. I would not object to its conversion to residential.
- The description is incorrect. Please clarify the number of garages.
- We welcome the change from four houses to three and that the raised grass verge is to be retained as per the appeal decision.
- The retention of the wall and raised landscape gap was noted of importance in the appeal and the council should enforce this. If any damage occurs the wall and verge should be reinstated.
- Building work should take work at reasonable hours with limited dust and noise disturbance to nearby residents.

The closing date for comments is 12 December 2007. I will report any further comments at the meeting.

**Policies**

PPS3 (Housing) and PPG13 (Transport) are particularly relevant and Government advice in these documents stresses the importance of making best use of the land, re-developing existing sites in favour of Greenfield sites and promotes sustainable development, close to existing services and infrastructure.

Continued . . .
Swale Borough Local Plan

Policies G1 (General Development Criteria), H1 (Land for New Housing Development), H3 (Redevelopment Sites), E1 (Land Contamination), E2 (Noise Pollution), E5 (Air Pollution), E36 (Development in or Adjoining a Conservation Area), E37 (Demolition in a Conservation Area), E39 (Proposals Affecting a Listed Building), IN4 (New Development and Highway Considerations), IN7 (New Development and Car Parking Provision) are relevant here.

Kent and Medway Structure Plan

Policies QL1 (Quality of development and design), QL6 (Conservation Areas), and TP19 (Vehicle Parking Standards) are also relevant.

Discussion

The site is within the built-up area; therefore the proposed re-development of the site is acceptable in principle. However due to the proximity of residential properties, the sensitive nature of the site and the planning history there are various issues which need to be addressed. These are the loss of the existing building, the appearance of the proposed buildings, and the loss of the commercial use, highway safety and air pollution.

The existing building is considered to be of little architectural merit and does not make a significant contribution to the conservation area. The Inspector shared this view and the loss of the building was stated as acceptable. I note the residents objection letter, however the building is not listed and is not considered to be of historical importance.

The proposed terrace reflects the pattern and scale of buildings along the High Street. The properties would be located 7m from the listed building to the east and would retain the wall and some of the raised landscape area, providing a visual gap between the new and existing buildings. The materials, detailing and position of this building, in my opinion resolves the negative impact of the previous scheme and addresses the comments in the Inspector’s report. Therefore conclude that the proposed terrace due to its design and location would now be acceptable and would not cause significant harm to the conservation area.

Clarity on the raised landscape area and the verge to the front has been sought from the applicants. I have also requested information as to which property, if any, the landscape area will be allocated to. I hope to report amended plans and additional information to Members at the meeting.

Continued . . .
The Inspectors report on the previous scheme also noted that the existing building did not have potential for continued employment use. The applicants have since provided additional information on the marketing of the property, which has been empty since October 2005, and the enquiries they have received. It is my opinion that the applicant has demonstrated that the building is no longer viable as commercial premises and that the loss of the building is acceptable. A view shared by the appeal Inspector in respect of SW/06/0867 and SW/07/0868.

The proposal includes adequate parking for each dwelling and provides visibility splays to the access. This is a marked improvement from the existing situation where there are no visibility splays and exiting the site directly onto the A2 can be detrimental to highway safety.

Environmental Services have recommended that the front windows be fixed shut and a system of mechanical ventilation be submitted and approved prior to the occupation of the dwellings due to the level of air pollution in Newington.

I note the residents concerns over construction and consider that the restriction on hours will address this issue.

The other concerns relating to problems selling nearby properties is not a material planning consideration.

**Summary and Recommendation**

The scheme now involves the retention of the front wall, landscape area and grass verge to the east of the site the loss of which (as it brought the proposed properties close to the adjacent listed building) was considered to cause detrimental harm to the conservation area. The proposal therefore addresses the previous reason for refusal.

The loss of the building is considered acceptable as it is not of any historical or architectural merit nor is it considered to be the loss of an employment site, as the building was not considered a viable commercial property by the Inspector on the recent appeal.

The design, scale and materials are considered acceptable provided details are clarified and conditions imposed. I therefore recommend subject to suitable amended plans and any further comments (closing date 12 December 2007) that permission and conservation area consent be granted.

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**Responsible Officer: Jim Wilson (Area Planning Officer)**

**List of Backgrounds Documents**

1. Application papers SW/06/0867, SW/06/0868, SW/07/0117, SW/07/0124, SW/07/1217, SW/07/1218
Appeal Decision

Site visit made on 14 August 2007

by B D Bagot, BA(Arch), MCIPR, MRPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Appeal Refs: (A) APP/V2255/E/07/2039890;
(B) APP/V2255/A/07/2039892

62 High Street, Newington, Kent ME9 7JL

- Appeal A is made under Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- Appeal B is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeals are made by Manor Homes (SE Ltd against the decisions of the Swale Borough Council.
- The applications in the appeals A, references (A) SW/06/868 and (B) SW/06/0867, both dated 6 June 2006, were refused by notices dated 26 September 2006.
- The works proposed in appeal A are demolition of brick 2-storey light industrial building.
- The development proposed in appeal B is terrace of 3-storey houses in brick with render plinth and flat roof with plus block of 4 single garages and 1 No parking spaces.

Summary of Decision: The appeals are dismissed.

Main Issues

1. The main issues in appeal A are whether the existing building on the appeal site makes a positive contribution to the conservation area, and if not whether there is a suitable redevelopment scheme that would justify its demolition.

2. The main issues in appeal B are whether the appeal site has a potential for continued employment use, and if not whether the proposed redevelopment would preserve or enhance the character or appearance of the conservation area, or whether it would preserve the setting of the adjoining listed building.

Planning Policy

3. The Council have referred to a number of policies of the Kent and Medway Structure Plan adopted in 2006, and of the Swale Borough Local Plan adopted in 2000. The structure plan policy QL6 states that the primary planning policy towards conservation areas is to preserve or enhance their special character or appearance. Policy QL3 is concerned with listed buildings.

4. Local plan policy G1 is a general policy requiring high standards of development. Policy B2 states that land currently in employment use will normally be retained for that purpose unless it is inappropriate located, it has been demonstrated that the site is no longer suitable for employment use, or it has been demonstrated that there is insufficient demand to justify its retention in any possible employment use. Policy B9 supports the supply and retention of a variety of small commercial units. Policies H3 and H4 set out criteria for residential development. Policies E36 and E37 are concerned with
development in conservation areas, and the retention of buildings that make a positive contribution to such areas. Policy E39 refers to listed buildings.

**Reasons**

**Appeal A**

5. The appeal site is on the south side of the High Street (A2), and in the Newington High Street Conservation Area. Records of a public house on the site date from 1613, and that use seems to have continued until 1912. Despite later alterations, the existing building is recognisable in a photograph taken that year. Following fire damage the building was used for a variety of purposes, most recently by a firm of engravers. It has however been vacant since October 2005.

6. The building is similar in height and bulk to the adjoining buildings to the east and west. Despite its likely age it has no architectural features of special interest, and it is not prominent in the street scene. It does not make a positive contribution to the conservation area. Nevertheless its demolition without replacement by a suitable form of redevelopment would leave an unsightly gap in the conservation area.

**Appeal B**

**Potential for Continued Employment Use**

7. With regard to the criteria in local plan policy B2, the site is not inappropriately located for an employment use that could be carried on without detriment to the surrounding residential area. However it would not be appropriate for any employment use that might generate noise or excessive activity. The suitability of the site for an employment use is further compromised by the poor condition of the building, and by the limited eastward visibility from the vehicle access along the A2 road. Agents report that despite unrestricted marketing since October 2006 there has been no interest in the property for commercial use, mainly because of the high cost of repair and refurbishment. When the property was offered at auction all the enquiries received were for change of use to residential, and there was no interest for commercial usage. The appellants have also drawn attention to the low level of unemployment in the area, and to the extensive availability of other premises for employment use elsewhere in the borough. These factors combine to indicate that the appeal site does not have a potential for continued employment use.

**Effect of the Proposed Redevelopment on the Conservation Area**

8. The proposed new houses would be built on the front line of the existing building in an imitation Victorian style, with red gauged brick arched door heads, first floor band, and corbelled eaves, and with its clay tiled roof hipped on the west side. The south-west corner of the building would be rounded at ground floor level with a corbelled squinch above, so as to give better visibility for the vehicular access. The eaves heights of this and the adjoining buildings on either side would step down following the slope in the road. The ridge height would be similar to that of the adjoining building on the east side, and would accommodate an attic storey with gabled windows at the rear.
9. It is perhaps disappointing that the design for the new building is not more akin to the present age than to that of the past. Nevertheless the front of the building would fit in well with the varied styles of the older buildings in the conservation area, which extends to the east, west and north of the site. Whereas most buildings in the conservation area are of 2 storeys, a nearby building with an attic floor lit by dormer windows provides a precedent for the proposed attic floor at the rear of this building. The proposed hipped roofed garage block on higher ground behind the building would provide an appropriate edge to the boundary of the conservation area on that side.

10. On the other hand the proposals would involve the reduction in length of a grass roadside bank to the east of the existing building. That bank provides visual relief to a street scene that is otherwise largely made up of hard surfaces, and is an important element in the conservation area. There could be some scope for adding some greenery across the eastern part of the building, as part of a landscaping scheme for the site. Nevertheless the proposals as submitted would be harmful to the conservation area, and would not preserve its character or appearance.

Listed Building

11. The adjoining building on the west side, at 66 High Street, is a grade II listed building, dating from the C16. It has a tiled roof, hipped at the east side and gable ended with attic window overlooking the appeal site. The proposed building would echo the roof form of the listed building, with a hipped roof on the east side. The eaves and ridge lines would be similar to those of the existing building on the site. However the new building would extend over more than half the space between the existing building and the listed building, and would involve a significant reduction in the length of wall, grass bank and vegetation that form an important part of the setting of the listed building on its west side. The close proximity of the new building would result in its having a dominating effect on the listed building, and the setting of that building would not be preserved.

Other matters

12. At a late stage the Council have raised the possibility that the occupants of the proposed houses might be exposed to high levels of Nitrogen Dioxide, due to pollution from vehicles using the A2 road. However air quality is likely to improve in the future as high polluting vehicles are replaced, and internal ventilation systems could be used in the interim to supply air from the rear of the building to habitable rooms at the front of the houses. Provided that suitable measures of that kind were employed, and thereafter maintained, the exposure of the future occupiers of the houses to poor air quality could be mitigated.

13. There would be no unacceptable loss of light from the west facing attic window in the adjoining property at 66 High Street. The outlook from that window and from nearby houses in Cherry Hill Court and Callaways Lane would not be seriously diminished. An adequate provision of car parking and turning space would be made on the site, and there is no reason to suppose that the development would lead to increased kerbside parking on nearby streets. The
APPENDIX A (Contd) ITEM 2.11 & 2.12

Appeal Decision: APP/V2255/E/07/2039890 & APP/V2255/A/07/2039892

The level of traffic generation would be no higher than if the site were to be used for commercial purposes, and there would be less use of the access by large vehicles. The amount of air pollution likely to arise at the rear of the site would also be no greater than if the site were to be used for commercial purposes, and the proposed garage block would provide a degree of added protection for nearby residents. Redevelopment for housing would provide some natural surveillance of the rear of the site, and would be unlikely to lead to a serious increase in crime.

14. The proposed scheme would nevertheless be harmful to the character and appearance of the conservation area and to the setting of the adjoining listed building, and for those reasons should not be permitted.

Conclusions

15. In appeal A the existing building on the appeal site does not make a positive contribution to the conservation area. However its demolition in the absence of a suitable redevelopment scheme would leave an unsightly gap in the conservation area.

16. In appeal B the appeal site does not have potential for continued employment use. However the proposed redevelopment would neither preserve nor enhance the character or appearance of the conservation area, and it would not preserve the setting of the adjoining listed building. In those respects it would not be in accordance with the development plan. This appeal must fail, and in the absence of planning permission for a suitable replacement appeal A must also fail.

Overall Conclusion

17. For the reasons given above I conclude that both appeals should be dismissed.

Formal Decisions

Appeal A (reference APP/V2255/E/07/2039890)

18. I dismiss the appeal.

Appeal B (reference APP/V2255/A/07/2039892)

19. I dismiss the appeal.

Brian Bagot

INSPECTOR
| Location: | Greenways, Eastchurch Road, Eastchurch, Isle of Sheppey, Kent ME12 4HW |
| Proposal: | Ratification of the footprint of garages, workshop and mower store, and alteration to roof of planning permission SW/00/0411. |
| Applicant/Agent: | Mrs Teresa Oliver, c/o Michael Dakers, Michael Dakers Solicitors, Quayside Chambers, 353-357 High Street, Rochester, Kent ME1 1DA |
| Application Valid: | 3rd September 2007 |
| SUBJECT TO: | Receipt of 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.

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

(2) The garage hereby permitted 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 Order revoking or re-enacting that Order) shall be carried out on those areas of land so shown or in such a position as to preclude vehicular access to these reserved parking spaces.

**Grounds:** Development without the provision for 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 accordance with policies G1 and IN7 of the Swale Borough Local Plan; E1 and T3 of the Swale Borough Local Plan First Review Re-deposit Draft July 2005; and QL1 and TP19 of the Kent & Medway Structure Plan; and QL1 and TP19 of the Kent & Medway Structure Plan.

Continued . . .
Reasons for Approval
Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area. In resolving to grant permission, particular regard has been had to the following policies: G1, E9, H9 and IN7 of the Swale Borough Local Plan; E1, E6, E9, E19, E24 and T3 of the Swale Borough Local Plan First Review Re-deposit Draft July 2005; and QL1, EN1 and TP19 of the Kent & Medway Structure Plan.

Description of Proposal
This application seeks planning permission to alter a detached garage block at Greenways, Eastchurch Road.

Permission was granted for a detached garage under planning reference SW/00/0411, but this was not built in the right location, or according to the approved plans, and this application therefore seeks consent for the garage footprint as constructed, but with the roof lowered to the height of the previous approval.

The garage is situated to the north of the dwelling. It is laid out in an L-shaped footprint and measures 17m x 12m at the widest points, and 6.7m high. There is space for the garaging of 3 vehicles, a lawnmower store, a general storage room and a “hobby workshop.” Materials are to match the dwelling.

The key differences between the approved scheme and what has been built are:
- 1.5m deeper overall;
- 0.5m thinner overall; and
- Between 0.5m and 1.7m higher to the roof ridge, due to sloping levels.

This application seeks approval to put the garage back to the approved design in the revised location, closer to the house.

Relevant Site History and Description
Greenways is a large detached dwelling within a fairly large plot. The house was badly fire-damaged, so demolished and rebuilt under SW/00/0003.

A small part of the land is used in association with dog boarding kennels; the rest of the land is in residential use. There are some distant views of the site across adjacent fields, but views from Eastchurch Road are limited to the immediate area due to a gradual change in levels and high hedges along the roadside. The site lies outside any defined built up area boundary.

Continued . . .
Planning permission was granted for the erection of a detached garage block at the site under SW/00/0411. The approved garage was 15.5m deep, 12.5m wide and 5m high. There was one window in both the east and west elevations, and vehicle and pedestrian access doors in the southern elevation.

The approved garage was not constructed according to the approved drawings, and an enforcement notice was therefore issued in 2006, under the reference ENF/06/020. The Design & Access statement accompanying the current application comments:

"It was discovered in 2005 that the actual building works that took place were considered to be of a nature whereby the increased dimension of the building were not appropriate to be dealt with as a matter of variation…"

The building, as constructed, measures 17m deep, 12m wide and stands between 5.5 and 6.7m high due to sloping levels on site. There are additional windows and doors across the north, east and western elevations, and the garage is closer to the main dwelling than as approved in 2000. Materials have been used to match the house.

