

AGENDA

PLANNING COMMITTEE MEETING

Date: Thursday, 10 October 2019

Time: 7.00pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Cameron Beart, Monique Bonney, Roger Clark, Simon Clark, Tim Gibson (Chairman), James Hall, Nicholas Hampshire, James Hunt, Carole Jackson, Elliott Jayes, Peter Marchington, Benjamin Martin (Vice-Chairman), David Simmons, Paul Stephen, Eddie Thomas, Tim Valentine and Tony Winckless.

Quorum = 6

RECORDING NOTICE

Please note: this meeting may be recorded.

At the start of the meeting the Chairman will confirm if all or part of the meeting is being audio recorded. The whole of the meeting will be recorded, except where there are confidential or exempt items.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this recording will be retained in accordance with the Council's data retention policy.

Therefore by entering the Chamber and speaking at Committee you are consenting to being recorded and to the possible use of those sound records for training purposes.

If you have any queries regarding this please contact Democratic Services.

Pages

1. Emergency Evacuation Procedure

The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.

The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.

The Chairman will inform the meeting that:

(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building until the Chairman has informed them that it is safe to do so; and

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

2. Apologies for Absence and Confirmation of Substitutes

3. Minutes

To approve the [Minutes](#) of the Meeting held on 12 September 2019 (Minute Nos. 222 - 229) and the Extraordinary Meeting held on 3 October 2019 (Minute Nos. to-follow) as correct records.

4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

Advice to Members: If any Councillor has any doubt about the

existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

Part B reports for the Planning Committee to decide

5. Deferred Items 1 - 118

To consider the following applications:

Def Item 1, 18/503057/FULL, Land at Perry Court (Care Home),
Faversham

Def Item 2, 18/502735/FULL, Land at Perry Court (Hotel & Retail),
Faversham

Members of the public are advised to confirm with Planning Services prior to the meeting that the applications will be considered at this meeting.

Requests to speak on these items must be registered with Democratic Services (democraticservices@swale.gov.uk or call us on 01795 417328) by noon on Wednesday 9 October 2019.

6. Report of the Head of Planning Services 119 - 243

To consider the attached report (Parts 2, 3 and 5).

The Council operates a scheme of public speaking at meetings of the Planning Committee. All applications on which the public has registered to speak will be taken first. Requests to speak at the meeting must be registered with Democratic Services (democraticservices@swale.gov.uk or call 01795 417328) by noon on Wednesday 9 October 2019.

Issued on Tuesday, 1 October 2019

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Planning Committee, please visit www.swale.gov.uk

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PLANNING COMMITTEE – 10 OCTOBER 2019**DEFERRED ITEM 1**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

REFERENCE NO - 18/503057/FULL		
APPLICATION PROPOSAL Erection of a 3 storey, 66 bed care home for older people with associated access, car park and landscaping.		
ADDRESS Land At Perry Court Ashford Road Faversham Kent ME13 8YA		
RECOMMENDATION – Grant subject to conditions and no objections being raised by the Council's Climate Change Officer		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL <ul style="list-style-type: none"> • The site forms part of a strategic mixed use development site as allocated under policy MU7 of the local plan. • The principle of a 60 bed care home has already been established through the grant of outline permission, and the impacts arising from a 66 bed care home are not considered to be materially greater. • The scale and design of the development is considered to be acceptable. • Other localised impacts have been assessed and found to be acceptable 		
REASON FOR REFERRAL TO COMMITTEE This application was deferred by the Planning Committee on 18 th July 2019.		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT LNT Care Developments & HDD (Faversham) Ltd AGENT LNT Construction Ltd
DECISION DUE DATE 18/09/18	PUBLICITY EXPIRY DATE 06/02/19	

1. Background

- 1.01 This application was reported to the Planning Committee on 18th July 2019. A copy of the report is attached as Appendix A. The planning Committee deferred the application for the following reason - *That the application be deferred to review the design, and the renewable energy measures, and officers discuss these further with the Applicant and Agent.*
- 1.02 A copy of the minutes of the committee meeting is attached as Appendix B.
- 1.03 The applicant has subsequently met with my officers and submitted revised design details and renewable energy measures.

2. FURTHER REPRESENTATIONS

2.01 1 further letter has been received from a local resident, raising the following concerns

–

- The development at Perry Court could be found anywhere in the UK and does not relate to the architecture / character of Faversham
- Thousands of new homes are not required in Kent
- The town is becoming gridlocked

3. FURTHER CONSULTATIONS

3.01 Faversham Town Council – Raise no objection, but comment that the commencement of work or occupation of the care home should only be on condition that the A2 / A251 upgrade has been completed.

3.02 KCC Highways – Advise that the latest amendments have been submitted to address the Concerns raised by Members of the Planning Committee – and that although parking provision was raised as a concern, KCC Highways did not object to the level of parking previously shown. Two additional parking spaces are now shown, bringing the total to 22 spaces. As before this would meet the number suggested in the current parking standards, which calls for 1 space per 2 staff, and 1 space per 6 beds. On that basis, with a maximum of 16 staff members on site at any one time, the suggested provision for this 66 bed care home would be 19 spaces (8 staff + 11 resident). The latest scheme proposal will therefore provide 3 more spaces than the current standards require.

3.03 KCC Highways therefore confirm that they have no objection subject to securing conditions as previously requested.

3.04 SBC Climate Change Officer – Further comments awaited and I will update members at the meeting.

4. APPRAISAL

4.01 This section deals specifically with the queries raised by the Planning Committee in deferring the application in July 2019.

Design

4.02 The applicant has amended the design, to provide gables to the projecting bays (previously shown as parapets) that tie into the main roof, and has simplified the material palette, removing rendering and proposing brick elevations with cladding on the projecting bays. They have provided a design note to explain that the drawings now show a more traditional building, reflective of local vernacular and the character of surrounding residential properties, with the use of brick and cladding to match surrounding development and provide a more rural feel.

4.03 My Principal Urban Design and Landscape Officer has reviewed the amendments and considers these to be an improvement to the previous design. She further comments that material choice will be key and that further landscaping can be achieved within the site. Both are controlled by planning conditions.

- 4.04 I consider that the design amendments have simplified the appearance of the scheme through the reduced material palette. The alterations to provide gables to the projecting bays have resulted in a more traditional vernacular appearance to the building, which sits adequately with the housing development adjoining the site.

Parking provision

- 4.05 Although KCC Highways raised no objection to the parking provision previously shown (20 spaces), some Members considered this to be inadequate. Two additional spaces are now shown, resulting in 22 spaces in total. This is in excess of the parking provision required by KCC Highways.

Sustainability

- 4.06 The appellant has provided a revised Renewable Energy Statement which sets out that the development will incorporate the following measures –
- Use of ground source heat pumps
 - Provision of “comfort cooling” within the care home, using the ground source heating system to provide cooler air in summer months
 - Use of PV slates as roofing material on the south facing elements of the roof slope. The statement sets out that these would provide between 15-20kw per hour
- 4.07 Comments from the Council’s Climate Change Officer are currently awaited. However the revised sustainability note provides further clarity on the use of solar roofing and the means by which the care home would be cooled in hot periods. In addition to this, Members will note the requirements in proposed conditions 8 and 10 that the care home will meet BREEAM “Very Good” standards and that EV charge points are provided.

Other matters

- 4.08 Members will note the comments from Faversham Town Council that the care home should not be occupied until the A2/ A251 junction improvements are completed. This matter is also set out in detail under a separate but related application for development of a food store and hotel adjacent to the care home – and which is also on this committee agenda under application 18/502735/FULL. Members will note that KCC Highways do not object to the potential opening of the food store / hotel prior to the junction improvements taking place.
- 4.09 There is however a key difference between the care home scheme and the adjacent development. Development of a 60 bed care home formed part of the outline planning permission for the wider Perry Court site under application 15/504264/OUT, and the traffic movements from the outline scheme were accounted for as part of this permission. A sum of £300,000 was secured under the outline scheme for the A2 / A251 junction improvements, but there was no requirement for the improvements to have been completed prior to any occupation of the development. The scheme now in front of members is for a marginally larger care home (66 beds), and the difference in traffic movements would be very marginal, given the relatively low traffic generation associated with such uses. As such I consider it would not be reasonable to prevent occupation of the care home (as suggested by Faversham Town Council) until the junction improvement works took place, on the basis that KCC Highways do not object on such grounds, and that this scheme effectively replaces the care home proposed at outline stage.

5. CONCLUSION

- 5.01 The applicant has provided revisions to the design of the scheme, increased parking provision beyond that required by KCC Highways, and provided further clarification on sustainability measures. Subject to further comments from the Council's Climate Change Officer, I consider such revisions and clarification have improved the scheme and recommend that permission should be granted.

6. RECOMMENDATION

GRANT Subject to the following conditions

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

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

General

- 2) The development hereby permitted shall be carried out in accordance with the following plans – A03-K, A04, A05-D, A05.1-C, A07-D

Reason: To accord with the application and in the interests of proper planning.

- 3) No development beyond the construction of foundations shall take place until details in the form of samples of external finishing materials to be used in the construction of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity

- 4) No development shall be commenced until details of existing and proposed site levels and finished floor levels, which shall include cross-sectional drawings through the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to secure a satisfactory form of development having regard to local topography.

- 5) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development beyond the construction of foundations shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reasons: In the interest of Security, Crime Prevention and Community Safety

Amenity

- 6) No dust or fume extraction or filtration equipment, or air conditioning, heating, ventilation or refrigeration equipment shall be installed until full details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority.

Reason : To safeguard the amenities of nearby residential properties.

- 7) No deliveries shall take place outside the hours of 0700 hours and 2300 hours Monday to Sunday.

Reason: In the interests of residential amenity.

Sustainability

- 8) The building hereby approved shall be constructed to BREEAM 'Very Good' Standard or an equivalent standard, and within 3 months following occupation of the building the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved.

Reason: In the interest of promoting energy efficiency and sustainable development.

- 9) No development shall be commenced until full details of renewable energy measures to be applied to the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of promoting energy efficiency and sustainable development.

- 10) No development beyond the construction of foundations shall take place until details of electric vehicle charging facilities to be provided have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to first occupation of the care home, and maintained thereafter.

Reason: In the interests of sustainable development.

- 11) The measures contained within the staff Travel Plan shall be implemented upon first occupation of the building. The plan as approved shall be implemented, monitored and reviewed (on an annual basis) and a copy of that annual review and action plan arising shall be submitted to the Local Planning Authority for approval in writing and thereafter implemented as approved.

Reason: in the interests of sustainable development

Landscaping

- 12) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 13) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

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

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

Contamination

- 15) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

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

Reason: To protect groundwaters.

Drainage

- 17) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution.

- 18) No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to and approved in writing by the local planning authority. The manual at a minimum shall include the following details:
- A description of the drainage system and its key components
 - A general arrangement plan with the location of drainage measures and critical features clearly marked
 - An approximate timetable for the implementation of the drainage system

- Details of the future maintenance requirements of each drainage or SUDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

- 19) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources.

Construction

- 20) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site personnel, operatives and visitors
 - ii. Measures for the loading and unloading of construction and delivery vehicles, including turning facilities, on the site.
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities and measures to guard against the deposit of mud and similar substances on the public highway
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of the amenities of the area and highway safety and convenience.

- 21) No construction work in connection with each phase of 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 Local Planning Authority.

Reason: In the interests of residential amenity

- 22) No impact pile driving in connection with the construction of each phase of the development shall take place on the site on any Sunday or Bank Holiday, nor any other day except between the following times:- Monday to Friday 0800-1800hours, Saturday 0800 - 1300, unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

Highways

- 23) The development hereby approved shall not be occupied until a surfaced footway linking the A251 Ashford Road to the proposed care home has been constructed in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of pedestrian safety.

- 24) The area shown on the submitted layout as vehicle parking and turning space 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.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 25) No dwelling/building shall be occupied or the approved use commenced until space has been laid out within the site for cycles to be parked in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

- 26) The access details shown on the approved plans shall be completed prior to the occupation of any buildings hereby approved, and the access shall thereafter be maintained.

Reason: In the interests of highway safety.

- 27) Before the first occupation of the care home, the following works between that dwelling / premises and the adopted highway shall be completed as follows:

- (A) Footways and/or footpaths shall be completed, with the exception of the wearing course;
- (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
 - (1) highway drainage, including off-site works,
 - (2) junction visibility splays,
 - (3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

Archaeology

- 28) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

- (1) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and
- (2) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

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

Ecology

- 29) The development shall be carried out in strict accordance with the mitigation measures set out in the Ecological Appraisal and Badger Report by FPCR, both dated April 2018.

Reason: In the interests of biodiversity.

- 30) No installation of any external lighting shall take place until a bat sensitive lighting scheme, to minimise impacts on bats, is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity.

- 31) No development beyond the construction of foundations shall take place until a detailed scheme of ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be completed prior to first use of the building.

Reason: In the interests of biodiversity.

INFORMATIVES

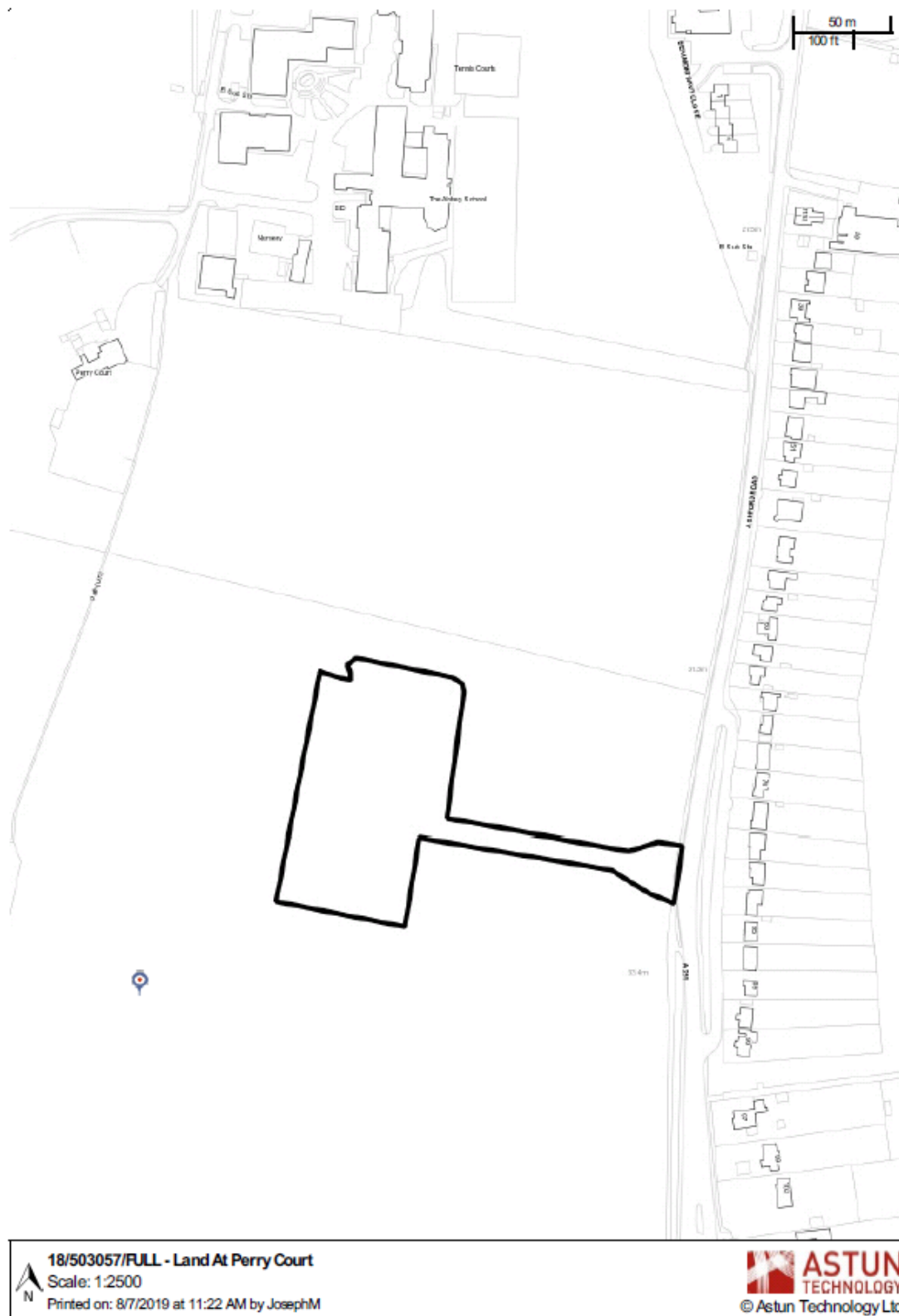
- 1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



APPENDIX A

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Item 2.4

2.4 REFERENCE NO - 18/503057/FULL			
APPLICATION PROPOSAL Erection of a 3 storey, 66 bed care home for older people with associated access, car park and landscaping.			
ADDRESS Land At Perry Court Ashford Road Faversham Kent ME13 8YA			
RECOMMENDATION – Grant subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL			
<ul style="list-style-type: none"> The site forms part of a strategic mixed use development site as allocated under policy MU7 of the local plan. The principle of a 60 bed care home has already been established through the grant of outline permission, and the impacts arising from a 66 bed care home are not considered to be materially greater. The scale and design of the development is considered to be acceptable. Other localised impacts have been assessed and found to be acceptable 			
REASON FOR REFERRAL TO COMMITTEE The application has been referred to committee by Cllr Ben Martin.			
WARD Watling	PARISH/TOWN Faversham Town	COUNCIL	APPLICANT LNT Care Developments & HDD (Faversham) Ltd AGENT LNT Construction Ltd
DECISION DUE DATE 18/09/18		PUBLICITY EXPIRY DATE 06/02/19	

Planning History

15/504264/OUT - Outline application (with all matters reserved other than access into the site) for a mixed use development comprising: up to 310 dwellings; 11,875sqm of B1a floorspace; 3,800sqm of B1b floorspace; 2,850sqm of B1c floorspace; a hotel (use class C1)(up to 3,250sqm) of up to 100 bedrooms including an ancillary restaurant; a care home (use class C2)(up to of 3,800sqm) of up to 60 rooms including all associated ancillary floorspace; a local convenience store (use class A1) of 200sqm; 3 gypsy pitches: internal accesses; associated landscaping and open space; areas of play; a noise attenuation bund north of the M2; vehicular and pedestrian accesses from Ashford Road and Brogdale Road; and all other associated infrastructure.

Approved Decision Date: 27.03.2017

17/506603/REM - Approval of reserved matters relating to scale, layout, appearance and landscaping for the erection of 310 dwellings, pursuant to conditions 1, 4, 10 and 24 of outline planning permission 15/504264/OUT. Approval sought for residential part of outline scheme only - Approved 01.03.2019

18/502735/FULL - Erection of a new supermarket (Use Class A1) and a hotel (Use Class C1) along with associated accesses, car and cycling parking, lighting, drainage, hard and soft landscaping and associated infrastructure – Under consideration

1. DESCRIPTION OF SITE

1.01 application site consists of a parcel of land of approximately 0.5 hectares in area, located approximately 100m to the west of Ashford Road, as part of a much larger area

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Planning Committee - 18 July 2019

Item 2.4

of land forming Perry Court. The land is raised above the level of Ashford Road, by up to 2 metres, and is partially screened by existing hedging.

- 1.02 The land was formerly part of larger agricultural fields, and forms part of the wider Perry Court development site as allocated under Policy MU7 of the adopted Local Plan. This wider land benefits from outline permission for a large scale development under application 15/504264/OUT, and from reserved matters approval for residential development of 310 units on a large part of the site (ref 17/506603/REM). The residential development has now been commenced.
- 1.03 As part of this existing permission, a new roundabout and access point into the site has been formed from Ashford Road. The land parcel subject to this application site is located to the west of this new access point.
- 1.04 The application site is surrounded to the north, south and west by the housing as approved under the above referenced application. The land to the east was shown at outline stage to accommodate a care home and hotel, but is now subject to a current planning application for a retail and hotel development under 18/502735/FULL.
- 1.05 A line of detached dwellings are located on the eastern side of Ashford Road and are the closest existing dwellings to the scheme.

2. PROPOSAL

- 2.01 This application seeks permission for a 66 bed care home building. The building would be arranged over three storeys, and over an L shaped footprint. The building would measure some 11.5 metres in height under a continuous hipped roof, and incorporates a number of vertical sections, distinguished by use of differing materials (cladding, brick and render), and also by a number of projecting bay details. The central bay (on the corner of the L shaped footprint) would be most prominent in height, and successive bays would gradually drop in height to the outer wings of the building.
- 2.02 The building would be sited with the two longest and most prominent elevations facing east and south, measuring some 54 and 42m in length respectively. The east facing elevation would face towards the proposed retail and hotel parcels and towards Ashford Road, and would be highly visible to persons entering the wider Perry Court site from the roundabout access. The southern elevation would face towards a footpath connection to the residential area, as approved as part of the reserved matters for the residential development. The building would be partially cut into land levels, which rise from north to south.
- 2.03 The proposal would include en-suites in all bedrooms, a range of communal rooms (lounge / dining areas, "quiet" lounges, a café / tea room, a gallery / library, garden room and hair salon) and communal grounds around the buildings, and a 20 space car park. The care home is expected to generate between 40 and 50 full time jobs.

3 PLANNING CONSTRAINTS

Within built confines of Faversham
Part of site allocation Policy MU7

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Item 2.4

4 POLICY AND CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) - paragraphs 2 (determination of applications), 7 (sustainable development), 8 (the three objectives of sustainable development), 10 (presumption in favour of sustainable development), 54-57 (use of conditions and planning obligations), 59-61 (to significantly boost housing supply / meeting needs of specific housing groups including elderly persons), 108-111 (sustainable transport), 117-121 (Making effective use of land), 124-131 (good design), 149-154 Planning for climate change, 155-165 (flood risk and drainage), 174-177 (biodiversity)
- 4.02 National Planning Practice Guidance (NPPG). The following guidance documents are of relevance - Air Quality, Climate Change, Design, Determining a Planning Application, Ensuring the vitality of town centres, Planning Obligations, Transport evidence bases in plan making and decision taking, Travel plans, Transport Assessments and Statements, Use of Planning Conditions.

Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017

- 4.03 Policy MU7 of the Local Plan is relevant insofar that it is a specific site allocation policy for the wider parcel of land at Perry Court, which this application forms a part of. The policy is copied in full below.

Planning permission will be granted for a mixed use development at Perry Court Farm, Faversham, as shown on the [Proposals Map](#), to include a minimum of 370 dwellings (inc. care home), together with 18,525 sq. m of B1a, B1b, B1c class employment uses (with a further 2 ha reserved for future employment use), supporting uses and landscaping and open space. Development proposals will:

- 1. Be in accordance with Policy CP 4 and in particular demonstrate and provide a strong landscape framework (shown by a submitted Landscape Strategy and Landscape and Ecological Management Plan, informed by a landscape and visual impact assessment) to include:*
 - a. substantial width of woodland planting along the site boundary with the M2, which shall additionally safeguard the setting of the Kent Downs AONB;*
 - b. additional substantial areas of woodland planting and green space e.g. community orchards and allotments, within the south western quarter of the site near Brogdale Road;*
 - c. retained, managed and enhanced hedgerows and shelterbelts;*
 - d. footpath and cycle path routes within green corridors linked to the adjacent network; and*
 - e. planting selected to reinforce the local landscape character area.*
- 2. Be of high quality design, with building siting, form, height and materials related to the existing built form and topography of the site and the surrounding context and to include consideration of:*
 - a. the setting of landscape and heritage assets;*
 - b. the rural approaches to the town; and*
 - c. building heights demonstrating they have been influenced by, and show respect for, views from the south.*
- 3. Provide for a mix of housing in accordance with Policy CP 3, including provision for affordable housing in accordance with Policy DM 8;*

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4. *Through both on and off site measures, ensure that any significant adverse impacts on European sites through recreational pressure is mitigated in accordance with Policies CP 7 and DM 28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;*
5. *Submit a detailed Heritage Assessment to consider the significance of the impact of development at the local level on the heritage setting of the town and other heritage assets in accordance with policies DM 32-DM 33. An archaeological assessment should consider the importance of the site and, if necessary propose mitigation in accordance with DM 34;*
6. *Provide the majority of B1 class employment floorspace as B1a (offices). Employment uses other than B1 will not be permitted unless it is clearly shown that B1 uses would not be achievable.*
Proposals for alternative employment uses must demonstrate they would not diminish the quality of the development, whilst proposals for main town centre uses will need to be the subject of an impact assessment;
7. *Undertake an Air Quality Assessment to ensure that the Ospringe AQMA is not compromised, with, if necessary, the use of innovative mitigation measures;*
8. *Submit a Noise Assessment and implement any mitigation arising;*
9. *Be supported by a Transport Assessment to determine the need and timing for any improvements to the transport network and the phasing of development. Development shall undertake such mitigation as necessary which shall include:*
 - a. *interim improvements at Junction 7 of the M2;*
 - b. *improvements to the junctions of the A2/A251 and to the A2/Brogdale Road;*
 - c. *pedestrian and cycling routes;*
 - d. *public transport enhancements to improve links to the town centre; and*
 - e. *implementation of an agreed travel Plan; and*
10. *Provide infrastructure needs arising from the development, including those matters identified by the Local Plan Implementation and Delivery Schedule, in particular those relating to libraries, education and health.*

- 4.04 Other relevant policies are ST1 (Delivering sustainable development), ST7 (The Faversham Area Strategy), CP3 (delivering a wide choice of homes), CP4 (good design), DM6 (Managing Transport Demand), DM7 (vehicle parking), DM14 (general Development criteria), DM19 (sustainable design), DM28 (biodiversity),

5 LOCAL REPRESENTATIONS**5.1 18 letters of objection received –**

- The care home is taller (3 storeys) than approved (2 storeys)
- The care home would not relate well to the approved housing scheme
- Any development over 2 storeys would impact properties on Ashford Road
- Lack of screening / loss of hedgerows
- Concern that the development will increase surface water flooding
- The design is not in keeping with the area, with little regard for local influence / context
- The development will increase transport movements, causing further traffic and air quality impacts.
- The development would prevent building of the Ospringe bypass
- Lack of need - There are several former care homes in the area that could be brought back into use without the need for this one.

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- Safeguarding issues re increased pedestrian movements adjacent to Abbey school
- Negative impact on residents on Ashford Road, including loss of light.
- Fails to take advantage of solar energy or provide EV charging points.
- The height of the building will be intrusive and invade privacy
- The A2 / A251 junction must be upgraded before further development is considered
- The application should be considered alongside the applications for housing development and retail / hotel development on the wider site.
- Light pollution
- The site is unsuitable for elderly residents as there is no easy access into Faversham
- Noise / disturbance from additional traffic, including doctors, nurses, ambulances, deliveries, visitors.
- The Council has adopted an incrementalist approach to planning in Faversham, dealing with separate application in isolation and not considering cumulative impacts.
- There is no indication whether the development would prevent the creation of a relief road through the site as advocated by residents / the town council.
- Fire risk arising from a three storey development
- The precise location of the care home has not been fixed.
- Legitimate objections raised by residents throughout all applications for Perry Court have been ignored.

5.02 1 letter received from the Faversham Society in support of the scheme –

- It is needed to replace accommodation lost at Jubilee Way
- The orientation and design are well thought out, and the access is off a spine road of the approved scheme

6 CONSULTATIONS

Faversham Town Council

6.01 Original plans – recommend that the application is deferred for the following reasons:

- The decision on the A251 / A2 junction upgrade remains outstanding and no applications should be considered whilst this is outstanding.
- Concerns raised by KCC re storm water drainage need to be addressed
- Parking is inadequate
- The design is poor and bland.

6.02 Further comments (March 2019) – support the changes to the proposal and state that previous issues have been addressed. But makes the following comments –

- FTC Still has serious concerns about the A2 / A251 junction and requests clarification from KVV Highways
- FTC has concerns regarding the new roundabout on the A251 which needs further review.

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- 6.03 Further comments (June 2019) – take a neutral position on the recommendation, but repeat the above comments re the A2 / A251 and the roundabout at the site entrance.

KCC Highways

- 6.04 Original comments – advise that a 66 bed care home would have no material change to traffic impacts when compared to the approved 60 bed scheme, but require further information to justify parking provision, and demonstrate visibility / swept paths.
- 6.05 Further comments - Advises that parking provision is acceptable following clarification off staff numbers, and that technical drawings of visibility splays and swept paths are also acceptable. Advises that footway connections to the A251 must be provided prior to first occupation, and recommends conditions relation to construction, provision of vehicle and cycle parking, and provision of suitable access / highways engineering / furniture details.

Environmental Protection Team Leader

- 6.06 No objection subject to conditions requiring a construction management plan, control over extraction / filtration equipment, loading / unloading, and measures to deal with contamination not previously identified. Confirms that the increase in the number of units from 60 to 66 would not have a significant impact upon the conclusions of the Air Quality assessment associated with the Perry Court development as a whole.

Environment Agency

- 6.07 No objections subject to conditions relating to contamination not previously identified, surface water drainage, and control over piling works.

Natural England

- 6.08 Has no comments to make on this application

KCC Ecology (comments taken from application 18/502735 as ecology report covered both applications)

- 6.09 Raise no objection based on the ecological appraisal submitted. Advise that notable species (including reptiles, breeding birds and badgers) have been recorded within the wider site, and that development will need to follow a precautionary mitigation strategy. The mitigation proposed is appropriate. Require conditions relating to bat sensitive lighting, ecological mitigation, and ecological enhancements to the site.

Southern Water

- 6.10 Advise that there is an increased risk of flooding unless required network reinforcement is provided by Southern Water, and this will be funded through the New Infrastructure Charge, and SW Capital Works programme. Advise that a condition should be applied to enable occupation to be aligned with delivery of such improvements.

KCC Strategic Commissioning

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- 6.11 Advises that the Kent Accommodation Strategy for social care projects that, by 2021, Swale will require additional capacity for dementia care. This strategy will be refreshed to forecast to 2031 and this will evidence further need due to increasing demographic changes for older people.
- 6.12 Advise that the care home is of a size and scale that would be financially viable and needed for older people although further discussions with KCC and the provider will be sought as the scheme is refined.
- 6.13 Overall KCC Strategic commissioning, on behalf of Adult Social Care, supports this application.

Kent Police

- 6.14 Advise the application has had regard to crime prevention and community safety, but there remain some outstanding matters re perimeter / boundary heights, secure gardens, security of windows, lighting, control of parking, surveillance, access control, drug store siting, staff security, securing storage areas, and securing cycles. Advise that a condition should be imposed to deal with these matters if not resolved during the application.

KCC Drainage

- 6.15 Advise that a cellular soakaway for water management is acceptable and raise no objections subject to conditions.

7 BACKGROUND PAPERS AND PLANS

- 7.01 The application includes an Arboricultural Assessment, Ecological Appraisal, Flood Risk Assessment, Landscape and Visual Impact Appraisal, Planning Statement, Preliminary Ground Investigation Study, Public Consultation leaflet, Staff Travel Plan, Transport Statement, Design and Access statement, Foul Drainage Strategy and Energy Statement.

8 APPRAISAL**Principle of Development**

- 8.01 The site of the care home is located on land allocated under policy MU7 of the Local Plan for the wider mixed-use Perry Court development. The terms of the policy specify that the site will deliver a minimum of 370 dwellings (including a care home), together with employment land, landscaping and open space.
- 8.02 The site already benefits from outline planning permission for development, including provision of a 60 bed care home, as granted under application 15/504264/OUT. The key differences between the outline scheme and the application now presented to Members are that the proposed care home is a 66 bed unit, and that the siting of the care home has moved from the indicative location shown at outline stage (by the main site entrance) to a location further into the site and adjacent to the residential development.

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- 8.03 The care home would provide specialist accommodation for elderly persons, including dementia care. This would cater for a sector of the population that is growing and predicted to grow considerably. The KCC Strategic Commissioning department advise that current care forecasts identify additional need for such facilities to 2021, and that further forecasts to 2031 will identify additional needs due to increasing demographic changes for older people. As the responsible authority for adult social care, KCC support this application. It would also comply with Policy CP3 of the Local Plan insofar that it would provide accommodation to meet the needs of an identified housing group.
- 8.04 Given the forecast need for such facilities, the policy requirement for a care home on this site and the existence of an extant outline permission which includes provision of a similar sized care home, I am satisfied that the principle of such development is clearly in accordance with policy and is acceptable.

Visual Impact

- 8.05 The building would occupy a prominent location within the wider Perry Court Development, being sited at the end of the main entrance road into the development from Ashford Road. Given the height and footprint of the building, it would also be one of the larger buildings within the wider development. The intention is that the building would form one of a group of three larger buildings centred around the site entrance, also incorporating a hotel and retail unit (these developments are subject to a separate application under 18/502735/FULL). The care home would be comparable in height to the proposed hotel development.
- 8.06 The building would also be flanked to the north, south and west by the residential development approved on the main part of the Perry Court site. This development consists of 2 and 2.5 storey dwellings. The applicant has partially lowered the ground floor of the care home into existing site levels. As a result of this, the height of the care home would be approximately 2 metres taller than the residential plots sited to the south (which would be approx. 25 metres distance from the care home). The site levels drop further to the north and west, and as a result, the care home would be some 4.5 metres greater in height than plots 149-151 to the west (separation distance of 20.9m), and 6 metres taller than plots 165-166 to the north (separation distance of some 44m with local play area in between).
- 8.07 Whilst my officers have sought to negotiate a scheme that lowers in height towards the ends of the building to deal with the variances with neighbouring buildings, this is not an acceptable position to the applicant, who has made clear that they require three full storeys to deliver their scheme. However on balance, I consider the scale of the building to be acceptable in street scene terms, taking into account the relationship with the commercial parcels to the east and the separation distances from the residential development to the north and south which would help absorb the differences in height in visual terms.
- 8.08 The design of the building has been improved through the use of different materials to break down scale, and also through the use of projecting bay features which drop progressively in height from the main corner feature on the south / east axis of the building.

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- 8.09 I also note that the development parameters for the care home proposed under the outline scheme showed the provision of a 2 storey care home of up to 11 metres in height and 3,800 sqm in floor area. Whilst the proposal is over three storeys and is slightly greater in height (at approx.11.5m), it is smaller than the parameter footprint (3,390 sqm). As such, I do not consider the scale of the building to be significantly different to the parameters submitted with the outline application.
- 8.10 Overall, I am content that the scheme does meet policy tests for design and visual impact as set out under policies CP4 and DM14 of the Local Plan.

Residential Amenity

- 8.11 The proposed care home would provide single person bedrooms, all with ensuite bathrooms. The size of the bedrooms (at 15sqm) would exceed the standards set by the Care Quality Commission (12 sqm). A range of communal areas would be provided at a ratio of between 7.2 and 11.8sqm per resident, which would also exceed CQC standards of 4.1 sqm per resident. The facility would also provide outdoor space for use by residents. Overall, I am satisfied that the development would provide a good standard of accommodation for future residents.
- 8.12 The closest residential units to the care home would be those as approved to the west of the building (but not yet built) within the wider Perry Court site. Given the L shaped configuration of the care home, the closest point would be to housing plots 147, and 148-150. Plot 147 as approved is an end of terrace unit facing in a north-south direction. It would not directly face the care home, although the closest wing of the care home would be 11.2 metres from this property. This wing contains an escape staircase and subject to windows being obscure glazed I do not consider it would impact upon privacy to this property. Given the relationship between this plot and the care home, I do not consider it would be likely to result in any undue loss of light or outlook.
- 8.13 Plots 148-150 face east-west and the rear elevations would directly face the closest part of the care home at a minimum distance of 20.9m. This would again be the wing containing an escape staircase, which would be obscure glazed as specified above. Given the distance and use of obscure glazing, I am content that this would not cause any privacy issues. The care home would be on a slightly higher land level and would clearly be visible from the rear of these residential buildings. However I am content that this section of the care home would not result in unacceptable impacts relating to light or outlook given the distance that would be provided between buildings.
- 8.14 The main rear elevation of the care home building would be set back from the approved residential dwellings to the west (including plots 149-159) by a distance of between 35-40m and at this distance I am content that this section of the building would not result in any unacceptable amenity impacts.
- 8.15 The approved residential units to the south would be sited 25 metres from the care home, with an intervening public footpath between the two sites. I consider this relationship to be acceptable.
- 8.16 Some residents of existing dwellings on Ashford Road have raised concern over the size of the care home. However as the care home would be sited some 100m from

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Ashford Road, I do not consider it would be likely to cause any significant impacts upon the amenities of these properties.

- 8.17 Policy DM14 of the Local Plan states that development should not cause significant harm to amenity. In my opinion the development would accord with this policy.

Highways

- 8.18 The wider development site benefits from outline planning permission, of which the impacts of traffic relating to a 60 bed care home were considered and deemed to be acceptable. This proposal would increase the number of bed spaces to 66, and KCC Highways are content that this increase would have no material impact on traffic generation arising from the site. As the outline permission included a range of measures to mitigate traffic impacts from the wider development on Perry Court, I am content that no further mitigation is required to support this slight increase in bed spaces now proposed.
- 8.19 Notwithstanding the above, Faversham Town Council and some local residents have raised concern over the lack of plans for the junction improvements to the A2 / A251. Some Members may be aware that this matter was reported to the Swale Joint Transportation Board on the 24th June and that a recommendation was agreed to pursue a scheme for signalisation of the junction. Delivery of the scheme is expected in the next 18 months.
- 8.20 The care home scheme would accommodate 20 parking spaces and an ambulance / drop off point, and this quantum and arrangement is acceptable to KCC Highways.
- 8.21 Policies DM6 and DM7 of the Local Plan seek to ensure that new developments do not create unacceptable highways impacts and provide suitable parking. For the above reasons I consider this scheme to comply with these policies.

Landscaping / Ecology

- 8.22 The application provides opportunities for landscaping within the grounds of the site. At present, there are no current landscape features on this particular parcel of land.
- 8.23 The application includes an Ecological Appraisal. This sets out that whilst some ecological value was found on parts of the wider development site, this parcel of land contains no such features of value (such as trees / hedgerows). The report also identifies the presence of protected species on the wider Perry Court site, including badgers, bats and reptiles, although no habitat suitable to such species was identified within the site of the care home itself. Nonetheless, precautionary mitigation is proposed in the ecology appraisal.
- 8.24 The ecological appraisal covers both the care home proposal and the hotel / retail scheme submitted under 18/502735. The KCC Ecology comments from the latter application are set out earlier in this report, and should apply equally to this application. The ecologist is satisfied with the report and mitigation suggested for this part of the site. Subject to conditions, I am satisfied that the application would not harm biodiversity and would accord with Policy DM28 of the Local Plan.

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Other Matters

- 8.25 Air Quality – As specified above, the small increase in bed spaces compared to the 60 bed care home approved at outline stage is not considered to cause any material increase in traffic. Given that the impact of traffic movements arising from the approved 60 bed scheme was considered in the context of the wider development of the site, I do not consider that the increase of 6 bed spaces would necessitate further consideration of air quality impacts. This is also the view of the Environmental Protection Team Leader.
- 8.26 Sustainable Design – Policy DM19 of the Local Plan states that development proposals should include measures to address and adapt to climate change. The applicant has submitted an energy statement which sets out the measures to be applied to insulate the building and to control / minimise energy use. It also sets out that the care home provider utilises renewable energy technology within its premises, that ground source heat pumps are preferred, and that solar panels can be installed on the southern roof slope of the building. The applicant intends that renewables would deliver in excess of 15% of the energy requirements of the care home.
- 8.27 In my opinion, these measures would go beyond the requirements of the above policy. I would propose to include a condition requiring the details of such renewable provision to be provided and implemented, together with a separate condition requiring compliance with BREEAM Very Good standards. On this basis, I consider the application would meet and potentially exceed the requirements of policy DM19.

9 CONCLUSION

- 9.01 The proposed care home would deliver a type of residential accommodation that is needed in the Borough and for which demand will grow. The location of a care home on the Perry Court site forms part of the allocation policy under MU7 of the Local Plan. The scheme has been amended to accommodate an appropriate design, would include sustainable construction measures and renewable energy, and the relationship with surrounding buildings within the wider Perry Court site, as well as with existing dwellings on Ashford Road, is considered acceptable. The scheme would not give rise to any material traffic increases or air quality impacts, when compared with the 60 bed care home scheme approved under the outline permission for Perry Court.
- 9.02 On this basis, I consider the application would accord with the development plan, and recommend that permission is granted.

10 RECOMMENDATION

GRANT Subject to the following conditions

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

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

General

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- 2) The development hereby permitted shall be carried out in accordance with the following plans – ME13 8RY A03-G, A04, A05-C, A05.1-B, A07-B

Reason: To accord with the application and in the interests of proper planning.

- 3) No development beyond the construction of foundations shall take place until details in the form of samples of external finishing materials to be used in the construction of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity

- 4) No development shall be commenced until details of existing and proposed site levels and finished floor levels, which shall include cross-sectional drawings through the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to secure a satisfactory form of development having regard to local topography.

- 5) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development beyond the construction of foundations shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reasons: In the interest of Security, Crime Prevention and Community Safety

Amenity

- 6) No dust or fume extraction or filtration equipment, or air conditioning, heating, ventilation or refrigeration equipment shall be installed until full details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority.

Reason : To safeguard the amenities of nearby residential properties.

- 7) No deliveries shall take place outside the hours of 0700 hours and 2300 hours Monday to Sunday.

Reason: In the interests of residential amenity.

Sustainability

- 8) The building hereby approved shall be constructed to BREEAM 'Very Good' Standard or an equivalent standard, and within 3 months following occupation of the building the

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relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved.

Reason: In the interest of promoting energy efficiency and sustainable development.

- 9) No development shall be commenced until full details of renewable energy measures to be applied to the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of promoting energy efficiency and sustainable development.

- 10) No development beyond the construction of foundations shall take place until details of electric vehicle charging facilities to be provided have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to first occupation of the care home, and maintained thereafter.

Reason: In the interests of sustainable development.

- 11) The measures contained within the staff Travel Plan shall be implemented upon first occupation of the building. The plan as approved shall be implemented, monitored and reviewed (on an annual basis) and a copy of that annual review and action plan arising shall be submitted to the Local Planning Authority for approval in writing and thereafter implemented as approved.

Reason: in the interests of sustainable development

Landscaping

- 12) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 13) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 14) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may

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be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

Contamination

- 15) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

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

Reason: To protect groundwaters.

Drainage

- 17) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution.

- 18) No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to and approved in writing by the local planning authority. The manual at a minimum shall include the following details:
- A description of the drainage system and its key components
 - A general arrangement plan with the location of drainage measures and critical features clearly marked
 - An approximate timetable for the implementation of the drainage system

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- Details of the future maintenance requirements of each drainage or SUDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

- 19) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources.

Construction

- 20) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site personnel, operatives and visitors
 - ii. Measures for the loading and unloading of construction and delivery vehicles, including turning facilities, on the site.
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities and measures to guard against the deposit of mud and similar substances on the public highway
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of the amenities of the area and highway safety and convenience.

- 21) No construction work in connection with each phase of 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 Local Planning Authority.

Reason: In the interests of residential amenity

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- 22) No impact pile driving in connection with the construction of each phase of the development shall take place on the site on any Sunday or Bank Holiday, nor any other day except between the following times:- Monday to Friday 0800-1800hours, Saturday 0800 - 1300, unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

Highways

- 23) The development hereby approved shall not be occupied until a surfaced footway linking the A251 Ashford Road to the proposed care home has been constructed in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of pedestrian safety.

- 24) The area shown on the submitted layout as vehicle parking and turning space 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.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 25) No dwelling/building shall be occupied or the approved use commenced until space has been laid out within the site for cycles to be parked in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

- 26) The access details shown on the approved plans shall be completed prior to the occupation of any buildings hereby approved, and the access shall thereafter be maintained.

Reason: In the interests of highway safety.

- 27) Before the first occupation of the care home, the following works between that dwelling / premises and the adopted highway shall be completed as follows:

- (A) Footways and/or footpaths shall be completed, with the exception of the wearing course;
- (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:

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- (1) highway drainage, including off-site works,
- (2) junction visibility splays,
- (3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

Archaeology

28) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

- (1) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and
- (2) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

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

Ecology

29) The development shall be carried out in strict accordance with the mitigation measures set out in the Ecological Appraisal and Badger Report by FPCR, both dated April 2018.

Reason: In the interests of biodiversity.

30) No installation of any external lighting shall take place until a bat sensitive lighting scheme, to minimise impacts on bats, is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity.

31) No development beyond the construction of foundations shall take place until a detailed scheme of ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be completed prior to first use of the building.

Reason: In the interests of biodiversity.

INFORMATIVES

- 1) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where

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required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The Council's approach to the application

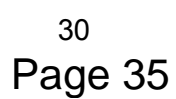
In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

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PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber - Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 18 July 2019 from 7.00 - 10.38 pm.

2.4 REFERENCE NO - 18/503057/FULL
APPLICATION PROPOSAL

Erection of a 3 storey, 66 bed care home for older people with associated access, car park and landscaping.

ADDRESS Land At Perry Court Ashford Road Faversham Kent ME13 8YA

WARD Watling

PARISH/TOWN COUNCIL
Faversham Town

APPLICANT LNT Care
Developments & HDD
(Faversham) Ltd
AGENT LNT Construction
Ltd

The Major Projects Officer referred to the tabled paper for this item.

Jo Kemp, the Agent, spoke in support of the application.

The Chairman invited Members to ask questions.

A Member noted the increase from 60 bed (approved as part of outline planning consent) to 66 bed and asked what increase in percentage would be a material change. He also considered that 20 car parking spaces were not enough for 40-50 FTE, 66 residents and visitors, and asked what nature of care was being offered, noting that there was a critical shortage of dementia care. The Major Projects Officer explained that although there was a change in the number of rooms, the floorspace was less than in the 2017 outline application. He advised that KCC Highways and Transportation had no objection to this increase, and there would be no material change to traffic impacts. The Major Projects Officer explained that the staff use of the car park would be staggered over 24hours, and the development was close to public transport links, and KCC Highways and Transportation had raised no objection to the parking figures. He added that the care would be for older people with dementia, and KCC had welcomed the proposal.

A Member asked whether there were both single and double rooms available, and considered the design of the buildings could be improved. The Major Projects Officer explained that all the bedrooms were single bedrooms, but that KCC had been happy with the internal layout. He considered it to be a good design, and the application included hard and soft landscaping conditions.

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In response to a question, the Major Projects Officer explained that drainage issues would be addressed by conditions (17) and (18) in the report.

A Member asked how much of the roof would be covered by solar panels, considered parking was 'tight' and queried whether the bland design fitted the local vernacular. The Major Projects Officer referred the Member to the renewable energy measures within condition (9) in the report, which gave the applicant flexibility to agree a package of measures. He explained that condition (8) required the building to be constructed to Building Research Establishment Environmental Assessment Method (BREAAAM) 'Very Good' standard. The Major Projects Officer said that KCC Highways and Transportation had confirmed that 20 car parking spaces were acceptable. The Conservation and Design Manager gave an overview of the finish of the building. He explained that it would be mainly brickwork, with rendered sections, and some projecting bays, with yellow brickwork. The render was similar to the nearby houses and supermarket, and the cladding used was similar to the hotel and supermarket. He explained that the overall finish of the care home provided a transition between the hotel and supermarket developments and the housing.

A Member welcomed the renewable energy aspect of the development, but emphasised the need for the building to generate electricity from photovoltaic panels. He stated that as a result of climate change, the residents would be vulnerable to warmer summers and he asked how the building was designed to safeguard residents from the heat. He also sought clarification as to whether it was a 3-storey or 2-storey building. The Major Project Officer suggested that condition (9) could be amended to include a target for renewable energy, and also refer to photovoltaic panels. He acknowledged the vulnerability of the residents and advised that together with the design incorporated by the agent, building regulations would ensure the building was appropriately built. The Major Projects Officer confirmed that it was a 3-storey building, however it sat lower than the road at the front to decrease the visual impact.

A Member asked why only 15% solar paneling was being installed. The Major Projects Officer explained that this was the figure mentioned by the Applicant, but re-iterated that there was a condition where a package of energy measures could be agreed.

The Chairman moved the officer recommendation to approve the application and this was seconded by the Vice-Chairman.

Members debated the application and raised points which included:

- The proposed building looked bland, and did not match the local vernacular;
- some over-hangs were needed to help shade the south facing windows;
- the design needed to be improved;
- 15% solar energy seemed low for this development;
- lack of car parking, especially with increase in residents;
- this was a mish-mash design;

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- photovoltaic roof tiles, rather than panels should be installed, and that would increase solar energy coverage;
- this building, plus supermarket and hotel would be clearly visible;
- suggest green living walls instead, and green roofs, and this would help water drainage;
- condition (9) needed to include the wording 'reach and attain 15% renewable energy' and 'seek and enhance biodiversity';
- there needed to be a new condition to ensure sustainable habitats and wildlife areas were provided;
- nothing wrong with the design, but it could be improved;
- the development should not be looked at until the junction of the A2 and the A251 was improved;
- design needed to be softened;
- increase in size was a material consideration despite the fact that the building was being dug down; and
- needed to resolve where we were pitching the level of renewable energy figure.

Councillor Benjamin Martin moved the following motion: That the application be deferred to review the design, and the renewable energy measures, and officers discuss these further with the Applicant and Agent. This was seconded by Councillor James Hunt.

On being put to the vote the motion to defer the application was agreed.

Resolved: That application 18/503057/FULL be deferred to review the design, and the renewable energy measures, and officers discuss these further with the Applicant and Agent.

