



AGENDA

PLANNING COMMITTEE MEETING

Date: Thursday, 20 August 2020

Time: 7.00pm

Venue: Virtual Meeting Via Skype*

Membership:

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

Quorum = 6

RECORDING NOTICE

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Pages

Information for the Public

*Members of the press and public can listen to this meeting live. Details of how to join the meeting will be added to the website after 4pm on Wednesday 19 August 2020.

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1. Apologies for Absence and Confirmation of Substitutes
2. Minutes

To approve the [Minutes](#) of the Meeting held on 23 July 2020 (Minute Nos. 22 - 26) as a correct record.

3. 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

4. Report of the Head of Planning Services

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To consider the attached report (Parts 2 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 19 August 2020.

Issued on Tuesday, 11 August 2020

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

Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

20 AUGUST 2020

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DEFERRED ITEMS Items shown in previous Minutes as being deferred from that meeting may be considered at this meeting

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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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INDEX OF ITEMS FOR PLANNING COMMITTEE – 20 AUGUST 2020

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

PART 2

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part of Harts Park Vanity Road

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2.2 20/502489/ADV FAVERSHAM Land at Perry Court London Road

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2.3 19/505353/FULL MINSTER Danedale Stables Chequers Road

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2.4 20/502848/FULL SITTINGBOURNE 9 Walsby Drive

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2.7 20/502759/FULL DUNKIRK Pottery Cottage Dawes Road

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2.8 20/502127/FULL FAVERSHAM Masonic Hall Upper Brents

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5.1 19/500764/OUT LOWER HALSTOW Land adj Westfield House Breach
Lane

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PLANNING COMMITTEE – 20 AUGUST 2020**PART 2**

Report of the Head of Planning

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

2.1 REFERENCE NO - 20/501751/FULL			
APPLICATION PROPOSAL Variation of condition 5 to application SW/04/1344 (allowed on appeal) for extension and upgrading to Vanity Holiday Village with amendment to condition 5 to read: 'No caravan hereby permitted shall be occupied between 4th January and end of February in any year.			
ADDRESS Land Adjoining Vanity Farm And Now Part Of Harts Park Vanity Road Leysdown On Sea ME12 4LP			
RECOMMENDATION Grant the variation of condition subject to a Section 106 to secure SAMMS mitigation payment			
SUMMARY OF REASONS FOR RECOMMENDATION The extension of the occupancy season for the holiday park would accord with local policy requirements and the recent ministerial statement on the matter.			
REASON FOR REFERRAL TO COMMITTEE Cllr Tatton has called the application in for the following reason: educational needs, sewage pumping station already at capacity, nominal medical representation re GP surgery (there is only 1) nominal employment & local economy, poor & restricted public transport. The majority of holiday home occupiers bring their own fossil fuelled vehicles resulting in an adverse effect on the local climate and the only road into Leysdown on Sea & Warden is via the lower road A2500 & Leysdown Road B2331 which do not meet national standards and are subject to speeding.			
WARD Sheppey East	PARISH/TOWN Leysdown	COUNCIL	APPLICANT Park Holidays UK Ltd AGENT Rural & Urban Planning Consultancy
DECISION DUE DATE 23/07/20		PUBLICITY EXPIRY DATE 17/07/20	

Planning History

SW/04/1344 Extension and Upgrading of Vanity holiday Village. Refused - Allowed on appeal under reference APP/V2255/A/05/1178979 on 3/8/2005. The plans accompanying the application show access roads from the existing Holiday Park and a layout for 120 caravans together with a children's activity area, pool and paddling pool. Car parking is shown to take place between the caravans and a road layout connected to the existing park and a private right of way across the site are also shown. This was partly implemented through the laying of four concrete chalet / caravan bases in the north-western corner of the site and its lawful implementation confirmed through grant of a certificate of lawfulness under ref 17/503085/LDCEX - -see below.

SW/04/1344/CCB Compliance with condition (4) of planning permission SW/04/1344
Condition discharged

SW/04/1344/CCA Details of landscaping Condition (2) was discharged by the Council on 29.06.2010. This showed perimeter planting to supplement existing boundary planting consisting of whips 0.6 m high at 2 m centres. Planting within the site to be carried out in association with the installation of each tranche of caravan.

SW/11/1608 Variation of condition (i) of planning permission NK/8/50/51 to allow occupation of the site for 10 months (1st March to 2nd January) - Grant of Conditional PP

17/503085/LDCEX Certificate of Lawful development (existing) to confirm SW/04/1344 was lawfully implemented notwithstanding condition 4 being discharged after commencement of work - Approved

At neighbouring Harts Park - SW/11/1129 Variation of condition (2) of permission SW/08/0982 to allow the caravans and chalets on the site to be used for human habitation between 1st March and 3rd January in any year was approved on 11th November 2011.

1. DESCRIPTION OF SITE

- 1.1 The applicant purchased the site from the adjoining Vanity Farm with consent granted on appeal in 2005 for static caravan development. It *was confirmed that the appeal decision had been implemented through issue of a Certificate of Lawful development (existing) ref 17/503085/LDCEX.*
- 1.2 Currently the consent for the site permits a seasonal occupancy period of 1st March to 31st October in any year.
- 1.3 The application area extends to some 3.8 hectares as shown edged red on the accompanying location plan. There are currently no caravans erected on the application site.

2. PROPOSAL

- 2.1 The application seeks to extend the occupancy season of the park from 1st March to 3rd January in the following year therefore permitting occupation for an additional 2 months.
- 2.2 The application proposes the following variation in wording in line with the appeal decision for the wider Harts Park.
- 2.3 'No caravan hereby permitted shall be occupied between 4th January and end of February in any year'.
- 2.4 The application is only for a variation in condition to extend the opening season of the park and not for the extension of the park or the installation of any homes beyond which permission has already been granted.

3. PLANNING CONSTRAINTS

- 3.1 The site is located in Flood Zone 1, where the risk of flooding is considered to be low.

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) Paragraphs 83 and 84 National Planning Practice Guidance (NPPG)

The following policies from adopted Local Plan (2017) are relevant:
ST1 (sustainable development)

CP1 (strong, competitive economy)
 DM3 (rural economy)
 DM4 (new holiday parks and extensions)
 DM5 (holiday park occupancy)
 DM22 (the coast)
 DM23 (coastal change management)
 DM24 (conserving and enhancing valued landscapes)

5. LOCAL REPRESENTATIONS

5.1 7 notifications of objection have been received. All of the comments have been made on the basis of an understanding that the application seeks permission for an increase in the number of units. All the responders believe that the application is for new units, not the extension of the occupancy period of the existing ones. The issues raised are summarised as follows:

- The caravans will cause a noise issue.
- Adverse impact on wildlife
- The caravans will overlook into bungalows adjoining the fence line
- Additional noise from new caravans.

6. CONSULTATIONS

6.1 The Environment Agency has no objection to the proposal.

6.2 Kent Drainage and Water Management have no objection to the proposal.

6.3 The Environmental Protection Team has been consulted and I will update Members at the meeting.

7. BACKGROUND PAPERS AND PLANS

8. APPRAISAL

8.1 The NPPF recognises that planning policies should not just support but ‘enable’ economic growth in rural areas, in order to create jobs and prosperity, by taking a positive approach to sustainable new development (paragraph 83 and 84). This includes support for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. Such support includes supporting the provision and expansion of tourist and visitor facilities in appropriate locations.

8.2 Policy DM 5 of the local plan - The occupancy of holiday parks, states:

‘In order to ensure a sustainable pattern of development and to protect the character of the countryside, planning permission will not be granted for the permanent occupancy of caravans and chalets. Where it can be demonstrated that higher quality standards of holiday accommodation can be secured, planning permission will be granted for proposals to extend the occupancy of holiday parks between 1 March and 2 January the following year (a 10 month occupancy), provided that:

1. *The site is not at risk of flooding, unless, exceptionally, applications accompanied by a Flood Risk Assessment (FRA) satisfactorily demonstrating that the proposal would result in no greater risk to life or property and where an appropriate flood evacuation plan would be put in place;*
2. *The amenity and tranquillity of the countryside and residential areas are safeguarded;*

3. *The proposals are in accordance with Policies DM 22 and DM 23 relating to the coast and the coastal change management area; and*
4. *Where located adjacent or in close proximity to the Special Protection Areas (SPA), an assessment has been undertaken to determine the level of disturbance to over-wintering birds and identified mitigation measures, where appropriate.*
5. *The extension of occupancy is subject to planning conditions safeguarding the holiday accommodation from being used as sole or main residences, as set out in Appendix 2.'*
- 8.3 Further to this, the housing secretary Robert Jenrick has just issued a written ministerial statement (dated 14.7.2020) outlining how councils should handle moves by holiday park operators to extend their working season. The statement advises that the operation of caravan and holiday parks in England beyond the usual summer season will be invaluable to parks as the sector begins to recover from the Covid 19 pandemic.
- 8.4 The statement says that authorities should consider the benefits of longer opening season times to the local economy as it recovers from the impact of Covid-19.
- 8.5 Holiday parks adjoining the application site already enjoy an extended seasonal period. Harts Park has consent for the season to run from 1st March until the 3rd January as granted in 2011.
- 8.6 SW/11/1129 Variation of condition (2) of permission SW/08/0982 to allow the caravans and chalets on the site to be used for human habitation between 1st March and 3rd January in any year - Approved 11th November 2011.
- 8.7 The site is now operated as part of and in conjunction with the Harts Holiday Park in the ownership of the applicant. The same operational parameters will apply to the application site. The applicant has advised that the variation of consent proposed will further assist in the continuing upgrading and improvement of holiday accommodation to the area and help both the operational effectiveness and competitiveness of the park as a whole.
- 8.8 The applicant has stated that the additional day over that expressed in the adopted policy, is *de minimus* and if applied without due regard to the existing circumstances would lead to the perverse situation of one part of the holiday park closing a day earlier than the rest. This is a valid consideration.
- 8.9 In accordance with Policy DM5, the site is not at risk of flooding. The proposal would not have a detrimental impact on the amenity and tranquillity of the countryside. The proposals would be in accordance with Policies DM 22 and DM 23 relating to the coast and the coastal change management area. The extension of occupancy would continue to be subject to planning conditions safeguarding the holiday accommodation use.
- 8.10 The site is located in close proximity to the Swale and Medway Marshes SPA and Ramsar site, and there is a likelihood that the increased occupancy of the proposed dwellings would increase recreational use of these sites, given the close proximity to this development. The Council is required to have regard to any potential impacts of development under the Habitat Regulations, and to ensure that developments mitigate against such impacts. A tariff is payable to put in place measures to mitigate against increased impacts on these areas. The applicant has committed to this and is in the process of preparing a 106 agreement to supplement the submission.
- 8.11 The proposal would therefore accord with the criteria of policy DM5.
- 8.12 The application has been called-

- 8.13 in to committee on the basis of the effect of the proposal on 'educational needs, sewage pumping station already at capacity, nominal medical representation re GP surgery (there is only 1) nominal employment & local economy, poor & restricted public transport. Furthermore the majority of holiday home occupiers bring their own fossil fuelled vehicles resulting in an adverse effect on the local climate & that the only road into Leysdown on Sea & warden is via the lower road A2500 & Leysdown Road B2331 neither of these roads meet national standards re footpaths, passing points, lighting & are both subject to speeding. With zero enforcement by KCC Police.'
- 8.14 Members' attention is drawn to the fact that permission for the site to be used for the stationing of static caravans has already been granted (for an eight-month occupancy period), and confirmed through the issue of a certificate of lawfulness, as outlined above. As such, the change being sought here – to extend the occupancy period by two months – would have limited impact on these matters as the development can already be fully implemented regardless, and certainly not sufficient impact to warrant possible refusal of the application.

9. CONCLUSION

- 9.1 The national and local policy stance on this matter is clear and therefore on the basis of the above, planning permission for the extension of the occupancy period of the park to allow 10-month occupancy should be approved.

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.

This should be secured once the decision is made to grant planning permission but before the decision notice is issued.

10. RECOMMENDATION

GRANT Subject to the following conditions and the signing of a suitably-worded Section 106 Agreement to secure SAMMS contributions as set out in Paragraph 8.10 above):

1. The landscape works approved under application ref SW/04/1344/CCA, shall be carried out before any caravan hereby permitted is occupied or in accordance with a timetable to be approved in writing by the local planning authority.

Reason: In the interest of visual amenity.

2. If within a period of five years from the date of the planting of any tree or shrub in accordance with condition 1, that tree or shrub, or any tree or shrub planted in replacement for it, is removed or dies or becomes seriously damaged or diseased, another tree or shrub of the same species and size as that originally planted shall be planted at the same place unless otherwise approved in writing by the local planning authority.

Reason: In the interest of visual amenity.

3. Before any caravan hereby permitted is occupied or in accordance with a timetable to be approved in writing by the local planning authority, the drainage details approved under application ref SW/04/1344/CCB shall be implemented.

Reason: To ensure satisfactory drainage arrangements

4. No caravan shall be occupied except between 1st March and 3rd January in the following calendar year, and no caravan shall be occupied unless there is a signed agreement between the owners or operators of the Park and all caravan owners within the application site, stating that:
 - (a) The caravans are to be used for holiday and recreational use only and shall not be occupied as a sole or main residence, or in any manner which might lead any person to believe that it is being used as the sole or main residence; and
 - (b) No caravan shall be used as a postal address; and
 - (c) No caravan shall be used as an address for registering, claiming or receipt of any state benefit; and
 - (d) No chalet or caravan shall be occupied in any manner, which shall or may cause the occupation thereof, to be or become a protected tenancy within the meaning of the Rent Acts 1968 and 1974; and
 - (e) If any caravan owner is in breach of the above clauses their agreement will be terminated and/or not renewed upon the next expiry of their current lease or licence. On request, copies of the signed agreement[s] shall be provided to the Local Planning Authority.

Reasons: In order to prevent the caravans from being used as a permanent place of residence.

5. Any caravan that is not the subject of a signed agreement pursuant to condition 2 shall not be occupied at any time.

Reasons: In order to prevent the caravans from being used as a permanent place of residence.

