



AGENDA

PLANNING COMMITTEE MEETING

Date: Thursday, 15 October 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

Please note: this meeting may be recorded and the recording may be published on the Council's website.

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

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

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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 14 October 2020.

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

To approve the [Minutes](#) of the Meeting held on Thursday 17 September 2020 (Minute Nos. 107 - 113) 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 meeting 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. Deferred Items 5 - 30

To consider the following applications:

Def Item 1 19/504412/FULL, Oyster Bay House Chambers Wharf,
Faversham

Def Item 2 19/501551/FULL, 122 Scrapsgate Road, Minster

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

Requests to speak on these items must be registered with Democratic Services (democraticservices@swale.gov.uk or call us on 01795 417328) by noon on Wednesday 14 October 2020.

5. Report of the Head of Planning Services 31 - 174

To consider the attached report (Parts 1, 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 14 October 2020.

Issued on Tuesday, 6 October 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, Services 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

15 OCTOBER 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 – 15 OCTOBER 2020

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

DEFERRED ITEMS

| | | | |
|------------|----------------|-----------|---------------------------------|
| Def Item 1 | 19/504412/FULL | FAVERSHAM | Oyster Bay House Chambers Wharf |
| Def Item 2 | 19/501551/FULL | MINSTER | 122 Scrapsgate Road |

PART 1

| | | | |
|-----|---------------|---------|-----------------------------|
| 1.1 | 20/500400/OUT | MINSTER | land south of Chequers Road |
|-----|---------------|---------|-----------------------------|

PART 2

| | | | |
|-----|-----------------------------------|------------|--|
| 2.1 | 18/504562/FULL | DODDINGTON | Ellen's Court Lady Margaret Manor Road |
| 2.2 | 19/505888/FULL & 19/505890/LBC | OSPRINGE | Queen Court Barns Water Lane |
| 2.3 | 20/500844/FULL | OSPRINGE | Ashdown Water Lane |
| 2.4 | 19/503351/FULL | FAVERSHAM | Abbey Road Garages Abbey Road |
| 2.5 | 20/502514/FULL | FAVERSHAM | 87 Ospringe Road |
| 2.6 | 19/502483/FULL | OSPRINGE | Willow Farm Hansletts Lane |
| 2.7 | 20/503553/FULL | MINSTER | Bellever Marshlands Farm |
| 2.8 | 20/503740/FULL | EASTCHURCH | 7 Coultrip Close |

PART 5 - INDEX

| | | | |
|-----|--|------------|--|
| 5.1 | 19/503696/FULL | EASTCHURCH | Land Adj Stanbourne House Church Road |
| 5.2 | 19/505557/AGRREQ & 19/505587/AGRREQ | HARTLIP | Little Place Farm Yaugher Lane |
| 5.3 | 19/505937/FULL | BORDEN | Rose Lodge Chestnut Street |
| 5.4 | 19/503857/FULL | FAVERSHAM | 18 London Road |
| 5.5 | 19/500272/OPDEV | BOUGHTON | Land adj Hurst Cottage, Hickmans Green |

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PLANNING COMMITTEE – 15 OCTOBER 2020**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

| | | |
|--|--|---|
| Def Item 1 REFERENCE NO - 19/504412/FULL | | |
| APPLICATION PROPOSAL New astronomical observatory. | | |
| ADDRESS Oyster Bay House Chambers Wharf Faversham Kent ME13 7BT | | |
| RECOMMENDATION - Refuse | | |
| REASON FOR REFERRAL TO COMMITTEE Deferred item | | |
| WARD Abbey | PARISH/TOWN COUNCIL Faversham Town | APPLICANT Mr Brian Pain AGENT Affinis Design |
| DECISION DUE DATE 11/11/19 | PUBLICITY EXPIRY DATE 09/09/20 | |

Planning History

SW/98/0182

Double open fronted garage and internal store shed.

Approved Decision Date: 06.03.1998

1. INTRODUCTION

- 1.1 This application was first reported to the Planning Committee on 17 December 2019 when my recommendation was for refusal for the following reason:

(1) The proposed to erect this tall observatory extension and the resultant alterations to the existing simple garage/store building, including the unattractive and obtrusive staircase link would, by virtue of its size, design, scale and form, harm the character and appearance of the Faversham conservation area and harm the setting of the grade II listed Oyster Bay House building contrary to policies CP4, CP8, DM14, DM16, DM32 & DM33 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 Policies and Supplementary Planning Guidance (SPG): Conservation Areas and Listed Buildings.

- 1.2 The application was deferred for a Members' site meeting which was held on 6th January 2020. Following feedback at that meeting, the applicant submitted some draft design revisions to the Council on the day before the next full meeting of the Planning Committee meeting on 9th January, showing a fully detached observatory design. I informed Members of these changes, but they were not all welcomed by the Committee. The relevant minute for this application at that meeting reads as follows:

The Area Planning Officer referred to the tabled paper for this item, which he summarised for Members: the Applicant had stated that the height of the proposed

building could not be decreased as it needed to see over nearby trees and lighting; the diameter of the dome could be reduced from 4 metres to 3 metres; the building would be completely separate from the existing garage; the windows facing nearby houses could be deleted; and the proposed building would be considerably reduced in bulk. The Area Planning Officer referred to the Conservation Officer's comments on the application. She acknowledged the changes to the application, but still considered the building, and the solar panels, to be intrusive.

The Chairman invited Members to ask questions.

A Member asked for confirmation of what the overall height of the proposed building was, in comparison to the Oyster Bay House, and whether it was intrusive? The Area Planning Officer explained that the height of the proposed building was 11.6 metres, and the Oyster Bay House was 16 metres high. He said that the Oyster Bay House was an inherent part of Faversham's nautical history, whereas this scheme was the Applicant's personal project. The Member asked about the solar panels which he thought the Council promoted, and what would happen to the building if the Oyster Bay House was sold on. The Area Planning Officer agreed that the Council supported the use of solar panels, but explained that there were other ways they could be installed, such as on the ground, or as tiles on the roof. He said it would be unusual to tie the scheme to the Applicant, and the building be demolished, as it was a permanent structure.

The Conservation and Design Manager explained that the solar panels on this application were retrofit, onto an existing slate roof. He reminded Members that the application site was adjacent to a Listed Building, and within a Conservation Area. He said there was a better way of installing the solar panels, such as replacing the existing slate tiles with solar panels, or panels which sat more flush to the roof. He added that the site was very visible from the public footpath.

A Member asked whether the idea that the dome be painted green to blend in with the surroundings, could be a condition on the application? The Area Planning Officer confirmed that this was possible.

A Member asked if detail of the solar panels could be added to the conditions? The Area Planning Officer explained that a condition could be added to state they be flush to the roof.

Councillor Mike Dendor moved the following motion: That the application be deferred to enable officers to pursue a final design of the proposed building. This was seconded by Councillor Tony Winckless.

Members were invited to debate the application and raised points which included:

- Considered the original design to be better than the amended one;*
 - the original design was 'quirky' and more suited for a maritime setting, and was a similar structure to a building on the opposite site of the creek;*
 - the solar panels should be added as roof tiles;*
 - the height was not too much of an issue in comparison to the Oyster Bay House;*
 - the staircase was too bulky, the new design had a lighter connection with the garage;*
 - the materials should be natural and soft and sensitive to the surroundings;*
 - welcomed the new design, having the staircase underneath was a better option;*
 - preferred the option of solar tiles on the roof;*
 - should consider copper or zinc for the dome;*
 - needed to consider whether the structure would be there in perpetuity;*
- and*

- *defer the application and Members speak to officers on their preferred design options.*

There was some discussion on whether to delegate to officers or defer the application.

Resolved: That application 19/504412/FULL be deferred to enable officers to pursue a final design of the proposed building.

2. PROPOSAL

- 2.1 I then (13th January 2020) invited the applicant to amend the design for Members' re-consideration, with comments on what issues had been raised at the meeting. I let the applicant know that the debate at Planning Committee was generally favourable to the principle of the scheme but that the overall feeling of the meeting was that Members seemed to prefer the original design to the amended (detached) version that the applicant had sent just before the meeting.
- 2.2 I suggested that the smaller sized dome might remain, but that in the preferred attached version the staircase was felt to be too clumsy; that the GRP covering for the dome was unpopular; and that the solar panels attracted a lot of debate around them appearing as an afterthought, being preferred if integrated into the garage roof (or the roof of the observatory) as solar tiles/slates so that they are perhaps indistinguishable from (or were actually a part of) the roof covering. The alternative of mounting solar panels on the ground was also suggested as this might be a lot easier. I also mentioned that painting the exterior dark green also seemed to be a favoured suggestion amongst Members.
- 2.3 I informed the applicant that determination of the application was deferred to a future meeting where the expectation was that Members would be keen to approve it if the design issues were resolved to their satisfaction, but only after the applicant had amended the drawings and we had re-consulted locally if that was then necessary. I suggested liaison with my conservation staff and the idea of discussing sketch ideas with them before formal amendments were made.
- 2.4 I did not receive any immediate response to my contact and the applicant has not sought to negotiate with officers on the principles of revising the scheme. However, in late August the applicant submitted fully worked up revised proposals for a free-standing observatory building, with a covering letter and revised Design and Access and Heritage Asset Statements, apologising for the long delay which was "*due in no small way to the Covid 19 pandemic*", and showing significant changes to the scheme, as described in summary below:
- As the applicant's telescope was in need of replacement, and a new one could be operated remotely by wireless link to the control room in the ground floor of the Oyster Bay House, new options were available
 - The new telescope will only require occasional access, and so can be in a stand alone building
 - Inspiration for the revised design has been taken from early on-shore lighthouse designs, specifically the High Lighthouse at Dovercourt, Harwich, Essex as built in the 1860s which, with the Lower Lighthouse, are now Scheduled Monuments.

- The revised design is an hexagonal weatherboarded structure supported on six steel slightly splayed, braced columns, with a concave copper hexagonal roof surrounding a copper coloured GRP motorised astronomical dome
- The external weatherboard cladding is now shown to be stained dark green
- Access would be via a steel spiral staircase directly beneath the telescope room
- The telescope room's floor would be 6.6 metres above ground level and the top of the dome would be another 5.075 metres higher, compared to the 16m overall height of Oyster Bay House
- It will be unique in Faversham and will set a higher standard of building that could lead to better buildings in the adjacent boatyards in the future
- Parking can continue beneath the structure
- The existing garage building will now be unaltered except for the installation of photovoltaic solar panels, which are still shown to be installed over the existing slates rather than integrated into the roof of the garage

3. PLANNING CONSTRAINTS

Potential Archaeological Importance

Conservation Area Faversham

Environment Agency Flood Zone 3 135664

4. POLICY AND CONSIDERATIONS

The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies CP4, CP8, DM14, DM16, DM32 & DM33

Supplementary Planning Guidance (SPG): Conservation Areas and Listed Buildings

5. LOCAL REPRESENTATIONS

5.1 No new representations have been received.

6. CONSULTATIONS

6.1 Faversham Town Council has commented as follows on the revised details as follows:

REVISED DETAILS RECEIVED

Recommendation: Support

Reason:

1) The Town Council has previously expressed support for this application and continues to do so.

2) The facilities will be made available to schools and community groups.

7. BACKGROUND PAPERS AND PLANS

Plans and documents relating to application 19/504412/FULL.

8. APPRAISAL

- 8.1 The site is located within Faversham conservation area and the principle building affected is a designated heritage asset, a Grade II listed building. The application now is a revised version of the application which originally proposed the erection of a substantial and tall, observatory building on metal stilts which would have been connected to the existing garage structure by means of enclosed stairs ascending in two sections. The proposed new building itself would have had a large glass fibre opening observatory dome above the main part of the octagonal structure and a wide platform around its base which would have been enclosed by railings. There would have been room for parking beneath the platform. The application also proposed the installation of an array of several PV panels on the west elevation of the extant garage roof slope.
- 8.2 The revised proposal omits the garage-connected stairwell and replaces it with a spiral staircase contained beneath the observatory. The solar panels on the garage roof are retained as per the previous application.
- 8.3 In the revised Heritage Statement, a clear parallel has been drawn by the applicant between new design and that of the Dovercourt Lighthouses at Harwich, which are designated as Scheduled Monuments. This is, in my view, a false alliance, and a fairly meaningless parallel drawn since the lighthouses were of their time and unique. The proposed observatory has nothing in common with these lighthouses, other than a superficial structural similarity which can be observed in other tower-like structures, and it would certainly be alien to the landscape and by that means would harm the character of the surrounding area. In my view, the proposed observatory would therefore harm the character and appearance of the conservation area and would be detrimental to the setting of the listed building. In my view the proposal, as revised would still be out of keeping with the character of the area. It would be highly obtrusive in the setting and in its form would not lend itself in any positive way to the low key and utilitarian character of the buildings and of the vicinity itself. It would be discordant to the setting of Oyster Bay House, which has a distinct and highly industrial character and would be highly alien in form and character. The height of it would also be disharmonious with the rhythms and volumes of the surrounding built environment.
- 8.4 This is a sensitive setting, and despite local support, I do not consider the proposal would be compatible with the character of the area. It would be highly eye catching and intrusive within the generally low rise part of the conservation area, and it would be harmful to the isolated and prominent setting of the listed building.
- 8.5 Furthermore, neither would the proposed design and appearance of the observatory on its own merits – as a standalone structure - be considered acceptable. The use of a material like glass fibre used in this context for a dome would not be acceptable and it would age to an unattractive patina.
- 8.6 I also consider that the idea of the proposed solar panels being installed over the existing garage roof would be detrimental to the character of the garage by harming its simple utilitarian character. They would also likely to be visible from the west, and given the increased visibility of the site as a whole, would harm the character and appearance of the surrounding conservation area given their number and density, and they would be

detrimental to the setting of the listed building.