**Views of Consultees**

Eastchurch Parish Council submitted the following:

"The application is for ratification of a footprint and subsequent build that were not approved by the planning officers or committee members of Swale Borough Council. Any alterations that were made should have gone through building inspectors and then the appropriate channels for consideration. Therefore, Eastchurch Parish Council wishes to object to this application."

No other representations have been received.

**Policies**

The development plan comprises the adopted Swale Borough Local Plan (SBLP), the emerging Swale Borough Local Plan First Review Re-deposit Draft July 2005 (SBLP2005) and the Kent & Medway Structure Plan (K&MSP).

Policies G1 (SBLP), E1 (SBLP2005) and QL1 (K&MSP) set out general planning criteria that all new development must adhere to, such as amenity, design, access, etc.

Continued . . .
E9 (SBLP), E6 (SBLP2005), E9 (SBLP2005) and EN1 (K&MSP) seek to afford protection to the countryside of the Borough by restricting unnecessary development.

H9 (SBLP) and E24 (SBLP2005) relate to extensions to rural properties and set out more specific goals, stating that all new development at properties within the countryside should (amongst others) be of a high quality design that is in scale with its surroundings, maintain or enhance the street scene and should not negatively affect residential amenity. E19 (SBLP2005) enhances and supports these policies further.

Policies IN7 (SBLP), T3 (SBLP2005) and TP19 (K&MSP) relate to the provision of parking facilities.

**Discussion**

I appreciate the comments from the Parish Council, however, this application must be judged on its own merits. I note that the Parish Council raised no objection to the 2000 application, but recognise that the footprint differs on this application.

The key issue in this case is whether or not the garage as proposed is acceptable in planning terms.

The garage is of an appropriate size for the property. It is currently higher than that originally approved – SW/00/0411 had the ridge at 5m – but in its proposed form it is not, in my view, excessive in terms of rural outbuildings.

The roadside hedges help to screen the site from the highway, and there are also a number of young trees planted along the frontage in accordance with the conditions of SW/00/0003, which will further conceal the property in time.

Whilst it is unfortunate that the proposal differs from that approved originally, having re-appraised the scheme and visited the site again I do not consider that the development put forward here is sufficiently harmful to warrant refusal.

**Summary and Recommendation**

This application seeks permission for the alteration of a detached garage to its approved height but in a slightly different location.

I have considered issues of scale, appearance and amenity and do not have any overriding concerns.
Taking the above into account I recommend that planning permission be approved.

Responsible Officer: Andy Jeffers (Area Planning Officer)

List of Background Papers

1. Application papers for SW/07/1050.
2. Correspondence relating to SW/07/1050
3. Application papers for SW/00/0411.
4. Correspondence relating to SW/07/0411.
Location: 94 High Street, Milton Regis, Sittingbourne, Kent, ME10 2AN

Proposal: Change of use from A1 to A3/A5 restaurant with hot food takeaway

Applicant/Agent: Mr C Patel, c/o John Still & Company Ltd, 59B Bellegrove Road, Welling, Kent, DA16 3PB

Application Valid: 17 April 2007 and as clarified by the additional information received 6 November 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 mechanical ventilation system detailed on drawing no. BP14179.4A, as received on 6 November 2007, shall be installed in the premises prior to the operation of the restaurant and hot food takeaway. The approved system shall then be maintained and operated in a manner which prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Grounds: In the interests of residential amenity and in pursuance of policies G1 of the Swale Borough Local Plan and E2 of the Swale Borough Local Plan First Review Re-Deposit Draft.

(3) The use hereby permitted is limited to the ground floor only of the premises as identified on the plan accompanying the application (drawing number BP14179 – 2).

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

(4) The use hereby approved shall not be open for business between the hours of 22.00 and 07.00 am any day.

Continued . . .
2.14 (Contd)  

**Grounds:** In the interests of residential 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, E36, S5 and S20 of the Swale Borough Local Plan; and policies E1, E2, E15 & B3 of the Swale Borough Local Plan First Review Re-Deposit Draft.

**Description of proposal**  
This application seeks permission to change the use of a vacant shop (A1 use) with a flat above to a restaurant with a hot food take away facility (classes A3/A5) at 94 High Street, Milton Regis. No building works are proposed as part of this application.

The floor plans show the front of the building would be used as a restaurant area, with the rear reserved for food preparation, cooking and toilet facilities. The first floor would remain as a residential unit.

A supporting document detailing the use class of each property in the surrounding area has accompanied the application. It states:

“There are fifteen A1 uses (retail), four A2 uses (financial & professional services), one A3 use (restaurants/cafes), one A4 (drinking establishments) and five A5 uses (takeaways). Twelve units are used for residential purposes. The planning application to change the use of 94 High Street to A5 restaurant would only increase the number of restaurants to two which represents only 5% of the total number of units for the entire High Street and Cross Lane.”

The agent also states that:

“The proposed restaurant will be a traditional English café/restaurant with no continental cuisine sold relating to any of the existing hot food takeaway establishments and Indian restaurants in the High Street. The hours of opening are proposed to be 07:00 - 17:00 hours. Therefore the premises will not be in operation in the evenings to eliminate any disruption to the local residents. The function of the restaurant will be to provide a facility for local residents during the daytime hours and therefore help to maintain a vibrant character to the High Street.”

Continued . . .
Relevant Site History and Description

The premises previously traded as a shop with a residential flat above. The ground floor of the building is currently unoccupied. The site is located within a shopping street characterised by retail units, residential units and food/drink facilities.

Two other applications relating to the same site have recently been approved under delegated powers, under planning references SW/06/1151 & SW/06/1083. These applications relate respectively to listed building consent for a new timber shopfront, internal alterations and a single storey rear extension, and planning permission for a single storey rear extension and the installation of a new shop front.

The building is grade 2 listed and is located within Milton Regis High Street Conservation Area.

The site is located within the built up area boundary of Sittingbourne as defined in the Swale Borough Local Plan.

Views of Consultees

Kent Highway Services raise no objection to the application. They consider there to be adequate parking restrictions in place to discourage casual parking.

The Head of Amenities recognises that there are residential units located both above and either side of the application property. He is satisfied that the details submitted regarding the proposed ventilation system will ensure residential amenity is not compromised. A condition is recommended to ensure the proposed ventilation system is installed prior to the change of use taking effect and will be maintained.

Other Representations

Four letters of objection and two petitions of objection signed by 56 and 76 people respectively have been received. Their comments can be summarised as follows:

- The owner already owns a “take away” business in the same street
- There are already parking problems in the area - this will cause further congestion
- We need to consider the effect this will have on the environment and the public
- There are already several “take aways” in the High Street causing overpowering cooking smells

Continued . . .
Litter and noise will increase
Milton High Street used to have a good variety of shops. Now it is in decline.

Planning Policies

Policies G1, E36 and S5 of the Swale Borough Local Plan, which address General Development Criteria, Conservation Areas and Permission for restaurants/ takeaways respectively, are relevant.

Policy S20, which requires the retention of a mix of uses in Milton High Street, should also be noted.

Policies E1, E2, E15, B3 & C1 of the Swale Borough Local Plan First Review Re-deposit Draft, which address respectively General Development Criteria, Noise/ Pollution, Conservation Areas, Town Centres & Community Services/Facilities should also be noted.

Discussion

Policy S5 of the adopted Local Plan supports the establishment of restaurant and “take away” uses within appropriate locations, subject to the criteria within Policy G1 being satisfied and there being no overriding highway or amenity objection.

The supplementary text recognises that restaurant and “take away” uses can pose environmental problems and that some separation from residential units is preferred. Locating such uses in shopping areas can lessen these impacts, but some restrictions can still be necessary, such as control over ventilation systems.

As the Head of Amenities has commented, the proposed use could lead to an increase in odours and fumes. However he feels this impact would be mitigated by installing a good quality ventilation system. Should Members wish to support this application, I have recommended a condition requiring the proposed system to be installed prior to the use commencing. In addition, the proposed use could lead to increased noise levels. However, this is unlikely to be a significant problem as the proposed opening hours are during the day when the High Street is likely to be busy due to shoppers. In addition, under the Licensing Act 2003 the Council is empowered to monitor any increase in noise levels and control opening hours accordingly. However, in order to ensure that hours of use can be properly controlled, an hours of use condition, with trading limited to 22.00, is recommended above. I therefore feel confident that residential amenity would not be significantly compromised.

The supplementary text to Policy S5 draws attention to parking and litter issues. The area is also well served with litter bins.

Continued . . .
Kent Highways Services have raised no objection to the application and I consider there is sufficient public car parking in the nearby vicinity to serve the proposed use.

Neighbouring residents and a local business have raised objection to the fact that there are already several “take away” uses within the area. In addition, they have raised concern that the proposed owner already owns a “take away” within the High Street. Whilst it is correct that there are already several “take away” uses within the area, there is no policy within the Local Plan that can specifically control competition. Therefore, this is not a material planning consideration and cannot be taken into account in determining this application. The objectors also raise concern that the potential owner may already own a “take away” restaurant within Milton High Street. This again is not a material planning consideration.

One objector states that the High Street is now in decline and no longer benefits from the variety of shops that it once did. There remains a significant number of retail premises located within the High Street. In addition, it should be noted that this unit has remained unopen and unoccupied for some years. I consider Milton Regis High Street retains a reasonable mix of shops and services, and an additional restaurant/ “take away” would not cause demonstrable harm to the character of the area.

**Summary and Recommendation**

The application should not unduly impact upon highway safety or convenience of the area, nor to the residential amenity or the character & appearance of the area. I conclude that the proposal is acceptable and that it complies with policy. I therefore recommend that planning permission be granted.

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**Responsible Officer: Jim Wilson (Area Planning Officer)**

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**List of Backgrounds Documents**

1. Application Papers and correspondence relating to an application SW/06/1151
2. Application Papers and correspondence relating to an application SW/06/1083
Location: 11 Westfield Gardens, Danaway, Borden, Sittingbourne, Kent, ME9 7PW

Proposal: Proposed extension and conversion of part of existing garage to habitable room

Applicant/Agent: Miss Green, c/o Nigel Sands & Associates, 15 Colson Drive, Iwade, Sittingbourne, Kent, ME9 8TT

Application Valid: 3 October 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing building in terms of type, colour and texture.

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

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

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

Continued . . .
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, E9, H9 & IN7 of the Swale Borough Local Plan and QL1 & EN1 of the Kent and Medway Structure Plan.

Description of Proposal

The application is to convert the double garage to a gym and store/utility room within the house and to build a single storey extension in front of the original garage to create an entrance hall and single garage.

The extension would though be set 1.5m back from the front elevation of the house, be 3.5m in depth and match the existing width of the garage at 5.4m.

Relevant site history and site description

The property is a modern two storey detached house located on a corner plot to the entrance to Westfield Gardens. To the front of the garage and the side and front of the house is an extensive parking area adequate for approximately five cars.

The property is located within the countryside as defined in the adopted Swale Borough Local Plan.

SW/07/0559 – APPROVED for the conversion of part of the garage to a habitable room and a side porch extension.

Views of Consultees

Borden Parish Council object to the application and comment as summarised below:

- Concerned about single entry to garage
- Affect of the loss of parking on the local residents
- Terms of a covenant have not been met

Kent Highway Services have required that the internal dimensions be increased to 2.9m in width.
Other Representation

One letter received from Hulcott Park Management Ltd, who has some management responsibility for Westfield Gardens. Their comments are summarised as follows:

- It appears the owners are running a business from the property and park a commercial vehicle more or less on a permanent basis on their driveway
- Visiting vehicles to the house park in the narrow entrance to Westfield Gardens or on Maidstone Road reducing access, causing inconvenience and possible danger to other residents
- Owners are acting contrary to a covenant by parking a commercial vehicle on the driveway
- Applicants have not approached the management company for its approval for the alterations/proposals

The other letters from local residents have been received. The comments are summarised as follows:

- Concern is expressed at the reduction in the parking area
- Property has large number of visitors and commercial vehicles and park in the narrow entrance to Westfield Gardens
- No objection to application if garage was used for habitable use, but would have objection if used for business purposes
- Concern is expressed that garden is to be paved over for business parking

Policies

Swale Borough Local Plan Policies

Policies G1 (General Development Criteria), E9 (Countryside Protection), H9 (Rural Extensions), IN7 (Off-road Parking).

Kent & Medway Structure Plan

Policies QL1 & EN1

Discussion

The extension is modest in size and of a design to be in keeping with the existing and surrounding properties and suitable for this rural location and I therefore do not consider the extension would result in harm to the visual amenity of the area.

Continued . . .
I note that a number of other properties in the cul-de-sac have garages that are level with the front elevation and provide off road parking for 2 cars in addition to the garage space. I therefore consider that the provision of at least 3 off road parking spaces to be sufficient for the property, and I note Kent Highway Services do not object to the number of spaces envisaged.

The internal width measurement of the garage is 2.6m and KHS have asked for this to be increased to 2.9m. However as the extension is providing utility and storage space separate from the garage I consider the additional space requested for the width of the garage for this not to be necessary.

I note the comments from consultees and residents. However, the apparent non compliance with a covenant is a private legal matter which can not be a material consideration in the determination of this planning application. Furthermore, the parking of visiting vehicles to the property is also not a matter for this application. I have though raised this issue with the Planning Enforcement Manager in order that he may investigate.

**Summary and Recommendation**

Therefore based on the above and with the attached conditions I recommend that planning approval be granted.

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**Responsible Officer:** Jim Wilson (Area Planning Officer)

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**List of Backgrounds Documents**

1. Application Papers for Application SW/07/1127
2. Correspondence Relating to Application SW/07/1127
3. Application Papers and Correspondence for SW/07/0559
Location: Land off Shimmin Road, Kent Science Park, Tunstall, Sittingbourne, Kent, ME9 8AZ

Proposal: Erection of technology units – Phase 2, Units 1 and 2 for B1 business use, parking, landscaping and associated and ancillary facilities and services

Applicant/Agent: Lasalle Investment Management, c/o Paul Sharpe Associates, The Old Rectory, Broad Blunsdon, Swindon, SN2 7DQ

Application Valid: 19 September 2007

SUBJECT TO: the comments of Kent Highway Services and the Environment Agency and 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 and roofing materials 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 policy G1 of the Swale Borough Local Plan and Policies E1 and E19 of the Re-Deposit Draft of the Swale Borough Local Plan First Review.

(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 plants, noting species, plant sizes and numbers where appropriate, means of enclosure, 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 in writing with the District Planning Authority.

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

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

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

(6) The areas shown on the submitted plan as loading, off-loading and parking space shall be used for or be available for such use at all times when the premises are in use and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out on that area of land or in such a position as to preclude vehicular access to this reserved area; such land and access thereto shall be provided prior to the occupation of the building hereby permitted.

Grounds: In the interests of highway safety and convenience and in pursuance of Policies G1 and IN7 of the Swale Borough Local Plan and Policies G1 and T3 of the Re-Deposit Draft of the Swale Borough Local Plan First Review.

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

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

Grounds: In the interests of residential amenity and in pursuance of Policy G1 of the Swale Borough Local Plan and Policy E1 of the Re-Deposit Draft of the Swale Borough Local Plan First Review

Continued . . .
Reason for Approval
Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: G1, E9, IN7, B36 of the Swale Borough Local Plan; E1, E6, B1, T3, B26 of the Re-Deposit Draft of the Swale Borough Local Plan First Review.