(1) SCHEDULE

The Park operator must:

1. Ensure that all caravan users have a current signed agreement covering points (a) to (e) in condition 4 of the planning permission; and
2. Hold copies of documented evidence of the caravan users' main residence and their identity; this may comprise of utility bills, Council Tax bill, passport, driving licence or similar document; and
3. On request, provide copies of the signed agreement[s] to the Local Planning Authority; and
4. Require caravan users to provide new documentation if they change their main residence; and
5. Send all written communications to the main residence of the caravan user; and

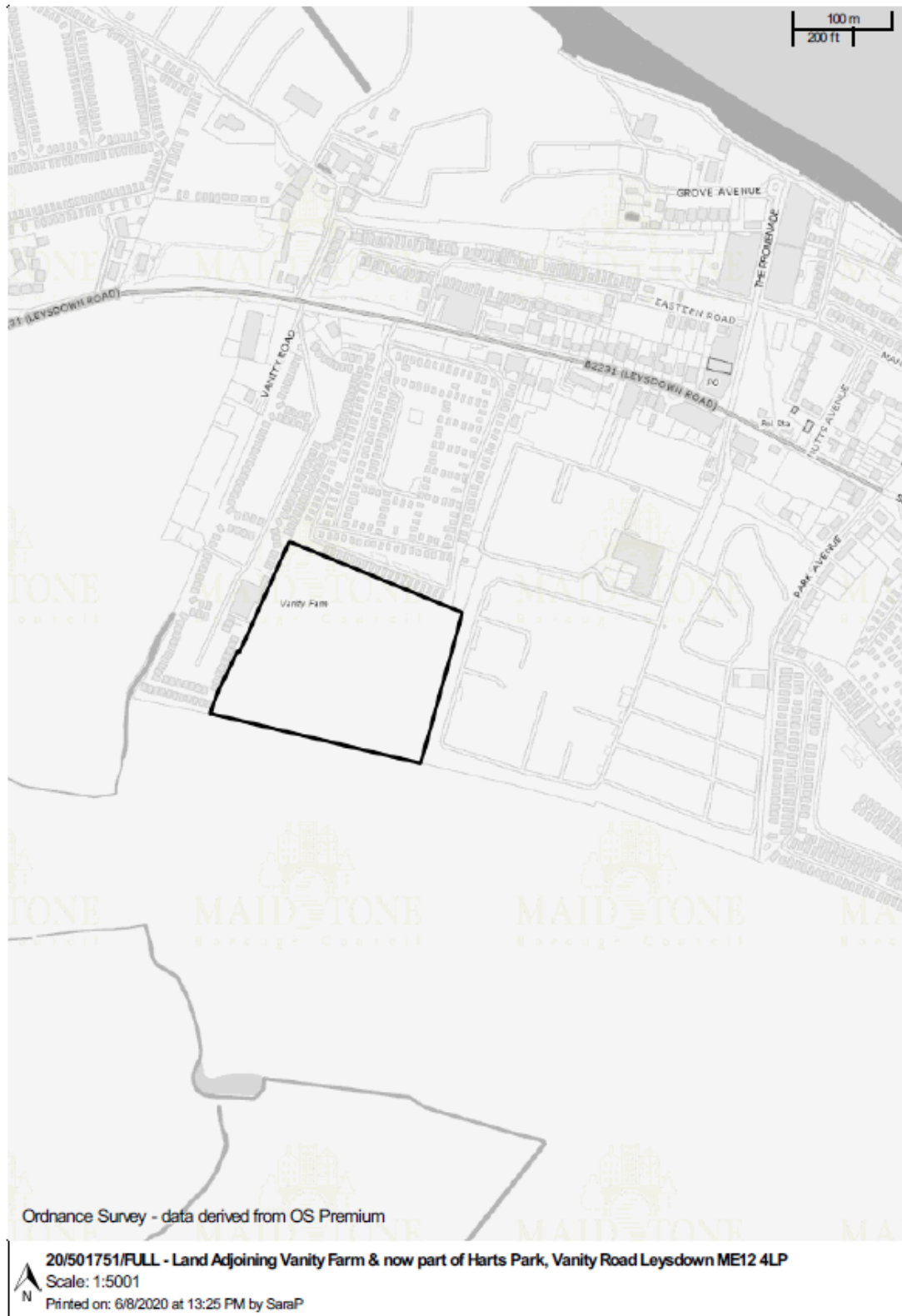
6. Not allow postal deliveries to the caravan or accept post on behalf of the caravan users at the park office; and
7. Ensure that each caravan is to be used for holiday use only and that no chalet or caravan is occupied as a sole or main residence, or in any manner which might lead any person to believe that it is being used as the sole or main residence, of the user or occupant; and
8. Adhere to a code of practice as good as or better than that published by the British Homes and Holiday Parks Association.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 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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2.2 REFERENCE NO - 20/502489/ADV		
APPLICATION PROPOSAL Advertisement Consent for 1no. Internally Illuminated Fascia Sign, 1no. Internally Illuminated Projecting Sign, 1no. Non- Illuminated Panel Sign, 1no. Internally Illuminated Freestanding Totem, 1no. Double sided Post Mounted Sign.		
ADDRESS Land At Perry Court London Road Faversham Kent ME13 8YA		
RECOMMENDATION – That delegated powers are given for advertisement consent to be GRANTED , subject to an amendment to the totem sign to reduce the height to 2.5 metres.		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The advertisements (as amended) would not cause harm to public safety or amenity.		
REASON FOR REFERRAL TO COMMITTEE The application has been referred to committee by Cllr Ben J Martin and is contrary to comments from Faversham Town Council.		
WARD Watling	PARISH/TOWN Faversham Town	COUNCIL APPLICANT Whitbread Group Plc AGENT Endpoint Limited
DECISION DUE DATE 07/08/20		PUBLICITY EXPIRY DATE 07/07/20

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

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.

Approved Decision Date: 20.02.2020

1. DESCRIPTION OF SITE

1.1 The application site relates to a parcel of land at Perry Court, between Brogdale Road and Ashford Road and which is part of a substantial allocated development site that benefits from permission for a mixed residential, commercial, retail and hotel development.

1.2 This application is specific to the parcel of land to accommodate the hotel development. This land is sited adjacent to Ashford Road and is raised above the road level. The proposed hotel would be sited fronting the main access road into the Perry Court site,

with a side elevation facing Ashford Road. The building would be separated from Ashford Road by a footpath / cycle path and landscaping.

- 1.3 A line of existing two storey dwellings are sited on the eastern side of Ashford Road facing the development site.
- 1.4 A retail supermarket has been approved on land to the south of the hotel site, a care home has been approved on land to the west, and land to north and further west forms part of a residential development of 310 dwellings with associated open space.

2. PROPOSAL

- 2.1 This application seeks advertisement consent for a range of signs to be installed relating to the hotel. The hotel will be operated by Premier Inn. These signs are as follows –

1 x internally illuminated double sided projecting vertical sign measuring 4.385m x 1.285 metres in size, to be installed on the east side of the building facing Ashford Road

1 x internally illuminated freestanding totem sign measuring 4.5m x 1.34m in size, to be installed adjacent to the roadside leading into the Perry Court development on the southern boundary of the site, approximately 35 metres to the west of the roundabout on Ashford Road.

1 x non illuminated vertical fascia sign measuring 4.385m x 1.19m in size, to be installed on the south facing elevation of the building

1 x internally illuminated horizontal fascia sign measuring 3.03m x 1.2m in size, to be installed immediately above the main entrance to the building on the north facing elevation.

1 x non-illuminated post mounted sign at the car park entrance measuring 1.4m x 0.8m in area.

- 2.2 All the signs, other than the post mounted sign, would be constructed in aluminium, powder coated in purple, with the Premier Inn standard lettering and moon / stars logo in acrylic and vinyl graphics. The illumination (where shown) would be of the lettering and moon / stars logo. The post mounted sign also gives directions for parking and drop off.
- 2.3 Following discussions with the case officer, the applicant has amended the scheme to remove an illuminated fascia sign originally proposed on the west facing elevation of the building, and has also removed illumination of the vertical fascia sign on the south facing elevation of the building.
- 2.4 The applicant has also re-sited the location of the totem sign from the junction on Ashford Road to a location approximately 35 metres to the west. The applicant has also stated that they would be willing to reduce the height of this sign from 4.5m to 2.5m if deemed necessary by the Council. This is discussed later in the report.

3. PLANNING CONSTRAINTS

- 3.1 The site is within the defined built confines of Faversham and is not subject to any specific planning designations of relevance to an application for advertisement consent.

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) – Paragraph 132 states that the quality and character of places can suffer from poorly sited and designed advertisements. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 4.2 National Planning Practice Guidance (NPPG) - Advertisements
- 4.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 – Policy DM15 relates specifically to signage. This sets out that advertisements will be designed in a manner that minimise harm to amenity and public safety.
- 4.4 Supplementary Planning Guidance (SPG): The Council has longstanding guidance (pre 1995) for the Design of Shopfronts, Signs and Advertisements. This states that a balance should be sought between commercial requirements and the need to maintain / enhance the quality of the environment, particularly in historic town centres. Adverts should respond to the merits of the building and area in which it is situated. The council will not normally permit adverts outside of town centres, particularly in sensitive areas such as residential areas and open countryside. Illuminated signage should not be too bright and should be appropriate to the area.
- 4.5 As this guidance was produced more than 25 years ago, I would apply some caution to the weight to give it. Whilst it still provides useful guidance some elements (such as the suggestion that signage will not be permitted outside of town centres) is clearly outdated.

5. LOCAL REPRESENTATIONS

- 5.1 3 letters of objection received ,raising the following concerns :-
- The number of signs are excessive
 - No need for the totem sign and the sign on the east facing wall
 - No need for two signs on the north and west facing elevations
 - Impact of signage and light pollution in a residential area
 - Impact of signage on the approach to Faversham

6. CONSULTATIONS

- 6.1 Faversham Town Council object to the excessive number of signs and in particular to the totem sign and double-sided projecting sign at the entrance to a historic town.
- 6.2 Ospringe Parish Council agree with the comments raised by local residents
- 6.3 KCC Highways raise no objection subject to control over the means of illumination of the signage proposed. They also raise no objection to the revised location of the totem sign.

7. APPRAISAL

- 7.1 The signage proposed requires express consent from the Council under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The Regulations, NPPF and NPPG on Advertisements make clear that a local planning authority can only consider matters relating to public safety and amenity for advert applications.

Public Safety

- 7.2 Public safety considerations generally centre around highways and pedestrian safety, and whether the signs would cause obstruction or distraction. In this instance, the location and height of the signs proposed would not cause any obstruction to the highway and there is no existing CCTV that would be affected. Where illumination is used, this is static rather than intermittent. KCC Highways do not object on safety grounds, and I consider the proposed signage to be acceptable in this respect.

Amenity

- 7.3 The NPPG on advertisements explains that “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. Local character includes any important scenic, historic, architectural or cultural features, and whether adverts would be in keeping with such features. Policy DM15 of the Local Plan states that adverts will be designed to minimise harm to visual amenity.
- 7.4 In this instance, I would describe the character of the area as predominantly residential. Although the hotel and foodstore under construction would introduce a commercial element to this character, these uses would be largely surrounded by residential development.
- 7.5 The fascia and projecting signs would be attached to the north, east and south facing elevation of the building. Given the large size of the hotel building, I am satisfied that the signs would not dominate the external appearance of the building and would be relatively modest in comparison to it. The illuminated projecting sign on the east elevation would be the most prominent, in an elevated position and facing in both directions on Ashford Road. However as this would be the main approach to the hotel from either Faversham or the motorway, I consider this to be acceptable and appropriate for this commercial operation, and I do not consider the sign to be visually overbearing. I also note that the signs have been sited to provide symmetry with the architectural detailing of the building, and would follow the same height as the frame around the first and second floor windows of the building.
- 7.6 The illuminated fascia on the north elevation is more limited in size than the sign on the east elevation, and in a lower position on the building. The effect of this sign is essentially to highlight the main entrance to the hotel building from the car park to the rear. I am content that the more limited effect of this sign has no wider visual amenity impacts.
- 7.7 The totem sign, as amended, would be located approximately 35 metres to the west of the roundabout on Ashford Road. The sign would be sited adjacent to the southern boundary of the site and by the edge of the main approach road into the wider Perry Court site. In my opinion, this is a better location than the original position for the totem sign on the roundabout junction and in close proximity to the projecting sign on the building. Nonetheless, I remain concerned that the revised position of the totem sign would still result in visual harm if the sign remained at 4.5 metres in height. The totem sign would be prominently located adjacent to the main frontage to the site and in front of the main architectural face of the building. It would also be located within an area designed to provide a tree-lined streetscape on the main access road into Perry Court, and would be visible against other signage on the building.
- 7.8 However, the applicant has stated that they are willing to reduce this sign to 2.5 metres in height. This reduction would make the sign far less prominent and less likely to adversely impact upon the architectural frontage of the building or the approved landscape strategy for the site frontage. In my opinion, a 2.5m totem sign would be

relatively discreet in this location, next to the approved landscaping for the development. As such, subject to the drawings being amended to reduce the totem sign to 2.5 metres, I do not consider that visual harm would arise.

- 7.9 The signage does not include any moving parts and as such would be unlikely to cause noise / aural amenity issues.
- 7.10 The illumination for the signage is stated to be at 120cd/m², which would fall well within maximum permitted values in the Institution of Lighting Professionals 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements' for this suburban / edge of town location.
- 7.11 Although the signs would follow standard commercial design and logos for the Premier Inn, I am satisfied that such standardised signage would not in itself be harmful, given the modern appearance of the building that they would be installed on.

8. CONCLUSION

- 8.1 Subject to the receipt of amended plans to reduce the totem sign to 2.5 metres in height, I consider the advertisements to be acceptable under Policy DM15 of the Local Plan.

9. RECOMMENDATION

That delegated powers are given for Advertisement Consent to be GRANTED, subject to the receipt of amended plans for the totem sign and subject to the following conditions:

- 1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 2) No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- 4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason for conditions 1-5: In accordance with the provisions of Regulation 2(1) of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

- 6) The illuminance levels for the advertisements (where shown to be illuminated) shall not exceed 120 cd/m², and such illumination shall be static and not of the flashing / intermittent type.

Reason: To accord with the levels of illumination submitted with the application and to minimise impacts upon the visual amenities of the area and public safety.

INFORMATIVES

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.

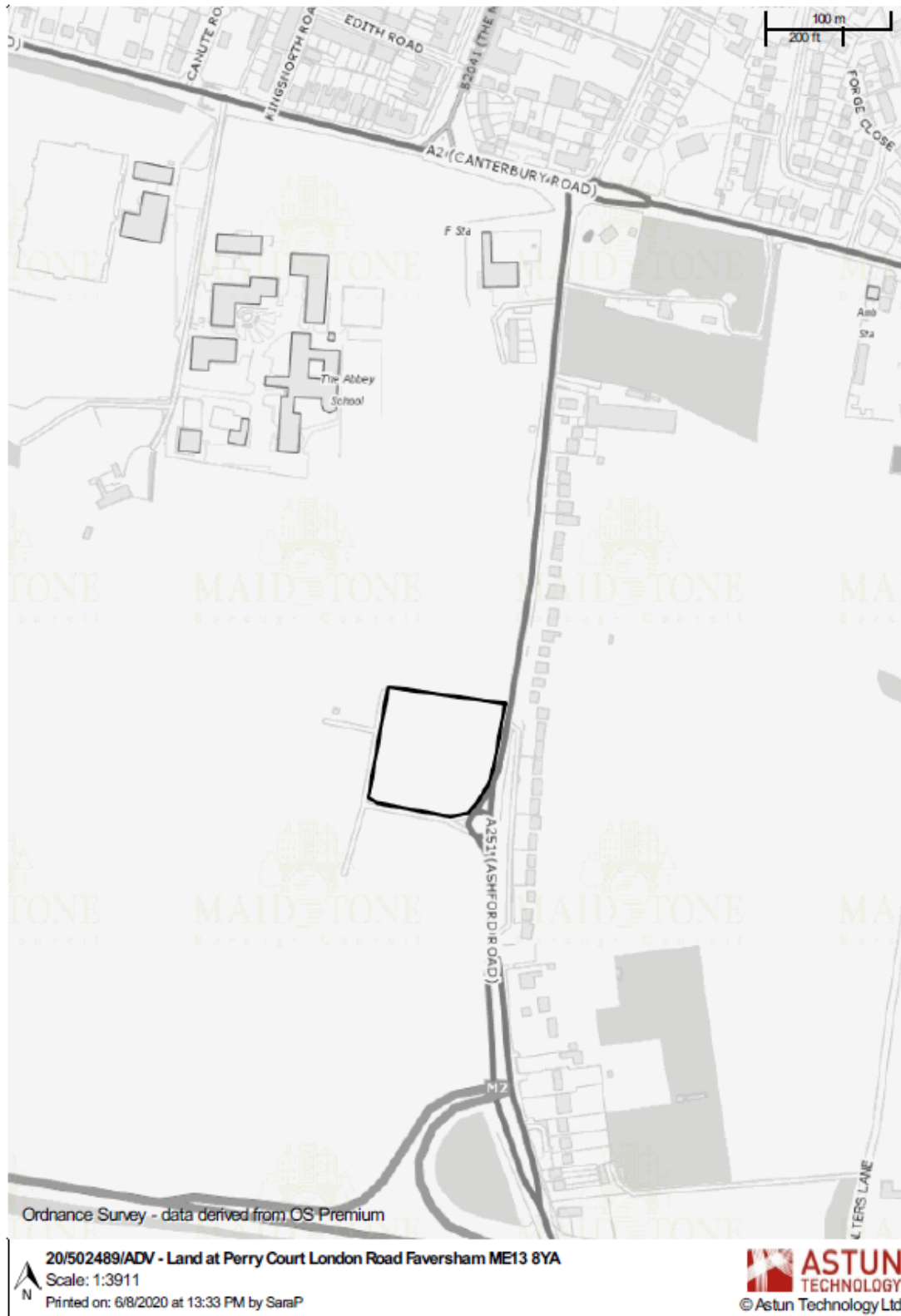
Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective 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 applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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 - 19/505353/FULL		
APPLICATION PROPOSAL		
Erection of 5no. four bedroom detached dwellings with associated garages, parking spaces and private amenity space.		
ADDRESS Danedale Stables Chequers Road Minster-on-sea Sheerness Kent ME12 3SJ		
RECOMMENDATION Grant subject to conditions and SAMMS payment		
SUMMARY OF REASONS FOR RECOMMENDATION		
<p>The Council is currently unable to demonstrate a 5-year supply of housing sites and this development would contribute towards addressing this identified under supply. Whilst the site falls outside the settlement boundary it is a sustainable location adjacent to an existing urban area with a good range of services which can be reached by sustainable travel modes, and there are a range of public transport options which enable connectivity to nearby larger urban areas. When assessed against para 11 of the NPPF, it is considered that the positive impacts of the development in terms of its sustainable location and social benefits of the scheme comply with the environmental and social objectives of sustainable development. Whilst there would be an adverse impact from the development on undeveloped land, it is not considered that this adverse impact would significantly and demonstrably outweigh the identified benefits of the scheme. As such when assessed against paragraph 11 of the NPPF, the proposal is considered to comprise sustainable development, and the principle of this development is considered acceptable.</p>		
REASON FOR REFERRAL TO COMMITTEE		
Parish Council objection		
WARD Sheppey Central	PARISH COUNCIL Minster-On-Sea	APPLICANT Mr Sted-Smith AGENT Kent Design Partnership
DECISION DUE DATE 29/05/20		PUBLICITY EXPIRY DATE 28/11/19

Planning History

SW/02/0971

Outline application for erection of 4 dwellings.