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Def Item 2 REFERENCE NO - 18/502735/FULL		
APPLICATION PROPOSAL Erection of a new supermarket (Use Class A1) and a hotel (Use Class C1) along with associated accesses, car and cycling parking, lighting, drainage, hard and soft landscaping and associated infrastructure.		
ADDRESS Land At Perry Court Ashford Road Faversham Kent ME13 8YA		
RECOMMENDATION – That delegated authority be given to grant planning permission subject to resolution over the process to bring forwards new bus stopping points on Ashford Road, and completion of a S106 Agreement.		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL <ul style="list-style-type: none"> • The site forms part of a strategic mixed use development site as allocated under policy MU7 of the local plan. • The principle of a hotel has already been established through the grant of outline permission • The impact of the retail unit has been assessed and found to be acceptable • The scale and design of the development is considered to be acceptable. • The scheme would not result in unacceptable impacts upon the public highway network subject to financial contributions to mitigate impacts at the A2 / A251 and at Brenley Corner • The sustainable measures proposed and landscaping of the site have been improved and found to be acceptable • Other localised impacts have been assessed and found to be acceptable. 		
REASON FOR REFERRAL TO COMMITTEE This application was deferred by the Planning Committee on 30 th May 2019, and reported back to the Planning Committee on 12 th September. Following a number of concerns raised by Members, the application was “called-in” and deferred to a future meeting.		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT HDD (Faversham) Limited And Premier Inn Hotels Limited AGENT Pegasus Planning Group
DECISION DUE DATE 06/09/18		PUBLICITY EXPIRY DATE 08/08/19

1. Background

- 1.01 This application was reported to the Planning Committee on 30th May 2019 and again on 12th September 2019. A copy of the September report is attached as Appendix A, and the May report as Appendix B. At the September meeting, the Planning Committee raised a number of concerns relating to the scheme, following which the application was subsequently “called in” under my powers and deferred to a future meeting. This enables me to provide Members with further advice on the specific concerns raised.

1.02 The specific concerns raised by the Planning Committee can be categorised as follows

–

- Design of buildings
- Impact of food store on Faversham Town Centre
- Lack of certainty over delivery of A2 / A251 junction improvements
- Air quality impacts
- Scale of food store compared to that approved under outline permission 15/504264/OUT
- Impact on the setting of a listed building (The Oasthouse, Perry Court Farm)
- Impact of the larger scale buildings upon the amenities of neighbouring properties on Ashford Road

1.03 Following these concerns, I have (where relevant) sought further advice from consultees. The applicant has also made some design changes to the buildings, offered a further sum of £20,000 towards sustainable transport objectives, and revisited the electric vehicle charging strategy.

1.04 I have set out in the following sections the further consultee advice received and the revisions made to the scheme. I have also provided further advice on the grounds of concern raised by Members at the September committee – and the likelihood of these being reasonable grounds for refusal that would stand up at a planning appeal.

2. FURTHER CONSULTATION RESPONSES

2.01 **Kent County Council Highways** – On the matter of the junction improvements, KCC Highways advise that some £920,500 has been or will be secured via S106 Agreements from a number of developments in the area that will fund the improvement works (noting that some schemes have a resolution for approval but the S106 Agreements have not yet been completed). The expectation is that £300,000 will be available imminently (Perry Court residential) with a further £187,000 expected fairly quickly. KCC Highways also advise that they are looking at opportunities to forward fund the scheme so there are minimal delays.

2.02 In respect of the analysis of the junction impacts arising from the food store proposal, KCC Highways advise as follows -

“The analysis completed demonstrates that the movements from the development on the A2/A251 junction equate to a 1.1% increase in the AM and a 2.2% increase in the PM. Such percentages are very minor and indeed well within the 5% usually quoted for daily fluctuations in flows. In addition the Highway Authority had requested very robust trip generation calculations for the Aldi store element of the development. This has been assessed in line with supermarkets rather than discount stores as originally proposed by the applicant. Two of the three Supermarkets assessed for the trip generation were over double in size of the proposed application and whilst supermarkets remain the most appropriate comparable parameter, as in this case, Aldi stores generally require significantly smaller car parks than a standard supermarket. There are also a number of food retail options in the local vicinity. For these reasons I am confident that the assessment completed is robust, the contribution being offered is appropriate and that should there be any, temporary delay, between the opening of the

supermarket and the delivery of the signalised A2/A251 junction, there are no Highway concerns.

The application was assessed against all committed schemes and includes all movements associated with full occupation of the local plan development sites. Clearly it is expected that the Aldi would be open before the full occupation of all the committed sites including that of the adjoining Perry Court site, therefore there will be a considerable time lag between the point at which the store opens and all that “committed” development traffic hits the network.”

- 2.03 In respect of the further sum of £20,000 offered by the applicant towards sustainable transport initiatives, KCC Highways advise that this would potentially enable further bus stops to be installed on Ashford Road, with potentially a layby and footpath extension to connect to Perry Court. KCC Highways would prefer this to be undertaken under a S278 Agreement, which would require a scheme to be provided by the applicant and a further consultation to take place with local residents as part of the application process.
- 2.04 **SBC Design and Conservation Officer** – Advises that the listed oast building is sited some 400m from the proposed buildings, to the north west of the larger Perry Court development site. This distance is significant, and permission has already been granted for residential development on the land between the listed oast house and the application site. He does not consider that there would be any harmful impacts arising to the setting of this oast building.

3. APPRAISAL

- 3.01 This section deals specifically with the concerns raised by the Planning Committee at the meeting on 12th September 2019.

The certainly of delivery of improvements to the A2 / A251 Junction

- 3.02 KCC Highways have provided further comments on this above. Substantial funding has / is being secured through various developments in the area, some of which is imminent. KCC are also looking to forward fund the scheme in the event that some monies do not come forward soon enough.
- 3.03 Members will note the advice from KCC that the proposed vehicle movements have been very robustly tested, and that even if there was a temporary delay between the junction works being provided and the opening of the food store and the hotel, no highways concerns are raised. Furthermore, that there will be a considerable time lag between opening of the food store and the completion of all committed housing schemes in the area – when all predicted development traffic hits the road network.
- 3.04 On this basis, whilst I cannot provide Members with a definitive date upon which the junction improvement works will be completed, the advice from KCC Highways is very clear that the opening of the food store and the hotel, even if the junction works have not been implemented, will not cause unacceptable highways impacts.
- 3.05 Some Members at the September committee queried whether a Grampian condition could be imposed to prevent occupation of the food store and the hotel prior to completion of the improvement works. Planning conditions should only be imposed in situations when, without such conditions, a development would be unacceptable. It is clearly evident that KCC Highways do not consider this to be the case.
- 3.06 On the basis of the above, I consider the advice from KCC Highways to be clear, that the development would not cause any unacceptable highways impacts.

- 3.07 In the event that the Planning Committee was minded to refuse the scheme on highways grounds, I consider there would be a high likelihood that such a refusal would not be credible at an appeal, based on the fact that the Planning Committee has no technical evidence to support a refusal. In my opinion there would be a high risk of costs at an appeal in such a scenario.

Air Quality

- 3.08 Members will have read the Air Quality report prepared by the applicant, and the written advice from the Council's Environmental Protection Team Leader set out in both committee reports, as well as his verbal advice at both committee meetings.
- 3.09 I consider this advice to be clear, that the scheme would not result in unacceptable impacts to air quality. As stated above, in the absence of contrary technical material to support a refusal, I consider that to refuse on such grounds would be very difficult to defend at an appeal, with a high risk of costs being awarded against the Council.

Impact upon the setting of the listed building

- 3.10 The proposed food store and hotel would be sited approximately 400m from The Oasthouse at Perry Court, a Grade II listed building. This is a significant distance, over land that forms part of the wider Perry Court development site and has permission for housing development (which is being implemented). I have provided comments above from the Council's Conservation Officer, which I consider to be clear that there is no identifiable harmful impact on the setting of this oast that would arise from the development.
- 3.11 I consider this advice to be clear, that the scheme would not result in any unacceptable impacts upon the setting of this listed building. Given the significant intervening distance, the allocation of the wider site for development, and the permission for housing development (under construction) on this intervening land, I consider that to refuse on such grounds would be very difficult to defend at an appeal, with a high risk of costs.

Viability of town centre

- 3.12 This application has been assessed by two separate consultants specialising in retail planning, on behalf of the Council. Both reports are available to Members (and the public) online, and the latest report (WYG Planning) was appended to the September report, and is attached again as Appendix C. Both consultants concluded that there would not be any significant adverse impacts upon Faversham Town Centre, which is the test to be applied under paragraph 90 of the NPPF, and on this basis I do not consider it would undermine the vitality and viability of the town centre in accordance with Policy DM2 of the Local Plan.
- 3.13 I consider the retail consultants' advice to be clear, and based on expert retail analysis. In the absence of contrary technical analysis to support a refusal, I consider that to refuse on such grounds would be very difficult to defend at an appeal, with a high risk of costs.

Impact of the buildings upon the amenities of existing residential dwellings on Ashford Road.

- 3.14 The proposed buildings would be sited some 55-60 metres from the existing dwellings fronting the east side of Ashford Road. The proposed food store would measure up to 8.5 metres in height and the hotel building 11 metres in height. Due to land levels, these

buildings would be sited approximately 1.5 metres above the level of the dwellings on Ashford Road.

- 3.15 In terms of privacy, Members may be aware that typical separation distances of 21 metres are normally applied between “back to back” relationships between dwellings, i.e. across private rear gardens. Whilst this application is not a “dwelling to dwelling” relationship, the proposed development would be around three times greater than this normal separation distance – and this relationship is with the front of the dwellings, where privacy issues are far less of a concern than to the rear of dwellings. Furthermore, there are no windows (other than to a staircase to the hotel building) on upper floors that would face these dwellings.
- 3.16 In terms of light loss, the BRE Good Practice Guide for Daylight and Sunlight sets out a test that is often used to determine whether light loss is likely to be an issue with new development proposals. The test advises that a 25° line should be drawn from the centre of a window in any existing building facing a new development. If the proposed development interferes with this line, then there is a risk that it would affect daylight provision to such window(s). In applying this guideline to the Perry Court proposal, it is clear that the 25° line is not breached (or even close to being breached).
- 3.17 In terms of outlook, the development will be visible from the frontages of properties on Ashford Road. However, given the separation distances involved, and the presence of the intervening busy Ashford Road, I do not consider this this could affect the outlook of these dwellings to an unacceptable degree. In my opinion, unacceptable impacts on outlook are commonly related to proposals where there is a very close relationship between a proposed development and an existing dwelling / building (i.e. within a few metres), or where it relates to a development of far greater height and scale than is proposed in this scheme. Although the occupants of these dwellings would have been used to a view of an undeveloped field, the change in this view is not a planning consideration. Members will be aware that many buildings typically face towards other built form at much closer distances than is proposed under this scheme.
- 3.18 On the basis of the above, whilst there is a degree of subjectivity in assessing the impacts on neighbouring amenities, I consider the proposal falls well short of causing unacceptable impacts, primarily due to the substantial separation distance that would be maintained across Ashford Road. On this basis, I would advise that refusal on such grounds would be very difficult to sustain at an appeal.

Design / Scale of the buildings

- 3.19 A number of Members of the Planning Committee raised concerns regarding the design of the development, which I have broadly summarised as follows –
- The design and scale of the food store is considerably larger than the local shop that was agreed in the outline permission.
 - The design of the food store is a generic design adopted by the proposed retailer for numerous stores in the area. It should be more distinctive to the area.
 - The design of the hotel is unimaginative and is essentially a large flat roofed box.
 - A pitched roof is preferred
 - The buildings should be designed with a greater sense of place, with regard for local vernacular, and be in keeping with the architectural articulation on dwellings nearby.
- 3.20 In terms of the first point, Members should note that following the grant of planning permission, any applicant is of course entitled to submit an application for alternative scheme – and the fact that such scheme may be larger than previously approved is not in itself a reason for refusal.

- 3.21 The applicant has chosen not to fundamentally change the design of the scheme. The Brise Soleil detailing on the food store has been increased, and some further detailing has been provided to “pull” the cladding on the hotel building further away from the brick work. Whilst I consider these to be improvements, both designs remain essentially as previously seen by Members with some minor amendments.
- 3.22 In my design assessment of the scheme (Paragraphs 4.21 – 4.24 of my deferred report and paragraphs 8.25-8.34 of my May report) I advised that I was content that the scheme offered a good standard of design, and I gave reasons why a contemporary approach was more appropriate for these larger scale buildings. I also advised in my deferred report that the Council’s Principal Urban Design and Landscape Officer was also content with the design of the scheme.
- 3.23 I do not intend to repeat my previous comments in detail here, and clearly the amendments submitted by the applicant are minor ones. However if Members are concerned about the adequacy of the design and seek to refuse on this basis, then this clearly is a subjective matter which has a greater chance of being substantiated at an appeal, provided that Members are very clear why the design approach is unacceptable. I maintain that the design is acceptable, but Members are of course entitled to take a different approach.

Other matters

- 3.24 Sustainable Transport – A Member of the Planning committee queried why contributions had not been sought to provide better public transport links to the site. Following this, the applicant has offered a sum of £20,000 towards such measures. KCC Highways advise that this would be best used in providing additional bus stops on Ashford Road, close to the entrance to the site, which in turn would make the use of an existing bus service (The 666 route) more attractive. Discussions are currently being held with the applicant and KCC Highways as to how this is best achieved, and I will update Members at the meeting.
- 3.25 EV Charging – Following concerns raised by Members that rapid chargers should be provided, the applicant has revisited this, and has confirmed that they would provide 2 x 50Kw chargers and 3 x 7Kw fast chargers on the hotel site (to replace the 6 No 7kw fast chargers previously proposed). This would be in addition to the provision on the food store site of 2 x 22kw fast charge points with infrastructure for a further 4 charging points, and a £20,000 contribution towards charging facilities in the wider Faversham area.
- 3.26 I consider that these add positively to the development proposals.

4.0 CONCLUSION

- 4.01 My advice to Members remains that planning permission should be granted for this scheme. However if Members seek to overturn my recommendation, I have provided advice on the likelihood of sustaining the various potential grounds of refusal raised by Members at the last Committee meeting and would advise that Members should take this into account.

5.0 RECOMMENDATION

That delegated powers are given to GRANT Planning permission, subject to –

- Resolution over the process to secure bus stop improvements on Ashford Road
- Completion of a S106 Agreement to secure the highways contributions sought by KCC Highways and Highways England, and the £20,000 contribution

towards off site EV charge points.

- The following conditions

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

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

General

- 2) The development shall be carried out in accordance with the following approved plans: 1416-PP Rev C, 1416-PCL Rev A, 1416-90 Rev E, 1416-300 Rev N, 1416-301 Rev M, 1416-350 Rev D, 1416-206 Rev D, 1416-205 Rev F, 1416-201 Rev D, 1416-200 Rev H, 1416-110 Rev LL, 1416-310, 1416-503

Reason: To accord with the application, in the interests of proper planning

- 3) No development beyond the construction of foundations shall take place in any phase until details in the form of samples of external finishing materials to be used in the construction of the development hereby approved for that phase have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 4) Prior to the installation of each element described below for the hotel, the following building details (drawings to be at a suggested scale of 1:5 or as appropriate in order to show sufficient detail) shall be submitted to and approved in writing by the Local Planning Authority:
 - Section drawings of window frames and glazing bars, to include depth of window reveal from the external face of the building.
 - Manufacturer's colour brochure and specification details of the window product.
 - Section drawings of the junction between the cladding materials, brickwork and facing materials on the elevations of the building.
 - A section drawing of the wall capping detail
 - Facing materials for the lift overrun and plant enclosure on the roof of the hotel building.
 - Details of rainwater goods

The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and design quality.

- 5) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development in any phase beyond the construction of foundations shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reasons: In the interest of Security, Crime Prevention and Community Safety

- 6) No development relating to the hotel or food store phases shall take place until details of the means to achieve a minimum of BREEAM "Very Good" rating, which shall

include the list of renewable and energy saving measures as set out in the Sustainability Briefing note (received on 23/08/19), have been submitted to and approved in writing by the local planning authority for that phase. Prior to the use of the food store or hotel, the relevant design stage certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved for that phase.

Reason: In the interest of promoting energy efficiency and sustainable development.

Construction

- 7) No development in any phase shall take place until a Construction and Environmental Method Statement for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved Statements shall be adhered to throughout the construction period for those phases. These shall include details relating to:
- (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;
 - (ii) The loading and unloading and storage of plant and materials on site;
 - (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (iv) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development phase during construction;
 - (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
 - (vi) Measures to control mud deposition off-site from vehicles leaving the site, including the provision of wheel washing facilities;
 - (vii) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
 - (viii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site;
 - (ix) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking;
 - (x) Lighting strategy for the construction phase, designed to minimise light spillage from the application site; and
 - (xi) Measures to manage the routeing and timings for construction and delivery vehicles

Reason: To ensure the development does not prejudice conditions of residential amenity, highway safety and convenience, and local ecology, through adverse levels of noise and disturbance during construction.

- 8) No construction work in connection with each phase of 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 Local Planning Authority.

Reason: In the interests of residential amenity

- 9) No impact pile driving in connection with the construction of each phase of the development shall take place on the site on any Sunday or Bank Holiday, nor any other day except between the following times:- Monday to Friday 0800-1800hours,

Saturday 0800 - 1300, unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

Highways

- 10) The access details (including footpath connections) for each phase shown on the approved plans shall be completed prior to the occupation of that phase hereby approved, and the accesses shall thereafter be maintained.

Reason: In the interests of highway safety.

- 11) The area shown on the submitted plans as loading, off-loading and vehicle parking spaces 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) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) 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 commencement of the use hereby permitted.

Reason: Development without adequate provision for the parking, loading or off-loading of vehicles is likely to lead to parking inconvenient to other road users

- 12) Prior to the commencement of the external works for each phase, details of the secure covered cycle storage facilities for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason: in the interests of sustainable development

- 13) No occupation of each phase shall take place until a Staff Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement (including the appointment of a travel plan coordinator). Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: in the interests of sustainable development

- 14) Prior to the occupation of each phase, details of electric charging facilities – to be of a type as set out in the Sustainability Note by Pegasus Planning and the email dated 23/09/19 - to be provided in that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to first public use of the buildings, and maintained thereafter.

Reason: In the interests of sustainable development.

- 15) No development in any phase shall be brought into use until the visibility splays for that phase as shown on the Site Access Visibility Splays Plan (drawing 17-0303/VS01 appended to the Transport Assessment) have been provided, and such splays shall thereafter be maintained with no obstructions over 0.9 metres above carriageway level within the splays.

Reason: In the interests of highway safety.

Landscaping

- 16) No development in any phase shall take place until full details of all existing trees and/or hedges in that phase, details of any trees or hedges proposed for removal, and measures to protect any trees or hedges shown to be retained within or immediately adjacent to the site, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include
- (a) a plan showing the location of, and allocating a reference number to each existing tree and hedge on the site to be retained and indicating the crown spread of each tree, and extent of any hedge, and identifying those trees and hedges to be removed.
 - (b) details of the size, species, diameter, approximate height and an assessment of the general state of health and stability of each retained tree and hedge.
 - (c) details of any proposed arboricultural works required to any retained tree or hedge
 - (d) details of any alterations in ground levels and of the position of any excavation or other engineering works within the crown spread of any retained tree.
 - (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development .

The development shall be carried out in accordance with the approved details and the approved protection measures shall be installed in full prior to the commencement of any development, and retained for the duration of construction works. No works, access, or storage within the protected areas shall take place, unless specifically approved in writing by the Local Planning Authority

In this condition "retained tree or hedge" means any existing tree or hedge which is to be retained in accordance with the drawing referred to in (a) above.

Reason: In the interests of protecting existing trees and hedges which are worthy of retention in the interests of the amenities of the area.

- 17) No development beyond the construction of foundations shall take place in any phase until full details of hard landscape works for that phase have been submitted to and approved in writing by the Local Planning Authority. These details shall include means of enclosure, hard surfacing materials, and measures to prevent vehicles from overhanging onto paths and landscaped areas within the car park, and an implementation programme. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

- 18) Unless agreed otherwise, the soft landscape works shall be carried out in full accordance with the landscape drawing 8285-L-01J, other than the following details which shall be submitted to and approved in writing by the Local Planning Authority prior to any development beyond the construction of foundations in any phase –
- Details of an alternative tree species to be planted within the car park of the hotel development.
 - Details of the design and specification of tree pits to be installed within the scheme.

The development shall be carried out in accordance with the approved soft landscaping details, which shall be completed prior to the occupation of each phase of the development or in accordance with an implementation programme agreed in writing with the Local Planning Authority.

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

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 20) No development beyond the construction of foundations to the hotel shall take place until details of the design and siting of a public art installation have been submitted to the Local Planning Authority. The approved details shall be installed prior to first opening of the hotel, or within six months of approval by the Local Planning Authority, whichever is the sooner.

Reason: In the interests of the visual amenities of the area.

- 21) The open space for each phase, as identified on drawing 1416 OSA Rev A shall be provided and made available for public use at all times prior to first occupation of that phase of the development, and maintained as such thereafter.

Reason: To ensure that the development contributes to wider space objectives as set out under Policy MU7 of the Local Plan.

Contamination

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

Reason: To protect controlled water and comply with the NPPF.

- 23) If, during development of a relevant phase, contamination not previously identified is found to be present in that phase then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out in that phase until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect controlled waters and comply with the NPPF.

Drainage

- 24) No infiltration of surface water drainage into the ground in any phase is permitted other than with the written consent of the Local Planning Authority for that phase. The development shall be carried out in accordance with any such approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework

- 25) No development shall be occupied in any phase until the approved means of foul sewerage disposal for that phase have been completed.

Reason: To ensure adequate foul drainage facilities are provided

- 26) No development in any phase shall take place until a detailed sustainable surface water drainage scheme for that phase has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by each phase of the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site, as detailed within the Flood Risk Assessment and Drainage Strategy prepared by BSP Consulting referenced 17-0303/FRA-DS, without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 27) No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme for that phase is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:
- A description of the drainage system and its key components
 - A general arrangement plan with the location of drainage measures and critical features clearly marked
 - An approximate timetable for the implementation of the drainage system
 - Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
 - Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- 28) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system for that phase, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately

managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

Environmental

- 29) No dust or fume extraction or filtration equipment, or air conditioning, heating, ventilation or refrigeration equipment shall be installed on each phase of the development until full details of its design, siting, discharge points and predicted acoustic performance for that phase of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residential properties.

- 30) No deliveries shall take place outside the hours of 0600 - 2300 hours Monday to Saturday, and deliveries between the hours of 0600 - 0700 shall be conducted in line with the Delivery Management Plan dated November 2018. No deliveries shall take place on a Sunday, bank or public holiday outside of the hours of 08:00 - 20:00, and deliveries between the hours of 08:00 and 09:00 shall be conducted in line with the Delivery Management Plan dated November 2018.

Reason: In the interests of residential amenity.

Retail impact

- 31) The development hereby approved shall only be used as a Class A1 retail food store and shall be restricted to 'limited product line deep discount retailing' and shall be used for no other purpose falling within Class A1 of the Town and County Planning (Use Classes) Order 1987 (or any order revoking or re-enacting or amending that Order with or without modification). 'Limited product line deep discount retailing' shall be taken to mean the sale of no more than 2,000 individual product lines.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 32) The Total Class A1 (retail) floorspace hereby permitted shall not exceed 1,725 sqm gross internal area. The net sales area (defined as all internal areas to which customers have access, including checkouts and lobbies) shall not exceed 1,254 sqm without the consent of the Local Planning Authority.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 33) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that Order with or without modification), the Class A1 (retail) floorspace hereby permitted shall be used primarily for the sale of convenience goods with a maximum of 251 sqm of the net sales area devoted to comparison goods

Reason: To control the extent of comparison goods retailing, Reason: to prevent unacceptable impacts upon the vitality and viability of Faversham Town Centre

- 34) The Class A1 (retail) unit hereby permitted shall be used as a single unit and shall not be sub-divided into two or more units, and no concessions shall be permitted within the unit.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 35) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending that Order with or without modification), no mezzanine floor or other form of internal floor to create additional floorspace other than that hereby permitted shall be constructed in the hereby permitted Class A1 (retail) unit.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 36) The class A1 retail use hereby permitted shall not be open to customers or any other persons not employed within the business operating from the site outside the following times 0700 - 2200 on weekdays, Saturdays and Bank and Public Holidays and any 6 hours between 1000 - 1800 on Sundays.

Reason: In the interests of residential amenity.

Ecology

- 37) No installation of an external lighting scheme for each phase shall take place until a bat sensitive lighting scheme to minimise impacts on bats, for each phase, is submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and biodiversity

- 38) No development of any phase shall take place until a detailed mitigation strategy for all protected species has been submitted to, and approved in writing by, the Local Planning Authority for that phase. The development shall then be implemented in accordance with the agreed strategy.

Reason: In the interests of biodiversity

- 39) No development beyond the construction of foundations shall take place in any phase until a detailed scheme of ecological enhancements for that phase have been submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be completed prior to first use of the building.

Reason: In the interests of biodiversity.

Archaeology

- 40) No development of any phase shall take place until the applicant, or their agents or successors in title, has secured the implementation of the following, for each phase:
- (1) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and
 - (2) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological

investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

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

INFORMATIVES

- (1) For the avoidance of doubt, the electricity substation can be constructed in accordance with the approved details and without a requirement to comply with the above pre-commencement conditions other than condition (40)
- (2) For the avoidance of doubt, works in connection with condition (40) (Archaeology) shall be permitted to take place without a requirement to comply with the above pre-commencement conditions.

The Council's approach to the application

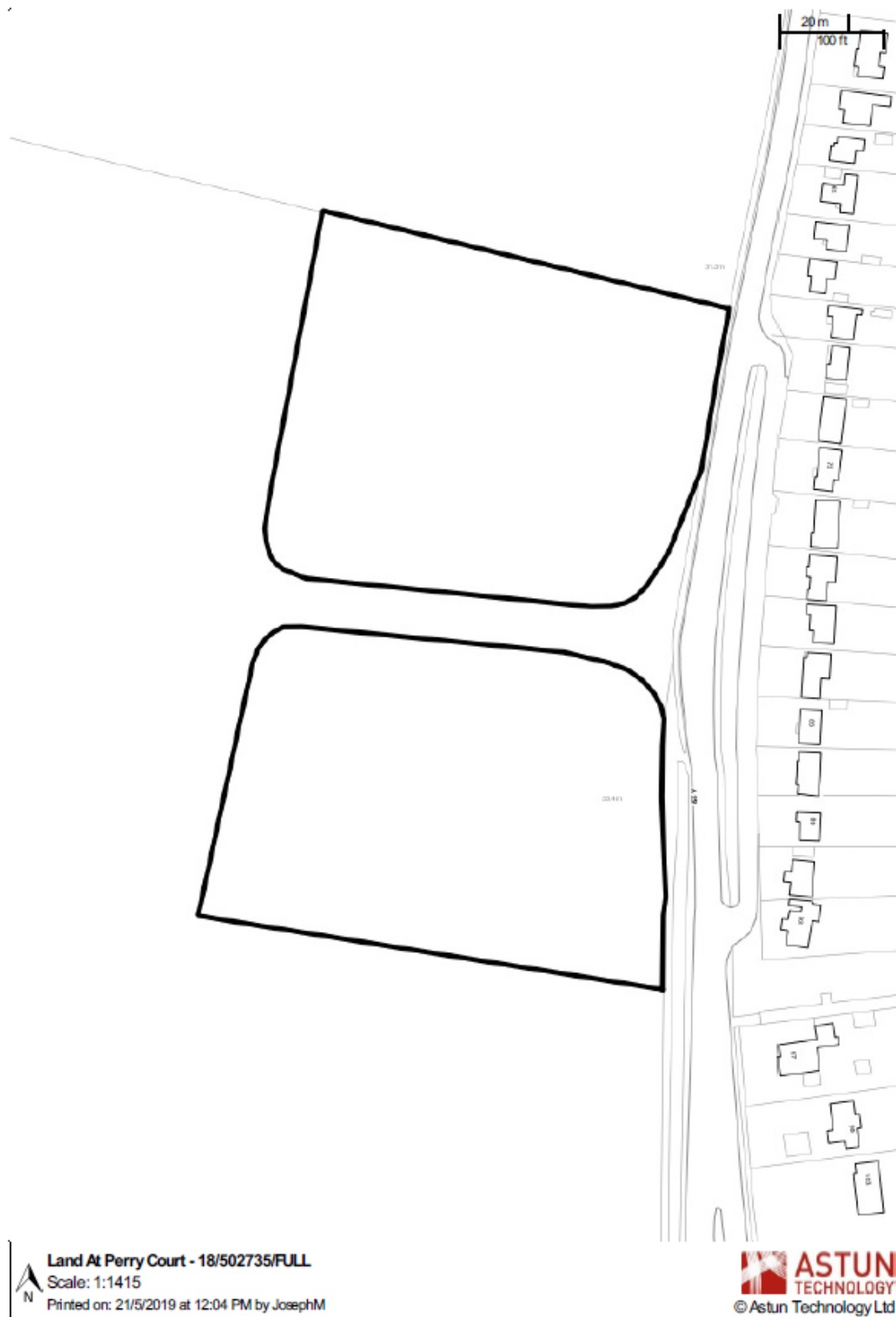
In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



APPENDIX A**PLANNING COMMITTEE – 12 SEPTEMBER 2019****DEFERRED ITEM 1**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

Def Item 1 REFERENCE NO - 18/502735/FULL		
APPLICATION PROPOSAL		
Erection of a new supermarket (Use Class A1) and a hotel (Use Class C1) along with associated accesses, car and cycling parking, lighting, drainage, hard and soft landscaping and associated infrastructure.		
ADDRESS Land At Perry Court Ashford Road Faversham Kent ME13 8YA		
RECOMMENDATION – That delegated authority is given to grant planning permission subject to the submission of a further landscaping plan and completion of a S106 Agreement, and the comments of KCC Highways and Transportation.		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The site forms part of a strategic mixed use development site as allocated under policy MU7 of the local plan. • The principle of a hotel has already been established through the grant of outline permission • The impact of the retail unit has been assessed and found to be acceptable • The scale and design of the development is considered to be acceptable. • The scheme would not result in unacceptable impacts upon the highway subject to financial contributions to mitigate impacts at the A2 / A251 and at Brenley Corner • The sustainable measures proposed and landscaping of the site have been improved and found to be acceptable • Other localised impacts have been assessed and found to be acceptable. 		
REASON FOR REFERRAL TO COMMITTEE		
This application was deferred by the Planning Committee on 30 th May 2019.		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT HDD (Faversham) Limited And Premier Inn Hotels Limited AGENT Pegasus Planning Group
DECISION DUE DATE 06/09/18		PUBLICITY EXPIRY DATE 08/08/19

APPENDIX A**1. Background**

1.01 This application was reported to the Planning Committee on 30th May 2019. A copy of the report is attached as Appendix A. The planning Committee deferred the application for the following reasons –

- For a decision to be made by the Swale Joint Transportation Board in relation to improvements to the A2 / A251 junction.
- Further details relating to the design of the buildings
- Further details of the environmental impact of the development (particularly sustainable design and construction)
- Further details of the potential impact on the viability of Faversham Town centre
- Further implications for local air quality
- Further details of native tree species to be planted.

1.02 A copy of the minutes of the committee meeting is attached as Appendix B.

1.03 The applicant has subsequently met with my officers and submitted further details in response to the matters raised by the Planning Committee. This includes a design note, retail note, landscape strategy note, Transport Assessment summary note, sustainability briefing note and an Air Quality Assessment summary. The applicant has also provided a revised site plans and landscaping plan which includes amendments to the soft landscaping proposals, and a revised elevation plan showing amendments to the visual appearance of the hotel building at ground floor level. The applicant has also provided further detail of the bricks and cladding proposed for the development.

2. FURTHER REPRESENTATIONS

2.1 3 further letters received from local residents, raising the following concerns –

- Impacts on highways infrastructure and air quality, including through the Ospringe AQMA
- Consideration of this application was postponed indefinitely in May, so why is it being reported back to committee again?
- The cosmetic changes proposed do not address the more significant objections relating to traffic and air quality. Cumulative impacts also need to be considered.
- Past resident comments are not displayed in full text form.
- The change in the political make up of Swale Borough Council and Faversham Town Council should not be ignored.

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Report to Planning Committee – 12 September 2019

Def Item 1

- The position of the hotel development would have a significant impact on the privacy and outlook of residents on Ashford Road.

2.2 A letter has been received from a consultant representing Tesco, and which is summarised as follows –

- The application still fails to properly assess the retail impact of the scheme, as required by Policy MU7 of the Local Plan.
- The applicant has still not produced a retail impact assessment
- The consultants employed by the Council have not provided an impact assessment and do not identify the actual / likely trading performance of the town centre stores, and must be treated with caution.

3. FURTHER CONSULTATIONS

3.01 Faversham Town Council – No Objection, reasons : -

- Changes made to the application address the material considerations previously raised, including addition of solar panels, change of materials and improvements to the landscaping of the site.
- The concerns about the A2/A251 and Mall Junction have been answered.

3.02 KCC Highways and Transportation – No comments received to date. I will update Members at the meeting.

3.03 Environmental Protection Team Leader – Advises that the effect on Air Quality from this part of the wider development (which also includes up to 310 dwellings, a care home and a substantial amount of class B1 floorspace) will be negligible. By the time this development has been constructed and has been established it is predicted that air pollution levels will have continued to fall, largely as a result of improvements in vehicle technology and the gradual removal and replacement of the most polluting vehicles. The technical note gives more substance to the argument being put forward by quoting a dispersal modelling method and figures that have resulted. Though it would have been preferable to have seen more explanation to the numbers being mentioned in the note, I am satisfied that it all points in the same direction i.e. that air quality in and around this site will not be adversely impacted by this or any other part of the development. The only criticism of this note I would make is in connection with the description of suggested mitigation measures which are too vague and non-specific even though I do not disagree with what is being suggested.

3.04 SBC Climate Change officer - Advise that they are generally happy with the BREEAM very good strategy and EV charging strategy. In respect of EV charging, it is appreciated that the electricity supply capacity may be beyond the control of the applicant. The argument for fewer charge points at the supermarket is understandable. However many local residents live in terraced properties with no space for off road parking – the availability of local charging points would make adoption easier and more likely for them, and would provide charge points close to the motorway. The climate change officer fully

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supports the greywater harvesting proposed for the hotel and the £20,000 financial contribution towards off-site electric vehicle charge points.

4. APPRAISAL

4.01 This section deals specifically with the queries raised by the Planning Committee in deferring the application in May 2019.

The A2 / A251 Junction

4.02 Proposals for improvements to this junction were reported to the Swale Joint Transportation Board meeting on 24th June. The Board recommended that a scheme for signalisation of the junction be pursued. KCC expect to deliver this scheme in the next 18 months.

Sustainability

4.03 The applicant has provided a briefing note that sets out the sustainable measures to be utilised within the development. The proposals would be designed to meet BREEAM Very Good standards in accordance with policy DM19 of the Local Plan, and this would be secured via a planning condition. The Briefing Note sets out the following sustainability measures that would be provided –

- The use of solar panels on the roof of the hotel building. The Briefing note explains that the panels would cover an area of approximately 140 sqm providing an output of 20KWh, which would be sufficient to cover the heating needs for the hotel.
- The use of air source heat pumps for the hotel
- The use of a greywater recycling system for the hotel, which would be designed to meet 100% of the WC flushing demand.
- The use of a refrigerant heat recovery system in the food store, which would generate sufficient re-usable energy to cater for all the heating requirements of the store.
- A reduction in energy use through increased building fabric energy
- Reductions in water consumption through efficient taps and low flush toilets (and the greywater harvesting described above).
- Use of a sustainable surface water drainage scheme
- Provision of on site electric vehicle charge points and a contribution of £20,000 towards off-site EV charge points in Faversham.

4.04 The Council's Climate Change Officer supports the sustainability measures being provided and in my opinion these would meet if not exceed the policy requirements under DM19 of the Local Plan.

Viability of town centre

4.05 The applicant has provided a Retail Impact Note which sets out the following –

- That the impact of the proposed Aldi store on Faversham town centre has been considered in detail by two independent consultants on behalf of the Council, both of whom confirm that the application accords with the relevant impact test.

APPENDIX A

- That despite objections from Tesco and Morrison's, neither operator has suggested that the proposed Aldi store would result in the closure of their store.
 - That whilst a small proportion of trade draw will be from the town centre (principally Tesco), the impact of this would be limited and would not result in significant impacts.
 - That the proposal would result in a negligible trade draw / impact on smaller shops and the market within the town centre, due to its significantly different offer to these facilities, as highlighting by the ability of small shops / the market to trade alongside existing main-food shopping facilities.
 - That the proposed retail store would bring about significant economic benefits and improve consumer choice for the town and surrounding area.
- 4.06 Members will be aware from the original committee report that the impact of the proposed Aldi store on Faversham town centre has been assessed by two external consultants on behalf of the Council, one of which (WYG Planning) has also produced the Swale Borough Council Retail and Leisure Needs Assessment (RLNA) for the Local Plan review. In the RLNA, it was concluded that Faversham town centre displayed good levels of vitality and viability.
- 4.07 Members of the planning committee in May specifically raised concern regarding the impact of the Aldi proposal on Faversham town centre, particularly smaller local shops and the Faversham market. The trade draw forecasts undertaken by the applicant and reviewed by WYG Planning (on behalf of the Council) set out that the turnover of the Aldi store would be in the region of £10.33 million. This turnover would predominantly be drawn from other discount stores (30% drawn from Aldi stores in Sittingbourne and Whitstable), and from Sainsbury's (23%) and Morrison's (10%) in Faversham. The forecasting shows that 15% of the Aldi turnover (approx. £1.47 million) would be drawn from Faversham Town Centre and that this would be almost exclusively drawn from the Tesco store.
- 4.08 The WYG Planning Retail Impact Appraisal states that the impact of the proposal on the convenience goods turnover of Faversham Town Centre would be in the region of 5.6%. The edge of centre Morrison's is predicted to experience an 8% impact. The appraisal has also carried out sensitivity testing based on a scenario if slightly more trade was drawn from the town centre. This forecasts that the impact on convenience goods turnover in the town centre would be in the region of 6.3%, the impact of which would fall most heavily on Iceland and other stores (16%). Members may also be aware that Iceland is due to close in September.
- 4.09 The WYG Appraisal concludes that the impact on the convenience goods turnover of the town centre would be between 5-6%, and that such levels would not normally be cause for concern particularly given the good levels of vitality and viability exhibited in Faversham town centre. The Appraisal sets out that it is unlikely that any individual store would close as a result of the impact of the proposed Aldi store, and that competitive overlap with smaller stores (butchers, bakers, convenience stores) is low. Members should note that proposed conditions 31-35 specifically control the type of retail offer, limiting use to a deep discount retailer, and limiting the floor space and extent that can be used for the sale of comparison goods. Such conditions are all designed to control the scale and type of retailing to limit impacts on the town centre.

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- 4.10 I have considered the impact on Faversham markets further and consulted with my colleagues in the Planning Policy team. The markets represent niche retailing and Faversham has a strong reputation both for the regular and specialist markets, I do not consider that the proposal would result in significant impacts on the markets. The markets already co-exist with the nearby Tesco and Morrison's stores, and I do not consider that the proposal would cause unacceptable impacts.
- 4.11 For the benefit of Members, I have attached the WYG Appraisal as Appendix C.
- 4.12 Members will also note the further objection from representatives acting for Tesco. I have already addressed their concern regarding the planning policy position in paragraph 8.10 of the May committee report. In respect of the adequacy of the assessments undertaken by consultants employed by the Council, I have discussed this further with colleagues in my Planning Policy team. It is considered that these documents are both locally appropriate and proportionate, particularly the work carried out by WYG Planning that uses the most up-to-date figures available from the local plan evidence report on the Retail & Leisure needs published earlier this year. As such I have no concern regarding the adequacy and robustness of the reports.

Air Quality

- 4.13 The applicant has submitted an air quality summary document which explains how the assessment has been carried out in accordance with current guidelines, and based on traffic data agreed with KCC Highways and Highways England which includes traffic generated from the original outline consent (reference 15/504264/OUT and which is described under 'Planning History' in the amended report), additional consented developments in the area and additional traffic generated by the proposed foodstore.
- 4.14 The summary document reports that predicted NO₂ concentrations are predominantly classed as Slight or Negligible, with a small number of predicted Moderate impacts. The Moderate impacts represent a change of less than 1% of the objective of 40µg/m³, and would not result in any new exceedances of this objective within the Ospringe AQMA. Annual PM₁₀ concentrations are predicted to remain within the objective of 40µg/m³.
- 4.15 Future year traffic data has been modelled using 2019 and 2020 background and emissions data. However emissions are predicted to decrease year on year through technology improvements to reduce pollution. By the time maximum development flows would be present, future changes to background concentrations and emission factors indicate that all of the modelled receptor locations within the AQMA would experience negligible impacts arising from the development.
- 4.16 Members will note from the comments received from the Environmental Protection Team Leader that he agrees that air quality impacts would be negligible. On this basis, I do not consider that there would be any significant impacts upon air quality.
- 4.17 The Environmental Protection Team Leader had originally commented that the mitigation measures proposed in the report were vague. Since then, the applicant has confirmed that 6 x 7kw fast changing points would be provided for the hotel scheme, and 2 x 22kw fast charge points would be provided on the foodstore site, with infrastructure provision for a further 4 charging points. The faster charge points at the foodstore would reflect the fact that vehicles are more likely to park for shorter periods than at the hotel site.

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- 4.18 The applicant has submitted that they have secured additional electricity capacity to provide EV charge points, but that there is a limit on the network capacity and in turn the number of charge points that can be provided. The applicant has also offered a sum of £20,000 towards the provision of public EV charge points in the wider Faversham area.
- 4.19 These details are acceptable to the Environmental Protection Team Leader and the Climate Change Officer. I am awaiting further comments from KCC Highways on this matter and hope to report these to Members at the meeting.
- 4.20 Members should also note that the other mitigation measures referred to in the Air Quality report are secured under proposed conditions 12 (cycle parking) and 13 (Travel Plan).

Design and landscaping

- 4.21 The design note sets out that a number of changes have been made to the scheme following meetings with officers. These include –
- Revisions to the hotel elevations, to remove areas of render at ground level and replace them with brick elevations.
 - Amendments to the brick colour for the foodstore and hotel as shown on the plans, to be more appropriate to the local vernacular. The applicant has also provided samples of typical bricks and cladding for use in the development.
 - Provision of solar panels on the roof of the hotel building, to be concealed from view by the parapet detail.
 - Screening of service and plant areas to the east of the hotel.
 - A revised site plan and landscaping plan which includes additional tree planting within the hotel and foodstore car parks, additional landscaping details and amendments to open space, to provide greater ecological value and use of native species.
- 4.22 At the May committee, some members queried the design of the development and how it related to the local vernacular. The design is contemporary rather than traditional, and in my opinion this is appropriate for the type of buildings proposed which are commercial and significantly larger in scale than surrounding residential properties. In my opinion, the use of pitched roofs and attempts to create a traditional design would not be a good solution, given the size of the buildings and additional scale that a pitched roof would create, particularly on the hotel building. However, following meetings with my officers, the applicant has made some amendments to the hotel elevations to remove ground floor rendered areas and replace with brickwork. The applicant has also clarified the brick colour to be used for the development, to demonstrate how this can respond to the local vernacular and which would be used as a baseline to agree specific bricks under planning conditions. Different options for cladding of the upper levels of the hotel building have been provided, and would again be secured by condition. My Principal Urban Design and Landscape Officer advises that the hotel scheme has been improved through the recent changes, that the massing of the building is broken up through the use of two materials, and that the design and form of the building is acceptable subject to agreement on materials – and that the use of red bricks and cladding would be in keeping with the Faversham vernacular. She further advises that the massing of the foodstore is broken up horizontally and is light and airy in choice of materials. The use of louvres gives a three dimensional effect and

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the roof is angled rather than flat. She advises that both designs are appropriate to their local context.

- 4.23 The landscaping and site plans have been updated to include additional landscaping within the car park, and in my opinion this would enhance the visual appearance of the development. The landscaping has been designed to utilise native species, including the use of fruit trees to reflect the orchard character of the area. The species mix is generally acceptable to my Principal Urban Design and Landscape Officer, although she considers that further landscaping could still be secured on the development, and that some individual tree and shrub selections should be amended. I am discussing this with the developer at present. I do not yet have comments from the Council's Tree Consultant, but hope to report these to Members at the meeting.
- 4.24 Overall, I am content that the amendments have improved the scheme, provide some greater clarity over materials, and (subject to some amendments) would provide a greater level of soft landscaping.

5. CONCLUSION

- 5.1 The applicant has provided a number of amendments and supplementary notes to address the matters raised by the planning committee in May. The revised scheme has resulted in improvements to the design, landscaping and sustainability of the development (although further landscaping improvements are still sought). More certainty has now been provided on the timescales for delivery of the A2 / A251 highway improvement scheme, and the Council's Environmental Protection Team Leader remains of the view that air quality impacts would be acceptable.

6. RECOMMENDATION

GRANT Subject to the following conditions, the signing of a suitably-worded Section 106 agreement and the comments of KCC Highways and Transportation.

CONDITIONS:

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

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

General

- 2) The development shall be carried out in accordance with the following approved plans: 1416-PP Rev C, 1416-PCL Rev A, 1416-90 Rev E, 1416-300 Rev J, 1416-301 Rev K, 1416-350 Rev D, 1416-206 Rev C, 1416-205 Rev F, 1416-201 Rev D, 1416-200 Rev H, 1416-110 Rev LL, 1416-310, 1416-503

Reason: To accord with the application, in the interests of proper planning

- 3) No development beyond the construction of foundations shall take place in any phase until details in the form of samples of external finishing materials to be used in the construction of the development hereby approved for that phase have been submitted

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to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 4) Prior to the installation of each element described below for the hotel, the following building details (drawings to be at a suggested scale of 1:5 or as appropriate in order to show sufficient detail) shall be submitted to and approved in writing by the Local Planning Authority:
- Section drawings of window frames and glazing bars, to include depth of window reveal from the external face of the building.
 - Manufacturer's colour brochure and specification details of the window product.
 - Section drawings of the junction between the cladding materials, brickwork and facing materials on the elevations of the building.
 - A section drawing of the wall capping detail
 - Facing materials for the lift overrun and plant enclosure on the roof of the hotel building.
 - Details of rainwater goods

The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and design quality.

- 5) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development in any phase beyond the construction of foundations shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reasons: In the interest of Security, Crime Prevention and Community Safety

- 6) The buildings hereby approved shall be constructed to BREEAM 'Very Good' Standard or an equivalent standard and prior to the use of the building the relevant design stage certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved. The measures set out in the Sustainability Briefing Note (received on 23/08/19) shall be incorporated in full as part of the Standard.

Reason: In the interest of promoting energy efficiency and sustainable development.

Construction

- 7) No development in any phase shall take place until a Construction and Environmental Method Statement for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved Statements shall be adhered to throughout the construction period for those phases. These shall include details relating to:
- (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;

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- (ii) The loading and unloading and storage of plant and materials on site;
- (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (iv) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development phase during construction;
- (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
- (vi) Measures to control mud deposition off-site from vehicles leaving the site, including the provision of wheel washing facilities;
- (vii) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
- (viii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site;
- (ix) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking;
- (x) Lighting strategy for the construction phase, designed to minimise light spillage from the application site; and
- (xi) Measures to manage the routeing and timings for construction and delivery vehicles

Reason: To ensure the development does not prejudice conditions of residential amenity, highway safety and convenience, and local ecology, through adverse levels of noise and disturbance during construction.

- 8) No construction work in connection with each phase of 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 Local Planning Authority.

Reason: In the interests of residential amenity

- 9) No impact pile driving in connection with the construction of each phase of the development shall take place on the site on any Sunday or Bank Holiday, nor any other day except between the following times:- Monday to Friday 0800-1800hours, Saturday 0800 - 1300, unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

Highways

- 10) The access details (including footpath connections) for each phase shown on the approved plans shall be completed prior to the occupation of that phase hereby approved, and the accesses shall thereafter be maintained.

Reason: In the interests of highway safety.

- 11) The area shown on the submitted plans as loading, off-loading and vehicle parking spaces 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

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(General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) 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 commencement of the use hereby permitted.

Reason: Development without adequate provision for the parking, loading or off-loading of vehicles is likely to lead to parking inconvenient to other road users

- 12) Prior to the commencement of the external works for each phase, details of the secure covered cycle storage facilities for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason: in the interests of sustainable development

- 13) No occupation of each phase shall take place until a Staff Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement (including the appointment of a travel plan coordinator). Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: in the interests of sustainable development

- 14) Prior to the occupation of each phase, details of electric charging facilities – to be of a type as set out in the Sustainability Note by Pegasus Planning – to be provided in that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to first use of the buildings hereby approved, and maintained thereafter.

Reason: In the interests of sustainable development.

- 15) No development in any phase shall be brought into use until the visibility splays for that phase as shown on the Site Access Visibility Splays Plan (drawing 17-0303/VS01 appended to the Transport Assessment) have been provided, and such splays shall thereafter be maintained with no obstructions over 0.9 metres above carriageway level within the splays.

Reason: In the interests of highway safety.

Landscaping

- 16) No development in any phase shall take place until full details of all existing trees and/or hedges in that phase, details of any trees or hedges proposed for removal, and measures to protect any trees or hedges shown to be retained within or immediately adjacent to the site, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include
- (a) a plan showing the location of, and allocating a reference number to each existing tree and hedge on the site to be retained and indicating the crown spread of each tree, and extent of any hedge, and identifying those trees and hedges to be removed.

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- (b) details of the size, species, diameter, approximate height and an assessment of the general state of health and stability of each retained tree and hedge.
- (c) details of any proposed arboricultural works required to any retained tree or hedge
- (d) details of any alterations in ground levels and of the position of any excavation or other engineering works within the crown spread of any retained tree.
- (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development .

The development shall be carried out in accordance with the approved details and the approved protection measures shall be installed in full prior to the commencement of any development, and retained for the duration of construction works. No works, access, or storage within the protected areas shall take place, unless specifically approved in writing by the Local Planning Authority

In this condition "retained tree or hedge" means any existing tree or hedge which is to be retained in accordance with the drawing referred to in (a) above.

Reason: In the interests of protecting existing trees and hedges which are worthy of retention in the interests of the amenities of the area.

- 17) No development beyond the construction of foundations shall take place in any phase until full details of both hard and soft landscape works for that phase have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, measures to prevent vehicles from overhanging onto paths and landscaped areas within the car park, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 18) 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 each phase of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

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

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 20) No development beyond the construction of foundations to the hotel shall take place until details of the design and siting of a public art installation have been submitted to

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the Local Planning Authority. The approved details shall be installed prior to first opening of the hotel, or within six months of approval by the Local Planning Authority, whichever is the sooner.

Reason: In the interests of the visual amenities of the area.

- 21) The open space for each phase, as identified on drawing 1416 OSA Rev A shall be provided and made available for public use at all times prior to first occupation of that phase of the development, and maintained as such thereafter.