Description of Proposal

This application seeks planning permission for the erection of two large buildings to be used for purposes within use class B1 (light industrial, offices, research and development, studios, laboratories, high tech), together with landscaping, parking and associated and ancillary facilities and services on land off Shimmin Road, Kent Science Park, Tunstall. The site of the buildings is close to the southern boundary of the site, but remains within the security fence of the science park.

The proposed buildings would measure as follows:

Unit 1: 28.6 metres deep, 86 metres wide, 8 metres high;

Unit 2: 22 metres deep, 45.5 metres wide, 8 metres high.

99 parking spaces are proposed around the buildings, together with bin stores. The south and west boundaries of the application site would be occupied by a proposed 2.5 metre high planted earth bund.

The agent has submitted both a design and access statement, and a ‘planning statement’ which seeks to explain the policy context for the application.

Relevant Site History & Description

Kent Science Park has substantial planning history. However, none of it is directly relevant to this application.

The area of land the subject of this application has been cleared. To the north of the land lie existing buildings at the science park, together with internal roads and parking areas. A large dome building sits to the west, and several low level buildings are sited to the east. To the south are open agricultural fields.

Continued . . .
Views of Consultees

Tunstall Parish Council raise objection, and comment as follows:

“Parish Councillors have considered the above planning application and feel that more information should be provided before consent is given. In the event that this is not forthcoming then the Parish Council would like the application to be rejected. This is because:

- The proposals do not state the purpose for which the buildings will be used and explicit needs should be identified. Page 5 of the supporting planning statement uses imprecise words such as ‘likely to be occupied’.....‘hopefully’....‘range of potential occupiers’.... And is insufficient to make an informed decision/assessment of the application.
- Little thought appears to have been given to the visual impact especially as the units are close to the western boundary.
- Since it is not known how the units will be used, how is any waste to be discharged? Water is to be discharged via the existing drainage and soakaways but whilst there appears to be some bunding to contain any spills, will this be sufficient given that the contents are unknown?
- The units will create much, (unwanted) additional traffic in Ruins Barn Road since the plan shows parking for 99 cars and 5 lorry spaces on a ‘normal working day’. Whilst this may ‘accord with KCC Parking Standards for this form of development’ (page 8 of the planning statement) it takes no account of the local situation and in particular the problems in Ruins Barn Road.”

Kent Highway Services have not yet comments. I will report their comments to Members at the meeting.

The comments of the Environment Agency have not yet been received. I hope to report these to Members at the meeting.

I have sought the views of Southern Water Services and will report these to Members at the meeting.

Other Representations

No other representations have been received.

Policies

The following policies of the Development Plan are relevant:
Swale Borough Local Plan
G1 (General Development Criteria)
E9 (Protection of the Countryside)
E49 (Landscaping of New Development)
IN7 (New Development and Car Parking Provision)
B36 (Former Sittingbourne Research Centre Complex, Tunstall)

Policy B36 states, amongst other things, that the Council will grant planning permission for the re-use/redevelopment of land within the security fence at the site for employment related development.

Re-Deposit Draft Swale Borough Local Plan First Review
E1 (General Development Criteria)
E6 (The Countryside)
E19 (Achieving High Quality Design and Distinctiveness)
T3 (Vehicle Parking for New Development)
B26 (Kent Science Park)

Discussion

Although the site is located in the countryside, Policy B36 of the adopted Swale Borough Local Plan supports the principle of expansion and the erection of new buildings within the existing security fence at the science park. This is the case here. I therefore consider the principle of the development of the application site to be acceptable.

I note the comments made in respect of drainage and traffic generation. I am awaiting the comments of the Environment Agency, Southern Water Services and Kent Highway Services and will report them to Members at the meeting.

With regard to the comments in respect of potential occupiers of the buildings, I would advise that this does not amount to a material planning consideration here. The use of the buildings is proposed to be ‘B1’, which can take the form of light industrial, offices, research and development, studios, laboratories and high tech industry. Such a use would in my opinion complement the existing uses at the Science Park.

The key issue here is the visual impact of the proposed development.

Whilst the buildings would clearly both be very imposing, they would be visible largely in the context of the existing built development at the site. Building no.730 immediately to the rear of the site the subject of this application is approximately 11.5 metres in height, and in comparison, the buildings proposed here are relatively modest in scale. The design of the buildings is in my opinion acceptable, and keeps their bulk and massing to an acceptable level whilst providing a significant area of floor space.

Continued . . .
Furthermore, public views of this part of the Kent Science Park site are limited. In addition, a significant part of the buildings would be screened by the proposed 2.5 metre high bunding.

Finally, I note that the layout of the scheme is such that the buildings would be sited at right angles to the southern boundary. This in my opinion would further reduce the bulk of the buildings. I do not envisage significant harm to the character and appearance of the area as a result of the proposed buildings.

**Summary and Recommendation**

This application seeks planning permission for the erection of two large B1 buildings at the southern edge of the Kent Science Park, together with landscaping and parking. I consider that the proposed B1 use would complement the existing uses at the Kent Science Park, and I do not consider that the buildings would cause demonstrable harm to the character and appearance of the area. Subject to the comments of Kent Highway Services, Southern Water Services and the Environment Agency, I recommend approval.

**Responsible Officer: Jim Wilson (Area Planning Officer)**

**List of Backgrounds Documents**

1. Application Papers for Application SW/07/1111
2. Correspondence Relating to Application SW/07/1111
Location: Former Keycol Hospital, Rook View, Bobbing, Nr Sittingbourne, Kent

Proposal: Erect rustic post and rail fence along part of Rook Lane frontage

Applicant/Agent: Taylor Wimpey Developments Ltd, Central House, 11-13 Brighton Road, Crawley, RH10 6AE

Application Valid: 17 October 2007

Conditions

(1) The installation of the fence hereby approved shall be commenced within 28 days of the decision.

Grounds: In the interests of the character and appearance of the area, and in pursuance of Policies G1 and E49 of the Swale Borough Local Plan and Policy E1 of the Swale Borough Local First Review Re-deposit Draft

(2) The development hereby approved shall be finished as specified on drawing number JBA 02/165-01 D, and in particular, the timber shall not be painted.

Grounds: In the interests of the character and appearance of the area, and in pursuance of Policies G1 and E49 of the Swale Borough Local Plan and Policy E1 of the Swale Borough Local First Review Re-deposit Draft

Reason for Approval

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience. In resolving to grant permission, particular regard has been had to the following policies: G1, E9 and E49 of the Swale Borough Local Plan; E1 and E6 of the Re-Deposit Draft of the Swale Borough Local Plan First Review.

Continued . . .
**2.17 (Contd) PART 2**

**Description of Proposal**

Planning permission is sought for the erection of a 1.2-metre-high rustic post and rail fence to part of the boundary of the Rooks’ View housing development (formerly the Keycol Hospital site) with Rook Lane. In particular, the proposed fence would run for approximately 80 metres, between the south-eastern end of the Rooks’ View frontage (where it adjoins the Southern Water reservoir site) and the south-western corner of the detached garage to Plot 36.

The fence would be interrupted by the vehicular access to Rooks’ View.

An extract from the supporting letter is pertinent and reads as follows:

“As previously discussed, I am submitting our planning application to remove in part the existing close board fence on the frontage of the site facing Rook Lane and to replace it with a rustic post and rail fence 1.2 metres high, backed with mesh fencing to encourage shrubbery growth.

*This fencing is similar to that facing Rook Lane from the adjacent Hospice, and I believe it is appropriate to the rural setting of the site.*”

The existing close-boarded fence to which the extract refers does not have the benefit of planning permission and is therefore potentially vulnerable to enforcement action.

**Relevant Site History & Description**

Planning permission was granted, in outline, for the residential development of the former Keycol Hospital site in May 2003, under planning reference SW/99/1144.

The reserved matters details - of the siting, design, external appearance and landscaping of the development - were subsequently approved, under planning reference SW/03/756, in April 2004.

The approved layout plan (drawing number 00.25.01 D) includes an annotation referring to the ‘boundary of the development site to Rook Lane frontage to be 1.2 metre high painted decorative wrought iron fence’.

The planning conditions attached to SW/99/1144 and SW/03/756 do not refer specifically to the boundary treatment to Rook Lane.

The application site adjoins the Southern Water Services site to the south-west and the Demelza House hospice to the north-east. The site faces open countryside in agricultural use on the south-eastern side of Rook Lane. Keycol Hill, the main A2 road, runs along the southern boundary of Rook’s View, though the fence the subject of this application is not in the immediate vicinity of Keycol Hill.

Continued . . .
Views of Consultees

Bobbing Parish Council ‘wish to make no comments on these plans and wish that the views of residents are taken into consideration when reaching your decision.’

Kent Highway Services raise no objection. They do though request that ‘the fence is substantial and durable to prevent unauthorised vehicle entry to Rooks’ View’.

Other Representations

The application has been advertised by site and press notice and by consultation of residents living in the immediate vicinity.

37 letters of objection have been received, all from residents of Rooks’ View. Of these, 17 are individually signed and addressed copies of a standard objection letter. The main body of this letter reads as follows:


Please note that we strongly object to Taylor Wimpey’s planning proposal and set out our objections as follows:

1. When we purchased our property from Taylor Woodrow last year (Taylor Woodrow have recently changed their name to Taylor Wimpey), we were promised by Taylor Wimpey that there would be a “wrought iron gated entrance” at the front of Rooks View. At the time, we were told that the reason for this was because it would be in keeping with the other brick walls, wrought iron panels and wrought iron gates at the top of the development (by this we mean by the Fire Brigade emergency access point) and it would clearly define the former Keycol Hospital site but also so that it reflected the fact that we lived on an “exclusive flagship development”.

2. The original plans clearly state this to be the case. We know that one of the many conditions which Swale Council stipulated when granting Taylor Wimpey planning permission to build the houses at Rooks View was that a “wrought iron gated entrance” be constructed at the front entrance of Rooks View. One of the other conditions of particular interest at the current time is that the old brick walls, wrought iron panels and wrought iron gates at the top of the development (the Fire Brigade emergency access point) were also refurbished. To date no work has begun on the brick walls, the wrought iron panels and the wrought iron gates. In fact the wrought iron gates are nowhere to be seen. However despite Swale Council’s stipulations and conditions, no enforcement has been. Taylor Wimpey constructed a close boarded wooden fence at the entrance to Rooks View for which Swale Council did not give them planning permission. Retrospective

Continued . . .
planning permission has also neither been sought nor given for the close boarded wooden fence at the entrance to Rooks View which is unsightly, cheap and nasty and is clearly not acceptable. We are angry that Swale Council have allowed Taylor Wimpey simply to do as they please.

3. A “rustic post and rail fence” is another example of Taylor Wimpey trying to carry out works on the cheap and is not in keeping with the rest of the former Keycol Hospital site. Although it may well match the fencing which surrounds Demelza House it is important here to note that Rooks View is not part of Demelza House. The properties at Rooks View and Rooks View itself is situated on the former Keycol Hospital site and should therefore be treated as such.

The residents at Rooks View paid a premium to live at Rooks View which was marketed to us all as “an exclusive flagship” development. It is therefore true to say that the residents have already paid for their “wrought iron gated entrance”. The residents at Rooks View also pay a high amount of money in Council Tax to Swale Council that amount being calculated on the high prices or premium we paid when we bought our houses from Taylor Wimpey.

We therefore look to the Council to support us by enforcing the terms and conditions of the original planning consent. We should, therefore, be grateful if Swale Council would refuse the current planning application which Taylor Wimpey have applied for and ensure that Taylor Wimpey carry out their obligations and provide the residents of Rooks View with the wrought iron gated entrance which they promised all of the residents at Rooks View.

All the residents at Rooks View want from Taylor Wimpey is what they were promised and what we paid for when purchasing our houses.”

This encapsulates most of the issues raised. However, additional issues are raised in the other letters as follows:

- The safety of children and others playing on the front part of the site will be compromised
- If a householder (s) had undertaken without the necessary planning permission, the Council would have taken action against them. The same approach should be applied to a large housebuilder such as Taylor Wimpey.

Policies

Policies G1 (general development criteria), E9 (development in the countryside) and E49 (landscaping) of the Swale Borough Local Plan are relevant in this case. Policies E1 (general development criteria) and E6 (development in rural areas) of the Swale Borough Local Plan First Review Re-deposit Draft should also be noted.
**Discussion**

This application seeks approval for the erection of a 1.2-metre-high post and rail fence as an alternative to the 1.8-metre close boarded fencing currently in situ (which does not benefit from planning approval and is unacceptable in terms of its impact upon the character and appearance of the area). As noted above, the approved layout for the whole development of Rooks’ View includes an annotation that refers to a ‘1.2-metre-high painted decorative wrought iron fence’ being erected along the frontage to Rook Lane.

The key planning issue is whether or not the proposed fence is acceptable in terms of its implications for the character and appearance of the area, Rooks’ View and the surrounding landscape.

Before considering this, it is important to stress that this developer, or indeed any other, is entitled to seek planning permission for amendments to an approved development. It is not the case that once planning permission has been granted for a development the developer must always adhere completely to the approved scheme, without amendment.

With regard to the implications for the character and appearance of the area, I am mindful that the boundary of Rooks’ View with Keycol Hill consists of a combination of wall and wrought iron railings. I also note the modern steel boundary treatment to the adjacent Southern Water site. Thirdly, the boundary treatment to Demelza House, located to the north-east, which consists of a post and rail fence of a height and design similar to that proposed here should be noted. Finally, Members will note that the farmland opposite the site is open to Rook Lane. It seems to me therefore that the area is not characterised by any one particular type of boundary treatment.

In this situation, furthermore, the proposed fencing, which is very similar in terms of height and design to that which encloses the front Demelza House, is arguably an appropriate means of enclosure and one typical of a semi-rural location such as this. The proposed fence would not detract from the character and appearance of the area and it would be unreasonable to refuse planning permission on this basis.

I note the other issues raised by residents. In addition to the above, I make the following comments.

**Marketing of development by Taylor Woodrow (now Taylor Wimpey).** Many of the letters of representation refer to the houses at Rooks’ View being sold on the basis that a ‘wrought iron gated entrance’ would be provided. The way in which the development was marketed is not an issue on the basis of which this application, or indeed any other, could be determined. Instead, the application stands to be determined on its planning merits.

Continued . . .
Wrought iron railings and walling to Keycol Hill site boundary and ‘wrought iron gated entrance’ and fence shown on layout approved under SW/03/0756. It is suggested that the boundary to Rook Lane should be finished to match that on Keycol Hill. While this was the approach initially envisaged and referred to on the layout plan submitted with SW/03/0756, as noted above the area is characterised by various types of boundary treatment, and that now proposed is equally appropriate in this rural location. It is also worth reiterating that the fact that a different means of enclosure was shown on the layout plan approved under SW/03/0756 does not preclude permission subsequently being sought for an alternative.

High Council tax  Reference is made to the general level of Council tax paid by residents of Rooks’ View, and this is presented as justification for resisting the proposed fence in favour of iron railings and gates. This is not a planning issue upon which the application can be determined.

Safety for users of the development  It is suggested that the proposed fence would result in users of the front areas of Rooks’ View being at risk, particularly from traffic on Rook Lane. While the fence would not provide a secure barrier between Rooks’ View and Rook Lane, I am not convinced that an unacceptable to risk to safety would result. In any case, an alternative means of enclosure such as wrought iron railings would not necessarily provide a greater barrier. Moreover, the intention of the boundary treatment in this area is to provide visual separation, rather than an impenetrable barrier.

Summary and Recommendation

Having carefully considered all of the issues, including the representations received from neighbours, Kent Highways Services and the Parish Council, I consider that the proposed rustic post and rail fence would complement the existing character and appearance of the area.