Refused Decision Date: 09.10.2002 Dismissed on appeal

SW/84/0423

Outline application for one house

Refused Decision Date: 22.06.1984

SW/83/0540

Outline application for one dwelling

Refused Decision Date: 26.07.1983

SW/81/0181

Siting of caravan for a temporary period of 2 years

Refused Decision Date: 01.06.1981

SW/79/1473

Outline application for residential development

Refused Decision Date: 05.03.1980

SW/76/1086

Erection of detached dwelling (outline)

Refused Decision Date: 11.01.1977

SW/74/1070

Stables kennels and haystore

Refused Decision Date: 22.01.1975

SW/74/0999

Erection of dwelling (outline)

Refused Decision Date: 22.01.1975

1. DESCRIPTION OF SITE

- 1.1 The application site is roughly rectangular in shape, and extends to approximately 0.45 ha in area. It was previously in use as a stables, but is currently vacant. Established trees are located to the front of the northern boundary of the site, shielding some views of the site from Chequers Road. The site is largely covered in grass and rough scrub. Access to the site is provided from Chequers Road via a track that runs along the western boundary of the site. A stable block is located in the north western corner of the site, close to the access. Land levels change across the site quite dramatically, with land rising from north to south on the western side of the site. On the eastern side of the site is a drop in land levels, and land levels here are roughly at the same level as Chequers Road.
- 1.2 Immediately to the west of the site is a development site for nine dwellings approved under application 16/505623/FULL, which are currently under construction. To the south of that site is a field where there is an outstanding outline planning application for five dwellings (reference 20/500400/OUT) which was reported to the previous Meeting when members resolved to defer the item pending a Committee site meeting. To the rear (southern) boundary are open fields. There are a number of residential properties opposite the site, and No. 189 Chequers Road lies to the east.
- 1.3 The site lies opposite the built up area boundary of Minster (the built up area boundary runs along the northern side of Chequers Road), and as such, is considered to lie in open countryside.

2. PROPOSAL

- 2.1 This application seeks planning permission for the erection of five detached, two storey dwellings on the site.
- 2.2 The proposed buildings will be arranged in a linear fashion, and are of a relatively standard design common to new housing developments across the Borough. The ridge height of the dwellings ranges from 8.8m to 9.1m, and all of the units feature hipped roofs and projecting gable features on the frontage elevations. All of the houses will feature 4 bedrooms at first floor, and living accommodation and a garage at ground floor. Proposed external materials are red/brown brick and hanging tiles, light grey render, red/brown clay roof tiles and grey slates.
- 2.3 The existing access to the site will be removed, and a more centrally located access is proposed, which will result in the removal of two trees on the grass verge to the front of the site. The proposed access has sight lines extending up Chequers Road. Following comments from KCC Highways, the existing footpath that runs along the northern side

of chequers road will be extended to ensure pedestrian access to the site is provided. A shared access road running across the northern part of the site will provide vehicle access to the proposed dwellings. Parking will be provided to the front of the buildings at a rate of 2 per dwelling (in addition to the adequately sized garage at each property) with an additional visitor parking space being provided on the access road.

- 2.4 Each property will have a suitably-sized rear garden. Garden depths range from an absolute minimum of 5.2m at pinch points (unit 5) to approximately 32m deep (unit 4), but all of the gardens are wide and provide generous and useable gardens for each property.

3. PLANNING CONSTRAINTS

- 3.1 Potential Archaeological Importance

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 59-76 (delivering a sufficient supply of homes); 77-79 (rural housing); 170 (local and natural environment); 175 (biodiversity) and National Planning Practice Guidance (NPPG)
- 4.2 Development Plan: ST3, CP3, CP4, DM7, DM14 and DM19 of Bearing Fruits 2031: The Swale Borough Local Plan 2017

5. LOCAL REPRESENTATIONS

- 5.1 24 letters of objection have been received, from 17 separate addresses. Their contents are summarised below:
- Site is outside the built up area boundary – development is contrary to policy ST3.
 - There are already 9 new dwellings being built next to the site and this proposal results in overdevelopment of the area.
 - Loss of views.
 - Reduction of light to properties opposite site.
 - Historical applications at the site for housing have always been refused, including an application for stables. An application for housing was also dismissed at appeal.
 - The need for affordable housing will not be fulfilled by building 5no. 4-bed houses.
 - Impact on local wildlife and farmland to the rear of the site.
 - Loss of equestrian land.
 - Drainage in the area will also be an issue.
 - Developer has already cut down a large tree on the site.
 - During lockdown and over the Easter bank holiday weekend, there were several people clearing hedgerows and undergrowth then burning it on the site.
 - The development will add congestion to an already busy road and proposed access will be dangerous to use.

- In order to create the new access, various Highways trees will need to be cut down, which form part of streetscene.
- The existing footpath should be extended to ensure a continuous footpath between bus stops on Chequers Road, and also should provide a continuous footpath to St Georges School, which could contribute to a reduction in cars as parents and children would be able to walk safely to school.
- It is not acceptable to keep adding houses to an area with a lack of suitable infrastructure – schools, doctors, policy, hospital capacity etc.

5.2 Four comments in support of the application have been received from four separate addresses. Their contents are summarized below:

- Site is suitable for 5 houses of good design and quality with good size plots and parking, which will enhance the surrounding area.
- Proposal is infill development as there are new properties currently under construction to the west, a property to the east and a number of properties opposite.
- The site has become overgrown and has rubbish dumped on it over the last few years.
- With careful planning and planting of indigenous trees and shrubs wildlife would flourish and any temporary disturbance would be minimal.
- I notice in the arboricultural report that 4 trees need to be removed, if replacement trees are planted I cannot see any problem.
- The development is on a local bus route, close to a new school, and walking distance to a small convenience store.
- Provides jobs for local trades and businesses.

6. CONSULTATIONS

6.1 Minster Parish Council object to the application, providing the following comments:

“This proposal is contrary to the Swale Borough Policy ST3 [the Swale settlement strategy] which aims to protect the character of the surrounding countryside and maintain the separation of existing settlements. The site is set in the open countryside outside the built-up area boundary. Minster-on-Sea Parish Council is adamant that this open land should be retained as a valuable countryside gap. If development is allowed the area becomes pure ribbon development.”

6.2 Environmental Health – No objections subject to standard air quality condition relating to electric vehicle charging points and the emissions from boilers. Contamination condition to ensure that if any contamination is encountered it is addressed. Standard conditions during the construction phase to protect the amenity of neighbouring residential properties.

6.3 KCC Ecology – Originally stated further information was required regarding the methodology used for the ecological survey and the potential presence of bats and amphibians on the site. These details were submitted and KCC Ecology subsequently provided comments raising no objections to the scheme subject to conditions.

6.4 Tree Consultant – Originally raised concerns about the impact the construction of the new access, internal road and footpath would have on the line of trees to the front of the

site. Requested a revised arboricultural impact/method statement to address this. This was provided by the agent and the Tree Consultant provided the following comments:

“Having now had chance to look at the revised layout, provided the development follows the recently submitted Arb Method Statement (AMS) by Fellgrove (report ref: 1796.01/FELLGROVE, dated 15-05-2020), then I have no grounds of objection from an arboricultural perspective. If you are minded to approve the application then the working methodology and tree protection recommendations of the AMS are to be conditioned, as is a suitable scheme of landscaping that pays particular attention to the boundary treatment and replacement of lost trees towards the road frontage.”

- 6.5 Natural England – The proposal will result in a net increase in residential accommodation, and therefore mitigation is required.
- 6.6 Southern Water – Request informative relating to the need for a formal application for a connection to the public foul and surface water sewer.
- 6.7 KCC Archaeology – *“The site lies on undeveloped elevated land on the isle of Sheppey which has considerable potential for early remains and in particular those of prehistoric date. This has been well illustrated by discoveries to the east of the present site at Kingsborough Farm where remains of two Neolithic camps, a bronze Age enclosure and several iron age enclosures were found amongst other remains. Investigations in Minster and at the Norwood landfill site have also revealed significant prehistoric and Saxon remains. Given the potential to impact on archaeology I would recommend that in any forthcoming consent provision is made for a programme of archaeological works.”*
- 6.8 KCC Highways – First responded to the scheme noting that the access should be relocated to avoid the loss of highway trees which are of high amenity value. The access should be moved several metres west to ensure only two trees are lost. A footpath should also be provided to the front of the site to enable safe pedestrian access to the proposed development. A visitor parking space should also be provided. Discussions between the agent and Highways Planner took place regarding the practicalities of providing a footpath on the southern side of Chequers Road, given the constraints presented by the existing trees. This resulted in the proposed footpath being relocated to the northern side of the road, and an uncontrolled crossing will be provided to link into the existing footpath provision in the area. An amended drawing was provided (19.39_PL03 revision E) and Highways considers it shows an acceptable layout that now addresses all of the comments that the Highway Authority has made during the consideration of this application. As such, no objections are raised subject to conditions.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Plans and documents relating to 19/505353/FULL.

8. APPRAISAL

Principle of Development

- 8.1 The development site lies outside the built up area boundary where policies of rural restraint apply. The main relevant planning policy is ST3 of the Local Plan, which states that at locations in the open countryside outside the defined built up area boundaries, development will not be permitted unless supported by national policy and where it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquility and beauty of the countryside, its buildings, and the vitality of rural

communities.

- 8.2 The National Planning Policy Guidance (NPPF) seeks to promote sustainable development in rural areas, and housing should be located where it will enhance or maintain the vitality of rural communities and avoid isolated new homes in the countryside.
- 8.3 Paragraph 79 of the NPPF states that the local planning authority (LPA) should avoid isolated homes in the countryside. Given the site's position adjoining the settlement boundary and close proximity to existing residential dwellings, it is not considered that the development would constitute isolated homes in the countryside.
- 8.4 The Council cannot currently demonstrate a five-year housing land supply. In such situations, the NPPF advises that plans and decisions should apply a presumption in favour of sustainable development. Para 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways.
- 8.5 The site is just outside the built up settlement boundary of Minster. Minster itself forms part of the West Sheppey Triangle which is a Tier 3 'Other Urban Local Centre' settlement within the Councils settlement strategy which is considered to provide a reasonable range of services. Policy ST6, the Isle of Sheppey area strategy states that the focus of development and long-term change is at settlements within the West Sheppey Triangle. The site is considered to relate well to the existing urban settlement of Minster and the West Sheppey Triangle which itself is considered to be sustainable as it has access to shops, services, education and healthcare facilities as well as public transport links to nearby larger urban areas. There are bus stops on both sides of Chequers Road, providing connections to Sheerness and Leysdown. The closest corner shop to the site is on Oak Lane, which lies roughly 0.2km to the west, whilst the nearest Post Office (4 Chapel Street) is roughly 0.9km away and the nearest doctors (Shiva Medical Centre, Broadway) is roughly 1.95km away. As such, I take the view the proposal is located within a sustainable location, appropriate for residential development.
- 8.6 However the site comprises of greenfield land and cannot be considered as brownfield or previously developed land. Therefore the development would take place on an undeveloped site which is considered to have a significant adverse impact.
- 8.7 The proposal is for five dwellings which would be of some social benefit. As outlined above, the site has good connectivity with an existing urban area with has a good range of services. As such it is considered that the proposed dwellings would help support the social viability of the existing urban area including existing shops, schools and nearby employment opportunities. It is considered that this would result in a positive impact. As economic benefits from the construction of these dwellings would be short-term, these are limited and would carry little weight. It is considered that there would be a neutral impact.
- 8.8 When assessed against para 11 of the NPPF, it is considered that the positive impacts of the development in terms of its sustainable location and social benefits of the scheme comply with the environmental and social objectives of sustainable development. The proposal would also help contribute towards the Borough's housing land supply, and whilst the proposal is a relatively small site it will make a contribution in a sustainable location. Therefore it is not considered that the adverse impact in terms of developing an undeveloped parcel of land would significantly and demonstrably outweigh the benefits of the scheme outlined above. As such, the proposal is considered to comprise

sustainable development, and the principle of this development is considered acceptable.

Visual Impact

- 8.9 I note the site is currently undeveloped and the proposal will introduce a substantial amount of built form onto the plot, however I consider the proposal will relate well to the residential development to both the north and west of the site, and as such will not cause significant harm the character and appearance of the countryside in my view. The properties are arranged in a linear form within the site, which reflects the surrounding linear development in the area, in particular the nine houses currently under construction to the west of the site. The provision of an internal access road to the front of the dwellings is also similar to the ongoing development of nine houses to the west and I take the view the proposal will relate well to the existing built form along this section of Chequers Road.
- 8.10 The dwellings are well designed in my opinion and would sit comfortably within the context of the local area. The use of different housing styles is appropriate in my view, and will ensure the development blends in with the varied streetscene. The material palette will also be mixed, as shown on the proposed streetscene elevations, and I include a condition below to ensure details of materials are submitted to the Council.

Residential Amenity

- 8.11 The proposed dwellings would provide a good standard of amenity for future occupants, in my opinion. Internal layouts are sensible and practical, and garden areas are generous. The positioning of the units in a linear design results in any residential amenity impacts between plots being minimal. First floor windows are proposed in the side elevations of the dwellings on plots 1, 3 and 5, serving bathrooms. I include a condition below to ensure that these windows are obscure glazed to limit overlooking issues.
- 8.12 The properties will lie roughly 50m from No. 176 Chequers Road, to the north of the site. Due to this distance, I do not envisage there will be any significant impacts to amenity at this neighbouring property. Similarly, due to the distances between the development and the closest dwellings to the east and west (30m and 20m respectively), I take the view the development will not cause unacceptable harm to the amenity of the occupiers of any existing dwellings in the streetscene. I note objections refer to a loss of light for dwellings opposite the site, however there is no set minimum distance for front-to-front separation, and taking into account this distance is roughly 50m, I do not consider any loss of light to be significant.