8.7 I note the comments from the Town Council which supports the revised application, but in my view a detailed and wide consideration of the design reveals a harmful impact from the proposal given the site's unique and specific sensitivities, leading to the conclusion that whilst this is indeed an interesting proposal, it is not an acceptable one. In my view the proposal is contrary to adopted Local Plan policies relating to design, conservation areas and listed buildings.

8.8 Paragraph 196 of the NPPF states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

In this case I consider that there will be harm to designated heritage assets but I see no real or concrete public benefit arising from this uniquely personal proposal to outweigh the harm that I have identified. As such I do not see the application being supported by paragraph 196.

8.9 To conclude, although the matter was deferred for officers to pursue a final design, and I suggested ways to facilitate this, the applicant has not sought to work with officers to explore design solutions; although I am not sure what common ground could have been reached. I still have fundamental reservations about the impact that any building to meet the applicant's wishes will have here, and I consider that the proposed free-standing structure in the revised design, and the continued suggestion of installing solar panels above the existing garage roof, would harm the character and the appearance of the conservation area and would harm the setting of the listed building, and by virtue of this would harm its significance without any perceived public benefits.

9. RECOMMENDATION - REFUSE for the following reasons:

- (1) The proposed to erect this tall free-standing observatory would, by virtue of its size, design, scale and form, harm the character and appearance of the Faversham conservation area and harm the setting of the grade II listed Oyster Bay House building contrary to policies CP4, CP8, DM14, DM16, DM32 & DM33 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 Policies and Supplementary Planning Guidance (SPG): Conservation Areas and Listed Buildings.
- (2) The proposed to install photovoltaic solar panels above the existing garage roof would, by virtue of their scale and their significant impact on the appearance of the existing garage building, harm the character and appearance of the Faversham conservation area and harm the setting of the grade II listed Oyster Bay House building contrary to policies CP4, CP8, DM14, DM16, DM32 & DM33 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 Policies and Supplementary Planning Guidance (SPG): Conservation Areas and Listed Buildings.

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.

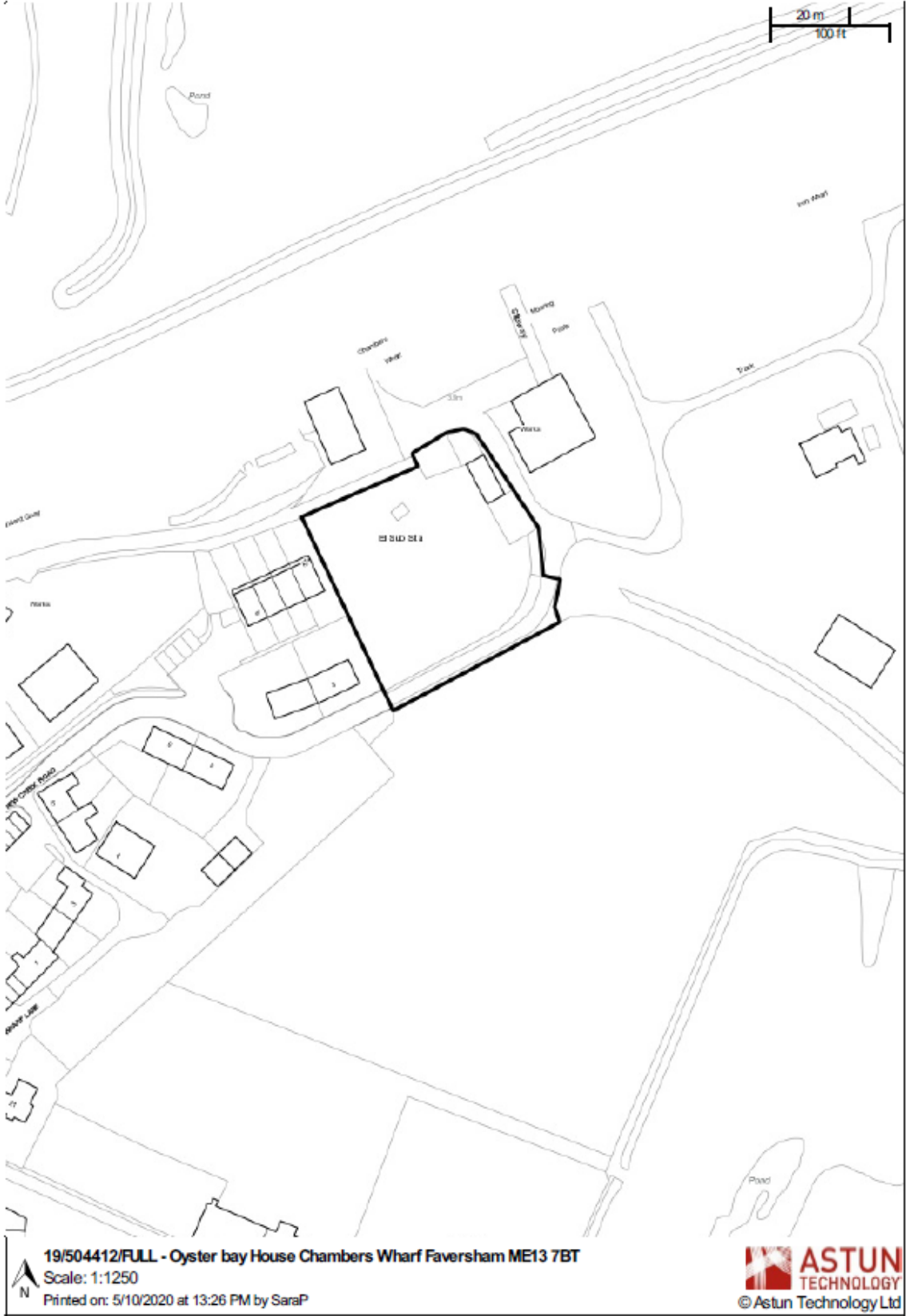
In this instance the application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and these were not considered to be any solutions to resolve this conflict.

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

It is noted that the applicant/agent did not engage in any formal pre-application discussions.

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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| Def Item 2 REFERENCE NO - 19/501551/FULL | | |
| APPLICATION PROPOSAL Erection of a building to be used as a forge workshop and associated hardstanding | | |
| ADDRESS 122 Scrapsgate Road Minster-on-sea Sheerness Kent ME12 2DJ | | |
| RECOMMENDATION Refuse | | |
| SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development is located in a rural area, made up of equestrian and agricultural uses and the introduction of a new forge in this location where it has not been demonstrated that it is necessary for the needs of rural communities or that there are no other sites available is unacceptable. | | |
| REASON FOR REFERRAL TO COMMITTEE This application was deferred by the Planning Committee on 23 rd July 2020. | | |
| WARD Minster Cliffs | PARISH/TOWN COUNCIL Minster-On-Sea | APPLICANT Mr B Pugh AGENT The Rural Planning Practice |
| DECISION DUE DATE 11/07/19 | PUBLICITY EXPIRY DATE 02/09/20 | |

1. INTRODUCTION

- 1.1 Members will recall that at the meeting of this Committee held on 23rd July 2020, this application was deferred. The minute from the meeting reads as follows:

Resolved: That application 19/501551/FULL be deferred to allow the Applicant more time to submit noise attenuation measures; details of pollution; and the hours of use.

The agent was contacted to request the additional information and on receipt of this information the Environmental Health Manager was consulted.

- 1.2 The original report is appended to this report as Appendix A.

2. CONSULTATIONS

- 2.1 Environmental Health Manager:

"I note the content of the additional information provided. The noise readings taken would not normally be accepted as a report by a competent person, however the sound level measurements indicate that the use as a forge is unlikely to cause a nuisance to the nearest residents approximately 150 metres away. The applicant states that the use of the site will be restricted to 09:00 to 18.00 Monday to Friday and 09:00 to 13.00 Saturday.

I have concerns that a different B2 use in this location could cause a nuisance issue for local resident and would recommend that if approval is to be granted the consent is personal to the applicant and the farrier business. I would also recommend a condition restricting the hours of operation to those requested."

3. ADDITIONAL INFORMATION

3.1 Design of Building and Use

The need for a large roller shutter door was questioned by one member, the forge and anvil are large and heavy and need to be positioned in the building using a forklift attachment on a small tractor. This is also used to transport coke and lengths of steel bar to the forge. The door is also required for ventilation when the forge is in use, especially in hot weather. The forge is only intended for the applicant to practice the traditional skills of making horseshoes not for general steel fabrication. The only machine tools are the forge blower, a cut off saw for cutting bar stock, a drill press for drilling stud holes in shoes and a small bench grinder.

Members should note that the applicant cannot progress to become an Associate of the Worshipful Company of Farriers (AWCF) without access to a forge. Only holders of AWCF qualifications are allowed to become training farriers and take on an apprentice. Training farriers have to be able to teach apprentices in forging techniques and this requires a spacious forge building in which to work.

3.2 Noise

The proposed location to the rear of the existing stable block (relative to Scrapsgate road) should reduce noise levels to the houses in Scrapsgate Road.

The forge blower (fan) is to be fitted with a speed controller which will reduce noise levels when the forge is throttled back (about 50% of the time the forge is in use). The amount of heat produced is normally regulated with an air valve which does not offer this noise benefit.

The primary shop anvil weighs 100KG and is mounted on a rubber pad and bedded with silicone caulking, both the mass and the mounting system help to minimise ringing impact noise when the workpiece is struck.

A report on noise readings taken at various locations while the forge was in use has also been provided.

3.3 Emissions

The fuel burnt in the forge is “Monkton Beans” which is usually obtained from the closest supplier R.A. Blackford of Uckfield. <http://rablackford.com/fuels/forge-and-breeze/>. This fuel is listed by The Environment Agency as an “Authorised Fuel” for use in a “Smoke Control Area”. <https://smokecontrol.defra.gov.uk/fuel-details.php?id=18>.

The proposed site is not in a smoke control area but this fuel is environmentally better than coal and functions better in a farrier's forge.

Coke is the least polluting fuel for traditional forges producing less sulphur dioxide and nitrous oxide than coal. These nitrous oxide and sulphur dioxide figures are from a Journal of Chemistry paper discussing the benefits of coke over clean coal in reducing environmental pollution. <https://www.hindawi.com/journals/jchem/2019/7142804/> Coke consumption is expected to be less than 700 KG per year, the forge consumes approximately 1KG an hour, this equates to about 700 hours of operation per year. This would produce about 1.7 tonnes of CO₂. To further reduce emissions a propane gas poker is used to light the forge rather than kindling.

3.4 Hours of use

Use of the coke forge, and the attendant anvil work would be restricted to the hours between 09:00 and 18:00 Monday to Friday and 09:00 - 13:00 Saturday. The forge will not be operated continuously during these hours for the following reasons:

1. Sessions in the forge are normally limited to a maximum of about four hours due to the physically demanding nature of the work.
2. Most of the applicant's income comes from trimming horses' feet and fitting shoes as part of their mobile business, this restricts the amount of time they have to forge.
3. Handmade shoes and therapeutic shoes are not profitable for the farrier, the service is provided for the good of the horse and to keep the skills alive. Standard machine-made shoes are available at a small premium over the cost of the basic steel used to make them. Standard concave shoes made in Malaysia are available for about £3.50 a pair, bar stock to make these costs £2.50, add in £0.50 for coke and the farrier would only earn 50 pence for the twenty minutes work to make them.
4. The main use of the forge is to practice traditional techniques needed for career progression.

3.5 Other matters

In response to the comments from Environmental Health the agent wished to raise the following points (summarised):

- Do not consider the use to be B2 and therefore any change of use from a farrier's forge would require planning permission from the LPA so there is no need to restrict the use
- Any personal condition imposed would need to relate to the farrier Ms Pugh and not the applicant Mr Pugh.
- Any condition restricting the hours of operation should relate to 'forging operation' as the farrier may require access to the building out of these hours for stock-taking, stock replenishment, planning/design and general business administration.

4. APPRAISAL

- 4.1 The applicant has provided additional information with regards to details of noise, details of pollution and the hours of use. The Environmental Health Manager is accepting of the proposal from an amenity perspective, subject to the inclusion of conditions. I am happy to accept their expert advice.
- 4.2 I refer to the comments raised by the agent in response to the Environmental Health comments and would once again reiterate that the use class is still disputed, as Officers consider the operations to constitute a B2 use.
- 4.3 Notwithstanding the additional information supplied by the agent/applicant the proposed development is still located in a rural area, made up of equestrian and agricultural uses and the introduction of a new forge in this location where it has not been demonstrated that it is necessary for the needs of rural communities or that there are no other sites available is unacceptable.

5. CONCLUSION

- 5.1 In view of the above, it remains my opinion that the proposal is unacceptable in principle. I therefore recommend that the application be refused.

6. RECOMMENDATION

REFUSE for the following reasons:

- (1) The proposed development is located in a rural area, made up of equestrian and agricultural uses and the introduction of a new forge in this location where it has not been demonstrated that it is necessary for the needs of rural communities or that there are no other sites available is unacceptable. The development would therefore be contrary to policies DM3 and DM14 of 'Bearing Fruits 2031: The Swale Borough Local Plan 2017'.