The development would accord with the Development Plan.

I therefore recommend that planning permission be granted.

Responsible Officer:  Jim Wilson (Area Planning Officer)

List of Backgrounds Documents

1. Application papers and correspondence for SW/07/1194
2. Application papers and correspondence for SW/03/0756
3. Application papers and correspondence for SW/99/1144
Location: 1 Boundsgate Cottages, Ashford Road, Badlesmere, Faversham, Kent, ME13 0JX

Proposal: Permission for vehicle access

Applicant/Agent: Mrs D Smith, 1 Boundsgate Cottages, Ashford Road, Badlesmere, Faversham, Kent, ME13 0JX

Application Valid: 26 October 2007

SUBJECT TO: Views of Kent Highway Services and receipt of amended drawings showing a fence and hedge to the front of the property.

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 entire area of existing hardstanding behind the frontage boundary treatment installed in pursuance of conditions (3) to (5) below shall be retained for the use of the occupiers of, and visitors to, the premises, 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 this reserved parking space.

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 IN7 of the Swale Borough Local Plan and T19 of the Kent and Medway Structure Plan and E1, T1 and T3 of the Re-Deposit Draft Swale Borough Local Plan First Review.

(3) No development shall take place until a landscaping scheme showing a scheme of fencing and hedge planting to the front boundary has been submitted to and approved in writing by the District Planning Authority. These details shall include an implementation programme.

Continued . . .
2.18 (Contd) PART 2

**Grounds:** In the interests of the visual amenities of the area and in pursuance of Policies E13, E14 and G1 of the Swale Borough Local Plan, and EN4 and EN5 of the Kent and Medway Structure 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 in writing with the District Planning Authority.

**Grounds:** In the interests of the visual amenities of the area and in pursuance of Policies E13, E14 and G1 of the Swale Borough Local Plan, and EN4 and EN5 of the Kent and Medway Structure Plan.

(5) Upon completion of the approved landscaping scheme, any plants 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 E13, E14 and G1 of the Swale Borough Local Plan, and EN4 and EN5 of the Kent and 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. In resolving to grant permission, particular regard has been had to the following policies: G1, E9, E13, E14, IN4 and IN7 of The Swale Borough Local Plan; EN1, EN4, EN5 and T19 of the Kent and Medway Structure Plan and E1, E6, E9, T1 and T3 of the Re-Deposit Draft Swale Borough Local Plan First Review.

**Description of the Proposal, Site and Relevant History**

Planning permission is sought for vehicle access on and off the drive for the property. The access itself would be onto the busy A251 Ashford Road and directly onto a staggered crossroad. Speeds of up to 50 miles per hour should be expected along the road at this point.

The site is within an Area of Outstanding Natural Beauty, a Special Landscape Area and the countryside.

Planning permission was previously refused for ‘the provision of off road vehicle hard standing designed to allow vehicles to enter and exit in forward gear’ in 2002. The reasons for refusal included:

Continued . . .
The formation of an access together with the introduction of conflicting traffic movements, would be prejudicial to highway safety.

· The site has insufficient frontage in both directions to enable an access to be satisfactory laid out incorporating the necessary visibility splays that are essential in terms of highway safety.

· The proposal would have increased the conflict of traffic movement on an existing staggered road junction, which would have inconvenienced road users.

An Enforcement Notice requiring removal of the recently created access, removal of the existing hardstanding and restoration of site levels was served on 7th November 2007.

The applicant now seeks approval for an access, after discussions with Kent Highway Services, as detailed in their Design and Access Statement, which I have attached as Appendix A to this item.

**Views of Consultees**

Sheldwich, Badlesmere and Leaveland Parish Council have no objections to the application, but have requested that some landscaping be introduced to the scheme.

Throwley Parish Council have not commented on the application but I will report further at the meeting.

Kent Highway Services has not yet commented on the application, but I will report further at the meeting.

The County’s Archaeological Officer has not commented on the application.

**Other Representations**

No other representations have been received but I will report further at the meeting.

**Policies**

The main considerations in determining this application are those of G1 (General Development Criteria), E9 (Countryside), E13 (AONB), E14 (SLA), IN4 (New Development and Highway Consideraitons) and IN7 (Parking and new development), of The Swale Borough Local Plan; EN1 (Countryside), EN4 (AONB), EN5 (SLA) and T19 (Parking) of the Kent and Medway Structure Plan and E1 (General), E6 (Countryside), E9 (Protected Landscapes), T1 (Access for new Development) and T3 (Parking for new Development) of the Re-Deposit Draft Swale Borough Local Plan First Review.

Continued . . .
**Discussion**

Following the refusal of the previous planning application, the applicants have consulted with Kent Highway Services to try and find an alternative solution. I do not believe that the proposals as they stand follow the advice of those discussions and therefore require amendments before they can be supported. I do not yet have the comments of Kent Highway Services at this stage, but I will update Members at the meeting and subject to an appropriate solution being found, I recommend that Planning Permission be granted. I will also take advice from Kent Highway services on appropriate landscaping (in the form of a hedge) to re-instate an acceptable frontage treatment for the site.

**Summary and Recommendation**

I have considered the reasons for refusal in the previous application, but believe that subject to the views of Kent Highway Services the proposal is now acceptable and I recommend that planning permission be granted.

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**Responsible Officer: Graham Thomas (Area Planning Officer)**

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**List of Backgrounds Documents**

1. Application papers for SW/07/1186.

2. Correspondence relating to SW/07/1186
Re: Vehicle access for 1 boundgate cottages.

Dear sir/madam,

I enclose plans for vehicle access on and off of the front garden of my property. As I am sure you are aware this has been an on going case and I am now confident that I have met as many requirements as is possible in order to submit this application.

Firstly let me explain the ongoing history of this application. Some years ago my husband and I met with Mr Hinkesman and his colleague on site to discuss the possibility of gaining access from the main road. It was made clear the amount of space that would be needed for a car to turn around and pull out forward facing in order to consider the application. As a result my husband went ahead and dug out the front garden ready for plans to be submitted.

Mr Hinkesman and his colleague returned sometime after to view the space and to try turning around in their own car. They confirmed there was sufficient space to turn around and pull out forward facing but that we needed to address the height of our neighbours fence which partially blocked our view of the road to the left. Luckily our neighbour co-operated and lowered the height of the fence in order to satisfy the highways department. Although this was done on the recommendation of the highways department, I am aware that they still have concerns regarding the amount of distance viewable to the left.

Although it doesn't meet their exact requirements on paper, I can assure that it doesn't cause a problem in practice and welcome you to come and see this for yourself.

I was also advised that I would need some sort of retainer to prevent the stones from the drive going onto the road. As you can see from my plans I have included a 1 meter retainer to comply with highway regulations.

With regard to the open frontage of the drive, I would like to point out that when my husband and I purchased the property there was a single broken fence panel to the left and the same to the right. After removing these panels and landscaping the front garden it has created an 'open' appearance to the front of the property. Although my personal opinion is that it looks rather nice, I am aware that you may not find it suitable and am therefore open to suggestions regarding a metal sliding gate which can be opened up wide enough to give the space needed to drive on and off of the property.

I would also like to point out that out of the two joined properties, No.1 is well kept, maintained, neat and tidy, contributing to the natural beauty of the area. It is ironic that the neighbouring property had no problems gaining permission!

I am happy to say that I have received tremendous local support from neighbours, villagers and councillors who back my plans for access.

I would however like to point out the serious problems it would cause should the plans be rejected. Firstly there is no parking available for 1 boundgate cottages. In the past cars have parked on the grass verge across the road only to be broken into and vandalised. The other problem with parking across the road is trying to cross the junction in order to get to the property. In my opinion it is an accident waiting to happen as is the alternative
of parking legally outside the property on the main road. Although I made this the alternative until planning permission had been sorted, it not only angered other drivers causing them to honk their horns and on occasion swerve to prevent hitting the car, it angered the highway department (Gary Gibbs) who ordered me to park back on the drive as it was too dangerous to park on the road or attempt to cross it on foot.

I accept that my husband was a little too keen and perhaps assumed permission would be obtained once he dug out the drive but since the interest started some time ago he has passed away and I have done my best to sort out the problem and comply with all requirement leading up to the present date.

I would ask you to please consider this application carefully in my favour and also consider the long term benefit it would have regarding safety for occupants of the house and drivers along the main road.

Yours sincerely,

[Signature]
Applications for which REFUSAL is recommended

3.1 SW/07/0546 (Case 13619) DODDINGTON

Location: Wellwood Farm, Seed Road, Doddington, Sittingbourne, Kent, ME9 0NN

Proposal: Farm diversification change of use to permit limited seasonal opening to the public, extension to themed model shed and additional farm buildings for farmstay, animals and machinery

Applicant/Agent: Mrs E Foster, c/o J B Associates, 13 Morris Court Close, Bapchild, Sittingbourne, Kent, ME9 9PL

Application Valid: 20 June 2007

Reasons

(1) The erection of further buildings and other works beyond the immediate confines of the core of the farm buildings, and into the woodland on the site, represents an undesirable encroachment of development across the countryside to the detriment of the character of the woodland and the countryside as a whole which lies within the Kent Downs Area of Outstanding Natural Beauty. These works are considered contrary to Policies G1, E9, E13 and E14 of the Swale Borough Local Plan, and to Policies EN1, EN3, EN4 and EN5 of the Kent and Medway Structure Plan.

Introduction

This is a mixed application for existing and proposed building works, and for opening the site to the public. I think that it will be important for Members to visit the site before determining the application, and I have therefore prepared a two-part recommendation, which includes that visit.

Continued . . .
Relevant Planning History and Site Description

Wellwood Farm comprises a detached house and approximately 13 hectares of land, approximately half of which is woodland. It lies on the Borough boundary on Seed Road, to the south of Newnham. It thus lies in an isolated and remote location on the North Downs mid-way between the M2 and M20. Approach roads are narrow and confusing to the stranger, although the approach from The George at Newnham does not involve any need to turn off Seed Road.

The property has few immediate neighbours as the local settlement pattern is quite scattered, but there is a dwelling directly opposite the northern of the site’s two entrances, and a further dwelling to the north of the site on the same side of the road.

Prior to the purchase of the property by the applicant and her husband the site had little planning history. That which did exist relates to a two-storey extension approved in 1991, and the erection of a garage, office and stable block in 2000. On these application forms the use of the land was described as residential and garden

The applicant and her husband purchased the property in 2002 or 2003 and we quickly received complaints about building works at the site, and about the site being used for events to do with the husband’s financial business. Investigations revealed that former agricultural sheds had been re-built, a Japanese style tea house had been erected to house pump and filtration equipment for a large koi carp pond, two further agricultural sheds had been erected, and a large post holding cctv cameras and floodlights had been erected.

It was explained that the current applicant and her husband kept rare sheep and goats, free range pigs, cows, chicken, geese, ducks and pheasant, a number of horses and ponies plus exotic animals such as wallaby, llama, peacocks, parrots and koi, as an animal welfare and rescue centre. Substantial sums of money had been invested in new buildings, largely without the necessary planning permission.

Four planning applications were submitted in 2003 and those were approved. The application for the cctv/floodlight tower was refused, and this was later reduced in height to a level not requiring planning permission.

One of the buildings was thought to have been built as one of those approved in 2000, but wrongly positioned, but once it was approved the 2000 approved building was built as well.

Later in 2003 a retrospective planning application for a high wooden fence on the roadside was submitted, and this was approved subject to landscape requirements.
High metal entrance gates and brick and flint flanking walls were then erected, and an enforcement notice was served in March 2005. An appeal was lodged, but too late to be accepted, and negotiations have resulted in some remedial works to reduce the impact of the works.

We continued to receive complaints about further building works, and investigations continued. It transpired that further wooden buildings had been erected, and a mini-railway line, concrete and tarmac paths through the woodland, together with pergolas a fenced and surfaced pond area, and a new sand school had also been begun. The applicant, who now runs the site following legal action by the Financial Services Authority against her husband, initially argued that these works were all relating to agriculture.

However, in mid-2006 it became clear that the applicant had begun to open the property to the public on limited days, including allowing school parties to visit. Furthermore, the two wooden sheds near the northern site entrance had been turned into a display area for toys of the Star Wars and Lord of the Rings variety, set out in film–set style. These had apparently proved to be popular with visitors, and were hoped to continue to grow.

It became clear to me that opening to the public, and enhancing was the real motivation behind much of the work, albeit some work was also being done under advice from DEFRA regarding rural diversification, including the establishing of a farm brand of food and gifts, involving products grown on the site.

This appeared to me to establish the need for planning permission and, given the competing issues of countryside and landscape protection versus from diversification and tourism, I felt that they would be best dealt with by the applicant submitting this planning application.

**Description of Proposal**

This is a partly retrospective application for new buildings and other works. It also proposes new building works and a limited opening of the premises to the public as a local tourist attraction. There are further existing unauthorised works which are not specifically referred to as forming part of the application, but which I believe should be considered so.

The specific existing buildings that are shown to be applied for are new timber storage sheds for farm equipment, to replace those now being used for meat and other sales and related storage, and a new timber chalet for on-farm holiday accommodation. The extension of two approved timber sheds which currently contain a toy museum and displays of action figures in film-set style is also proposed.

Continued . . .
There are a small number of additional recently constructed sheds, and significant engineering works in the form of a mini railway line, concrete and tarmac paths, parts of which are covered by an extensive pergola structure, along with a further extensive area of pergola type works, and a new sand school, which are of recent origin, but are not specifically shown as being applied for.

Further, forward looking proposal for a new timber pet sales building, and for an extension to the sheds housing the toy collection are specifically applied for.

Beyond that, planning permission is sought for opening the site to the public in a limited manner. The agent’s statement explains the situation in some detail, and have attached this as Appendix A to this item.

**Views of Consultees**

Doddington Parish Council have visited the site, and been shown what has been built, and where further works are proposed. They have since made it clear that they oppose the proposals as being contrary to policies designed to protect the countryside and the landscape of the Downs. They say that they do not consider the farm to be a working farm, which should attract support for diversification proposals. Rather, they see the proposals as an over-development in open countryside, which has serious implications for highway safety.

They therefore oppose the application, and request that Members visit the site before determining the application.

The site does, however, lie right on the boundary of the Borough, and adjacent to Otterden Parish, with traffic likely to pass through that parish and Newnham parish. I have therefore consulted these parishes, as well as Maidstone Borough Council.

Members of Otterden Parish Council attended the site visit by Doddington Parish Councillors and have since sent a letter of objection. This is detailed and concise, and I have therefore attached it as Appendix B to this item.

Newnham Parish Council have, via their Chairman, also objected to the application. The Chairman expresses shock at the damage done to the woodland on the site by deer and the introduction of concrete roadways. They object to so much work going ahead without prior approval, and about the narrowness of the approach roads which they see as unsuitable for any increase in traffic.

Continued . . .
However, they see that if done well, this kind of scheme could be welcomed, and ask that if approval is to be granted restrictions are placed on growth, so that traffic and disturbance to neighbours is not allowed to increase any further.

Maidstone Borough council has raised no objection to the application.

Southern Water raise no objection.

The Environment Agency has no objection to the application provided that pollution prevention measures are put in place.

The County Archaeological Officer does not consider that any measures are necessary.

Kent Highway Services do not object to the application providing a one year temporary planning permission only is granted, and that on-site car parking is reserved.

I have made Kent Highway Services aware of local concerns over traffic, and they have made the following supplementary comments.