Highways

- 8.13 The creation of the access in the centre of the site does result in the loss of two highway trees located on the grass verge to the front of the site. Through discussions with the Highway Authority, the positioning of the proposed access was altered during the course of the application to ensure the trees of higher amenity value are retained. This resulted in the access moving approximately 2m to the west. The applicant will be required to financially reimburse KCC Highways for the loss of the two trees, and the proposed landscaping scheme will also ensure replacement trees are planted within the site. Highways are satisfied with the access and its associated sightlines, and have no objections to the scheme, subject to conditions imposed below.

- 8.14 The provision of a footpath providing pedestrian access to the site was also requested by Highways. In order to protect the existing trees along the northern boundary of the site, the footpath will be extended along the northern side of Chequers Road, with an uncontrolled crossing point installed to provide pedestrian access to the site. I am satisfied with this arrangement and include a condition below to ensure details of the footpath and crossing are submitted to the Council.
- 8.15 Regarding parking provision at the site, the recently adopted SBC Vehicle Parking Standards SPD recommends three parking spaces are provided for a four bedroom house in this location. Each property provides two parking spaces on the driveway, as well as an adequately sized single garage. Whilst garages are not always counted towards parking provision, in this case, I note the site is in a fairly sustainable location (within walking distance of a shop, primary school and on a bus route), and the scale of the garages are in line with the sizes recommended in the SPD. As such, I consider the parking provision at each property is adequate. In line with the SPD, 0.2 visitor spaces should be provided per dwelling at the site. One visitor space has been provided and as such I am satisfied with this aspect of the proposal.

Landscaping

- 8.16 As set out above, two trees to the front of the site will be removed to create the access. Highways will be compensated for the loss of these trees, and taking into account the access has been carefully positioned to ensure that the existing trees of higher amenity value are retained, I do not consider the loss of two trees unacceptable. The tree consultant is satisfied with the submitted Arboricultural Method Statement and considers that the trees to the front of the site will be adequately protected during the construction of the development. I include a condition below ensuring the methods outlined in this document are implemented on site. The plans show some indicative landscaping to the front of the site. Full details of the hard and soft landscaping at the site (which pays particular attention to the boundary treatment and lost trees at the front of the site) would be secured through the conditions set out below.

SPA Payment

- 8.17 I have for completeness set out an Appropriate Assessment below. Since this application will result in a net increase in residential accommodation on the site, impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development there is no scope to provide on-site mitigation and therefore off site mitigation is required by means of developer contributions at the rate of £250.39 per dwelling. The agent has provided written confirmation that the applicant would be willing to pay this mitigation fee in principle.

Other Matters

- 8.18 Following the submission of bat surveys, KCC Ecology has no objection subject to the conditions set out below to ensure a precautionary mitigation strategy for Great Crested Newts, biodiversity enhancements and details of hedgehog holes are provided, as well as appropriate bat-sensitive lighting scheme within the wider site. I have no reason to dispute their conclusions.
- 8.19 I appreciate local concern, but loss of views is not a material planning consideration.

9. CONCLUSION

- 9.1 The Council is currently unable to demonstrate a 5-year supply of housing sites and this development would help to contribute towards addressing this identified under supply. Whilst the site falls outside the settlement boundary it is a sustainable location adjacent to an existing urban area with a good range of services which can be reached by sustainable travel modes. Therefore I consider the application is acceptable in principle. I consider the scheme is well designed and does not cause unacceptable impacts to residential or visual amenities. The proposed access is acceptable and will not cause harm to highway safety and convenience. As such I consider that the harm arising from this development is significantly and demonstrably outweighed by the benefits, and I recommend this application is approved.

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) 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) The proposed windows in the first floor side elevations of the dwellings hereby approved on plots 1, 3, and 5, serving the bathrooms shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level prior to the first use of the development hereby approved. These windows shall subsequently be maintained as such.

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

- (4) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- (5) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until

a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial 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.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure any land contamination is adequately dealt with.

- (6) No development shall take place until a programme for the control and suppression of dust during the construction & demolition phase has been submitted to and approved in writing by the Local Planning Authority. The programme shall include monitoring & mitigation details in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition & Construction. 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 the amenities of the area.

- (7) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 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 interest of residential amenity.

- (8) No development shall take place until details of operatives' and construction vehicles loading, off-loading or turning on the site has been submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

- (9) No development shall take place until details of parking for site personnel / operatives / visitors has been submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Reason: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents.

- (10) No development shall take place until details of disposal of surface water so as to prevent its discharge onto the highway has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

- (11) No development shall take place until a proposal to guard against the deposit of mud and similar substances on the public highway has been submitted to and approved by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

Reason: In the interests of amenity and road safety.

- (12) No dwelling shall be occupied until space has been laid out within the site in accordance with the details shown on the approved drawings for cycles to be securely sheltered and stored.

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.

- (13) 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 development hereby approved is first occupied, and shall be retained for the use of the occupiers of, and visitors to, the dwellings, 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 of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

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

Reason: In the interests of highway safety.

- (15) No dwelling shall be occupied until Electric Vehicle Charging facilities shown on the approved drawings have been provided 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 electric vehicle charging facilities in the interest of reducing greenhouse gas emissions.

- (16) No dwelling hereby approved shall be occupied until the off-site footway along Chequers Road indicated on drawing 19.39_PL03 revision E has been carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and pedestrian amenity.

- (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, and an implementation programme. Particular

attention should be paid to the boundary treatment and the replacement of lost trees towards the road frontage.

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 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.

- (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) The development must be carried out in accordance with the working methodology and tree protection measures recommended in the submitted Arboricultural Method Statement by Fellgrove (ref. 1796.01/FELLGORVE, dated 15/05/2020).

Reason: In the interests of visual amenity.

- (21) Prior to the occupation of the development, a “lighting design strategy for biodiversity” for the site shall be 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 important for bats;
- 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).

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of biodiversity.

- (22) No development shall take place until a precautionary mitigation strategy for Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. The works must be implemented during the construction works as detailed within the approved plan.

Reason: In the interests of biodiversity.

- (23) Prior to the occupation of the development, details of the fence holes for hedgehogs shall be submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained.

Reason: In the interests of biodiversity.

- (24) No development shall take place until details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with hedgehog highways and provision of generous native planting where possible. The approved details will be implemented and thereafter retained.

Reason: In the interests of biodiversity.

- (25) 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 the 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.

- (26) The dwellings hereby approved shall be constructed and tested to achieve the following measure:

At least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended);

No development shall take place until details of the measures to be undertaken to secure compliance with this condition 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.

- (27) Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no gates, fences, walls or other means of enclosure shall be erected or provided in advance of the front walls of any dwelling.

Reason: In the interests of visual amenity.

- (28) Adequate underground ducts shall be installed before any of the buildings hereby permitted are occupied to enable telephone services and electrical services to be connected to any premises within the application site without resource to the erection of distribution poles and overhead lines, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no distribution pole or overhead line shall be erected other than with the express consent of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (29) The development hereby permitted shall be carried out in accordance with the following approved plans: 19.37_PL03 E, 19.37_PL04, 19.37_PL05, 19.37_PL06, 19.37_PL07, 19.37_PL08, 19.37_PL09, 19.37_PL10, 19.37_PL11, 19.37_PL12, 19.37_PL13, 19.37_PL14, 19.37_PL15, 19.37_PL16, 19.37_PL17, 19.37_PL 18, 19.37_PL20 C, 19.37_PL22 A and 19.37_PL23 A.

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

INFORMATIVES

- (1) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defense against prosecution under this act. Trees, hedges and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees, hedges and buildings are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
- (2) A formal application for connection to the public sewerage system is required in order to service this development. 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>
- (3) 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>

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 dwellings are 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 (which will 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.

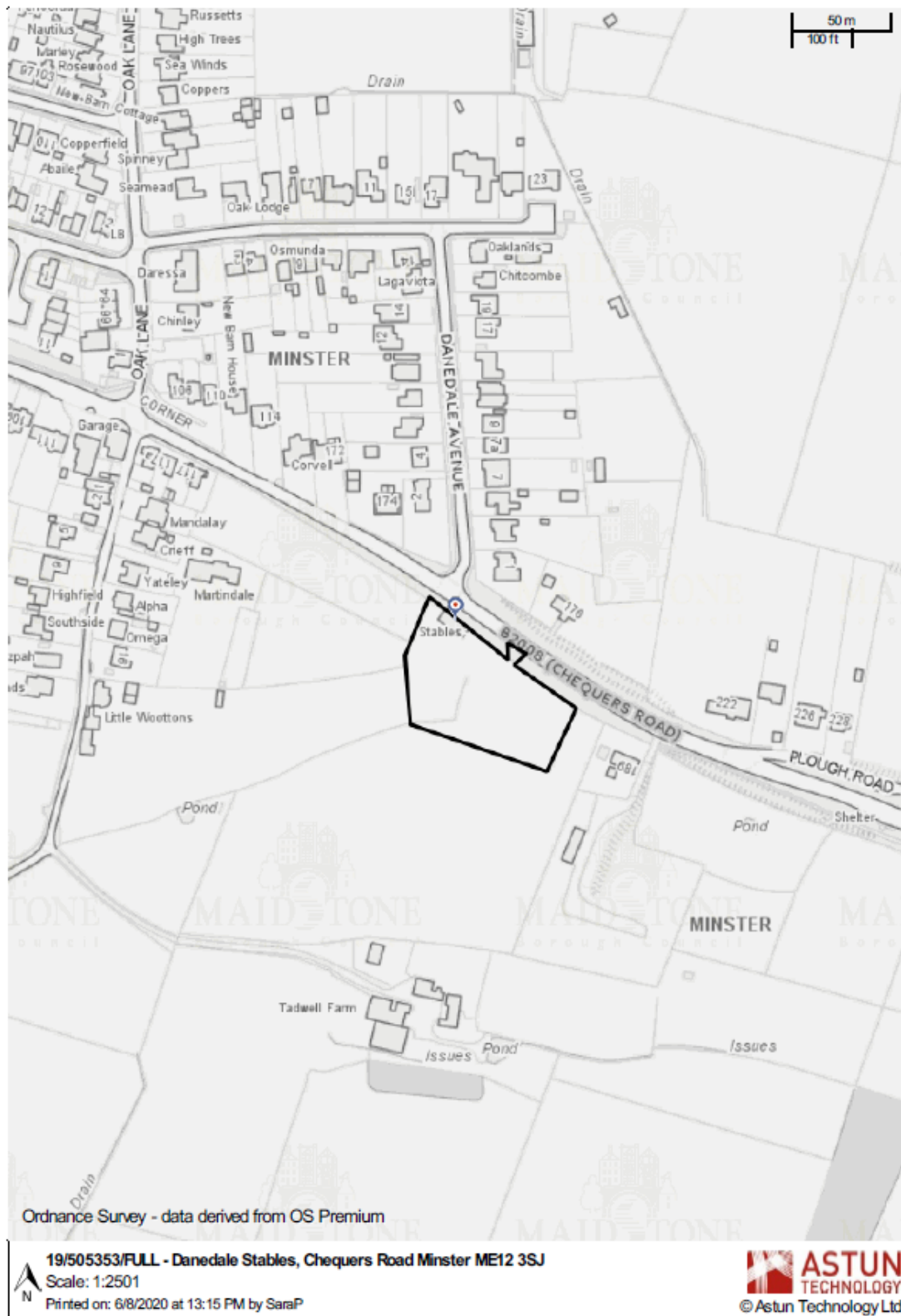
It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway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

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 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 - 20/502848/FULL		
APPLICATION PROPOSAL Erection of single storey rear extension with insertion of roof lights (retrospective).		
ADDRESS 9 Walsby Drive Sittingbourne Kent ME10 2TT		
RECOMMENDATION - Grant		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal does not cause harm to the character and appearance of the area or result in any significant overbearing or overshadowing on neighboring properties.		
REASON FOR REFERRAL TO COMMITTEE The applicant is an employee of the Council.		
WARD Kemsley	PARISH/TOWN COUNCIL	APPLICANT Mrs Julie Badcock AGENT
DECISION DUE DATE 02/09/20	PUBLICITY EXPIRY DATE 30/07/20	

Planning History

20/502188/LDCEX

Lawful Development Certificate (Existing) for a single storey rear extension.

Withdrawn Decision Date: 22.06.2020

1. DESCRIPTION OF SITE

- 1.1 The application site consists of a detached dwelling located in a modern housing estate within the built up area boundary of Sittingbourne. The dwelling is two storeys in height and constructed in yellow brick. An attached garage is located to the south of the dwelling with a narrow driveway for parking located to the front of this. A small grassed garden lies to the front. To the rear lies a private garden.
- 1.2 The surrounding area is predominantly residential, with detached dwellings of a similar scale and design.

2. PROPOSAL

- 2.1 This application seeks retrospective planning permission for the erection of a single storey rear extension and 2no. rooflights.
- 2.2 Proposed rear extension measurements:
- 6.4m width
 - 2.5m projection from rear
 - 3.7m ridge height
 - 2.9m eaves height
- 2.3 The materials match those on the existing dwelling.

3. PLANNING CONSTRAINTS

3.1 Environment Agency Flood Zone 3

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 DM16 of Bearing Fruits 2031: The Swale Borough Local Plan 2017

4.3 Supplementary Planning Guidance (SPG): 'Designing an Extension: A Guide for Householders'

5. LOCAL REPRESENTATIONS

5.1 None received.

6. CONSULTATIONS

6.1 KCC Minerals and Waste: have no objection

7. BACKGROUND PAPERS AND PLANS

7.1 All plans and documents relating to application 20/502848/FULL.

8. APPRAISAL

Principle of Development

8.1 The site lies within the built up area boundary where the principle of development is acceptable. The main considerations in this instance are the impact on residential amenity of neighbouring dwellings and the visual impact.

8.2 The application is retrospective as the applicant believed the works to be permitted development. When advised that the works could not be considered permitted development this application for planning permission was submitted.

Visual Impact

8.3 The extension is located entirely to the rear of the dwelling and is of a modest single storey construction. It is not visible from public viewpoints and does not significantly alter the character and appearance of the dwelling. The monopitch design is appropriate and the materials closely match those on the main dwelling. I consider the extension acceptable in appearance do not consider the design harmful to visual amenity.

Residential Amenity

8.4 The extension projects 4m to the rear of the dwelling which is greater than the adopted SPG recommends close to the boundary. However the property is detached and separation between houses, and the orientation and positioning of the surrounding dwellings must be taken into consideration.

- 8.5 To the north lies no.11 which has a detached garage located along the shared boundary with the application site, largely screening the extension from the occupiers of no.11. No.11 is also set away from the shared boundary and there are no habitable rooms significantly impacted by the extension.
- 8.6 To the south east lies no. 7. The extension will not project beyond the garage serving no.9, and I do not therefore envisage any impact on the occupiers of no.7.
- 8.7 To the south lie the gardens of nos. 1 & 3. However – the extension will not be prominent viewed from these dwellings and I do not envisage any impact on the amenities of the occupiers of these dwellings.

Other Matters

- 8.8 The site lies within Flood Zone 3 but the development is a small scale addition to an existing dwelling and the floor levels will be no lower than the existing dwelling. Where appropriate the materials used are flood resilient and service points have been sited as high up walls as practical. In accordance with the Environment Agency Standing Advice I consider this information is acceptable and that the flood risk issues have been adequately addressed.

9. CONCLUSION

- 9.1 The proposal does not cause harm to the character and appearance of the area or result in any significant overbearing or overshadowing on neighboring properties.

10. RECOMMENDATION - GRANT planning permission without conditions

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 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.