Reason: To ensure that the development contributes to wider space objectives as set out under Policy MU7 of the Local Plan.

Contamination

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

Reason: To protect controlled water and comply with the NPPF.

- 23) If, during development of a relevant phase, contamination not previously identified is found to be present in that phase then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out in that phase until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect controlled waters and comply with the NPPF.

Drainage

- 24) No infiltration of surface water drainage into the ground in any phase is permitted other than with the written consent of the Local Planning Authority for that phase. The development shall be carried out in accordance with any such approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework

- 25) No development shall be occupied in any phase until the approved means of foul sewerage disposal for that phase have been completed.

Reason: To ensure adequate foul drainage facilities are provided

- 26) No development in any phase shall take place until a detailed sustainable surface water drainage scheme for that phase has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by each phase of the development (for all rainfall durations

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and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site, as detailed within the Flood Risk Assessment and Drainage Strategy prepared by BSP Consulting referenced 17-0303/FRA-DS, without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 27) No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme for that phase is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- 28) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system for that phase, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

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Environmental

- 29) No dust or fume extraction or filtration equipment, or air conditioning, heating, ventilation or refrigeration equipment shall be installed on each phase of the development until full details of its design, siting, discharge points and predicted acoustic performance for that phase of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residential properties.

- 30) No deliveries shall take place outside the hours of 0600 - 2300 hours Monday to Saturday, and deliveries between the hours of 0600 - 0700 shall be conducted in line with the Delivery Management Plan dated November 2018. No deliveries shall take place on a Sunday, bank or public holiday outside of the hours of 08:00 - 20:00, and deliveries between the hours of 08:00 and 09:00 shall be conducted in line with the Delivery Management Plan dated November 2018.

Reason: In the interests of residential amenity.

Retail impact

- 31) The development hereby approved shall only be used as a Class A1 retail foodstore and shall be restricted to 'limited product line deep discount retailing' and shall be used for no other purpose falling within Class A1 of the Town and County Planning (Use Classes) Order 1987 (or any order revoking or re-enacting or amending that Order with or without modification). 'Limited product line deep discount retailing' shall be taken to mean the sale of no more than 2,000 individual product lines.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 32) The Total Class A1 (retail) floorspace hereby permitted shall not exceed 1,725 sqm gross internal area. The net sales area (defined as all internal areas to which customers have access, including checkouts and lobbies) shall not exceed 1,254 sqm without the consent of the Local Planning Authority.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 33) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that Order with or without modification), the Class A1 (retail) floorspace hereby permitted shall be used primarily for the sale of convenience goods with a maximum of 251 sqm of the net sales area devoted to comparison goods

Reason: To control the extent of comparison goods retailing, Reason: to prevent unacceptable impacts upon the vitality and viability of Faversham Town Centre

- 34) The Class A1 (retail) unit hereby permitted shall be used as a single unit and shall not be sub-divided into two or more units, and no concessions shall be permitted within the unit.

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Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 35) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending that Order with or without modification), no mezzanine floor or other form of internal floor to create additional floorspace other than that hereby permitted shall be constructed in the hereby permitted Class A1 (retail) unit.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 36) The class A1 retail use hereby permitted shall not be open to customers or any other persons not employed within the business operating from the site outside the following times 0700 - 2200 on weekdays, Saturdays and Bank and Public Holidays and any 6 hours between 1000 - 1800 on Sundays.

Reason: In the interests of residential amenity.

Ecology

- 37) No installation of an external lighting scheme for each phase shall take place until a bat sensitive lighting scheme to minimise impacts on bats, for each phase, is submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and biodiversity

- 38) No development of any phase shall take place until a detailed mitigation strategy for all protected species has been submitted to, and approved in writing by, the Local Planning Authority for that phase. The development shall then be implemented in accordance with the agreed strategy.

Reason: In the interests of biodiversity

- 39) No development beyond the construction of foundations shall take place in any phase until a detailed scheme of ecological enhancements for that phase have been submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be completed prior to first use of the building.

Reason: In the interests of biodiversity.

Archaeology

- 40) No development of any phase shall take place until the applicant, or their agents or successors in title, has secured the implementation of the following, for each phase:
- (1) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and
 - (2) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

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

INFORMATIVES

- (1) For the avoidance of doubt, the electricity substation can be constructed in accordance with the approved details and without a requirement to comply with the above pre-commencement conditions other than condition (40)
- (2) For the avoidance of doubt, works in connection with condition (40) (Archaeology) shall be permitted to take place without a requirement to comply with the above pre-commencement conditions.

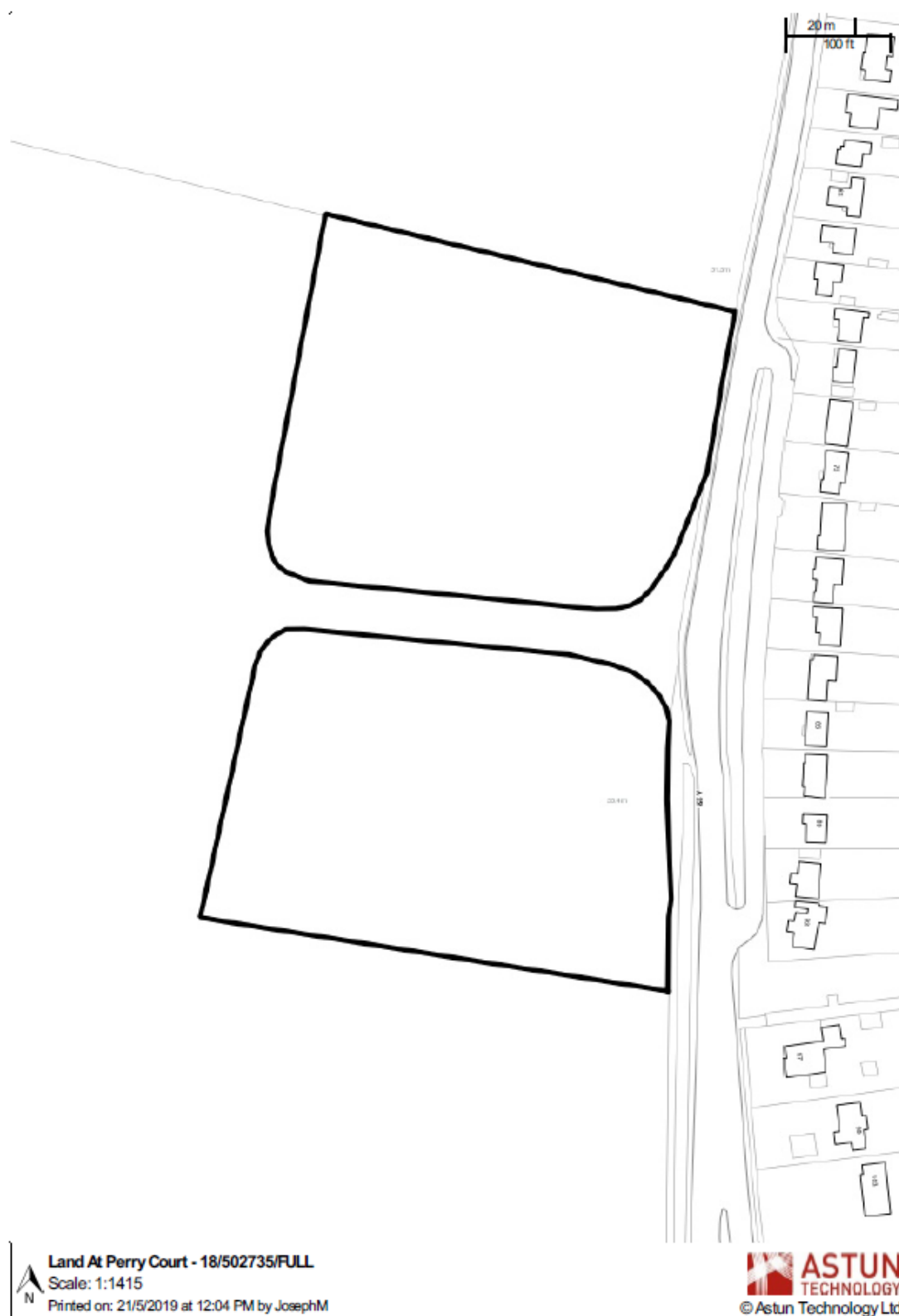
The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

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Reported to Planning Committee - 30 May 2019

ITEM 2.4

2.4 REFERENCE NO - 18/502735/FULL		
APPLICATION PROPOSAL Erection of a new supermarket (Use Class A1) and a hotel (Use Class C1) along with associated accesses, car and cycling parking, lighting, drainage, hard and soft landscaping and associated infrastructure.		
ADDRESS Land At Perry Court Ashford Road Faversham Kent ME13 8YA		
RECOMMENDATION - Grant subject to completion of a S106 Agreement and submission of an amended plan to improve the area available for landscaping within the site of the retail unit.		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The site forms part of a strategic mixed use development site as allocated under policy MU7 of the local plan. • The principle of a hotel has already been established through the grant of outline permission • The impact of the retail unit has been assessed and found to be acceptable • The scale and design of the development is considered to be acceptable. • The scheme would not result in unacceptable impacts upon the highway subject to financial contributions to mitigate impacts at the A2 / A251 and at Brenley Corner • Other localised impacts have been assessed and found to be acceptable. 		
REASON FOR REFERRAL TO COMMITTEE The application has been referred to committee by Cllr David Simmonds on the basis that the retail store is much larger than was proposed under the outline permission and would have significantly more impact on local residents, that he has concerns over the capacity of the A2 / A251 junction and air quality issues, and regarding shopper / staff car parking and daily deliveries, including Sunday disturbance.		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT HDD (Faversham) Limited And Premier Inn Hotels Limited AGENT Pegasus Planning Group
DECISION DUE DATE 06/09/18		PUBLICITY EXPIRY DATE 25/02/19

Planning History

15/504264/OUT - Outline application (with all matters reserved other than access into the site) for a mixed use development comprising: up to 310 dwellings; 11,875sqm of B1a floorspace; 3,800sqm of B1b floorspace; 2,850sqm of B1c floorspace; a hotel (use class C1)(up to 3,250sqm) of up to 100 bedrooms including an ancillary restaurant; a care home (use class C2)(up to of 3,800sqm) of up to 60 rooms including all associated ancillary floorspace; a local convenience store (use class A1) of 200sqm; 3 gypsy pitches: internal

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accesses; associated landscaping and open space; areas of play; a noise attenuation bund north of the M2; vehicular and pedestrian accesses from Ashford Road and Brogdale Road; and all other associated infrastructure – Approved 27.03.17

17/506603/REM - Approval of reserved matters relating to scale, layout, appearance and landscaping for the erection of 310 dwellings, pursuant to conditions 1, 4, 10 and 24 of outline planning permission 15/504264/OUT. Approval sought for residential part of outline scheme only - Approved 01.03.2019

18/500815/ENVSCR - EIA Screening Opinion for a Mixed use Local Centre Development – EIA not required (decision made by the Secretary of State) 20/06/18

18/503057 - Erection of a 3 storey, 66 bed care home for older people with associated access, car park and landscaping - Pending Consideration.

1. DESCRIPTION OF SITE

- 1.01 The application site consists of two parcels of land of just under 2 hectares in area, located on the west side of Ashford Road. The land is raised above the level of Ashford Road, by up to 2 metres, and is partially screened by existing hedging.
- 1.02 The land was formerly part of larger agricultural fields, and forms part of the wider Perry Court development site as allocated under Policy MU7 of the adopted Local Plan. This wider land benefits from outline permission for a large scale development under application 15/504264/OUT, and from reserved matters approval for residential development of 310 units on a large part of the site (ref 17/506603/REM).
- 1.03 As part of this existing permission, a new roundabout and access point into the site has been formed from Ashford Road, which has resulted in some re-grading of land levels and removal of hedging.
- 1.04 The two land parcels subject to this application site are sited on either side of this new access point.
- 1.05 The application site is surrounded to the north, south and west by the land allocated for development under Policy MU7 of the Local Plan. Under the terms of the outline permission and reserved matters approvals, this land would form part of the residential development to the west and north. The land to the south has approval under the outline permission for a business park, although to date there has been no reserved matters application for this.
- 1.06 A line of existing detached dwellings are located on the eastern side of Ashford Road and face towards the application site.

2. PROPOSAL

- 2.01 The application seeks planning permission to erect a supermarket and hotel on the site.
- 2.02 The proposed supermarket would be sited on the southern parcel of land, and would consist of a roughly rectangular shaped building of 1,725 sqm gross floor area, with a 1,254 sqm net sales area. The building would be single storey, under a mono-pitched roof and would range between 5.5m and 8.5m in height. The footprint would measure

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63m x 30m. The building would be mainly finished in brickwork and composite cladding, with a Brise Soleil detail around the main entrance.

- 2.03 The building would be sited towards the southern end of the site and the main elevation would face north, towards the main access road leading from the new roundabout into the Perry Court development. A 124 space car park would be provided, the majority of which would be to the front (north) of the building. The layout also includes areas of landscaping and footpaths to the south and east (adjacent to Ashford Road), which would tie in with footpath routes and connections approved within the wider Perry Court development site.
- 2.04 The proposed hotel would be sited on the north parcel of land. The building would be roughly rectangular in shape and would be over three storeys – with a maximum height of approximately 11.1 metres (excluding lift shaft). The building would measure 65m in length, and up to 22m in depth. The building would contain 84 bedrooms, a main reception area and a bar / restaurant facility. The overall floor area of the hotel would be approximately 3000sqm.
- 2.05 The building has been designed in a contemporary style, broken down into three main sections. Each section is articulated to provide slight variations in height. The main elevational treatment of the building would be in brick and timber-style cladding. The cladding is used to frame each section of the building.
- 2.06 The building would be sited close to the southern boundary of the site, next to the proposed access road into the wider development. The car park to the hotel would be sited to the rear of the building and would accommodate 85 parking spaces.

3. PLANNING CONSTRAINTS

Within built confines of Faversham

Part of site allocation Policy MU7

A High Pressure Gas Pipe is located to the south of the proposed retail unit.

4. POLICY AND CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) – paragraphs 2 (determination of applications), 7 (sustainable development), 8 (the three objectives of sustainable development), 10 (presumption in favour of sustainable development), 54-57 (use of conditions and planning obligations), 80 (building a strong economy), 85-90 (ensuring the vitality of town centres), 108-111 (sustainable transport), 117-121 (Making effective use of land), 124-131 (good design), 149-154 Planning for climate change, 155-165 (flood risk and drainage), 174-177 (biodiversity)
- 4.02 National Planning Practice Guidance (NPPG). The following guidance documents are of relevance - Air Quality, Climate Change, Design, Determining a Planning Application, Ensuring the vitality of town centres, Planning Obligations, Transport evidence bases in plan making and decision taking, Travel plans, Transport Assessments and Statements, Use of Planning Conditions.

Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017:

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- 4.03 Policy MU7 of the Local Plan is relevant insofar that it is a specific site allocation policy for the wider parcel of land at Perry Court, which this application forms a part of. The policy is copied in full below.

Planning permission will be granted for a mixed use development at Perry Court Farm, Faversham, as shown on the [Proposals Map](#), to include a minimum of 370 dwellings (inc. care home), together with 18,525 sq. m of B1a, B1b, B1c class employment uses (with a further 2 ha reserved for future employment use), supporting uses and landscaping and open space. Development proposals will:

1. Be in accordance with Policy CP 4 and in particular demonstrate and provide a strong landscape framework (shown by a submitted Landscape Strategy and Landscape and Ecological Management Plan, informed by a landscape and visual impact assessment) to include:

- a. substantial width of woodland planting along the site boundary with the M2, which shall additionally safeguard the setting of the Kent Downs AONB;*
- b. additional substantial areas of woodland planting and green space e.g. community orchards and allotments, within the south western quarter of the site near Brogdale Road;*
- c. retained, managed and enhanced hedgerows and shelterbelts;*
- d. footpath and cycle path routes within green corridors linked to the adjacent network; and*
- e. planting selected to reinforce the local landscape character area.*

2. Be of high quality design, with building siting, form, height and materials related to the existing built form and topography of the site and the surrounding context and to include consideration of:

- a. the setting of landscape and heritage assets;*
- b. the rural approaches to the town; and*
- c. building heights demonstrating they have been influenced by, and show respect for, views from the south.*

3. Provide for a mix of housing in accordance with Policy CP 3, including provision for affordable housing in accordance with Policy DM 8;

4. Through both on and off site measures, ensure that any significant adverse impacts on European sites through recreational pressure is mitigated in accordance with Policies CP 7 and DM 28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;

5. Submit a detailed Heritage Assessment to consider the significance of the impact of development at the local level on the heritage setting of the town and other heritage assets in accordance with policies DM 32-DM 33. An archaeological assessment should consider the importance of the site and, if necessary propose mitigation in accordance with DM 34;

6. Provide the majority of B1 class employment floorspace as B1a (offices). Employment uses other than B1 will not be permitted unless it is clearly shown that B1 uses would not be achievable.

Proposals for alternative employment uses must demonstrate they would not diminish the quality of the development, whilst proposals for main town centre uses will need to be the subject of an impact assessment;

7. Undertake an Air Quality Assessment to ensure that the Ospringe AQMA is not compromised, with, if necessary, the use of innovative mitigation measures;

8. Submit a Noise Assessment and implement any mitigation arising;

9. Be supported by a Transport Assessment to determine the need and timing for any improvements to the transport network and the phasing of development. Development shall undertake such mitigation as necessary which shall include:

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- a. interim improvements at Junction 7 of the M2;*
- b. improvements to the junctions of the A2/A251 and to the A2/Brogdale Road;*
- c. pedestrian and cycling routes;*
- d. public transport enhancements to improve links to the town centre; and*
- e. implementation of an agreed travel Plan; and*
- 10. Provide infrastructure needs arising from the development, including those matters identified by the Local Plan Implementation and Delivery Schedule, in particular those relating to libraries, education and health.*

4.04 The supporting text to the policy states that *“The impact of locating main town centre uses, such as offices, leisure and retail development may require the submission of an impact assessment in accordance with Policy DM 2, but it is the Council's view that larger scale retail and leisure development is unlikely to be acceptable due to adverse impacts on the town centre.”*

4.05 Policy DM2 relates specifically to proposals for main town centre uses. This includes both retail and hotel development as is proposed under this application. The policy states that proposals for main town centre uses will be permitted subject to –

1. Taking into account the scale and type of development proposed in relation to the size, role and function of the centre,
2. Being located within the town centres as defined on the [Proposals Map](#); or
3. Where demonstrated that a town centre site is not available, being located on a site on the edge of a town centre, subject to criteria 4a to 4c; or
4. Where demonstrated that there are no suitable sites available at locations within 2. and 3. above, proposals elsewhere within the built-up areas of Faversham, Sheerness and Sittingbourne, as shown on the Proposals Map will only be permitted if:
 - a. it is demonstrated by an impact assessment (when the proposal is above the defined floorspace threshold in national planning policy) that it would not individually, or cumulatively with those trading or proposed, undermine the vitality and viability of existing town centres, or of other local centres and the facilities and services of other locations;
 - b. it does not materially prejudice the provision of other land uses, particularly the supply of land for 'B' use class uses, housing, community use and open space; and
 - c. it is well located in relation to the main road network and easily accessible by public transport, pedestrians and cyclists.

4.06 Other relevant policies are ST1 (Delivering sustainable development), ST7 (The Faversham Area Strategy), CP1 (Building a strong economy), CP2 (Sustainable transport), CP4 (good design), DM6 (Managing Transport Demand), DM7 (vehicle parking), DM14 (general Development criteria), DM19 (sustainable design), DM28 (biodiversity),

5. LOCAL REPRESENTATIONS

5.01 This process has included sending notification letters to nearby neighbouring properties, display of a site notice and advertisement of the application in a local paper.

5.02 Following this, 21 letters of objection have been received (some multiple letters from the same household), raising the following matters –

- Overlooking / lack of privacy
- Additional traffic generated (including cumulative impacts)
- Impact upon the A251 / A2 / Mall Junction

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- Creation of noise, smells and disturbance arising from commercial uses
- Impact of additional traffic on air quality (including cumulative development impacts)
- The convenience store permitted under the outline scheme is now a supermarket
- The supermarket will be open for long hours with associated noise, disturbance and pollution.
- A supermarket is not needed in Faversham
- No significant mitigation of traffic on the A251 is proposed
- The location would force people to drive to the supermarket
- Impact of deliveries to the supermarket at unsociable times
- No need for a hotel in Faversham
- The hotel will be a four-storey building and will cause significant privacy issues.
- The size and scale of the hotel would be out of keeping with the area
- Small hotels in the area could go out of business
- The additional traffic and impacts on the A251 will affect the operation of the Fire and Ambulance Services stationed on Ashford Road and Canterbury Road
- Ecological / screening impacts through removal of hedgerows and trees
- Cumulative impacts arising from wider development of Perry Court
- The height difference of the hotel is exacerbated by the higher land levels of the site
- There is still no resolution in place to upgrade the A2 / A251 junction
- Light pollution
- Impact on the Ospringe AQMA
- Loss of agricultural land
- Lack of crossing point on the A2
- The development would compromise any future proposals to create a bypass
- The highway network is already over capacity
- The original outline indicated the hotel would be lower than now proposed
- Disturbance from the hotel if a licence is granted
- Lack of screening on Ashford Road frontage
- Impact on drainage
- The walking / cycling experience on Ashford Road is not safe / pleasant
- Objections raised by residents are ignored
- Additional HGV movements arising from the supermarket operation
- This will encourage people to park on the A251 verges
- Impacts of signage and illumination
- Restrictions should be placed to prevent removal of trolleys from the site
- Noise impacts from hotel users
- Noise impacts from use of hotel car park at unsociable hours
- Development on the site will be greater than as approved at outline stage.
- Existing modern buildings in Faversham do not enhance the town, and the modern buildings proposed will not do so either
- Lack of any proposals to utilise solar energy
- The building designs are not in keeping with the area in a key visual location at the entrance to the town
- Lack of EV charging points
- The design is generic, with no local influence
- The amended plans do not improve the quality of the proposed buildings.
- Impact of an out of town supermarket on the town centre
- The applications should be considered against other approved and current

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applications at Perry Court

5.03 A letter has been received from the Faversham Society which states (summarised)

- The supermarket scheme should be supported as it would provide an alternative type to other supermarkets in Faversham and is located close to approved new developments in the town.
- The standardised hotel design is disappointing and more attention should be paid to local materials and roof forms. The location of the hotel is appropriate.

5.04 Two letters have been received from Peacock Smith Solicitors, acting for Morrisons supermarket, and a letter received from MRPP Planning Consultants acting for Tesco. They object to the application on the following grounds –

- Foodstores are already over-provided in Faversham.
- The trade diversion to the proposed Aldi store would primarily come from the town centre, as this is where most food stores are located.
- The scheme does not address how the proposal will affect the wider development and relationship with other land uses within Perry Court.
- The Council's retail consultant has underestimated the impact of the proposed Aldi supermarket on the town centre
- The Council's retail consultant has used benchmark averages which do not reflect the actual turnover of Morrisons, which operates at a lower turnover and therefore the forecast impact is greater.
- The benchmark criteria is of little utility as all stores are shown to operate below benchmark value as a result of the Aldi proposal (i.e because they start at benchmark without it), and this fails to identify the performance of existing stores and vulnerability to change.
- That both the Tesco and Morrisons stores are well connected to the town centre and supports linked trips, which would be reduced if trade was diverted to the proposed Aldi store.
- There are errors in the Carter Jonas analysis which substantially underestimates the floorspace of Tesco.
- Tesco now trades substantially below benchmark.
- It is highly likely that other town centre convenience stores are trading below benchmark levels
- There is no suggestion that Tesco would close, but diverted trade will have other harmful effects, particularly a reduction in linked trips to the town centre.
- The Local Plan "does not suggest a need to support new floorspace outside (Faversham's) existing centre"
- Policy MU7 is clear that any proposals for town centre uses on the Perry Court site will need to be subject to an impact assessment. The applicant has supplied this, nor has the Council undertaken an assessment that legitimately meets this.
- The impact on the town centre will be significantly adverse.
- A full and detailed retail study (to include household surveys)

6. CONSULTATIONS

Faversham Town Council

6.01 Original Plans – state that they are not happy with the design and this should be referred to the Swale Design Panel for review. Raise concern regarding traffic at the A2

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/ A251 junction upgrade, and that traffic modelling should be undertaken once the upgrade decision has been taken.

- 6.02 Amended Plans – state that they support the changes to the proposal, and that previous issues have been addressed, although they remain seriously concerned about the A2 / A251 junction and seek clarification from KCC Highways on this, and are concerned with the new roundabout on the A251 which needs further review.

KCC Highways and Transportation

- 6.03 Following the submission of amended / additional material KCC Highways do not raise objection to the scheme subject to the imposition of conditions and a S106 Agreement to secure a financial contribution towards improvements to the A2 / Ashford Road junction. The following comments are also made -

- TRICS data demonstrates two- way AM peak movements of an additional 77 vehicles and 150 PM peak movements.
- Tracking demonstrates that a 16.5 metre long vehicle can safely service both the proposed hotel and supermarket.
- The A2 Canterbury Road / A251 Ashford Road junction is predicted to be subject to an additional 32 AM and 66 PM movements. The junction analysis demonstrates that the junction is exceeding capacity and without mitigation the application could not be permitted.
- The A2 London Road / B2041 The Mall junction is predicted to be subject to an additional 15 AM and 29 PM movements.
- The proposed new roundabout junction into Perry Court development would be subject to an additional 77 AM and 150PM peak movements. The additional movements result the junction reaching its capacity in the 2028 AM peak assessment.
- Car parking for the supermarket element is two spaces over provision and the hotel is within standards. Appropriate disability bays and cycle parking is provided. Parking provision is therefore acceptable.
- A staff travel plan has been submitted and is acceptable
- As outlined in the above the A2/A251 junction exceeds its capacity in the future year assessments. It is therefore clear that the additional 98 movements through the junction could not be could be accepted without further works being completed. The Highway Authority are therefore looking at a second phase of improvements that incorporate the A2/A251 and the A2/The Mall junctions. Contributions are now being collected for the junction at a rate of £1020 per peak hour movement through the junctions and include both The Mall and A251 connections with the A2. A financial contribution is therefore requested at a level of £99,660 towards Phase 2 of the A2/A251 Faversham capacity improvement scheme.
- Planning conditions are recommended relating to provision of a construction management plan, provision / retention of parking spaces, cycle spaces and loading / unloading facilities , completion and maintenance of the access, completion / maintenance of visibility splays, and provision of a staff travel plan.

Highways England

- 6.04 Raise no objection following the submission of amendments / additional information, on the basis that the applicant has agreed to enter into a Section 278 Agreement of the Highways Act 1980 with Highways England for a contribution of £27,105 towards highway works at M2 Junction 7 Brenley Corner.

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- 6.05 Advise that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and DCLG NPPF particularly paragraph 109) in this location and its vicinity.
- 6.06 Advise that the supermarket proposal (which was not part of the outline permission) is likely to be over and above the trips calculated for the outline permission. Cumulatively, there is likely to be a requirement for an additional contribution to offset the impacts at Brenley Corner.
- 6.07 Advise that confirmation from KCC Highways should be obtained to ensure that the scheme of improvements at the A2/A251 will be sufficient to manage the additional demand placed upon it such that any extent of queuing south along the A251 does adversely impact on the safe and efficient operation of M2 Junction 6.

Environment Agency

- 6.08 No objection subject to conditions relating to contamination, surface water drainage or foundation design.

Health and Safety Executive

- 6.09 Do not advise against the grant of planning permission. Recommends that SBC should consider contacting the pipeline operator before deciding the case.

Scotia Gas Networks

- 6.10 No comments received

SBC Economy and Community Services Manager

- 6.11 Supports the hotel development in Faversham as it will provide additional bed spaces and will support development of the day visitor economy in accordance with the Council's Visitor Economy Framework (adopted Feb 2018).

Kent Police

- 6.12 Advise that the application has considered crime prevention and attempted to apply some of the attributes of CPTED in the plans. Advise that further matters relating to the supermarket (parking, landscaping, EV points, permeability, CCTV and lighting, use of shutters / bollards, potential for ATM installation) should be discussed or applied via a planning condition.

Natural England

- 6.13 Advise they have no comments to make on the application

KCC Ecology

- 6.14 Raise no objection based on the ecological appraisal submitted. Advise that notable species (including reptiles, breeding birds and badgers) have been recorded within the wider site, and that development will need to follow a precautionary mitigation

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strategy. The mitigation proposed is appropriate. Require conditions relating to bat sensitive lighting, ecological mitigation, and ecological enhancements to the site.

KCC Drainage

- 6.15 Raise no objection to surface water drainage principles, but these need to be fully modelled at detailed design stage, and a condition is recommended to deal with this.

SBC Environmental Protection Team Manager (EPTM)

- 6.16 Raises no objection to the development, subject to the imposition of conditions.
- 6.17 In respect of air quality, the EPTM advises that the updated Air Quality Assessment is a competent report, uses acceptable methodology (although the dispersion modelling method is not named), and up to date guidance. It describes the Swale AQ data with particular reference to the Ospringe AQMA and models how this development would impact the AQMA for both NO₂ and PM₁₀, comparing it with actual monitored data and predicting the difference. Appendix I shows that in 2019 there are predicted to be some moderate impacts at various locations within the AQMA; the predicted impact is compared with the methodology used in the 2017 EPUK Guidance. These would reduce the next year 2020 but there were still predicted to be some moderate impacts, especially near the vicinity of the Ship Inn.
- 6.18 The report concludes that there will not be any significant adverse impacts on the AQMA or elsewhere as a result of this latest development. This is qualified in the conclusion by the addition of some mitigation measures.
- 6.19 The EPTM advises they are pleased that mitigation measures have been included, as there is still a prediction of some 'moderate' impacts in 2020 from the development and in his opinion the measures are necessary. No objection is raised to the report, provided that the measures outlined in paragraphs 5.34 & 5.35 are employed *exactly as written*. This will mean employing a person to act as a travel plan co-ordinator and there will need to be a sufficient number of electric charging points at the locations described in the final paragraph of 5.34.
- 6.20 The EPTM is satisfied that impacts relating to noise and operation of the service yard can be suitably controlled by condition, and recommends a condition requiring details of any plant or ventilation equipment.

UK Power Networks

- 6.21 Advise that the proposed development is in close proximity to a substation and could be notifiable under the Part Wall Act. Advise that substations should be a minimum of 7 metres (if enclosed) from living / bedroom accommodation to avoid noise / vibration, that 24 hr access to a substation has to be maintained.

Southern Water

- 6.22 Advise that foul sewage disposal can be provided to service the proposed development.

7 BACKGROUND PAPERS AND PLANS

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- 7.01 The application includes the following documents: Planning statement, Design and Access statement, Landscape and Visual Appraisal, Arboricultural Assessment, Ecological Appraisal, Flood Risk Assessment, Retail Statement, Staff Travel Plan, Transport Statement. The applicant has also provided written responses to the Carter Jonas retail statement, the Council's new Retail and Leisure Needs Assessment, and the objections received on behalf of Tesco and Morrisons.

8. APPRAISALPrinciple of Development

- 8.01 The site is located within the built confines of Faversham under Policy ST3 of the Local Plan, and as designated through the allocation of the wider site for development under Policy MU7 of the Local Plan.
- 8.02 The wider site also benefits from permission for a mixed use development on the site under 15/504264/OUT, incorporating 310 dwellings, a care home, a hotel development of up to 100 bedrooms and 3250 sqm (with ancillary restaurant), B1 employment land, and a local convenience store. Reserved matters for the housing development has been granted under 17/506603/REM.
- 8.03 The land parcels subject to this application were indicatively shown to be allocated for use as a care home and hotel development on the parameter plans submitted with the outline application in 2015. The parameter plans set out indicative building heights of 11 metres and Gross Floor space of 3,800 sqm for the care home and 3,200 sqm for the hotel. It remains an option for the developer to bring forward development of these parcels in accordance with the outline permission as an alternative to this application now sought.
- 8.04 The care home is now proposed on land elsewhere within the wider Perry Court site. This is subject to a separate application which is currently under consideration (18/503057/FULL). The potential use of this land for the care home, and layout of the residential development as approved under the reserved matters means that a further parcel has been identified by the developer to accommodate a supermarket over and above the quantum of development originally approved at outline stage.
- 8.05 Whilst the land is currently undeveloped former agricultural land (albeit that site access works and preparatory works for wider development of the site have been undertaken), it is clear from the allocation of the site for development in the Local Plan, and from the planning permissions granted on the site and wider surroundings, that development is accepted in principle.
- 8.06 In my opinion, the key issues relate to the following matters –
- The proposal for a supermarket (rather than a local convenience store) on the site and the implications of this, including the effect on the town and other centres, traffic impacts, local impacts, and the ability for the wider Perry Court site to be developed under the framework of Policy MU7. Members will note that Policy MU7 does allow for a mixed use development to come forward, and

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criteria 6 of the policy explains that proposals for main town centre uses will need to be subject to an impact assessment. As such this policy does not prohibit a retail use as a matter of principle, but sets tests against which such use should be considered.

- I consider the principle of a hotel to be acceptable at Perry Court as this was permitted under the outline scheme. The hotel as now proposed would fall well within the parameters for a hotel as set under the outline permission. The provision of a hotel would help promote the Borough's visitor economy and deliver economic benefits. In my opinion, the main issues for consideration in relation to the hotel are those of scale, design, and relationship with surrounding buildings, rather than matters of principle.

- 8.07 As the site is both allocated for development and benefits from permission, matters such as loss of countryside and loss of best and most versatile agricultural land do not carry weight in the determination of this application.

Retail Impact

- 8.08 Both the NPPF and the Local Plan policy DM2 seek to protect the vitality and viability of town centres. As part of this process, proposals for main town centre uses should follow a sequential test and (where necessary) include a retail impact assessment to establish the effect of a retail development on the vitality and viability of a centre. Policy DM2 uses the NPPF threshold that a retail impact assessment should be provided if the development exceeds 2,500sqm of gross floorspace.
- 8.09 In respect of the hotel element of this scheme (which is also a main town centre use and normally subject to the sequential test), I am satisfied that this was explored and found to be acceptable under the outline permission granted. As this could still be implemented on the site under a reserved matters application for a hotel of up to 100 bedrooms, I do not consider that the hotel now proposed (at 84 bedrooms) needs to be tested again under an impact assessment..
- 8.10 As the retail unit would be under 2,500 sqm, there is no requirement for the applicant to submit a retail impact assessment under policy DM2 or the NPPF. Whilst policy MU7 of the Local Plan specifies that proposals for town centre uses will need to be subject to an impact assessment, the supporting text to this policy states that such a requirement should be in accordance with Policy DM2. As such I am satisfied that the requirement under MU7 is not more onerous than that under DM2, as has been suggested by the consultant acting for Tesco.
- 8.11 However, although the threshold is not met to require an applicant to provide a retail impact assessment, the Council should still consider the impact of a retail development on the town centre (or other centres) further.
- 8.12 The application includes a retail statement which firstly sets out that the sequential and impact tests are not required as the provision of a local centre is supported under

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Policy MU7 of the Local Plan. However I would disagree with this approach in respect of the sequential test. The supporting text to Policy MU7 (para 6.6.108) makes clear that any large scale retail facility on the site is unlikely to be acceptable (although subject to a RIA, and I consider the proposal to go well beyond the local convenience offer (200 sqm) as approved under the outline permission.

8.13 Notwithstanding this, the retail statement then proceeds to provide a sequential test and compares the scheme to a range of selected town centre, edge of centre and out of centre sites. These are (in part) assessed against the locational criteria of the application site, being 900m south of the defined town centre boundary and 1.1km from the primary shopping area. The report then discounts a list of potential alternative sites in Faversham, which include the following –

- *Town Centre* – Faversham Post Office and depot, 9 existing vacant units in the town centre. These were discounted on the basis that the post office site was still in use and unavailable, and too small in size to accommodate the Aldi store, and the existing vacant units were far too small (between 40 – 250 sqm) to accommodate the development.
- *Edge of centre* (within 300m of Primary Shopping Area) – Buildings at West Street (unavailable and too small in size), Car Park, Institute Rd (still operational and limited in size), Tesco car park (unavailable, too small, commercially unviable), Faversham Leisure centre / Theatre car park (unavailable, too small), Queens Hall Car Park (well used / unavailable, too small).
- *Out of Centre* – Oare Gravelworks (formally allocated but with no retail element included. Not as accessible or well connected with poorer road connections and greater distance to the Primary Shopping Area). Land East of Love Lane (formally allocated, permission granted for other uses, not as accessible / well connected to the town centre)

8.14 This has been further reviewed by my colleagues and the conclusion reached that we are satisfied that there are no other sequentially preferable sites available. I am therefore satisfied that the scheme meets the sequential test parameters.

8.15 Notwithstanding that the retail unit falls under the threshold for an applicant to provide a retail impact assessment, such smaller developments may still result in impacts existing centres. A retail consultant was initially employed by the Council to establish whether this was likely, and gave advice that the development could result in trade diversion both from Faversham and, to a lesser degree, from Sittingbourne. Following this initial advice, the consultant then undertook a retail impact assessment on behalf of the Council to establish the likely effects of such trade diversion.

8.16 The consultant forecast that there would be trade draw from Faversham town centre, and particularly the existing Tesco and Morrisons supermarket. This forecasting was primarily based on “benchmark” trading data, as the Council’s own data contained within its Town Centre Study dated back to 2010 and was out of date. The consultant forecast trade diversion to be in the region of 11% from the wider convenience offer in

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the town centre, and 12% from the Tesco and Morrisons stores, advised that this was a cause for concern but concluded that the proposal would be unlikely to seriously undermine the viability of these stores resulting in their potential closure and a consequent significant adverse impact on the vitality and viability of Faversham Town Centre as a whole.

- 8.17 The Council subsequently received objections from consultants acting for existing supermarkets in Faversham, as summarised in paragraph 5.04 above. The main concern relating to the development and the retail report was that these stores are trading well under benchmark levels – and that as such the retail impact would be greater than forecast. Alternatively, the applicant's agent raised concern that predicted trading for the proposed Aldi store was overestimated, and that the turnover for the Tesco store was underestimated as it did not factor in an extension to the premises.
- 8.18 In the meantime, the Council has been undertaking a review of its Town Centre Study (2010) as part of the Local Plan process, and commissioned WYG Planning consultants to undertake such work. An updated Retail and Leisure Needs Assessment (RLNA) was produced and reported to the Local Plan Panel in March. The report provides up to date information and data on the health of existing centres, and the trading performance of existing convenience stores. For Faversham, the report concludes that the town centre displays good levels of vitality and viability, is well represented by convenience goods provision, vacancy levels are below national average, and the town centre is attractive with a good standard of environmental quality. The report does not identify a need for additional convenience floorspace in the town during the plan period.
- 8.19 Given the production and publishing of this report, it has been considered necessary to carry out a further review of the retail impact, based on consideration of the updated assessment. As WYG Planning consultants undertook the Borough-wide assessment, they have been employed to re-review the impact of this development. This report (the WYG report) recognises that existing stores are trading below benchmark level (as set out in the RLNA), but states that this does not necessarily mean that such stores are not viable or vulnerable to the opening of new stores. The WYG report also sets out that the lower turnover of the proposed Aldi store, as set out by the applicant's consultant, is consistent with the Aldi Sales density set out in the RLNA.
- 8.20 The WYG report agrees that trade for the new Aldi store will be drawn substantially from other "discounter stores" such as Aldi in Sittingbourne and Whitstable (both 15% of the predicted turnover for the proposed store), but also from Tesco in Faversham town centre (15%), and Morrisons (edge of centre) 10%.
- 8.21 The WYG report then compares the effect of such trade diversion from existing stores, and the likely reduction in the annual turnover of these stores. It focuses on Faversham Town centre stores, but recognizes the role of Morrisons as an edge of centre store in facilitating linked trips to the centre. The report estimates the impact on Faversham town centre as a whole to be 5-6%, and on Morrisons to be 8%. It concludes that such impacts would not be "significantly adverse" and that it is unlikely

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any existing stores would close as a result of the Aldi proposal. This is on the basis that Aldi trades as a “discounter retailer” and as such competitive overlap with smaller stores (such as butchers, bakers, convenience stores, and Iceland) is low.

- 8.22 Subject to conditions to limit occupation to a “discounter store” and to control the extent of floorspace and comparison goods offer (see proposed conditions 31-35), the WYG report considers the scheme to be acceptable when tested against the NPPF (and I consider the same applies when tested against policy DM2) in relation to the retail impact tests, with no significant impacts arising, provided the above conditions are attached.
- 8.23 Overall, I am satisfied that there are no sequentially preferable sites for the retail development, and that the principle of a hotel development has been accepted through the grant of outline permission which includes a hotel of up to 100 rooms on the wider site – and which can still be implemented. Whilst the retail impact assessment concludes that there would be some loss of trade arising from the proposed supermarket on Faversham town centre, the advice received from the Council’s consultant is that this would be unlikely to result in significant adverse impacts, and in turn I do not consider that it would undermine the vitality or viability of the Faversham town centre or other centres. On this basis, I consider the retail impact to be acceptable under the terms of policy DM2 of the Local Plan and the NPPF.
- 8.24 Members should also note that the proposal would create employment opportunities, and the application forecasts that 75 equivalent full time jobs would be created. The hotel development would also be likely to increase local spending by overnight visitors. Policy CP1 of the Local Plan seeks for development proposals to contribute towards building a strong competitive economy, and to widen the Council’s tourism offer, and this would contribute towards this.

Visual Impact

- 8.25 Policy CP4 of the Local Plan requires that development proposals should be of high quality design, appropriate to their surroundings, deliver safe attractive places, promote / reinforce local distinctiveness, make safe connections and provide green corridors. Policy MU7 states that development of Perry Court should demonstrate a strong landscape framework, hedge and tree planting, and provide footpath and cycle routes within green corridors. Built form should be high quality design and relate to existing built form and topography, rural approaches to the town and views from the south.
- 8.26 The proposal would form the primary building frontage into the “gateway” to the Perry Court wide development, and as such the need for a high quality design is paramount. Although the developer was encouraged to use the Design Panel for advice, they did not take up this option. However I am satisfied that my officers have been able to analyse the design impacts and negotiate design improvements to the scheme.
- 8.27 The principal elevations to both schemes face the primary road leading from the roundabout on Ashford Road into the site. The buildings would be set between 17 and 30 metres from the Ashford Road frontage, and this space would be used to provide

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landscaping and pedestrian footpaths that would connect through the wider Perry Court site and onto Ashford Road. I consider this “soft” edge to the Ashford Road frontage to be appropriate, and the footpath / cycle connections provide links through green corridors in accordance with the policy.

- 8.28 The hotel building would be taller and more prominent than the retail unit, being some 11 metres in height and sited (following advice from my officers) close to the primary road frontage into the site. This gives greater enclosure and strength to the street scene, and gives emphasis to the built form rather than car parking, which has been sited to the rear. The hotel follows a contemporary design, and the scale of the building has been broken into three sections through use of different materials and slight variations in height. The darker colour of the cladding and brickwork has been negotiated between officers and the applicant to provide a more recessive and organic tone to the building, on this edge-of-settlement location.
- 8.29 The retail unit takes a different approach, with car parking provided to the front and the unit set back in excess of 50 metres from the primary road. The building would be lower in height (at 8.5m) and less prominent than the hotel due to its set back into the site. Whilst my officers would have preferred the building to be close to the primary road to provide greater strength to the streetscene, this is not a format usually used by convenience traders, and was not an option that the applicant was willing to follow. As an alternative, officers are negotiating with the applicant to provide additional landscaping to the site boundaries, and within the car park, and to agree a form of public art installation, to enhance the public realm. This is considered to be an acceptable compromise.
- 8.30 The retail building is proposed to be occupied by Aldi, and the design does follow a “corporate” approach in part. My officers have negotiated with the applicant to lift this design substantially from the original submission, through the use of different materials and provision of a corner detail at the main entrance to the building, which includes a Brise Soleil system with beige / brown coloured louvres. The intention is that the materials to be used for both the retail unit and hotel building are similar in appearance, to provide some visual coherency.
- 8.31 The landscape approach is to provide a tree-lined “Avenue” effect on both sides of the primary road, and to utilise similar hard and soft landscaping schemes (for the footpaths / cyclepaths and Ashford Road frontage). This has the potential to provide an attractive landscaped entrance to the site.
- 8.32 In my opinion, the larger scale of the buildings would be appropriate at the entrance to this wider development site, and the scale and height (particularly relating to the hotel) would not be disproportionate to other surrounding existing and proposed residential dwellings, which are/ would be sited some 50-60 metres from these proposed buildings. Soft landscaping, particularly on the boundary with Ashford Road, would also soften the visual impact of the buildings. The contemporary style of the hotel with a flat roof helps to limit the height of this building, and Members should note that at 11 metres in height, this would be no greater than the form of development on this plot as shown on the parameter plans submitted with the outline permission (albeit that the

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parameter plans refer to two storey development). The proposed retail unit would be lower in height than the outline parameter plans, and both buildings would be smaller in floor area than the parameter plans. Members should also note that the outline permission includes the provision of employment land allocated to the south of the retail unit of up to three storeys and 12.5 metres in height.

- 8.33 The application includes a Landscape and Visual Impact assessment which identifies the landscape character of the surrounding area and viewpoints of the development. The main “rural view” of the development is from the south, and such views are limited by landscaping, the effect of the M2 motorway, and the existing built confines of Faversham. When taking into account the outline permission and the scale of the development when compared to the outline parameters as described above, the scheme is not considered to result in any significant adverse effects or any greater effects than envisaged from the outline scheme.
- 8.34 Taking the above factors into account, I would conclude that the development is well designed, that the layout provides a substantial degree of landscaping and green corridors providing pedestrian and cycle connections, in accordance with the above policies.

The ability to integrate a larger retail development within the Wider Perry Court scheme

- 8.35 The outline permission included a parameters plan that demonstrated how the quantum of development approved under 15/504264 could be distributed through the site. This include use of a 0.5 Ha parcel of land as a mixed use retail / residential area, as well as parcels for employment land, a care home and hotel development.
- 8.36 The residential development as approved under reserved matters application 17/506603 accommodated the 310 residential units without the need to utilise the 0.5 Ha parcel of land. The developer is seeking (under a separate application) to move the care home onto this 0.5 Ha parcel, which in turn would enable the two parcels of land subject to this application to be considered for retail / hotel use.
- 8.37 In wider layout terms, I am satisfied that the integration of a larger retail unit as now proposed would not compromise the wider Perry Court development.

Residential Amenity

- 8.38 Policy DM14 of the Local Plan states that all developments should cause no significant harm to the amenities of surrounding uses or areas.
- 8.39 In this instance, the closest neighbouring uses are the existing dwellings on the east side of Ashford Road, and the new dwellings as approved within the wider Perry Court development site.
- 8.40 The hotel scheme proposes a building of three storeys in height and up to 11 metres in height. The building would be orientated to face side on to the dwellings on Ashford Road, and the depth of the building would be up to 22 metres at ground level, and 14 metres at first and second floor level. The supermarket would be up to 8.5 metres in

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height, with a flank elevation facing Ashford Road of some 30 metres in depth. Both buildings have been designed to include a landscaped buffer area to the Ashford Road frontage.

- 8.41 The buildings would be sited in the region of 55m-60m from the dwellings on the east side of Ashford Road. In addition, due to levels changes between the site and Ashford Road, the buildings would be raised above the level of these dwelling by around 1.5 metres. The section drawings submitted with the application indicate that the hotel building would be some 4.5 metres taller than a typical ridge line of nearby dwellings on Ashford Road, and the supermarket building would be some 2.6 metres taller.
- 8.42 The buildings would clearly be visible from these existing properties, across an existing private road, the A251 and through the landscaped buffer. At 3 storeys in height, the hotel development would also be taller than the indicative plans submitted with the outline application – which showed the hotel to be a 2 storey building. However notwithstanding this, given the considerable separation distance (in planning terms), the intervening A251 road and the ability for some softening through landscaping, I do not consider the buildings would cause unacceptable impacts on light, privacy or outlook to these properties.
- 8.43 The new residential development within Perry Court would be located generally to the west of the application site. This includes land subject to a current application for development of a care home. A gap of 21 metres would be maintained between the proposed care home building and the hotel. In amenity terms, I consider this relationship to be acceptable.
- 8.44 The closest permitted dwellings on the wider Perry Court site would be to the west of the retail unit, at a distance of 46 metres from the building. These properties would face the retail unit and car park. Given the relatively low height and form of the retail unit, I consider this distance to be acceptable to preserve sufficient light, privacy and outlook to these approved dwellings. Further residential development to the north of the hotel would be separated by an area of public open space, and I consider this to be acceptable.
- 8.45 The proposals would also attract vehicle movements over long periods of the day. Given the function of Ashford Road as an A class road and a connection between Faversham and the M2, I consider that any noise / disturbance generated from customer vehicle movements and activity within car parks would be unlikely to cause unacceptable impacts on the amenities of those properties to the east of Ashford Road. The most trips would be generated by the retail unit, and the entrance to this would not pass through the approved residential development to the west. Whilst noise from the car park and activity around the retail unit in particular would most likely be evident to those new dwellings to the west, I do not consider this to be inherently unacceptable given the separation distances involved, and I consider that this would be taken into account by potential occupants of the new development when considering whether to reside in these units. In addition, I consider that at times earlier in the morning or late at night when the premises first opens or is soon to shut, the unit is less likely to be busy and as a result customers are more likely to park in the main

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car parking area to the front of the store rather than the car park by the side, which is closest to these residential units.

- 8.46 The application seeks to permit deliveries to the retail units between the hours of 06:00 to 23:00 hours, and a Delivery Management Plan has been submitted following initial concerns raised by the Environmental Health Officer. The plan includes measures such as no use of reversing beepers and requirements to turn off refrigeration equipment when vehicles are stationary. These measures are acceptable to the EHO to avoid unacceptable impacts on surrounding properties.
- 8.47 Taking the above into account, there would clearly be some impacts arising from the scheme, particularly the change in the outlook of existing properties on the east side of Ashford Road, and in respect of the hotel the building would be larger than indicatively shown under the outline permission. Nonetheless, as a full application there is no reason why the proposed development has to conform to the outline scheme. Whilst the developments are large and would be clearly visible from these properties, given the intervening distance and presence of the A251 road, I do not consider that this would result in unacceptable impacts that could justify a refusal in planning terms. On this basis, I do not consider the development would be in conflict with Policy DM14 of the Local Plan.