“Whilst Seed Lane is restricted to a single vehicle width along a significant proportion of its length, we have taken into consideration the likely vehicle movements that could be generated, and the seasonal hours of business. The accepted highways profession database, TRICS, suggests that similar attractions of a comparable size generate relatively low volumes of traffic. It is also worth noting that the farm will not open until 10am, and then only at weekends, bank holidays and during the school holidays. Consequently, we do not think this proposal is likely to interfere with the existing traffic flows to any noticeable degree. Notwithstanding the above, we have asked that permission be granted for a period of 1 year, so that the position can be reviewed with the benefit of actual data measured at this site.”

The Head of Amenities raises no objection providing hours of construction are limited, and opening times to the public are restricted by condition.

The Council’s Tourism Development Officer has visited the site both professionally and in a personal capacity. After initial concern, she has commented that:

- The animals present a valuable experience for small children;
- The site is well organised, and the experience is pleasant, educational and social;
- The toy film sets do not sit well with the remainder of the site, and their expansion would be better elsewhere;

Continued . . .
• Road access is poor, but better than some other popular attractions in rural areas;
• The location is attractive, and visitors might support other local businesses, and/or join with other local attractions to encourage visitors;
• There is a serious element of animal care, and the site represents a unique attraction within the Borough;
• She supports the principles of the proposal subject to careful and sensitive visitor management plans which would sensibly limit visit numbers so as not to spoil the special sensitivity of the landscape and local infrastructure.

The Kent Downs Area of Outstanding Natural Beauty Management Unit, responsible for implementing the Council’s duty to prepare a management plan for the area, has commented on the application. Their letter is attached as Appendix C to this item.

Other Representations

I have received eight letters of objection to the application from residents living around the local area. These largely focus on and echo the views set out in the letter from Otterden Parish Council (see Appendix B), particularly with regard to concerns over traffic, and the increased risk of accidents from the speed of traffic seen since the site began to be developed. Concern is expressed about further traffic if more development is allowed, and what the implications of keeping exotic animals might be. The impact on the landscape of further buildings is also a concern.

I have also received some queries about how this application may affect legal proceedings in respect of the former business affairs of the applicant’s husband, involving substantial sums of money. However, I do not believe that any of these are material to the merits of these proposals.

Relevant Planning Policies

The site lies in a rural area where policies EN1 and EN3 of the Kent and Medway Structure Plan and policy E9 of the Swale Borough Local Plan seek to safeguard the character of the countryside. Furthermore, the location of the site within the Kent Downs Area of Outstanding Natural Beauty, as recognised in the North Downs Special Landscape Area, means that policies EN4 and EN5 of the Structure Plan and E13 and E14 of the Local Plan which seek to protect and enhance the landscape quality of the area are relevant.

Part of the site is woodland which Structure Plan policy EN9 and Local Plan policy E18 seek to protect.

Continued . . .
The character of the narrow lanes approaching the site are protected by Structure Plan policy EN14 and by policy RC7 of the Re-Deposit Draft Local Plan. Their narrowness, and lack of forward visibility means that Local Plan policies G1, which regard to safe access, and IN4, regarding relationship to major routes, highway capacity and effect on landscape are relevant, as are Structure Plan policies TP15 and TP17 regarding the likelihood of crashes, and on traffic on minor roads.

These Plans also contain policies aimed at promoting the rural economy, and enhancing tourism, and these are relevant too. Local Plan policy B4 and Structure Plan policy EP7 encourage rural business, and Local Plan policy B5 and Structure Plan policy EP8 support farm diversification proposals, all in a manner mindful of potential traffic concerns.

In terms of tourism, Local Plan policy T2 supports new tourist facilities, especially those that promote a greater public understanding of the rural environment, and Structure Plan policy EP10 (Sustainable Tourism Development), also encourages new proposals, especially where they can be reached by a choice of means of transport. Tourist accommodation through conversion of buildings, or by development at sustainable locations is encouraged by Structure Plan policy EP12, but there is no policy to support new-build tourist accommodation in the countryside.

In recognition of its duty under the Countryside and Rights of Way Act 2000 to produce a management plan for the Kent Downs Area of Outstanding Natural Beauty (the AONB), the Council has joined with other local authorities to prepare such a plan. The plan sets out policies to assist the Council in its duty of preserving and enhancing the natural beauty of the area, for the period 2004 to 2009.

Included in this plan are policies aimed at protecting, conserving and enhancing the components of the natural beauty and landscape character of the AONB, that support measures to prevent deterioration of fundamental and special landscape characteristics, and support farm diversification activities only if they help to improve the special landscape character of the AONB and make a positive contribution to the local economy and rural community life. There is also support for activities that increase wider public understanding of farming, and the benefits that the farmed landscape can have for recreation, leisure, health, well being, nature conservation, archaeology and landscape.

For woodland, the Plan contains policies to support woodland management that make a positive contribution to conserving and enhancing the special character of the woodland landscape in the AONB, and promote a wider understanding of sustainable management of woodland.
Tourism proposals which enhance people’s enjoyment and understanding of the AONB are supported by the Plan, as are businesses and services which add to the vibrancy of communities, especially where they enhance the natural beauty of the AONB.

At a national level Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) deals with countryside protection, farm diversification, and rural tourism. It states that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. It states that most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by a choice of means of transport. It also argues that new building development in the open countryside away from existing settlements should be strictly controlled to protect the intrinsic character, beauty and diversity of the countryside so that it can be enjoyed by all.

PPS7 confirms that Areas of Outstanding Natural Beauty have been confirmed as having the highest status of protection in relation to landscape and scenic beauty, and that the conservation of the natural beauty of the landscape should be given great weight in planning policies and in development control decisions.

In terms of farm diversification, PPS7 argues that local planning authorities should be supportive of well conceived farm diversification schemes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and which are consistent in their scale with their rural location. However, it warns that a supportive approach to farm diversification should not result in excessive expansion and encroachment of building development into the countryside, concentrating instead on the re-use of buildings, and having regard to the amenity of nearby residents and other rural businesses.

Tourism is referred to in PPS7 under three headings; tourism and leisure, tourist and visitor facilities, and tourist accommodation. Within these subject areas, and of relevance to this proposal, the guidance is that:

- Tourism and leisure facilities are vital to many rural economies
- That policies should support sustainable rural tourism developments that benefit rural businesses, communities and visitors, but do not harm the character of the countryside.
- There should be scope for tourism developments in areas designated for their landscape importance subject to appropriate control to ensure the particular qualities or features that justified designation are conserved.

Continued . . .
Wherever possible, tourist and visitor facilities should be housed in existing or replacement buildings, especially if outside settlements.

Most tourist accommodation should be located in, or adjacent to, existing towns and villages, or be in converted existing buildings.

Self-catering accommodation should be supported if it accords with sustainable development objectives, such as re-use of existing buildings as part of a farm diversification scheme.

National policy on tourism development can be found in the Good Practice Guide on Planning for Tourism which goes into great detail on tourist developments. In terms of dealing with tourist proposals it looks at location, design and compatibility with the surroundings as key matters, emphasising the need for accessibility, attractiveness to users, and complementing rather than detracting from the environment, with positive rather than negative impacts on landscape and other criterion.

In all cases, it will be necessary to balance the likely tourism benefits against dis-benefits such as traffic, design and countryside impact.

**Discussion**

This proposal has attracted sharp criticism from Parish Councils and local residents. The fact that much of the work has already been done, and that the site has already been opened to the public may lie behind some of this. However, this has the slight benefit of allowing a clear impression of how the proposals may affect the area.

The lack of a highway objection, and the guarded support of the Council’s Tourism Development Officer contrast with views from Parish Councils, local residents, and the Kent Downs AONB Unit. I believe that there are some acceptable parts and some unacceptable parts to the proposal.

On the positive side, the opportunity for (young) people to see and experience farm and other animals at close quarters in a truly rural location is valuable. I believe that this enhances the appreciation of the wonderful rural resources that Swale has to offer, but is rarely available. I consider that to allow already approved buildings to be used for such purposes will be in accordance with national and local policy, and could be restricted by condition sufficiently to be an unacceptable nuisance of road safety hazard. In reality, the amount of traffic that visitors might generate may be quite low, and although the site is not reasonably accessible other than by car, I consider that a temporary permission of 3 years will allow the impacts of opening to the public to be appreciated.

On the other hand, the multitude of new buildings and other works that have been built and are further proposed is of concern to me. Works have proceeded apparently without a clear plan, and the overall resultant appearance is (and would be) incoherent and unattractive.

Continued . . .
The recently erected further buildings including store sheds and the farm-stay cabin intrude into the woodland area. The proposed pet store, sand school and toy museum extension spread outwards beyond the core of the site, encroaching into an unspoilt area. The toy museum extension itself will, because of felling ground levels, appear high and intrusive.

The concrete and tarmac paths through the woods, the attendant pergolas and potential exterior lighting all do or will seriously detract from the character of the woodland. The miniature railway cuts across the open fields and through the woods and, even in its incomplete state, detracts from the natural beauty of the surroundings.

I am less concerned by the pergola structure near the road over the market garden area, or the fenced in pond, a potential wildlife resource, but I do feel that the extension of the building works, especially those into and beyond the woodland, detract markedly from the character of that woodland, and encroach onto what was an unspoilt corner of the AONB.

The nature of much of this work is unsympathetic to the character of the local area, and presents a confusing and unappealing result. The toy museum itself occupies two authorised buildings, and a further unauthorised infill extension. This does not encroach on the countryside beyond the area around the house, but its further extension would. I see little in the nature of a good fit between this activity, which essentially represents another of the family's hobbies, and the rural area and no reason to see it expand on this site.

I am therefore in a position of having to choose between an inclination to support the opening of the farm to the public on a limited and initially temporary basis, and my concern about the encroachment on the countryside of the further building and other works which I strongly believe to be harming the character of the countryside.

Ultimately, I see no conflict between encouraging public access to the animals, and the toy museum as it stands, and preventing the encroachment of additional buildings and other works on the countryside.

**Recommendation**

I have asked for this application to allow full and wide public consultation on the various existing and proposed works, and on the question of opening to the public. I have fully considered all the comments that have been made, and these have helped me to come to my recommendation, which is in two parts.

Continued . . .
Firstly, on the basis that what I find potentially acceptable is a very small part of the application, that is the limited opening to the public and some minor works, whilst what I find unacceptable is the majority of the proposals, my recommendation is that this application as a whole should be refused. This is because of my concern that recently erected and proposed building works including new sheds, the farm-stay cabin, concrete and tarmac paths and pergolas, the mini-railway line, and the new sand school encroach unacceptability into the countryside.

In so recommending, I am not closing my mind to a fresh application simply for opening to the public, and for the existing extension to the toy museum.

Secondly, because of the unusual nature of the proposals, and their extent, I consider that Members would be well advised to visit the site before coming to a decision on the application.

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Responsible Officer: Graham Thomas (Area Planning Officer)

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List of Background Papers

1. Application Papers and correspondence for SW/07/0546

2. Application Papers and correspondence for applications SW/92/444, SW/00/625, SW/03/1338, SW/03/1339, SW/03/1340, SW/03/1341 and SW/03/1448
Supporting Design & Access Statement

Wellwood Farm, Seed road, Doddington, Kent ME9 0NN

Farm Diversification Change Of Use to Permit Limited Seasonal Opening to the Public, Extension to Themed Model Shed and additional Farm Buildings for Farmstay, animals and machinery.

To be Read in conjunction with Farm Layout Drawing No. SP/0107/2

1.0 Existing Use

The present Wellwood Farm is approx. 5.5 hectares and consists of the main farmhouse located in Seed Road on a curtilage of 0.50 hectares surrounded by some 2 hectares of coppice woodland and 3 hectares of grazing land. Access is via two electronic gated entrance and the whole farm is fenced with a 2M high close boarded fence for security and animal retention. The present owners have run a Exotic & Rare Breeds Rescue Centre on the farm since moving to it in 2002 from a smaller site in Swale.

Animals are brought to the farm by the RSPCA and other animal rescue charities, other Exotic and Rare Breed Parks in Kent and the general public. Currently the farm has a wide mix of Rare Breeds (7 horses and ponies, 11 pigs, 4 goats, 8 cattle, 14 sheep, 8 deer, 115 fowl, 20 rabbits) and Exotic animals ( 7 wallabies, 5 prairie dog, 2 llama, 3 rhea, 9 peacocks and 6 parrots) as well as some 80 Koi fish.

A number of the existing farm buildings have been re-furbished, added to or built new over the last five years in order to house animals or farm materials and equipment as well as the family hobby of constructing model film scenes from Lord of the Rings, Star Wars and Pokimon.

Until recently the Rescue Centre has been financed mainly by the owners with some voluntary contributions and help. The Rescue Centre has grown however to the point where it has become necessary for it to seek to generate its own income in order to become self-financing in the future.

2.0 Diversification Changes

Following discussions with DEFRA on methods of diversifying and generating income a number of changes on the farm were undertaken over the last year and advantage taken of the permitted seven days opening to the public. The Farm has taken part in the Doddington Village Open Gardens days, opened at August, Easter and May Bank Holidays and arranged a few escorted Tours from local schools in west Swale. These tours and open days have been well received and supported. A major ancillary attraction at these events turned out to be the family’s hobby the Model Film Scenes.
Discussions are now ongoing with the Council’s Environment Dept. with a view to applying for a Zoo licence which would be necessary to permit wider access and more opening to the public due to the Exotic breeds on the farm. A pre-application Health & Safety Report was commissioned from an independent Safety Advisor and most of the work recommended has now been undertaken including the installation of toilet and wash facilities.

The existing Menage was moved to the bottom field and replaced with a Pagoda covered market garden area in order to provide certain feed requirements for the various animals on the farm and to permit fruit and vegetable processing into jams, chutneys, pickles etc. Two of the steel sheds refurbished in 2003 are now partially used for the storage and packing of these foods under the label of ‘Wellwood Farm Foods’ which are sold in the Farm Shop and at Farmers Markets around Kent.

Following discussions with the Council’s Environmental Health and Planning Officers a Farm Shop was added and then relocated within existing buildings adjacent to a Farm Butchers Shop. These have been inspected and approved for use by Food & Hygiene Officers. These are located near to one of the main farm entrances so as to restrict the public to that part of the farm and sales are open at weekends and Bank holidays 10am to 4pm and at other times by prior appointment.

3.0 Proposal for Wellwood Farm Exotic & Rare Breed Centre & Farmstay

This application seeks a change of use on the Farm to permit limited seasonal opening to the Public from 10am to 5pm at Weekends, Bank Holidays and School Holidays between Easter and October Half Term. The Centre will add to the Tourist attractions in Swale and provide a valuable educational and rural animal awareness facility. Children who might not otherwise visit will also be attracted to the Centre by the special attraction of the ‘Lord of the Rings’, ‘Star Wars’ and ‘Pokemon’ authentic model film scenes.

Approval is also sought to the recent construction of Timber Farm Buildings i.e. the Farm Machinery Pole Barn, Tool Shed (5m x 5m x 3.6m pitch) and Storage Shed (12m x 5m x 3.6m pitch) built to replace the sheds now utilised for the Farm Shop and Butchers, an extension (12m x 5m x 3.6m pitch) added to the large shed at the entrance now used to house the model film sets, the erection of a small Farmstay Log Cabin (4m x 4m x 4.5m pitch) in the woodland and the installation of a ‘Maxitrack’ 7 inch gauge Miniature Railway track on the Farm which is used both for fun and to transport Feed and farm produce about.