2.5 REFERENCE NO - 20/502364/FULL		
APPLICATION PROPOSAL Conversion of garage into a habitable room to create a larger kitchen area, including replacement of garage door with a window and installation of a sky light to existing flat roof.		
ADDRESS 42 Berkeley Close Dunkirk Faversham Kent ME13 9TR		
RECOMMENDATION - Grant subject to conditions		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Dunkirk	APPLICANT Mrs Keeley Harrison AGENT
DECISION DUE DATE 28/08/20	PUBLICITY EXPIRY DATE 28/07/20	

Relevant Planning History

SW/79/1286
Kitchen Extension
Approved Decision Date: 27.12.1979

Relevant Planning History for nearby sites in Berkeley Close**At 38 Berkeley Close**

15/503828/FULL
Erection of single storey front extension and part conversion of integral garage with door to side.
Approved by Planning Committee Decision Date: 17.08.2015

At 10 Berkeley Close

18/505342/FULL
Conversion of garage to habitable room and erection of single storey front extension
Approved by Planning Committee Decision Date: 07.12.2018

At 8 Berkeley Close

18/501317/FULL
Erection of a single storey front extension, conversion of existing garage into a habitable space and internal alterations
Approved by Planning Committee Decision Date: 29.05.2018

1. DESCRIPTION OF SITE

- 1.1 42 Berkeley Close is a relatively modern semi-detached house located within the Local Plan defined built up area boundary of Dunkirk. The property has been built with a flat roofed single garage projecting forward from the main building line. This is a style prevalent at the time and which is found throughout Berkeley Close and across the Borough.

- 1.2 The site is located in a residential cul-de-sac with mainly similar semi-detached and terraced dwellings with semi or fully paved front gardens. Originally, these houses might have had a short driveway providing room for one car space in front of the garage and a grassed area beside. However, this property (in common with many others) now has hardstanding extending across most of the width of the property frontage (a paved width of 5.1m) providing off road parking for two cars with a small grassed area to the side.
- 1.3 The property has had a modest single storey rear extension but it has not been extended at first floor level.
- 1.4 The original planning permission for the house prohibits any normally permitted works that prevent vehicular access to the garage, to ensure that adequate provision is made for the parking of motor vehicles, and to safeguard the amenities of the area. The condition therefore protects the parking space within the garage and the one parking space in front. Hence this application to install a wall and window where the garage door currently stands is necessary.
- 1.5 The property situated close by at no. 38 Berkeley Close, and properties at nos. 8 and 10 Berkeley Close, have all been granted planning permission for a garage conversion in recent years; where adequate alternative parking provision was available and the conversion did not result in loss of soft landscaping. These applications were all approved by Members despite the Parish Council opposing them.

2. PROPOSAL

- 2.1 This application seeks permission for the conversion of the existing garage to a habitable room to provide a larger kitchen. The proposed conversion would involve removing the garage door and replacing it with a new window to match existing windows. The external wall below the new window would be constructed of brick to match the existing brickwork and a rooflight will be installed in the flat garage roof.
- 2.2 Two off-road parking spaces would be available on the already paved driveway.
- 2.3 The applicant sought pre-application advice prior to submitting the application and was advised that as the garage conversion would not result in additional on-street parking or extra hard surfacing of the frontage, it was likely to be considered acceptable.

3. PLANNING CONSTRAINTS

- 3.1 None

4. POLICY AND CONSIDERATIONS

- 4.1 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies DM7 (Vehicle Parking); DM14 (General Development Criteria) and DM16 (Alterations and extensions)

Supplementary Planning Guidance (SPG): "Parking Standards" (May 2020) was adopted by the Council in June 2020 and is a material consideration in the determination of planning applications. Paragraph 56 states

"In areas without on-street controls, many residents do not use garages for parking, even if they have to park on-street as a result. This is often the case in suburban and

rural locations and therefore garages are unlikely to be counted as part of the parking provision in these locations.”

Supplementary Planning Guidance (SPG): “Designing an Extension – A Guide for Householders”. With regards to car parking, the guidance states that:

“Extensions or conversion of garages to extra accommodation, which reduce available parking space and increase parking on roads is not likely to be acceptable. Nor is the provision of all car parking in the front garden a suitable alternative as the position is unlikely to be suitable for a garage and will create a poor appearance in the streetscene.”

5. LOCAL REPRESENTATIONS

5.1 None

6. CONSULTATIONS

6.1 Dunkirk Parish Council objects to this application, stating

“Dunkirk Parish Council considered this application at a meeting on 20th July 2020 and agreed to object to the removal of the garage parking.

This is an object on the principal of such permissions and the extra number of vehicles that increasingly park on the streets.”

6.2 The applicant has responded to the Parish Council's objection as follows:

Thank you for your latest email. It is some what frustrating that the parish council have objected to our proposed plans. More so as it is impossible for us to use the garage as a parking space due to the size of our vehicles and being able to exit the vehicles !! The attached photograph and measurements more than prove we do not rely on road side parking. Another point to add is that 10 properties in Stony Road and Berkeley Close have converted garages, some of these have parking for only one vehicle and have also extended the property to the front. Hopefully the planning committee will see that our proposed plans would cause no disruption or problems to our neighbourhood.

Please find following information and photograph as requested.

Driveway. 510cm width

720 cm length

Garage. 230 cm wide (inside measurement)

Our vehicles measure 200cm and 215 cm wide leaving no room for moving from the vehicle once parked.

7. BACKGROUND PAPERS AND PLANS

7.1 Application papers and drawings referring to application reference 20/502364/FULL.

8. APPRAISAL

- 8.1 The main considerations in the determination of this planning application concern the impact that the loss of the garage as a parking space would have upon the character and appearance of the streetscene, and upon highway safety and convenience.
- 8.2 The relevant planning condition protected the only two parking spaces then available to this property. The proposed conversion would result in the loss of the property's only single garage. The question then is what impact will that have on the streetscene, and on parking provision at the property. Almost the entire frontage of the property is already hardsurfaced, whereas originally there was some soft landscaping, with one parking space in front of the garage.
- 8.3 The existing 5.1m wide paved driveway in front of the garage exceeds the necessary width for two 2.5m wide parking spaces, and now provides adequate off-road parking for two cars side by side. No lawn or soft landscaped area will be lost as a result of the proposed conversion. Nor will the loss of the garage result in less than the original parking provision for the property being available. As such, my view is that notwithstanding the SPG advice quoted above, there will in this case be no net adverse effect on the streetscene, or additional on-street parking or extra hard surfacing resulting from the proposal.
- 8.4 Members will note that there are several examples in Berkeley Close itself where the Council has recently decided in favour of similar garage conversions despite objections from the parish council. Many other properties in the same road also have paved driveways to the front. As such, I see approval of the application as consistent with the Council's careful approach to this issue, but I see no prospect of the Council being able to defend a refusal of this application at appeal. I suggest that conversion of the garage into a habitable room will have no adverse impact upon the streetscene as no new on-street parking or loss of soft landscaping issues would arise.
- 8.5 The garage conversion introduces a window facing the highway in place of the existing garage door. The size and design of this window is in keeping with the other front windows and as such, I consider that the proposal is acceptable in relation to its impact upon neighbouring amenities.

9. CONCLUSION

- 9.1 This application for conversion of garage to habitable room is considered acceptable and I therefore recommend that planning permission be granted. I do not consider that there are grounds to refuse this application and the Council's approval for similar schemes on other houses nearby would make any refusal of permission here difficult to defend..

10. RECOMMENDATION – Approve 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 materials to be used in the construction of the external surfaces of the garage conversion hereby permitted 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), February 2019 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.



2.6 REFERENCE NO - 20/502567/FULL		
APPLICATION PROPOSAL Removal of existing shed and erection of log store.		
ADDRESS 67-69 The Street Boughton Under Blean Faversham Kent ME13 9BE		
RECOMMENDATION - Grant		
REASON FOR REFERRAL TO COMMITTEE Applicant is an elected Member of the Council		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Boughton Under Blean	APPLICANT Alastair Gould
DECISION DUE DATE 07/09/20	PUBLICITY EXPIRY DATE 13/08/20	

Planning History

SW/14/0183

Listed Building Consent to remove modern render to the rear of No.67 and to replace with weatherboarding.

Approved Decision Date: 02.05.2014

SW/10/0217

Listed Building Consent for rebuilding of existing chimney.

Approved Decision Date: 03.06.2010

SW/09/1244

Listed Building Consent for (1) Addition of insulation to roof in main bedroom. (2) Removal of old gas flue + installing lining to enable the installation of a wood burning stove in chimney at east end of building. Installing chimney pot + bird guard, bird guards on other chimneys. Making good around fireplace.

Approved Decision Date: 21.01.2010

SW/08/1310

Listed Building Consent to replace 2 conservation roof lights in tiled kitchen roof with purpose made timber glazed lantern.

Approved Decision Date: 03.02.2009

SW/08/1309

To replace 2 conservation rooflights in tiled kitchen roof with purpose made timber glazed lantern

Approved Decision Date: 03.02.2009

SW/08/0699

Installation of a solar hot water collector on the roof of the garage to the rear.

Approved Decision Date: 08.09.2008

SW/07/0709

Listed Building Consent for single storey extension to rear of house, requiring demolition of workshop/games room, replacement of existing flat roof over bedroom 5 with pitched tiled roof, replacement external French doors and windows, replacement conservation rooflights and internal alterations to open up existing kitchen to proposed new kitchen.

Approved Decision Date: 15.08.2007

SW/07/0708

Single storey extension to rear of house, requiring demolition of workshop/games room, replacement of existing flat roof over bedroom 5 with pitched tiled roof, replacement external French doors and windows, replacement conservation rooflights and internal alterations to open up existing kitchen to proposed new kitchen.

Approved Decision Date: 15.08.2007

1. DESCRIPTION OF SITE

1.1 The property is a Grade II listed building situated within the Boughton Street conservation area. It is situated on a high bank and fronts The Street.

1.2 To the rear of the property is a fairly large area of garden with access from the rear, in which are situated a small number of outbuildings. One of these is an existing shed, which is in need of repair or replacement. It is situated close to an existing willow tree, towards the rear of the garden. There are a number of other mature and semi mature trees in the garden.

2. PROPOSAL

2.1 The proposal is for the existing shed to be removed from site, and a new timber-built log store to be erected, roughly in the position of the existing shed.

2.2 The new log store would be constructed of timber, faced with featheredged boarding, and this would measure 4.5 metres in width by 3.2 metres in depth, with a maximum height of 2.4 metres. It would be served by two bi-fold doors to the front, with a pent roof and no fenestration. It would be situated approximately 12 metres from the rear elevation of the existing house.

2.3 The application is accompanied by a brief Heritage Statement and a Design and Access Statement which notes the following:

'The proposed log store is sited at the rear of the property, where there is existing access via a set of double gates. The store is designed with a flat roof which can be lifted, double bi-fold doors, and a removable central post, so that logs can be unloaded directly into the store from a tipper lorry. This will enable logs to be kept as dry as possible, which is important in minimising particulate emissions. The age of the property means that it is very difficult to insulate to a level which will make heating by heat pumps effective, so the lowest carbon option is to use wood in an efficient stove. This does mean at least two tipper loads are needed for a winter's supply, hence the need for a larger store. This strategy has meant that over the past winter we were able to use a total of 16m³ of gas for heating and hot water, which equates to 178 kwh, compared to the average use of 12000 kwh. This contributes to Swale's target of zero carbon use as set out in the Climate and Ecological Emergency declaration.'

2.4 The application is referred to the Planning Committee as the applicant is an elected Member of the Council.

3. PLANNING CONSTRAINTS

3.1 Conservation Area Boughton Street

Listed Buildings SBC Ref Number: 1070/SW

Description: G II 69 THE STREET, BOUGHTON UNDER BLEAN

Listed Buildings SBC Ref Number: 1071/SW

Description: G II 63A AND 67 THE STREET, BOUGHTON UNDER BLEAN

4. POLICY AND CONSIDERATIONS

- 4.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017 – Policies CP4, CP8, DM14, DM32 and DM33.

5. LOCAL REPRESENTATIONS

- 5.1 No representations have been received from local residents (deadline for comments 13/08/2020).

6. CONSULTATIONS

- 6.1 No response has been received from Boughton-under-Blean Parish Council (deadline for comments 13/08/2020).

7. APPRAISAL

- 7.1 Firstly, I note that planning permission is required here because the proposed log store is proposed within the curtilage of a listed building, and if this were not the case the proposal would constitute permitted development. However, as planning permission is required, I consider that the main issues to consider in this case are those of the effect of the proposal upon the character and setting of the listed building and the character and appearance of the conservation area.
- 7.2 Due to the enclosed nature of the garden, it would be difficult to see the proposed log store from outside of the garden, and the proposal would have a negligible impact on the character and appearance of the conservation area. Indeed, as the proposed log store would replace the existing dilapidated shed, it could be seen as an improvement, in accordance with policy DM33.
- 7.3 Similarly, due to its simple, low-key style, use of featheredged boarding, and its position in relation to the house, the proposal would have a negligible effect on the character and setting of the house, being situated away from the house and partially screened by the mature willow tree. Again as the proposed log store would replace the existing dilapidated shed, it could be seen as an improvement to the setting of the listed building, in accordance with policy DM32.
- 7.4 Furthermore, the very small scale nature and the position of the log store means that it will not adversely affect the residential amenities of neighbours.
- 7.5 Finally, with regard to trees, I understand that the proposed log store will simply sit on the ground with no foundations, and should therefore not adversely affect the roots of any nearby tree.

8. CONCLUSION

- 8.1 As the proposal would have no negative impact upon character or setting of the listed building, or on the character of the surrounding conservation area, or upon residential

amenity, I recommend that the proposal be approved subject to the conditions recommended below.

9. 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 log store hereby permitted shall be finished with timber featheredged boarding which shall be stained either black, dark brown or dark green.

Reason: In the interests of visual amenity.

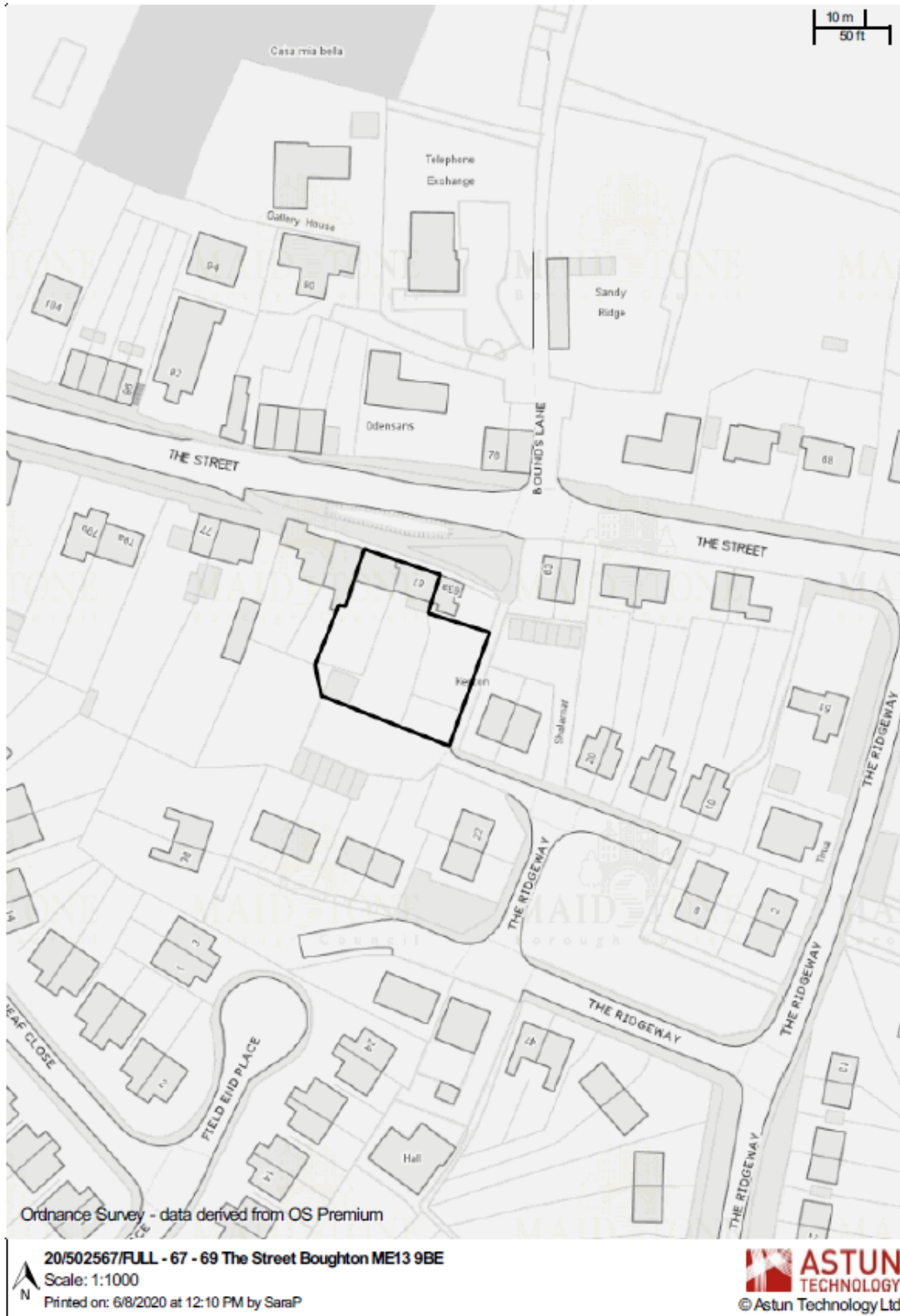
The Council's approach to the application

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.