Highways

- 8.48 Policy DM6 of the Local Plan requires developments that generate significant traffic to include a Transport Assessment with any application. Where impacts from development on traffic generation would be in excess of the capacity of the highway network, improvements to the network as agreed by the Borough Council and Highway Authority will be expected. If cumulative impacts of development are severe, then the development will be refused.
- 8.49 Policy DM6 also requires developments to demonstrate that opportunities for sustainable transport modes have been taken up, and that applications demonstrate that proposals would not worsen air quality to an unacceptable degree. Developments should include provision for cyclists and pedestrians, and include facilities for low emission vehicles.
- 8.50 Policy MU7 of the Local Plan sets out that development of the site should include interim improvements to J7 of the M2, improvements to the A2 / A251 and the A2 / Brogdale Road, pedestrian and cycle routes, public transport improvements, and implementation of an agreed travel plan.
- 8.51 The hotel proposal does not raise any additional highways issues beyond those previously considered acceptable as part of the outline application for the wider site. That application was assessed to include a hotel development of up to 100 bedrooms. Although this is a separate application, it would effectively replace the hotel development proposed under the outline permission, and proposes an 84 bed hotel, which would have less traffic impacts than the modelling undertaken for the outline scheme.

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- 8.52 The retail proposal does raise additional highways issues, as this is a larger development to the scheme permitted at outline stage. The application includes a Transport Assessment (as amended) which sets out the highways implications relating to the scheme. In this respect, KCC Highways advise that the modelling forecasts two way AM peak movements of an additional 77 vehicles and 150 PM peak movements on the new Perry Court Roundabout. The proposals would also result in an additional 32 AM and 66 PM movements on the Ashford Road / A2 junction, and an additional 15 AM and 29 PM movements on the A2 / Mall junction. KCC Highways advise that the A2 / A251 junction analysis demonstrates that this junction is exceeding capacity and that without mitigation the application could not be permitted.
- 8.53 This is not unsurprising as the need for improvements to this junction has already been identified. The wider outline permission for Perry Court has secured a sum of £300,000 for this purpose and other nearby development schemes are also contributing to this. KCC have been working on plans for either signalisation or a roundabout scheme for this junction, although these are currently being reviewed with the aim to provide a more comprehensive scheme with greater land-take, in order to provide greater capacity. In order to mitigate against the traffic impacts arising from this application, KCC Highways advise that an additional sum of £99,660 is required towards phase 2 of the junction improvement works. This will be secured via S106 Agreement. KCC Highways will be taking a report to the Joint Transportation Board on the 24th June which will set out the intended approach for the junction improvement.
- 8.54 Highways England have also identified that the retail element of the scheme will result in traffic impacts over and above those assessed under the outline scheme. Highways England seek a financial contribution towards improvements to Brenley Corner to mitigate this, and a sum of £27,105 has been agreed. On this basis, Highways England do not object to the proposal.
- 8.55 In terms of sustainability, the site is within walking distance from large areas of the town, although this does need to be tempered by the likelihood that many shoppers will use cars for ease or to carry shopping that could not be done by foot or bike. Nonetheless, the development would provide pedestrian access onto Ashford Road via the newly installed crossing point, and further footpath and cycle connections would be provided through the wider Perry Court development, leading to the A2 via the public footpath through Abbey School. In addition, I understand that part of the wider highways mitigation proposals being considered by KCC Highways are to install a crossing facility onto the A2, which would make the pedestrian connection to Faversham easier and more attractive.
- 8.56 The proposals both include car parks that would meet the parking requirements of KCC.
- 8.57 To summarise, the proposal would lead to greater traffic generation, and both KCC Highways and Highways England have identified that mitigation is required to deal with such impacts. The applicant has agreed to make the necessary financial contributions as requested to enable KCC Highways and Highways England to carry out the required mitigation. On this basis, I consider the proposal would not cause unacceptable highways impacts, and would accord with Policies DM6 and DM7 of the Local Plan.

Air Quality

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- 8.58 Policy DM6 (2) (d) of the adopted Local Plan states that developments involving significant transport movements should integrate air quality management and environmental quality into developments and, in doing so, demonstrate that proposals do not worsen air quality to an unacceptable degree, especially taking into account the cumulative impact of development schemes within or likely to impact upon Air Quality Management Areas. Paragraph 181 of the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and cumulative impacts from individual sites in local areas.
- 8.59 The site is not located within an Air Quality Management Area. However an AQMA is designated at Ospringe, approximately one kilometre to the west as the crow flies (or 1.4km by road) of the site.
- 8.60 The applicant has submitted an air quality assessment which models the wider Perry Court development flows with the proposed supermarket traffic, together with other committed developments. The modelling takes into account existing base conditions against a “maximum development flow” scenario.
- 8.61 The worst case nitrogen dioxide (NO₂) impacts arising from the development (modelled on maximum development flows present in 2020) are classed as moderate at the Public House on the northwest corner of the junction with Ospringe Road and at a few other receptors at similar positions relative to London Road. However, the report states that actual changes relative to the air quality assessment level (the AQAL) are small at 0.3 µg/m³ or less, which represents a change of only 1% relative to the AQAL. Other modelled changes are calculated to be either slight or mainly negligible.
- 8.62 The reports sets out that by the time maximum development flows would be present in practice (i.e. that the worst case 2020 scenario above will not in practice occur as all committed development will not be built by this time), future changes to background concentrations and emission factors indicate that all of the modelled receptors within the AQMA would experience a negligible impact due to development traffic.
- 8.63 In respect of PM₁₀ emissions (organic pollutants measuring 10 µg or less), the report sets out that , modelled concentrations show no changes arising from the development, that all modelled concentrations continue to lie well below the air quality objectives, and for all receptors the significance of development is defined as negligible.
- 8.64 The report states that the above effects are similar to those modelled for the original Perry Court development that was given outline planning permission. As such the additional/revised traffic generated by the local centre developments (the Aldi store and the hotel) will not significantly alter the local air quality, and the effects that were considered acceptable for approval of the Perry Court development will also be acceptable for the local centre developments.
- 8.65 The Council’s Environmental Protection Team Manager accepts the results of the report that that there will not be any significant adverse impacts on the AQMA or elsewhere as a result of this latest development. However as some ‘moderate’ impacts are forecast in 2020 from the development, it will be necessary to include

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mitigation measures. No objection is raised subject to securing a travel plan coordinator and electric charging points measures outlined in the AQ report.

- 8.66 On this basis the application is not considered to worsen air quality to an unacceptable degree, and mitigation is provided to help offset any air quality impact. This is considered to comply with Policy DM6 of the Local Plan and the NPPF.

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Ecology

- 8.67 The ecological impacts of development on the wider Perry Court site have been previously considered and found to be acceptable under the outline permission. The KCC Ecologist advises that notable species (including reptiles, breeding birds and badgers) have been recorded within the wider site, and that as such that development will need to follow a precautionary mitigation strategy, which can be secured via a planning condition, and likewise ecological enhancements.
- 8.68 Natural England has not identified any conflict with the protection of the Swale and Thames Estuary SPA and Ramsar sites, and as this is not a residential development there is no requirement to contribute towards SAMMS.
- 8.69 I am satisfied that, subject to this, the scheme would not cause adverse impacts on biodiversity, and would comply with policy DM28.

9. CONCLUSION

- 9.01 This application would deliver development on a strategic site allocated for mixed use development in the Local Plan. The scheme would essentially add a supermarket to the quantum of development previously approved under outline permission 15/504264, and the retail impact associated with this has been found to be acceptable, subject to conditions to control the type of retail offer and floorspace. The proposed hotel would be in accordance with the parameters previously agreed for such use under the outline permission. The scheme would deliver economic benefits through additional jobs and improvements to the tourism offer
- 9.02 The scale and design of the scheme are acceptable, subject to agreement on the provision of further landscaping, and whilst the scheme would clearly change the outlook from dwellings on Ashford Road, this would not be to an unacceptable degree. Highways impacts are acceptable, subject to financial contributions towards identified mitigation, and air quality impacts are not considered to be unacceptable.
- 9.03 Overall, I am of the opinion that the scheme is acceptable and accords with the development plan and the NPPF.

10. RECOMMENDATION

Delegate to officers to GRANT permission subject to –

- Completion of a S106 Agreement to secure the additional highways contributions identified
 - Submission of an amended plan to improve the extent of landscaping to the front of the retail site and car park.
 - and the following 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.

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

General

- 2) The development shall be carried out in accordance with the following approved plans: 1416-PP Rev B, 1416-PCL Rev D, 1416-90 Rev E, 1416-300 Rev J, 1416-301 Rev K, 1416-350 Rev D, 1416-206 Rev C, 1416-205 Rev F, 1416-201 Rev D, 1416-200 Rev H, 1416-110 Rev EE

Reason: To accord with the application, in the interests of proper planning

- 3) No development beyond the construction of foundations shall take place in any phase until details in the form of samples of external finishing materials to be used in the construction of the development hereby approved for that phase have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 4) No development beyond the construction of foundations for the hotel shall take place until the following building details (drawings to be at a suggested scale of 1:5) have been submitted to and approved in writing by the Local Planning Authority:
- Section drawings of window frames and glazing bars, to include depth of window reveal from the external face of the building.
 - Manufacturer's colour brochure and specification details of the window product.
 - Section drawings of the junction between the cladding materials, brickwork and facing materials on the elevations of the building.
 - A section drawing of the wall capping detail
 - Facing materials for the lift overrun and plant enclosure on the roof of the hotel building.
 - Details of rainwater goods

The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and design quality.

- 5) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development in any phase beyond the construction of foundations shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reasons: In the interest of Security, Crime Prevention and Community Safety

- 6) The buildings hereby approved shall be constructed to BREEAM 'Very Good'

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Standard or an equivalent standard and prior to the use of the building the relevant design stage certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved.

Reason: In the interest of promoting energy efficiency and sustainable development.

Construction

- 7) No development in any phase shall take place until a Construction and Environmental Method Statement for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved Statements shall be adhered to throughout the construction period for those phases. These shall include details relating to:
- (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;
 - (ii) The loading and unloading and storage of plant and materials on site;
 - (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (iv) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development phase during construction;
 - (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
 - (vi) Measures to control mud deposition off-site from vehicles leaving the site, including the provision of wheel washing facilities;
 - (vii) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
 - (viii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site;
 - (ix) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking;
 - (x) Lighting strategy for the construction phase, designed to minimise light spillage from the application site; and
 - (xi) Measures to manage the routeing and timings for construction and delivery vehicles

Reason: To ensure the development does not prejudice conditions of residential amenity, highway safety and convenience, and local ecology, through adverse levels of noise and disturbance during construction.

- 8) No construction work in connection with each phase of 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 Local Planning Authority.

Reason: In the interests of residential amenity

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- 9) No impact pile driving in connection with the construction of each phase of the development shall take place on the site on any Sunday or Bank Holiday, nor any other day except between the following times:- Monday to Friday 0800-1800hours, Saturday 0800 – 1300, unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

Highways

- 10) The access details (including footpath connections) for each phase shown on the approved plans shall be completed prior to the occupation of that phase hereby approved, and the accesses shall thereafter be maintained.

Reason: In the interests of highway safety.

- 11) The area shown on the submitted plans as loading, off-loading and vehicle parking spaces 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) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) 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 commencement of the use hereby permitted.

Reason: Development without adequate provision for the parking, loading or off-loading of vehicles is likely to lead to parking inconvenient to other road users

- 12) Prior to the commencement of the external works for each phase, details of the secure covered cycle storage facilities for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason: in the interests of sustainable development

- 13) No occupation of each phase shall take place until a Staff Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement (including the appointment of a travel plan coordinator). Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: in the interests of sustainable development

- 14) Prior to the commencement of the external works for each phase, details of electric charging facilities to be provided in that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to first public use of the buildings, and maintained thereafter.

Reason: In the interests of sustainable development.

- 15) No development in any phase shall be brought into use until the visibility splays as

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shown on the approved plans have been provided, and such splays shall thereafter be maintained with no obstructions over 0.9 metres above carriageway level within the splays.

Reason: In the interests of highway safety.

Landscaping

- 16) No development in any phase shall take place until full details of all existing trees and/or hedges in that phase, details of any trees or hedges proposed for removal, and measures to protect any trees or hedges shown to be retained within or immediately adjacent to the site, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include
- (a) a plan showing the location of, and allocating a reference number to each existing tree and hedge on the site to be retained and indicating the crown spread of each tree, and extent of any hedge, and identifying those trees and hedges to be removed.
 - (b) details of the size, species, diameter, approximate height and an assessment of the general state of health and stability of each retained tree and hedge.
 - (c) details of any proposed arboricultural works required to any retained tree or hedge
 - (d) details of any alterations in ground levels and of the position of any excavation or other engineering works within the crown spread of any retained tree.
 - (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development .

The development shall be carried out in accordance with the approved details and the approved protection measures shall be installed in full prior to the commencement of any development, and retained for the duration of construction works. No works, access, or storage within the protected areas shall take place, unless specifically approved in writing by the Local Planning Authority

In this condition “retained tree or hedge” means any existing tree or hedge which is to be retained in accordance with the drawing referred to in (a) above.

Reason: In the interests of protecting existing trees and hedges which are worthy of retention in the interests of the amenities of the area.

- 17) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, measures to prevent vehicles from overhanging onto paths and landscaped areas within the car park, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 18) All hard and soft landscape works shall be carried out in accordance with the

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approved details. The works shall be carried out prior to the occupation of each phase of the development or in accordance with the programme, taking account of the planting seasons, as agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

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

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 20) No development beyond the construction of foundations to the retail unit shall take place until details of the design and siting of a public art installation have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to first opening of the retail unit to the public, or in accordance with a timetable approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

- 21) The open space for each phase, as identified on drawing 1416 OSA shall be provided and made available for public use at all times prior to first occupation of that phase of the development, and maintained as such thereafter.

Reason: To ensure that the development contributes to wider space objectives as set out under Policy MU7 of the Local Plan.

Contamination

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

Reason: To protect controlled water and comply with the NPPF.

- 23) If, during development of a relevant phase, contamination not previously identified is found to be present in that phase then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out in that phase until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect controlled waters and comply with the NPPF.

Drainage

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- 24) No infiltration of surface water drainage into the ground in any phase is permitted other than with the written consent of the Local Planning Authority for that phase. The development shall be carried out in accordance with any such approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework

- 25) No development shall commence in any phase until details of the proposed means of foul sewerage disposal for that phase have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure adequate foul drainage facilities are provided

- 26) No development in any phase shall take place until a detailed sustainable surface water drainage scheme for that phase has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by each phase of the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site, as detailed within the Flood Risk Assessment and Drainage Strategy prepared by BSP Consulting referenced 17-0303/FRA-DS, without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 27) No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme for that phase is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

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Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- 28) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system for that phase, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

Environmental

- 29) No dust or fume extraction or filtration equipment, or air conditioning, heating, ventilation or refrigeration equipment shall be installed on each phase of the development until full details of its design, siting, discharge points and predicted acoustic performance for that phase of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residential properties.

- 30) No deliveries shall take place outside the hours of 0600 - 2300 hours Monday to Saturday, and deliveries between the hours of 0600 - 0700 shall be conducted in line with the Delivery Management Plan dated November 2018. No deliveries shall take place on a Sunday, bank or public holiday outside of the hours of 08:00 – 20:00, and deliveries between the hours of 08:00 and 09:00 shall be conducted in line with the Delivery Management Plan dated November 2018.

Reason: In the interests of residential amenity.

Retail impact

- 31) The development hereby approved shall only be used as a Class A1 retail foodstore and shall be restricted to 'limited product line deep discount retailing' and shall be used for no other purpose falling within Class A1 of the Town and County Planning (Use Classes) Order 1987 (or any order revoking or re-enacting or amending that Order with or without modification). 'Limited product line deep discount retailing' shall be taken to mean the sale of no more than 2,000 individual product lines.

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Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 32) The Total Class A1 (retail) floorspace hereby permitted shall not exceed 1,725 sqm gross internal area. The net sales area (defined as all internal areas to which customers have access, including checkouts and lobbies) shall not exceed 1,254 sqm without the consent of the Local Planning Authority.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 33) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that Order with or without modification), the Class A1 (retail) floorspace hereby permitted shall be used primarily for the sale of convenience goods with a maximum of 251 sqm of the net sales area devoted to comparison goods

Reason: To control the extent of comparison goods retailing, Reason: to prevent unacceptable impacts upon the vitality and viability of Faversham Town Centre

- 34) The Class A1 (retail) unit hereby permitted shall be used as a single unit and shall not be sub-divided into two or more units, and no concessions shall be permitted within the unit.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 35) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending that Order with or without modification), no mezzanine floor or other form of internal floor to create additional floorspace other than that hereby permitted shall be constructed in the hereby permitted Class A1 (retail) unit.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 36) The class A1 retail use hereby permitted shall not be open to customers or any other persons not employed within the business operating from the site outside the following times 0700 - 2200 on weekdays, Saturdays and Bank and Public Holidays and any 6 hours between 1000 - 1800 on Sundays.

Reason: In the interests of residential amenity.

Ecology

- 37) No installation of an external lighting scheme for each phase shall take place until a bat sensitive lighting scheme to minimise impacts on bats, for each phase, is submitted to and approved in writing by the Local Planning Authority.

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Reason: In the interests of amenity and biodiversity

- 38) No development of any phase shall take place until a detailed mitigation strategy for all protected species has been submitted to, and approved in writing by, the Local Planning Authority for that phase. The development shall then be implemented in accordance with the agreed strategy.

Reason: In the interests of biodiversity

- 39) No development beyond the construction of foundations shall take place in any phase until a detailed scheme of ecological enhancements for that phase have been submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be completed prior to first use of the building.

Reason: In the interests of biodiversity.

Archaeology

- 40) No development of any phase shall take place until the applicant, or their agents or successors in title, has secured the implementation of the following, for each phase:

- (1) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and
- (2) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

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

INFORMATIVES

- 1) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development

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proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

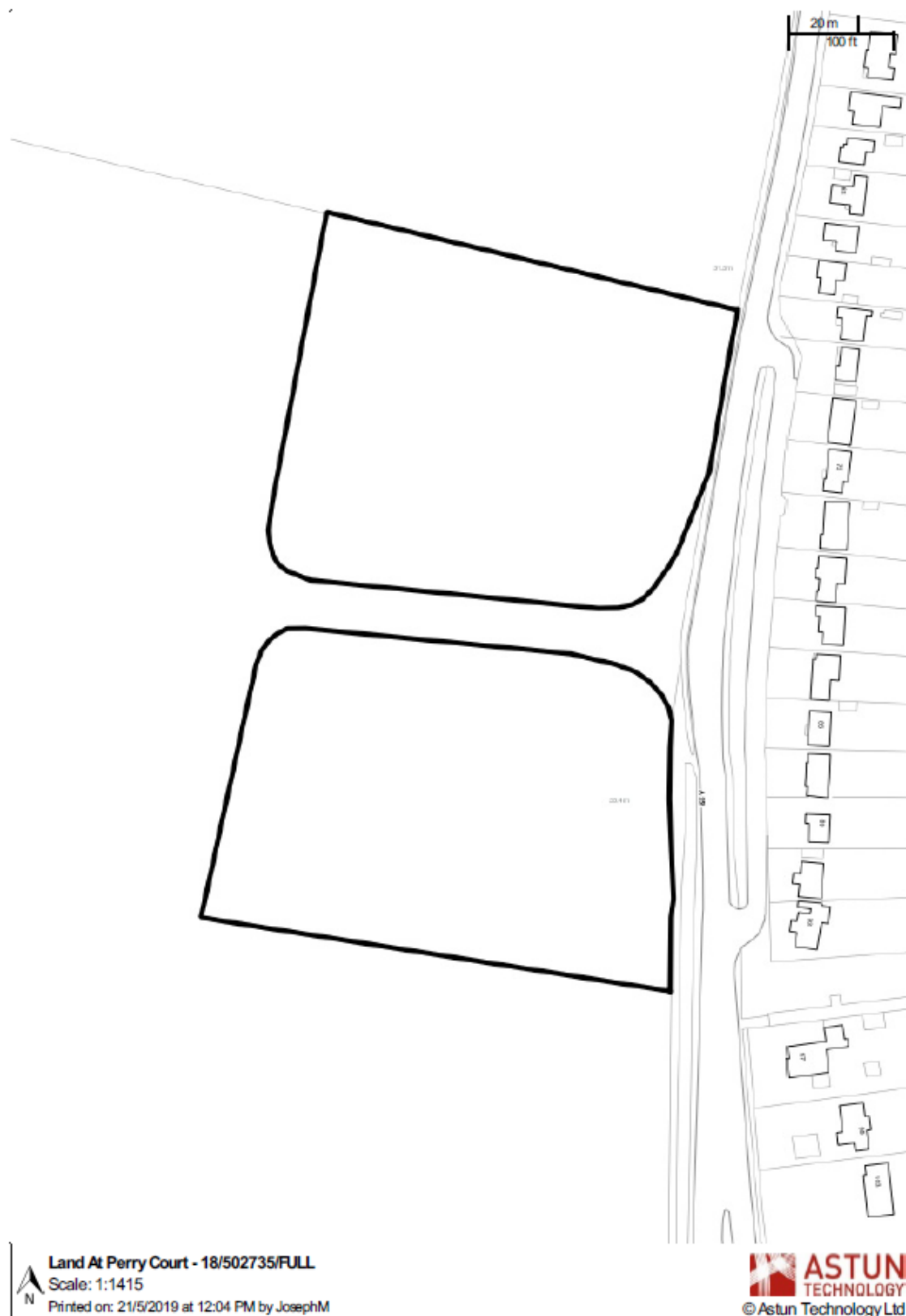
In this case, the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

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SWALE BOROUGH COUNCIL

Appraisal of Retail Impact Planning Policy Matters

**Proposed Aldi Store on Land at Perry Court, Ashford Road,
Faversham**

May 2019



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1.0 Introduction

1.1 Introduction & Instruction

- 1.1.1 Swale Borough Council ('SBC') has instructed WYG Planning ('WYG') to provide retail planning advice in respect of an application which seeks full planning permission on land at Perry Court, Ashford Road, Faversham for:

"Erection of a new supermarket (Use Class A1) and a hotel (Use Class C1) along with associated accesses, car and cycling parking, lighting, drainage, hard and soft landscaping and associated infrastructure" (LPA ref. 18/502735/FULL).

- 1.1.2 In accordance with our instruction from SBC, our advice is limited to matters relating to the retail impact of the proposed new Aldi store and includes the consideration of the use of conditions. Specifically, we have carried out a review of the retail work undertaken by Pegasus Group ('PG') on behalf of the applicant contained within a letter dated 24 April 2019. Whilst not a full retail impact assessment, this is referred to within this report as 'the 2019 PG RIA'.
- 1.1.3 In preparing this advice regard has also been had to the following submissions and third-party comments on the application proposal, including the advice previously provided by Carter Jonas ('CJ'), as follows:
- Retail Statement prepared by PG dated May 2018 ('the 2018 PG RS'), which focused primarily on the sequential approach.
 - Stage 1 Advice prepared by CJ dated 06.09.2018.
 - Peacock and Smith letter on behalf of Wm Morrison Supermarkets plc dated 24.10.2018.
 - Stage 2 Appraisal – Retail Impact Assessment prepared by CJ dated 29.10.2018 ('the 2018 CJ RIA').
 - PG letter responding to the 2018 CJ RIA dated 22.11.2018. Again, whilst this is not a full retail impact assessment, this letter is referred to within this report as 'the 2018 PG RIA'.
 - Peacock and Smith letter on behalf of Wm Morrison Supermarkets plc dated 28.11.2018.
 - MRPP letter on behalf of Tesco Stores Ltd dated 15.05.19.
- 1.1.4 This commission follows the preparation by WYG of the SBC Retail and Leisure Needs Assessment published in December 2018 ('the RLNA'). The RLNA forms part of the evidence base for the Council's emerging local plan covering the period 2022-2038. It was informed by a shopping survey by NEMS Market Research to establish existing shopping patterns within the 'study area' and updated health checks for the three town centres and 11 local centres within the borough. The 'study area' for the RLNA

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is roughly based on the district area, split into six zones; it reflected the study area of the Council's previous 2010 retail study. The RLNA deals with the need for retail and commercial leisure over the plan period.

- 1.1.5 The proposal has been considered in the context of the development plan for the area and other material planning policy considerations such as the National Planning Policy Framework ('the NPPF') and the National Planning Policy Guidance ('the NPPG'). In summary, this provides that applications for retail and other main town centre uses that are neither in an existing centre nor in accordance with an up-to-date local plan will be assessed against the key tests of sequential approach and retail impact.
- 1.1.6 Importantly, the NPPF advises that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the factors set out in paragraph 89, it should be refused.
- 1.1.7 However, notwithstanding the wording of paragraph 90 in the case of *Zurich Assurances Limited v North Lincolnshire Council* judgement [2012] EWHC 3708 (Admin), the Court identified that the failure of the sequential approach or retail impact tests and the consequent presumption of refusal, is just one consideration which the Local Planning Authority must balance against other considerations to see whether or not it is outweighed by other such considerations.
- 1.1.8 As noted above, our advice has been sought solely in respect of the retail impact tests, despite the application being below the threshold for undertaking a retail impact assessment under local policy and national guidance. Accordingly, having regard to the location of the application site outside a defined centre, the focus for our advice to SBC is on the retail impact of the proposed development on defined centres taking into account the impact of the proposal on existing, committed and planned investment and the vitality and viability of these centres including local consumer choice and trade in the town centre and wider area (paragraph 89 of the NPPF).
- 1.1.9 Specifically, it considers whether the conclusion drawn by the 2018 CJ RIA holds true in the context of the updated data available within the RLNA and the information available within the 2019 PG RIA, including any necessary sensitivity testing. For the avoidance of doubt the conclusion of the 2018 CJ RIA was that, whilst finely balanced, the proposal would not give rise to significant adverse impact on vitality and viability of Faversham Town Centre as a whole.

1.2 The Application Site and Proposal

- 1.2.1 The application site is located on land at Perry Court, off Ashford Road, Faversham. It forms an amended proposal for a 'local centre' originally approved in March 2017 as part of a large residential-led mixed-use scheme under outline planning permission (LPA ref. 15/504264). As originally approved, the 2017 scheme provided for 200sq m of Class A1 (retail) uses, expected to be a convenience store.

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- 1.2.2 In retail planning policy terms, the site is considered to be located in an out-of-centre location being circa 900m south of the edge of the designated town centre for Faversham and 1.1km south of the primary shopping area (paragraph ('#')2.4 of the 2018 PG RS). It occupies a location where new retail facilities are expected to serve new residential development, albeit on a smaller scale.
- 1.2.3 The application submission sets out the retail floorspace of the proposed new store is 1,715sq m gross with a 1,254sq m net sales area. The 2018 PG RS indicates at #2.13-2.17 details of the Aldi model which is said to trade as a 'limited assortment discounter' ('LAD'). A LAD is described as a store where the number of core food product lines stocked is deliberately restricted to approximately 1,500 in comparison to 20,000+ lines in 'mainstream' supermarkets. PG continue that the key focus of the retail offer is on 'bulk' food shopping trips, meaning that Aldi does not sell tobacco, unwrapped bread/cakes and pharmaceutical products and that the stores do not have butchery, fishmonger, bakery, delicatessen or hot food counters nor customer restaurants or in-store franchises such as photo processing or dry-cleaning.
- 1.2.4 PG highlights at #2.16 of the 2018 PG RS that these factors are:
- '.....important when considering the trading effects of an Aldi foodstore; as clearly the potential for cross-over with the offer of independent high-street retailers is far less than it is for 'mainstream' food retailers that stock a far wider spectrum of goods.'*
- 1.2.5 PG outline that the ratio of convenience to comparison goods in an Aldi store is typically 80:20. They indicate that the comparison goods offer is 'ancillary' to the food offer and is subject to regular change with seasonal demand, such that there is constant variety in terms of range and choice, with no particular type of comparison goods predominating. Again, PG stress that this approach means that the *'the potential for Aldi to compete with high-street comparison retailers is extremely limited.'*
- 1.2.6 PG identifies at page 6 of the 2019 PG RIA that the applicant is willing to accept restrictive retail planning conditions so that *'the use and operation of the retail unit proposed is controlled and restricted to the form of development tested through the impact assessments carried out to date'*. To meet this objective, PG sets out four suggested conditions, as follows:
- Floorspace Restriction – the total Class A1 (retail) floorspace hereby permitted shall not exceed 1,725sq m gross internal area. The net sales (defined as all internal areas to which customers have access, including checkouts and lobbies) shall not exceed 1,254sq m without the consent of the Local Planning Authority.
 - Sale of Goods Restriction – notwithstanding the provisions of the Town and Country Planning (general permitted Development) Order 2015 (or any order revoking or re-enacting or amending that Order with or without modification), the Class A1 (retail) floorspace hereby permitted shall be used primarily for the sale of convenience goods with a maximum of 251sq m of the net sales are devoted to comparison goods without the consent of the Local Planning Authority.
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- Subdivision – The Class A1 (retail) unit hereby permitted shall be used as a single unit and shall not be sub-divided into two or more units, and no concessions shall be permitted within the unit without the consent of the Local Planning Authority.
 - Mezzanine Restriction - notwithstanding the provisions of the Town and Country Planning (general permitted Development) Order 2015 (or any order revoking or re-enacting or amending that Order with or without modification), no mezzanine floor or other form of internal floor to create additional floorspace other than that hereby permitted shall be constructed in the hereby permitted Class A1 (retail) unit without the consent of the Local Planning Authority.

1.2.7 For the purpose of this retail appraisal we have taken into account the above proposed planning conditions. Subject to the findings of our appraisal we will advise the Council whether we consider the proposed conditions are necessary and/or whether alternative/additional planning conditions are required for the proposed development to meet the relevant retail policy tests and ensure the use and operation of the retail unit aligns with the form of development tests through the impact assessments, as sought by PG.

1.3 Structure of Appraisal

1.3.1 The remainder of the appraisal is structured as follows:

Section 2: reviews the methodology and conclusions of the 2019 PG RIA, including sensitivity testing, in order to consider the likely retail impacts of the proposal and whether any significant adverse impacts arise; and

Section 3: summarises the findings of our appraisal.

2.0 Appraisal of Retail Impact

2.1 Requirements of NPPF and NPPG

- 2.1.1 As identified in Section 1, Paragraph 89 of the NPPF identifies that planning applications for retail development outside town centre, not in accordance with an up to date Local Plan, should be assessed in terms of the following impacts on centres:
1. The impact of the proposal on existing, committed and planned public and private investment in a centre of centres in the catchment area of the proposal; and
 2. The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.
- 2.1.2 Confirmation of how the retail impact test should be used in decision taking is set out in paragraphs 16 of the 'Ensuring the Vitality of Town Centres' section of the NPPG. The guidance states that the impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible. Ideally, applicants and local planning authorities should seek to agree the scope; key impacts for assessment; and level of detail required in advance of applications being submitted.
- 2.1.3 Paragraph 17 notes that as a guiding principle impact should be assessed on a 'like-for-like basis' in respect of that particular sector. Retail uses tend to compete with their most comparable competitive facilities. It also notes that where wider town centre developments or investments are in progress, it will be appropriate to assess the impact of relevant applications on that investment.
- 2.1.4 Paragraph 18 sets out a checklist for applying the impact test whilst paragraph 19 provides a diagram setting out some of the key steps which should be taken when carrying out an impact test in decision-taking.
- 2.1.5 We are not aware of any existing, committed and planned public and private investment in Faversham Town Centre which is sufficiently well advanced to be considered under criterion 1. Therefore, the focus of this section is on the second test in relation to vitality and viability of centres, which is reflected in the work undertaken by PG and CJ to date.
- 2.1.6 Our commentary is structured using the headings from the 2019 PG RIA. We note the 2019 PG RIA strays into matters not central to the consideration of impact e.g. retail need/capacity. The availability of capacity/need is only relevant in so far as it relates to potential impacts, rather than a test in its own right. Accordingly, our commentary focuses on the relevant aspects of the 2019 PG RIA for the determination of this application.

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2.2 Pegasus Group Assessment - Impact on In-Centre TurnoverFaversham Town Centre Health Check

2.2.1 PG endorses the findings of the health check for Faversham Town Centre included within the RLNA and the conclusion that the town centre is displaying good levels of vitality and viability.

2.2.2 For the avoidance of doubt and of relevance to this report, the RLNA found in respect of Faversham Town Centre:

- no qualitative deficiency of convenience goods provision in the town centre, with proportionally a higher amount of convenience goods retailers than the national average position.
- The Tesco store on Cresecent Road being the largest store in the centre, followed by the edge-of-centre Morrison store on North Lane. In addition, there is an Iceland, Co-op and several other baker, butcher and convenience stores.
- Proportionally, the centre has slightly higher number of comparison goods retailers than the national average position. The offer is skewed towards independent retailers, with only 11 national retailers in the centre, and smaller size units.
- The proportion of retail service units is also slightly above the UK average position. The offer is heavily skewed towards health & beauty facilities. There is a reasonable level of food & drink operators, other leisure providers and financial and business services all attracting people into the centre for purposes other than retailing.
- A vacancy rate below the national average position both in terms of number of units and floorspace.
- 9 operator requirements including both Aldi and Lidl.
- High to good levels of pedestrian activity observed, noting that the market contributed to pedestrian activity and good levels of accessibility by train, bus, on foot and by car to the centre.
- In terms of views and behaviour, shopping was the main reason for visiting the centre (39% food shopping, 34% non-food shopping). The main 'like' about the centre was its attractive environment and 41% of people said there would be nothing that would make them visit the centre more often, if a reason was given,, the most popular was more/better clothes shops or 'high street' retailers.

In summary, the RLNA concluded in respect of Faversham Town Centre that it displayed good levels of vitality and viability.

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- 2.2.3 PG highlights their specific agreement with the conclusion within the RLNA on vacancy rates in Faversham Town Centre, noting that these are significantly below at 8% the national average of 11% and is a sign of the town centre's vitality and viability. We would agree with this conclusion.

Trading performance of Existing Stores

- 2.2.4 PG refers to Table 4 of Appendix G of the RLNA, which sets out the trading performance of existing convenience stores derived from the NEMs household survey in comparison with benchmark trading positions of stores in the study area. PG raises two criticisms of the information in this table: that the market share derived existing trading performance of stores is underestimated owing to the use of census-based population data and forecasts, and the benchmark turnovers are overestimated owing to the convenience goods sales areas for stores adopted, which PG claim are too large. We comment briefly on both matters below.
- 2.2.5 The use of census-based population data and forecasts is a standard approach for preparing retail studies and was agreed with SBC in the absence of available local forecast population information from Kent County Council. The Experian Micromarketer MMG3 data is based on the ONS 2014 based sub-national population projections. These projections are based on the continuation of recent demographic trends and are undertaken every 2 years. ONS confirms that these projections are appropriate for the use of '*local-level policy and planning*'. Accordingly, it is considered that the data source used in the RLNA is appropriate. In any event, we note PG does not provide an alternative source of population projections.
- 2.2.6 Turning to the calculation of benchmark turnovers, we note PG believe the data used in the RLNA has resulted in overestimates for benchmark turnover owing to a '*very high proportion of convenience goods sales area*' being adopted. The base floorspace data (gross, sales area and convenience goods sales area) used in the RLNA has been sourced from ORC StorePoint floorspace information which is provided on a store by store basis. Thus, it is a widely used and reliable data source which provides store specific floorspace information. Changes from this base position have been incorporated into the RLNA where updated and local information has been available (retail studies, impact assessments, Experian good or WYG assessment).
- 2.2.7 Conversely, in support of their contention PG refer to an average position from retailer summaries produced by GlobalData i.e. not store specific but the average position across a retailer's portfolio of stores. Given the diversity of stores in retailer's portfolios it is no surprise than an individual store within Faversham might trade differently from the average position. PG do also make reference to the original plans for the Morrisons store in Faversham in support of their claim that net sales areas have been overstated for this one store.
- 2.2.8 Taking just one example, if we consider the Tesco store Table 4 of the RLNA provides a convenience goods sales area of 2,334sq m, we note in the MRPP letter on behalf of Tesco Stores Ltd that their agent suggests a convenience trading area of 2,676sq m for their Crescent Road store. This suggests that the

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RLNA has actually *underestimated* rather than overestimated the convenience goods floorspace of this store, notwithstanding the robustness of the base information source.

- 2.2.9 Thus, whilst the use of published sources can throw up anomalies, the benchmark and market share derived turnovers presented in Table 4 provide a reasonable basis in our view to consider the potential impact trading effects of the proposed new Aldi Store on the basis of the information available. Moreover, we note PG does not provide any alternative sources of information (save for copies of 1991 plans of the original Morrisons (previously Co-op) store) or present an alternative pattern of shopping in the study area from their own household shoppers survey.

- 2.2.10 Table 4 of the RLNA suggests that against benchmark performance levels the existing stores in Faversham are trading below these levels, including those in and on the edge of the town centre. We agree with PG that 'undertrading' of stores does not necessarily mean stores are not viable or that they are particularly vulnerable to the opening of new stores. That said, it is one consideration in the overall balance of whether a proposal might give rise to significant adverse levels of impact on a centre, which includes the potential for store closures owing to poor trading levels.

Turnover of the Proposal

- 2.2.11 PG sets out in the 2018 PG RIA the assumed convenience goods turnover of the proposed Aldi store at 2018 and 2022 using 80% of the total sales area i.e. 1,003sq m, as follows:

- 2018 £10.86m
- 2022 £10.93m

The above turnovers are calculated on the basis of sales densities published by Globaldata (2018) of £10,827/sq m at 2018, £10,896/sq m at 2022. The price base is not provided by PG.

- 2.2.12 In the 2019 PG RIA, it is noted that Table 4 of the RLNA corroborates the sales density adopted by PG (as opposed to that suggested previously by CJ), in that it presents an Aldi benchmark sales density of £10,303/sq m at 2019 in 2016 prices, using GlobalData sourced information. Thus, adopting this 2019 sales density the convenience goods turnover of the proposed new store can be calculated as £10.33m at 2019 in 2016 prices.

Trade Diversion

- 2.2.13 PG indicate in their 2019 PG RIA that owing to up-to-date shopping pattern data there is a need to revisit the trade diversion pattern suggested in their 2018 PG RIA. We would agree that this is a reasonable approach, providing that reasoned justification of the any changed trade draw assumptions are given.

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- 2.2.14 In the current case we note that the revised trade diversion set out by PG at Table 1 of the 2019 PG RIA has a reduced total trade draw from Faversham Town Centre, the differences between the 2018 and 2019 position taken by PG and for comparison the CJ suggested position is set out below:

Figure WYG 1: Assumed Trade Draw Patterns by PG and CJ

Destination	Trade Draw		
	2018 CJ RIA	2018 PG RIA	2019 PG RIA
	%	%	%
Faversham Town Centre			
Co-op, Forbes Road	2%	0%	0%
Iceland, High Street	3%	1%	0%
Other Stores	1%	1%	0%
Tesco, Crescent Road	15%	15%	15%
Total	21%	17%	15%

Sources: Table 3 of 2018 CJ RIA, Table 3 of 2018 PG RIA, Table 1 of 2019 PG RIA

- 2.2.15 We would agree that the revised trading performance and role of some of the existing town centre stores revealed by the RLNA suggests that the new Aldi, given its particular product range, would compete less aggressively with these stores and so it is reasonable to revise the trade drawn from them. That said, in our view, it is important to undertake a sensitivity test to ensure that should a higher amount of trade be drawn from town centre stores impacts do not give rise to significant adverse levels.
- 2.2.16 We note in presenting the trade draw pattern in Table 1 of the 2019 PG RIA this is applied to 95% of the calculated 2022 turnover i.e. £10.38m. Whilst not explicitly set out by PG, it is assumed that 5% of the trade is drawn from beyond the catchment. This is a reasonable assumption in our view and one that was also adopted by CJ.
- 2.2.17 At this juncture it is also worth noting that PG only deal with the impacts arising from the convenience goods element of the new Aldi store and no analysis is presented on the smaller comparison goods element. This is accepted as a reasonable approach given the scale of the comparison offer, its changeable and seasonal product range which is incidental to the main convenience offer. This assumption reflects the Aldi model as a LAD.
- 2.2.18 Understandably, the trade draw pattern reflects that the new Aldi will draw significant proportions of trade from other LAD stores. On this basis, some 15% of trade is drawn from Aldi in Sittingbourne, 15% from Aldi in Whitstable despite their relative distance, as compared to only 10% from the closer Morrisons store in Faversham. Thus, the trading format of the proposed Aldi trading as a LAD goes to the heart of the assumed trade draw pattern presented by PG. This is an important consideration when considering potential conditions.

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- 2.2.19 Overall, we are broadly comfortable with the trade draw pattern presented at Table 1 of the 2019 PG RIA on the basis that the new Aldi store will trade as a LAD. However, given the slightly changed position on the amount drawn from the town centre, a sensitivity test is undertaken below to ensure different impact levels do not arise if slightly more trade is drawn from the town centre.

Retail Impact

- 2.2.20 PG uses the household survey derived 2019 turnovers of existing stores from the RLNA at 2019 to present the potential impact arising from the proposal. PG highlights that this is a robust position to adopt given that it ignores the expenditure increases between 2019 and 2022 which would assist in off-setting impacts. We agree this is a robust position. However, as PG does not provide a price base, it is unclear whether using the 2022 calculated turnover of the store (unknown price base) against 2019 turnovers of existing facilities (in 2016 prices) will provide an accurate reflection of potential impacts arising. Moreover, we note some differences/errors between the survey derived 2019 turnovers presented in Table 4 of the RLNA and those presented by PG e.g. Tesco 2019 turnover is £24.7m in Table 2 of the 2019 PG RIA and £24.1m in Table 4 of the RLNA. The correct RLNA 2019 survey derived turnovers have been used here.
- 2.2.21 Accordingly, we have recast the impact tables using the 2019 turnover of the proposed new Aldi store (£10.33m) presented above against the correct 2019 RLNA turnovers of existing facilities, which are in a consistent price base. We have adopted the assumption that 95% of trade is taken from the catchment area i.e. £9.82m.

Figure WYG 2: 2019 Impacts adopting 2019 PG RIA Trade Draw

Destination	Existing Turnover 2019 ¹	Trade Draw ²		Solus Impact
	£m	%	£m	%
<i>Faversham Town Centre</i>				
Co-op, Forbes Road	1.1	0	0	0.0%
Iceland, High Street	0.6	0	0	0.0%
Other Stores	0.6	0	0	0.0%
Tesco, Crescent Road	24.1	15	1.47	6.1%
Faversham Town Centre Total	26.4	15	1.47	5.6%
Wm Morrison, North Road	12.3	10	0.98	8.0%
Sainsbury's, Bysing Wood Road	19.4	23	2.26	11.6%
Other Faversham	0.5	0	0	0.0%
Total	58.5	48	4.71	-

Notes: Figures may not add due to rounding.

Source: ¹ Table 4 of RLNA

² Trade draw pattern from Table 1 of 2019 PG RIA

Report to Planning Committee – 12 September 2019

APPENDIX C

- 2.2.22 The above suggests that the impact on convenience goods turnover of Faversham Town Centre is in the order of 5.6%. This is in the same order as that calculated by PG in their 2019 assessment. In addition, the edge-of-centre Morrison store is predicted to experience 8% impact. As noted in the RLNA, this store acts as true edge-of-centre store with the store car park (despite its limited size) acting as one of the centre's car parks and linked trips to the town centre observed. Thus, impact on this store and consequential reduction in linked trips is a valid consideration in considering the impact on Faversham Town Centre as a whole.
- 2.2.23 As noted above, given the changed position of PG on trade drawn from the town centre, we have re-worked the figures below at Figure WYG 3 using the trade draw pattern presented in the 2018 PG RIA.

Figure WYG 3: 2019 Impacts adopting 2018 PG RIA Trade Draw (Sensitivity Test)

Destination	Existing Turnover 2019 ¹	Trade Draw ²		Solus Impact
	£m	%	£m	%
<i>Faversham Town Centre</i>				
Co-op, Forbes Road	1.1	0	0	0.0%
Iceland, High Street	0.6	1	0.10	16.6%
Other Stores	0.6	1	0.10	16.6%
Tesco, Crescent Road	24.1	15	1.47	6.1%
Faversham Town Centre Total	26.4	15	1.67	6.3%
Morrisons, North Road	12.3	10	0.98	8.0%
Sainsbury's, Bysing Wood Road	19.4	23	2.26	11.6%
Other Faversham	0.5	0	0	0.0%
Total	58.5	48	4.91	-

Notes: Figures may not add due to rounding.

Source: ¹ Table 4 of RLNA

² Trade draw pattern from Table 3 of 2018 PG RIA

- 2.2.24 Table WYG 3 suggests that should a higher level of trade be drawn from town centre stores along the lines suggested by PG in 2018, impact on convenience goods turnover at 2019 is estimated to be 6.3%. This impact falls most heavily on the Iceland and other stores (16%).
- 2.2.25 The above suggests that impacts arising on the 2019 convenience goods turnover of the town centre is estimated to be between 5-6%. Such levels of impact would not normally give cause for concern, particularly given the increase in expenditure available to existing facilities to a design (impact) year (previously shown to be 2022) has been ignored and given the good levels of vitality and viability exhibited by Faversham Town Centre. Moreover, these impact figures relate only to the convenience goods turnover rather than the turnover of the centre as a whole.

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APPENDIX C

2.2.26 Even when the impact on individual stores and the potential reduction of linked trips from the Morrison store is considered, we consider that it unlikely that any individual store would close as a direct result of the impact of the proposed Aldi store, albeit that this is predicated on the basis that it trades as a LAD and so competitive overlap with smaller stores (butchers, bakers, convenience stores) and the Iceland (which in this case is skewed very much to the frozen food offer) is low and thus trade draw is more akin to the 2019 PG assumptions.

2.2.27 In summary, the predicted level of quantitative impact on the convenience goods turnover of Faversham Town Centre is low and not at a level that we consider could be argued to be 'significant adverse'. Thus, the 'on balance' conclusion of CJ that the scheme proposed will not give rise to significant adverse levels of impact on Faversham Town Centre, subject to the imposition of appropriate conditions. Use of conditions is addressed in detail below.

Suggested Planning Conditions

2.2.28 As noted above, PG set out four conditions which seek to control:

- Total amount of gross and net sales floorspace.
- The maximum amount of comparison goods floorspace within the store.
- Subdivision
- Insertion of a mezzanine.

With these in place, which we have reproduced verbatim at #1.2.6 of this report, PG argue that the '*use and operation of the retail unit proposed is controlled and restricted to the form of development tested through the impact assessments carried out to date*'. We agree that conditions which seek to address the matters above should be attached to any grant of planning permission. However, the term '*without the consent of the Local Planning Authority*' should be removed from the versions suggested by PG so that the condition is precise in line with the tests of conditions.

2.2.29 In addition, in this case, it is our strongly held view that a condition should be added to any planning permission to ensure the Aldi store trades as a LAD, as only in this way can the use and operation of the retail unit proposed be '*controlled and restricted to the form of development tested through the impact assessments carried out to date*'. It is clear from the assessments presented by PG that the trade draw and so impacts arising are predicated on the basis that the store trades as a 'limited assortment discounter' (LAD), see #2.16, #4.36 and #6.4 of 2018 PG RS, the key factors underlying the trade diversion set out at page 4 of the 2018 PG RIA and trade draw patterns skewed towards diversion from other LADs presented at page 6 of the 2019 PG RIA.

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APPENDIX C

2.2.30 We do not agree that given the sales density of Aldi is now akin to other 'mainstream' foodstores that this type of condition is superfluous. In short, PG cannot have it both ways, they cannot present a trade draw pattern which reflects the new Aldi store will trade most aggressively with existing discount stores and then argue in respect of conditions that such a condition is not necessary, because LADs no longer have a specific trade diversion pattern. In short, PG has argued that the new Aldi is a LAD and has gone to some lengths to present the Aldi model and, as such, it is reasonable in this case to ensure going forward that the store continues to trade as a LAD so that impacts arising as in line with that assessed.

2.2.31 Accordingly, in addition to the four conditions suggested by PG, as amended to be precise, we would recommend an additional condition to ensure the store is only used as a deep discounter or LAD. Such a condition could read as follows:

'The development hereby approved shall only be used as a Class A1 retail foodstore and shall be restricted to 'limited product line deep discount retailing' and shall be used for no other purpose falling within Class A1 of the Town and County Planning (Use Classes) Order 1987 (or any order revoking or re-enacting or amending that Order with or without modification). 'Limited product line deep discount retailing' shall be taken to mean the sale of no more than 2,000 individual product lines.'

We are aware that Aldi is able to trade under such a condition, having recently accepted the same condition for a scheme granted planning permission in December 2018 in Yeovil. Moreover, the above is generous in terms of product lines, providing 500 more product lines than the 'Aldi model' presented by PG in the 2018 PG R5. Moreover, it does not restrict the future provision of counters, such as bakers, butchery, fishmonger.

2.3 Conclusions Regarding Retail Impact

2.3.1 We have carefully considered the planning application against the impact tests set out in the NPPF. We consider that the proposal is acceptable in relation to the retail impact tests with no significant adverse impacts arising, providing suitable conditions are attached which ensure the proposed store trades in the form tested through the impact assessments.

2.4 Other Comments

2.4.1 The remainder of the 2019 PG RIA letter relates to retail need/capacity. Given that even PG note that there is 'no requirement to consider retail need through the consideration of these application proposals', we are not proposing to comment in detail on PG's analysis. The availability of expenditure to support additional retail facilities in a catchment area is relevant only in so far as it might influence impacts arising from a proposal.

Report to Planning Committee – 12 September 2019

APPENDIX C

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- 2.4.2 We would note that PG in commenting on the RLNA and considering qualitative need do so on the basis of the scheme fulfilling a 'need' for a deep discounter, for example, in looking at 'leakage' from the Faversham area, PG suggest that this is principally owing to *'the lack of discount convenience stores within Faversham'* and *'Clearly, a discount foodstore in the town would therefore provide an alternative offer to the existing facilities in the town and significantly enhance convenience retail offer within the town improving consumer choice'*. Such arguments support the need for a condition ensuring the new store trades as a LAD, as only in this way can it provide that different offer, stem leakage and increase consumer choice suggested by the applicant's agent.