In addition advance approval is sought to erect a Pet Food and Pet Sales Log Cabin (11m long x 6m wide x 4.5m high) in the woods to the rear of the Farm Shop & Butchers which is required to be separate for these purposes by Environmental Health and to the erection of a further 15M long x 12m wide extension to the Timber Shed now housing the model film sets.
4.0 Access

It is anticipated from the experience of open days over the last two years that on average of up to 30 cars a day might visit the Farm and there is already hardstanding car parking to cater for this. On certain days such as Bank Holidays this number might be exceeded and an area for overspill parking is provided as it has been on past Doddington Village Open Garden days.

A number of toilet and wash facilities (4) have been provided at strategic locations around the Farm including one for the disabled.

5.0 Conclusion

These proposals accord with the existing and emerging Local Plan, particularly policy B5 and RC1 encouraging diversification of farms, use and employment in the rural area and the improvement of tourism within Swale. Provision has been made for access, parking and facilities for the public and their protection.

The full extent of the attractions available at Wellwood cannot however be adequately described on paper and it is suggested that a site visit be made by members of the Planning Committee and Parish Council before determining this application. The applicant would be pleased and willing to arrange such a tour.

The End

J.B. Associates – 03/07
19 July 2007

Dear Sirs;

Letter from Otterden Parish Meeting, Chairman David Merryfield.

Re: Proposed development at Wellwood Farm, Seed Road, Doddington, ME9 0NN
SW/07/0546 GDT Case 13619

Further to your letter to Otterden Parish Council dated 21st June 07, considerable concern and alarm has been expressed by a large proportion of the parish members and they have therefore asked me to confirm the following serious objections to the proposed development.

1) The proposals would result in an over intensive development within an area of outstanding natural beauty and the density and design of the buildings are totally unsuitable when taking into consideration the visual amenity of the area.

2) The applicant has previously continually flouted the planning regulations and erected buildings and carried out practices/activities without formal consent in spite of previous attempts by Swale Borough Council to enforce development control.

3) The immediate roads serving Wellwood, i.e. Seed Road, Slade Road and others are totally incapable of taking the extra traffic that would be generated by the proposed development and there have already been accidents as a direct result of the additional traffic caused by the applicant's business activities. A large proportion of the roads are within the Otterden Parish.

4) The noise generated by the proposed development i.e. railway, vehicles (parking for 30 cars, plus overspill shown on the application drawing) and additional people/activities would be detrimental to the area and cause a significant nuisance to the immediate neighbours. Some of whom are within the Otterden Parish. Is it also assured that the mobile burger bar will be reactivated when the development is up and running and this will present a further nuisance, i.e. smells which occurred when it was previously in operation.

5) Due to the remoteness of the development site, restricted vehicle access and increased risk of fire and ambulance/paramedic services would be unable to adequately attend to the needs of the proposed development and any incident requiring the emergency services would significantly increase the risk of an accident on the roads. The increase risk of fire would also seriously increase the risk of the spread of fire to adjoining fields/woodland and properties especially during the summer months and any fire would obviously have a major impact on the visual amenity of the area.

6) The proposed development would be detrimental to the wildlife in the immediate area.
APPENDIX B (Contd) ITEM 3.1

7) The supporting design and access statement indicate that the applicants have been running an exotic and rare breeds rescue centre, it is well known that this has not been properly managed i.e. the peacocks have been ravaged by foxes and the deer and ponies have escaped, wallabies have been seen roaming on the road 2 miles away.

The species and livestock quoted in the statement are also hardly worthy of the definition "rare breeds".

8) Serious concern has been expressed in respect of the security and safety of the site, proposed development and subsequent effect on neighbours and the immediate area. When taking into consideration previous incidents, i.e. attempting to blow up the entrance gates with a vehicle loaded with propane cylinders and criminal proceedings by the police as a direct result of practices carried out by the applicants.

Yours faithfully

P.P. Otterden Parish Council

David Merryfield
For and behalf of Otterden Parish Council
Mr G Thomas  
Swale Borough Council  
Planning Department  
Swale House  
East Street  
Sittingbourne  
Kent  
ME10 3HT

4th October 2007

Dear Mr. Thomas

Application number: SW07/0546 GDT Wellwood Farm, Seed Road, Doddington

Thank you for consulting us on the above application. These comments are from the Kent Downs AONB Unit as such they do not necessarily represent the comments of the whole AONB partnership.

Background Information

The Kent Downs Area of Outstanding Natural Beauty (AONB) partnership has agreed to take on a limited land use planning role. In summary this is to:

1. Provide design guidance in partnership with the Local Authorities represented in the AONB.
2. Comment on forwardategic planning issues for instance Local Plans/Local Development Frameworks.
3. Involvement in development control (planning applications) only in exceptional circumstances. For example in terms of scale and precedence.
4. Provide informal planning advice on development control (planning applications) at the request of a Kent Downs AONB Joint Advisory member and/or Local Authority Planning Officer.

National and Local planning policies are very clear that highest priority should be given to the conservation and enhancement of Areas of Outstanding Natural Beauty. In June 2000, Nick Raynsford (the then Planning Minister) made a statement in the House of Commons that confirmed that AONBs are equivalent to National Parks in terms of their landscape quality, scenic beauty and their planning status. Planning Policy Statement 7 (PPS7) confirms this.

The status of AONBs has been enhanced through measures introduced in the Countryside and Rights of Way (CROW) Act 2000, which gave greater support to their planning and management. These measures include a “duty of regard” on public bodies to take account of the need to conserve and enhance the natural beauty of AONB landscapes when carrying out their statutory functions.

The Act requires a management plan to be produced and accordingly the Kent Downs AONB Management Plan was published in April 2004. This Management Plan was formally adopted in February 2004 by all the local authorities of the Kent Downs. The Management Plan contains a number of specific policies on sustainable development and travel. The management plan may be viewed on our web site www.kentdowns.org.uk.
Your request, ref Email, 6th September 2007, asked that we comment on how the proposal fits with the objectives of the AONB.

From the explanation above it is quite clear that the primary objective of the AONB is to conserve and enhance natural beauty and the proposal needs therefore to be considered in that context.

As agreed, my planning officer Stella Bandu (MRTPI) has visited the site and her views are that:

- Currently the site is out of keeping with the Landscape Character of the Kent Downs AONB.

- More specifically site boundary treatments, management of the woodland and other landscaping are not appropriate in the Kent Downs AONB.

So with regard to the primary purpose of the AONB we do not consider the application supports this purpose.

There is a secondary purpose for the AONB designation and this is to support social and economic development that in themselves conserve and enhance the environment. Once again we do not consider the application supports the secondary purpose of the AONB.

The AONB Management Plan sets out policies and actions for the Kent Downs which help articulate how the purposes of AONBs could be achieved in the context of the Kent Downs. The Management Plan is not anti-development, rather it seeks that where development occurs it supports the purpose of the AONB and is of the highest quality.

When considering this application I would therefore like to draw your attention to the adopted policies of the Kent Downs AONB Management Plan.

With regard to access enjoyment and understanding the plan is clear that opportunities should be made for high quality provision. This is supported by the need to ‘attain high standards of landscape and recreational management, visitor facilities and access opportunities’. The relevant policies for development seek ‘to ensure that local character and distinctiveness will be reflected in the design, scale, setting and materials of new development’. These policy objectives are supported in a practical way by the Kent Downs AONB Landscape Design Handbook which is also available on our website – or we can arrange to post to you should you wish.

On the site visit it was also noted that there are narrow access roads in the vicinity of the site. Policies in the sustainable development and travel section of the plan (Page 56) are clear on the need to reduce the impact of traffic on rural roads and conserve and enhance the local distinctiveness of the AONB. The plan also encourages the reduction in the need to travel by car and support new and improved measures to provide integrated and attractive transport opportunities for local people and visitors.

I hope that this is a helpful input into your decision making process.

Please keep us informed of your likely recommendation so that we can make further comments if appropriate.

Yours sincerely

Nick Johannsen
Director, Kent Downs AONB
5.1 SW/06/1193 and ENF/07/0007 (Case 21232) – Detached Garage (Retrospective) – Ben Nevis, Eastchurch Road, Minster, Kent, ME12 4HZ

APPEAL DISMISSED

The Inspector commented as follows:

"Appeal Refs: APP/V2255/C/07/2040031 and 2040032
Ben Nevis, Eastchurch Road, Minster in Sheppey ME12 4HZ

- 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 are made by Mr D Friday and Mrs Friday against an enforcement notice issued by Swale Borough Council.
- The Council's reference is ENF/07/007/C21232.
- The notice was issued on 24 January 2007.
- The breach of planning control as alleged in the notice is without planning permission the construction of a detached garage to the rear of the property.
- The requirements of the notice are:
  1) Remove the detached garage to the rear of the property, making good where necessary, and
  2) Remove from the land all debris, bricks and other material occasioned by complying with (1) above.
- The period for compliance with the requirements is within 3 months.
- The appeals are proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decisions: The appeals are dismissed and the enforcement notice upheld.

Appeal Ref: APP/V2255/A/06/2033110
Ben Nevis, Eastchurch Road, Minster in Sheppey ME12 4HZ

- 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 and Mrs D Friday against the decision of Swale Borough Council.
- The application Ref SW/06/1193, dated 5 October 2006, was refused by notice dated 20 November 2006.
- The development proposed is a detached garage.

Summary of Decision: The appeal is dismissed.
Deemed Applications and Appeal ref: 2033110

Continued . . .
1. The main issue is the effect of the garage on the character and appearance of Plough Road.

2. The Kent and Medway Structure Plan 2006 encourages good design and Policy QL1 requires developments to respond positively to the scale, layout, pattern and character of their local surroundings. Policy G1 of the Swale Borough Local Plan July 2000, which continues to apply as a ‘saved’ policy, has similar requirements. These policies of the development plan are consistent with national policy in Planning Policy Statement 1. PPS1 states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area, should not be accepted.

3. Eastchurch Road is to the east of Minster, where development is more fragmented and the area has a more rural character. The housing plots fronting Eastchurch Road, including the appeal site, extend through to Plough Road. The backs of these properties have quite an open appearance due to the gardens, various forms of small garages and sheds, uncovered parking spaces and low level boundary treatments. These domestic features are in keeping with the small scale terraces of older bungalows fronting Eastchurch Road. The bungalows to the west of the appeal site and the nearby cottages in Walden Terrace on Plough Road further emphasise the generally low height of buildings near the site. This characteristic, together with the simple design and appearance of the dwellings, is well suited to the rural surroundings.

4. In August 2005 planning permission was granted for a replacement dwelling and detached garage at Ben Nevis. The detached dwelling has a hipped gable roof, enabling dormer windows to be formed and the upper floor accommodation to be within the roof space. The approved detached double garage would be sited close to the highway on Plough Road. It was designed to look like a single storey garage, with a low profile to the hipped gable roof. It would appear subsidiary to the main dwelling and respect the more spacious appearance of this side of Plough Road.

5. The garage as built has a square plan form, incorporating a loft above the parking area and the roof reflects the form, pitch and materials of the parent dwelling. However, the creation of an upper floor loft has required a marked increase in the height and overall size of the garage compared to that approved. More specifically, the increase in height and the expanse of the roof slopes have meant that the roof is an over-dominant element, out of proportion with the lower part of the building. Furthermore, the gable ends have been built-up, which increases the visual and physical presence of the building. In my estimation the eaves line is higher compared with that shown on the plans of the approved building. The garage is no longer clearly a subsidiary building to the main dwelling.

Continued . . .
5.1 (Contd)          PART 5

6. Matters of detail are also unsatisfactory. The clock tower is inappropriate to the building and its location. It draws undue attention to a functional garage building in local views along Plough Road. The roof light increases the perception of height and indicates an upper floor. The single garage door across much of the width of the building emphasises the less than sympathetic proportions.

7. Because of its larger and bulkier size, it does not respond well to the very small scale nature of the structures and the open appearance of the back gardens along Plough Road. It is unduly prominent and totally out of keeping with the restrained scale and form of neighbouring development. Its position, close to the highway and on slightly higher ground, increases its dominance such that the garage is intrusive in the appearance of the street. I also consider the garage is unneighbourly because of its over-large size and its unreasonable intrusion into the outlook from nearby dwellings.

8. The appellants drew my attention to a recently built garage at a property on Bell Farm Lane. This garage, though, is set well back from the highway and is in quite a different context because the dwellings on the lane are detached houses in wide plots. Circumstances are not directly comparable and it does not provide a sound justification for a similar garage at Ben Nevis.

9. My conclusion is that the garage harms the character and appearance of Plough Road and it fails to comply with requirements of the development plan. The garage does not improve but is detrimental to the visual quality of the locality and, following policy in PPS1, it is not acceptable. For the reasons given above and having regard to all other matters raised, the appeals on ground (a) do not succeed and I intend to dismiss the section 78 appeal.

Appeals on ground (f)
10. The appellants consider that the steps are excessive because they require removal of the entire garage and not just the removal of the roof.

11. The breach of planning control is the construction of the garage without planning permission. The garage as built differs in several respects from the garage as shown on the approved plans and the Council's appeal statement confirms that it is not only the roof that is in dispute. I have considered the planning merits of the garage as built under the ground (a) appeals and have concluded that it is unacceptable.

12. The purpose of the enforcement notice is to remedy the breach by securing the removal of the building. The requirements are not excessive to achieve that purpose. Given the way the legislation is worded it is not open to the appellants to argue the steps should achieve a different purpose. Furthermore, to only require the removal of the roof would be unsatisfactory because it would leave uncertainty as to how the building should be completed. The appeals on ground (f) fail. Continued . . .
 Appeals on ground (g)

13. The issue is whether the compliance period of 3 months falls short of what should reasonably be allowed.

14. The appellants are seeking a 6 month period to provide greater flexibility to revert back to the approved garage. However, the requirement of the notice is limited to the removal of the unauthorised garage. The works would not involve any complex operations and I am satisfied that 3 months is a sufficient length of time to achieve compliance. The appeals on ground (g) do not succeed.

Formal Decisions

Appeal Refs: APP/V2255/C/07/2040031 and 2040032

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

Appeal Ref: APP/V2255/A/06/2033110

16. I dismiss the appeal.”

Observations

A good decision in which the Inspector agreed that the garage is detrimental to the character of the area. The Inspector also agreed that three months was a sufficient length of time to achieve compliance for removing the garage. The situation will be monitored and the appropriate action taken to secure the removal of the garage if necessary.

Responsible Officer: Andy Jeffers (Area Planning Officer)

List of Background Documents

1. Planning Inspectorate Appeal Decision reference: APP/V2255/C/07/2040031 and 2040032

2. Appeal Papers (statements and correspondence)

3. SBC Decision on Application SW/06/1193 and SBC Enforcement Notice issued on 24 January 2007 or etc etc etc
5.2 TN/07/0009 (C7688) – Refusal of prior approval for the erection of a 15 metre high telecommunications base station and associated apparatus on land at St Paul’s Street, Milton Regis, Sittingbourne

APPEAL DISMISSED

The Inspector commented as follows:

"Appeal Ref: APP/V2255/A/07/2048081
Grass verge adjacent to St Paul’s Street, Milton Regis, Sittingbourne, ME10 2LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Hutchison 3G (UK) Ltd against the decision of Swale Borough Council.
- The application Ref TN/07/0009 (case 7688), dated 31 January 2007, was refused by notice dated 7 March 2007.
- The development proposed is the installation of a radio base station comprising a 15m high telecommunications slimline monopole, three antennas, radio equipment housing and development ancillary thereto.

Decision

1. I dismiss the appeal.

Procedural matter

2. As originally submitted the postcode was incorrect. This has been corrected in the heading above.

Main issue

3. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the street scene.