In this case, the application was considered by the Planning Committee where the applicant 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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2.7 REFERENCE NO - 20/502759/FULL		
APPLICATION PROPOSAL		
Erection of a two storey side and rear extension and a carport and first floor side extension as amended by drawing no's. 29360A_003 Rev A; 29360A_004 Rev A; 29360A_006 Rev A; 29360A_007 Rev A and 29360A_008 Rev A		
ADDRESS Pottery Cottage Dawes Road Dunkirk Faversham Kent ME13 9TP		
RECOMMENDATION – Grant subject to conditions		
REASON FOR REFERRAL TO COMMITTEE		
Parish Council objection		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Dunkirk	APPLICANT Mr Bob Bridgen AGENT Clague
DECISION DUE DATE 20/08/20	PUBLICITY EXPIRY DATE 28/07/20	

Planning History

17/506490/FULL

Change of use of agricultural land (formerly land associated with Boughton Pottery) to residential garden land, associated landscaping and creation of an access road (works started).

Approved Decision Date: 27.02.2018

SW/94/0153

Garden room extension

Approved Decision Date: 28.03.1994

SW/88/1745

Outline application for erection of a single storey dwelling

Refused Decision Date: 10.01.1989

1. DESCRIPTION OF SITE

- 1.1 This property is a substantial and attractive traditionally designed detached two storey four bedroom dwelling, with a detached single garage to one side, and extensive gardens to the side and rear. It sits on a generous plot in a prominent position within the bend in the road, with farmland predominately surrounding the site to the north and east. This section of Dawes Road features largely detached properties either side of the road, and Pottery Cottage is the last property on the left upon leaving the village heading north-east towards Blean. A bungalow adjoins the property to the left (west) side.
- 1.2 The property itself is located at the edge of the village but just within the Local Plan defined built-up area boundary of Boughton-under-Blean/Dunkirk. However, this boundary deliberately runs immediately alongside the eastern end wall of the property, meaning that a large part of the existing garden lies outside the built up area boundary. The entire property lies within the designated Blean Woods Area of High Landscape Value (Kent Level).

- 1.3 There is a parking area to the eastern side of the house in front of the garage that provides off-road parking for at least three cars. Also there is a driveway at the other end of the house providing an additional car parking space.

2. PROPOSAL

- 2.1 Planning permission is now being sought to demolish part of the existing ground floor accommodation at the rear of the property (and the detached garage) and to construct two storey extensions to both the western and eastern ends of the house.
- 2.2 The extension on the western end of the house would be supported by four brickwork posts at ground floor level and would be open at the front and back providing a car port/disabled parking bay. The first floor part would provide an additional bedroom with windows at the front and rear (with Juliette balcony).
- 2.3 The side and rear extension at the other end of the house would project approximately 6.5m beyond the existing rear wall, creating an L shaped property. As originally submitted, two large pitched roof dormers were proposed within the front facing roofslope. However, in accordance with the Council's guidance on the design of dormer windows, and following comments from the Parish Council, the scale of these dormers has since been reduced in width and height. On the rear facing roofslope, there would be six conservation rooflights and a further three on the side facing roofslope. At ground floor level, this extension will provide a new entrance door with disabled lift facilities situated next to the existing parking area, and more usable ground floor living accommodation that will be accessible. At first floor the extension will provide larger bedrooms, some with en-suite bathrooms.
- 2.4 The internal layout of the property will be re-configured to address the current multiple differences in floor levels within the house. The extended property will have six bedrooms. A dividing boundary line splitting the house into two 3 bedroomed dwellings has been indicated on the drawings. However, this application does not seek permission to sub-divide the house into two separate dwellings, and any such subdivision would have to be the subject of a separate planning application.
- 2.5 The extensions will be built in red brick to match the existing house with tile hanging to the upper walls, and a pitched clay tiled roof.
- 2.6 Before submitting the application, the applicants sought pre-application advice for a larger extension to the eastern end, one that would have been taller than the host property and extended beyond the built up area boundary. They were advised that the development should remain entirely within the built up area boundary and that the extensions should be seen as subservient to the host property. The revised proposals have responded positively to that advice and the eastern end extension is now far less dominant.
- 2.7 The application is supported by a well-illustrated Design Statement which states the following:
- The applicants want to stay in the property but the building is not suitable for the elderly or persons of restricted mobility as it consists of 5 different floor levels from arrival via car to the master bedroom

- The proposal looks to retain the existing property as the primary aesthetic and to adapt and extend the dwelling to enhance the views and increase amount of light
- Also, the proposal is to make the dwelling more ambient accessible
- This area was historically built up with buildings
- The L-shape of the building will help with finishing the edge of the village by forming a more obvious book end to where the Local Plan finishes
- We have reduced the ridge heights of the extensions to make it subsidiary to the host building – but we have had to raise the ridge to the existing east elevation by 300mm as it is poorly constructed and will need new timbers and proper insulation
- The elevational treatments seek to engage with historic nature of the setting and land uses
- The proposals seek to demolish 70m² of the existing property that are deemed redundant, poorly built and are detracting from the original cottage
- The proposal seeks to replace ground floor area with a more usable extension that will open the building up to enjoy its surroundings

3. PLANNING CONSTRAINTS

3.1 None

4. POLICY AND CONSIDERATIONS

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

Policy CP4 Requiring good design

Policy ST3 The Swale settlement strategy

Policy DM7 Vehicle parking

Policy DM11 Extensions to, and replacement of, dwellings in the rural area

Policy DM14 General Development Criteria

Policy DM16 Alterations and extensions

Policy DM24 Conserving and enhancing valued landscapes

Policy DM26 Rural lanes

4.2 Supplementary Planning Guidance (SPG) relating to “Designing an Extension: A Guide for Householders”. With regards to dormer windows, the guidance states:

“Dormers should be in proportion with the roof and only as large as necessary to allow light into the roof space. As a guide the dormer should be no deeper than half the depth of the roof slope and have square proportions of a vertical emphasis. They should normally have pitched roofs with tiles to match the main roof.”

5. LOCAL REPRESENTATIONS

5.1 None

6. CONSULTATIONS

6.1 Dunkirk Parish Council objects, stating the following concerns:

“The design doesn't appear to be sympathetic to the original building and is overly large.

The dormers windows accentuate the mass and possible cause issue from overlooking.

The access is muddled, and there remains two access points that were meant (we believe) to be temporary to import landscaping materials, but they seem to be part of the application and are considered to be dangerous.

Finally, the application is suggesting that the building will be split into two dwellings at a later date, and we question whether this application could be considered 'deemed consent' for the development of another property.

Whilst it is outside the village envelope, therefore in the countryside - in an area of High Landscape Value (Kent Level) and on a rural lane, the cottage should probably be included inside the village envelope as it has formed part of the street scene for many years.

The Council were clear that they do not rule out the possibility of an extension gaining their approval, and would ask that the applicant considers some changes.”

7. BACKGROUND PAPERS AND PLANS

7.1 Application papers and drawings referring to application reference 20/502759/FULL.

8. APPRAISAL

Principle of Development

8.1 The property itself and the proposed development (apart from a very small corner of the eastern rear extension) lies wholly within the Local Plan defined built up area boundary. To that extent I consider the proposal to be acceptable in principle. The main considerations in the determination of this planning application are its design and the impact on the character and appearance of the street scene. Also of consideration is the impact on the neighbouring property.

Impact on the character and appearance of the street scene

8.2 Although the property is not historically designated in its own right as of special interest and it is not a listed building, nor does it lie within a conservation area, it is an attractive cottage of a locally distinctive type, and any new development should be sensitive to the character of the building and its locality.

8.3 In my view the proposed scheme is well considered and takes on board the advice provided at pre-application stage. In particular the size and height of the extensions have been significantly modified, and the design is more-in keeping with the traditional character of the property. As the property sits on a well-sized corner plot, and within the surrounding area there is a diverse mix of semi-detached and detached homes which also sit comfortably within their plots.

- 8.4 Whilst the property will be significantly extended, the proposal would have limited impact on the character of the street scene as the bulk of the eastern extension is to the rear. Although I shared a concern of the Parish Council that the front dormer windows were overly large, but I do not share the view that front facing dormer windows would give rise to overlooking as they face the public highway. I am satisfied that the revisions made to the front dormers conform to the SPG guidance and I therefore consider that the proposed design is now acceptable.

Residential Amenity

- 8.5 The neighbouring property to the west, a detached bungalow known as Terra Cotta, is the property that would be most affected by the proposals, but I am of the opinion that any harm to their amenities is unlikely considering the first floor side extension would mostly abut their front garden. The neighbouring property is sufficiently spaced apart from Pottery Cottage that there will be little impact from the rear facing first floor windows.

Highways

- 8.6 The Parish Council makes reference to access, pointing out that two access points remain despite one being considered to be temporary. This application does not propose any changes to the existing access arrangements. The access to the north-east corner of the garden granted by planning permission 17/506490/FULL allows maintenance vehicles to access this part of the garden. It was not a temporary planning permission. The other access close to the bend in the road is a 'pull-in' to enable two vehicles to pass one another on this narrow part of Dawes Road.
- 8.7 The parking area to the eastern side of the house provides off-road parking for three cars, with an additional two spaces at the other end, which accords with adopted Swale guidance for a dwelling with more than four bedrooms. I am satisfied therefore that there would be no resulting harm to highway safety and convenience.

Other Matters

- 8.8 Concerns raised by the Parish Council in relation to 'deemed consent' for the creation of an additional dwelling of noted. This is a matter which the applicant has already been made aware of during pre-application advice discussions. The subdivision of the house into two separate dwellings will require planning permission and the applicant can be reminded of this through an informative as set out below.

9. CONCLUSION

- 9.1 I consider that the proposal is acceptable in terms of its design and impact upon the visual amenities of the area, and upon the residential amenities of neighbouring properties. I therefore recommend that planning permission be granted.

10. RECOMMENDATION – Approve subject to the following conditions

CONDITIONS

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

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

- (2) The development hereby approved shall be carried out in accordance with approved drawings 29360A_003 Rev A, 29360A_004 Rev A, 29360A_005, 29360A_006 Rev A, 29360A_007 Rev A and 29360A_008 Rev A.

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

- (3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing building in terms of type, colour and texture.

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.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

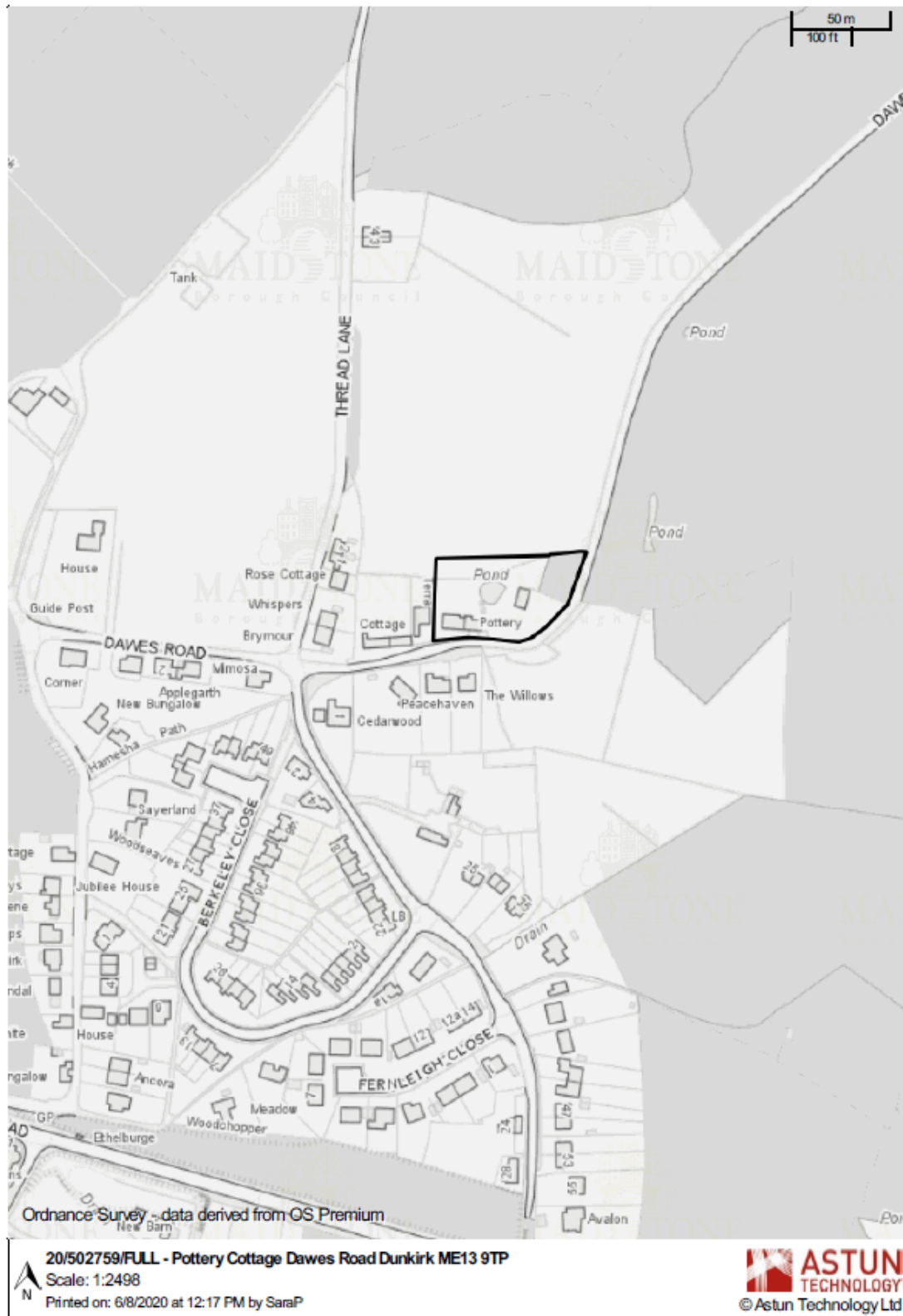
The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

INFORMATIVE

- (1) This planning permission relates only to the extensions as shown on the approved drawings. The submitted drawings indicate the position of a party wall should the house be subdivided into two dwellinghouses. The applicant has been made aware that the creation of an additional dwelling will require planning permission, and also be subject to a SAMMS tariff.