3.0 Conclusions

3.1. Scope & Purpose

- 3.1.1 This appraisal has been prepared by WYG in response to an instruction by the SBC to carry out an independent review of the potential retail impacts on Faversham Town Centre of a proposed Aldi store forming part of a mixed-use scheme at Perry Court, Faversham (LPA Ref. 18/502735).
- 3.1.2 The site subject to this application lies in an out of centre location and is not in accordance with an up to date development plan. Therefore, reflecting our instruction and local and national planning policy, our advice to SBC focused on the impact of the proposal on nearby retail centres, including Faversham Town Centre, taking into account the impact of the proposal on planned investment and the vitality and viability of these centres.

3.2. Retail Impact

- 3.2.1 Dealing with the first part of the impact test, we are not aware of any existing, committed and planned public and private investment in Faversham Town Centre which is sufficiently well advanced to be considered under this part of the impact test.
- 3.2.2 Turning to the vitality and viability of existing centres, as a result of the limited trading overlap owing to the specific nature of the proposal and consequential low level of quantitative impact assessed, we conclude that the proposed development would not result in any significant adverse impacts on Faversham Town Centre. Even taking robust 2019 impacts and considering only impacts on convenience goods turnovers, rather than the centre as a whole, it is assessed that no significant adverse impact on centre turnover would arise owing to the proposed Aldi 'LAD' model for the new store.
- 3.2.3 Accordingly, we recommend that conditions are attached to any grant of planning permission to limit the size of the store (gross and sales area), amount of comparison goods floorspace, sub-division and insertion of mezzanine and to restrict use to a 'limited assortment discounter'. And on this basis, we consider that the proposal is acceptable in relation to the two retail impact tests with no significant adverse impacts arising.

3.3. Conclusions

- 3.3.1 Overall, having regard to our detailed appraisal of the planning application it is our opinion that the proposal is consistent with the requirements of current retail planning policy, subject to the imposition of appropriate conditions.

Report to Planning Committee – 12 September 2019

APPENDIX C

1

SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

10 OCTOBER 2019

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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) (England) Order 2015

HRA Human Rights Act 1998

SBLP Swale Borough Local Plan 2017

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PART 2

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PLANNING COMMITTEE – 10 October 2019**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 19/503518/FULL		
APPLICATION PROPOSAL Demolition of existing buildings and erection of a single storey building to be used as a self-contained holiday accommodation with associated parking to front (revised scheme to 18/504141/FULL).		
ADDRESS The Barns Kemsdale Road Hernhill Kent ME13 9JL		
RECOMMENDATION Grant		
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Hernhill	APPLICANT Mr McGuire AGENT Miriam Layton Architectural Design
DECISION DUE DATE 26/09/19		PUBLICITY EXPIRY DATE 09/09/19

Planning History

18/504141/FULL

Demolition of existing buildings and erection of a single storey building to be used as a self-contained holiday accommodation with associated parking to front as amended by drawing 1110/02C.

Approved Decision Date: 19.02.2019

1. DESCRIPTION OF SITE

- 1.1 The site is located within the Hernhill-Fostall conservation area, but outside any defined built up area boundary. The site comprises part of a former agricultural holding with two small barns of simple timber construction and corrugated metal sheet roofing; set parallel to each other on opposing sides of a small yard. To the rear of the site lies the boundary to the listed Fostall Cottages, dating from the 1500's and listed Grade II.
- 1.2 Vehicular access to the site is either from the A299 Thanet Way or through Hernhill. There are a number of public footpaths nearby as well as a limited local bus service. The site lies close to the Thanet Way and within 6km of the Swale SPA/Ramsar site.
- 1.3 Some Members may recall application 18/504141/FULL which was approved earlier this year at 7th February Committee. This application is a resubmission of that proposal with the only change being the roof covering.

2. PROPOSAL

- 2.1 The application seeks planning permission to demolish the existing structures and to replace them with a single storey building with associated parking and landscaping. The building would be used as a single three bedroom holiday let, which would be managed by the applicant who lives nearby. The new building would seek to replicate the footprints of the existing buildings, but link them together to form one continuous U-shaped building.
- 2.2 The design of the replacement building is intended to reflect the agricultural history of the site. The materials include dark stained weatherboarding, timber windows and doors and the change to the roof covering which is now to be standing seam zinc rather than plain clay tiles. Off road parking will be located to the front of the site and allow for the parking of two cars, alongside a car charging pillar .
- 2.3 The application is supported by a Design and Access Statement showing the locality of other metal roofs in the local vicinity including domestic as well as commercial buildings.

3. PLANNING CONSTRAINTS

Conservation Area Hernhil - Fostal

4. POLICY AND CONSIDERATIONS

Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017. Policies ST3, CP4, DM3, DM14, DM32 and DM33 are of particular relevance.

Policy DM3 in particular supports rural business development, including tourism and leisure, with an emphasis on the appropriate re-use of existing buildings or previously developed land, and when new buildings are sympathetic to the rural location and appropriate in their context.

5. LOCAL REPRESENTATIONS

None

6. CONSULTATIONS

- 6.1 Hernhill Parish Council has objected to the application as the change from clay tiles to zinc is not in keeping with the area.
- 6.2 Kent Highways and Transportation have said that the development proposal does not meet the criteria to warrant involvement from the highway authority.
- 6.3 The comments from the Council's Tourism Officer from the previous application still stand. The scheme is supported on the basis that this small scale development is in keeping with the Council's aspirations around developing the visitor economy in Swale, and that building a portfolio of quality accommodation will ensure that visitors can be encouraged to stay in the area and for longer periods is increased.

7. BACKGROUND PAPERS AND PLANS

All documents relating to 19/503518/FULL

8. APPRAISAL

- 8.1 The issues to consider in this application are the principle of the use of the site, and the effect on the nearby listed buildings and surrounding conservation area.

Principle of development

- 8.2 In terms of principle, I am content that replacement of these existing buildings with a new building of similar scale and proportion to provide a holiday let remains acceptable in principle. Such a redevelopment will be an alternative to conversion, and by providing a better quality of accommodation than might be achieved through conversion, and it will support the rural economy, especially in terms of potential trade for nearby businesses. I consider the demolition of the existing buildings and rebuilding of a single storey building of a similar scale as a holiday let to be acceptable and in conformity with policy DM3. Application 18/504141/FULL was approved at committee on 7th February and the only difference between the approved scheme and the current proposals is the roof covering which was previously to be finished in clay tiles instead of the zinc roofing now suggested.
- 8.3 I consider that the change of materials does not affect the already accepted principle of the reconstruction of these buildings or their potential contribution as a holiday let in the area which has been confirmed as needed by the Council's Tourism Officer, and which would be a benefit to the area and the Borough as a whole.

Impact on the setting of the listed buildings and the character and appearance of the conservation area

- 8.4 I believe that the reconstruction of the current buildings will provide a much more attractive appearance than the site currently has, which will enhance the character and appearance of the conservation area as a whole. The Parish Council has raised an objection on the basis that the zinc roof does not fit well within the area. The current buildings have metal roofs, as do many agricultural buildings, and the applicant has provided within the Design and Access Statement reference to other examples of buildings within the vicinity with metal roofs. The existing buildings are not of any historic interest, and the scale of the buildings on the site will not change significantly, with only a slight increase in footprint and the change of some external materials. As noted, these would be a distinct improvement on the existing finish and appearance of the current buildings. As such, I am satisfied that the proposed changes would not have a detrimental impact on the character and setting of the nearby listed building, nor the appearance of the conservation area, in accordance with policies DM32 and DM33.

9. CONCLUSION

- 9.1 Overall the proposed development is of a high quality design that would improve the character and appearance of the conservation area as well as contributing to the Borough's provision of holiday accommodation.

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.

This Appropriate Assessment has been undertaken without information provided by the applicant. The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats. The proposal thus has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England (NE) advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites.

The recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, "it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site." The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group (NKEPG).

NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the (NKEPG) and that such strategic mitigation must be in place before the dwelling is occupied. Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required in this instance.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured by either s106 agreement or unilateral undertaking on all qualifying developments) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others.

In this case the applicant paid the SAMMS fee under application 18/504141/FULL. That contribution has not been refunded and there is no need to seek an additional payment in this instance as there is no further increase in accommodation.

10. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS to include

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

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

- (2) The development hereby approved shall be carried out in accordance with approved drawing TB-1004-PP Rev. A.

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) No development beyond the construction of foundations shall take place until samples of external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character and appearance of the conservation area.

- (4) The windows and external doors to be used in the approved development shall be constructed of timber and retained as such thereafter.

Reason: In the interest of preserving or enhancing the character and appearance of the conservation area.

- (5) No development beyond the construction of foundations shall take place until a 1:10 elevational detail and a 1:1 or 1:2 plan and vertical section for each new window to be used on the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character and appearance of the conservation area.

- (6) No development beyond the construction of foundations shall take place until 1:10 elevational detail and a 1:1 or 1:2 plan and vertical section for each new external door to be used on the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character and appearance of the conservation area.

- (7) The area shown on approved drawing TB-1004-PP Rev. A 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)(England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the first occupation of the holiday accommodation hereby permitted.

Reason: Development without adequate provision for the parking of cars is likely to lead to car parking inconvenient to other road users.

- (8) The holiday accommodation hereby permitted shall be used solely for the purpose of holiday accommodation; shall not be used by any person or persons as their sole or main residence and shall not be occupied by any person or group of persons for more than four weeks in any calendar year.

Reason: As the site lies outside any area intended for new permanent residential development and as the permission is only granted in recognition of the applicants intention and the Local Planning Authority's wish to encourage suitable provision of holiday accommodation in this attractive rural area.

- (9) No further development permitted by Classes A, C, or D of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), shall be carried out.

Reason: In the interest of conserving the character and appearance of the conservation area.

The Council's approach to the application

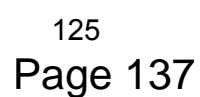
In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

INFORMATIVE

This permission has only been granted on the basis that a financial contribution to the Strategic Access Management and Monitoring Strategy in respect of the nearby Swale Special Protection Area (SPA) was paid prior to the grant of planning permission 18/504141/FULL and this has not been refunded. The current works are an alternative to that permission and present no further potential harm to the SPA.

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



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2.2 REFERENCE NO - 19/503819/FULL		
APPLICATION PROPOSAL Erection of a detached residential dwelling (revised scheme to 18/506309/FULL).		
ADDRESS Land Adjacent To Cromas Callaways Lane Newington Kent ME9 7LX		
RECOMMENDATION Grant subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The new dwelling would not cause unacceptable impacts to residential or visual amenities, and provides an adequate parking provision.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Newington	APPLICANT Pimpernel Properties LTD AGENT
DECISION DUE DATE 01/10/19	PUBLICITY EXPIRY DATE 05/09/19	

Planning History

18/506309/FULL

Construction of a detached, single residential dwelling (resubmission of 17/503997/FULL).
Approved Decision Date: 16.05.2019

17/503997/FULL

Construction of a detached, single residential dwelling.
Refused Decision Date: 16.10.2017 Dismissed on appeal

17/500525/FULL

Construction of a single residential dwelling
Approved Decision Date: 27.06.2017

16/504504/FULL

Construction of a single, detached residential dwelling.
Withdrawn Decision Date: 31.01.2017

SW/91/1070

Outline application for a two bedroomed bungalow
Refused Decision Date: 10.12.1991

1. DESCRIPTION OF SITE

- 1.1 The application site comprises an empty plot of land, which previously formed part of the garden at the adjacent detached bungalow, Cromas. The immediately surrounding residential properties on the opposite side of Callaways Lane and to the northwest along Callaways Lane are detached. There are semi detached properties located approximately 65m away from the application site to the north east. Newington Manor Conservation Area is located roughly 45m from the site.

- 1.2 There have been several applications for planning permission on the site, the most recent of which, ref. 18/506309/FULL was approved for the erection of a detached chalet bungalow, which is similar to the dwelling proposed here. This consent is yet to be implemented on site.

2. PROPOSAL

- 2.1 This application seeks planning permission for the erection of a detached chalet bungalow with front and rear facing gables. It is a revised scheme to the chalet bungalow approved under 18/506309/FULL. To the front of the dwelling parking and landscaping would be provided with access taken from Cranbrook Lane to the east of the site. Private amenity space would be located to the rear measuring 10m in depth and ranging between 9.5m and 11m in width.
- 2.2 The proposed property would measure 9m in width and ranging between the 11m and 11.7m in depth, 2.8m to the eaves and 5.9m in overall height. Originally, five rooflights and solar panels were proposed on the south western flank elevation and a six rooflights were proposed on the north east flank elevation. During the course of the application, the solar panels were removed from the proposal and the number of rooflights reduced to provide one rooflight in each roof slope. Internally, a kitchen / dining room, bedroom, study and two bathrooms would be provided at ground floor level with one bedroom, lounge and a bathroom at first floor level. The external walls would be finished in painted render with the roof materials to match the existing adjacent property, Cromas.
- 2.3 Several applications for a new dwelling on this site have been submitted in the past, and as mentioned at paragraph 1.2, the most recent one (ref. 18/506309/FULL) was approved. This application is similar to the approved design. The footprint of the proposal is almost exactly the same scale as what was approved, and the proposed dwelling is located in approximately the same position. The eaves and ridge height are both 0.3m taller than the approved design, and the rooflights proposed here replace three flat roof dormer windows. The fenestration on the front and rear of the dwelling is also different, with more contemporary glazing being proposed here. The parking and access remains the same as approved. This application proposes a three bedroom chalet bungalow, whilst the approved dwelling had only two bedrooms.

3. PLANNING CONSTRAINTS

- 3.1 Newington Manor conservation area – Would affect the setting of.

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- 4.2 Development Plan: Policies CP4, DM7, DM14 and DM33 of Bearing Fruits 2031: The Swale Borough Local Plan 2017
- 4.3 Supplementary Planning Guidance (SPG): 'Conservation Areas'

5. LOCAL REPRESENTATIONS

- 5.1 None received

6. CONSULTATIONS

- 6.1 Newington Parish Council object to the application, stating the following:

“Councillors have considered the application, the latest in a series on this site, and note, with regret, that the previous application had been passed following the resolution of points made by the Planning Inspectorate last year. This latest scheme has material amendments to previous ones, notably the living room moved to the first floor with rooflights fitted. The Parish Council is concerned that the site, on the edge of the Newington Manor Conservation Area would have solar panels which would be out of keeping with the Conservation Area and visually intrusive from it. We are concerned about the potential for overlooking and ask that any neighbour comments are taken into account when making a decision. Councillors have serious misgivings regarding the driveway being off Cranbrook Lane and believe that the plans provided would make vehicular access very difficult.”

- 6.2 KCC Highways – Originally commented stating that the development does not meet the criteria to warrant involvement from the Highways Authority. I later contacted the Transport Planner regarding the proposed access. Whilst he was generally happy with the proposed layout, which is almost identical to the access approved under 18/506309/FULL, the bin store located on the corner of the site will need to be relocated, and the soft landscaping restricted to a maximum height of 900mm to ensure adequate visibility is provided for vehicles entering and exiting the site. Amended plans were submitted relocating the bin store and removing a tree from the soft landscaping on this area of the site.
- 6.3 Natural England – See advice under previous application, as these are relevant here. The previous comments stated mitigation is required with regards to the nearby SPA.
- 6.4 Environmental Health – No objection subject to a condition restricting hours of construction.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Plans and documents relating to 18/506309/FULL and 19/503819/FULL.

8. APPRAISAL

Principle of Development

- 8.1 This application is a resubmission of approved application 18/506309/FULL, which clearly establishes the principle of the development. Therefore only the differences between the two applications will be discussed here, namely the increase in the ridge and eaves height, replacement of the dormer windows with rooflights, changes to the fenestration and reconfiguration of the internal layout.

Visual amenity and impact upon the setting of the conservation area

- 8.2 During the course of the application, I raised concerns with the applicant regarding the amount of rooflights and solar panels proposed on the new dwelling. I believe these features will lead to the roof slopes appearing cluttered and I consider this would represent poor design that would be harmful to the character and appearance of the area, and nearby conservation area. The applicant was informed of this, and removed all the solar panels and the majority of the rooflights, leaving one on each roof slope. This overcomes my concerns. Whilst I appreciate the proposed fenestration serving the

first floor represents an usual design that is not currently present in the streetscene, I take the view it will not cause significant harm to the character and appearance of the area.

- 8.3 The site is located near to Newington Manor Conservation Area, and the Council should pay regard to whether an application preserves or enhances the character and appearance of conservation areas. Whilst the current proposal would result in an increase in the height of the dwelling and a resulting increase in its bulk compared with the previous scheme, the eaves height and ridge height are only being raised by 0.3m whilst the footprint of the dwelling would be the same, I therefore do not consider the proposal would cause unacceptable harm to the setting of the conservation area. I include several conditions below which were imposed upon the previous approved scheme, relating to materials, rooflights and eaves and verges detailing, which will ensure the proposal has a high standard of finish.

Residential Amenity

- 8.4 The proposed dwelling will be approximately located in the same position as the previously approved chalet bungalow. However the eaves and ridge height of the dwelling will be 0.3m taller than approved. Due to the slightly different ground levels (Cromas sits on higher ground), the eaves height on the development will be similar to the eaves height on Cromas. The ridge height will be 0.7m taller than Cromas, and taking into account the proposed property only extends 1m rearwards of Cromas and 2.5m forwards, with a gap of 1.5m between the properties, I do not consider the minor increase in the ridge and eaves height will lead to unacceptable overshadowing at this neighbouring property. A ground floor window is proposed in the north east elevation. This window serves a bathroom, and the plans stipulate that it will be obscure glazed. I therefore consider any overlooking impact from this window will be acceptable. Following amendments, there is also one rooflight proposed in the north eastern roof slope. I include a condition below to ensure that this rooflight obscure glazed and non-opening, unless it is located above 1.7m from the internal floor height of the room it will serve. In my view, with this condition imposed, any overlooking impact upon Cromas will be minimal.
- 8.5 On the opposite side of the dwelling the site abuts a highway and there are existing residential dwellings on the opposite side of Callaways Lane. Therefore due to this layout I do not believe that the proposal would give rise to any serious impact in this regard.

Highways

- 8.6 The parking and access arrangements remain almost the same as the approved development. Whilst the scheme proposed here has an additional bedroom, the parking provision for a three bedroom property in this location remains the same as the two bedroom approved design. Therefore, the two parking spaces proposed to the front of the dwelling comply with the parking requirements and I do not consider that this element of the scheme would give rise to parking on the highway which was inconvenient to other road users.
- 8.7 The proposed access from the track (Cranbrook Lane) to the side of the site is similar to the approved application, and following amendments relocating the bin store and limiting the height of soft landscaping on this corner of the site, KCC Highways have no objections to this arrangement. As such I believe this aspect of the scheme is acceptable and include a condition below ensuring adequate vision splays are provided and maintained at the access.

SPA Impact

- 8.8 The Council now seeks a mitigation fee on all development that results in the additional of residential units. I note this fee was paid under the previous approval on the site for one new dwelling (ref. 18/506309/FULL). Taking into account this application proposes one new dwelling also, no additional mitigation fee will be required as part of this application.

9. CONCLUSION

- 9.1 On the basis of the above, the scheme would not cause any unacceptable harm to visual amenities, the nearby conservation area or residential amenities. The proposed access is acceptable and will not cause harm to highway safety or convenience. As such I recommend planning permission is granted.

10. RECOMMENDATION - Grant subject to the following conditions:**CONDITIONS**

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

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

- (2) The development shall be carried out in accordance with the following approved drawings: 126/02 Rev C and 126/03 Rev C.

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) No development beyond the construction of foundations shall take place until details of the colour of the render and its finish and texture to be used in the construction of the dwelling have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenities and to protect the setting of the conservation area.

- (4) No development beyond the construction of foundations shall take place until details of the proposed rooflights have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be of a conservation style with a central glazing bar.

Reason: In the interest of visual amenities and to protect the setting of the conservation area.

- (5) No development beyond the construction of foundations shall take place until full details at a suggested scale of 1:5 of the eaves and verges have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenities and to protect the setting of the conservation area.

- (6) The area 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) (England) Order 2015 (as

amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling hereby permitted.

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

- (7) Upon completion, no further development, whether permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interests of the amenities of the area.

- (8) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site.

Reason: In the interests of visual amenity.

- (9) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (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 Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

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

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (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 0800 – 1800 hours, Saturdays 0800 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (13) No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

Reason: In the interest of promoting energy efficiency and sustainable development.

- (14) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwelling shall not be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability

- (15) Prior to the use of the access onto Cranbrook Lane hereby permitted, 2 metres x 2 metres pedestrian visibility splays shall be provided on both sides of the access and shall thereafter be maintained clear of any structure, tree, plant or other obstruction which exceed 0.9 metres above footway level.

Reason: In the interests of highway safety and convenience.

- (16) The rooflight in the north east elevation of the dwelling hereby permitted shall be obscure glazed and incapable of being opened unless it is a minimum of 1.7m above the finished floor level. It shall be obscure glazed prior to the occupation of the dwelling and maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

INFORMATIVE

- (1) This permission has only been granted after receipt of a financial contribution to the Strategic Access Management and Monitoring Strategy in respect of the nearby Special Protection Area.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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

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



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2.3 REFERENCE NO - 19/504198/FULL		
APPLICATION PROPOSAL Use of land for car parking (Retrospective)		
ADDRESS Former Depot St Michaels Road Sittingbourne Kent ME10 3DN		
RECOMMENDATION Grant subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The application will not cause significant harm to visual or residential amenities or the conservation area and nearby listed buildings, and will have an acceptable impact on highway safety and convenience.		
REASON FOR REFERRAL TO COMMITTEE Called in by Cllr Truelove		
WARD Chalkwell	PARISH/TOWN COUNCIL	APPLICANT Mr Mehtab Asghar AGENT
DECISION DUE DATE 10/10/19	PUBLICITY EXPIRY DATE 19/09/19	

Planning History

DN/06/0046

Notification for demolition of small garage building.

Prior Approval Not Required Decision Date: 26.05.2006

SW/02/0333

Externally illuminated fascia signs to building.

Grant Decision Date: 16.05.2002

SW/02/0332

Freestanding Internally illuminated static signs.

Grant Decision Date: 10.05.2002

SW/01/1072

Static internally - illuminated signs

Refused Decision Date: 07.12.2001

SW/01/0110

Demolish existing depot buildings and erection of new drive thru fast food restaurant (shell only)

Grant of Conditional PP Decision Date: 24.02.2003

SW/84/0665

Change of use to workshop store and office.

Grant of Conditional PP Decision Date: 20.08.1984

SW/83/0333

Change of use to decorators merchants trade depot shop showroom and warehouse.

Grant of Conditional PP Decision Date: 08.06.1983

1. DESCRIPTION OF SITE

- 1.1 The site is located to the south of St. Michaels Road in the centre of Sittingbourne, and totals 0.2 hectares in size. It is accessed from St. Michaels Road and appears to provide access to some of the buildings along the northern section of the High Street to the south of the site. The site was previously used as a depot, however all industrial buildings on the site have since been removed and aerial photographs suggest that parts of the site have been used informally for parking in the last few years.
- 1.2 The submitted planning statement suggests the site was recently overgrown, but this has since been cleared and hardstanding has been laid for the use of the northern part of the site by a private parking company. This use commenced earlier this year and provides approximately 50 car parking spaces, which are enclosed by palisade fencing. The application form states the opening hours for the car park are 06:00-22:00 every day.
- 1.3 The site is bounded by the new multi-storey car park to the west, Sittingbourne Methodist Church to the east, No.s 36 – 48 High Street to the south and the train station car park to the north. No.s 42 – 48 High Street are Grade II listed buildings, and part of the site to the south is also located within Sittingbourne High Street Conservation Area.

2. PROPOSAL

- 2.1 This application seeks retrospective planning permission for the use of the site for car parking. As mentioned at paragraph 1.2, the development provides roughly 50 spaces, which are accessed from the existing entrance to the site from St. Michaels Road. No further changes to the site are proposed as part of this application.

3. PLANNING CONSTRAINTS

- 3.1 Potential Archaeological Importance
- 3.2 Conservation Area Sittingbourne High Street
- 3.3 Grade II listed buildings to the south of the site

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- 4.2 Development Plan: Policies CP4, DM7, DM14, DM32 and DM33 of Bearing Fruits 2031: The Swale Borough Local Plan 2017
- 4.3 Supplementary Planning Guidance (SPG): 'Conservation Areas' and 'Listed Buildings'

5. LOCAL REPRESENTATIONS

- 5.1 Two comments in support of the application have been received. I will summarise their contents below:

- There is a severe shortage of parking spaces in Sittingbourne and we are happy for the application to be passed depending on certain conditions.
- This includes clearing the site of any debris, fly tipping and weeds and keeping the site in a good condition at all times. The site should also be levelled properly so it is suitable for cars to be parked. Appropriately sized parking bays should also be marked out together with security lighting and CCTV. Access should also be maintained at all times to the rear of No.s 34, 36 and 38 High Street.
- In granting planning permission, a special condition needs to be imposed so that the land immediately north of No. 38A High Street remains clear at all times for vehicular and pedestrian access.
- The owners of No. 38A have used the site to access the rear of their store for probably over 100 years. A condition should also be imposed ensuring the prescriptive rights of owners of properties No. 28 – 48 High Street to park in accordance with these rights.

5.2 One objection to the application has been received. Its contents is summarised below:

- Sittingbourne Methodist Church is opposed to any developments which may exacerbate the growth of urban motorised traffic, and the creation of another car parking area in the centre of the town must be viewed in this light.
- Noise and disturbance, atmospheric pollution and increased traffic flow outside the rear and alongside the church entrance are to be expected. The noise created by cars entering the western part of the site adjacent to the church together with noise pollution during worship activities and other gatherings could be very intrusive.
- Also due consideration needs to be taken with regard to the fact that this is a conservation area.

5.3 Cllr Truelove called the application in to be determined at Planning Committee, stating *"I object strongly to this unsightly development adjacent to our own multi storey car park and for the retrospective nature of this application."*

6. CONSULTATIONS

6.1 KCC Highways – *"I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority."*

7. BACKGROUND PAPERS AND PLANS

7.1 Plans and documents submitted as part of application 19/504198/FULL.

8. APPRAISAL

Principle of Development

8.1 The site lies within the built up area boundary of Sittingbourne, where the principle of development is accepted. The site is located close to the town centre, where it is not uncommon for land to be used for car parking, as highlighted by the presence of car parking to the west and north of the site. Therefore I consider the principle of the

development is acceptable, however I consider it appropriate to only grant temporary permission for a period of 5 years. I believe the site represents land that is suitable for redevelopment, given its proximity to transport links and the regeneration scheme in the town centre. Granting temporary permission will allow the site to potentially be redeveloped in the future.

Visual Impact

- 8.2 The car parking within the site is located towards to the northern end of the site, so will be visible from St. Michaels Road. The impact this will have on the character and appearance of the area needs to be considered. I pay regard to the presence of car parking to the north and west in the form of the multi-storey car park and the train station car park, and furthermore, east of the train station car park is a car dealership, where a large number of vehicles are parked on the forecourt. Therefore, car parking is already a feature in the surrounding streetscene and I believe the presence of additional car parking here will not cause adverse harm to the visual amenities of the area.
- 8.3 I note that some neighbours have commented on the need for soft landscaping to be introduced on site, along with a condition to ensure the land is kept clear of rubbish and debris. Taking into account I am recommending granting temporary planning permission, I do not consider it necessary to impose a landscaping condition. It is also not appropriate to include a condition ensuring the land is kept in a tidy condition, as this would not be enforceable.

Heritage Impact

- 8.4 Part of the site is located within Sittingbourne High Street Conservation Area, and is also adjacent to several Grade II listed buildings. The Council has a statutory duty to have special regard to the desirability of preserving listed buildings, their setting and any features of interest which are present and must take into account the impact of an application upon the character and appearance of the conservation area. I note that the site has historically been used for car parking (although there is no planning history relating to this use), and take the view that the use of site for car parking will not cause any additional harm to these heritage assets. As such, I consider the application will not harm the setting of the listed buildings or conservation area.

Residential Amenity

- 8.5 The surrounding area is generally commercial in nature, and the nearest residential properties lie to the south of the site, and are comprised of flats above the retail units along the High Street. Taking into account the flats are located on the High Street, where there would already be a general level of noise and disturbance from vehicles travelling along the High Street, I do not consider the use of the land as a car park will cause unacceptable impacts to residential amenity.
- 8.6 The car park will be located to the east of Sittingbourne Methodist Church. An objection has been received regarding the potential noise, disturbance and pollution the use of the site as a car park will cause on the nearby church. However, taking into account that vehicles entering and exiting the site will be travelling at slow speeds, and the church is located next to St. Michaels Road, a busy thoroughfare in the centre of Sittingbourne, I consider the proposal will not give rise to levels of noise and disturbance that are worse than existing.

Highways

- 8.7 KCC Highways have reviewed the application and raise no objections to the scheme. I therefore believe that the application will not give rise to any unacceptable impacts to highway safety or convenience. I acknowledge neighbour comments regarding levelling the site and providing marked out parking bays, however as this car park will be operated by a private parking company, and KCC Highways have raised no concerns relating to these issues, I have no concerns from this regard.

Other Matters

- 8.8 Some neighbour comments refer to prescriptive rights over the land in question here, which provide access to the rear of the properties along the High Street to the south of the site. This would be a private legal matter, and as such cannot be taken into account here.

9. CONCLUSION

- 9.1 The development will not cause unacceptable impacts to residential or visual amenities, the nearby heritage assets and conservation area, or highway safety and convenience. I consider the use of the site for car parking is acceptable given the town centre location of the site. On the basis of the above, I recommend temporary planning permission is granted.

10. RECOMMENDATION – Grant subject to the following condition:

- (1) The use hereby permitted shall cease on or before 10th October 2024.

Reason: In order that the position may be reviewed at the end of the period stated.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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

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



2.4 REFERENCE NO - 19/503442/FULL		
APPLICATION PROPOSAL Retrospective application for a change of use of an agricultural building to a storage use.		
ADDRESS Cleve Hill Farm Cleve Hill Graveney Kent		
RECOMMENDATION Grant subject to conditions		
REASON FOR REFERRAL TO COMMITTEE – Representation from Parish Council		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Graveney With Goodnestone	APPLICANT East Kent Recycling Limited AGENT Waterman Infrastructure And Environment Ltd
DECISION DUE DATE 24/09/19		PUBLICITY EXPIRY DATE 29/08/19

Relevant Planning History for the current application building

SW/05/1007

Two straw storage barns.

Grant of Conditional PP Decision Date: 22.09.2005

Relevant Planning History for nearby agricultural buildings at Cleve Hill Farm

15/502904/PNMCLA

Prior Notification for change of use of agricultural lean-to building to provide 3no. B1 (business units). For it's Prior approval to: Transport and Highways impacts of the development - Contamination risks on the site - Flooding risks on the site - Noise impacts of the development.

Approved Decision Date: 29.05.2015

SW/12/1585

Change of use and conversion of barn to four no. B1(a,b & c)/B8 units with associated parking

Grant of Conditional PP Decision Date: 15.03.2013

1. DESCRIPTION OF SITE

- 1.1 The building in question is a large agricultural building (30m x 30m) finished in grey metal sheeting, and is one of a matching pair of buildings approved as hay stores in 2005 under planning reference SW/05/1007. The site lies in a remote location on the Graveney marshes close to the London Array electricity substation and site of the proposed Cleve Hill Solar Park. It is a remote location, best reached by the access road serving the London Array substation, although access may also be made by the older and much narrower Cleve Hill lane. The building is one of a number of agricultural/industrial type buildings on the site, some of which have had planning permission for conversion to B1 of B8 use (see history above). The sister building to the application building appears to be in agricultural use.

- 1.2 The only residential properties near to the site are the four properties known as Crown Cottages, which are situated approximately 150 metres away from the building in question.

2. PROPOSAL

- 2.1 The proposal, which is retrospective, is for a change of use of the building from agricultural use to B8 storage use. That use is intended specifically for the storage of empty skips and plant by East Kent Recycling Limited (EKR), a company who, as Members may be aware, operate a waste and recycling facility at Oare. No physical changes to the building are envisaged.
- 2.2 The proposal is accompanied by a Planning Statement which explains how EKR intend to operate the site, with reference to times of operation; vehicle movements, etc. The Statement includes the following information:

'Description

The applicant intends to use the site for the storage of empty skips and plant. All storage will be internal, inside the building.

Hours of use

The applicant proposes the following hours of use:

- *07:00 to 18:00 hours Monday to Friday;*
- *08:00 to 16:00 hours Saturdays; and*
- *none on Sundays, bank or public holidays.*

Transport and highways impact

The proposed use will not give rise to significant levels of traffic. It will generate up to 20 vehicle movements a day (10 in, 10 out).

Vehicles attending the site would include skip lorries, including those hauling trailers loaded with skips. It is anticipated that a vehicle, with a trailer, would be loaded with up to 10 empty skips.

Noise

The applicant is committed to preserving the amenities of the area. Measures to control noise will include:

- *limiting vehicle speeds; and*
- *unloading and loading within the confines of the building.*

For the avoidance of doubt:

- *no waste will be brought to the site;*
- *there will be no waste processing on site;*

- *plant will not be operated at the site.*

The building will be used as a repository only.'

3. SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Floor Area	900m ²	900m ²	-

4. PLANNING CONSTRAINTS

- Outside established built up area boundary
- Within SPA (Special Protection Area) Consultation Zone
- Environment Agency Flood Zone 3
- Area of High Landscape Value
- Rural Lanes (Monkshill Road, Head Hill Road and Seasalter Road)

5. POLICY AND CONSIDERATIONS

- 5.1 Bearing Fruits 2031 – The Swale Borough Local Plan 2017: Policies ST3 (The Swale Settlement Strategy); DM3 (The rural economy); DM14 (General development criteria); DM24 (Areas of High Landscape Value) and DM26 (Rural lanes).

6. LOCAL REPRESENTATIONS

- 6.1 No local representations have been received.

7. CONSULTATIONS

- 7.1 Graveney with Goodnestone Parish Council raises objection to the proposal. Their comments are given in full as follows:

'Graveney with Goodnestone Parish Council objects to this application on the grounds that the surrounding area and roads are entirely unsuitable for the vehicle movements that would be necessary for this change of use. Head Hill Road and Seasalter Road are narrow and, in places, difficult for two vehicles to pass safely; they are also on the national cycle footpath network and as such have a very heavy use of cyclists, especially at the weekends; Cleve Hill is narrow and uneven; and the junction of Cleve Hill with Seasalter Road has poor visibility, making turning out into oncoming traffic very difficult. If, however, Swale Borough Council is minded to approve the application, we would wish to see the strongest possible conditions imposed on the applicant. The hours of operation suggested are too extensive, considering the rural and residential character of the villages and the points above. The hours of use should be 0900 hours to 1800 hours, Monday to Friday only, with no use on Saturdays or Sundays. Further conditions to be imposed should be a maximum of 20 vehicles a day (10 in and 10 out), vehicles speeds of no more than 30mph, unloading and loading

within the building only, and absolutely no waste to be brought or processed on site. We are aware that a number of these conditions are already allegedly in place, but current usage does not correspond to these stated conditions, as vehicle movements are more than suggested, waste is definitely being transported to and from the site, and access is currently gained via the London Array road rather than Cleve Hill. Previous storage at the site prompted the involvement of the Environment Agency and enforcement notices were served. We would therefore like strong reassurances that robust monitoring of conditions would be carried out and stakeholders would be given the means to report any breaches easily, promptly, and with the confidence that they will be given due consideration, leading to enforcement if necessary.'

7.2 Kent Highways and Transportation have not commented on the application.

8. APPRAISAL

- 8.1 The key issues to consider in this case are those of the rural economy, residential amenity and highway safety. The re-use of an existing rural building is normally acceptable if it has no unacceptable environmental consequences. These consequences commonly relate to traffic levels or noise. As a storage use, noise is not really an issue and so it is the traffic matters that assume most significance here. Such concerns have been raised by the Parish Council with regard to the transportation of skips to and from the site. This is an important matter to consider in this case.
- 8.2 Members who are familiar with the location of the site will be aware that the routes to and from it are on rural roads designated under policy DM26 of Bearing Fruits as being 'rural lanes'. The site is a distance of approximately two and a half miles from the A299 Thanet Way and over three miles from the A2 and M2. As such, transportation from and to these major routes is the main issue, with routes along either Seasalter Road and Head Hill Road or Monkshill Road being much smaller, quieter and narrower roads.
- 8.3 Monkshill Road towards Thanet Way is a rural road, steep and narrow in places, and crossing a gated railway level crossing en-route. As such, I can understand concerns raised with regard to highway safety and amenity. However, it is only fair to acknowledge that other larger vehicles use the road; mainly agricultural vehicles, and traffic is fairly limited in volume on this road. Moreover as the applicants are based at Oare this direction of travel is unlikely to be convenient for them.
- 8.4 With regard to Seasalter Road and Head Hill Road, whilst not by any means a major trunk route, this is a wider route, with two-way traffic along its entirety, and experiencing more traffic than Monkshill Road. It is, however, the route used by London Array for site construction and the proposed Cleve Hill Solar Park construction traffic route. This has led to it being the subject of intense scrutiny and concern over recent years. It is not normally free of HGV movements, but the major construction projects above have been predicted to create significant extra HGV movements and this has raised significant local concern.
- 8.5 Having said that the level of such additional movements is far higher than this application proposes, and any vehicle movements associated with the proposed use will to some extent replace movements otherwise associated with agricultural or other possible uses of the application building. In my experience, storage uses can be one of the lowest traffic generated uses that may occupy a rural building provided that use does not include a distribution function. In this case only 10 HGVs per day are

predicted, and I do not consider that at that level the consequences for road safety or amenity will be severe for the village.

- 8.6 Having considered the highway issues above, I believe that the best solution will be to ensure that the number of vehicle movements is restricted by a condition so that any potential harm can be restricted to an acceptable level. I therefore recommend that, if Members are inclined to support the application condition (8) below is also imposed, which restricts the number of vehicle movements per day to twenty; ten in and ten out. This should ensure that the issues of highway safety and amenity are contained to a reasonable level.
- 8.7 With further reference to the Parish Council's concerns, I believe that it is also necessary to restrict vehicle movements to certain times. However, the Parish Council's view on appropriate times, and those of the applicant, are somewhat different. The Parish Council recommends 09:00 -18:00, Monday-Friday, with no use at weekend or bank holidays, whilst the applicant has suggested 07:00 – 18:00, Mondays to Fridays; 08:00 – 16:00 on Saturdays, with no use on Sundays and bank holidays. In order to strike a reasonable compromise, I recommend the inclusion of a condition (4) which allows the following times: 08:00 – 18:00 Mondays to Fridays; 08:00 – 14:00 on Saturdays, with no use on Sundays and bank holidays.
- 8.8 Finally, and again taking the concerns of the Parish Council into consideration, to allow the effects of the permitted hours of access and number of movements to be assessed, I further recommend that a condition (1) is imposed limiting the change of use to three years only. A temporary permission will ensure that compliance with these conditions is in the interests of the applicant, as the situation can be reviewed in three years' time, and the Council can review the level of compliance demonstrated by the applicant.

9. CONCLUSION

- 9.1 This is a finely balanced case. I have had regard to the information provided with the application, as well as the views expressed by the Parish Council, and although I am of the opinion that the principle of the use of this building for storage is acceptable, I do recommend that, if Members are minded to support the application, they include the conditions below to conserve highway safety and amenity.

10. RECOMMENDATION - GRANT Subject to the following conditions:

- (1) The use of the building hereby permitted shall cease on or before 10th October 2022.
- Reason: In order that the position may be reviewed at the end of the period stated.
- (2) The premises shall not be used other than for the purposes of storage of empty skips and associated plant, or for agricultural purposes, and for no other purpose including any other purposes in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).
- Reason: In the interests of the amenities of the area.
- (3) No motorised vehicle visiting the building the subject of this application in connection with the use proposed shall enter or leave the farmyard at Cleve Hill Farm to or from the lane which approaches the site from the south-east and which is known as Cleve Hill Lane, but shall only travel to or from the building using the access to the north-east of the building which was built to serve the London Array substation.

Reason: In the interests of the amenities of the area and to safeguard against potentially unacceptable transport and highway impacts of traffic using Cleve Hill.

- (4) No skips or associated plant shall be placed in or removed from the building other than within the hours of 8am to 6pm on weekdays and 8am to 2pm on Saturdays. No such deliveries or removals to or from the building shall take place at any time on any Sunday or Bank Holiday.

Reason: In the interests of the residential amenities of the area and to safeguard against potentially unacceptable noise impacts of the use at otherwise quiet times.

- (5) No floodlighting, security lighting or other external lighting shall be installed or operated at the site.

Reason: In the interests of visual amenity.

- (6) No external storage of parts, equipment, raw materials, waste, or products shall take place within the site.

Reason: In the interests of visual amenity.

- (7) No waste shall be stored or processed on the site.

Reason: In the interests of the amenities of the area.

- (8) Not more than twenty Heavy Goods Vehicle (HGV) movements on any day (ten in; ten out) to and from the building shall take place in connection with the use hereby permitted. No HGVs movements associated with the use hereby permitted shall take place on any Sunday or Bank Holiday.

Reason: In the interests of highway safety and amenity.

- (9) No loading and unloading of skips and associated plant shall take place other than inside the building.

Reason: In the interests of the amenities of the area.

Council's Approach to the Application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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

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



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2.5 REFERENCE NO - 19/503515/FULL		
APPLICATION PROPOSAL Proposed cladding of open bays to existing agricultural barns, including insertion of doors to the east and south elevations.		
ADDRESS Rides House Farm Warden Road Eastchurch Sheerness Kent ME12 4HA		
RECOMMENDATION Grant subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION The cladding of the two buildings is considered acceptable in principle and would not cause any significant harm to residential amenity nor would it harm visual amenity or the wider country side.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection.		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT Mr & Mrs W Love AGENT Bloomfields
DECISION DUE DATE 09/09/19		PUBLICITY EXPIRY DATE 19/08/19

Planning History

19/503931/FULL

Demolition of conservatory. Erection of a single storey front and single storey rear extension with a raised patio. Hip to gable roof extension with raised ridge and loft conversion with 3 no. roof lights to front and 6 no. dormer windows to rear. Changes to fenestration.

Pending Consideration Decision Date:

19/503100/FULL

Creation of a new agricultural vehicular entrance and access track (Part retrospective).

Pending Consideration Decision Date:

19/500979/PNQCLA

Prior notification for the change of use of 2no. agricultural buildings to 2no. dwellinghouses and for associated operational development. For its prior approval to: - Transport and Highways impacts of the development. - Contamination risks on the site. - Flooding risks on the site. - Noise impacts of the development. - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed - Design and external appearance impacts on the building.

Prior approval refused Decision Date: 26.04.2019

18/504437/PNQCLA

Prior notification for the change of use of buildings and land within its curtilage from an agricultural use to two dwelling-houses. For its prior approval to: - Transport and Highways impacts of the development. - Contamination risks on the site. - Flooding risks on the site. - Noise impacts of the development. - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed.

Withdrawn Decision Date: 18.10.2018

18/503319/FULL

Demolition of existing detached dwelling and erection of 3 detached dwellings within the curtilage of the existing house. Construction of new vehicular access.

Withdrawn Decision Date: 18.12.2018

SW/00/0144

Conservatory.

Grant of Conditional PP Decision Date: 27.03.2000

SW/99/1097

Conservatory.

Refused Decision Date: 23.12.1999

1. DESCRIPTION OF SITE

- 1.1 The site is located in the countryside, outside any built up area boundary. The buildings are located to the south west of Rides House Farm adjacent to the main farmyard area. The proposal buildings are accessed off the access track from Warden Road. To the north are open fields in association with the holding with surrounding residential development and farms to the south, east and west.
- 1.2 Building one measures 8m x 16.5m, has a floor space of 132m² and is open on three sides. Building two measures 16m x 9.75m, has a floor space of 156m² and is open on two sides. Both buildings are steel framed, clad with blockwork and corrugated fibre cement sheets on the rear elevations and have a corrugated cement fibre roof.

2. PROPOSAL

- 2.1 This application seeks planning permission for the cladding of the open bays on the existing buildings, including the insertion of doors to the south and east elevation.
- 2.2 As stated in the planning statement and clarified by the agent the buildings will be used for the storage of hay and straw and machinery and the enclosing of these buildings will help protect these items and keep the buildings secure.
- 2.3 The cladding will match the existing corrugated fibre cement sheets and blockwork that is currently used on the enclosed sections of the barns.

3. PLANNING CONSTRAINTS

- 3.1 None.

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 4.2 Development Plan: Policies ST3, CP4, DM3, DM14 and DM16 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017".

5. LOCAL REPRESENTATIONS

- 5.1 One objection was received from a local resident who raised concerns relating to the intentions of the applicant to use the buildings for a residential use in future.

6. CONSULTATIONS

6.1 Eastchurch Parish Council object to the application stating

“There are no reasons given for the building to be cladded and two extra doors put in. There is no explanation of intended agricultural use of the building. The Committee members have requested that more information is provided on the intended agricultural use.”

6.2 The Parish Council was then contacted explaining that the buildings were to be used for the secure storage of hay, straw and machinery however the Parish Council wished for their objection to stand.

7. BACKGROUND PAPERS AND PLANS

7.1 Application papers and drawings for 19/503515/FULL and also 19/500979/PNQCLA..

8. APPRAISAL

Principle of Development

- 8.1 The site lies outside of the built up area boundary in designated countryside. The development proposed involves minor works to improve the functionality and security of two existing agricultural buildings on the site. No additional buildings are proposed and I consider the impact on the countryside will be minimal as the application utilises the existing buildings. The submitted planning statement states that the use of the buildings will be for the storage of hay, straw and machinery and I consider this to be acceptable and would help support the effective use of the site and farm.
- 8.2 There have been comments raised by a local resident and also concerns from the Parish Council regarding the potential future use of these application buildings. There have been a number of previous applications within the bounds of this site, including two applications for the residential use of the subject agricultural buildings under the prior notification process. These applications have been unsuccessful as the buildings were deemed to not meet the criteria required for a conversion to residential dwellings as the associated building works would amount to a rebuild as opposed to a conversion.
- 8.3 The matter up for discussion under this application however is solely the cladding of these two agricultural buildings. Should there be a future application to convert these two buildings into residential dwellings it would be assessed on its own merits.

Visual Impact

- 8.4 The buildings will not be increased in massing or height or indeed have an altered orientation. The open sides of the buildings will be clad with matching materials to the existing buildings and will not be visible from public viewpoints. It is not considered that any significant harm will be caused to visual amenities or indeed the wider countryside.

Residential Amenity

- 8.5 The size and footprint of the buildings are not increasing nor are there any additional openings being created. I therefore consider that given that the existing buildings are already in situ that residential amenity will not be significantly affected as a result of these proposals. There will be no additional overlooking or sense of overbearing created and I do not consider that any potential additional activity created as a result of

these buildings being used regularly for storage would cause significant disturbance to the adjacent neighbours as there is a distance of a minimum of 24m to the nearest dwelling.

9. CONCLUSION

- 9.1 The cladding of the two buildings is considered acceptable in principle and would not cause any significant harm to residential amenity nor would it harm visual amenity or the wider countryside.

10. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS to include

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

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

- 2) The materials to be used shall match those on the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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

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



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2.6 REFERENCE NO - 19/502283/FULL		
APPLICATION PROPOSAL Erection of a block of 7 no. dwellings with parking, refuse and cycle store.		
ADDRESS Land Adjacent To Crescent House Otterham Quay Lane Upchurch Kent ME8 7UY		
RECOMMENDATION Grant subject to securing a SAMMS contribution of £491.12 (2x 245.56)		
SUMMARY OF REASONS FOR RECOMMENDATION The principle of residential development on this site has been established by the approval of 17/500825/FULL and the proposal would not give rise to unacceptable harm to visual or residential amenities.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection.		
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Heritage Designer Homes AGENT Mr Paul Fowler
DECISION DUE DATE 09/07/19		PUBLICITY EXPIRY DATE 08/08/19

Planning History

17/500825/FULL

Erection of 5 no. 4 bedroom houses, with associated parking and refuse store

Approved Decision Date: 18.04.2018

Adjacent site:

17/500594/PNOCLA

Change of use of offices (B1) to residential (C3). The building will be divided into 5 units.

Prior Approval Granted Decision Date: 24.03.2017

1. DESCRIPTION OF SITE

- 1.1 The application site is a parcel of vacant land on Otterham Quay Lane, situated west of Upchurch within the designated countryside close to the Borough boundary with Medway.
- 1.2 It comprises part of the grounds and parking area of a redundant office building known as Crescent House (which has been granted consent by way of prior approval for conversion to 5 houses under ref. 17/500594/PNOCLA). The area has since been cleared and a 1.8m fence erected along the boundary of the site.
- 1.3 To the north is a residential dwelling, The Cottage ,northwest is the Otterham Quay Lane industrial estate, west is Crescent House, to the south are open fields, southeast a small cluster of residential dwellings, and across the road to the east is part of Upchurch golf course.
- 1.4 It is approximately 2.5km by road (1.9km via PRoW) to Rainham shopping centre, 2.7km to Rainham train station (1.7km via PRoW), and 1.8km to the Co-op / chip shop / school in Upchurch (1.6km via PRoW)

2. PROPOSAL

- 2.1 The application seeks permission for the erection of 7no. 3-bed houses and associated amenities. The scheme amounts to an amendment to the previously approved scheme for 5 dwellings, adding an additional 2.
- 2.2 The houses would be arranged in an L-shaped terrace with the rear of the dwellings facing onto the corner, approximately mirroring the footprint of the existing former office building at Crescent House (which is to be converted into dwellings). The proposed houses are of a relatively simple design with a mixture of brick and dark-stained cladding, and have a maximum ridge height of approximately 8.3m.
- 2.3 Vehicle access would be via the existing site entrance on Gills Terrace and car parking would be provided as part of an extension to the existing car parking area. The proposed houses would face inwards onto this parking area, with rear gardens adjacent to Otterham Quay Lane and Gills Terrace – the submitted Design and Access statement and plans show timber close-boarded fence along the rear boundaries with Otterham Quay Lane with hedgerow planted to the front of this.

3. PLANNING CONSTRAINTS

Potential Archaeological Importance

The western part of the site, roughly where Plots 1 and 2 and the car parking court are proposed, lies within Flood Zone 2.