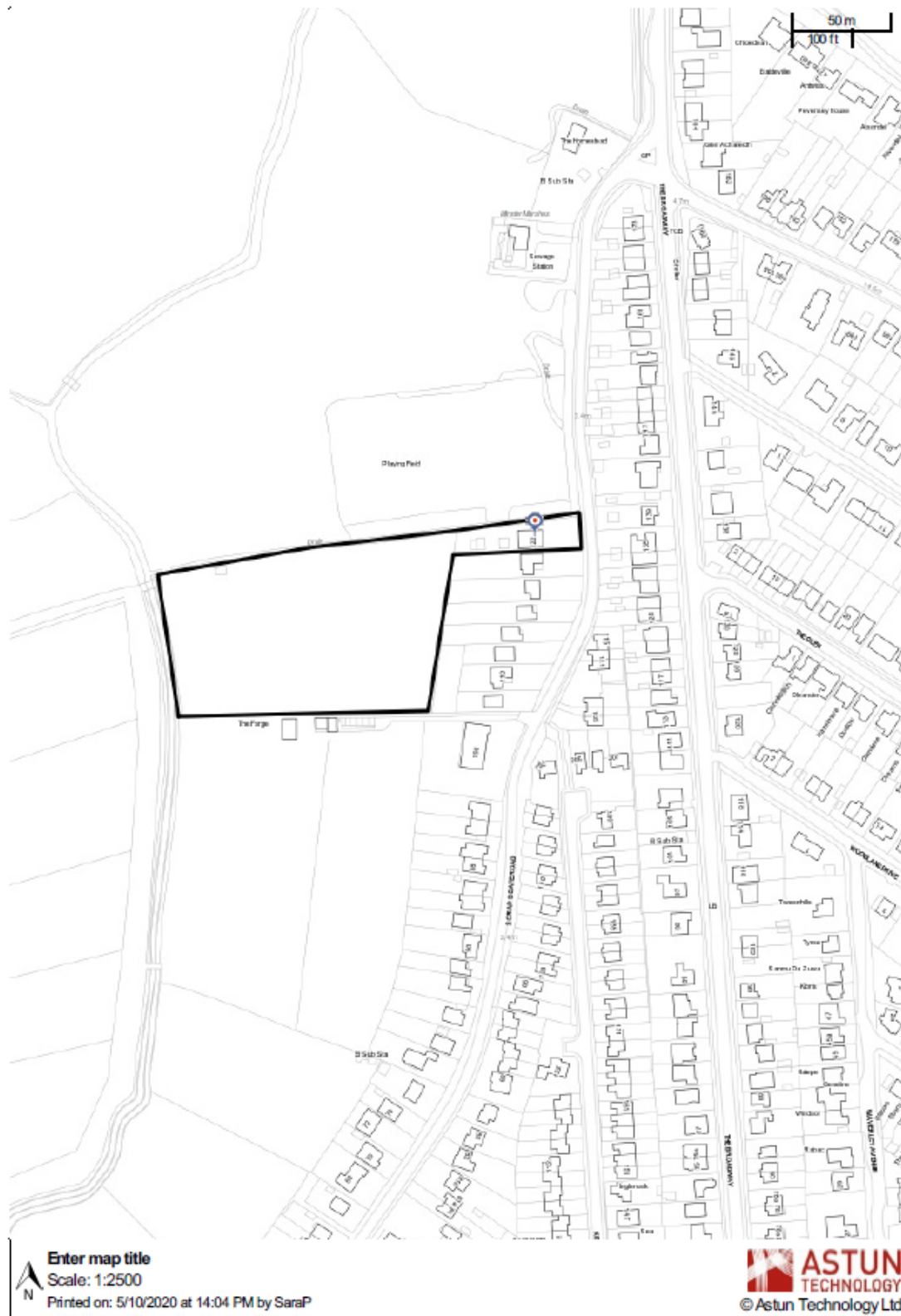
The Council's approach to the application

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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APPENDIX 1

Report to Planning Committee 23 July 2020

Item 3.1

PLANNING COMMITTEE – 23 JULY 2020**PART 3**

Report of the Head of Planning

PART 3Applications for which **REFUSAL** is recommended

| | | |
|---|--|--|
| 3.1 REFERENCE NO - 19/501551/FULL | | |
| APPLICATION PROPOSAL Erection of a building to be used as a forge workshop and associated hardstanding | | |
| ADDRESS 122 Scrapsgate Road Minster-on-sea Sheerness Kent ME12 2DJ | | |
| RECOMMENDATION Refuse | | |
| SUMMARY OF REASONS FOR REFUSAL The proposed development is located in a rural area, made up of equestrian and agricultural uses and the introduction of a new forge in this location where it has not been demonstrated that it is necessary for the needs of rural communities or that there are no other sites available is unacceptable. | | |
| REASON FOR REFERRAL TO COMMITTEE Parish Council support | | |
| WARD Minster Cliffs | PARISH/TOWN COUNCIL Minster-On-Sea | APPLICANT Mr B Pugh AGENT The Rural Planning Practice |
| DECISION DUE DATE 11/07/19 | PUBLICITY EXPIRY DATE 28/06/19 | |

Planning History

SW/09/0620

(Remove existing garage, stable & outbuilding) To construct new garage stores & cloakroom on same site at above approved building including solar panel of south facing roof.

Grant of Conditional PP Decision Date: 07.09.2009

SW/09/0531

Lawful Development Certificate for proposed pond in paddock to rear.

Refused Decision Date: 17.08.2009

SW/08/0518

Remove existing garden, stable and outbuilding rebuild new garage, stable tack room and store.

Grant of Conditional PP Decision Date: 30.07.2008

SW/07/0921

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Item 3.1

Rear extension and internal alterations for disabled person.

Grant of Conditional PP Decision Date: 08.10.2007

SW/85/0944

Erection of bungalow

Approved Decision Date: 15.01.1986

SW/85/0136

Outline application for a single residence

Approved Decision Date: 18.04.1985

1. DESCRIPTION OF SITE

1.1 The application site lies outside the built up area boundary of Minster and consists of a detached dwelling occupied by the applicant and stables located to the rear of the site. There is a clear distinction between the residential curtilage associated with 122 Scrapsgate Road and the equestrian land to the rear. The site is accessed from Scrapsgate Road and lies in approximately 4 acres of pasture used for horse grazing.

1.2 The surrounding area is predominantly equestrian and agricultural land with residential properties to the east. To the north lies a playing field which has an emergency access to the site. To the south lies a disused forge. There is well established hedge planting to the north and west of the site.

1.3 There is an existing stable building located at the application site which measures 6m x 6m with a ridge height of 2.6m and eaves height of 2.2m.

2. PROPOSAL

2.1 This application seeks planning permission for the erection of a steel building to be used as a forge by the applicant who lives at 122 Scrapsgate Road and is a trained farrier, specialising in remedial farriery. The applicant currently operates at the site using a temporary forge in the stable building.

2.2 The proposed steel building resembles a general purpose agricultural building/workshop with a flue situated on a concrete base. The proposed building will measure 6m x 8m and will have an eaves height of 2.5m and 3m ridge height. It would be located immediately to the west of the existing stable building. The pitched roof will be covered in grey profiled steel sheets. The walls will be covered with steel sheets in dark green with translucent rooflights. The front of the proposed building faces east. One steel roller shutter door will be installed to the front elevation and two metal access doors on the south and west elevation for air circulation.

2.3 The planning statement confirms that clients will not visit the site as the business operates on a mobile basis and visits clients directly. A small forge is used to make adjustments on site. The forge will be used by the applicant for approximately 16 hours a week.

3. PLANNING CONSTRAINTS

3.1 Flood Zone 3

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Report to Planning Committee 23 July 2020

Item 3.1

4. POLICY AND CONSIDERATIONS

4.1 The National Planning Policy Framework (NPPF)

4.2 National Planning Practice Guidance (NPPG)

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

| | |
|-------------|------------------------------------|
| Policy ST1 | Delivering Sustainable Development |
| Policy CP4 | Requiring Good Design |
| Policy DM3 | The Rural Economy |
| Policy DM7 | Vehicle Parking |
| Policy DM14 | General Development Criteria |
| Policy DM21 | Water, Flooding and Drainage |
| Policy DM31 | Agricultural Land |

5. LOCAL REPRESENTATIONS

5.1 This application was advertised by site notice and neighbour consultation.

5.2 1 objection from 1 property was received, raising the following issues (summarised):

- Risk of the building becoming a residential dwelling
- Concerns that if the development is allowed it would be change into something different

6. CONSULTATIONS

6.1 Environmental Health Manager – raises concerns regarding potential impact on surrounding residential properties.

“The proposed development site is in a predominantly residential area and I have some concerns about the introduction of B2 use in this location – the building proposed is not substantial in structure and unlikely to offer good noise attenuation properties. The application does not detail the hours of operation although the applicant states that the use will be restricted to 16hrs per week, I am unclear as to how this could be conditioned.

As this application stands at present I would be reluctant to recommend approval due to potential nuisance for the surrounding residential properties.”

6.2 KCC Highways - scheme does not warrant the involvement of KCC

Suggested Informative

6.3 Environment Agency raise no objection

6.4 Natural England raise no objection

6.5 Minster Parish Council support the application stating:

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“Minster-on-Sea Parish Council fully supports this application. The suggestion that the ‘farrier’s forge’ is a heavy industrial unit is wrong. The applicant has agreed to the Parish Council’s suggestion to incorporate noise insulation in the design and this is welcomed. As such Minster-on-Sea Parish Council fully supports the proposal which in its view keeps alive an ancient craft in what it regards as an ideal location.”

7. BACKGROUND PAPERS AND PLANS

7.1 All plans and documents relating to application 19/501551/FULL.

8. APPRAISAL

The key considerations in the assessment of this application are the principle of development in a rural location, the impact on the character and appearance of the countryside and any potential impacts on residential amenity.

Principle of Development

- 8.1 The application site lies outside of any defined built up area boundary and therefore within designated countryside. Policy DM3 seeks to protect and enhance the rural economy. All proposals in rural locations must first consider the appropriate re-use of existing buildings or the development of other previously developed land, unless such sites are not available or it is demonstrated that a particular location is necessary to support the needs of rural communities or the active and sustainable management of the countryside.
- 8.2 The proposed forge is to be used as a farrier business. A farrier is a specialist in equine hoof care and uses blacksmith skills. The applicant specialises in remedial farriery and uses a traditional coke forge to make orthopaedic handmade horse shoes. The applicant intends to make this business their full time occupation and states that a dedicated forge building is now required to produce horse shoes on the scale and quality required.
- 8.3 The applicant currently uses a temporary forge in the existing stables but this is stated as being impractical in the planning statement as the stables cannot be used regularly for farrier work as they are needed for the horses. The proposed building is therefore sought to provide a purpose built forge and space for the applicant to work. There is an argument that this particular rural location may be necessary and appropriate for the proposed type of use as the forge is used for the making of specialist horseshoes and the land is predominantly equestrian however, the planning statement details that the farrier will travel to her clients to fit the horse shoes with no clients visiting the site. I can therefore see no specific need for the forge to be at this rural location. It has not been demonstrated that the forge could not be located on a more appropriate site within the built up area boundary and would seem that the reason for citing the forge in this location is primarily for the convenience of the applicant who lives at 122 Scrapsgate Road. This in itself is not a reason to grant planning permission and does not accord with Policy DM3.

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- 8.4 There has been discussion throughout the application as to whether the proposed use should be considered a B2 use or Sui Generis. Blacksmiths fall under use class B2 but the agent considers that blacksmith and farrier work are distinct in that the nature of making specialist horseshoes does not require intensive time using the forge and therefore the proposal should be considered a Sui Generis use. The agent has provided one committee report from Wiltshire which considers the use class of a forge by a farrier to be Sui Generis. I take the approach that given the nature of the work and the potential creation of noise and fumes that the application should be considered under use Class B2, unless demonstrated otherwise. I do not agree that this is a sui generis use. Regardless of this, even if the use class is considered to be Sui Generis, the same argument holds. There is no reason, nor any compelling justification for this use to be carried out in this location, and it has still not been demonstrated that other more appropriate sites have been considered and therefore the application still fails.
- 8.5 A working forge was once located to the south of the site, however the agent confirms that this has since been converted into a stables for a riding school and is no longer used as such. Although this confirms that there was once a forge near this locality, the use of the forge stopped in 2005 and it is unclear as to whether the forge in this location was used in the same way as now being proposed. I therefore consider that the presence of a disused forge building to the south of the site should be given limited weight.
- 8.6 The proposed building would be located on agricultural Grade 4 land. This is not considered to be the most versatile land which includes Grades 1-3 and therefore I do not consider it unacceptable for the land to be used for something other than agriculture.
- 8.7 For the reasons set out above, I consider that the proposal is unacceptable as a matter of principle, and does not accord with Policy DM3.

Visual Impact

- 8.8 The proposal would be situated outside of the built up area boundary and therefore the impact on the character and appearance of the countryside must be carefully considered. Policy DM3 states that for new buildings and ancillary facilities, the design and context will need to be sympathetic to the rural location and appropriate to their context. In this case the proposed building is not of notable design and has a rather harsh, industrial appearance. I note however that the application building has a relatively small footprint, and is only of single storey in height. Views of the site from public viewpoints will be limited due to its location to the rear of the site and the established hedging running along the northern boundary and it is of a similar scale to the existing wooden stables on the site. I therefore do not consider that the building will appear excessively prominent in the location.
- 8.9 The building has been designed this way to serve a functional purpose and whilst the materials proposed are not desirable I do not consider the design significantly harmful to the character and appearance of the countryside and therefore believe that on balance the proposal is acceptable from a design perspective.