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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2.8 REFERENCE NO - 20/502127/FULL		
APPLICATION PROPOSAL Erection of a first floor extension to existing Masonic Hall and changes to fenestration.		
ADDRESS Masonic Hall, The Boat Yard, Upper Brents, Faversham, Kent ME13 7DL		
RECOMMENDATION – Grant subject to conditions		
REASON FOR REFERRAL TO COMMITTEE Town Council objection		
WARD Priory	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Kent Masonic Property Company Ltd AGENT Woodstock Associates
DECISION DUE DATE 15/07/20	PUBLICITY EXPIRY DATE 25/06/20	

Planning History

SW/93/0843

Elevational alterations to existing building
Approved Decision date: 08.11.1993

SW/93/0021

Change of use to Masonic Hall
Approved Decision date: 27.10.1993

This planning permission included only the following conditions in addition to the standard commencement period condition:

- (ii) *The permission shall ensure solely for the benefit of the Kent Masonic Property Co. Ltd. and for no other persons or body.*

In the interests of highway safety and residential amenity.

- (iii) *The area shown on the submitted plan as parking space shall be used for or be available for such use at all times when the premises are in use and no development, whether permitted by the Town and Country Planning General Development Order 1988 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 use hereby permitted.*

The development without the provision of the parking space would be detrimental to amenity and likely to lead to inconvenience and danger to road users by virtue of vehicles parked on the public highway

It does not contain any condition restricting hours of use, or the number or frequency of meetings, or restricting the numbers attending meetings. Nor does it prevent any future change of use, or use by others, once the initial change of use was made.

SW/92/0990

Change of use to Masonic Hall
Refused Decision date: 04.01.1993

The reason for refusal was related to lack of parking spaces.

1. DESCRIPTION OF SITE

- 1.1 The Masonic Hall is a modern building located in Upper Brents within the conservation area of Faversham, approximately 0.5km from Faversham Town Centre. It is accessed via Upper Brents which continues on to serve a number of terraced residential properties and then the Upper Brents Industrial Estate.
- 1.2 The location is largely residential, but to the east is the Upper Brents Industrial Estate, and to the south west is a large area of open space adjacent to the Creek. To the rear of the site is a public footpath beyond which is the live-work estate of Faversham Reach.
- 1.3 The existing single storey building is set to the rear (the lowest part) of the site and is finished in brick under a concrete tiled roof, with very limited uPVC fenestration. It measures 10.0m wide and 18.0m long with an eaves height of 2.48m above ground level at the front and 2.85m above ground at the rear. The ridge is 4.0m above ground level at the front and set low into the ground, the building being below the level of Upper Brents. The meeting hall itself is to the rear of the building.
- 1.4 Eight, mainly sycamore, trees lie to the south of the site and provide a screening from the residential properties in Faversham Reach. To the south west, a large area of designated Local Green Space extends to the banks of Faversham Creek and is interspersed with a mixture of mature trees and bushes; it is a well-used area of public open space.

2. PROPOSAL

- 2.1 The proposed development includes raising the central part of roof of the building to two storeys over the front part of the hall, constructing a first floor extension across the middle part of the building which will project sideways at first floor level (with clear space beneath) to create a T shaped plan, and internal alterations. The new roofs are shown to be pitched with gable ends; the new front gable housing the new stairs will be glazed to full height, and this will include the new front entrance. No works are proposed at the rear near to the trees, although crown lifting of some trees is recommended.
- 2.2 The new extension to the hall will be clad with black weatherboarding similar to the adjacent Faversham Reach properties. The new roof will be surfaced with slate, and the remaining single storey roofs re-covered to match. The existing brickwork will be rendered in a similar manner to the houses opposite on Upper Brents. New windows will be in grey aluminium.
- 2.3 The extensions and internal alterations will provide a revised layout and the principal entrance will now be located at the front of the building. The internal lobby will lead to changing rooms, sanitary facilities, a kitchen and hall on the ground floor, with further changing rooms and sanitary facilities and a new meeting room (Temple) on the first floor.
- 2.4 The proposed first floor extension will have an eaves height of 5.2m above ground level at the front to a maximum of 7.5m in ridge height. The ridge height of the main roof over the temple will be 8.4m above ground level and the width and depth of the first floor extension will be 16.4m wide and its depth 7.6m.

- 2.5 The application is accompanied by a Flood Report, Tree Survey, Heritage Statement and a Design and Access Statement.

3. PLANNING CONSTRAINTS

Potential Archaeological Importance

Environment Agency Flood Zone 3 141081

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) paras 11, 39, 92, 124 and 196.

Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies ST1(Sustainability), CP4 (Requiring good design), CP8 (Conserving and enhancing the historic environment), DM7 (Vehicle parking), DM14 (General development criteria), DM19 (Sustainable design and construction) and DM33 (Development affecting a conservation area)

Supplementary Planning Guidance (SPG): Conservation Areas.

5. LOCAL REPRESENTATIONS

- 5.1 Four local letters of objection have been received and their contents are summarised below:

- Before lockdown two to three meetings were being held almost every week with 20 to 30 cars arriving to each meeting, starting around 3pm and staying until around 8-9PM resulting in parking spaces for local residents being taken before they arrived home from work.
- The early start time resulted in difficulty with lorries getting through from the industrial estate The industrial area has become extremely busy with more businesses operating than ever before and however pedestrians are already facing dangers and problems
- There is simply not enough parking space for the number of vehicles already using the industrial estate. Vans and trucks are already parking across the footpath such that people are forced to walk in the road
- When the hall is in use, the parking becomes untenable and very dangerous for pedestrians.
- Doubling the size of the proposed building inherently means increased capacity usage and more frequent usage. This will inevitably lead to more parking problems in the immediate area of Upper Brents to the detriment of residents
- I am sure that when they first moved in there was a limit put on the amount of meetings that would be able to take place each month.
- The applicant claims that the use of the building will very likely be no more than at present and by very few more users; but no undertaking is given to this effect. If this is in fact the case, the amount it will probably take to realise the applicant's proposals would not appear to be economically cost-effective.

- If this extension means more meetings and more people turning up I strongly object to permission being given.
- The area is designated as a conservation area, in other words keeping the location as it is at present as much as possible. Residents have been refused permission for alterations to their homes because of this, either a conservation area is what it says on the tin or it isn't.
- The existing building is a very low profile structure lying at the bottom of a slope and mercifully obscured by tall railings as it is of no architectural merit, doubling it would mean it would obtrusively dominate the site.
- The existing building is an eyesore; to add another storey to this makes it overbearing and is irresponsible. A new building could be sensitively designed, a single storey building, would be much more economic, new design might also provide an opportunity to produce a solution which did not require an extremely unsightly steel palisade fence to surround it
- The logical solution would be to demolish the existing substandard, inefficient building and to rebuild from scratch. There would be considerable advantages in a demolish and rebuild approach.
- A new design could give an opportunity to rationalise better and more car parking on site
- A new design could meet not just current energy performance criteria but anticipate those required for zero-carbon performance by 2035
- The proposed structure will be of absolutely no social benefit or enhancement to the area but is merely intended for the use of a single organisation
- The actual location, although possibly once owned by the shipyard, was formerly used for agricultural allotments. The environment of the location now is of wooded park land surrounded by comparatively good quality residential development.

5.2 In response the applicant commented in summary below:

- *We would strongly reiterate that the purpose of extending the current building, is to increase the amenity area for our members, to update the current lack of disabled facilities for our aging members, and to drastically improve the energy efficiency of the existing building. We do not envisage any increase in numbers, this is not the intention of the increased floor space.*
- *We acknowledge that the area surrounding the building is designated as a conservation area, and understand the frustration when residents wish to make trivial alterations to their own properties. Our understanding is that a conservation area is one of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance, the main feature being the character of the area, rather than individual buildings. We feel therefore, that by enhancing the external appearance of the existing building without demolishing it entirely we are acting within these guidelines. We disagree with the point raised regarding no enhancement to the area, as the current building is undoubtedly an eyesore to the area!*

- *We would again stress, that we do not envisage any increase in numbers.*
- *Regarding the issue of no assessment re parking. This is not required by Swale Borough Council and, as we have stated in previous responses, we do not anticipate any change to the numbers using the hall. This objection appears to be directed at the Industrial Estate rather than the Masonic Hall.*
- *With regard to the proposal being considered “not being economically cost-effective”, the Kent Masonic Property Company, (the owners of the building) are paid an annual rent for the use of the hall, it is used solely for the Organisation and not offered to the public for rental. All monies raised within the meetings are donated to the charities we support. Any shortfall of income is always supported by the members.*
- *The proposal will result in outgoing costs relating to heating, water etc. being significantly reduced.*
- *Consideration was given to demolishing the existing building, however, we are mindful that this would have environmental implications in respect of disposal of materials, increased lorries with “muck-away loads” and landfill.*
- *We agree that the current building is extremely ugly and an eyesore, and this has been addressed externally with the inclusion of the additional floor.*
- *The suggestion of a single storey, would reduce the parking capacity within our curtilage, as we require more internal space for our existing members*
- *We are unable to comment regarding day to day traffic relating to the nearby Industrial Estate.*

6. CONSULTATIONS

6.1 Faversham Town Council objected to the original submission stating:

- 1) Insufficient detail on why the extension was needed and what it would be used for.
- 2) There is no traffic assessment. It is unclear how this proposal would impact traffic to the site in the future.
- 3) No energy efficiency improvement to the building.
- 4) No environmental mitigation.
- 5) Climate and Biodiversity not taken into account.

6.2 The applicant responded to each point raised with the following comments, summarised below:

- *The current building does not allow adequate facilities for the existing members, the vast majority having to change clothes in a very small confined area and each rank within the organisation requiring separate changing areas. The current building requires considerable updating due to damp issues and ventilation. Disabled facilities need to be improved for those who require assistance. The*

current downstairs room doubles up as both a meeting room and dining room, requiring much effort to change over and a permanent dining room would ease this.

- *We have no reason to believe the number of meetings or number of attendees will increase with the addition of the upper floor. The hall is not used by any other organisation or activity. The maximum number within the meeting room will in all probability never exceed 45 and some meetings do not exceed 20.*
- *There is no traffic assessment as the use of the hall will continue with no increase in attendees. There are 58-60 meetings a year between beginning of September and the end of July. With the exception of approximately three meeting a year (which commence at 4pm) the meetings commence at 6.30pm or 7pm. Members are reminded to use the hall's car park and to only park adjacent to the green and under no circumstances outside residents' houses.*
- *We understand the concern over the lorries from the industrial estate, but by the time the meetings commence this has long since closed. We note that cars from the industrial estate frequently park on the road and often in front of the gates to the Masonic Hall.*
- *The current energy efficiency of the building is very poor with an inefficient boiler and uninsulated cavity walls and roof. The energy efficiency of the building will increase substantially with the proposal.*
- *Environmental mitigation is difficult to quantify on this building with its intermittent use, however currently there is inefficient building fabric and outdated sanitaryware, resulting in high heat loss and excessive water consumption. The demolition of the existing structure would have environmental implications, including additional site traffic with disposal of materials to land fill. The upgrading of the existing building will reduce the carbon footprint of this building.*
- *It is difficult to increase biodiversity on the site given the size on the building within the plot and the car parking space. However, it was considered which resulted in the first floor being rotated through 90 degrees to protect the tree canopies and the retention and protection of the trees immediately adjacent to the site is secured. Bird and bat nesting boxes would also be considered.*

6.3 Following the submission of the additional information from the applicant's agent, and confirmation that a traffic assessment was not a requirement for this development, the Town Council considered the application again and still object for two reasons:

- 1) The proposal has a detrimental effect on the residential amenity of the area.
- 2) Parking is a problem in the area, with pedestrians being forced into the road by parked vehicles.

They further commented that it is disappointing that the proposal does not include car charging points or grey water harvesting.

6.4 To which the applicant further responded, in summary below

- *Visually, the overall quality, views and outlooks for local residents will be greatly improved by this extension, however, with the permission of Swale Borough*

Council we are more than happy to plant a full line of Evergreen Laurels to the South West boundary to mask the security fencing. We do not believe that there will be any detrimental effect with the inclusion of a first floor and feel that by constructing with materials similar to that of Faversham Reach, vast improvements will be seen. As shown in the Design and Access Statement submitted with the planning application.

- *Parking is a problem in the area, with pedestrians being forced into the road by parked vehicles.*
- *In addressing the parking objection we do not anticipate any increase in numbers attending the hall which is why they are only improving the dressing areas and disabled facilities for the existing members, they do not envisage the parking situation changing irrespective of whether this extension is completed or not. All members are requested to park within the property, and they police this very carefully. They are also advised that if the necessity arises to park in the public road, they are to park adjacent to the green, and under no circumstances in front of local resident's homes. They note the comment re pedestrians being forced into the road, but with no pathway adjacent to the green they believe this would happen regardless of parked vehicles.*

6.5 Natural England had no comments to make on the proposal

6.6 The Council's Tree Consultant has said that the applicant's arboricultural report is acceptable and suggests that the suggested tree protection measures are followed.

7. BACKGROUND PAPERS AND PLANS

7.1 Papers for application 20/502127FULL.

8. APPRAISAL

8.1 The key issues to consider in this application are the principle of extending the building and the impact on the surrounding area, including the impact on the character of the conservation area.

8.2 This proposal is for an extension to an existing building located in Faversham and whilst the extension is significant in relation to the current appearance of the host building, it is of a design I consider to be appropriate and in keeping with the area. I am mindful that it will also facilitate an improvement to the appearance of the existing building which, to be generous, is an unattractive, inefficient, aging, utilitarian building.

8.3 Whilst the current building does share some design cues from the industrial estate to the east its position by the large boarded quayside properties of Faversham Reach and the brick terraced properties of Upper Brents finds it somewhat in a "no man's land" regarding design.

8.4 However, I consider that the proposed replacement materials of slate, stained wooden cladding and render, and the new glazed front elevation, better relates the building to the more attractive residential properties surrounding it, as well as to Faversham reach to the rear, and I consider that it will be an attractive and appropriate development, as required by adopted Local Plan policies. I do not share the local objectors' view that a newly constructed building is the only option here.

- 8.5 The building's location within the conservation area does require that careful consideration needs to be given when assessing the proposal, to ensure the new development preserves or enhances the character of the area. Given the negative impact the current building has on the area's special character, my view is that the improvements proposed here will indeed result in an enhancement to the character of the conservation area. I cannot agree with a local objector who considers that the designation means that the area should stay as it is, particularly in the case of this building.
- 8.6 The proposed extension aims to provide the additional space the applicants require and they have stated this is not with an eye to increasing the use of the site, but to ensure the facilities are improved for those already using it. Essentially, the works provide for single use rooms to save using the same space for dining and other activities.
- 8.7 In terms of landscaping there is no substantial change proposed to the existing area surrounding the new building, given the existing site constraints. Also the existing parking area is to be retained at its present size and will continue to service the building. The palisade boundary fencing has been in place around the site for many years now and has provided adequate security to the building. However, I agree that in the wider context of the site it does appear jarring particularly along with the large area of concrete on the south west boundary adjacent to the green open space. I note the applicants' offer to provide additional planting and as such I have included a condition to require a landscape plan to be submitted to address this to produce a softer elevation.
- 8.8 The tree survey accompanying the application covers the eight trees in the immediate vicinity of the site and each was individually assessed with the report concluding that whilst seven were recommended for removal on arboricultural grounds, that is not the intention of the proposal and it will be that their canopies can be lifted to 5.2 m to accommodate the proposal. I am advised by our Tree Consultant that this assessment is acceptable and I have included a condition to ensure tree protection measures during construction works.
- 8.9 I note the comments from local residents regarding parking by users of the hall. The use of the hall was granted planning permission in 1993 and the proposed increase in the size of the building, given it is to provide more comfortable facilities for its current users, will not lead to a change in the circumstances under which it was originally approved and for how it has subsequently been used. The agent's submission is that, apart from three early meetings a year, these meetings are routinely taking place in the evening and visitors are using the car park, or they park on the nearby on street parking as they and others are permitted to do so. There are no special local parking restrictions close to the site.
- 8.10 To address the parking issue the applicants have agreed to a planning condition limiting the use of the building to themselves. This means that it will be only their own activities that will carry on, and that there is no reason to see any increase in traffic or parking arising from the proposals. This is a significant safeguard which does not exist at present.
- 8.11 I also note that there are no allocated resident parking areas on Upper Brents and the comments appear to refer to parking in publicly available areas and on street parking

which is available for all to use. I appreciate that not having a designated parking space, or on occasion not being able to park where you wish, can be inconvenient but it is not altogether clear that the hall and its use is the sole reason for this. Additionally, this proposal would not impact on whether this could happen at any other day of the week or time of the day by others visiting the area, other residential properties, or the Industrial Estate.