4. POLICY AND CONSIDERATIONS

The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

Development Plan: Policies ST3, CP3, CP4, DM7 and DM14 of “Bearing Fruits 2031: The Swale Borough Local Plan 2017”.

The Council’s adopted Supplementary Planning Guidance entitled “Designing an Extension – A Guide for Householders” is also relevant.

5. LOCAL REPRESENTATIONS

- 5.1 Upchurch Parish Council object to the application for the following reasons:

- It is over intensive development of the site;
- The development is very cramped;
- There is insufficient parking provision for the seven houses and their visitors
- There is not enough space for bicycles;
- The accommodation is cramped;
- Access and egress to the site is poor;
- The proposal would provide affordable housing which would attract young families with young children and there is nowhere for the children to play;
- The site is not sustainable as there is no footpath and very limited public transport
- It is sporadic development in the countryside.
- It impacts on the tranquility of the countryside;
- It is not conducive to the entrance to the village

- 5.2 Swale Footpaths Group note the footpath running along Gills Terrace.

5.3 No other received.

6. CONSULTATIONS

6.1 The Environment Agency raise No objection to the proposal subject to conditions relating to finished floor levels, contamination and surface water drainage.

6.2 Southern Water advise the applicant to contact the Environment Agency and local drainage authority.

6.3 Natural England refer to their standing advice.

6.4 KCC Drainage note that the application falls outside of KCC's remit as statutory consultee.

6.5 Environmental Health raise No objection, subject to conditions.

6.6 KCC Highways state :

"1) I note that the application differs little materially in highway terms from the previous application SW/17/500825 that was considered acceptable by us, subject to conditions. The previous plans appeared to preserve a pedestrian link originally proposed under application ref.CN/13/0001 for the neighbouring Crescent House site, albeit in an amended form, offering a footway around the perimeter of the site. It appears now in the current plans that this is intended for hedgerow planting, which would preclude pedestrian movement between the both the application site and the neighbouring site. I would therefore recommend that these proposals clearly define a 1.5 metre footway connecting the site to the east side of Otterham Quay Lane via dropped kerbs, at the location identified previously.

2) I cannot determine at this stage the amount of space available for cycle parking under these proposals, it would appear insufficient given the dimensions of the combined refuse and cycle store. A general rule of thumb is to allow 0.6 metres width per cycle to allow for ease of access.

3) I would also welcome a proposal on how users of electric vehicles are to be accommodated on this development."

6.7 KCC Archaeology No response received. No conditions were requested on the previous application.

6.8 KCC Rights of Way (received 23/07/19) No objection.

6.9 UK Power Networks: No response received.

6.10 Southern Gas Networks: No response received

6.11 KCC Minerals and Waste: No response received.

7. BACKGROUND PAPERS AND PLANS

7.1 Application papers and drawings for 19/502283/FULL and also 17/500825/FULL.

8. APPRAISAL

Principle of Development

- 8.1 The application site lies outside of the built up area boundary and is thus within the countryside, where the Council's established policies of rural restraint seek to restrict residential development unless for the purposes of (amongst others) agricultural worker's housing, or affordable housing to meet an identified local need. In this instance however the principle of development is considered to have been accepted as a result of approved application 17/500825/FULL which granted planning permission on the site for the erection of 5no. dwellings each with 4no. bedrooms in a similar layout to the scheme now put forward. The difference in the two schemes lies in the number of units. However – as set out below, the bulk and scale of the building is not markedly different between the two schemes, and I consider it unlikely that refusing this application based on the principle of development, bearing in mind the previous decision of the Planning Committee, would be sustainable at appeal.

Visual Impact

- 8.2 The orientation of the dwellings was established as acceptable on the previous approval and it was considered acceptable to have the dwellings fronting inwards onto a central courtyard. The external design of the dwellings differs slightly from the previous approval to accommodate the additional two units however the layout is still 'L shaped' and the dwellings have a similar height to those on the previous approval. The roof design is appropriate with a pitched design and the fenestration is sensibly arranged so that it is visually balanced and ensures an active frontage is visible from the highway.
- 8.3 I note the Parish Council's comments regarding the addition of 2no. units resulting in an overdevelopment of the site but I do not share their view. The footprint of the proposed development is only minimally different from that approved under 17/500825/FULL and it is not considered that this represents intensive development of the site. I note that concerns relating to this scheme being considered sporadic development in the countryside, impacting the tranquillity of the countryside and not being conducive to the entrance of the village. Given that the scheme does not differ markedly from the approved development, the refusal of planning permission on these grounds would be difficult to defend on appeal.
- 8.4 The parking area is enclosed to the centre of the site and landscaping has been proposed to soften the appearance of the tarmac area, I consider this is beneficial and recommend that a full landscaping condition is implemented below.
- 8.5 In summary the massing, orientation and height of the dwellings reflect the previous approval and are considered to be of an acceptable design and I do not consider that any significant harm will be caused to visual amenity over and above that of the approved development.

Residential Amenity

- 8.6 There are a handful of existing dwellings within the immediate vicinity, and the existing adjacent office block is to be converted to houses under the prior notification process. Due to the layout of the proposed development and the position of those other properties, however, I do not consider that there would be any serious harm to

residential amenity. The distances between the habitable windows of the proposed dwellings and those situated at Crescent House are all in excess of 21m and therefore I do not consider that there will be any harmful overlooking. There is a distance in excess of 11m, which is the Council's expected distance on flank to rear windows, on plots 1 to 4 which face towards adjacent neighbour 'The Cottage'. I therefore consider that the amenity of the residents of this dwelling will not be significantly impacted by the proposal.

- 8.7 The floorspace sizes for the proposed dwellings are considered acceptable with all the rooms meeting the minimum national space standards with the exception of bedroom 3 in Plot 5 which is only slightly under the minimum standard of 7.5sqm at 7sqm. I believe that on balance given that the overall floorspace of the proposed dwelling is in excess of the minimum standard that this is acceptable and will not cause harm to residential amenity.
- 8.8 The residential gardens provided are considered to be of a modest but acceptable size for the sizing of the dwellings and in reference to the Parish Council's comments these garden spaces would provide areas for the children to play.

Highways

- 8.9 I do not consider that there are any reasonable grounds for refusal in regards highway safety and amenity. The site has good access via an existing road (Gills Terrace) and sufficient parking would be provided within the confines of the site. Each dwelling would have two dedicated parking spaces which meets the requirement for 3 bedroom dwellings. The access and parking arrangements remain as per the previously approved scheme, save for the loss of 1 visitor space and the addition of 4 residential spaces. I note that KCC Highways have no objection to this provision. The parking provision for the approved residential conversion at Crescent House, 17/500594/PNOCLA, is maintained with one space being reallocated to the north east to but no loss of parking.
- 8.10 KCC Highways initially suggested that the scheme should include the provision of electric vehicle charging points which the agent has been forthcoming with and has submitted an amended plan showing one electric charging point per household. Highways also suggested the size of the cycle storage be increased to meet the minimum size standards. The agent has amended the plans and a width of 0.7m per dwelling is now allowed for cycle access and storage.
- 8.11 KCC Highways mention in their consultation response that they believed there to be a provision of a footpath around the edge of the site under application 17/500825/FULL however this was not the case as this area was never designated as such. This matter has been raised with the agent who has stated that the area to the front of the boundary fence was to be used as landscaping to soften the appearance of the built development. There is still a footpath within the internal boundary of the site, connecting the dwellings to each other and an open link to the adjacent Crescent House as well. I note that there is a footpath on the opposite side of Otterham Quay Lane giving pedestrian access to Rainham. The layout of the scheme was considered acceptable under 17/500825/FULL and therefore I see no reason for it not to be acceptable now.

Landscaping

- 8.12 There will be a close boarded fence around the private amenity space of the dwellings. However the strip of land to the front of this fence will be used as an area of landscaping in an attempt to soften the appearance of the built development. Low shrub and hedge planting is also proposed to surround the car parking spaces. A condition below has been included to ensure a full landscaping scheme including native species planting is submitted and approved by the Council.

SPA Payment

- 8.13 As Members will be aware, the Council seeks developer contributions on any application which proposes additional residential development within 6km of the Special Protection Area (SPA). The application site is within 6km of the SPA, and as such the Council seeks a mitigation contribution of £245.56 for each new dwelling. As consent has already been granted for 5no. dwellings on the site and this approval went through before the collection of SAMMs mitigation fee on schemes under 10 dwellings the Council has used its discretion and requested the mitigation fees for the 2no. additional units. The agent has confirmed the applicant is willing to pay this fee. For the sake of thoroughness I have included an appropriate assessment below.

9. CONCLUSION

- 9.1 To conclude, the principle of residential development on this site has already been accepted as a result of approved application 17/500825/FULL and it is considered the proposed dwellings will not lead to unacceptable impacts on residential amenity nor will they cause harm to the character and appearance of the streetscene. As such I recommend this application be approved.

10. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS to include

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

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

- 2) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 3) No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photovoltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

Reason: In the interest of promoting energy efficiency and sustainable development.

- 4) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- 5) The area 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) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

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

- 6) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 7) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

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

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 9) The finished floor levels are to be set no lower than 6.3m above Ordnance Datum (AOD).

Reason: To minimise the risk of internal flooding.

- 10) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the

Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

- 10) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- 11) Before any part or agreed phase of the development is occupied, all remediation works identified in the approved remediation strategy previously submitted, shall be carried out in full (or in phases as agreed in writing by the Local 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 Local Planning Authority.

Reason: To ensure any contaminated land is adequately dealt with.

- 12) 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.

Reason: To ensure any contaminated land is adequately dealt with.

- 13) 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 Local Planning Authority. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity.

- 14) No deliveries or construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times :- Monday to Friday 0730 - 1800 hours, Saturdays 0830 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

INFORMATIVES

Environment Agency:

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.

This Appropriate Assessment (AA) has been undertaken without information provided by the applicant.

The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

The proposal therefore has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites.

The recent (April 2018) judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, *“it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.”* The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.

However, the proposed development is of a very small scale and, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to the conditions set out within the report.

Notwithstanding the above, NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG), and that such strategic mitigation must be in place before the dwelling is occupied.

Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.

Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured prior to the determination of this application) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others (<https://birdwise.org.uk/>).

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

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



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2.7 REFERENCE NO - 19/501493/FULL		
APPLICATION PROPOSAL		
Single storey front, side and rear extension with loft conversion to residential bungalow and creation of new parking as amended by drawings NB1917.06B and NB1917.07B.		
ADDRESS New Bungalow Staplestreet Road Dunkirk Faversham Kent ME13 9TJ		
RECOMMENDATION Approve		
REASON FOR REFERRAL TO COMMITTEE		
Parish Council Objection Cllr Valentine Call In		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Dunkirk	APPLICANT Mr Paul Lloyd AGENT Wyndham Jordan Architects
DECISION DUE DATE 22/05/19		PUBLICITY EXPIRY DATE 14/08/19

Planning History

SW/13/1250

Extension and refurbishment of existing bungalow and the provision of 3 new dwellings and as amended by drawings 13/39/02REV B, 13/39/07 REV A and 13/39/08 REV A received 4 July 2014.

Approved Decision Date: 19.08.2014

1. DESCRIPTION OF SITE

- 1.1 The site is located within the combined built up area boundary of Boughton and Dunkirk. The property is a modest bungalow set back and above the highway on a very large plot in a low density residential area. The property sits next to a two storey detached house in varied streetscene. New Bungalow has off-street parking and turning provision to the front of the property onto Staplestreet Road. However, the overall plot also has a road frontage to Dawes Road at the rear at which point a new access was approved in 2014 as part of a scheme to extend the bungalow and erect three new dwellings on the plot. This decision followed a Planning Committee Working Party visit that was very well attended by the Parish Council and local residents.
- 1.2 The 2014 planning permission (SW/13/1250) approved alterations to and extension of New Bungalow itself (including a new double garage extension with loft storage at the rear of the bungalow), a new access and parking areas off Dawes Road, and the erection of three new dwellings in the garden. One of the new dwellings has been constructed at Dawes Road and the previous permission has therefore been implemented and can be completed. That application approved most of the alterations to and extension of New Bungalow that are now being sought, and the current application only seeks permission for a modified version of the approved works to the bungalow.

2. PROPOSAL

- 2.1 The current application seeks planning permission for front, side and rear extensions to New Bungalow, plus raising of the rear ridge height to provide a loft bedroom lit by

rooflights, and showing new parking spaces accessed off Dawes Road to the rear of the bungalow. The majority of these works were previously approved under application SW/13/1250 and the common parts of the two applications are listed below.

2.2

- The overall footprint of the enlarged bungalow
- Rear and side extensions including double garage/store

NOTE: The current application differs in that it includes a higher ridge line over the new loft bedroom section, has side facing rooflights over the loft bedroom and garage/store sections, and has a different style of rear window(s) to the garage/store

- The garage/store part of the works remains the same height as previously approved, slightly taller than the main bungalow
- Front extension with new front chimney
- Front decking area
- New parking spaces at the rear of the bungalow accessed from Dawes Road
- Closure of the current front access and parking area from Staplestreet Road

2.3 The current scheme as it now stands is the result of amendments which have:

- removed several (originally proposed) low down side facing rooflights in the loft bedroom to remove overlooking problems
- raised the height of all side facing rooflights to at least 1.7m above internal floor level to avoid any overlooking of neighbours;
- added a group of four front facing rooflights to allow front facing views out from the loft bedroom where the views are across Staplestreet Road to open fields, and
- reduced the number of side facing rooflights in the scheme has reduced from 17 at the time of submission to 8 now.

2.4 The only elements on this application as it now stands that have not already received planning permission are:

- The raising of the ridge line of the rear part of the existing bungalow by approximately 1.6m (to align with the previously approved height of the garage/store) to accommodate a loft bedroom and bathroom
- Four high level rooflights on the side roof slopes comprising two in the loft bedroom, one in a bathroom, one over the staircase, and
- Four rooflights in the garage/store section (two each side) and the new style garage windows.
- A group of four rooflights on the front roof slope to provide front facing views out from the new bedroom
- One rooflight previously proposed over the kitchen has been removed from the scheme since the application was submitted.

The Parish Council and neighbours were re-consulted on these changes and the comments below reflect views on the latest version of the scheme.

3. PLANNING CONSTRAINTS

3.1 None

4. POLICY AND CONSIDERATIONS

Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017. Policies CP4, DM14 and DM16 are of particular relevance. Policy DM14 states;

Policy DM 14
General development criteria

All development proposals will, as appropriate:

- 1. Accord with the policies and proposals of the adopted Development Plan unless material considerations indicate otherwise;*
- 2. Include information sufficient to enable the Council to determine the application in conjunction with the Council's published Local List of requirements;*
- 3. Accord with adopted Supplementary Planning Documents and Guidance;*
- 4. Respond to the constraints and opportunities posed from climate change and natural processes;*
- 5. Reflect the positive characteristics and features of the site and locality;*
- 6. Conserve and enhance the natural and/or built environments taking in to account the desirability of sustaining and enhancing the significance of heritage assets;*
- 7. Be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location;*
- 8. Cause no significant harm to amenity and other sensitive uses or areas;*
- 9. Provide for an integrated landscape strategy that will achieve a high standard landscaping scheme that informs the earliest stages of a development proposal; and*
- 10. Achieve safe vehicular access, convenient routes and facilities for pedestrians and cyclists, enhanced public transport facilities and services, together with parking and servicing facilities in accordance with the County Council's standards.*

Supplementary Planning Guidance (SPG): 'Designing an Extension – A Householders Guide'. Paragraph 5.2 of this guidance suggest that front extensions can have significant impacts on the streetscene. Paragraph 5.3 recommends that front extensions should normally be restricted to a depth of not more than 1.2m.

5. LOCAL REPRESENTATIONS

- 5.1 The Faversham Society has objected to the application as first submitted on the following grounds;

"This application should be REFUSED because the existing dwelling is relatively well located with relation to Boughton village and close to bus routes. As a small dwelling it is relatively affordable and suitable for people on more modest incomes.

The proposed scheme is over-dense on this site, creates a much larger dwelling and it would therefore no longer be an affordable property. It is considered that this proposal would constitute over-development. "

- 5.2 Residents of four neighbouring properties and have written in with several letters of objection both before and after the amendments to the application on similar grounds. The following summarised points have been made in relation to the latest amended drawings:

- This development will turn the bungalow into a house with windows overlooking neighbours to either side
- The development will overshadow the neighbouring dwellings

- The alterations still include numerous rooflights facing neighbours to either side, albeit with raised cill heights. Are these side windows necessary?
- The store above the garage includes two triangular windows, are these necessary?
- The original permission had no windows above ground floor facing neighbours on either side
- A reasonable extension that is empathetic to the village setting and plot would be supported but this application is misleading
- The floorspace proposed is excessive for a three bedroom house and the true intention is a five bedroom house
- The rooflights should be of opaque glass and not clear to avoid overlooking
- No need for windows in a store room, which might compromise privacy
- There should be a restriction on the store to prevent it becoming a bedroom
- The new chimney on the south facing elevation was previously approved, but it is below the eaves level of the adjacent house and will result in smoke and fumes that will compromise health and wellbeing, and air quality
- Permitted development rights should be removed
- A condition restricting use of the garage should be imposed to ensure adequate parking
- No extra parking is shown
- Four parking spaces is insufficient parking for the number of bedrooms proposed
- Additional use of the access onto Dawes Road is dangerous
- A site visit should be made by the Planning Committee

5.3 Some neighbours also raise the following issues related to the previous planning permission, but these are of limited significance in the determination of the current application;

- The plans do not show the additional two bungalows that have already got planning permission
- The plans do not show completed extensions to neighbouring properties which is misleading
- None of the new bungalows are being built as affordable housing
- The one newly built bungalow has been on the market for some time showing there is no demand for housing like this
- This development together with the new bungalows will create approximately 1,030m² of buildings, roads and hardstanding which could affect drainage and result in flooding issues
- There is no footpath on Staplestreet Road
- The new bungalows will be an overdevelopment of a rural village location

6. CONSULTATIONS

6.1 Dunkirk Parish Council has objected the proposal. Their comments can be summarised as follows:

- The original consent was for an extended bungalow and three dwellings in the garden (one of which has been built)
- Under the old permission the bungalow was to remain single storey whereas this adds a first floor and turns a one bedroom bungalow into a three bedroom house with scope for five bedrooms
- SW/13/1250 has expired and cannot be implemented
- There is no planning statement or sustainability and energy statement; no SUDS calculations
- The plans are misleading with regards to the parking and highways implications

- Adjacent properties have been extended in recent years and are closer to the site than the plans show
- The chimney will allow fumes, dust and dirt to enter the lower levels of the adjacent house
- This is an overly dense development on an overcrowded site
- The impacts of granting permission would significantly outweigh the benefits
- The application does not comply with criteria 3 to 10 inclusive of the Borough Council's Local Plan policy DM14 or with the Boughton and Dunkirk Neighbourhood Plan in terms of parking

NOTE: Policy DM14 is set out in full above. The draft Neighbourhood Plan is discussed below.

- The exit on Dawes Road is a designated rural lane; it is very narrow with high hedges and no footpaths
- Kent Highways should revisit and made available for comments
- Although the principle of residential development at this site is accepted, a modest extension that doesn't impose on the neighbouring properties might be acceptable, however this proposal would have an unacceptably harmful impact on the amenities of the neighbouring dwellings
- The 2013 proposals were scaled down to address objections, and this scheme is larger, higher and covers a greater proportion of the site

NOTE: The reduction in height of the 2013 scheme related to the new bungalows, not to the alterations to New Bungalow itself.

- The current application introduces new roof windows and raises the ridge height
- Rooflights where overlooking might occur should be obscure glazed
- Permitted development rights should be removed to prevent extra openings and to control use of the garage

- 6.2 Kent Highways and Transportation have not been consulted on this application as it does not meet the criterion necessary for such consultation. No new access is involved and nor is there any increase in the number of dwellings served by any access.

7. BACKGROUND PAPERS AND PLANS

- 7.1 All plans and documentation relating to 19/501493/FULL

8. APPRAISAL

- 8.1 The application site lies within the built-up part of Boughton and Dunkirk where extensions and alterations are generally considered acceptable, subject to them being of a high standard of design, sitting comfortably within the street scene, and not giving rise to any serious amenity concerns.
- 8.2 A number of elements on the proposed plans have already been granted permission under application SW/13/1250 such as extending the bungalow to the front, the rear and the side; providing for the new access from Dawes Road and parking at the rear; and the chimney on the front extension. As the planning permission has been implemented with one of the three new bungalows being constructed, these elements could still go ahead under the previous permission. The applicants have however submitted this application to increase the ridge height of the bungalow in line with the approved garage height to allow for a loft bedroom and rooflights; and have proposed changes to the design of the window design in the rear elevation of the garage/store.

- 8.3 Although the new chimney is the same as previously approved and there is no AQMA in Boughton/Dunkirk I have sought informal advice from the Environmental Health Manager regarding the 1993 Clean Air Act which he says has some relevance in the control of smoke from domestic chimneys when there is a Smoke Control Area (SCA) declared in a designated area, but that he is not aware of any SCA in Swale. The Planning Agent has stated that a DEFRA approved stove could be used which has been approved to burn specific fuels in an SCA (although this area is not designated as one) and that such an approved stove has passed strict emissions tests and will burn cleanly even in slumber mode. He has also stated that building regulations requires that if a flue is within 2.3m of an adjacent building the point of discharge of the flue is at least 600mm above any part of the adjacent building, although here the neighbouring buildings are in excess of 2.3m at the point of discharge. Given the fact that the chimney is as originally approved and is away from the boundary I cannot see any objection to it.
- 8.4 Whilst I note the neighbours' concerns with regards to the footprint and amount of development on the site, many of these relate to the new bungalows which are not part of this application, and most of the extensions to the bungalow have already been permitted. The ridge height now proposed is no higher than the height to which the garage is already approved; the property sits next to a the storey house; and the new rooflights have been amended to be sited at 1.7m above floor level to avoid any overlooking issues. Whilst I also acknowledge that there is concern over the increase in roof height, this is only to be increased to the same height as the previously approved garage and the bungalow is detached on a large plot where the additional height will have very limited impact on neighbours.
- 8.5 With regards to the Parish Council's objection relating to the parking and its non compliance with the neighbourhood plan it is worth noting that this plan is in draft stages and has not been adopted. The neighbourhood Plan has been submitted in a draft pre-consultation stage, and as such carries very limited weight at the present time. I have, however, looked at the policies relating to parking within the document and note that the draft Plan suggests that one parking space per bedroom should be achieved which can include garages, car ports and off road parking. As the proposal would allow for three bedrooms and provide a double garage and two further off road parking spaces it conforms to the draft Neighbourhood Plan and also the current adopted Kent County Council parking standards (IGN3), which seeks two spaces for a three bedroom property. Accordingly I see no reasonable objection here on lack of parking grounds.
- 8.6 The front extension and chimney are as previously approved and I see no benefit in re-visiting these. The front extension is acceptable in my mind as the property sits well back from the highway in a mixed streetscene where it will not appear incongruous. Instead I believe that Members should focus on the matters not previously approved and analyse whether there will in fact be any negative impacts that might indicate that planning permission ought not to be approved. I cannot identify any such matter as the scheme has been amended in liaison with officers to overcome any adverse impact.

9. CONCLUSION

- 9.1 Overall the majority of the works in this application have already been approved under application SW/13/1250. The increase in ridge height of the bungalow would not cause any serious amenity concerns and the proposed new side facing rooflights have been sited high enough so as to avoid overlooking issues.

10. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS to include

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

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

- (2) The development hereby permitted shall not be carried out otherwise than in complete accordance with approved drawings NB1917.02 (insofar as this relates to site layout only) NB1917.05, NB1917.06B and NB1917.07B and the materials specified at Section 5 of the planning application form.

Reason: In the interests of residential amenity.

- (3) The areas shown on approved drawing NB1917.02 as “New parking” shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the commencement of the construction of the front lounge and cinema area extension hereby permitted.

Reason: Loss of existing parking or garaging space for cars is likely to lead to car parking inconvenient to other road users.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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

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



2.8 REFERENCE NO - 18/506417/FULL		
APPLICATION PROPOSAL Residential development consisting of 72no. 3 and 4 bedroom dwellings with associated garaging, parking and infrastructure.		
ADDRESS Land At Southsea Avenue, Scarborough Drive, Augustine Road, Sexburga Drive And The Broadway Minster-on-sea Kent ME12 2NF		
RECOMMENDATION Grant subject to conditions and the signing of a suitably worded Section 106 Agreement.		
SUMMARY OF REASONS FOR RECOMMENDATION The application site is located within the existing built up area boundary where the principle of development is accepted. The Council is unable to demonstrate a 5 year supply of housing land and as such the proposal would contribute towards addressing this shortfall in a sustainable location. I am of the view that the layout and design has been well considered and any harm to biodiversity is able to be minimised by conditions that have been recommended. I have not identified any unacceptable harm in respect of highway matters and matters such as drainage have been acceptably dealt with.		
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection; some of the application site is owned by the Council.		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Malro Homes Ltd AGENT Kent Design Partnership
DECISION DUE DATE 18/03/19		PUBLICITY EXPIRY DATE 18/07/19

Planning History

There is no planning history relating to the site in its entirety, however the following application was submitted for an individual plot of land within the site:

16/508687/FULL - Erection of a 4 bedroom detached dwelling with associated parking spaces'. Approved 18/09/2017.

1. DESCRIPTION OF SITE

- 1.1 The application site is an irregularly shaped undeveloped parcel of land, covered in unmanaged vegetation within the built up area boundary of Minster-on-Sea. The site measures approximately 2.55 hectares and includes part of the unmade highways of Scarborough Drive, Augustine Road and Sexburga Drive which cross the site in an approximate north-west / south-east direction. Part of the application site also fronts onto Southsea Avenue and The Broadway.
- 1.2 The site slopes downwards from east to west, sitting approximately 15m AOD at its eastern boundary and 5m AOD on the western boundary. The site is almost entirely bounded by existing dwellings. These dwellings comprise an extremely wide range of styles and designs and have in the most part been developed in a piecemeal fashion.

2. PROPOSAL

- 2.1 This application seeks detailed planning permission for the erection of 72 dwellings (39 x 4 bed and 33 x 3 bed units). A number of the dwellings will be laid out along the established alignment of Scarborough Drive, Augustine Road and Sexburga Drive. Two additional link roads are proposed, linking the above mentioned highways within the site, upon which dwellings are proposed to front. A further spur road leading from Scarborough Drive is proposed, again, fronted by dwellings.
- 2.2 The proposed properties will be in the form of a mixture of short terraces, semi detached and detached. The scale of the dwellings is proposed to be a combination of 2 and 2 ½ stories in height. The height of the proposed dwellings to the ridge ranges between 9.1m and 10.2m. The properties are laid out in a slightly staggered arrangement.
- 2.3 The design of the dwellings is contemporary with pitched roofs, projecting elements and materials comprising brick, render and weatherboarding. Larger sections of glazing, including within the apex of some of the roofs are also featured on a number of the dwellings.
- 2.4 Each property will benefit from a minimum of two parking spaces. In the majority of cases this is to be provided on plot, although for 8 of the dwellings (located on the spur road leading from Scarborough Drive) this will be provided in front of the dwellings. The total number of car parking spaces would be 172.
- 2.5 The existing unmade highways within the site are proposed to be 'made up' to adoptable standards. Corridors of existing vegetation are proposed to be retained.

3. PLANNING CONSTRAINTS

- 3.1 Environment Agency Flood Zone 2
- 3.2 Environment Agency Flood Zone 3

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 34 (developer contributions); 67 (identifying land for homes); 73 (maintaining a supply of housing sites); 102 (transport); 127 (achieving well designed places); 165 (sustainable drainage systems); 170 (local and natural environment); 175 (biodiversity).
- 4.2 National Planning Practice Guidance (NPPG): Air Quality; Design; Determining a planning application; Flood risk and coastal change; Natural Environment; Open space, sports and recreation facilities, public rights of way and local green space; Planning obligations; Use of planning conditions.
- 4.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017: ST1 (Delivering sustainable development in Swale); ST3 (The Swale settlement strategy); ST4 (Meeting the Local Plan development targets); ST6 (The Isle of Sheppey area strategy); CP3 (Delivering a wide choice of high quality homes); CP4 (Requiring good design); CP6 (Community facilities and services to meet local needs); DM7 (Vehicle parking); DM14 (General development criteria); DM17 (Open space, sports and recreation provision); DM19 (Sustainable design and construction); DM21

(Water, flooding and drainage); DM28 (Biodiversity and geological conservation); DM29 (Woodlands, trees and hedges).

- 4.4 Supplementary Planning Guidance (SPG): 'Developer Contributions' (November 2009).

5. LOCAL REPRESENTATIONS

- 5.1 Letters of objection have been received from 31 separate addresses and they raise the following summarised concerns and observations:

- There is no need for additional housing;
- The Isle of Sheppey does not have adequate infrastructure – schools, roads, healthcare, recreational facilities - to support the development;
- The junction of Augustine Road and The Broadway is hazardous and the increase in traffic will be detrimental to highway safety;
- Have Officer's visited the site to see how dangerous the vehicular exit from Augustine Way is?;
- The Broadway should be widened further;
- An access onto Southsea Avenue should be created as the main route out of the development;
- The density and layout of the development and design of the dwellings is not in keeping with the surrounding area;
- Bungalows would be more appropriate;
- The proposed dwellings will give rise to a loss of privacy of existing residents;
- There is a homeless man who lives within the site who would be unaware of the proposal and may have squatters rights;
- The area should be made into a nature reserve and brownfield sites used for housing instead;
- The development will have an unacceptable impact upon wildlife and protected species;
- The noise created by the building work will be 'horrendous';
- The proposal will give rise to smells and dust - what restrictions will be in place for this?;
- The properties will have a detrimental impact upon views from surrounding houses;
- The proposal will cause an increased risk of flooding to existing properties as the site is within a flood plain;
- The development will give rise to traffic congestion on roads which are already over capacity;
- The proposal will cause additional traffic noise;
- The area has been used by children for recreation;
- The dwellings will give rise to a loss of outlook;
- There would be difficulties accessing existing properties due to the increase in traffic;
- Visitors to the area currently use Augustine Road to park, this will become impossible and they will be forced to park in The Broadway which will cause traffic problems;
- The development has not been properly thought out or surveyed;
- Heavy works vehicles will have an impact upon private streets;
- *"This development will obviously be allowed as Swale council stand to make so much money from it."*
- Swale Borough Council do not own all of the land and therefore they should not be allowed to build on land they do not own;
- Will the homes be for sale or rent and is there any social housing?
- How is the Council able to give Augustine Road to a developer?;
- There has been no consultation with the residents prior to the consultation letter;

- A 21-day consultation period is unacceptable;
- There are incorrect answers in the application form as vehicular accesses onto The Broadway via Augustine Road and Sexburga Road *[sic]* will be altered;
- Will Sexburga Drive be made up and who will pay for this?;
- All unmade roads should be made up and adopted by the Local Authority and should include highway drainage and street lighting at no cost to existing residents;
- If the roads are not made up before the proposed build takes place then residents will be restricted from using them due to construction activities;
- There is a lack of clarification as to how the road surface will be maintained where the made and unmade roads meet;
- Due to the change in road surface between the made and unmade road, there will be a diversion of surface water into existing properties;
- Existing un-made roads are maintained by existing residents and as a result there is concern that increased usage will give rise to damage to the roads, which existing residents will have to bear;
- Will there be a footpath and street lighting?;
- Object on the grounds of air pollution;
- Due to the removal of planting there will be a considerable increase in the flow of surface water which will cause hazardous driving conditions;
- During periods of heavy rain / snow melt a large quantity of mud and small stones are washed downhill to The Broadway;
- Some of the proposed dwellings do not have enough parking spaces;
- There is a lack of on street parking provided giving rise to overspill on surrounding roads;
- Would like assurances that new planting will not give rise to a loss of light to surrounding properties;
- When previous attempts were made to purchase a parcel of the land the Council considered that it could not be built on as it was a flood plain, there was not enough land to build an extension and that there was ecology that needed to be protected. It would appear that these issues are no longer relevant;
- The increased traffic will make it 'virtually impossible' for pedestrians to cross The Broadway to access Bartons Point, the Abbey Motel and Layzells night club;
- What impact will the development have upon the flood risk to surrounding dwellings?;
- There are no recreational facilities in Minster for the additional children / teenagers, a cinema should be built at Neatscourt rather than more food / retail outlets;
- A line of planting is proposed along the existing properties in Southsea Avenue, which should be continued to screen the development;
- The proposal will give rise to a loss of the layby in Southsea Avenue where vehicles currently park;
- The proposal will cause a loss in property value;
- Scarborough Drive has no existing vehicular access to Southsea Avenue, Sexburga Drive or Augustine Road and therefore the traffic for the proposed properties in this part of the development would be required to use the existing unmade road;
- There are specific conditions in the deeds for this site relating to plot sizes, frontages and types of houses, does this scheme contravene these rules?;
- What assessment has been undertaken to ensure that there is not an increase in crime / antisocial behaviour?;
- Records show that the area was previously used for waste disposal, has there been an investigation of this and would there be an adverse impact on residents from any toxic waste?;
- The reptile survey carried out is inadequate;

5.2 Two letters have been received which neither object to or support that application but make the following points:

- Will Scarborough Drive be made up and who will pay for this?;
- Would like assurances that the developer is made aware for the necessity of adequate drainage so that existing properties will not suffer any damage from excess water and flooding.

6. CONSULTATIONS

6.1 **Minster Parish Council** object to the application for the following reasons:

“The site layout is unsatisfactory with regard to servicing the properties. It does not follow the historic, original proposal, evidence of which is in the road opposite No. 32 Southsea Avenue. The Parish Council believes there should be an access from Southsea Avenue and provision of turning points at the end of the cul-de-sacs. The north west portion of the estate needs two madeup accesses,- one at Southsea Avenue and one other. The Parish Council queries the validity of the ecological study as it was undertaken outside the site although it understands that further studies are planned. The Parish Council wants this [the completion of an ecological study on the site] to be a mandatory condition if permission is granted to protect the ecological value of the site. Furthermore, if in the event of permission being granted, as there is no provision for public open space within the site, the Parish Council would like some of the Section 106 funding associated with the development to be spent on enhancing The Glen Village Green as this will be accessible to the estate's residents.”

A further response was received from the Parish Council where concerns were raised regarding the ecological survey submitted with the application and a request that a full survey is undertaken. Attention is also drawn towards the occupant of the site and the Council is asked to ensure that arrangements are made to help safeguard this individual.

6.2 **Swale CCG (NHS)** have requested a contribution of £62,208 to be directed to the Shiva Medical Centre, Broadway.

6.3 **Natural England** comment that this proposal may give rise to increased recreational disturbance to the coastal Special Protection Area and Ramsar site. However, subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site. However, due to the *People Over Wind* ruling by the Court of Justice of the European Union, Natural England advise that the measures to avoid or reduce the likely harmful effects from the development may need to be formally checked and confirmed via an Appropriate Assessment. It is for the Council to decide whether an Appropriate Assessment is required and Natural England must be consulted.

An Appropriate Assessment has been carried out and I have re-consulted with Natural England on this basis. They have confirmed that subject to securing the appropriate mitigation (i.e. payment of the financial contribution) that they raise no objection to the proposal.

6.4 **Environment Agency** have set out that the proposed development will only be compliant with the NPPF if a condition is imposed which requires the finished floor level for all living accommodation set at a minimum of 4.9m AOD and the finished floor level for all sleeping accommodation set at a minimum of 5.2m AOD.

- 6.5 **Kent Police** comment that there are a number of issues to be addressed including boundary treatments, overlooking of pedestrian routes and compliance of doors and windows with Product Assessment Specifications. A condition or informative is requested.
- 6.6 **KCC Ecology** initially responded setting out that further surveys along with any necessary mitigation for reptiles, breeding birds and bats was required. In the first instance a reptile survey was undertaken and on this basis I re-consulted with KCC Ecology. No reptiles were recorded as being present and as a result no mitigation measures for reptiles is recommended. KCC Ecology agree with this conclusion, however, given the extent of vegetation on the site and other wildlife which is likely to be present, a biodiversity method statement should be secured by condition if planning permission is granted. KCC Ecology also referred to the matters highlighted in their initial response which required addressing.

A Bat Activity Survey was undertaken and on this basis I re-consulted with KCC Ecology. KCC commented that they required further information in respect of a list of bat passes recorded during the initial survey and bat passes recorded at each spot check. In addition, the retention of 'edge habitats' in the site is recommended. Furthermore, as the site has some of the only semi natural scrub/wooded habitat in the area, KCC advise that the value of the site for bats (and other wildlife) has been underestimated and the proposed mitigation in order to 'prevent/minimise impact on the local bat population' is not agreed with.

It is also considered that the submitted layout makes no provision for biodiversity, beyond the planting of the trees shown. KCC advise that the removal of the current vegetation will present a significant loss of biodiversity in the area which is contrary to policy ST1 of the Swale Borough Local Plan. Where ecological impacts can not be avoided this needs to be acknowledged and compensatory measures may be required to enable a conclusion to be drawn that the development is acceptable on ecological grounds. However, KCC were of the view that at this point the implementation of measures recommended in the Bat Activity Survey will provide adequate mitigation for impacts to foraging and commuting bats.

Finally, in respect of breeding birds, whilst the significant loss of nesting opportunities could be offset to some degree by the provision of nest boxes, the reduction in the availability of foraging habitat must be taken into account if compensatory provision is not provided.

Due to the above comments further bat survey data, a revised layout, landscaping plan and lighting plan was submitted to KCC Ecology for further comment. They have commented that *"Further information has been provided to support the summary of results reported in the Bat Activity Survey. The Known Bat Roost Locations map indicates the presence of a maternity roost nearby and it is highly likely that the site currently provides foraging habitat for bats associated with this roost."*

It is therefore good to see that on the Preliminary Landscape Proposals that the landscaping has been amended with an increase in areas of retained habitat, for which additional planting is proposed. This retained habitat is well-situated in likely dark areas between gardens which will help to ensure its continued suitability for foraging bats. The retention of this habitat will also provide opportunities for nesting birds.

If Swale BC is to secure the detailed landscaping proposals by condition, we advise that the details of the proposed ecological features (as shown on the Preliminary Landscape Proposals) are sought in a Ecological Design Strategy, to ensure that specific requirements are appropriately demonstrated." A condition is recommended.

Further to this, *“While minimal management of the areas of retained habitat will be necessary in the long term, with the proposed ecological features, the use of whips to enhance the habitat and the need to differentiate between gardens and retained habitat areas, we advise that the submission and implementation of a detailed Landscape and Ecological Management Plan must be secured by condition, if planning permission is granted.*

As previously advised in our note dated 28th June 2019, we advise that submission and implementation of a biodiversity method statement is secured by condition, if planning permission is granted.

The applicant has provided lighting proposal information and we advise that confirmation is sought regarding the extent to which these are in accordance with Guidance Note 8 Bats and Artificial Lighting (Bat Conservation Trust and Institute of Lighting Professionals). Alternatively, the details could be secured by condition, if planning permission is granted.

We advise that the inclusion of the proposed ecological features will ensure that there are opportunities for wildlife within the proposed development but in our view if a biodiversity metric was applied, a net loss of biodiversity would be apparent. While the use of such a metric is not yet a planning requirement, the applicant could choose to submit such information and take steps to ensure that the proposal demonstrates a net gain in biodiversity in accordance with the Local Plan, or off-site ecological enhancements (or contributions to ecological enhancements) could be sought to compensate for the on-site loss.

We note that the applicant has stated a commitment to contribute to the North Kent SAMMS and advise Swale BC that there will be a need for an appropriate assessment to be carried out.”

6.7 **KCC Highways & Transportation** initially responded as follows:

“It is appreciated that many of the proposed houses will have direct frontage onto the existing unmade roads, and would follow the general pattern of development along these public rights of way. The highway layout and building arrangement in those instances would therefore be consistent with the historic expectation of how development was originally anticipated to proceed when Southsea Avenue, Scarborough Drive, Augustine Road and Sexburga Drive were laid out. The scale of development being proposed is sufficiently large enough and comprehensive to warrant the sections of unmade road that currently exist on the proposed housing frontages being made up of for adoption by the Highway Authority. These will require uninterrupted adoptable connection to the existing adopted highway. Whilst it has been proposed to make up the road connections of Augustine Road and Sexburga Drive to join the adopted public highway at The Broadway, it is noted that vehicular traffic associated with the Scarborough Drive development proposals would still need to gain access via unmade roads. This is not acceptable, and an adoptable vehicular route will therefore need to be provided for the Scarborough Drive element too.

Remaining with the Scarborough Drive proposals, the 2 new roads branching perpendicular from the existing alignment will require turning facilities to enable these lengths to meet adoptable standards. In addition, under the current proposals, the radii of the junction of the unmade section of Scarborough Drive with these 2 roads is too tight to accommodate the making up of that length of road in the future, unless the land required to cater for an adoptable junction is protected and doesn't form the private curtilage of plots 18 and 19.

Related to the above, vehicle tracking should also be provided to demonstrate that vehicles can manoeuvre appropriately within the development. An 11.4m size refuge vehicle should be able to proceed through the roads.

At plots 4, 7, 8, 10, 11, 20, 25, 32, 40, 41, 45, 47, 49, 50, 60, 65 and 69, the driveway length in front of the garage should be extended to 10.5m in order to avoid a tandem parked vehicle overhanging the footway. Similarly, a 10m length will be required for plots 25, 38 and 68 where 2 vehicles are likely to park in the space where garages aren't located beyond. Where only a single parking space is provided in front of the garages at plots 2, 62, 67, a 5.5m will be required.

The parking for plots 1, 61, 65, 66 and 67 does not comply with the adopted IGN3 parking standards, as the 2 spaces should not include garage provision. Furthermore, all spaces should be independently accessible, but plots 63 to 67 are solely tandem arrangements that are expected to result in additional on-street parking demand.

No visibility sightlines have been indicated where Augustine Road and Sexburga Drive are to be made up and form adopted junctions onto The Broadway. Sightlines appropriate for the 40mph speed limit applied to The Broadway should be shown. Nonetheless, it is anticipated that these are not achievable at the junction of Augustine Road under the current proposed layout, and the scheme will need to address this issue.

At the junction of Sexburga Drive with The Broadway, the proposed site plan drawing 16.1610A stops the footway short, so does not link to the existing footway outside Meadowbank. Whilst it is complete on other drawings within the submission, it should be consistent across them all to avoid any ambiguity."

On the receipt of amended drawing I re-consulted with KCC Highways & Transportation who commented as follows:

"Further to my previous response on this application, I note that the Scarborough Drive element of the development proposals would now be connected directly to the existing adopted public highway via a new adoptable vehicular route to Augustine Road. This has addressed the concern that I had raised with regard to that aspect of the original proposals, and has also removed the need to provide turning facilities within the former cul-de-sac arrangement, as this now links all the way through.

Whilst the kerb radii on the junction between the new road construction of Scarborough Drive and the section that is to remain unmade to the south has been increased, it is still not clear whether this is sufficient to allow the future making up of the southern length to The Broadway. It must be ensured that the appropriate extent of land is kept available to accommodate a standard junction and associated footways, without requiring third party land that may be transferred to purchasers of plots 18 and 19 as part of the initial house sales.

As previously requested, swept path analysis of the proposed roads is still awaited to demonstrate that an 11.4m refuse freighter can manoeuvre through the development.

Following discussions with my colleagues in the Agreements Team regarding the making up of the existing and proposed new roads within the development, they have confirmed that no realignment of the junction of Augustine Road and The Broadway will be required. Whilst this had been suggested during a meeting held earlier between officers from K County Council, Swale Borough Council and the planning agent, it is no longer considered necessary due to the existing highway rights enjoyed over the

unmade junction. Consequently, the basic making up of Augustine Road shown on the originally submitted plans will suffice.

In respect to the making up of the unmade roads, it is noted that the earlier drawings were coloured to distinguish the proposed works from those remaining unaffected. I would request that a similar drawing is provided to reflect the new layout.

As before, at plots 4, 7, 8, 10, 11, 20, 32, 40, 41, 47, 60, 65 and 69, the driveway length in front of the garage should be extended to 10.5m in order to avoid a tandem parked vehicle overhanging the footway. Similarly, a 10m length will be required for plots 38 and 68 where 2 vehicles are likely to park in tandem.

The parking for plots 1 and 61 still does not comply with the adopted IGN3 parking standards, as 2 spaces should be provided, not including garage provision.

Finally, on close inspection of the drawings, it appears that the proposed plot curtilages may along the existing unmade roads are extending over the current defined highway limits. The limits generally follow the alignment of the existing properties front boundary walls, except where encroachment may have taken place historically. The individual plots may therefore need to be set back further from the proposed back of footways.”

Due to the receipt of further amended drawings I have re-consulted with KCC Highways & Transportation who have commented as follows:

“I refer to the amended drawings published on 20th August and 5th September 2019 in respect to the above planning application.

The swept path analysis has now been provided to demonstrate the suitability of the proposed highway layout to accommodate the movement of an 11.4m refuse vehicle through the development, and I am satisfied that this is appropriate.

As requested in my previous response, the length of the vehicle hardstandings for the identified plots have been lengthened in order to ensure that where two cars were likely to attempt to park in tandem, it can now be done without overhanging onto the footway. It should be noted that this has increased the formal amount of parking provided for these plots, exceeding the minimum level of parking required.

The drawings now confirm the extent of the unmade roads to be brought up to adoption standards, and this shows that the adoptable roads will link directly onto The Broadway with upgraded junctions for Augustine Road and Sexburga Drive. Whilst I note that sightlines of 90m have been indicated for simplicity, the most recent speed surveys indicate that the 85th percentile speed measured was 38 mph, which would equate to the provision of a 58m sightline in this instance. This would be wholly achievable within the highway boundary for Sexburga Drive, although does slightly cross third party land in the case of Augustine Road. However, it is appreciated that these are existing junctions with highway rights of access for the public to use them, and the form of the junction at Augustine Road would have remained the same, even if the Highway Authority were to have “made up” these unmade roads using it’s own funds or through apportionment of the frontagers.”

As a result, no objection is raised subject to conditions requiring the highway works being carried out in accordance with a design and specification submitted to the LPA; a construction management plan; the parking spaces to be provided and retained; provision for cycle parking; pedestrian visibility splays; details of estate roads, verges,

junctions, lighting etc.; works between the dwellings and the adopted highway to be carried out prior to occupation.

6.8 Lead Local Flood Authority (KCC) – Initially commented that as follows:

“1) While we agree with the principles set out within the flood risk assessment, there are currently no drawings provided to show the proposed drainage layout. We recommend that a drawing is provided to show the portioning of the drainage within the development.

2) Within the Flood Risk Assessment it was proposed that further attenuation storage to be provided. However, it is not clear whether swales/ drainage basins would be used or storage tanks to provide additional storage. We therefore seek clarification which features are to be used the location of these items within the drainage layout.

We therefore recommend that this application is not determined until further details of the drainage layout have been provided for review.”

Further details were provided and the Lead Local Flood Authority commented further:

“Kent County Council as Lead Local Flood Authority have reviewed a copy of the indicative drainage layout for the development and proposes a mixture of permeable paving and attenuation tanks. As this a full planning application, we request a pre-commencement condition is attached to this application because further details of the proposed drainage system are necessary before any work on site can take place. This ensures the proposed drainage strategy is suitable to manage surface water for the site and to not increase the risk of surface water flooding.”

On the basis of the above, conditions requiring a sustainable surface water drainage scheme and a verification report have been recommended.

6.9 SBC Environmental Protection Team raise no objection subject to a condition requiring a code of construction practice.

6.10 Southern Water recommended conditions relating to the diversion of the public sewers; the occupation of the development to be phased to align with the delivery by Southern Water of any sewerage network reinforcement required and for the means of foul water sewerage.

6.11 KCC Developer Contributions originally requested £326,520.00 for primary education; £337,464.00 for secondary education; £139,115.52 for secondary education land; £4350.72 for Community Learning; £2705.99 for Youth Services; £3457.14 for Libraries and £4391.28 for Social Care. Following discussions with the agent and the applicant's consultant the amount requested for secondary education has been reduced to £63,626.13 towards Highsted Grammar School expansion and the secondary school land contribution is no longer required (as it proposed to be delivered via an alternative mechanism). The other requests have remained as set out above.

6.12 SBC Greenspaces Manager has stated *“There is understandably as this is an infill scheme, little opportunity for incorporating on-site open space into the proposal. The proposed design strongly reflects the existing block road layout and character of the existing dwellings. As such and given the scale of the submission, I consider that the proposal should contribute to improving the capacity and usability of existing open*

space and play facilities in Minster. We would seek a contribution of £446.00 per dwelling as identified in the Open Spaces & Play Strategy 2018-2022 towards enhancements in the local area (primary focus will be The Glen)."

7. BACKGROUND PAPERS AND PLANS

- 7.1 The application has been supported by site layout drawings; elevations floorplans; site sections; flood risk assessment; habitat appraisal; landscaping details; species surveys; and topographical surveys.

8. APPRAISAL

Principle of Development

- 8.1 Although not specifically allocated, the application site falls entirely within the built up area boundary of Minster-on-Sea. I also note that the site lies within what is described in policy ST 6 as 'The West Sheppey Triangle'. Both this policy and ST 3 identifies this area as a growth area in respect of meeting the Isle of Sheppey's development needs. As such, the proposal would support this high level requirement of the adopted development plan. Furthermore, it is also important for Members to note that the Council are currently unable to demonstrate a 5 year housing land supply. As a result of this, I am of the view that the benefits of addressing this shortfall, upon a site within an existing built up area boundary and identified growth area should be given additional weight. As such I am of the very firm view that the principle of residential development is accepted.

Density and mix of dwellings

- 8.2 The application proposes 72 dwellings on a site 2.55 hectares in size, equating to 28 dwellings per hectare. The supporting text to policy CP 3 of the Local Plan sets out that the density of the site will be informed by local characteristics and the context of the site. In this case, the proposal shows that the layout of the site will be largely consistent with the existing surrounding pattern of development and the proposed properties will benefit from large private amenity spaces. In addition to this, the site incorporates some retained vegetation (discussed in more detail below) which impacts upon the developable area. In my opinion, the density of the site is broadly consistent with the surrounding area and on this basis is acceptable.
- 8.3 The mix of the dwellings proposed is 33 x three bed units and 39 x four bed units. Policy CP 3 of the Local Plan identifies the 'Main Issues, purpose and objectives of housing proposals' in specific local housing market areas. In terms of Minster, the following is stated: *"Demand is greatest for family housing. Future development of quality family housing that reflects the character of the area should be encouraged. If opportunities arise, improve design and/or levels of sustainability especially in the pockets of deprivation found in this market area."* I believe that the proposal sits comfortably within the objectives in this specific housing market area by providing for family housing. As such I believe the proposal is acceptable in this regard.