Reasons

4. The appeal relates to a small part of a triangular piece of land retained as a grassed area where a road has been cut through the otherwise tightly packed development of Sittingbourne. It is clearly visible along the line of St Paul's Street and its presence is the more apparent due to its position on the outside of a bend. Although the grassed area

Continued . . .
has shrubs around two of its sides, the proposal would be sited towards the centre of the third, open side, adjacent to the road. The land falls away so the potential of the shrubs to provide a screen when viewed from the housing beyond or to provide a backdrop when viewed from the highway would be reduced as a result of their lower position. In this context, the spread of cabinets extending along the back edge of the pavement would be prominent and intrusive.

5. Nearby buildings are generally two or three storeys in height. Many have television aerials which punctuate the skyline. Street lamp columns are taller than most of the buildings and so are clearly visible on the skyline. Although the slim monopole would be taller, it would not be out of character against this background but it cannot be separated from the visual harm its associated cabinets would cause.

6. The need for the proposal in this vicinity is demonstrated by the coverage plots submitted by the appellant. This is not contested by the Council. The efficacy of the alternative site search is challenged in general terms but no specific alternative is put forward so that although the appellant’s stated reasons for rejecting alternative sites are sometimes cryptic, I have no evidence to demonstrate that they are unsound.

7. Although need has been proven, the disposition of the cabinets causes harm. I have no evidence that their particular disposition is the only possible arrangement such that it would outweigh the harm caused. I therefore conclude that the proposal would harm the character and appearance of the street scene. It would be contrary to policies G1, IN25 and E47 of the Swale Borough Local Plan which have been saved under the terms of a direction made under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004. These policies require developments to avoid an unacceptable effect on the natural and built environment, to have regard to the characteristics and features of a site and its locality and seek to enhance the appearance of strategic routes.

8. Local residents raise a number of other matters, which I have considered, including health impacts. An ICNIRP certificate is supplied. Government advice is that with such a certificate, health effects need not be considered further and there is nothing before me to suggest otherwise. In any event, I have dismissed the appeal for other reasons.”

Continued . . .
Observations

A good outcome. Although the Inspector did not share Members’ view that the telecommunications monopole would detract from the character of the area or the view that a more suitable site may well exist in the search area, he did feel that “the disposition of the cabinets causes harm”. On the basis of this issue, the appeal has been dismissed.

Responsible Officer: Jim Wilson (Area Planning Officer)

List of Background Documents

1. Planning Inspectorate Appeal Decision reference: APP/V2255/A/07/2048081

2. Appeal Papers (statements and correspondence) for APP/V2255/A/07/2048081

3. SBC Decision on Application TN/07/0009
5.3 SW/05/1316 (C21662) Use of land for one mobile home and one tourer for gypsy family, Tootsie Farm, Elverland Lane, Eastling, and related Enforcement Notice Appeal

APPEALS ALLOWED AND TEMPORARY PLANNING PERMISSION GRANTED

The Inspector commented as follows:

"Appeal A Ref: APP/V2255/C/07/2040928
Tootsie Farm, Elverland Lane, Painters Forstal, Faversham, ME13 0RY

- 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 Wayne Willett against an enforcement notice issued by Swale Borough Council.
- The Council's reference is GT/ENF/07/016/C:21662/JB.
- The notice was issued on 6 March 2007.
- The breach of planning control as alleged in the notice is:
  i) the material change of use of the land from agricultural land to land used as a caravan site for the stationing of caravans/mobile homes used residentially, for the keeping of horses, the stationing of an external wc and
  ii) the erection of close-boarded and post and rail fencing the approximate position of which is identified on the notice plan, laying of hardsurfacing and creation of a new access onto Elverland Lane to facilitate such use.
- The requirements of the notice are:
  (1) Cease using the land or any part thereof for the stationing of caravans/mobile homes, or for the keeping of horses.
  (2) Remove from the land all caravans/mobile homes, horses, the external wc, closeboarded and post and rail fencing, hardsurfacing and stop-up the new access by returning the land to its previous condition.
  (3) Remove from the land all rubbish or debris caused by or associated with compliance with (1) and (2) above.
- The period for compliance with the requirements is 12 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.

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

Continued . . .
Appeal B Ref: APP/V2255/A/07/2035766
Tootsie Farm, Elverland Lane, Painters Forstal, Faversham, ME13 0RY

- 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 Wayne Willett against the decision of Swale Borough Council.
- The application Ref SW/05/1316, dated 7 October 2005, was refused by notice dated 5 January 2007.
- The development proposed is use of land for one mobile home and one tourer for Gypsy family.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

The terms of the enforcement notice and Appeal A on ground (c)

1. It is not immediately clear, notwithstanding the title “Enforcement Notice – Change of Use” that the allegation refers to that alone and not operational development as well. The allegation has two numbered parts, one relating to change of use and the other to operational development, just as one might anticipate in a composite notice. Moreover, there is no reference to 10 or 4 years in the notice.

2. At the hearing the council confirmed that the notice should refer to 10 years and that they intended the notice to allege only a change of use, the words “to facilitate such use” at the end of the recital of the operational development in the allegation was intended to convey that. Since those works had facilitated the use they could, on the authority of Murfit v SSE [1980] JPL 598, be required to be undone through the requirements of the notice. I consider this to be a perfectly legitimate approach where works have been carried out to facilitate and, in effect, form part and parcel of the change of use. But Murfit does not extend to works carried out in relation to a different use.

3. Under ground (c) the appellant says there was some hardstanding on the land when he bought it and that there was already an access to Elverland Lane. At the site visit I saw under the gravel some darker material – possibly road planings – that had been worked into the topsoil. It is not clear how far that extends under the gravel. The appellant bought the land some three years ago. At that time there was a barn which had been erected by the previous owner. It is the appellant’s case that there was some hardened material forming an access from the roadside field gate to the barn. Certainly the 2003 aerial photograph shows worn ground or light coloured material which supports the view that there was a change in surface in that area. Whether the material I saw on site is what appears in the aerial photograph is difficult to say but there is no evidence to contradict what the appellant says about the condition of the ground before he spread the gravel. As to the access, Mr Woods, a local resident who has no connection with the appellant, remembers there being a five-barred gate in line with the field/road boundary before the appellant

Continued . . .
bought the land. However, there is no doubt that as part of implementing the change of use alleged the appellant has put down a gravel surface on part and a tarmac surface on the northern part of the land within the residential compound. He has also widened and surfaced the access with tarmac within a set back and bellmouth. In so far as he has carried out works to facilitate the change of use these are matters for ground (f) in the light of how the council intended the notice to be understood and how I intend to correct it.

4. The allegation would be better worded if it simply described the uses being alleged. It is not necessary to refer to enabling works in the allegation. The logic of referring to them only in the steps required to be taken is that it is only their undoing that is material to the notice, as derived from s173(4)(a) – restoring the land to its condition before the breach (the change of use) took place. In addition the allegation includes within the change of use “the stationing of an external wc”. A simple allegation of “stationing” does not say anything about the use since items can be stationed on land for a wide range of purposes or uses. In this case it is clearly there as part of the residential caravan site use and needs no separate reference as a use. I intend to correct the allegation as follows:

“Without planning permission, the material change of use of the Land from agricultural land to land used as a caravan site for the stationing of caravans/mobile homes used residentially and land used for the keeping of horses.”

5. I conclude that in the light of a proper construction of the allegation the matters raised by the appellant do not lead to a success on ground (c). To the extent they relate to the older hardstanding and formation of an access they fall to be addressed under ground (f) as excessive requirements.

The s174 appeal on ground (a) and the s78 appeal

6. The planning application relates simply to use of the land as a Gypsy caravan site and the deemed application relates to that and to the use of the land for the keeping of horses. The council take no issue with the principle of the use of the land and the barn that predates the appellant’s acquisition for the keeping of horses provided a conditional permission is given. In essence they seek to bring that use under proper planning control through the enforcement notice. Thus regardless of the residential use it would be appropriate to grant planning permission.

7. The residential use raises a number of issues. Firstly whether the appellant is a Gypsy for planning purposes; if so, whether the site is suitable as a single family Gypsy site given its relatively remote location within the countryside which is an AONB and its access; and whether there are other considerations to be weighed in the balance.

Continued . . .
Gypsy status

8. The appellant is temporarily absent from the site having been committed to prison but the site continues to be occupied by his two sons Billy and Wayne. Billy is in full time education and Wayne, assisted by his uncle who lives in a mobile home at nearby Horseshoe Farm, continues the horse breeding and trading business as well as trading in tack. The council’s case is that they accept there is some measure of income being gained from going to horse fairs but the appellant does not stay away long enough to constitute “travelling”. These are more in the nature of business trips and do not constitute a nomadic habit of life. The Circular definition uses the word “only” with reference to the reasons why they may have ceased travelling for educational or other reasons. That Billy is in full time education is not the only reason they no longer travel. Following a lengthy discussion with the planning officer it became clear that the appellant does not do casual work on the way to and from horse fairs or travel for other work. He explained a settled pattern of life, centred on breeding horses and dogs, which did not have as the only reason the educational needs of Billy. This is not enough to satisfy the Circular definition.

9. I am in no doubt that before moving onto the site the appellant fully satisfied the statutory and Circular definitions of a Gypsy for planning purposes. He has lived in caravans in Kent, including on the Church Marshes and Murston Gypsy sites. It is true that he has had a number of relationships with partners who lived in houses but the evidence is that he could never settle in the houses and used them more as addresses and for occasional visits; he did not live in them permanently and always kept a caravan. In the years immediately before coming onto the site he lived in caravans all over Kent carrying out tarmacking and block paving but mainly buying and selling horses. As well as the appeal site he has land near Fordwich where he keeps horses. The issue is whether there has been a significant change since coming onto the site for reasons other than allowed for in the Circular definition, such that he can be said to have lost his Gypsy status.

10. At the hearing I was told that in the last year or so the appellant or his children assisted by relatives had been travelling to Appleby for a week or so, Stowe twice for a couple of weeks, the New Forest for a week, Reading, Barnsley and Glasgow for the “King of the Road”; Horsmonden being near at hand and only involving day trips. On all occasions the purpose was to pursue horse trading and thus pursue the main element of their economic livelihood. I have no reason to doubt this evidence which is consistent with the traditional lifestyle of Gypsies who pursue this activity. At the hearing I provided transcripts of the unreported case of Maidstone BC v SSE & Dunn [1995] CO/2349/94 which applied South Hams, Greenwich and other leading cases to the circumstances of Mr Dunn. Mr Dunn satisfied the statutory definition in that while much of his work was landscape gardening locally he travelled to horse fairs to buy and sell horses.

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There was economic purpose to the travel which involved livelihood as opposed to it being merely a hobby. Bearing that judgment in mind and all the evidence, I am satisfied that in the case of Mr Willett there is no good evidence that, since moving onto the land, he has ceased to satisfy the Circular definition of a Gypsy.

Suitability of the site

11. Adopted Local Plan Policy H12, which deals with Gypsy sites, has not been saved and is thus not material to my decision. I was told that this was because it did not comply with ODPM Circular 01/2006 policy guidance. The Draft Local Plan is at an advanced stage and close to adoption. Policy H4 deals with Gypsies but it, like the old policy, does not approach the issue in the way advocated by C1/06. It is criteria based, having 12 criteria and, in particular, requires applicants to “clearly demonstrate” that they are Gypsies with a “genuine connection with the locality of the proposed site”. As well as being unclear as to what constitutes a “genuine connection” it displays a fundamentally misconceived approach to meeting the needs of the Gypsy community, including specific guidance in paragraph 62 of C1/06. While the policy necessarily carries some weight because of its progress to adoption the degree of weight is much less than would have been the case had it reflected national policy. That it does not, is a matter of real concern given its likely adoption some two years after the date of the Circular and as a replacement in similar form for a policy found inappropriate to be saved.

12. I also share the appellant’s view that there is some tension between the Structure Plan policy H9 and the Circular although it does little more than set out broad principles or guidelines for the location of sites, such as protection of the countryside, access to services and safe access. Indeed, these are the main criticisms made by the council in this case.

13. The appeal site is in the AONB. While I accept that this is not necessarily a reason for refusal since C1/06 recognises, as with any other form of development, it is necessary to demonstrate that the objectives of the designation will not be compromised. Given that such areas have the highest status of protection in relation to landscape and scenic beauty this imposes a particularly high test and planning policy recognises the primary objective of protecting landscape character and natural beauty. In the 2005 Swale Landscape Character Assessment and Guidelines study the site is within and on the edge of the Doddington and Newnham Dry Valleys area. This is characterised as being in “good” condition and with “high” sensitivity. Built development is generally traditional and the aim is to conserve the landscape quality.

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14. The site is visible from close by at the entrance and to a lesser extent through the roadside hedgerow. There are three more distant views of significance, all of which provide sweeping views of the wider landscape setting of the appeal site. That from the eastbound carriageway of the M2 is, in part, filtered by trees and, given average motorway speeds, is only experienced for a matter of seconds even by passengers. Knowing where to look and what to look for does influence one’s perception and I have been careful not to be influenced unduly by that. However, there are two other viewpoints of particular note. One from an M2 overbridge used by traffic and pedestrians over 1km away and the other from a footpath closer and on the opposite side of the valley. From both the view captures the essence of this sensitive landscape which is characteristic of the northern part of the dip slope dry valleys. It is of the rising ground of a dry valley side with arable land enclosed by hedgerows and woodland. Few buildings are visible and those that are include traditional barns, farmhouse and oast house. That is with the notable exception of two mobile homes. One, at Horseshoe Farm, is the subject of separate negotiations by the council to secure a different location and the other is that on the appeal site. The mobile home with which this appeal is concerned is prominently situated towards the top of the valley side and appears alien and incongruous in this landscape.

15. Of course Gypsies have long been a traditional part of the agricultural landscape of Kent but that traditional working presence is very different to a mobile home in a fenced off area of a field complete with domestic artefacts. While a field gate to full highway standards would involve a set back and some surfacing of the ground, the more formalised tarmac bellmouth that has been created is more intrusive. Moreover, a simple, lightly used agricultural access may not require such a well engineered access. The previous access, it appears, was little more than a gate in the hedgerow.

16. I accept that a laurel hedge has been planted which would in time provide some screening. However the two distant viewpoints are more elevated and the hedge would need to be of some height to be effective. Even though there are some evergreens in the locality on the roadside a laurel hedge of substance would not be in keeping with the natural qualities of this landscape. That there is a motorbike track on the opposite side of the valley does not offset the visual harm caused by the appeal development. In any event the track is operated on a Permitted Development basis, albeit that the scarring on the landscape is permanent.

17. I conclude that the development is harmful to the landscape and undermines the objective of AONB designation. It fails to conserve or enhance the natural beauty of the landscape and is contrary to the development plan, including policy H9.

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18. I am also not convinced that this is a particularly sustainable location for a Gypsy site. I appreciate that Billy seems to have coped with school in Faversham on his bike and proposes to use bike and train to go to college in Canterbury. While it meets the current needs of the family it is in a relatively remote and sparsely populated location some distance from services which in the main are to be found in Faversham. However, I do not consider it so unsuitable a location as to rule it out were that the only area of concern.

19. The highway objection is that assuming a 25mph road speed visibility splays of 33m x 2.4m x 33m would normally be required. To the right there is some 20m available and to the left only 10m. The land to the left is not within the appellant’s control. I observed that a traffic mirror has been erected opposite the gate to facilitate visibility but this is not an approved means of overcoming poor visibility. This is a lightly trafficked country lane serving local needs and I accept that the risk to highway safety is low but 10m is an unacceptably substandard vision splay, particularly on a narrow lane of single track width where approaching vehicles will not be on the far side of the carriageway. There is no real scope for vehicles leaving the site to edge forward without encroaching onto the carriageway and I understand the highway officer’s reluctance to concede 2m as an ‘X’ distance. A family Gypsy site is likely to generate significantly more traffic than the previous agricultural use of the access or use for keeping horses. In my view there would have to be a pressing need for this site to be used as a Gypsy site to outweigh the highway objection.