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Residential Amenity

- 8.10 Concerns have been expressed by the Environmental Health Manager regarding the potential impact that the proposal will have on surrounding residential dwellings. The building is not considered to be substantial in structure and unlikely to offer good noise attenuation properties. The potential impact on surrounding residential dwellings must therefore be carefully considered. The proposed forge would be situated 150m from the nearest residential dwelling and Environmental Health have confirmed that they have received no noise or disturbance complaints relating to the use of the temporary forge. It must be assumed however that the use of the proposed forge will be more frequent than the usage of the existing temporary forge, as there would not be a restriction on its usage caused by the stabling of horses.
- 8.11 The agent has confirmed, as per the request of the Parish Council, that sound insulation measures can be incorporated into the design however no plans or details regarding this have been submitted for assessment. The agent has stated that the forge is not expected to be used excessively with a suggestion of approximately 16 hours a week but has not specified hours of use. If I had been minded to recommend approval I consider that the hours of use of the forge would need to be restricted via condition and a full proposed scheme of sound insulation measures would also need to be provided.

Flood Risk

- 8.12 The application site lies in Flood Zone 3 but the proposal is considered as a less vulnerable form of development and the Environment Agency raise no objection.

Highways

- 8.13 Clients will not visit the site as the business operates on a mobile basis and the applicant visits clients directly. The applicant already lives on the site and therefore I do not consider there will be a significant increase in vehicle movements.

Other Matters

- 8.14 I note concerns raised from a neighbour regarding future uses of the building, however I do not consider that this would be a justified reason for refusal as we could control the site via condition and enforcement action if required.

9. CONCLUSION

- 9.1 The proposed development is located in a rural area, made up of equestrian and agricultural uses and the introduction of a new forge in this location where it has not been demonstrated that it is necessary for the needs of rural communities or that there are no other sites available is unacceptable.

10. RECOMMENDATION

REFUSE for the following reasons:

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Report to Planning Committee 23 July 2020

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- (1) The proposed development is located in a rural area, made up of equestrian and agricultural uses and the introduction of a new forge in this location where it has not been demonstrated that it is necessary for the needs of rural communities or that there are no other sites available is unacceptable. The development would therefore be contrary to policies DM3 and DM14 of 'Bearing Fruits 2031: The Swale Borough Local Plan 2017'.

The Council's approach to the application

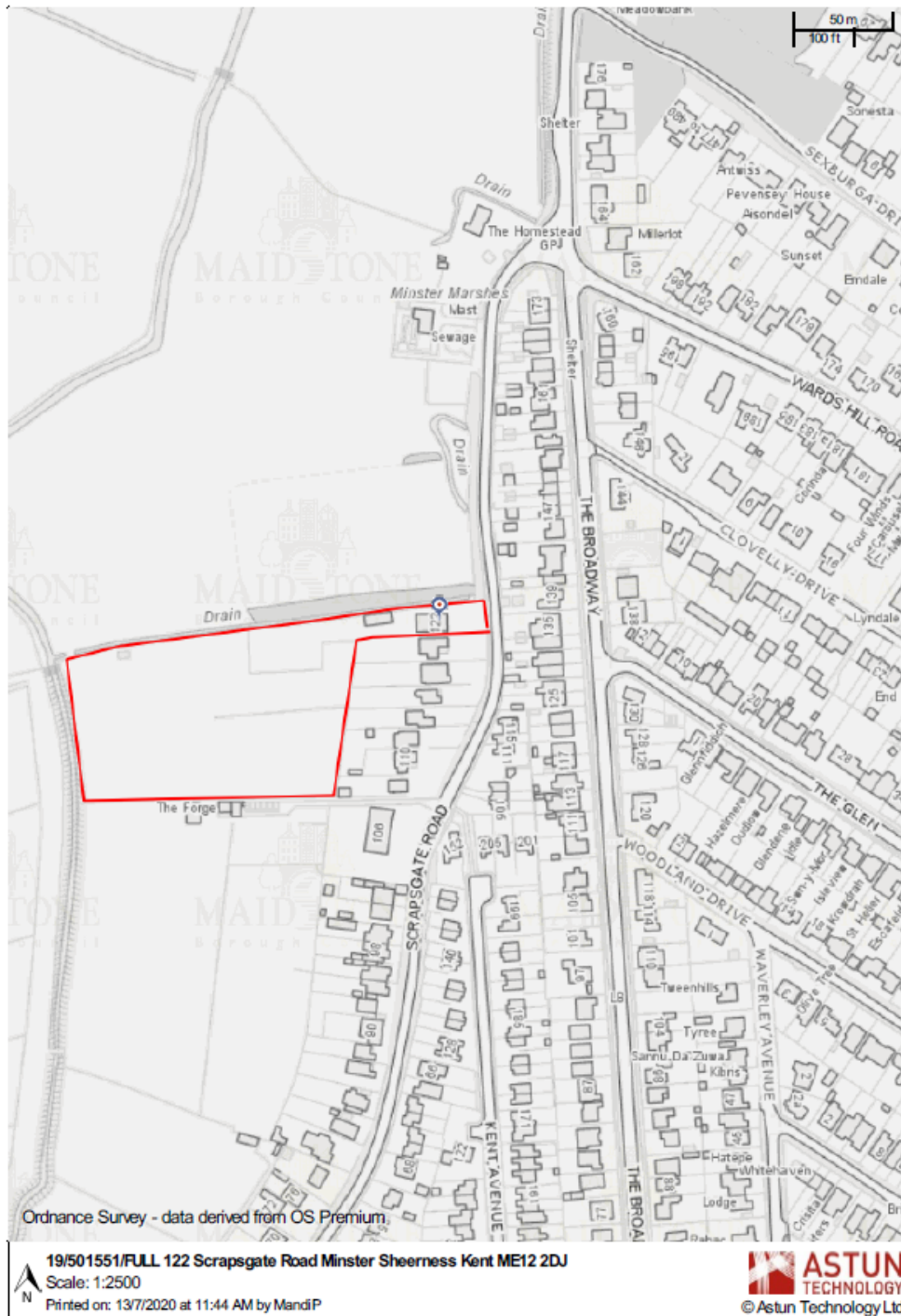
In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, 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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PLANNING COMMITTEE – 15 October 2020**PART 1**

Report of the Head of Planning

PART 1

Any other reports to be considered in the public session

| | | |
|---|--|---|
| 1.1 REFERENCE NO - 20/500400/OUT | | |
| APPLICATION PROPOSAL Outline Application with access matters sought for the erection of up to 5 no. dwellings on the land to the south of Chequers Road, Minster-on-Sea. (All other matters reserved for future consideration.) | | |
| ADDRESS Land South Of Chequers Road Minster-on-sea Kent ME12 3SH | | |
| RECOMMENDATION That Members resolve to amend the resolution passed at the previous Meeting of the Planning Committee | | |
| SUMMARY OF REASONS FOR RECOMMENDATION The resolution of the Planning Committee, namely that planning permission would have been refused if the appeal for non-determination had not been submitted, contained references to the location of the site in an important local countryside gap, as defined in the Swale Borough Local Plan 2017. The site does not lie within an area with this designation | | |
| REASON FOR REFERRAL TO COMMITTEE To seek the authority of the Committee to amend the reason, in order to make an effective case at appeal. | | |
| WARD Sheppey Central | PARISH/TOWN COUNCIL Minster-On-Sea | APPLICANT Mr Richard Alderson AGENT DHA Planning |
| DECISION DUE DATE 27/03/20 | PUBLICITY EXPIRY DATE 09/07/20 | |

1. BACKGROUND

- 1.1 This application was initially reported to the Planning Committee on 25th June this year. A copy of this report is attached as Appendix 1. Members deferred consideration of the application in order to visit the site. The site meeting eventually took place in early September and the application was then considered by Members at the last Meeting on 17th September.
- 1.2 At the last Meeting, Members resolved that, had an appeal against non-determination not been submitted, outline planning permission would have been refused for the following reason:

The development is outside of the built up area boundary and the sites location within the open countryside and located within the Important Local Countryside Gap would cause demonstrable harm to the value, landscape setting and beauty of the countryside, contrary to policies ST1, ST3, ST6, DM24 and DM25 of the Swale Borough Local Plan 2017

- 1.3 The boundaries of Important Local Countryside Gaps are defined in the proposals maps of the Swale Borough Local Plan 2017. The application site does not lie in such an area, and proceeding with the reason as set out above would not therefore be appropriate and might well lead to an award of costs against the Council

2. DISCUSSION

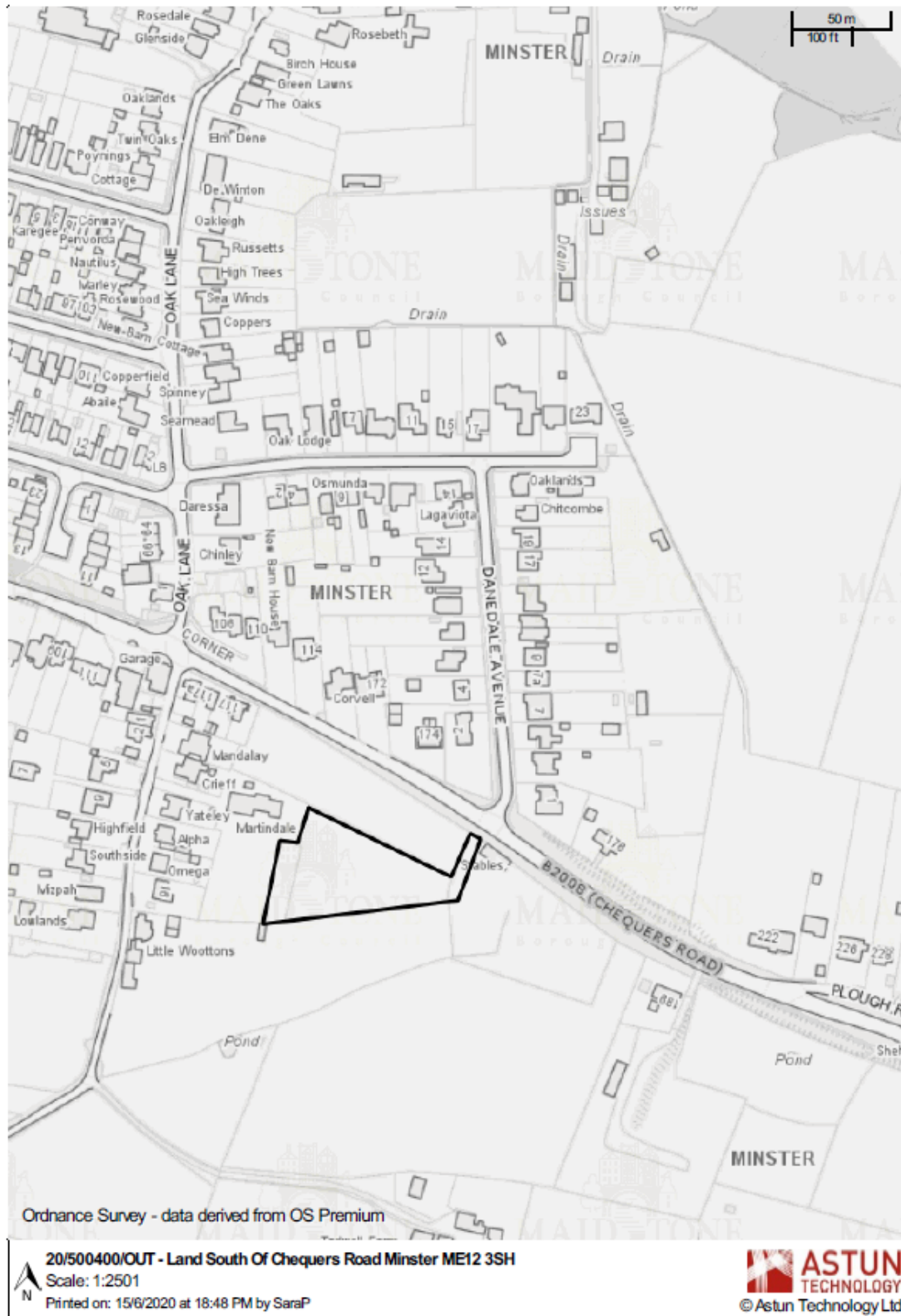
- 2.1 For the sake of clarity, I remain of the view that the application should be approved. Nonetheless, the Planning Committee has resolved that permission ought to be refused and the purpose of this report is to seek to amend the resolution of the Planning Committee and not to unpick the decision.
- 2.2 My recommendation is simply that reference to the Important Local Countryside Gap and its corresponding Local Plan Policy (DM25) is deleted from the reason.
- 2.3 However – it seems to me from the discussion at the Meeting that the Committee included reference to it due to specific concerns relating to the location of the development relative to the built up area and specifically how this site encroached into the largely undeveloped area running from Chequers Road to the north and the Lower Road to the south. It is open to Members to consider amending the wording of the reason in order to clarify this.