Visual Impact and the streetscene

- 8.4 As set out in the site description above, the existing site comprises unmanaged scrub vegetation. Further to this, the changes in site levels are quite pronounced with the site sloping downwards from east to west. As such, it is clear from these two points alone that how the site responds to these specific issues is of fundamental importance.

- 8.5 The application proposes development along the existing historic routes of the highways that pass through the development site. Further to this, there is an additional highway proposed within the site, running at 90 degrees to the existing road layout, approximately parallel to The Broadway. Since the receipt of the original application a pedestrian / cycle route linking Augustine Road and Scarborough Drive has been amended to propose a vehicular route. As a result, a vehicular route within the site now links Sexburga Drive, Augustine Road and Scarborough Road. In my view this provides a good level of connectivity both within the site and to the existing surrounding network of streets. As a result I am of the view that the site has been laid out in a logical manner which respects the surrounding pattern of development. The additional highway which has been created will in my view give rise to added benefits as set out above. Further to this, dwellings are all proposed to front onto the highways and provide dual frontages on corner plots. As such I consider the proposal to be acceptable in this regard.
- 8.6 The surrounding pattern of development has largely evolved on a piecemeal basis and as such, there is both a varied mix of dwelling types and styles which have been constructed in a fairly informal building line along the existing highways. The dwellings that have been proposed follow this informal building line with the frontage of dwellings staggered. I believe that this aspect of the application takes the relevant cues from the existing pattern of development in the area and is in my opinion appropriate.
- 8.7 As there is not a prevailing design type in the surrounding area I do not believe that there is a clear reference point from which the proposal could draw from. The application proposes variations in the proposed house types but not to the point where the development would in my opinion appear contrived. I do not believe that it is logical to provide 72 different house types in order to reflect the inconsistent pattern of design in the surrounding area. As such, the approach that has been taken, to provide some variation, but within limits, is I believe appropriate, and in my view will allow the comprehensive development of the site to appear coherent in visual terms.
- 8.8 I consider that the bespoke design of the proposed properties, a number of which are defined by their steeply pitched roofs, glazed apex roofs and use of bricks and weatherboarding will have a positive impact upon visual amenities. Due to the above features the elevations are contemporary and I consider them to be appropriate in this context. The use of weatherboarding is common throughout many parts of Sheppey, as such I believe that this is a suitable use of materials in the wider context. In terms of the design of the properties I am of the opinion that the proposal will satisfy the specific requirement of policy CP 4 and the aims of the NPPF as set out above. I have recommended a condition requiring specific details of materials to ensure that this element of the scheme is acceptable.
- 8.9 In terms of the scale of the proposed properties, they will be a mixture of 2 and 2 ½ stories with rooms in the roofspace. Due to the mixed pattern of surrounding dwellings, there are a number of instances locally where dwellings of different scales are located adjacent to one another. As such, in my opinion, where the dwellings transition from the existing to the proposed, there is already precedent in the surrounding area for buildings of varying heights to sit side by side. Although this will be required to be assessed as to whether it is acceptable in respect of residential amenities (considered below), I am of the view that the scale of the dwellings and the transition between the existing and proposed would not be out of keeping with existing local examples.
- 8.10 In terms of the site levels, the application has been supported by site section drawings. These show how the dwellings will step down with the sloping ground levels and how they relate to existing development. In my view the details show that the development

has responded appropriately to the challenging gradients on the site. However, to ensure this can be controlled, I have recommended a condition which requires details of the finished floor levels to be submitted and approved.

- 8.11 A key consideration in the assessment of the visual impact of the scheme is the soft landscaping proposals. These have been submitted in detail and show a mixture of shrub and tree planting throughout the development. In addition, to this, a corridor of the existing scrub vegetation is shown as being retained to the rear of both the proposed and existing properties. Due to the size of the plots the development benefits in the main from on plot parking with sufficient room for landscaping. As a result, I am of the view that the drawings have in the most part taken the opportunity to provide trees within the plot frontages which I believe will have a positive impact upon the street-scene. I note that no trees are proposed in the frontages of plots No.50-55. I have raised this with the agent who has commented that this is due to the existence of underground services running along the frontages to these properties. Therefore, on the basis that I consider the rest of the site to include sufficient levels of landscaping that on balance this is acceptable. In addition, due to the generous size of the private amenity space, trees have been proposed in the rear gardens of the properties, providing significant further benefits in terms of visual amenity and biodiversity in my view. Overall I believe the landscaping proposals to be acceptable and have included a condition to secure these details.
- 8.12 I have also made an assessment of the scheme against Building for Life 12 (as agreed by the Local Plan Panel on 25.04.18), and consider that it scores well in terms of this. My assessment is appended.

Residential Amenities

- 8.13 As set out above, due to the site being surrounded by existing residential properties the impacts of the development upon these neighbouring units will be required to be carefully considered. I also note neighbouring objections which relate to a loss of privacy, loss of outlook and noise, smells and dust caused by the development.
- 8.14 Firstly, in respect of noise, smells and dust, I note the comments of the Council's Environmental Protection Team in terms of their recommendation for a code of construction practice. This will require details of how matters of noise and dust will be suppressed and managed. Due to the proximity of the neighbouring properties I am of the view that this matter is of high importance and as such I have recommended this condition which I believe will allow these matters to be assessed and controlled. In terms of smells, I do not believe that the proposal is likely to give rise to unacceptable odours. However, if this was to be the case then the Council's Environmental Protection would be able to investigate this as a statutory nuisance, although this would not be a planning matter. In addition to this, having discussed the proposal further with the Council's Environmental Protection Team I have also recommended that conditions restricting construction hours, and tighter time restrictions on any impact pile driving are imposed.
- 8.15 As development is proposed to take place along the existing highways, there are 11 dwellings which development would take place immediately adjacent to. I have, during the course of the application, undertaken an assessment of the impact that the proposed properties would have and have requested a number of amendments to the scheme. This has largely involved altering the position of dwellings within the plots to restrict instances where I believe there would be a potentially harmful impact upon the light and outlook that these existing properties would benefit from. The agent has amended the drawings in line with my suggestions and in this respect I consider that the proposal would not give rise to unacceptable harm to neighbouring properties.

- 8.16 In addition to the above the proposed properties have a rear-to-rear relationship with a number of existing properties. The Council would usually expect rear-to-rear distances of a minimum of 21m. In this case, all rear to rear distances with direct views exceed this distance. In a number of the cases the distances are around 40m and in some cases in excess of 60m. I do note that unit no.2 would be separated from the existing property at No.172 The Broadway by 18m at the closest point. However, the proposed unit due to its orientation does not have a direct view towards the rear of No.172. I also note the proposed trees along the boundary which would assist in disrupting views. As such I consider that this relationship would not be unacceptably harmful. Overall, based upon the above assessment I do not believe that the proposal would give rise to an unacceptable loss of privacy.
- 8.17 The proposal has also created some rear to flank relationships between dwellings. The Council would usually expect rear to flank distances to be a minimum of 11m. In this case, the closest relationship created would be 13.2m and as such I consider this to be acceptable.
- 8.18 In terms of the relationship between the proposed properties, as discussed above, a large number of the dwellings benefit from very generous gardens. In addition there is retained planting between the properties. As a result the minimum distances are exceeded, in some cases allowing separation distances of up to 50m. As a result I consider this to be acceptable.
- 8.19 In relation to garden depths, the Council would generally expect these to be a minimum of 10m. Having assessed these, I have noted one instance (unit 68), where the garden depth would be slightly below this. However, I am of the view that the shortfall is so minimal as to not give rise to any serious harm the amenities of future occupants. In most case the gardens exceed 10m in depth by some considerable margin. In overall terms, based upon the assessment above I am of the view that the proposal does not give rise to unacceptable harm to residential amenities.

Ecology

- 8.20 As referred to above, the site has been unmanaged for a long period of time and as a result is covered in vegetation. Due to this, there is the distinct possibility that the site provides a habitat for wildlife, a matter raised by the Parish Council and neighbours. The application when originally submitted was supported by a Preliminary Habitat Appraisal and a Nesting Bird Survey and KCC Ecology were consulted. As can be seen from the consultation section above, KCC Ecology advised that as the Preliminary Habitat Survey identified the potential for reptiles, breeding birds and that the habitats on the site present opportunities for foraging bats. As a result additional surveys were required to assess the ecological importance of the site.
- 8.21 Surveys were subsequently undertaken which did not record the presence of any reptiles. Therefore no specific mitigation measures were recommended and KCC Ecology have agreed with this conclusion.
- 8.22 A Bat Activity Survey was also undertaken and on this basis I re-consulted with KCC Ecology. KCC commented that they required further information in respect of a list of bat passes recorded during the initial survey and bat passes recorded at each spot check. In addition, the retention of 'edge habitats' in the site was recommended as the layout failed to make provision for biodiversity beyond the planting of the trees as shown. KCC also considered that whilst the loss of nesting opportunities for breeding birds could be offset to some degree by nesting boxes, the reduction in the availability of foraging habitat must be taken into account.

- 8.23 Due to the above comments, further ecological information was submitted which comprised bat survey data, a revised layout, landscaping plan and lighting plan. The revision to the layout now includes the retention of the existing habitat in various parts of the site. The retained habitat is located in what is likely to be dark areas between the gardens and KCC Ecology are of the view that this will help to ensure its continued suitability for foraging bats and will provide opportunities for nesting birds.
- 8.24 KCC Ecology have requested a number of conditions relating to an ecological design strategy; a Landscape and Ecological Management Plan; a Biodiversity Method Statement; and a lighting strategy for biodiversity. I do note KCC's comments in respect of their advice that the inclusion of the proposed ecological features will ensure that there are opportunities for wildlife within the proposed development. However, it is their view that if a biodiversity metric (which is not a planning requirement) was applied then a net loss of biodiversity would be apparent. I have discussed this further with the Biodiversity Officer at KCC. They have confirmed that although they are not objecting to the application, and that the recommended conditions would ensure that ecological impacts are minimised, due to the extent of the loss of scrub habitat they consider that there would be an overall loss of biodiversity.
- 8.25 In respect of assessing this, policy DM 28 of the Local Plan states *"Development proposals will conserve, enhance and extend biodiversity, provide for net gains in biodiversity where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated."* The NPPF at paragraph 170 states (amongst other matters) that *"Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures."* In respect of this issue, I note that although the NPPF is more robust in respect of setting out that decisions should provide *'net gains for biodiversity'*, the Local Plan does state that this should be provided for *'where possible'*. Furthermore, I also note that both the NPPF and Local Plan require proposals to minimise any adverse impacts. In my view, it is clear from the comments of KCC Ecology that harm in this case will be minimised by the inclusion of the recommended conditions, which I have imposed below.
- 8.26 Furthermore, I believe it must be taken into account that the site is unable to be developed without the loss of a proportion of the existing scrub habitat. However, I must give significant weight to the benefits of delivery of housing in a sustainable location that this proposal would allow. This weight is increased further due to the Council's lack of a 5 year housing land supply. As such, I am of the view that the social benefit provided by the delivery of houses in this location would outweigh the harm which KCC Ecology are of the view can be minimised by the conditions discussed. On this basis I believe that the impact upon biodiversity should not warrant a reason for refusal.

Highways

- 8.27 As can be seen from the comments of the Parish Council and local representations set out above, a large number of concerns relate to highway matters. For clarity I have quoted the comments of KCC Highways & Transportation in the consultation section above.
- 8.28 The application site includes a number of existing unmade highways which are proposed to be made up to adoptable standards as part of this scheme. As a result, where both Sexburga Drive and Augustine Road meet The Broadway there will be sections of made roads providing links through to the existing unmade section of

Scarborough Drive, Sexburga Drive and Augustine Road. As such, I consider that the proposal will allow for better connectivity through the site and within the surrounding area. As a result, I believe that the making up of the roads to adoptable standards will be a noticeable benefit to arise from the scheme. Some comments have been received relating to making up other sections of the highway network. For clarity, it is not proposed to make up any of the existing unmade roads outside of the application site. On the basis that these are not in the control of the applicant and that KCC Highways & Transportation do not require this I do not consider it to be reasonable to request, and I do not believe that without this taking place the development would be unacceptable. Furthermore, KCC Highways & Transportation have recommended a number of conditions in relation to the details of the highways. This will require acceptable construction details to be submitted and will ensure that the works are carried out appropriately.

- 8.29 Concern has also raised in respect of existing visibility, in particular on the junction of Augustine Road / The Broadway. KCC Highways & Transportation have paid particular attention to this and I note that their comments as set out above. For the avoidance of doubt, the visibility splay for the Augustine Road / The Broadway junction does slightly cross third party land (and as a result there can not be complete certainty about what may happen in the future). However, I give significant weight to the comments of KCC Highways & Transportation who have stated that this is an existing junction which enjoys highway rights of access for the public to use them currently. In addition, even if the junction was made up via another means then this arrangement would have remained the same. As a result, and on the basis that KCC Highways & Transportation raise no objection I consider the visibility to be acceptable.
- 8.30 In respect of parking provision, I note the initial comments of KCC Highways & Transportation which required some amendments to the parking layout. After liaising with the agent these have been provided and I have re-consulted with KCC Highways & Transportation. As can be seen from the comments, the parking numbers and layout is considered acceptable. In respect of this, a large number of the properties, due to the generous size of the plots have parking provision in excess of the requirements of the Kent Design Guide Review: Interim Guidance Note 3, Residential Parking document. In addition, the vast majority of the properties have 2 independently accessible spaces with a large number of the properties benefitting from 3 spaces. As such, I believe that the properties benefit from a generous and acceptable level of parking.
- 8.31 Finally, a swept path analysis has been provided to demonstrate that a refuse vehicle will be able to manoeuvre around the site. This has been assessed and considered acceptable by KCC Highways & Transportation and as such I believe that this matter has been acceptably dealt with.
- 8.32 Overall, I believe that although concern has been raised I am of the view that based upon the above assessment the impact of the development upon highway amenity and safety is acceptable.

Flooding and Drainage

- 8.33 I note that a number of neighbour comments relate to flooding and drainage issues. The site lies partly in flood zone 2 and partly in flood zone 3. A flood risk assessment and drainage strategy has been submitted with the application and I have consulted with the Environment Agency (EA), the Lead Local Flood Authority (KCC) and Southern Water.

- 8.34 The EA raise no objection subject to a condition relating to finished floor levels. I have recommended this condition and therefore consider this matter to have been adequately dealt with.
- 8.35 The Lead Local Flood Authority when assessing the originally submitted details were of the view that the principle of the surface water drainage strategy was acceptable but that clarification was sought regarding the drainage layout and where the drainage features would be located. Further details were provided and I re-consulted with KCC. No objection is raised in respect of these details subject to conditions requiring a sustainable surface water drainage scheme and a verification report. I have recommended these conditions and as such believe that this will ensure that surface water drainage issues can be adequately dealt with.
- 8.36 The application will require the diversion of public sewers and Southern Water have recommended a condition requiring details of the measures undertaken to divert the sewers. I have imposed this condition. A separate formal application for sewer diversion will need to be made, however, this is under S185 of the Water Industry Act and as a result will take place outside of the planning process.
- 8.37 Southern Water have also referred to initial studies indicating that there is an increased risk of flooding unless the required network reinforcement is carried out. This will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Due to this, a condition is recommended requiring development to be phased and implemented in alignment with the delivery of any required sewerage network reinforcement.
- 8.38 In order for a condition to be imposed it is required to meet the six tests (necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; reasonable in all other aspects). Having assessed the condition recommended by Southern Water against the six tests I am of the view that the requirement for the development to align with the delivery by Southern Water of any sewerage network reinforcement required would fail to meet the test of being relevant to planning. This would be a matter solely between the developer and Southern Water and dealt with outside of the planning process, for that reason I have not recommended this condition. A further condition has been recommended which requires details of foul and surface water disposal. As surface water is dealt with via separate conditions I have amended the condition to avoid repetition and have recommended a condition relating to foul water disposal. As such I am of the view that this matter can be adequately dealt with in this manner.

Developer Contributions

- 8.39 Members will note from the consultation responses received above that in line with normal procedures for a development of this size, it would generate a requirement for financial contributions to deal with additional demand on local infrastructure. The contributions requested are as follows:

Primary Education - £326,520

Secondary Education - £63,626.13

KCC Community Learning - £4,350.72

KCC Youth Service - £2,705.99

KCC Libraries - £3,457.14

KCC Social Care - £4,391.28

NHS, Swale CCG - £62,208

Open space and play facilities - £32,112

Wheelie Bins - £7,437.60

SPA mitigation (SAMMS) - £17,680.32
 Administration and Monitoring Fee – 5% of the total – £26,224.46)
 Total - £550,713.64
 Plus 1 x wheelchair adaptable home

- 8.40 The applicant has agreed to pay these contributions. Members will note that the contributions for secondary education has been reduced following KCC's original request and the request for secondary school land has been removed. These contributions were challenged by the applicant's consultant on the grounds that they did not meet the tests for planning obligations as set out in paragraph 56 of the NPPF, which for clarity are as follows:

*"a) necessary to make the development acceptable in planning terms;
 b) directly related to the development; and
 c) fairly and reasonably related in scale and kind to the development."*

- 8.41 This led to KCC reassessing the impact that this development would have upon education facilities and seeking the revised contribution as set out above. I am of the view that this meets the tests for planning obligations along with the remainder of the contributions. Furthermore, despite local concern regarding a lack of local infrastructure, I have received no objection from the relevant consultees on this basis.

- 8.42 I am also content that a Section 106 Agreement is the best mechanism for addressing the SAMM contribution (of £245.56 per dwelling), the details of which are set out under the subheading 'The Conservation of Habitats and Species Regulations 2017'.

Affordable Housing

- 8.43 Policy DM 8 of the Local Plan sets out that on the Isle of Sheppey, the affordable housing percentage sought will be 0% and the application proposes nil provision of affordable housing.

- 8.44 I do also note paragraph 64 of the NPPF which states the following:

- 8.45 *"Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership²⁹, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:*

- a) provides solely for Build to Rent homes;*
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*
- c) is proposed to be developed by people who wish to build or commission their own homes;*
or
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.*

²⁹ *As part of the overall affordable housing contribution from the site."*

- 8.46 As can be seen from footnote 29, the dwellings to be available for affordable home ownership are as part of the overall affordable housing contribution from the site. However, the Local Plan, due to the viability testing which has taken place, seeks 0% of affordable dwellings on the Isle of Sheppey. I give the Local Plan, which is area specific, a significant amount of weight. Therefore, as the overall affordable housing

contribution from the site is 0%, there is no requirement for a provision of affordable home ownership as referred to in paragraph 64 of the NPPF.

- 8.47 In addition, the NPPF reference to affordable home ownership is different from affordable housing that the Local Plan seeks developments to deliver (in circumstances where it is viable to do so) which is heavily weighted towards affordable rent.
- 8.48 I am also aware that subject to planning permission being granted, the Council has expressed an initial interest in purchasing 8 of the dwellings. These would not be secured under the terms of the Section 106 Agreement (or via a planning condition) and if this option is taken forward would be a separate matter outside of the planning process. However, if secured they would be provided as affordable housing.
- 8.49 Therefore, although the planning permission, if granted, would not secure any affordable housing, I am of the view that as the Council is the owner of a proportion of the site there is potential that 8 of the units will be able to be secured as affordable dwellings. In addition to this, there is also the possibility that by not including this within the terms of the Section 106 Agreement allows access to Central Government grant funding which would potentially accelerate this process. As such, in the circumstances I believe that the possibility has been created for the site to meet the affordable housing needs of specific groups. Although the weight I am able to give to this is heavily restricted by the fact that the planning permission will not secure any affordable units, I believe that Members should be aware of this.

The Conservation of Habitats and Species Regulations 2017

- 8.50 The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) and the Swale SPA which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 8.51 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein. The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Mods stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£245.56 per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are considered to be ecologically sound.
- 8.52 However, the recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.” The development therefore cannot be screened out of the need to provide an Appropriate Assessment (AA) solely on the basis of the agreed mitigation measures (SAMMS), and needs to progress to consideration under an AA.

- 8.53 In this regard, whilst there are likely to be impacts upon the SPAs arising from this development, the scale of development (72 dwellings within the built up area boundary with access to other recreation areas) and the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff I believe will ensure that these impacts will not be significant or long-term. However, in order to confirm this I have carried out an Appropriate Assessment and re-consulted with Natural England. Natural England have confirmed that subject to the Council securing appropriate mitigation, via the SAMMS payment, then this will prevent harmful effects on the protected sites. As set out, above, the applicant has agreed to pay the tariff and as such I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPAs.
- 8.54 Finally, it can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others. (<https://birdwise.org.uk/>).

Other Matters

- 8.55 Although a large number of the matters raised by the Parish Council and neighbouring properties have been considered as part of the discussion above, of those that remain I comment as follows. I have been made aware that there is a person residing on the site. Although this is not a planning matter I have passed this information onto the relevant department within the Council who have followed up the matter separately.
- 8.56 In respect of the comments relating to loss of views, impacts on property values and property deeds, Members will be aware that these are not material planning considerations and as such I will not elaborate further on these matter. Furthermore, I note the comment in respect of children using the site as a play area. This may be the case, however I note that there is open space provision at The Glen, which is located less than 500m away from the application site. I also note the open space contribution that the applicant has agreed to pay which will be channelled towards improving this local facility. As such, I consider the proposal acceptable in this regard.

CONCLUSION

- 8.57 Overall, I give very significant weight to the sustainable location of the site within the built area boundary. The adopted Local Plan directs development towards these areas and upon the Isle of Sheppey itself, there is clear aspiration in the Local Plan for growth within the West Sheppey Triangle, this includes the settlement of Minster-on-sea. I am of the view that the design and layout of the dwellings has been well considered and will lead to a logical and comprehensive development of what is essentially a large infill site. I believe that the layout and scale of the dwellings will not give rise to an unacceptable impact upon residential amenities and via the inclusion of conditions relation to construction management and hours that this will limit any harm to an acceptable degree.
- 8.58 I do note the comments of KCC Ecology and have considered this detail above. To summarise, the conditions recommended would minimise the harm that is caused to biodiversity. Having considered the application as a whole, I am of the view that the benefits of housing delivery in this sustainable location would outweigh this minimised harm. I also note that no objection is raised from technical consultees.

8.59 On the basis of the above, I consider that planning permission should be granted for this development subject to the conditions listed below and an appropriately worded Section 106 Agreement to include the contributions as set out in this report.

9. RECOMMENDATION - GRANT Subject to the following conditions:

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

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

- 2) The development hereby approved shall be carried out in accordance with the following drawings: 16.16.10N; 16.16.100; 16.16.101; 16.16.102; 16.16.103; 16.16.104; 16.16.105; 16.16.106; 16.16.107; 16.16.108; 16.16.109; 16.16.110; 16.16.111; 16.16.112; 16.16.113; 16.16.114; 16.16.115; 16.16.116; 16.16.117; 16.16.118; KDP/1520/18 Rev A; and KDP/1521/18 Rev A.

Reason: For clarity and in the interests of proper planning.

- 3) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 4) No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

Reason: In the interest of promoting energy efficiency and sustainable development.

- 5) The development shall be carried out in accordance with the submitted flood risk assessment (Herrington Consulting Limited, dated September 2018) and no dwelling shall be occupied until the finished floor level for all living accommodation has been set at a minimum of 4.9m AOD, and the finished floor level for all sleeping accommodation has been set at a minimum of 5.2m AOD for that dwelling.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 6) The development hereby approved shall not commence until details have been submitted to and approved in writing by the Local Planning Authority demonstrating how the development will meet the principles of 'Secure by Design'. The development shall then be completed strictly in accordance with the approved details.

Reason: In order to secure a satisfactory form of development having regard to the nature of the site.

- 7) No development shall take place until an ecological design strategy (EDS) has been submitted to and approved in writing by the local planning authority addressing:
- 1) Retention and protection of existing habitats during construction;
 - 2) Provision of ecological features.
- The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of biodiversity.

- 8) No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, together with a plan of management compartments;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) details of the body or organisation responsible for implementation of the plan;
 - h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity.

- 9) No development shall take place (including any ground works, site or vegetation clearance), until a method statement for the protection of biodiversity, including

bats, reptiles, nesting birds and hedgehogs, during vegetation clearance and construction works has been submitted to and approved in writing by the local planning authority. If two years from the submitted surveys (undertaken in June 2019) has elapsed before works commence, the Biodiversity Method Statement shall be informed by updated ecological survey(s). The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Working method, including timings, necessary to achieve stated objectives;
- c) Extent and location of proposed works shown on appropriate scale plans;
- d) Provision for species rescue;
- e) Persons responsible for implementing works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.

The works shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity.

- 10) No development shall take place until a “lighting design strategy for biodiversity” for the site has been submitted to and approved in writing by the local planning authority. The lighting strategy will:
 - a) Identify those areas/features on site that are particularly sensitive;
 - b) Show how and where external lighting will be installed in accordance with ‘Guidance Note 8 Bats and Artificial Lighting’ (Bat Conservation Trust and Institute of Lighting Professionals);
 - c) Provide for construction phase and operational phase of development.
All external lighting will be installed in accordance with the specifications and locations set out in the strategy and will be maintained thereafter in accordance with the strategy.

Reason: In the interests of enhancing biodiversity opportunities.

- 11) No dwellings hereby approved shall be occupied until the highway works indicated on drawing 16.16.10 Rev N have been carried out in accordance with a design and specification to be submitted to and approved in writing with the Local Planning Authority. The details shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of enhancing biodiversity opportunities.

- 12) Prior to the works commencing on site, details of a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority to include the following:
 1. Routing of construction and delivery vehicles to / from site;
 2. Parking and turning areas for construction and delivery vehicles and site personnel;
 3. Timing of deliveries;
 4. Provision of wheel washing facilities;
 5. Temporary traffic management / signage;
 6. Measures to minimise the production of dust on the site;
 7. Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier;
 8. Design and provision of any site hoardings;
 9. Measures to manage the production of waste and to maximise the re-use of materials.

Reason: In the interests of residential amenity and road safety.

- 13) The area shown on drawing no. 16.16.10 Rev N as car parking and turning space shall be provided before any of the dwellings are occupied and shall be retained for the use of the occupiers of, and visitors to the dwellings, and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto.

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

- 14) Pedestrian visibility splays 2m x 2m with no obstruction over 0.6 m above the access footway level shall be provided at each private vehicular access prior to it being brought into use and shall be subsequently maintained.

Reason: In the interests of highway safety.

- 15) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 16) Before the first occupation of a dwelling the following works between that dwelling and the adopted highway shall be completed as follows:
- (A) Footways and/or footpaths shall be completed, with the exception of the wearing course;
 - (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
 - (1) highway drainage, including off-site works,
 - (2) junction visibility splays,
 - (3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

- 17) Prior to the commencement of development a detailed sustainable surface water drainage scheme for the site shall be submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/of site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 18) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 19) Prior to the commencement of development the measures undertaken to divert the public sewers shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Southern Water).

Reason: To ensure the protection of the public sewers.

- 20) Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure that foul water is adequately dealt with.

- 21) 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 08:00 – 18:00 hours, Saturdays 08:00 – 13:00 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

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

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

Reason: In the interests of residential amenity.

- 23) Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway without the consent in writing of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 24) The development shall be completed strictly in accordance with details in the form of finished floor levels for all the dwellings which shall firstly have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to secure a satisfactory form of development having regard to the sloping nature of the site.

- 25) Each dwelling shall be provided with 1 electric vehicle charging point and no dwelling shall be occupied until the charging point for that dwelling has been installed.

Reason: To encourage the use of electric vehicles, in the interests of climate change and reducing pollution.

- 26) No development beyond the construction of foundations shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include means of enclosure and hard surfacing materials.

Reason: In the interests of the visual amenities of the area

- 27) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

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

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

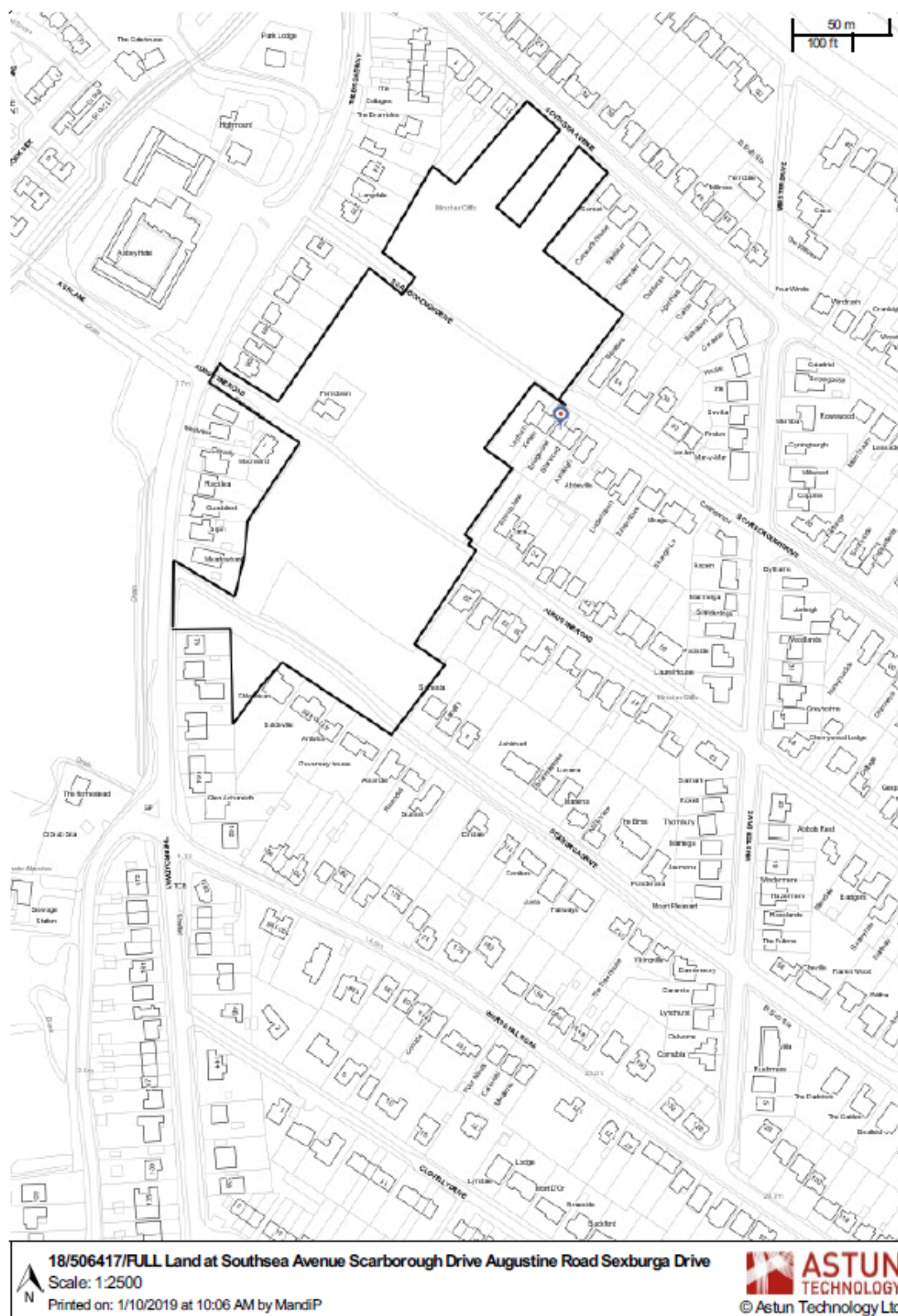
The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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

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



APPENDIX 1



Swale Borough Council Building for Life Checklist

Using this checklist

Please refer to the full Building for Life document

(<http://www.udg.org.uk/sites/default/files/publications/BFL12COMPLETED.pdf>) when assessing development proposals.

For each of the criteria and questions listed below you should provide a brief comment as to whether or not the matter has been addressed / considered fully within the submissions.

Not all developments will be able to meet all criteria. This may be due to site-specific circumstances, or matters outside of the applicant's control. In such instances applicants should explain why criteria can't be met, and officers can weight their assessment / comment accordingly.

APPENDIX 1

SITE ADDRESS: Land At Southsea Avenue, Scarborough Drive, Augustine Road, Sexburga Drive And The Broadway, Minster-on-sea
APPLICATION NO.: 18/506417/FULL

1. CONNECTIONS

ITEM	COMMENT	(SBC use) ✓/✗
1a Where should vehicles come in and out of the development?	There are a number of existing and improved access arrangements in and out of the development.	✓
1b Should there be pedestrian and cycle only routes into and through the development?	Pedestrians and cycles will use the same routes as vehicles, I consider this appropriate.	✓
1c Where should new streets be placed, could they be used to cross the development site and help create linkages across the scheme and into the existing neighbourhood and surrounding places?	The development is largely based around an existing network of streets. Due to the making up of existing highways I take the view that linkages through the scheme are appropriate and will provide additional benefits in terms of connectivity for surrounding occupiers.	✓
1d How should the new development relate to existing development?	The site is adjacent to existing development and the layout respects the surrounding pattern of dwellings.	✓

2. Facilities and services

ITEM	COMMENT	(SBC use) ✓/✗
2a Are there enough facilities and services in the local area to support the development? If not, what is needed?	The site is located within the built up area boundary, no objection received from infrastructure providers and the applicant has agreed to pay development contributions to mitigate against the increased demand.	✓
Where new facilities are proposed: 2b Are these facilities what the area needs?	No new facilities proposed.	N/A
2c Are these new facilities located in the right place? If not, where should they go?	N/A	N/A
2d Does the layout encourage walking, cycling or using public transport to reach them?	As above, the layout provides for good connectivity, residents would access existing facilities.	✓

3. Public transport

ITEM	COMMENT	(SBC use) ✓/✗
3a What can the development do to encourage more people (both existing and new residents) to use public transport more often?	The development provides good connectivity with the surrounding area giving residents the opportunity to access existing public transport.	✓
3b Where should new public transport stops be located?	N/A	N/A

4. Meeting local housing requirements

ITEM	COMMENT	(SBC use) ✓/✗
4a What types of homes, tenure and price range are needed in the area (for example, starter homes, family homes or homes for those downsizing)?	The application provides dwellings, the size of which satisfies an identified need.	✓
4b Is there a need for different types of home ownership (such as part buy and part rent) or rented properties to help people on lower	The site is within an area where affordable housing is not viable.	N/A

APPENDIX 1

incomes?		
4c Are the different types and tenures spatially integrated to create a cohesive community?	N/A	N/A

5. Character

ITEM	COMMENT	(SBC use) ✓/✗
5a How can the development be designed to have a local or distinctive identity?	The design of the dwellings is contemporary and bespoke and will in my view be distinctive.	✓
5b Are there any distinctive characteristics within the area, such as building shapes, styles, colours and materials or the character of streets and spaces that the development should draw inspiration from?	The piecemeal way in which the surrounding dwellings have been developed is reflected in the proposed layout with the staggered relationship of dwellings with the highway. The use of weatherboarding is appropriate in this coastal location.	✓

6. Working with the site and its context

ITEM	COMMENT	(SBC use) ✓/✗
6a Are there any views into or from the site that need to be carefully considered?	There are views into the site from the surrounding network of streets. The distinctive characteristic of the site is the change in land levels which has been considered in the layout of the development.	✓
6b Are there any existing trees, hedgerows or other features, such as streams that need to be carefully designed into the development?	The site is covered in scrub vegetation. Corridors of this have been retained for ecological purposes.	✓
6c Should the development keep any existing building(s) on the site? If so, how could they be used?	N/A	N/A

7. Creating well defined streets and spaces

ITEM	COMMENT	(SBC use) ✓/✗
7a Are buildings and landscaping schemes used to create enclosed streets and spaces?	The development largely continues along the established road frontages in the area which is appropriate.	✓
7b Do buildings turn corners well?	Yes, buildings upon corner plots have dual aspects.	✓
7c Do all fronts of buildings, including front doors and habitable rooms, face the street?	Where possible.	✓

8. Easy to find your way around

ITEM	COMMENT	(SBC use) ✓/✗
8a Will the development be easy to find your way around? If not, what could be done to make it easier to find your way around?	Yes, the site layout largely respects the existing street pattern.	✓
8b Are there any obvious landmarks?	No	N/A
8c Are the routes between places clear and direct?	Yes, due to the response to 8a as above.	✓

9. Streets for all

ITEM	COMMENT	(SBC use) ✓/✗
9a Are streets pedestrian friendly and are they designed to encourage cars to	The site is located within an existing residential area where I believe the majority of drivers would respect	✓

APPENDIX 1

drive slower and more carefully?	these surroundings.	
9b Are streets designed in a way that they can be used as social spaces, such as places for children to play safely or for neighbours to converse?	In general I believe that this opportunity exists.	✓

10. Car parking

ITEM	COMMENT	(SBC use) ✓/✗
10a Is there enough parking for residents and visitors?	The development provides parking provision in excess of the minimum requirements.	✓
10b Is parking positioned close to people's homes?	Yes.	✓
10c Are any parking courtyards small in size (generally no more than five properties should use a parking courtyard) and are they well overlooked by neighbouring properties?	N/A	N/A
10d Are garages well positioned so that they do not dominate the street scene?	Garages have generally been set back from the street.	✓

11. Private and public spaces

ITEM	COMMENT	(SBC use) ✓/✗
11a What types of open space should be provided within this development?	There is open space provided but for ecological purposes and will not be readily accessible. Local areas of open space will provide for the needs arising from this development.	✓
11b Is there a need for play facilities for children and teenagers? If so, is this the right place or should the developer contribute towards an existing facility in the area that could be made better?	A contribution is being made.	✓
11c How will they be looked after?	N/A	N/A

12. External storage and amenity areas

ITEM	COMMENT	(SBC use) ✓/✗
12a Is storage for bins and recycling items fully integrated, so that these items are less likely to be left on the street?	Yes – all properties have private amenity space for bin storage.	✓
12b Is access to cycle and other vehicle storage convenient and secure?	Yes – the large plots mean that access is convenient and secure.	✓

2.9 REFERENCE NO - 19/502925/FULL		
APPLICATION PROPOSAL Variation of conditions 14 (opening hours) and 15 (delivery hours) to application 15/510051/FULL to enable the laundry business to be able to operate more flexibly to meet customer needs and in a manner as prior to the fire in June 2013.		
ADDRESS Faversham Laundry 29 Ashford Road Faversham Kent ME13 8XN		
RECOMMENDATION Approval subject to conditions and the signing of a deed of variation to the S106 agreement signed pursuant to 15/510051/FULL		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed variations of the conditions 14 and 15 of planning permission reference 15/510051/FULL would not result in any harmful impact to neighbouring amenity, highways safety or nearby heritage assets.		
REASON FOR REFERRAL TO COMMITTEE Faversham Town Council Objection		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Richard Cope AGENT DHA Planning
DECISION DUE DATE 17/10/2019	PUBLICITY EXPIRY DATE 29/07/19	

Planning History

15/510051/FULL - Retrospective planning application for the retention of the existing laundry building in its as-built condition. Members will note that the decision notice is attached.
 Approved Decision Date: 21.03.2019

SW/14/0582 - Variation to condition 30 (hours of operation) of approved SW/13/1075.
 Refused Decision Date: 29.11.2016

SW/13/1075 - Reconstruction of industrial premises following demolition due to serious fire.
 Approved Decision Date: 20.12.2013

SW/11/0951 - Extension of commercial yard for car parking with associated boundary treatment.
 Approved Decision Date: 30.09.2011

SW/10/1162 - Extension of existing commercial yard and the erection of a retaining wall and a fence with proposed planting and hedging for provision of a car parking area
 Refused Decision Date: 12.11.2010

SW/00/1064 - Erect single storey extension to laundry.
 Approved Decision Date: 22.12.2000

Members will also note that there is currently an application ref 16/508602/OUT for up to 250 dwellings (with all matters other than access reserved for subsequent consideration) on the Preston Fields site located immediately to the east. Members resolved to approve the

development at the Planning Committee on 01/03/2018 subject to the signing of a suitably-worded Section 106 agreement, which is currently under negotiation.

On the land immediately to the north of the laundry site , adjoining 9 Ashford Road and Orchard Cottage (two grade II Listed buildings) Members should note that a small development of 9 houses is currently under construction ,granted permission in February 2018 under Ref 17/502521/FULL.

1. DESCRIPTION OF SITE

- 1.1 The application site is Faversham Laundry Services, 29 Ashford Road in Faversham. It is located to the south of Canterbury Road and immediately to the east of Ashford Road. To the north it shares a common boundary with no. 1 Orchard Cottages (formerly known as 9 Canterbury Road). Orchard Cottage and no.1 Orchard Cottage lie to the north of the site and are listed buildings. To the west the site shares common boundary with 31, 33 and 35 Ashford Road, whilst to the south the site shares common boundary with no. 35 Ashford Road and a field. The residential gardens of no. 31 and 33 back onto the west elevation of the laundry building. The site adjoins the Faversham Conservation area, and is located within the countryside.
- 1.2 The application site has an irregular shape, and narrows in width towards the rear, and has an area of approximately 0.3614 ha (or 0.8930 acres). The site is accessed via an access track taken from Ashford Road, which runs along the northern (side) boundary of no. 31 Ashford Road. The plot is occupied by a rectangular shaped building that has its western elevation approximately 3m from common boundary with the rear garden of no. 31 and 33 Ashford Road. The southern elevation of the building is located approximately 2m from common boundary with no. 35, and an adjoining field. Along the northern boundary of the site there is a 4m acoustic fence, which reduces to a 1.8m high fence at the eastern end of the northern boundary, close to a cycle shelter and car park located to the rear of the laundry building. There are differences in land levels between the laundry site and adjoining neighbour to the north, with the adjoining land being at lower land levels than the laundry site.
- 1.3 The provision of the acoustic fencing and ivy planting along the northern boundary formed part of the proposals under 15/510051/FULL and is controlled by condition (8) of 15/510051/FULL
- 1.4 The original, purpose-built laundry building was demolished following a fire in June 2013 (which was not subject to a planning permission or any of the attendant restrictions on matters such as operating hours), and a new building was built following the grant of planning permission in December 2013 under ref SW/13/1075 for a replacement laundry building. The Laundry employs a total of 100 staff (50 at any one time), and the business received funding from the Government to help with its reconstruction.

2. PROPOSAL

- 2.1 The application seeks to vary condition (14) (regarding opening hours) and condition (15) (regarding delivery hours) of planning consent 15/510051/FULL to enable the laundry business to be able to operate more flexibly to meet customer needs in a manner prior to the fire in 2013.

2.2 The existing conditions are as follows;

Condition (14): *'The use of the premises hereby permitted shall be restricted to the hours of 7 am to 10.30 pm on weekdays, 7 am to 4.30 pm on Saturdays and 7am to 8.30pm on Bank Holidays. The use shall not operate on Sundays unless for planned maintenance that has been agreed in writing by the Local Planning Authority.'*

Reason: In the interests of the amenities of the area.'

Condition (15): *'Deliveries (or other vehicle movements to and from the site) shall only take place between 4.00am and 10.30pm Monday to Friday, 4.00am to 1200 noon on Saturdays, and between 4am and 2.30pm on Bank Holidays; and no more than a total of four lorry movements shall take place between 4am and 7.00am and between 7.00pm and 10.30 pm on any day. No deliveries shall take place on Sundays.'*

Reason: In the interests of the amenities of the in full.'

2.3 It is proposed to vary condition (14) as follows;

Condition (14): *'The use of the premises hereby permitted shall be restricted to the hours of 7 am to 10.30 pm on weekdays, 7 am to 4.30 pm on Saturdays and 7am to 10.30pm on Bank Holidays. The use shall not operate on Sundays unless for planned maintenance that has been agreed in writing by the Local Planning Authority, accept for a limited number of Sundays in July and August as agreed beforehand with the Local Planning Authority.'*

2.4 The proposed variation of condition (14) would allow the use of the premises to operate until 10.30pm on Bank Holidays, rather than 8.30pm as set out in the existing condition. The proposed variation would also allow the business to operate on a limited number of Sundays in July and August, the specific dates/number of Sundays would be agreed beforehand in writing with the Local Planning Authority. The current condition does not allow the business to operate on Sundays, other than for planned maintenance which would be agreed in writing by the Local Planning Authority.

2.5 It is proposed to vary condition (15) as follows;

Condition 15: *'Deliveries shall only take place between 4.00am and 10.30pm Monday to Friday, 4.00am to 1200 noon on Saturdays, and between 4.00am and 2.30pm on Bank Holidays; and no more than a total of five lorry movements shall take place between 4.00am and 7.00am and between 7.00pm and 10.30 pm on any day. No deliveries shall take place on Sundays.'*

2.6 The proposed variation of condition (15) is with regard to traffic movements to and from the site. With regard to lorries undertaking deliveries the condition currently restricts lorries to a total of four movements in the period between 4.00am and 7.00am and between 7.00pm and 10.30 pm on any day , the proposed variation would extend this to five movements.

2.7 The existing condition (15) also restricts 'deliveries (or other vehicle movements to and from the site) between 4.00am and 10.30pm Monday to Friday, 4.00am to 1200 noon on Saturdays, and between 4am and 2.30pm on Bank Holidays'. The proposal seeks to remove the reference to 'or other vehicle movements to and from the site'

from the condition wording and is noted to allow staff to enter/exit the site outside of these times. The proposed variation would not alter when deliveries can take place.

3. SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.3614 ha	0.3614 ha	-
Approximate Ridge Height (m)	8.8m	8.8m	-
Approximate Eaves Height (m)	7.04m	7.04m	-
Approximate Depth (m)	68m	68m	-
Approximate Width (m)	28m	28m	-
No. of Storeys	2	2	-
Net Floor Area	-	-	-
Parking Spaces	26	26	-

4. PLANNING CONSTRAINTS

- 4.1 Adjacent to Faversham Conservation Area
- 4.2 There are listed buildings to the north of the site (Orchard cottages - and formerly known as nos.9 and 11 Ashford Road)
- 4.3 Countryside location as defined in the Swale Borough Local Plan “Bearing Fruits” 2031

5. POLICY AND CONSIDERATIONS

- 5.1 The National Planning Policy Framework (NPPF): Paragraphs 8 (sustainable development); 11 (the presumption in favour of sustainable development); 80-82 (building a strong, competitive economy); 127 and 130 (good design); 170 (enhance the natural and local environment); 180 (living conditions including noise); and 192 and 193 (impact on heritage assets) are relevant to this proposal
- 5.2 Swale Borough Local Plan “Bearing Fruits” 2031 – ST1 (sustainable development), ST2 (targets for homes and jobs), ST4 (meeting local plan development targets), CP2 (sustainable transport), DM6 (managing transport demand and impact), DM14 (general development criteria), DM32 (Development Involving Listed buildings), DM 33 (Development Affecting a Conservation Area), and DM34 (Archaeological sites).

6. LOCAL REPRESENTATIONS

- 6.1 One representation neither objecting nor supporting the application from a neighbour at 35 Ashford Road has been received. The content is summarised as follows:
 - Concerns regarding a condenser pipe (which the representation notes is an environmental issue rather than planning) are being actively resolved by the applicant. The condenser pipe makes a loud intermittent noise due to a fault and a solution is being looked into.
 - If not rectified, it would represent a harmful noise impact as it is close to bedroom window. As such, they raise no objection subject to a note that the condenser pipe issue is resolved within a 6-month timeframe.

7. CONSULTATIONS

7.1 Faversham Town Council object (23/07/2019) for the following reasons;

- 1) The original reasons for the restrictions to opening hours still stand,*
- 2) Additional housing is planned in the vicinity and the future residents of these properties need protecting.*
- 3) Planning for Preston Fields is still undecided. If planning permission is granted, the entire laundry would be surrounded by residential properties. This is predominantly a residential area not industrial.*

7.2 KCC Highways and Transportation (21.06.2019) advise that this development does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

7.3 Mid Kent Environmental Protection (08/07/2019) raise no objection to the application. The proposal would be for a minor variation to the existing planning conditions that will facilitate a more flexible working of the business. In view of the previously required noise mitigation works including the provision of an acoustic grade fence on the northern boundary of the site, no objection is raised.

8. BACKGROUND PAPERS AND PLANS

8.1 The application has been supported by an application form and Planning Statement.

9. APPRAISAL

9.1 The main considerations in the determination of this planning application are the impact on the surrounding residential amenity, highway implications, and the impact on the setting of the listed buildings and the special character of the conservation area. The principle of development has been established under planning consent 15/510051/FULL, and the proposal seeks to vary two planning conditions of this consent.

Residential Amenity

9.2 As part of the previous application measures were included to ensure the impact upon neighbouring properties was minimised. This included insulation of the external walls and roof to minimise noise emissions from the building, ventilation and flues which were carefully designed to minimise noise impact on neighbours. A 4m high acoustic fence (which decreases to 1.8m high at rear end of the site) along the common boundary with neighbours at Orchard Cottages (formerly known as 9 and 11 Ashford Road) was required by condition, and it was considered that an acoustic fence of this height is sufficient to reduce the noise breakout and deflect a significant amount of the noise. This acoustic fence is now in place as per the requirements of condition 8 of 15/510051/FULL. As outlined within the report for this application, the Environmental Protection Team Leader confirmed that these measures were acceptable.