Other considerations

20. A fundamental material consideration is the need for Gypsy sites in the area. The under provision of sites for Gypsies nationally and in Kent is well established. One of the objectives of C1/06 is to increase significantly the number of Gypsy sites in appropriate locations over a period of 3-5 years from its publication. The Circular signals a change of approach to provision which is underpinned by the new development plan system and well structured and researched needs assessments (GTAAs). The council refer to a steady increase in the number of approved sites which they say shows that demand is being very substantially met. I am referred to two recent decisions – Oak Lane, Upchurch and Ashford Road, Badlesmere – where Inspectors found that the need was not so pressing as to be grounds to override other planning considerations.

21. However, I note that at Badlesmere, in February of this year, my colleague commented that while the number of permissions granted was a positive factor there was nothing to show that the permissions granted were keeping pace with, and fulfilling, the need for more sites. She considered there was every indication of a significant unmet need for more Gypsy sites in Kent generally and in Swale in particular. That highly prescient conclusion was made in advance of a proper needs assessment having taken place. At the hearing the appellant provided a note of the South East Plan Review GTAA Stakeholder Workshop Continued . . .
5.3 (Contd) on 4 October 2007 at which the results of the four Kent and Medway GTAAAs was indicated. The council appeared to be unaware of the GTAA figures. Two options were discussed: Option A, distribution across Kent where accommodation need has been found and Option B, distribution influenced by planning policies (environmental constraints, extent of urbanisation, access to community facilities, Green Belt, etc). In the first five years the need for an overall increase in pitches of 50-60% is identified for Kent and Medway as a whole. Swale is identified as needing to provide 62 new pitches under Option A and 25 new pitches under Option B. In the former the number is second only to Sevenoaks and some 30 pitches higher than the next highest district, Maidstone. In the latter scenario Swale ranks fifth in the county, putting it in the upper half of the districts. Clearly this does not represent the final view that will be put to the Regional Assembly nor what the Plan will say but it is convincing evidence of a very real, substantial and pressing need for more sites to be brought forward with urgency in Swale.

22. While I accept that the results of the GTAA survey may not have been available to the council until recently, effective monitoring of need in the past should have provided forewarning. I therefore find it of real concern that the council are in the advanced stage of adopting a Gypsy policy that fails to address this matter and are unable to provide any meaningful timetable for a DPD to deal with Gypsy site provision. The core strategy is not due to be adopted until 2012 and, while the council’s planning officer indicated that he hoped that a Gypsy sites DPD would be one of the first to be undertaken, there is no commitment to bring forward or prioritise a Gypsy site DPD, notwithstanding the advice in paragraph 43 of C1/06. I consider my criticism is not unfair since I note that in the Upchurch case in early 2006 my colleague, in reviewing the development plan arrangements commented that the thrust of C1/06 requires that action to follow up the need should be taken in a timely manner and that under provision could be addressed within a three year period. That underpinned his decision to grant a temporary three year planning permission. There is no evidence before me that, over 18 months later, notice has been taken of those comments.

23. Paragraphs 45 and 46 of C1/06 advise that where there is an unmet need and planning circumstances can be expected to change, for example through DPD site allocations, consideration should be given to a temporary planning permission without an implied commitment or precedent for the determination of future applications. This was the rationale behind the Upchurch decision which was not in the AONB. In the Badlesmere decision the Inspector concluded that a temporary planning permission could not be justified given the serious damage caused to the AONB. On the other hand the council seem in no hurry to obtain relocation of the Horseshoe Farm mobile home some three years after a planning application – as yet undetermined – was made. I do not accept that its present location is significantly less damaging than the appeal site. The council stand by their view that if temporary planning permission was granted in cash flow terms it would be advantageous to the council. It has been suggested to me that it is in the council’s interest that they are not seen to be giving away the plot at the appeal site. This view does not prevent the council from dealing with the appeal site in a timely and satisfactory manner. The Horseshoe Farm location has been justified to me by the council’s planning officer. He suggested that the serious environmental damage caused to the AONB by the Horseshoe Farm location was not as great as was indicated. The council’s planning officer also indicated that the mobile home was located in a semi-rural area which was more suitable for Gypsy accommodation than the appeal site. The council also pointed out that the mobile home had been proposed to accommodate the needs of the Gypsy family for a relatively short period of time. He indicated that the appeal site was suitable for a much longer period of time. It should be added that the council also had the benefit of an independent report of the expert witness. It has been suggested to me by the council’s planning officer that the mobile home was of an acceptable standard and was in keeping with its surroundings. There is no evidence before me that this is the case. I consider that the appeal site is far more suitable than the Horseshoe Farm mobile home for Gypsy accommodation.

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planning permission were to be given for the appeal site there would be no reasonable expectation that allocated sites would be available at the end of the period and paragraph 45 is not met. I fear that they might well be right but I am left with a genuine concern that acceptance of that position will do little to hasten the allocation of sufficient sites through the DPD process.

24. I now turn to the personal circumstances in this case. Wayne is not at school and in the short term at least will continue the horse breeding and trading business in his father’s absence. The situation with Billy is quite different. He is waiting for an operation on his spine at the Medway Maritime Hospital. Clearly it is advantageous to have a fixed abode in these circumstances. However, I attach greater weight to his educational needs. Aged 14, until this summer he has been attending The Abbey School in Faversham. He has now been selected to attend a special course at Canterbury College which will take his education on to GCSE in core subjects and combine practical training in skills such as brick laying and plumbing. This is a two year course. One of the recognized ways in which the cycle of deprivation encountered by Gypsies can be broken is through education and a settled basis from which to undertake it. Whether Billy makes a success of this opportunity will be for him but, as a matter of common humanity, he should be encouraged and supported in that endeavour. The evidence is that there is no alternative accommodation and that after the existing one year compliance period there would be no alternative to the family returning to the road. Relations with their uncle at Horseshoe Farm are said to be sometimes difficult and in any event that is an unauthorised site in the AONB.

Conclusions

25. I find the educational needs of Billy to be a cogent reason to allow the family to remain where they are for the next two years. The three matters of planning concern are impact on the AONB, sustainability and highway safety. I am satisfied that this is an inappropriate site for a permanent Gypsy site given, in particular, the impact on the landscape of the AONB which has a high status meriting protection notwithstanding the clear case of general need for more Gypsy sites.

26. As a matter of general principle, it seems to me to be inappropriate to grant planning permission, temporary or permanent, where the objectives of AONB designation will be compromised. In this particular case, however, the council’s approach at the nearby Horseshoe Farm has been to accept short term harm to the AONB while they seek to negotiate a permanent solution that would cause no lasting harm to the protection of the landscape. The short term perpetuation of an unsustainable location does not weight heavily in the balance. The risk to highway safety is real but relatively low given the nature of the use of the lane. It weighs strongly against permanent use but less so for short term use. Personal circumstances weigh heavily in support of a period of stability and temporary continuation of the use. On balance I Continued . . .
consider that in the particular circumstances of this case the short term harm to the AONB and highway risk is outweighed by the need for short term stability. I emphasise that this conclusion arises from the particular circumstances of this appeal and that this site is unacceptable as a permanent Gypsy site.

27. I have considered whether this is to be done through a temporary planning permission or, exceptionally, an extended compliance period under ground (g). Given that the recent GTAA assessment indicates a higher degree of need than it appears the council anticipated from their own monitoring, an optimistic view would be that priority will now be given to site allocation as recommended by C1/06. Indeed, I am encouraged by the council’s planning officer’s view that he could find sites to accommodate 62 pitches without the need to trespass into the AONB. As my colleague noted in the Upchurch appeal three years is not an impractical timescale for this. Given the need for urgent action indicated by the GTAA findings it is a reasonable expectation that a responsible council would seek to achieve this. The personal circumstances I have identified justify two years but to grant a temporary planning permission for three years would not be inconsistent with encouraging the achievement of the objectives of national guidance.

28. In summary I am satisfied that the appellant is a Gypsy for planning purposes; that the site is not suitable as a permanent single family Gypsy site given its landscape impact in the AONB; its relative remoteness and its access. However the other material considerations of the need for more sites in the short term and the personal circumstances that arise are weighty considerations which outweigh the harm in the short term. Finally, Human Rights are clearly engaged when loss of home is involved. Throughout my consideration of these appeals I have had regard to the Act. The refusal to grant a permanent planning permission and the grant of a temporary permission are consistent with its provisions.

Conditions

29. The residential caravan site use will be personal to the appellant and for a temporary period of three years for the reasons given above. It is also appropriate to control commercial activity, the erection of external lighting and the number of caravans and their location within the site because of landscape implications. While it appears that a suitable cesspool arrangement might well be in place a condition to enable suitable arrangements to be made is necessary in the event that what has been provided is unsuitable, because of aquifer considerations. The deemed application permission also incorporates horse keeping as a permanent use of the land. A number of conditions flow from that and in some cases they need to take account of the temporary situation of the residential caravan site use continuing. I consider them necessary if the use is to take place without damage to water resources and the landscape of the AONB. The landscaping scheme

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need not be extensive but it is an opportunity, in accordance with planning policy, to enhance the landscape of the AONB with marginal planting and to secure the removal of the laurels. Some diminution of the visual impact of the access when residential use ceases would benefit the rural character of the lane. The conditions were discussed at the hearing and the appellant raised no objection to them.

**Overall Conclusions**

30. As to the s174 appeal I have indicated above the reasons why I consider the allegation should be corrected. I am satisfied that no injustice will be caused by this and I will therefore correct the enforcement notice in order to clarify the terms of the deemed application under section 177(5) of the 1990 Act as amended. I will grant planning permission in accordance with the application deemed to have been made under section 177(5) of the 1990 Act as amended, which will now relate to the corrected allegation and quash the enforcement notice. In the light of this the appeals on grounds (f) and (g) do not need to be considered. The s78 appeal will be allowed.

**Formal Decisions**

Appeal A Ref: APP/V2255/C/07/2040928

31. I direct that the enforcement notice be corrected by the deletion of the contents of paragraph 3 of the notice and the substitution of the following:

"Without planning permission, the material change of use of the Land from agricultural land to land used as a caravan site for the stationing of caravans/mobile homes used residentially and land used for the keeping of horses."

32. Subject to this correction I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission, on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely use as a caravan site for the stationing of caravans/mobile homes used residentially and use for the keeping of horses; on land at Tootsie Farm, Elverland Lane, Painters Forstal, Faversham subject to the following conditions:

1) The use as a residential caravan site shall be carried on only by Wayne Willett and his resident dependants, and shall be for a limited period being the period of 3 years from the date of this decision, or the period during which the land is occupied by them, whichever is the shorter.
2) When the land ceases to be occupied as a residential caravan site by Wayne Willett and his dependants, or at the end of 3 years from the date of this decision, whichever shall first occur, the use as a residential caravan site shall cease and all caravans, structures, fences, materials and equipment brought on to, or erected on, the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its previous condition before the development took place.

3) The residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time (of which no more than 1 shall be a static caravan or mobile home) and they shall not be sited other than within the area edged blue on the plan attached to the enforcement notice.

4) No commercial activities other than the keeping of horses and no open storage of plant, products or waste (other than provided for in condition 11 below) shall take place on the land and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

5) No floodlighting, security lighting or other external lighting shall be installed or operated at the site.

6) The uses hereby permitted shall cease and all caravans, structures, fences, equipment and materials brought onto the land for the purposes of such uses shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

i) within 3 months of the date of this decision a scheme for:
the means of foul and surface water drainage of the site;
the means of disposal of contaminated run-off from the stable building,
hardstandings, manure heaps and hay soaking areas;
the landscaping for the site; and
the modification of the access to serve the horse keeping use to be implemented once the residential caravan site use ceases;
(hereafter referred to as the site development scheme)
shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.

ii) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the said scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

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iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.

iv) the approved site development scheme shall have been carried out and completed in accordance with the approved timetable.

7) If within a period of five years from the date of the planting of any tree, hedge or shrub planted pursuant to condition 6 above that tree, hedge or shrub is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree, hedge or shrub of the same species and size as that originally planted shall be planted at the same place.

8) No more than one horse or pony per hectare of grazing land shall be kept on the site.

9) Other than to the extent that permission for a residential caravan site, and uses ancillary thereto, is hereby given the stables and use of the land hereby permitted shall be used solely for the keeping of horses or ponies, and no event or show shall be held within the site.

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

11) Other than to the extent that permission for a residential caravan site, and uses ancillary thereto, is hereby given and with the exception of one trailer for the storage of manure, no materials or items of any kind in connection with the horse keeping use including jumps, caravans, mobile homes, vehicles or trailers shall be kept on the site other than within the barn.

12) Other than to the extent that it arises from and subsists for the duration of the permission for a residential caravan site, no part of the site shall be sub-divided from the whole by means of permanent or temporary fencing or other means of enclosure, except for electric rope of a type approved by the local planning authority.

Appeal B Ref: APP/V2255/A/07/2035766

33. I allow the appeal, and grant planning permission for use of land for one mobile home and one tourer for a Gypsy family at Tootsie Farm, Elverland Lane, Painters Forstal, Faversham in accordance with the terms of the application, Ref SW/05/1316, dated 7 October 2005, and the plans submitted with it, subject to the following conditions:

Continued . . .
PART 5

1) The use hereby permitted shall be carried on only by Wayne Willett and his resident dependants, and shall be for a limited period being the period of 3 years from the date of this decision, or the period during which the land is occupied by them, whichever is the shorter.

2) When the land ceases to be occupied for the use hereby permitted by Wayne Willett and his dependants, or at the end of 3 years from the date of this decision, whichever shall first occur, the use hereby permitted shall cease and all caravans, structures, fences, materials and equipment brought on to, or erected on, the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its previous condition before the development took place.

3) The residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time (of which no more than 1 shall be a static caravan or mobile home) and they shall not be sited other than within the area edged red on the approved site plan.

4) No commercial activities or open storage of plant, products or waste shall take place on the land and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

5) No floodlighting, security lighting or other external lighting shall be installed or operated at the site.

6) The use hereby permitted shall cease and all caravans, structures, fences, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

   i) within 3 months of the date of this decision a scheme for the means of foul and surface water drainage of the site (hereafter referred to as the drainage scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.

   ii) within 11 months of the date of this decision the drainage scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the said scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

   iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted drainage scheme shall have been approved by the Secretary of State.

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iv) the approved drainage scheme shall have been carried out and completed in accordance with the approved timetable.”

Observations

This is a most disappointing decision. This prominent site within the Kent Downs Area of Outstanding Natural Beauty is perhaps the least suitable site for a gypsy site that we have ever dealt with. The Inspector confirms that this is not a suitable site. However, in the light of newly published figures showing a high or very high need for more sites in Swale, and no clear timetable for the Council to prepare a Development Plan Document on gypsy sites, the Inspector has granted a temporary planning permission.

This decision signals a clear direction for future decisions, and sets out a need for the Council to make urgent progress on a new policy for site allocations, failing which we can expect to fail in our control of such proposals for the foreseeable future.

Responsible Officer: Graham Thomas (Area Planning Officer)

List of Background Papers

1. Appeal decision ref: APP/V2255/C/07/2040928 and APP/V2255/A/07/2035766 dated 15 November 2007