3. RECOMMENDATION

- 3.1 I recommend that, had the application not been the subject of an appeal for non-determination, outline planning permission would have been refused for the following reason:
- 1) The development is outside of the built up area boundary and the site's location within the open countryside would cause demonstrable harm to the value, landscape setting and beauty of the countryside, contrary to policies ST1, ST3, ST6, and DM24 of the Swale Borough Local Plan 2017

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 - 20/500400/OUT | | |
| APPLICATION PROPOSAL | | |
| Outline Application with access matters sought for the erection of up to 5 no. dwellings on the land to the south of Chequers Road, Minster-on-Sea. (All other matters reserved for future consideration.) | | |
| ADDRESS Land South Of Chequers Road Minster-on-sea Kent ME12 3SH | | |
| 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/TOWN COUNCIL Minster-On-Sea | APPLICANT Mr Richard Alderson AGENT DHA Planning |
| DECISION DUE DATE 29/05/20 | | PUBLICITY EXPIRY DATE 06/04/20 |

Planning HistoryAdjacent site to the north

18/501999/FULL

Minor material amendment to condition 2 (approved plans) to application 16/505623/FULL with amendment indicating the site entry moving slightly towards the east due to a electric pole being in the way of the original site entrance.

Approved Decision Date: 22.06.2018

17/506198/FULL

Minor material amendment to Condition 2 of planning permission 16/505623/FULL to substitute elevation drawings to change shape of rear single storey roof form from gable end to lean-to and enlarge first floor rear window above. Alter position of front door, and internal alterations to layout.

Approved Decision Date: 25.01.2018

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16/505623/FULL

Development of 5 detached and 4 semi-detached dwellings

Approved Decision Date: 03.11.2017

SW/75/0279

Residential dwellings outline

Refused Decision Date: 22.05.1975

1. DESCRIPTION OF SITE

- 1.1 The application site is located to the south of Chequers Road and is approximately 0.4 hectares in size. It is roughly triangular in shape and is currently undeveloped, and therefore can be considered to be greenfield land. The site slopes gradually from north to south. Access to the site is provided from Chequers Road via a track that runs along the north eastern boundary of the site.
- 1.2 The site is immediately south of the development of nine houses approved under application 16/505623/FULL. To the west are residential properties situated along Elm Lane, to the south is open countryside and to the east is Danedale Stables. There is a pending planning application for five dwellings at Danedale Stables (reference 19/505353/FULL).
- 1.3 The site lies close to 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 Outline planning permission is sought for the erection of up to five dwellings with only approval for means of access to the site being sought as part of this application, which would leave matters such as appearance, scale, layout and landscaping to be dealt with under a subsequent reserved matters application.
- 2.2 Plans have been provided showing an indicate layout of the proposal, including plans of the front elevations of the dwellings and floorplans. The layout plan shows five detached two storey dwellings on the site, arranged in a linear fashion. Two indicative types of dwellings are proposed, both of traditional design. Type A (which is shown located on plots 1 and 5) would have a gable roof with hip ends, with a projecting gable feature on the front elevation of the property, a footprint of 9m x 10m, with an eaves height of 5m and a ridge height of 8.5m. Type B (which is shown located on plots 2, 3 and 4) consists of a hipped roof with a catslide to the side, which will accommodate an attached single garage, a footprint of 9m x 12m, with an eaves height of 5m and a ridge height of 9m. Both types of properties are shown having an open plan living area, study, separate front room and cloakroom on the ground floor, and four bedrooms (on with an en-suite) and bathroom on the first floor.
- 2.3 The existing access onto the site will be utilised and extended into the site, and will run along the northern boundary of the site. Two parking spaces will be provided at each property, along with an internal garage at plots 2, 3 and 4 and a detached garage at plot 1. A visitor parking space will be provided opposite plot 2. The indicative layout indicates hedge and tree planting is proposed around the site boundaries.

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3. PLANNING CONSTRAINTS

3.1 None

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: Policies ST3, CP3, CP4, DM7, DM14 and DM19 of Bearing Fruits 2031: The Swale Borough Local Plan 2017

5. LOCAL REPRESENTATIONS

5.1 One objection has been received from a neighbouring property. Its contents is summarised below:

- The application goes against Swale Borough Council Policy ST3 - Swale Settlement Strategy - and there should be NO exceptions to this policy.
- The proposal lies within the open countryside and outside the built-up area where no development is permitted as dictated by Swale Borough Council Local Plan.
- The proposal would set a precedent for the proliferation of similar developments to the detriment of the open countryside.
- The access is totally unsuitable as it is opposite the junction of Danedale Avenue and vehicles would be unable to see to the right when leaving the site, making it dangerous.
- During the summer, trees were chopped down on site prior to submitting the application, so much for protecting the environment. At a time of global warming trees can help to suck carbon dioxide from the atmosphere, so hence boost health and well being.

6. CONSULTATIONS

6.1 Minster Parish Council object to the application, stating the following:

“The proposal lies within the open countryside outside the built-up area where no development is permitted as dictated by the Swale Borough Council Local Plan. The proposal would set a precedent for the proliferation of the same to the detriment of the open countryside.”

6.2 Environmental Health – No objections subject to conditions relating to gas fired boilers, electric vehicle charging points, construction hours and dust control.

6.3 Kent Highways – *“With reference to the submitted Transport Technical Note, using the industry recognised TRICS software, it is noted that development would be expected to generate around 2 to 3 vehicle movements during the AM and PM peak hours. This would not be considered likely to lead to any significant traffic impacts on the local highway network, and it is recognised that the proposed access would utilise an historic existing access that currently serves the application site. The appropriate visibility*

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sightlines, based on the speed limit of this section of Chequers Road, can be provided within the existing highway limits and this would also facilitate the provision of lengthier sightlines if required. Whilst there is no pedestrian footway link to the site at present, this is to be provided shortly as part of the planning obligation required by the adjacent housing development currently being constructed to the west of the proposed access. I would expect this development continue this footway across the whole site frontage of Chequers Road. Although it is proposed that the access would be formed as a vehicle crossing and measure 4.8m wide, I would consider that this should be widened to 5.5m for the first 10m from the carriageway edge to better accommodate two-way passage during turning movements at the point of access. I am satisfied that this detail can be provided as part of any subsequent Reserved Matters application or Discharge of Condition application.” Recommends conditions imposed below.

- 6.4 KCC Ecology – Originally requested further information relating to trees along the northern boundary. This was submitted and KCC Ecology stated “*We accept the conclusions of the submitted Preliminary Ecological Appraisal that the proposed development has limited potential to impact protected/notable species.*” Recommend conditions relating to the submission of a lighting scheme and ecological enhancement plan.
- 6.5 Natural England – Development will result in a net increase in residential development and as such mitigation is required.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Plans and documents relating to application 20/500400/OUT.

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, tranquillity 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

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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 Council's 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. 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 undeveloped 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 At this stage, although it is not necessary, drawings have been submitted regarding the scale, appearance and layout of the proposal. Due to the presence of the development of nine houses to the north of the site, views of the proposal from Chequers Road will be limited. I note the site is currently undeveloped and the proposal will introduce a substantial amount of built form, 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.

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8.10 The indicative layout shows the properties arranged in a linear form within the site, which reflects the surrounding linear development in the area. The detailed design of the dwellings are not being considered at this stage, but it is considered that two types of dwellings proposed here would not cause any harm to the character of the area taking into account the range of dwellings within the surrounding area.

Residential Amenity

8.11 This outline application provides details of the scale, appearance and layout of the proposed buildings, however approval of these details are not being sought at this stage. Nonetheless I do need to consider whether the site is capable of accommodating up to five dwellings.

8.12 The closest residential properties are the nine dwellings under construction to the north of the site and Martindale, a two storey property to the west. Whilst layout and design are matters for future consideration, the application shows an illustrative layout which maintains sufficient spacing between proposed dwellings and existing neighbouring properties. It is considered that the site can accommodate 5 dwellings without resulting in a significantly harmful impact upon existing neighbouring dwellings in terms of residential amenity.

8.13 The properties sit roughly in line with one another and as such I do not believe there will be any unacceptable overshadowing or overbearing impact between the properties. I do note that the distance between plot 1 and plot 2 is only 9.5m. The Council expects a minimum of 11m between rear and side elevations, to ensure any overshadowing/overlooking impact is acceptable. As such, the positioning of these properties will need to be altered to ensure an 11m gap can be provided. I consider this can easily be achieved on the site.

8.14 The submitted floorplans show each property will have four bedrooms, and the floorspace provided is acceptable and in line with the National Space Standards. The rear gardens will have a depth of between 9.5m (plot 1) – 22m (plot 5). The Council usually expects rear gardens to be a minimum of 10m in depth. The garden at plot 1 is slightly below this amount, however taking into account the concern raised at paragraph 8.14 above, the garden at plot 1 will need to be increased in order to provide an 11m gap to plot 2 to the west. As such, I consider the proposal is capable of providing a good standard of amenity for future occupiers.

Highways

8.15 The development will utilise the existing access at the site. The appropriate visibility sightlines can be demonstrated, and as such, KCC Highways have no concerns regarding the use of this access upon highway safety. The submitted Transport Technical Note states that the development would be expected to generate around 2 to 3 vehicle movements during the AM and PM peak hours. These expected movements would not be considered likely to lead to any significant traffic impacts on the local highway network. As part of the adjacent housing development to the north of the site, a footpath is to be provided along Chequers Road to the west of the access. Highways have requested a condition to ensure this is continued across the whole site frontage of Chequers Road. I believe this will ensure pedestrian access to the site is acceptable from a highway safety perspective.

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8.16 The Highways Authority did request one change to the proposed access. It is currently only 4.8m wide, and Highways consider this should be widened to 5.5m for the first 10m from the carriageway edge to better accommodate two-way passage during turning movements at the point of access. The site is wide enough to provide this, and therefore this detail is requested by condition. Overall, KCC Highways are satisfied with the proposed access subject to conditions, which I have imposed below and I therefore believe the access onto the site will be acceptable.

8.17 In terms of parking, the illustrative site location plan indicates each dwelling would have two car parking spaces, and one visitor space would be provided within the site. It is considered that adequate parking provision can be provided on site and this would be considered in depth when a detailed layout is available at reserved matters stage. As such I do not consider the proposal would be likely to increase parking pressure on the nearby area.

Landscaping

8.18 There are a number of trees on the site however none of them have TPOs protecting them and preventing their removal. The proposed site layout plan shows several of the trees retained as well as indicative landscaping across the site. I consider that the relevant landscaping condition included below will ensure a detailed landscape plan is provided.

SPA Payment

8.19 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.

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 site is capable of providing five dwellings that will not result in 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. Details relating to the layout, scale and appearance of the proposed buildings and the landscaping of the site shall be submitted to and approved by the Local Planning

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Authority before any development is commenced.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. All hard and soft landscape works submitted and approved pursuant to condition (1) above 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.

5. 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.

6. Prior to the construction of the dwellings, details of the materials and measures to be used to increase energy efficiency and thermal performance and reduce carbon emissions and construction waste shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and measures.

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

7. The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and no dwelling shall be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

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

Reason: In the interest of residential amenity.

9. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 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.

10. During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority, to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

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

11. Prior to the works commencing on site details of parking for site personnel / operatives / visitors shall be 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.

12. As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing 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.

13. The details submitted in pursuance of Reserved Matters shall show adequate land, to the satisfaction of the Local Planning Authority, reserved for parking or garaging in accordance with the Approved Parking Standards and, upon approval of the details this area shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before any building is occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, 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 the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

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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. No dwelling shall be occupied until space has been laid out within the site in accordance with the approved drawings for cycles to be parked.

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.

15. Notwithstanding the approved plans, a 5.5m wide access for the first 10m from the carriageway edge shall be completed prior to the occupation of any buildings hereby approved in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

16. No dwelling shall be occupied until Electric Vehicle Charging facilities 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.

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

Reason: In the interests of highway safety.

18. Before the dwellings hereby permitted are first occupied the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the access and points on the carriageway edge 43m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 0.9m above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

19. Within 3 months of works commencing on site a lighting scheme must be submitted for written approval by the Local Planning Authority demonstrating that it has been designed to ensure there will be minimal light spill on to the site boundaries and the surrounding area.

Reason: In the interests of biodiversity.

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20. Within 6 months of works commencing an ecological enhancement plan must be submitted to the Local Planning Authority for written approval. The plan must clearly demonstrate what enhancements will be incorporated in to the site and where they will be located. The plan must be implemented as approved.

Reason: In the interests of biodiversity.

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.

INFORMATIVES

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

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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.

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Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured by either the SAMMS payment form 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 (<https://birdwise.org.uk/>).