- 8.12 I note the issues local residents raise in relation to the increasing number of vehicles, of all sizes, coming and going from the industrial estate and the associated parking and pedestrian safety issues with the increased activity there. This is a busy, vibrant, employment site and provides an important service and level of employment to the town which has been here for many years. The only access is from Upper Brents and vehicles are routinely seen parked on both sides of the road. This is the nature of the area and whilst bad driving or inconsiderate parking is not condoned this is not an issue for consideration here as this is all out of the control of the applicants.
- 8.13 There were suggestions made by local residents as to how the expansion of the facilities here should have progressed, but it is the proposal before you that is to be considered.
- 8.14 I note the comments from the Town Council regarding additional sustainable energy measures here, but these must be considered in line with the scale and nature of the proposal. As it currently stands the proposal will result in increased energy efficiency, thermal performance, and a reduction in carbon emissions and will make significant efficiency savings to an ageing and inefficient building.

9. CONCLUSION

- 9.1 The proposal is to improve the facilities currently available to the ladies using the Masonic Hall. The design and size of the proposed extension is appropriate to the building and the areas and the resultant improvements to the appearance of the building as a whole will lead to an enhancement in the character of the conservation area. I do not consider the proposed improvements would cause any additional harm to the residential amenity of the local residents and as such I recommend that planning approval be granted subject to conditions.

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 hereby approved shall be carried out in accordance with the following approved drawings: MA/19/152.02, MA/19/152.03, MA/19/152.04, and MA/19/152.06

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

- (3) All new external facing materials shall be in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and conserving the character of the conservation area

- (4) All new windows and external doors used shall be in accordance with manufacturer's details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and conserving the character of the conservation area

- (5) No development other than the construction of foundations for the new first floor extension shall take place until details have been submitted to and approved by the Local Planning Authority, which set out what measures have been taken to ensure that the development improves the energy efficiency of, and reduces the carbon emissions from, the building by means such as better insulation, sustainable construction techniques and the inclusion of renewable energy production such as the inclusion of solar thermal or solar photo voltaic installations. The approved details shall be incorporated into the development.

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

- (6) No development other than the construction of foundations for the new first floor extension 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 extensions hereby permitted, 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) All trees to be retained on the site must be protected during construction works by suitable fencing of a height not less than 1.2m at a distance as specified in Table 1 or Figure 2 of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction' before any equipment, machinery or materials are brought on to the site and this

fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To safeguard the existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

- (10) All suitable hard surfaced areas of the site not occupied by a building at ground floor level shall be kept clear at all times as parking space, and these areas shall all be kept available for such use at all times when the premises are in use. No development, whether permitted by The Town and Country Planning (General Development Development)(England) Order 2015 (as amended) or not, shall be carried out on such areas or in such a position as to preclude vehicular access to such areas.

Reason: The development without the provision of the parking space would be detrimental to amenity and likely to lead to inconvenience and danger to road users

- (11) Upon completion of the extension, the use of the building shall be restricted to use only by the Kent Masonic Property Co. Ltd. and for no other persons or body.

Reasons: In the interests of highway safety and residential amenity.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 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 applicant/agent was provided with formal pre-application advice.

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 – 20 AUGUST 2020

PART 5

Report of the Head of Planning

PART 5

Decisions by County Council and Secretary of State, reported for information

- **Item 5.1 – Land adj Westfield House Breach**

APPEAL DISMISSED

COMMITTEE REFUSAL

Observations

Despite the lack of a five-year housing land supply, the Inspector agreed with the Council that the benefits of the development would be substantially and demonstrably outweighed by the harm, notably in respect to a significant harmful impact on the character and appearance of the rural and open countryside; and reliance on the use of private motor vehicle to access everyday needs and employment opportunities. The inspector noted that the proposal would be in conflict with the NPPF which aims to recognise the intrinsic character and beauty of the countryside, the need to reduce travel and the move towards a low carbon future, concluding that the proposal would not amount to sustainable development.

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Appeal Decision

Site visit made on 29 June 2020

by **P Wookey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st July 2020

Appeal Ref: W/4000612

**Land adjoining Westfield House, Breach Lane, Lower Halstow,
Sittingbourne, Kent, ME9 7AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Keith Tress against the decision of Swale Borough Council.
 - The application Ref 19/500764/OUT, dated 13 February 2019, was refused by notice dated 19 August 2019.
 - The development proposed is described as 'Outline application (all matters reserved except access) for the demolition of former farm building/garage and erection of 10no. two, three and four bedroom dwellings with garages, associated landscaping and parking, together with new access and part widening of Breach Lane'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description in the banner above is taken from the Council's decision notice which more accurately reflects the development proposed.
3. The application was in outline for the erection of ten dwellings. An illustrative layout plan Drawing No TR/16/140.02D was submitted.

Main Issues

4. The main issues are:
 - Whether the development is in an appropriate location, having regard to the settlement strategy and its accessibility to local services and facilities; and,
 - The effect of the development on the character and appearance of the surrounding area.

Reasons

Location

5. The appeal site comprises two parcels of land (Parcel A would accommodate 6 dwellings and Parcel B would accommodate 4 dwellings), either side of a detached dwelling Westfield House. Parcel A is relatively flat and extends to an area of approximately 0.28 hectares. Parcel B which extends to an area of

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- approximately 0.25 hectares, was partly used as allotments and the remaining area (approximately 75%) was associated with the former use of brickearth excavation. Opposite the appeal site are two blocks of two storey dwellings known as Westfield Cottages and a further terrace known as Club Cottages. There is a car parking area located close to the dog leg in Breach lane, in close proximity to Parcel A.
6. Policy ST1 of Bearing Fruits 2031: The Swale Local Plan (2017) (LP) seeks to deliver sustainable development that accords with the settlement strategy for the Borough. Policy ST3 of the LP sets out the settlement hierarchy and directs development towards defined settlements and allocated sites. Development in the countryside is restricted unless it is supported by national planning policy and is able to demonstrate that it would contribute to protecting the intrinsic value, landscape setting, tranquillity and beauty of the countryside and the vitality of rural communities.
 7. Based on my site visit, the appeal site is located approximately 150 metres outside of the defined settlement boundary of Lower Halstow and the appellant acknowledges that it is located within the open countryside. I acknowledge that part of Parcel B is previously developed land and due to the rows of dwellings opposite, the appeal site cannot be considered isolated in the true sense of its meaning. However, Policy ST3 does not make provision for an exception to the restrictive approach to development in the countryside for such sites.
 8. With regards access to local services and facilities, the appellant has submitted as evidence details of those available in Lower Halstow and the surrounding area. Based on my site visit, the routes from the appeal site to facilities in Lower Halstow which includes a primary school, would be either along Breach Lane or the footpath ZR43 which is accessed at a point close to Club Cottages and then cuts across open fields.
 9. However, for some distance along Breach Lane the footpath alongside the highway is unlit, as demonstrated in the evidence¹ submitted by the appellant and footpath ZR43 is also unlit and has an uneven surface for most of its length. Whilst I acknowledge that the facilities in Lower Halstow would be within a reasonable distance based on the evidence submitted², the lack of lighting on the footpath routes would discourage regular use by pedestrians and cycling may not be the preferred option in inclement weather.
 10. I also note from the evidence before me that there are services and facilities in the neighbouring villages of Upchurch and in Newington, which would also provide some employment opportunities. Both villages were visited during my site visit. Whilst the development proposed would provide some support to the local services and facilities in the neighbouring villages, the network of unlit footpaths and narrow rural roads that would be used to access them would not provide a realistic option for pedestrians and cyclists on an everyday basis and would not be the preferred option in wet weather. Whilst the appellant states that Lower Halstow is served by bus services, the Council states that only two operate Monday to Saturday and have provided details of the varying range of infrequent services to other settlements, with no services provided on Bank Holidays. Further, there was no indication of a bus stop at the corner of Parcel

¹ Appendix D Aerial Photograph showing the location of street lighting on Breach Lane: January 2020

² Penshurst Planning Appeal Statement January 2020: reference to Institute of Highways and Transport 'Guidelines for providing Journeys on Foot 2000' and 'WVG 'How Far Do People Walk 2015' page 20.

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B which the appellant refers to in evidence submitted, though other bus stops, some distance away along Breach Lane and The Street were visible. I therefore conclude that the future occupiers of the proposed dwellings would be reliant on the use of a private motor car to access local services and facilities in Lower Halstow, the neighbouring settlements of Upchurch and Newington and the larger settlements of Rainham and Sittingbourne.

11. I conclude that the appeal site would not be a suitable location for the proposed development having regard to the settlement strategy and its poor access to local services and facilities and would conflict with policies ST1, ST3 and DM9 of the LP and paragraphs 8,11,79, and 170 of the National Planning Policy Framework (2019) (the Framework), which when read together seek to deliver sustainable development consistent with the settlement strategy by restricting development in the open countryside.

Character and Appearance

12. Parcel A is clearly visible from the dog leg in the highway on Breach Lane and had been cleared prior to my visit, whilst Parcel B had been only partially cleared, with most of the site appearing to be overgrown with vegetation. Both Parcel A and Parcel B currently have an undeveloped appearance and make a significant contribution to the open, rural landscape of the area which extends beyond the appeal site in the direction of Upchurch
13. Whilst the layout of the development proposed is illustrative, the number of dwellings proposed on Parcel A and B, would significantly alter the current undeveloped appearance of the appeal site and would introduce an urbanising and domestication effect which would have a significant detrimental impact on the character of the surrounding area. Whilst the appellant states that the layout may be subject to change and could be adapted to be similar to the development opposite the appeal site, this would not overcome the harm that would result from the loss of the currently undeveloped appearance of the appeal site and the contribution it makes to the surrounding countryside.
14. As a result, the development proposed would have a significant harmful effect on the open landscape appearance of the appeal site and would not enhance its immediate setting. It would be contrary to the aims of the Swale Landscape Character and Biodiversity Appraisal 2011 Supplementary Planning Document which seeks to restore the rural environment, whilst creating a landscape structure that would improve the areas strength of character. Overall, the development proposed, would have a significant adverse impact on the contribution the appeal sites undeveloped appearance makes to the open landscape character of the surrounding area.
15. I conclude that the development proposed would have a significant detrimental impact on the setting of the open countryside and would be contrary to policies CP3, CP4, DM9, DM14 and DM24 of the LP and would be contrary to paragraphs 8,11,127, 130 and 170 of the Framework. When read together these policies seek to deliver sustainable development which directs new development to be within the defined settlement hierarchy, contributes to the move towards a low carbon future and protects and enhances the intrinsic character of the rural landscape in the area.

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Other Matters

16. I have had regard to the proximity of the appeal site to the Swale Special Protection Area which is afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended. The Council has undertaken an Appropriate Assessment and has identified that the development proposed could cause disturbance to the SPA from recreational use by the future occupiers of the proposed dwellings, given its proximity. The appellant has submitted as evidence a Unilateral Undertaking (UU) which would provide a financial contribution to mitigation measures within the SPA. Whilst I note that the Council has confirmed that the UU is acceptable with regards the range of developer contributions towards the NHS Contribution and its standard bin contribution, as the appeal is dismissed on the main issues, it is not necessary to consider this matter further as part of this decision.
17. I note that the Highways Authority has raised no objections to the proposed access arrangements to the development proposed and state that whilst the proposed highway widening works on Breach Lane would not be required to be undertaken if the scheme was permitted they would provide some local highway benefits. Whilst the highway improvements would provide a benefit to the users of the highway, in this case the benefits would not overcome the harm identified in consideration of the main issues and would not on its own justify allowing the appeal.
18. I have had regard to the wide range of views expressed by interested parties including, amongst other things, the support for the provision of a wider range of housing in the village, the benefits that would be provided by the proposed highway improvements and the increase demand for local school places. I have also had regard to those interested parties that oppose the proposals due to increased traffic movements, loss of undeveloped land and impact on the countryside and the precedent that would be set for allowing development outside of settlement boundaries. I have taken these into account in reaching my decision, with most points covered in my reasoning on each of the main issues. Reference has been made by both parties to other appeals in the Borough, but as each case must be judged on its own merits and whilst I have regard to the other appeal decisions, they have not altered my decision.

Planning Balance

19. The Council accepts that it is unable to demonstrate that it has a five year supply of housing land and states that its supply position published in February 2019 was 4.6 years and has provided evidence which indicates that it has commenced a Housing Action Plan to address the identified shortfall. Whilst the Council states that the shortfall is due to the method of measurement used in the Housing Delivery Test, the amount of shortfall is disputed by the appellant who states that the shortfall is between 4.1- and 4.6-years supply of housing land.
20. On the basis of the identified shortfall in the Council's housing land supply, the appellant states that there should be a presumption in favour of development and in accordance with Paragraph 11 of the Framework the most relevant policies for determining the application should be considered to be out of date. Paragraph 11d) states that planning permission should be granted unless any adverse impacts of doing so would demonstrably and significantly outweigh the

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Appeal Decision W/4000612

benefits when assessed against the policies in this Framework taken as a whole.

21. In the context of the development plan the development proposed would conflict with the previously identified policies in the LP on both of the main issues and which are generally consistent with the aims of the Framework and paragraph 170 which broadly states the need for development to contribute and enhance the natural and local environment and recognise the intrinsic character and beauty of the countryside. Further, the development proposed would result in significant harm to the character and appearance of the surrounding area and the future occupiers of the proposed dwellings would be reliant on the use of a private motor vehicle to access everyday needs and employment opportunities. It would therefore conflict with the Frameworks aims to recognise the intrinsic character and beauty of the countryside, the need to reduce travel and the move towards a low carbon future.
22. The proposal would result in short term benefits with regards the construction phase and the future occupiers would contribute some spend in the local economy which would support local services and facilities in Lower Halstow and the neighbouring villages. I therefore attach only limited weight to these benefits. With regards social benefits, the addition of ten dwellings would make a modest contribution towards the Council's housing shortfall and to the range of housing available in the area, improvements to the highways and increase demand for the local school. I attach moderate weight to these benefits. The proposal would produce some environmental benefits including the remediation of previously developed land on part of Parcel B; would reduce the pressure on agricultural land for development and would make a financial contribution towards mitigation of any impacts arising from the development on the SPA. I attach moderate weight to these benefits.
23. However, even if I were to conclude that the Council was not able to demonstrate a five year supply of housing land and therefore its policies were out of date, the adverse effects identified would not be significantly and demonstrably outweighed by the benefits when assessed against the Framework as a whole. Consequently, the appeal proposals would not amount to sustainable development for which there is a presumption in favour of and the so-called tilted balance would not be engaged in this case.

Conclusions

24. For the reasons set out above, the appeal is dismissed.

Paul Wookey

INSPECTOR

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