- 9.3 The previous application concluded that the main reasons of objection had been overcome, (these mainly being the noise impact suffered by neighbours as a result of operations within the building, and vehicles going in and out of the site) from the sound insulation measures, acoustic fence and hours of operation, and as such it was considered that any noise impact that may be caused to neighbours (Orchard Cottages - nos. 9 and 11 Ashford Road in particular) would be mitigated to acceptable levels and will not harm the living conditions of these neighbouring properties.
- 9.4 It must therefore be considered whether the proposed variation to conditions (14) and (15) would result in any significant harmful impact to neighbouring properties.
- 9.5 The proposed variation of condition (14) would extend the use of the premises by a further two hours until 10.30pm on Bank Holidays and would bring it in line with the hours of use on weekdays. The proposed variation of condition (14) would also allow the use of the business on a limited numbers of Sundays in July and August which would have to be agreed beforehand with the Local Planning Authority. The supporting information notes that there is demand for longer opening hours on Bank Holidays as these are often the busiest times for the laundry businesses. The supporting information also notes that use of the business on a Sunday would be as a contingency measure for example in the event of a mechanical break-down/power failure at the Laundry or event beyond the control of the laundry. It is proposed that in the event Sunday working is necessary in July/August then the company would give written notice to the Council in advance as far as reasonably practicable and this would need to be agreed by the Local Planning Authority.
- 9.6 With regard to the impact upon neighbouring properties, it is considered that the existing noise mitigation measures including the insulation and acoustic fencing are sufficient to ensure neighbours maintain a suitable level of residential amenity. As such, the increased length of operation by two hours on Bank Holidays and limited Sunday use as a contingency measure are not considered to have a harmful impact upon neighbouring properties. It should be noted that Mid Kent Environmental Protection raise no objection to the minor variation to the existing planning conditions taking into account the previously required noise mitigation works.
- 9.7 The proposed variation of condition (15) would allow the increase in the number of lorry movements from four to five in the period between 4.00am and 7.00am and between 7.00pm and 10.30 pm on any day. The supporting information outlines this is required because on three days a fortnight, the laundry requires the use of a fifth delivery goods vehicle to service channel port ferries and therefore requires the flexibility to accommodate this. The proposal would not alter the part of the condition which limits the timing of lorry movements. Taking this into account, and the existing mitigation measures such as the acoustic fence it is not considered that this minor variation of condition (15) would materially harm neighbouring properties.
- 9.8 The other part of the proposed variation of condition (15) would allow vehicular movements (other than deliveries and lorries which would remain controlled) to and from the site outside of the times in the condition. This is primarily to enable staff to be able to enter/exit the site when the business is in use, but falls outside of the delivery times. For example the hours of operation for the laundry are 7 am to 4.30 pm on Saturdays, and the current condition restricts vehicular movements between 4am to 12:00 noon on Saturdays, therefore laundry staff could not leave the site in a vehicle

between 12:00-16.30. It is considered that the removal of this wording of the condition is a pragmatic approach to ensure staff can park within the staff car park, and not on the public highway. It is considered that as deliveries and lorries would remain controlled by the condition and the existing noise mitigation measures in place, that neighbours would not be unduly harmed from vehicular movements to the site. It should be noted that Mid Kent Environmental Protection raise no objection to the minor variation to the existing planning conditions taking into account the previously required noise mitigation works.

- 9.9 Therefore taking into account the above, it is considered that the proposed variation of conditions (14) and (15) would not result in any significant harmful increase in terms of noise and disturbance than existing, which was noted to have an acceptable impact upon neighbouring properties. As such, it is considered that the impact on neighbouring properties is acceptable.
- 9.10 A neighbouring property has raised a concern about a faulty condenser pipe which controls steam. Steam venting does not fall within the planning remit and the neighbour representation notes that this is an Environmental Health consideration and it would be covered by the Environmental Protection Act 1990. An informative will be included in the event of an approval reminding the applicant to address this neighbouring concern.

Highways Impact

- 9.11 The proposed variation of conditions (14) and (15) would not alter the existing access arrangements and the previous report outlines the existing access is acceptable and sight lines for vehicles leaving and entering the site are standard. There is existing car parking at the rear of the site including a turning area, and a cycle shelter controlled by condition. It is not considered that the variation of conditions would result in a significant increase in vehicular movements to the site and would allow for flexible working arrangements for the laundry rather than an expansion of the business. As such there is no objection to the variation of conditions of highways grounds.

Design, Visual Impact and Impact on the setting of the listed buildings and conservation area.

- 9.12 The site lies in a sensitive location adjacent to the boundary of the designated Faversham Conservation area and is within the setting of two grade II listed properties (Orchard Cottages). It is therefore important to consider whether the proposed variation of conditions would have a detrimental impact on these heritage assets.
- 9.13 The previous approval included a screen to minimise the visual impact of the laundry building. As such an acoustic fence with ivy planting on the northern side was agreed to create a living fence details of which were secured by both a planning condition and legal agreement to secure the provision of the acoustic fence and ivy planting, and to guarantee access across third party land to allow regular maintenance of the fencing and planting. This living-green acoustic fence has been erected, and will be controlled through planning conditions and a deed of variation for the legal agreement.
- 9.14 The Conservation and Design Manager has raised no objection to the proposal. It is considered that the proposed variation in conditions is minor and the difference in

proposed operating times and intensity is not significantly different. As such the Conservation and Design Manager considers the proposal would result in only a very marginal decrease in the planned re-created orchard setting for the listed buildings to the north of the site (Orchard Cottages), within that part of the Faversham Conservation in which they sit. Therefore it is not considered the variation in condition would result in any harm in terms of visual impact, and would not result in a harmful impact on the setting of listed buildings or conservation area.

10. CONCLUSION

- 10.1 The application site is an established employment site occupied by the Faversham Laundry business for a long time, and certainly prior to the creation of the planning system (the Town and Country Planning Act in 1947). The proposed variations of condition (14) and (15) are proposed to enable the laundry business to be able to operate more flexibly to meet customer needs and in a manner prior to the fire in June 2013.
- 10.2 The noise insulation of the building was improved during the previous application, and an acoustic fence has been erected to further ameliorate noise from activities associated with this site. The previous application concluded that the hours of operations, vehicular movements and noise mitigation measures ensured there would not be any significant harm to neighbouring properties. The proposed variations in terms of opening hours and delivery arrangements are minor in nature, and taking into account the existing noise mitigation measures it is not considered that these variations would materially harm neighbouring properties.
- 10.3 Nor are the minor variations considered to cause any harm in terms of highways impact or impact upon listed buildings and the conservation area.
- 10.4 The previous application was approved subject to the completion of a Legal Agreement to secure the provision and future maintenance of the acoustic fence and ivy planting, and subject to conditions. It is considered that a deed of variation of the existing S.106 legal agreement (signed pursuant to 15/150051/FULL) will also be required to reflect the new planning consent to ensure the future maintenance of the acoustic fence and ivy planting.
- 10.5 The proposed variation of conditions (14) and (15) would in effect create a new planning permission. As such the relevant conditions of the previous approval 15/510051/FULL will be carried over to this new consent.

11. RECOMMENDATION

GRANT Subject to the signing of a deed of variation of the Legal Agreement (signed pursuant to 15/150051/FULL) to secure the provision and maintenance of the acoustic fence and ivy planting, access to third party and for maintenance, and to the following conditions:

CONDITIONS to include

1. The development hereby approved shall be carried out and maintained in accordance with the following:
 - INF/3540/3 C (elevation drawing), and amended drawing nos. INF - 3540-2

Rev D (boundary treatment); INF-3540-1 Rev C (site plan)

- Brochure of Jakoustic barrier,
- Ivy Planting and maintenance schedule,
- Acoustic Report prepared by Sharps Gayler and dated 10 February 2017,
- Drainage details received by the Council on 17.01.20.17.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The external finishing materials incorporated into the development shall be maintained in accordance with the approved details.

Reason: In the interest of visual amenity and the special character and appearance of the Faversham conservation area and the setting of the listed building.

3. The renewable sustainable techniques (as specified on elevation drawing no. INF/3540/3 C - elevation drawing), hereby incorporated into the development shall be maintained in accordance with the approved details.

Reason: In the interest of promoting energy efficiency and sustainable development

4. All mechanical ventilation system incorporated into the development shall be maintained and operated in a manner that prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Reason: In the interests of residential amenity

5. All dust or fume extraction or filtration equipment, or air conditioning, heating or ventilation equipment shall be as incorporated into the development and shall be maintained in accordance with the approved details

Reason: To safeguard the amenities of nearby residential properties

6. The method of disposal of foul and surface waters incorporated into the development shall be maintained in accordance with the approved details.

Reason: In order to prevent pollution of water supplies

7. The scheme of soundproofing incorporated into the construction of the building shall be maintained as approved

Reason: In the interests of local amenity

8. The acoustic fence and ivy planting shall be carried out in accordance with the details specified on amended drawing nos. INF - 3540-2 Rev D (boundary treatment) and INF-3540-1 Rev C (site plan), and shall be maintained in accordance with the approved maintenance schedule (JB Landscape letter dated 14/2/17).

Reason: In the interests of the visual amenities of the area

9. Upon completion of the approved landscaping scheme (as detailed on amended

drawing no. INF/3540/1 rev C and elsewhere, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area.

10. Notwithstanding the landscaping detail shown on amended drawing no. INF/3540/1 rev C and elsewhere, a landscaping scheme for the car parking area shall be submitted to and approved in writing within 1 month from the date of this planning permission, and the scheme shall be implemented within 1 month from the date of approval of such detail. Any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area.

11. The floodlighting, security lighting and external lighting installed or operated at the site, shall be maintained in accordance with the approved details (specified on INF/3540/3 C (elevation drawing)).

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

12. The area shown on the submitted site plan for loading, off-loading and vehicle parking space shall be maintained as approved and no permanent development 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.

Reason: Development without provision of adequate space for the loading, offloading and parking of vehicles is likely to lead to parking inconvenience to other road users and be detrimental to highway safety and amenity.

13. The cycle shelters hereby approved shall be maintained in accordance with the approved details.

Reason: In the interests of ensuring that proper provision is made for cycle parking.

14. The use of the premises hereby permitted shall be restricted to the hours of 7 am to 10.30 pm on weekdays, 7 am to 4.30 pm on Saturdays and 7am to 10.30pm on Bank Holidays. The use shall not operate on Sundays unless for planned maintenance that has been agreed in writing by the Local Planning Authority, accept for a limited number of Sundays in July and August as agreed beforehand with the Local Planning Authority.

Reason: In the interests of the amenities of the area.

15. Deliveries shall only take place between 4.00am and 10.30pm Monday to Friday, 4.00am to 1200 noon on Saturdays, and between 4.00am and 2.30pm on Bank

Holidays; and no more than a total of five lorry movements shall take place between 4.00am and 7.00am and between 7.00pm and 10.30 pm on any day. No deliveries shall take place on Sundays.

Reason: In the interests of the amenities of the area.

16. The roller shutter doors shall be kept closed except for when vehicles need to pass in or out of the building.

Reason: In the interests of the amenities of the area

INFORMATIVES

1. The applicant is reminded of the requirement to comply with conditions 4 and 5 of this consent. Steam venting falls outside the planning remit, but is covered by Environmental Health legislation, and the applicant should ensure any faulty equipment is fixed and thereafter maintained.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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

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



APPENDIX A

Mr Richard Cope
C/O Bedfords Surveyors Ltd
62 London Road
Maidstone
Kent
ME16 8QL



21 March 2019

PLANNING DECISION NOTICE

APPLICANT:	Mr Richard Cope
DEVELOPMENT TYPE:	All other minor development
APPLICATION REFERENCE:	15/510051/FULL
PROPOSAL:	Retrospective planning application for the retention of the existing laundry building in its as-built condition
ADDRESS:	29 Ashford Road Faversham Kent ME13 8XN

The Council hereby **GRANTS** planning permission subject to the following Condition(s):

1. The development hereby approved shall be carried out and maintained in accordance with the following:
 - o INF/3540/3 C (elevation drawing), and amended drawing nos. INF - 3540-2 Rev D (boundary treatment); INF-3540-1 Rev C (site plan)
 - o Brochure of Jakoustic barrier,
 - o Ivy Planting and maintenance schedule,
 - o Acoustic Report prepared by Sharps Gayler and dated 10 February 2017,
 - o Drainage details received by the Council on 17.01.20.17.

Reason: For the avoidance of doubt and in the interests of proper planning.

MKPS – Working in Partnership with: Swale Borough Council
Please Note: All planning related correspondence for SBC should be sent to:
Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JQ
Email: planningsupport@midkent.gov.uk
Access planning services online at: www.swale.gov.uk or submit an application via
www.planningportal.gov.uk

APPENDIX A

2. The external finishing materials incorporated into the development shall be maintained in accordance with the approved details.

Reason: In the interest of visual amenity and the special character and appearance of the Faversham conservation area and the setting of the listed building.

3. The renewable sustainable techniques (as specified on elevation drawing no. INF/3540/3 C - elevation drawing), hereby incorporated into the development shall be maintained in accordance with the approved details.

Reason: In the interest of promoting energy efficiency and sustainable development

4. All mechanical ventilation system incorporated into the development shall be maintained and operated in a manner that prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Reason: In the interests of residential amenity

5. All dust or fume extraction or filtration equipment, or air conditioning, heating or ventilation equipment shall be as incorporated into the development and shall be maintained in accordance with the approved details.

Reason: To safeguard the amenities of nearby residential properties

6. The method of disposal of foul and surface waters incorporated into the development shall be maintained in accordance with the approved details.

Reason: In order to prevent pollution of water supplies

7. The scheme of soundproofing incorporated into the construction of the building shall be maintained as approved.

Reason: In the interests of local amenity

8. The acoustic fence and ivy planting shall be carried out in accordance with the details specified on amended drawing nos. INF - 3540-2 Rev D (boundary treatment) and INF-3540-1 Rev C (site plan), and such works shall be carried out within 2 months from the date of this planning permission, and shall thereafter be maintained in accordance with the approved maintenance schedule (JB Landscape letter dated 14/2/17).

Reason: In the interests of the visual amenities of the area

9. Upon completion of the approved landscaping scheme (as detailed on amended drawing no. INF/3540/1 rev C and elsewhere, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

APPENDIX A

Reason: In the interests of the visual amenities of the area.

10. Notwithstanding the landscaping detail shown on amended drawing no. INF/3540/1 rev C and elsewhere, a landscaping scheme for the car parking area shall be submitted to and approved in writing within 1 month from the date of this planning permission, and the scheme shall be implemented within 1 month from the date of approval of such detail. Any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area.

11. The floodlighting, security lighting and external lighting installed or operated at the site, shall be maintained in accordance with the approved details (specified on INF/3540/3 C (elevation drawing)).

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

12. The area shown on the submitted site plan for loading, off-loading and vehicle parking space shall be maintained as approved and no permanent development 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.

Reason: Development without provision of adequate space for the loading, offloading and parking of vehicles is likely to lead to parking inconvenience to other road users and be detrimental to highway safety and amenity.

13. The cycle shelters hereby approved shall be maintained in accordance with the approved details.

Reason: In the interests of ensuring that proper provision is made for cycle parking.

14. The use of the premises hereby permitted shall be restricted to the hours of 7 am to 10.30 pm on weekdays, 7 am to 4.30 pm on Saturdays and 7am to 8.30pm on Bank Holidays. The use shall not operate on Sundays unless for planned maintenance that has been agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the area.

15. Deliveries (or other vehicle movements to and from the site) shall only take place between 4.00am and 10.30pm Monday to Friday, 4.00am to 1200 noon on Saturdays, and between 4am and 2.30pm on Bank Holidays; and no more than a total of four lorry movements shall take place between 4am and 7.00am and between 7.00pm and 10.30 pm on any day. No deliveries shall take place on Sundays.

Reason: In the interests of the amenities of the in full.

APPENDIX A

16. The operating hours and hours of delivery detailed herein under condition 14 and 15 shall only be operational after the acoustic fence and ivy planting have been implemented

Reason: In the interests of the amenities of the area.

17. The roller shutter doors shall be kept closed except for when vehicles need to pass in or out of the building.

Reason: In the interests of the amenities of the area

Informative(s):

- (1) This permission is also subject to an agreement under Section 106 of the Town and Country Planning Act 1990.

The Council's approach to this application:

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

- o Where possible, suggesting solutions to secure a successful outcome.
- o As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance, the applicant/agent was advised of changes required to the application and these were agreed and the application was amended.



James Freeman
Head of Planning Services
Swale Borough Council

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

PLANNING COMMITTEE – 10 October 2019**PART 3**

Report of the Head of Planning

PART 3Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 19/503793/FULL		
APPLICATION PROPOSAL Erection of two storey rear and side extension and single storey side entrance lobby with associated new site access path.		
ADDRESS 6 The Broadway Minster-on-sea Sheerness Kent ME12 2RN		
RECOMMENDATION Refuse		
SUMMARY OF REASONS FOR REFUSAL The two storey rear and side extension would have a detrimental impact upon residential amenity at neighbouring dwelling, No. 4 The Broadway by virtue of its excessive scale and positioning.		
REASON FOR REFERRAL TO COMMITTEE Minster Parish Council support application		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Hillton Dentistry AGENT Richard Baker Partnership
DECISION DUE DATE 02/10/19		PUBLICITY EXPIRY DATE 04/09/19

Planning History

SW/94/0134

Change of use of first floor from residential to surgery use

Grant of Conditional PP Decision Date: 28.03.1994

SW/93/1011

Use of first floor as clinic/surgery, including external stair to side

Refused Decision Date: 04.01.1994

SW/89/0616

Change of use of existing house to doctor/dentist surgery with flat over

Grant of Conditional PP Decision Date: 30.05.1989

SW/89/0030

Erection of veterinary surgery

Grant of Conditional PP Decision Date: 28.02.1989

SW/88/1783

Erect of small branch veterinary surgery in the garden of no 6

Withdrawn Decision Date: 21.12.1988

SW/86/1305

Outline application for one detached dwelling

Refused Decision Date: 21.01.1987

1. DESCRIPTION OF SITE

- 1.1 No. 6 The Broadway is a two storey semi detached building in D1 use, currently occupied by a dentist surgery. Attached building, No. 6A, is currently in use as a veterinary surgery. The building has a small garden to the front, and a car park to the rear, that is shared with No. 6A and is accessed from the driveway to the north of No. 6A. There is a detached bungalow to the south of the site and opposite lies a parade of shops along The Broadway, although I note the surrounding area is mainly residential in nature.

2. PROPOSAL

- 2.1 This application seeks planning permission for the erection of a small single storey side extension and a two storey rear and side extension. The side extension will be located to the south of the building and will have a footprint of 3.3m x 2.1m, with a mono pitch roof with an eaves height of 2.8m and a ridge height of 4.6m. It will provide a new entrance to the building, and the existing entrance in the front elevation will be replaced with a window.
- 2.2 The two storey rear and side extension will measure between 7.6m – 7.8m in length and 5.3m in width. The extension will have a hipped roof and will have an eaves height of 5.8m (matching the eaves height on the existing building) and a ridge height of 8m (0.4m lower than the ridge height on the existing building). The extension will allow the creation of a wheelchair accessible ground floor, larger surgeries, filing room and decontamination room on the ground floor, and an additional surgery and larger staff room on the first floor.
- 2.3 The application form confirms that the proposal will result in the loss of three parking spaces at the rear of the site, resulting in the property having four remaining off-street parking spaces.

3. PLANNING CONSTRAINTS

- 3.1 None

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- 4.2 Policies CP1, CP4, DM14 and DM16 of Bearing Fruits 2031: The Swale Borough Local Plan 2017
- 4.3 The Council's adopted Supplementary Planning Guidance (SPG) entitled 'Designing an Extension: A Guide for Householders'

5. LOCAL REPRESENTATIONS

- 5.1 Four objections have been received. I will summarise their contents below:
- There are major problems with traffic flow and parking in this area - the extension

to the building will bring in more clients, therefore there will be more need for parking.

- The proposed extension will severely compromise parking which is already a problem for both businesses (dentist and vets). The plans do not show clearly where other cars would park (vet surgery) and there would not be enough space for 4x car park spaces as well as maneuvering safely and getting past spaces held by the vets.
- Drawings do not seem to be to 'true' scale and reflect the true building size or planned works in relation to the adjacent building.
- Proposal is doubling the original building this would also then block light to the external window of 6a The Broadway and local residents' gardens.
- A development of the proposed size should take place in a different site which can accommodate a larger building.

6. CONSULTATIONS

6.1 Environmental Health – No comments or observations to make.

6.2 KCC Highways – *“The proposal offers one net additional consulting room, with a loss of existing on-site parking spaces. An important consideration in this case is the location of the facility, taking into account its accessibility by public transport, the adjacent on-street parking bays, parking restrictions in effect along this section of The Broadway and available on-street parking capacity in the nearby Saxon and Noreen Avenues for busier periods. Having therefore considered the development proposals and the effect on the highway network, I raise no objection on behalf of the local highway authority.”*

6.3 Minster Parish Council support the application subject to adequate parking being in place.

7. BACKGROUND PAPERS AND PLANS

7.1 Plans and documents relating to application 19/503793/FULL.

8. APPRAISAL

Principle of Development

8.1 The site falls within the built up area boundary of Minster where the principle of development is accepted. Furthermore, policy CP1 supports the growth of existing businesses and I consider the proposal (which will provide the dentist surgery with additional floorspace) is in broad compliance with this policy.

Visual Impact

8.2 When viewed from The Broadway, the proposal will not change the appearance of the property significantly. The side extension that will provide a new entrance to the building is minimal in scale, and I consider it would sit comfortably on the property. The rear and side extension will effectively double the footprint of the building, although due to the location of this extension, the full extent of this element of the proposal will only be visible from the rear and sides of the site. Taking into account the structure will have a hipped roof similar to the one on the main building and matching materials will be used in the construction of the extension, whilst the scale of the extension is large, due to its

location at the rear of the site, I do not consider it will cause significant harm to the character and appearance of the building itself, or the wider area.

Residential Amenity

- 8.3 The main properties that will be impacted by the proposal are those either side of the site and the property to the rear. Firstly considering the impact to No. 4 to the south of the site, the proposed single storey side extension will project up to the common boundary with No. 4. However taking into account its limited scale (its maximum height will be 4.6m), I do not consider it will have any unacceptable impacts upon residential amenity at this property. The two storey rear and side extension will project approximately 5m rearwards of No. 4. The Council's adopted SPG states that for two storey rear extensions close to the common boundary, the maximum projection allowed is 1.8m. I note there will be a gap of 1.2m between the extension and the common boundary, and No. 4 is set a further 3.3m away. However, even when taking into account the separation distance, I have serious concerns regarding the impact this 5m projection will have upon this neighbouring property, especially when taking into account No. 4 is a shallow roofed bungalow. I believe the proposal will have a significantly harmful overbearing impact on this neighbouring property and its private amenity space which will be detrimental to the residential amenity of the occupiers of this property. I take the view this harmful impact will amount to a reason for refusal.
- 8.4 The attached property, No. 6A is occupied by a veterinary practice. The rear extension will project 5.3m past the rear wall of this property, and there will be a gap of 3.6m between the extension and No. 6A. Taking into account this neighbouring property is not in residential use, whilst the extension will have some impact by virtue of an overshadowing and overbearing impact, I do not consider it would amount to a reason to refusal in this case given the commercial use of the building.
- 8.5 The proposed two storey rear and side extension will lie roughly 10m from the rear boundary of the site which is shared with St. Kilda, Saxon Avenue (a detached bungalow) and approximately 17m at an angle from the rear elevation of this neighbouring dwelling. Taking into account these separation distances, I do not consider the proposal will have any significant impacts to residential amenity at this property.

Highways

- 8.6 The proposal will reduce the number of parking spaces at the rear of the site from seven spaces to four spaces. KCC Highways have been consulted on the application and raise no objection to this loss of parking, due to the availability of parking bays on The Broadway, unrestricted on-street parking in nearby Saxon and Noreen Avenues and the close proximity of public transport links. Therefore, whilst I acknowledge the concern raised by objectors regarding the loss of parking to the rear of the site, I do not consider the scheme will be unacceptable from a highways perspective.

9. CONCLUSION

- 9.1 The development will be acceptable with regard to visual amenities and highway safety and convenience. However due to the scale and positioning of the proposal, it will have a significantly harmful overshadowing and overbearing impact upon neighbouring

dwelling No. 4, which will be detrimental to the amenity of its occupiers. I therefore recommend planning permission be refused.

10. RECOMMENDATION - Refuse for the following reason:

- (1) The proposed rear and side two storey extension, by virtue of its excessive scale and positioning would amount to an oppressive and overbearing structure that would give rise to a loss of outlook and would therefore have an adverse impact on the residential amenity of the occupiers of No. 4 The Broadway. The proposal would therefore be contrary to policies CP4, DM14 and DM16 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017" and the Council's adopted Supplementary Planning Guidance entitled "Designing an Extension: A Guide for Householders".

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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

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



PLANNING COMMITTEE – 10 OCTOBER 2019

PART 5

Report of the Head of Planning

PART 5

Decisions by County Council and Secretary of State, reported for information

- **Item 5.1 – 10 The Moorings, Conyer, Teynham**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

Full support for the Council's decision.

- **Item 5.2 – Greenways, Tunstall**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

Full support for the Council's decision

- **Item 5.3 – 1 Florence Cottages, Bogle Lane, Lynsted**

APPEAL ALLOWED

DELEGATED REFUSAL

Observations

This decision will lead to an overpowering series of additions to a formerly small rural cottage, after years of careful and consistent decision making and advice on behalf of the Council.

- **Item 5.4 – 1 Brenley Bridge Cottages, Brenley Lane, Boughton**

APPEAL ALLOWED / COSTS REFUSED

COMMITTEE REFUSAL

Observations

Members will recall that this application was recommended for approval, and I regret to say that the Inspector has disagreed with Members' concerns. However no costs were awarded to the appellant.

- **Item 5.5 – Sunnyside Bungalow, London Road, Durkirk**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

Full support for the Council's decision. I have already received agreement that this sign will be removed shortly, and the situation will now be monitored for possible prosecution, although I hope that this will not be necessary.



Appeal Decision

Site visit made on 21 August 2019

by **L Crouch BA (Hons) MSc IHBC**

an Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Appeal Ref: APP/V2255/D/19/3231990

10 The Moorings, Conyer, Teynham, Swale ME9 9HQ

- 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 F Rook against the decision of Swale Borough Council.
 - The application Ref 19/500575/FULL, dated 24 May 2018, was refused by notice dated 4 April 2019.
 - The development proposed is for a single storey front porch with pitched roof.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Whilst different from that on the application form, I have taken the updated appellant's name from the appeal form.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the existing dwelling and the surrounding area, having particular regard to the setting of Conyer Farmhouse, a listed building.

Reasons

4. The appeal building is a detached dwelling set within a corner plot, and forms part of a planned estate. Despite a variety in scale, height and massing to the estate there are generally consistent design features, with simple detailing and an uncomplicated architectural style to the dwellings, with an open appearance to the frontages and small-scale front gardens.
5. The estate has been considerably laid out around the grade II listed Conyer Farmhouse, in a staggered layout. Although the designated heritage asset (HA) was listed following the estate being developed, this layout has helped the HA to retain a prominence within the street scene. This prominence has also been enhanced by the predominantly greater scale of the HA. The HA's significance lies in its fine architectural quality, which includes a well-balanced, attractive front elevation, traditional construction materials and period detailing. This contrasts successfully with the un-pretentious design and appearance of the surrounding dwellings, which allow the HA to remain the pre-eminent building. The appeal site can be seen in relation to the listed building and can be experienced in views together.

<https://www.gov.uk/planning-inspectorate>

Appeal Decision APP/V2255/D/19/3231990

6. The front elevation of the HA includes a simple open canopy porch over the front door. From my site visit I was able to see that this architectural feature has been closely replicated in-part in the design of the canopy porches found throughout the later surrounding development. It is proposed to replace such a canopy porch on the appeal building with a single storey extension.
7. The proposed extension by virtue of its width and depth would create a bulky, more prominent addition to the front elevation, despite the roof form and materials respecting the main dwelling. The extension would stretch over half the width of the front elevation, creating a visually dominating addition. Due to its proposed depth the extension would result in the loss of a significant area of the front garden, which contributes to the open plan frontages. The proposal would be located in-line with the flank wall, rather than being stepped in, which would not give the extension a recessive appearance. Subsequently, whilst offering improvements for the appellant the extension would detract from the character and appearance of the appeal building.
8. The Swale Borough Council's Supplementary Planning Guidance for Designing an Extension- A Guide for Householders (undated) (SPG), sets out that extensions should normally have a pitched roof. The proposed extension does have a pitched roof, however the SPG also says that extensions should be small scale, and any front additions be 'kept to a maximum of 1.2m'. The proposal does not therefore accord with this guideline and would be harmful given the relatively small scale of the front garden.
9. I saw from my site visit that there are a small number of front extensions and enclosed porches on other dwellings within the street scene. However, these are smaller in scale and placed recessively on the frontage. The predominance of canopy porches within the street scene, and lack of larger scale front extensions, has resulted in a simple and open frontage to the street scene.
10. The established uncomplicated character and appearance of the street scene contributes in a positive manner to the setting of the HA, with the surrounding housing development appearing subordinate alongside the more prominent HA. The proposed extension, due to its scale and positioning, would be contrary to this recessive appearance and would appear harmfully at odds within the street scene despite the appeal site being set back and remaining in its staggered layout. Given the extension would be visible in views with the HA, the proposed extension's dominance would infringe, appearing inappropriate within its setting. Subsequently, it would fail to preserve the HA's setting, as situated within a planned estate with its generally consistent, uncomplicated appearance and considered layout, which help to contribute to the HA significance. This is a key requirement of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
11. Consequently, for the above reasons, I find that the proposed extension would result in less than substantial harm to the significance of the HA. In accordance with paragraph 196 of the National Planning Policy Framework 2019 (the Framework), that harm should be weighed against any public benefits of the proposal. From the evidence before me limited public benefits have been submitted which offset the identified harm, to which I must attach considerable importance and weight.

<https://www.gov.uk/planning-inspectorate>

2

Appeal Decision APP/V2255/D/19/3231990

12. I note that the appellant states that the proposal has been altered since the previous refused scheme in its roof design and height to be more in-keeping. However, I must look at the application as it stands before me.
13. For the reasons above I find that the proposed development would have a harmful impact on the setting of the HA. The public benefits of the proposal would not outweigh the harm identified to its significance, and there would be harm to the character and appearance of the existing dwelling and the surrounding area. The proposal would conflict with Policies CP4, DM16 and DM32 of the 'Bearing Fruits 2031' The Swale Borough Local Plan adopted 2017. These policies collectively seek to ensure high quality, sympathetic design appropriate to the building, its surroundings and that any development proposal preserves a listed building's setting. There would also be conflict with the principles set out in the accompanying SPG, which seeks well-designed extensions.

Other Matters

14. I note that there are no objections to the proposal from the Parish Council however no further details have been provided to me and therefore I am unable to give this significant weight.
15. It has been drawn to my attention that planning applications have been permitted within the surrounding area in proximity to the HA, which are of a larger scale than that proposed. I do not have all the information before me to understand these proposals and the reasons to why they were permitted. However, in any event the fact that similar development has been permitted does not in itself justify development which I consider to be harmful.
16. The appellant states that the proposal would not hinder the public footpath, however the absence of harm is not a benefit to the proposal.

Conclusion

17. The appeal is dismissed.

L. Crouch

INSPECTOR

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Appeal Decision

Site visit made on 21 August 2019

by **L Crouch BA (Hons) MSc IHBC**

an Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Appeal Ref: APP/V2255/D/19/3229988

Greenways, Tunstall Road, Tunstall ME10 1YG

- 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 Buck against the decision of Swale Borough Council.
 - The application Ref 19/501216/FULL, dated 10 March 2019, was refused by notice dated 7 May 2019.
 - The development proposed is to remove existing garage and replace with a two storey side extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development upon the character and appearance of the appeal site and the surrounding area.

Reasons

3. Greenways is a detached two storey dwelling set within a spacious plot. The appeal site lies on a section of Tunstall Road which is mainly characterised by well-proportioned detached dwellings set comfortably within their plots. This generally allows for gaps in-between buildings. This gives an overall open character to the surrounding area.
4. From my site visit I saw that the dwelling has a pebble dash render finish, applied timber framing within a gable feature and a two storey bow window. This gives the front elevation a well-balanced and attractive appearance which is visible within the street scene. There is an ancillary single storey garage to the side of the property. Due to its smaller scale and detached character it enables a spacious gap between the dwelling and the neighbouring dwelling Chevington House.
5. The proposed two storey extension would increase the width of the dwelling by approximately half again, and a similar depth. The front elevation of the extension would be set back from the adjacent bow window. However, this would only be marginally, and it would project forward of the majority of the rest of the elevation. The extension would have a matching eaves line and the ridge would be stepped down, but not significantly, and would form a small area of flat roof. Overall this would result in an extension which is of a significant scale and not subservient in form.

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6. The proposed scale and form would harmfully diminish the sense of space around the dwelling, which would be accentuated by the proposed design. The design includes a complicated, untraditional roof form, which results in a small flat roof section and a roof valley where it joins the main house. It also includes overly square proportions which would be contrary to the well-balanced appearance, and un-traditional detailing which lacks the architectural visual interest of the main house.
7. As a result of the scale and form the proposed extension would lie in close proximity to the boundary and would in-fill the important gap between Greenways and Chevington House. This gap provides a spacious setting for the dwelling and its neighbour. Its loss, although not creating a 'terracing' effect, would still result in an incongruous, cramped appearance within the street scene. With the extension being approximately only 1m to the side boundary of Chevington House. The loss of this openness would have a negative impact on, and be at odds with, the surrounding area's well-established spacious character and appearance.
8. I recognise that the appellants considers the proposal to be well-designed, relate well to the street scene and be visually in-keeping with the dwelling and neighbouring dwellings, with sufficient separation. However, I consider the proposed development by virtue of its significant scale, appearance and form would result in an unacceptable visually dominating extension in relation to the dwelling, which would diminish the gap to the neighbouring property and have a harmful impact on the character and appearance of the surrounding area.
9. Consequently, I find the appeal proposal would harm the character and appearance of the appeal site and the surrounding area. As such it would conflict with Policies CP4, DM14 and DM16 of the 'Bearing Fruits 2031' The Swale Borough Local Plan adopted 2017. These policies collectively seek to ensure high quality, sympathetic design appropriate to the building and its surroundings. There would also be conflict with the principles set out in the accompanying Swale Borough Council's Supplementary Planning Guidance for Designing an Extension- A Guide for Householders (undated) (SPG), which seeks well-designed extensions.

Other Matters

10. The appellants have drawn my attention to other dwellings which are closer than 2m to the neighbouring boundary. The SPG recommends that a 2m gap would 'normally' be required between a first floor extension and the side boundary, and as such is a guideline in order to preserve spaciousness. I could see from my site visit and from the evidence before me that the examples provided have different site characteristics to the appeal site. A garage separates Willow House and Corner House, and there is a staggered arrangement in the building line between Willow House and Dunsden, which is also the case between No 78 Borden Lane and its neighbours. These all result in a sense of space being maintained. In any event, I must assess the case before me on its own merits.
11. I note from the appellants' statement that they have been encouraged by the Council to reduce the scale of the extension in order to increase the gap, but this revision does not meet their needs. I give this matter only limited weight and insufficient to offset the significant harm I have otherwise identified.

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12. The appellants have identified that the National Planning Policy Framework 2019 (the Framework) is supportive of development. However, given the harm that I have found on character and appearance of the appeal site and the surrounding area, and having regard to the Framework's clear emphasis on good design, I do not consider the development acceptable overall.

Conclusion

13. The appeal is dismissed.

L. Crouch

INSPECTOR

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Appeal Decision

Site visit made on 2 September 2019

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2019

Appeal Ref: APP/V2255/D/19/3234545

1 Florence Cottages, Bogle Lane, Lynsted ME9 0EW

- 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 Hopper against the decision of Swale Borough Council.
 - The application Ref 19/501323/FULL, dated 13 March 2019, was refused by notice dated 20 May 2019.
 - The development proposed is extension to existing garage with conversion to annexe accommodation with glazed link and extension to lounge.
-

Decision

1. The appeal is allowed and planning permission is granted for extension to existing garage with conversion to annexe accommodation with glazed link and extension to lounge at 1 Florence Cottages, Bogle Lane, Lynsted ME9 0EW in accordance with the terms of the application, Ref 19/501323/FULL, dated 13 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Site Location Plan, HO/19/101.01, HO/19/101.02, HO/19/101.03, HO/19/101.04, HO/19/101.05, HO/19/101.06 and HO/19/101.07.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application in the decision above.

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Main Issue

3. The main issue is the effect on the character and appearance of the host property and area.

Reasons

4. This semi-detached rural property has already benefitted from alterations and extensions and there is no doubt that the proposals before me would be substantial further and cumulative additions. However, I have not been referred to any particular size restrictions in the most important policies before me, which, on my reading require a more qualitative assessment and take a design led approach.
5. The proposals before me would be limited to the rear of the dwelling and existing garage/study and connected by a glazed 'link' structure of a relatively low height and scale. It would appear as a lightweight and subservient addition to the property and the use of glazing throughout the link would allow for a degree of visual separation between the buildings. Although extending the footprint further away from the original cottage the single storey rear extension and link would still be a subservient and sympathetically designed addition to the host property and would not be unduly dominant.
6. The rear annexe extension would also extend built form further beyond the rear building line and into the undeveloped rear garden area. However, it would match the form and appearance of the existing garage and this is a sufficiently large plot to accommodate what is a modest increase in footprint. The existing sense of spaciousness and openness of this rural property would be retained.
7. From the lane, only the glazed roof would be partially visible above the height of the existing front boundary fence and the siting to the rear of existing built form, in combination with the presence of established soft landscaping and a mature Yew tree, would ensure the extensions would not be conspicuous. In my view they would not be incongruous or visually overpowering as the Council contends and whilst I accept, they would be substantial further additions, the effects of such increases would be mitigated by good quality and sympathetic design.
8. The proposal would be part of a wider rural landscape that contains a variety of sizes and types of rural properties from different periods and with later additions, alterations and extensions. Subject to matching materials the proposal would not be out of keeping with the scale, mass, character or appearance of the host property or this rural area.
9. For these reasons, the proposal would not cause harm to the character and appearance of the host property or the area. Consequently, there would be no conflict with Policies CP4, DM11, DM14 and DM16 of the Bearing Fruits 2031: The Swale Borough Local Plan ('LP') or the Council's design guidance¹ which, when taken as a whole and amongst other things require alterations and extensions to be of an appropriate design quality, well sited and of an appropriate scale, mass, and appearance in relation to the host property and location.

¹ Swale Borough Council: Designing an Extension A Guide for Householders 2011.

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Other Matters

10. I have considered my statutory duties² with regard to the setting of Bogle, a nearby Grade II* listed building and the Bogle Conservation Area ('BCA'). Part of the wall around Bogle is close to the appeal site but the side and rear boundaries of that property also contained mature trees enclosing a substantial garden. The proposal would not be appreciated in any visual or other perception or experience of the setting of that building and therefore the proposal would have a neutral effect on the setting of Bogle as a designated heritage asset.
11. The proposal could perhaps be glimpsed from some limited parts of the small number of properties on Lynsted Lane that are within the BCA. However, any views would be across an intervening field, distant and screened by mature trees in the side boundary of the appeal site. From the closest point, the corner of the property touches the corner of the BCA but it sits behind a large hedgerow on a narrow rural lane with mature hedgerows on both sides. Given the siting of the extensions, effectively extending existing built form and their appropriate design, there would be no harm to the setting of the BCA.
12. I also note that the Council and Historic England did not object on these grounds and have not referred me to conflict with the heritage policies of the LP or the National Planning Policy Framework ('the Framework'). In my view, the proposal would not cause any harm to these designated heritage assets, in terms of their setting.

Conditions

13. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. A condition is required to ensure compliance with the approved plans as this provides clarity. A condition requiring details of the external materials to match existing is also necessary, in order to protect the character and appearance of the host property.

Conclusion

14. For the reasons given above, the proposal would accord with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.
15. Having considered all other matters raised, I therefore conclude that the appeal should be allowed.

Richard Aston

INSPECTOR

² Sections 66(1) and 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990.

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Appeal Decision

Site visit made on 2 September 2019

by **Richard Aston BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/V2255/D/19/3233959

1 Brenley Bridge Cottages, Brenley Lane, Boughton Under Blean ME13 9LZ

- 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 C Riches (c/o C Riches Properties Limited) against the decision of Swale Borough Council.
 - The application Ref 19/501731/FUL, dated 18 March 2019, was refused by notice dated 28 June 2019.
 - The development proposed is alteration to domestic garage to provide annexe to main dwelling house.
-

Decision

1. The appeal is allowed and planning permission is granted for alteration to domestic garage to provide annexe to main dwellinghouse at 1 Brenley Bridge Cottages, Brenley Lane, Boughton Under Blean ME13 9LZ in accordance with the terms of the application, Ref 19/501731/FUL, dated 18 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BBC1832.01, BBC1832.02, BBC1832.03, BBC1832.04, BBC1832.015, BBC1832.06, BBC1832.07 and BBC1832.08.

Application for costs

2. An application for costs was made by Mr C Riches (c/o Riches Properties Limited) against Swale Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. On my reading, the reason for refusal relates to the effects of the external alterations on the character and appearance of the building and area. However, the minutes of the relevant committee meeting show there was clearly some concern over whether a separate dwelling would be created in this countryside location. This includes reference to Policy ST3 regarding the settlement strategy of the Bearing Fruits 2031 – The Swale Borough Local Plan, adopted July 2017 ('LP'), which is reflected in some of the member discussion and included in the reason for refusal.

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4. It is not the role of an Inspector dealing solely with an application for planning permission to conduct an exercise as to lawful operations or use (such as would normally be formally determined by a lawful certificate application). Nevertheless, in this case the appellant applied for alterations to an existing domestic garage to form an annexe and not a separate dwelling. Unless there is evidence to the contrary from the Council, an appellant is entitled to have the proposal determined as applied for.
5. Moreover, the annexe would have 2 bedroom areas upstairs and a living area and shower room/WC with storage area downstairs. No kitchen or cooking facilities are shown on the submitted plans and the first floor would have a somewhat restricted head height. I therefore have some doubts that it would have the necessary facilities to make it capable of being independently occupied as a separate dwelling. Even if it had, or these were added at a later date, the overriding consideration established in case law¹ is that even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling, it is the actual use. This approach is consistent with the Ashfield Court Farm, Newington appeal decision that I have been referred to².
6. Because of the particular layout and circumstances of this rural property, with the 2 buildings separated by a shared access used by farm machinery there are restrictions on increasing the living accommodation of the main building. There would also be no subdivision of the planning unit and the existing access and parking arrangements would remain. Circumstances could change in the future but that has no bearing on the planning merits of this appeal and the Council's ability to take appropriate action, if necessary, would not be fettered. For the purposes of this appeal I have therefore treated the proposal as applied for and not for a separate dwelling. As such, the reference to Policy ST3 is not relevant insofar as the adopted settlement strategy is concerned.

Main Issue

7. Given the above, the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

8. This is a large outbuilding clearly seen and appreciated as part of No. 1 Brenley Bridge Cottages, a semi-detached rural dwelling that sits in a narrow rural lane surrounded by open countryside. The external changes amount to the removal of the 2 roller shutter garage doors at either end of the building and their replacement with stained timber doors and a glazed panel. A new single timber side door and the insertion of 2 rooflights in each roof slope are also proposed. I observed 2 rooflights had already been installed facing the lane but these appeared entirely proportionate, unobtrusive and had no harmful visual effects.
9. Although the changes before me could be perceived as adding an element of domesticity these are relatively minor changes to the external appearance of a rural domestic outbuilding in an area where there is a mixture of building types, sizes, designs and styles and from different periods, including buildings altered from their original use, form and appearance. To my mind, the alterations would not result in the building appearing as a separate dwelling.

¹ Uttlesford DC v SSE & White [1992].

² APP/V2255/D/19/3223271.

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10. Having visited the site, the building is somewhat prominent but the low key alterations before me would only ever be partially glimpsed on the approaches immediately past the appeal site and from what is a narrow rural lane with substantial boundary hedgerows and trees. In my view, there would be no material harm to the character or appearance of the building or the visual interests of its rural surroundings, including the character of the rural lane.
11. For these reasons, the proposal would not cause harm to the character and appearance of the area. Consequently, it would not conflict with Policies CP4, DM14 and DM26 of the LP insofar as they seek to delivery good quality development and homes, to not significantly harm the character of rural lanes and require recognition of the intrinsic character and beauty of the countryside.

Conditions

12. I have considered the conditions put forward by the Council and a condition is required to ensure compliance with the approved plans as this provides clarity. The Council have however suggested 2 further conditions, securing the future occupation of the building as ancillary to the residential use of the dwelling and all new external joinery to be of timber construction.
13. Whatever the case may turn out to be in the future, I have concluded that the proposal before me should not be considered as a material change of use and its occupation for purposes not ancillary, such as a separate dwelling, would result in a material change of use and require planning permission of its own right. In terms of materials, the relevant plan clearly shows stained timber for the doors and fenestration and I have included it in the approved plans condition above. That being the case such conditions would not be necessary or relevant to the development to be permitted and would therefore fail the relevant tests within paragraph 55 of the National Planning Policy Framework ('the Framework'). I have not therefore imposed them.

Conclusion

14. The reason for refusal refers to the proposal being an unsustainable development but I have found that it would accord with the policies of an up to date development plan, when read as a whole. As such, it would be sustainable development in terms of Policy ST1 of the LP and for which paragraph 11 c) of the Framework indicates a presumption in favour.
15. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be allowed.

Richard Aston

INSPECTOR

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Costs Decision

Site visit made on 2 September 2019

by **Richard Aston BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Costs application in relation to Appeal Ref: APP/V2255/D/19/3233959

1 Brenley Bridge Cottages, Brenley Lane, Boughton Under Blean ME13 9LZ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr C Riches (c/o C Riches Properties Limited) for a full award of costs against Swale Borough Council.
- The appeal was against the refusal of planning permission for alteration to domestic garage to provide annexe to main dwelling house.

Decision

1. The application for a full award of costs is refused.

Reasons

2. The Planning Practice Guidance ('PPG') advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. Although the PPG states that behaviour and actions at the time of the planning application can be considered in the Inspector's consideration of whether or not costs should be awarded, it makes clear that costs can only be awarded in relation to unnecessary or wasted expense at the appeal, during the process by which the Inspector's decision is reached.
4. I do not have the benefit of being party to the meeting of the relevant Planning Committee but I have been provided with the relevant minutes. I note that members of the Council discussed concerns over the future use of the building but the minutes are also clearly record that members were aware that they '*could only consider the application on its merits and not what may happen*' but ultimately that there would be '*demonstrable harm to the character and appearance of the countryside*'.
5. The Council's reason for refusal set out in the decision notice is complete, specific and relevant to the application, clarifying such effects on character and appearance. It also clearly states the policies of the development plan that the proposal would conflict with, which are in accordance with the most up-to-date national policy. In my experience, it is common for such resolutions made by members to be clarified and articulated by officers into a reason for refusal in order to be set out on the Council's formal decision notice. There is no substantive evidence this amounts to unreasonable behaviour. Because of the nature of the reason for refusal and the inherent level of subjectivity and site specific bespoke considerations involved, although capable of being a

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significant material consideration, the appeal decision at Ashfield Court Farm, Newington is not determinative.

6. The appellant may well consider the changes to be minor but the concerns of members are no less valid. Whilst I appreciate that the appellant does not agree with the Council's consideration and opinions relating to the effect of the proposal, the issue at the heart of the appeal involves matters of planning judgement. Notwithstanding the original positive officer recommendation, the committee was not bound to accept the advice of officers especially where an exercise of such judgement is required. That the Council refused permission on that basis contrary to an officer recommendation, does not amount to unreasonable behaviour.
7. Whilst I have formed my own view and allowed the appeal, this is based on my own observations and the evidence as put to me solely by the parties. Given their concerns and conclusions planning permission should not clearly have been granted and an appeal was inevitable.
8. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, an award of costs is not justified.

Richard Aston

INSPECTOR

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Appeal Decision

Site visit made on 20 August 2019

by **J Davis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/V2255/Z/19/3227552

Sunnyside Bungalow, London Road, Dunkirk, ME13 9LW

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Chris Meredith against the decision of Swale Borough Council.
 - The application Ref 19/500340/ADV, dated 16 January 2019, was refused by notice dated 1 April 2019.
 - The advertisement proposed is described as "The advertising unit is a wooden structure including a wooden sub-frame with wooden boards. The advertising display is a 12 ft x 6 ft pvc sign".
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the amenity of the area.

Reasons

3. The proposed advertisement is currently displayed on the site and is located close to the drive serving Sunnyside Bungalow, adjacent to the A2 dual carriageway. The surrounding area is generally characterised by extensive areas of woodland and fields and is rural in character and appearance other than for a number of isolated dwellings, on either side of the A2.
4. The National Planning Policy Framework 2019 (the Framework) advises that the quality and character of places can suffer when advertisements are poorly sited and designed. The advertisement is unrelated to activities taking place on the site and the appellant has confirmed that it is available to local businesses to advertise products and services. The advertisement board has a width of 5.18m and a depth of 2.74m. It is raised off the ground by 1.22m. It is sited close to the A2 dual carriageway and is angled towards oncoming traffic.
5. Given the size and siting of the advertisement, it is highly prominent within the local landscape, which the Council state is designated as an area of High Landscape Value. The advertisement is viewed against a backdrop of shrubs and hedging and having regard to the rural character and appearance of the area, the advertisement appears incongruous with its surroundings and represents an intrusive, harmful feature, inappropriate within its sensitive rural setting. As such, I find that it is harmful to the amenity of the surrounding area.

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6. Whilst the site sits between two services stations on opposite sides of the A2, the advertisement is not readily viewed in the same context as these commercial uses. Whilst there are a number of advertisements relating to these service stations and other adjacent commercial uses, these are of a different nature to the appeal proposal, as they are related to the uses taking place on the site. The rural character and appearance of the land in between the service stations, which are on opposite sides of the dual carriageway, is not significantly diminished by these uses.
7. With regard to public safety, I note that Kent Highways and Transportation raised no objection in relation to highway safety and I concur that the proposal would not raise public safety issues.
8. In accordance with the Regulations, I have taken into account the provisions of the development plan as far as material. The proposal would be contrary to Policies CP4, DM14, DM15 and DM24 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017 insofar as they seek to protect amenity. Furthermore, the proposal would also conflict with the general advice contained within the Council's Supplementary Planning Guidance 'The Design of Shopfronts, Signs and Advertisements' which states that the Borough Council will not normally permit advertisements outside town centres, particularly in sensitive areas such as residential areas and open countryside.

Other Matter

9. The appellant states that the advertisement is smaller than those featured on this stretch of highway. However, I have not been provided with the precise details of the signage referred to or whether it benefits from advertisement consent. I therefore afford little weight to this matter.

Conclusion

10. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

J Davis

INSPECTOR