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

APPENDIX 1



PLANNING COMMITTEE – 15 OCTOBER 2020**PART 2**

Report of the Head of Planning

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

| | | |
|--|--|---|
| 2.1 REFERENCE NO - 18/504562/FULL | | |
| APPLICATION PROPOSAL | | |
| Alterations and extensions to existing residential care home to provide 12no. bedrooms and 2no. self-contained two bedroom units with associated facilities. Erection of a single storey building to provide 4no. supported living self-contained apartments, a new work shop building and associated landscape works. | | |
| ADDRESS Ellens Court Lady Margaret Manor Road Doddington ME9 0NT | | |
| RECOMMENDATION GRANT subject to the views of the Climate Change Officer and conditions | | |
| SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL | | |
| The development of this site would involve the modernisation of an existing care home and would offer much needed adult social care accommodation, with the support of the KCC Strategic Commissioning Officer. These factors weigh heavily in favour of the development. The scheme is considered to offer a good quality environment for the existing and future residents of the scheme, whilst protecting the residential amenities of the existing properties that are adjacent to the site. The proposal would be of a good design that would add to the visual amenities of the area, and would respect the landscape and scenic beauty of the Area of Outstanding Natural Beauty. The parking provision would be adequate in terms of the number and layout of the spaces. There are no objections from KCC Highways and Transportation. | | |
| REASON FOR REFERRAL TO COMMITTEE | | |
| Parish Council objection and request for referral from former ward member that the planning application is reported to the Planning Committee. | | |
| WARD East Downs | PARISH/TOWN COUNCIL Doddington | APPLICANT Inspire Care Outreach Ltd AGENT Adam Woodbridge Architects |
| DECISION DUE DATE 02/01/19 | | PUBLICITY EXPIRY DATE 10/12/18 |

Planning History

SW/93/0538

ERECTION OF DETACHED GARAGE (EXISTING GARAGE TO BE DEMOLISHED)

Grant of Conditional PP Decision Date: 19.08.93

SW/85/0036

CHANGE OF USE TO HOSTEL FOR MENTALLY HANDICAPPED PEOPLE

Approved Decision Date: 14.03.1985

SW/75/0098

FIRE ESCAPE

Approved

Decision Date: 09.06.1975

1. DESCRIPTION OF SITE

- 1.1 The application site is a rectangular shaped parcel of land measuring 0.41 hectares in area, located within the countryside and the Kent Downs Area of Outstanding Natural Beauty (AONB). The northern part of the site is occupied by the existing Care Home known as Ellens Court, providing residential care for adults with a learning disability. This is a two storey building with nine single bedrooms, all with shared facilities and a single storey building providing a kitchen/dining area. A number of smaller outbuildings are arranged around the courtyard area and are used as a workshop, games room, office and storage shed.
- 1.2 The site is a large corner plot located at the junction of Manor Road and Payden Street, approximately 1.5 miles south of Doddington. The house itself sits close to the edge of Payden Street with its entrance through a garden court space and a small parking area to the rear. The site is accessed off a narrow country lane which is at a lower level and connects through woodland to Slade Road. A small cluster of detached homes lie to the north eastern and north western boundary of the site, and to the south west lies a cottage and to the south a mature woodland. The southern part of the site slopes gradually downwards to the rear (south eastern) boundary of the site where there is a public footpath through the woodland.
- 1.3 The existing building was occupied by Dr. Josiah Oldfield at the turn of the 20th century when he set up a hospital here (formally Margaret Manor which was then known as 'Greet') based on a Fruitarian Diet. The building was for many years until 1979, run as a Youth Hostel. It then became a study centre for the Charles Darwin School. Part of the Oast House remains today but the roof has been replaced and various additions have changed the original form of the building.
- 1.4 The site can be reached from both the M2 and M20 (approximately 6 – 7 miles from the site) or from the A20. Bus Services serve Doddington Village which also connect to the train stations at Teynham and Faversham.
- 1.5 An area of ancient woodland and a locally designated site of biodiversity, known as Oakenpole Wood is situated close by, to the south of Ellens Court.
- 1.6 The application site is located within the countryside as defined in Bearing Fruits 2031: The Swale Borough Local Plan 2017. Lady Margaret Manor Road is designated as a rural lane.

2. PROPOSAL

- 2.1 The application seeks permission to demolish part of the existing care home, and to extend the building to provide a 12 bedroom care home, and 2 self-contained two bedroom units, for adults with a learning disability and a new workshop building. The care home would be arranged around a courtyard and a further single storey building will be erected to the south that would provide 4 self-contained apartments designed for supported living.
- 2.2 The proposal involves the demolition of mostly the single storey elements of the existing building and all of the smaller outbuildings, representing a total of 250m² of existing footprint to be demolished. The building would contain 6 single bedrooms at first floor, and

- 6 single bedrooms at ground floor, all with ensuite accommodation and a minimum floorspace of 12m² in accordance with National Care Standards.
- 2.3 The ground floor accommodation would also provide a communal kitchen/dining area with games room, a lounge, staff room, meeting room, an office, and a lounge/dining area with kitchenette. The 2 self-contained two-bedroom units would form a separate wing and will provide double bedrooms with an en-suite, a lounge and kitchen, which will allow carers to give one to one care. A communal lounge would be positioned at the end of the corridor.
- 2.4 The building would be roughly “G” shaped in footprint, with two large wings at either end, measuring some 54 metres in width and 32 metres in depth. The elevations would be finished in white stained weatherboarding on top of a brick plinth, with grey aluminium windows and doors and the roof would be in artificial slate tiles. It would be sited between 3 and 4 metres from the side boundary with Greet Cottage, and a similar distance to the front boundary of the property known as The Hermitage.
- 2.5 The single storey detached building would be rectangular shaped, measuring a maximum of 25 metres in width and 15 metres in depth. The building would provide 4 supported living apartments comprising of self-contained units, each with a double bedroom, bathroom, lounge and kitchen. A communal lounge would also be provided in the far corner of the building.
- 2.6 The supported living accommodation will be for adults with a learning disability who will need ‘minimum support’ rather than ‘care’, focusing on recovery, skill building and maximising independence. Following concerns raised by neighbours, revised drawings have been submitted showing the supported living repositioned further away from the boundary and re-orientated to minimise the impact upon the adjacent property.
- 2.7 The small workshop would be single storey with a pitched roof and measure 4m x 3m. This would be positioned close to the main building, tucked into the corner alongside the boundary wall.
- 2.8 The existing vehicular access onto Slade Road will be retained allowing access into the car park which will be more formalised than the existing arrangement. As submitted, the proposed parking layout provided 36 parking spaces. However, revised drawings show the parking area reduced in size, providing 17 parking spaces and 4 electric/disabled parking spaces as well as 2 mini bus parking bays, an ambulance bay, a loading/unloading bay and 4 of the parking spaces would have electric car charging points. A total of 5 secure cycle parking spaces will also be provided.
- 2.9 The central courtyard will provide a communal garden and will require the removal of a Holly Tree. To the north-west of the site, there will be a private quiet lawn area with a path linking around to the car parking area and another private lawn area.
- 2.10 The application is supported by a number of reports including a Planning Statement, a Design and Access Statement, a Transport Statement, Arboricultural Report, a Preliminary Ecological Appraisal and a Bat Survey. From the above listed reports, I draw the following summarised key points:
- 2.11 Planning Statement

- Ellens Court provides a valuable and much needed community facility for privately paying individuals as well as for users who are under the remit of Kent County Council (KCC)
- The proposal provides larger bedrooms with en-suites (currently small bedrooms with a shared bathroom), level access and open plan dining room, kitchen, games room, lounge area and inside toilets. Currently there are many steps into separate rooms and users have to go outside to use the separately accessed kitchen, dining rooms and toilets.
- KCC has a requirement for care home spaces specifically in the rural area where it is quiet and away from loud noises and activities
- The proposal will enable the health of those users of Ellens Court care home to be maintained and their care will be improved with the enhanced facilities
- The proposals will also help to support the local rural economy
- The proposal is not for a large scale development
- There are no suitable existing buildings which could be utilised to provide the modernised facilities that are required
- The proposed extensions and new buildings are single storey and are simply designed elevations, and laid out in a courtyard format, following the existing building arrangement
- The self-contained apartments and supported living units are required to cater for the needs and demand of service users that are requesting for units to live in, specifically in a countryside/isolated location
- KCC requested the supported living units to be separated from the main units in order to promote the service user's independence in accordance with the Care Act 2014
- The proposed development would only be visible from three short range, glimpse views
- There are no long range views of the site given intervening vegetation, woodlands, buildings and natural topography
- The proposal can utilise natural slate or natural clay tiles, instead of artificial slate
- The car park has been reduced in size and is not significantly larger than the existing car park
- The benefits of the identified community needs outweigh the locational disadvantages of the site
- There is adequate separation between the proposed development and neighbouring properties, and the proposals are low in height, being single storey such that there would be no overbearing or overshadowing impact
- Overlooking would not occur as the site is well screened

- The current accommodation is not ideal for the purpose, however the location and care provided is excellent and deserves investment
- The new building is sustainable in terms of construction and energy efficiency
- The garden court space formalises and enhances the entrance to the care home
- The scheme seeks a modern design
- The proposed development has been designed in accordance with good guidance for inclusive design

2.13 Transport Statement

- It is forecast that the proposed redevelopment could be associated with up to 24 full time equivalent (FTE) staff, with no more than 12 staff anticipated to be on site at any one time
- Collated Personal Injury Collision (PIC) records detailed no PIC on the local highway network in the vicinity of the site over the last three years
- the local highway network includes Lady Margaret Manor Road which runs from Doddington in NE to Warren Street in S into Slade Road, and Payden Street which runs from Warren Street in S and meets with Lady Margaret Manor Road. The lanes closest to the site have a 30mph speed limit and beyond the hamlet, 60mph (cars, motorcycles and light vans) and 50mph (Heavy Goods Vehicle).
- The scheme is designed to accommodate the local municipal and emergency services. It is proposed to provide a route for refuse vehicles within the layout to access the waste collection point via a 'run-around' feature
- The proposed parking is in accordance with KCC guideline [the recently-adopted Swale 'Parking Standards' SPD is discussed below] – it should be noted that none of the existing or proposed residents will have the ability to drive or the personal capacity to hold a driving licence
- The applicant is willing to accept a Planning condition requiring the implementation of a Travel Plan to promote sustainable travel
- The proposed development is predicted to generate a minor increase in vehicular trips
- The impact of the proposed development on the operation of the local highway network will be negligible
- Deliveries of food/beverage and linen are expected a few times a week
- Waste and recycling collections are expected to occur once a week
- A speed survey has been undertaken and this has found traffic speed to be low
- Achievable visibility splay details have been provided

2.14 Flood Risk Assessment and Drainage Strategy Report

- An initial assessment has deemed that the risk of flooding is low

- The proposed development would formalise the majority (if not all) of the surface water to positively control the discharge from the site, whilst at the same time enhancing the current foul drainage setup
- The preferred proposed foul drainage solution is to provide a new gravity system which will pass through a package treatment plant before discharging to the deep bore soakaway which forms the point of discharge for the surface water. This will be subject to approval from the Environment Agency, with the backup of using a cesspit should the preferred proposal not be acceptable to the Environment Agency

2.15 Arboricultural Report

- A low impact foundation design will have less impact on the root protection area of existing trees
- Providing the existing sub base of the car park is retained and there is no disruption to the soil, the proposed works can be completed without harming existing trees

2.16 Preliminary Ecological Appraisal

- The main building and the Oast were assessed as having 'high' potential to support a bat roost, and the store building as having 'moderate' potential
- A slow worm was observed on the site
- There were no signs of other protected species using the site

2.17 Bat Survey and Mitigation Strategy

- The buildings, which are both due to be re-roofed, are used as day roosts by low numbers of two common species of bats
- Mitigation Strategy includes installing bat boxes onto adjacent trees prior to commencement of works; only bitumen Type 1F with hessian matrix to be used under slates/tiles; installation of bat access slate/tiles onto roofs of buildings; pre-works survey under supervision of an ecologies; toolbox talks for contractors and a sensitive lighting design.

3. SUMMARY INFORMATION

| | Existing | Proposed | Change (+/-) |
|---|----------|----------|--------------|
| Site Area (ha) | 0.41 ha | 0.41 ha | 0 |
| Approximate Ridge Height (m) of main building | 7.5m | 7.5m | 0 |
| Approximate Eaves Height (m) of main building | 4.5m | 4.5m | 0 |
| Approximate Ridge Height (m) of self-contained apartments | - | 6.3m | n/a |
| Approximate Eaves Height (m) of self-contained apartments | - | 2.6m | n/a |
| No. of Storeys of main building | 2 | 2 | 0 |

| | | | |
|--|---------------------|----------------------|----------------------|
| No. of Storeys of self-contained apartments | - | 1 | n/a |
| Net Footprint | 340.9m ² | 1042.8m ² | +701.9m ² |
| Parking Spaces | 14 - 20 | 21 | +1 |
| Cycle parking Spaces | 0 | 5 | +5 |
| No. of Bedrooms | 9 | 12 | +3 |
| No. of Self-Contained two bedroom Units | 0 | 2 | +2 |
| No. of Supported Living Self-Contained Units | 0 | 4 | +4 |

4. PLANNING CONSTRAINTS

As noted above, the site is located in the Kent Downs Area of Outstanding Natural Beauty.

5. POLICY AND CONSIDERATIONS

The National Planning Policy Framework (NPPF): Achieving sustainable development – paras 8, 11; Decision-making paras 38, 47; Delivering a sufficient supply of homes para 61; Building a strong, competitive economy para 84; Promoting healthy and safe communities paras 92, 96; Promoting sustainable transport para 111; Achieving well designed places paras 127, 130, 131; Conserving and enhancing the natural environment para 172, which notes, among other things, that “great weight should be given to conserving and enhancing scenic beauty in...Areas of Outstanding Natural Beauty...”.

Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017- Policies ST1 (Delivering sustainable development in Swale); ST3 (The Swale Settlement Strategy); ST7 (The Faversham Area and Kent Downs Strategy); CP2 (Promoting sustainable transport); CP3 (Delivering a wide choice of high quality homes); CP4 (Requiring good design); CP5 (Health and wellbeing); CP6 (Community facilities and services to meet local people); DM3 (The rural economy); DM7 (Vehicle Parking); DM11 (Extensions to, and replacement of, dwellings in the rural area); DM14 (General Development Criteria); DM19 (Sustainable design and construction); DM21 Water, flooding and drainage; DM24 (Conserving and enhancing valued landscapes); DM26 (Rural lanes); DM28 (Biodiversity and geological conservation) and DM29 (Woodlands, trees and hedges).

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. This guidance suggests one parking space for every resident staff member; one space per two other members of staff and one space per six beds for residents. There should be one cycle space per ten beds.

The Swale Landscape Character and Biodiversity Appraisal SPD 2011.

6. LOCAL REPRESENTATIONS

6.1 6 letters objecting to the application have been received raising the following summarised points:

- The site lies within a very peaceful, small rural hamlet in the AONB and this proposal would be detrimental to that status
- The proposal would constitute over-intensive use of the site

- Access to the care home is via extremely narrow, single track lanes with a serious lack of passing spaces
- Lanes inaccessible during periods of inclement weather
- It is not easy for emergency services to access the area
- Concerns about road safety
- I have concerns about privacy being infringed by the building planned opposite my bedroom
- The proposed new extension appears to extend dramatically from the original footprint of the property to within close proximity of our boundary, therefore we feel that there is a cause for concern with overshadowing, an increase in noise and general disturbance
- The scale of the enlargement of the facility will have a significant impact on the surrounding houses
- Care for people with learning disability has been modernised – moving towards assisting them to live in communities, not hide them away in remote part of the countryside
- The increase in traffic and the staff would generate a considerable increase in noise and completely change the nature of the area
- There is a possibility of light pollution with regards to floodlighting, security lighting etc.
- Proposed parking area will have a huge visual impact on the area
- Size of development not in keeping with the surrounding area
- Remote location of facility means it does not benefit from any amenities such as shops, leisure activities or doctors surgery, so all trips are reliant on the use of a car
- Residents have little opportunity to interact with the community so are in fact being kept away from the community
- Question what provision will be made for the treatment of sewage

6.2 Local re-consultations on the updated Transport Statement resulted in the following comments:

- For the most part, the access road is only 8 feet wide and already of poor quality, potholes and sinkage. Where wider widths can be measured it is plus a few inches
- The roads do not need extra traffic and weights it will bring
- I would ask that the site and surrounding area is actually visited to get the real picture
- There are no shops of interest in Doddington – only a garage with a few provisions (food) and a butchers
- Doddington is not easily accessible on foot – it is very hilly and very muddy in winter

- Road measurements listed in the Transport Statement are ‘interesting’ and I would say inaccurate – I am concerned about my property being damaged by large vehicles trying to turn around
- There is absolutely no space on the narrow lanes for the vehicles that will be required for this application to be built
- The amendments still show building directly opposite my bedroom – a visit will show how close it will be. My privacy will be lost and I am concerned about noise

6.3 The agent responded to say that there is a desperate need for this type of accommodation in the Borough, raising the following points:

- There is an existing parking area which is unmade and unmarked, but can hold around 14 -20 cars
- The proposal formalises the arrangement of the existing car park and is intended for the increase in staff members and visitors
- Staffing levels are currently at 15 members and it is intended to increase this by a further 10 members of staff
- The provision of 10 new jobs is a bonus for Doddington but not all of these staff will be on site at any one time; they cover shifts and the perceived increase in traffic is just not going to happen
- We consulted neighbours prior to submitting the application and have kept them informed with the details of the application. Initially they were supportive but it wasn't until the application was submitted that issues have arisen. We have tried to arrange a meeting to discuss their concerns but this was not taken up by any of the neighbours
- The scheme is well hidden from public view and contained entirely within the confines of the existing property; they will have little or no impact on the wider context of the AONB
- Highways have accepted that the proposal will not have a detrimental impact on the highway capacity
- The additional accommodation (which is predominately single storey) is designed to minimise its impact on the adjacent buildings, and indeed much of the accommodation will not even be seen from the highway
- A modern sewage treatment plant is much more sustainable than the existing cesspit
- The proposed increase from 9 to 20 occupants does not constitute a significant increase in numbers or size or facility. KCC are in full support of this application, there is a desperate need for these rooms, and KCC consider this site appropriate for its use
- There will be no overshadowing, the building is some distance away from the boundary which contains some very large trees

7. CONSULTATIONS

7.1 Doddington Parish Council requests that the Planning Committee makes a site visit to assess the situation on the ground, commenting as follows:

“The site is in the Kent Downs AONB.

The roads are rural lanes with inadequate width and condition to support the proposed operation.

The application is for a very large expansion, of considerable height and mass.

In recent years an application for a redevelopment of a residential property in the hamlet has been refused at appeal and we would refer the planning officer to that application.”

- 7.2 Following the submission of the Transport Statement, the Parish Council reiterated its concerns, commenting as follows:

“Councillors were unable to find any point on the access roads to the site which are more than three metres wide and it was assumed that the 6.5 metre width quoted only refers to the proposed entrance/exit and includes the owner’s property.

Whilst Doddington is served by a bus service it is not frequent, as claimed in the Transport Statement, and neither is the site within reasonable walking distance of the village bus stop.

Pedestrians would find the walk a hard slog and find themselves having to climb banks to avoid traffic as there are few pedestrian refuges.

Arrival at Lenham station would mean a taxi journey for any visitors.

The report suggests that service, delivery and collection vehicle journeys to and from the site would not increase even though there would be more than doubling the numbers of staff and residents.

The local roads are in a poor condition, in particular the final miles of country lanes after leaving The Street, Doddington heading south and the Faversham Road heading north to across the site.

The site is an Area of Outstanding Natural Beauty and the proposal represents a very substantial increase in built area and mass within the AONB.

Doddington Parish Council objects to the application and requests that the Planning Committee visits the site prior to making a decision”

- 7.3 KCC Highways and Transportation requested a Transport Statement, once this was received they raised no objections subject to conditions, commenting as follows:

“1) The Statement demonstrates to our satisfaction that the expected increase in vehicle movements does not represent a detrimental impact on local highway capacity. The proposals are expected to generate an additional 3 vehicle movements in the morning peak (1 additional every 20 minutes) and an additional 2 movements in the evening peak (1 additional every 30 minutes). These figures are obtained from the TRICS database and their surveys count all associated vehicle movements with a particular land usage, including service, delivery and collection journeys. It is noted that the roads serving the site are rural lanes with occasional passing places but these are lightly trafficked and will effectively disperse the minor increase in vehicle movements. The personal injury collision record for the last 3 years has also been examined and

there appears to be no pattern of highway safety issues on the local road network that could prove to be exacerbated by these proposals.

2) An independent speed survey has been carried out to the TA 22/81 standard and has determined the actual 85th percentile speeds, from which a suitable visibility splay has been calculated and demonstrated on a plan. This will be achieved through the cutting back of tree canopy/foliage within the applicant's land, an arrangement that can be maintained by way of planning condition.

3) Parking provision is in conformity with current standards and provision has been made for an ambulance, minibus and electric vehicles. An additional request would be the creation of two disabled parking bays proximal to the building entrance. I note that swept path drawings also indicate an on-site turning loop for larger vehicles, which should accommodate even refuse freighters.”

- 7.4 The Council's Environmental Protection Team raises no objection subject to conditions to control hours of construction, suppression of dust, and the submission of details for any mechanical ventilation.
- 7.5 The KCC Ecology Officer requested additional surveys, but whilst a bat survey has been undertaken, no reptile survey information has been provided. The bat emergence surveys show that the main buildings are used as a day roost by a small number of bats. No objection is raised to the mitigation measures in the bat report to deal with this. Suitable reptile habitat is present on-site and a Slow worm was observed during the original ecological survey, therefore a reptile survey is required before the development commences. Overall, and subject to conditions, KCC Ecology do not object to the development.
- 7.6 KCC Flood and Water Management raise no objection, subject to conditions. However, they also state that the Environment Agency should be consulted as the site is located at groundwater source protection zone.
- 7.7 Southern Water stated that the applicants should consult the Environment Agency regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation. But they do not require the development to be connected to mains drainage. They also stated that the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities and that it is critical that the effectiveness of these systems is maintained in perpetuity.
- 7.8 The Environment Agency raises no objection subject to conditions to ensure that the development will not cause or be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution. They also request that the applicants recalculate their discharge volume to ensure that the current permit will be sufficient to cover the extra volume intended with the proposed extension to the property.
- 7.9 Kent Police do not raise objection but observes that the application does not demonstrate how crime prevention has been designed out. They recommend an informative to address the following issues stated below:

“Perimeter and boundary treatments to incorporate security to blend attractively into the environment

The following should meet SBD PAS 24 2016 and be tested and certified by a recognised 3rd party certification authority:

- 1. All external doorsets*
- 2. All potentially vulnerable windows e.g. ground floor or above flat roofs*
- 3. All internal apartment/bedroom doors*
- 4. All doors leading from the reception area to the private areas and corridors including the stairs*

All external fire doors should be alarmed.

There may be some residents with needs that require different forms of security. Being potentially more vulnerable, their security needs can be addressed in other ways.

All ground floor bedrooms need defensible space in front of their bedroom windows.

The workshop will need appropriate security depending on tool storage.

Patio and private garden areas to have some fencing to reinforce their private nature.”

- 7.10 The KCC Strategic Commissioning Officer provided the following clarification on the need for this type of accommodation:

“Our accommodation strategy has recognised the needs of our clients with Learning Disabilities that they are living longer and their physical needs are overtaking their learning needs as they grow older. This means they need the same environments found in care homes for older people, wheelchair accessibility, wider door frames, sloped/flat access rather than steps, larger spaces for equipment needs, hospital/profiling beds, hoists, flush floor wet rooms etc.

The home in question has a cohort of people who have been living there for some time and fall into this group of older LD. We have few homes in the market specialising in older LD with the physical adaptations to the property that would allow the home (as far as is practicable and appropriate) to be a home for life. In summary, we support the changes to the property.

The other aspect of the supported living unit. The 1st draft of the plans I saw had the supported living unit as part of the main building with the ability to share staff and facilities by connecting doors and corridors. This is not a model we support and the design principle in our accommodation, preferably independent flats with a separate staff team. The skill sets and training for supported living staff will be different from that of residential care home staff, especially if the residential home are looking at delivering to an older cohort of clients. Supported living is focussed on recovery, skill building and maximising independence. Residential services, whilst they should always maximise independence irrespective of client group, tend to do more ‘care for’ than ‘support with’. The older and more considerable the health needs or dementia, the more ‘care’ will be required.”

- 7.11 The Kent Downs AONB Unit does not consider that the proposal will conserve or enhance the special qualities and distinctive character of the AONB, commenting:

“The proposed works at Ellen Court would significantly increase the amount of building on the site and would appear out of scale in its rural context. It would also result in increased general activity at the site including an increase in traffic on rural single track roads. Harm would also arise as a result of the large area of hardstanding required in connection with the proposed 36 space car park. [As noted above, 21 car parking spaces are proposed] The proposed use of artificial slate on the new buildings would fail to strengthen the locally distinctive character of the Kent Downs AONB.”

7.12 The Climate Change Officer has been consulted and Members will be updated at the meeting.

8. BACKGROUND PAPERS AND PLANS

8.1 The submission is accompanied by the following plans/drawings:

Drawing No. 17_48_01 Location Plan; 17_48_02 Existing Site Plan; 17_48_03 Ground Floor Plans as Existing; 17_48_04 First Floor Plans as Existing; 17_48_05 Existing Elevation; 17_48_06 Existing Elevation; 17_48_07 Existing Elevation; 17_48_08 Existing Elevation; 17_48_10 Rev A Site Plan; 17_48_12 Rev A Ground Floor Plan; 17_48_13 Rev A First Floor Plan; 17_48-14 Rev A Supported Living Apartments Plans; 17_48_15 Supported Living Apartments Elevations; 17_48_16 Rev A Supported Living Apartments Elevations; 17_48_17 Rev A Supported Living Apartments Elevations; 17_48_18 Workshop Plans and Elevations; 17_48_20 Rev A Elevations; 17_48_21 Elevations; 17_48_22 Existing and Proposed Street Elevations; 17_48_31 Existing Building – A; 17_48_32 Existing Building – B; 17_48_33 Existing Building – C; 17_48-34 Existing Building – D; 17_48_35 Existing Building – E; 17_48_36 Existing Building Footprint Areas; and 17_48_37 Rev A Footprint Areas Analysis Plan.

9. APPRAISAL

Principle of Development

9.1 The application site lies within the open countryside and the AONB, where policies ST3, DM11, and DM24 seek to restrain large scale development in rural locations for both amenity and sustainability reasons, particularly in isolated locations.

9.2 Without doubt it would be unusual to grant planning permission for large scale development at this rural location in the current policy context and I would not normally expect to recommend so. However, in this instance, as the development amounts to an extension to an existing social care facility, such considerations need to be carefully balanced against the benefits the proposal will provide and whether it would satisfy the economic, social and environmental objectives of achieving sustainable development in the NPPF. In terms of the economic objective, the proposed development will provide an employment generating use and create immediate jobs in construction. In terms of the social objective, the proposal would provide much needed specialist accommodation. The NPPF is clear that needs of groups with specific housing requirements are met and provided within a well-designed and safe built environment. Policy CP3 aims to provide a wide choice of homes that are inclusive to, *“Meet the housing requirements of specific groups, including families, older persons, or disabled and other vulnerable persons”*. The proposals will meet the future needs of the existing residents and provide additional accommodation for an identified need. In terms of the environmental objective, the

development will provide a new care home facility that is both sustainable in terms of construction and energy efficient.

- 9.3 As set out above, the proposal seeks the retention and enhancement of an existing facility. As such, my starting point for consideration of this planning application is the provisions of policies of Bearing Fruits 2031: SBLP 2017. Policy CP5 states that proposals will “*Bring forward accessible new community services and facilities*” as well as “*Safeguard existing community services and facilities where they are viable or can be made so*”. Policies DM11 and DM24 seek to resist development in the countryside and to protect valued landscapes and rural lanes. There is no doubt that the site is not generally suitable for residential development as it is located in open countryside, well outside any defined settlement designated as suitable for residential development except in specific exceptional circumstances. I take the view that greater weight should be given towards safeguarding this facility for the future requirements of existing and planned residents and, as a result, I believe this proposal to be acceptable.

Social Care Housing Need

- 9.4 The proposed extension will provide better facilities at the care home which will improve the health and wellbeing of residents at Ellens Court and enable them to remain living there as their requirements change. The addition of the supported living units are for adults with learning disabilities who are able to live independently when given the appropriate level of support as required.
- 9.5 As set out above, Kent County Council Strategic Commissioning on behalf of Adult Social Care supports this development because Kent’s Accommodation Strategy identifies the need for this specialist accommodation. This strategy for social care projects concludes that, the Swale district will need to increase supported living units, based on current provision.

Landscape and Visual Impact

- 9.6 The application site lies within the Kent Downs AONB and as such the proposal is required to be considered in terms of policy DM24 which states that permission for major developments should be refused unless exceptional circumstances prevail as defined by national planning policy. The NPPF makes it clear that it must be demonstrated that the development is in the public interest and consideration should be given to:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 9.7 At the same time, the NPPF indicates that support should be given to suitably located and designed development necessary to facilitate local business and community needs.
- 9.8 As such, I give significant weight to the need for the development. The internal re-configuration of the existing building will provide better and more accessible facilities for the existing residents, and the proposal will enable the expansion of the care home to meet

a specific need identified by KCC. Although the site is located within the AONB, it is nonetheless relatively enclosed by dense trees and hedgerows. From the south, the development would be screened by the existing woodland which means there are limited views of the site from the public footpath(ZR303). In my opinion, the greatest landscape impact would be from the north and east, where views can be attained of the site. However, only glimpsed views of the development would be seen from the road leading northwards up to the crossroads at the centre of the hamlet due to the topography of the site and the existing mature boundary trees. Whilst the existing boundary wall along Payden Street would provide some screening, the roof of the new apartments would still be visible. Additional tree and shrub planting behind the boundary wall would help limit views of the apartments.

- 9.9 The Swale Landscape Character and Biodiversity Appraisal designate the site within the Doddington and Newnham Dry Valleys. It describes the landscape as a gently sloping landscape, with extensive woodlands; mixed land use of small to medium scale orchards and large scale arable fields; small-scale settlements; the dominance of several major transport links through the area and historic parklands. The overall condition of the landscape is rated as good, and landscape sensitivity is rated as high.
- 9.10 I have carefully considered the concerns of local residents and the Parish Council about the scale of the development. However, paragraph 84 of the NPPF states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found outside existing settlements. Policy DM3 supports rural business development, with an emphasis on the appropriate re-use of the existing buildings or previously developed land and when new buildings are sympathetic to the rural location and appropriate in their context. As I have said above the proposal will retain and enhance a much needed facility, and I consider the design and layout to be acceptable. Whilst the building would occupy a large footprint and would be substantial in scale and form, this is in part mitigated by the topography of the site. The self-contained wings and supported living apartments are single storey and follow the existing courtyard arrangement. The extended building would be no taller than the existing building on the site and would be screened by the topography of the site, existing mature landscaping and the surrounding built development.
- 9.11 Paragraph 127 of the NPPF states development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change. Policy CP4 states all development proposals should be of a high quality design that is appropriate to its surroundings. I consider the general design approach here to be acceptable for this sensitive location. The use of contrasting weatherboarding and crisp window and roof detailing with the more traditional converted Oast house will work well to create a visually attractive scheme. However, the proposed use of artificial slate is not considered to be appropriate and I am satisfied that a more appropriate roof covering such as natural slate can be secured by condition (3) below.
- 9.12 I consider the scheme to be well designed, and I am satisfied that there would not be any significant landscape or visual effects arising from the development.

Residential Amenity

- 9.13 The nearest properties to the proposed development are a small cluster of detached homes situated to the north eastern and north western boundary of the site, and also a

cottage to the south west. The revised layout of the site has repositioned the supported living apartments further away (now a minimum of 16 metres, rather than 8 metres as originally proposed) from the cottage to the south west, however the proposed self-contained wing of the extended care home would be sited immediately to the side boundary of the rear garden to this neighbouring property. Given that the building is of single storey, the main outlook from the ground floor level of this dwelling would be the roof of the proposed building. There is a specific concern regarding loss of privacy at the property known as The Hermitage with a building, directly opposite their bedroom window. However I do not consider that the proposal would give rise to a significantly worse degree of overlooking than is currently experienced by this neighbouring property. There is a road in between the two properties and there is already a kitchen window along the flank wall of the existing care home that faces them.

- 9.14 I have also given consideration to the impact on the future occupiers of the care home. The residents would have larger bedrooms with ensuite bathrooms and communal living space that is more accessible. There would be a sensory garden within the courtyard that would provide amenity space, as well as a generous sized lawn area behind the supported living apartments.
- 9.15 Local concern makes reference to potential disturbance from the care home operation, and the effects of light pollution. Whilst there would be some disturbance arising from activities connected to the care home use, as this is primarily a residential use, I do not consider such disturbance would be significantly worse than that already, and I note that the Environmental Protection Team Leader does not raise objections on such grounds. I do not consider light pollution to be significant given the existing lawful use of part of the site but a condition could control this, and Members will note condition (34) below.
- 9.16 I therefore consider that the development would not result in any unacceptable impacts on surrounding neighbouring properties.

Highways and Parking

- 9.17 There is concern from local residents and the Parish Council about the impact of increased traffic on the local roads, particularly given that they are narrow and in a poor condition. Whilst KCC Highways and Transportation acknowledge that the site is reached by narrow rural lanes, they comment that they are lightly trafficked and as such are satisfied that the minor increase in vehicle movements will not have a detrimental impact on the local roads. They are also satisfied that an adequate visibility splay has been demonstrated on the plan which can be achieved by the cutting back of tree canopy/foilage within the site which can be maintained by way of planning condition.
- 9.18 There is also some local concern that emergency vehicles or large vehicles will not be able to access the site. The revised parking arrangement has made provision for ambulance parking bays and the swept path analysis shows that service and emergency vehicles will be able to manoeuvre in and out of the site.
- 9.19 The scheme proposes 21 parking spaces to serve the development, which meets the car parking standards of the recently adopted SPG. KCC Highways and Transportation also advise that this is acceptable, but they request that an additional 2 disabled bays are provided close to the building entrance, and this is included as a planning condition.

Landscaping/Trees

- 9.20 The development will involve retention of many of the trees on site, other than the removal of a holly tree to allow the courtyard garden to be landscaped in accordance with the plans. The Council's Tree Consultant raises no objection to this, and I am satisfied that the landscaped character of the site would not be adversely affected by the development, and Members will note conditions (4), (5) and (6) below.

Ecology

- 9.21 The Preliminary Ecological Appraisal identified that the main building had a high potential for roosting bats, therefore a bat survey and bat mitigation report was submitted at the request of KCC Ecology. This was deemed satisfactory and conditions have been included to ensure the mitigation measures are adhered to. However, a reptile survey still needs to be undertaken and the KCC Ecologist is satisfied provided this is secured as a pre-commencement condition. The agent has agreed, and on this basis an ecological enhancement plan can be submitted once the reptile information has been provided. Members will note conditions (23) and (24) below.

Drainage

- 9.22 Local concern also point out that there is a need for the property to be connected to mains drainage given its proposed size. Since submission, further details have been provided regarding drainage and these have been sent to the relevant consultees. The existing cesspit will be removed and replaced with a new drainage system. The preferred proposed foul drainage is to provide a new gravity system which will then pass through a package treatment plant before discharging to the deep bore soakaway which forms the point of discharge for the surface water. KCC Flood and Water Management raise no concerns subject to a pre-commencement condition which the agent has agreed to. The Environment Agency also raises no concerns but request that the applicants contact them to vary the Permit if the extra discharge volume is greater than the permitted volume. Southern Water makes reference to SUDS, advising that the applicant will need to maintain the long-term effectiveness of these systems to avoid flooding from the proposed surface water system, which may result in the overflow of the foul sewage system.

Sustainable Design and Construction

- 9.23 The Supporting Planning Statement states that materials used in the construction of the development will be locally sourced and that it will be constructed to a very high sustainability standard, in accordance with Policy DM19. The applicant has agreed to the imposition of a pre-commencement condition requiring the development to be constructed to achieve a 50% reduction in carbon emissions compared to the current Building Regulations.

Other Matters

- 9.24 Lady Margaret Manor Road is a designated Rural Lane under Policy DM26 of the adopted Local Plan. The policy states that permission will not be granted for development that physically or through traffic levels would significantly harm the character of rural lanes. In this case, KCC Highways and Transportation do not raise concern that the development would increase traffic levels, and no physical works are required to the lane to accommodate the development. On this basis, I do not consider the scheme would conflict with this policy.

10. CONCLUSION

- 10.1 The site falls outside of any defined settlement boundary under policy ST3 of the development plan and in the open countryside where there is a general presumption against development unless supported by the NPPF and where impacts on the countryside are acceptable. The scheme would result in the modernisation of an existing care home, as well as additional accommodation and the application sets out that there is an identified need for this type of accommodation in the local area. The scheme would provide employment opportunities and that whilst there would be an increase in traffic, such impact would not be detrimental on the local area.
- 10.2 Members also note the comments of the KCC Strategic Commissioning Officer at paragraph 7.10 above and that, in summary, they are supportive of the proposed development.
- 10.3 The objections that have been received have been considered in detail. However, based upon the views of consultees and the appraisal of the application as set out above I believe that subject to the imposition of the listed conditions the proposal would not give rise to unacceptable harm in regards to residential or visual amenity, the landscape designation or highway safety and amenity.

11. RECOMMENDATION

GRANT Subject to the views of the Climate Change Officer and the following conditions:

CONDITIONS to include

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

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

- 2) The development hereby approved shall be carried out in accordance with the following approved plans and documents:

Drawing No. 17_48_10 Rev A Site Plan; 17_48_12 Rev A Ground Floor Plan; 17_48_13 Rev A First Floor Plan; 17_48-14 Rev A Supported Living Apartments Plans; 17_48_15 Supported Living Apartments Elevations; 17_48_16 Rev A Supported Living Apartments Elevations; 17_48_17 Rev A Supported Living Apartments Elevations; 17_48_18 Workshop Plans and Elevations; 17_48_20 Rev A Elevations; 17_48_21 Elevations; 17_48_22 Existing and Proposed Street Elevations; 17_48_37 Rev A Footprint Areas Analysis Plan;

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

- 3) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used in the construction of 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 interests of preserving or enhancing the character and appearance of the surrounding area.

- 4) No development beyond the construction of foundations shall take place until a detailed hard and soft landscaping 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.

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

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

- 6) 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.

- 7) No development beyond the construction of foundations shall take place until details in the form of manufacturers colour brochure and specification details of the proposed window and door systems/products to be used on the buildings have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interests of preserving or enhancing the character and appearance of the surrounding area.

- 8) No development beyond the construction of foundations shall take place until detailed drawings at a suggested scale of 1:1 or 1:2 vertical section of the eaves and verge construction details have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of preserving or enhancing the character and appearance of the surrounding area.

- 9) The proposed residential development 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.

- 10) The proposed residential development hereby approved shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the residential units shall not be occupied unless the notice for that unit 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.

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

Monday to Friday 0730 to 1800 hours, Saturdays 0830 to 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

- 13) No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out a programme for the suppression of dust during the construction of the development. The measures approved shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity.

- 14) No development shall take place until a Construction Management Plan on site has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The statement shall include the following:

- (a) Routing of construction and delivery vehicles to/from the site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management/signage

Reason: In the interests of highway safety

- 15) Before the development hereby permitted is first occupied, the access details shown on the approved plans (namely drawing number PCD235/002 (TR1) shown in Appendix C of Transport Statement by Transport Dynamics dated February 2019) shall be completed and the access shall thereafter be maintained.

Reason: In the interests of highway safety

- 16) Before the development hereby permitted is first occupied, the visibility splays shown on the submitted plans (namely drawing number PCD235/002 (TR1) shown in Appendix C of Transport Statement by Transport Dynamics dated February 2019) with no obstructions over 0.9 metres above carriageway level within the splays, shall be provided and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety

- 17) The area shown on the submitted plan (namely drawing number PCD235/002 (TR1) shown in Appendix C of Transport Statement by Transport Dynamics dated February

2019) as vehicle parking and turning space, shall be provided before occupation of the development hereby permitted is commenced, along with the provision and permanent retention of two disabled parking bays, which shall be in accordance with details to be submitted and approved by the Local Planning Authority in writing. These areas shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, 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.

- 18) The area shown on the submitted plan (namely drawing number PCD235/002 (TR1) shown in Appendix C of Transport Statement by Transport Dynamics dated February 2019) as vehicle loading/unloading, and turning facilities shall be provided before occupation of the development hereby approved is commenced, and these areas shall be retained for such use at all times when the premises are in use and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out on that area of land or in such a position as to preclude vehicular access to this reserved area.

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

- 19) Before the development hereby approved is first occupied, the access road shall be provided with a bound surface for the first 5 metres of the access from the edge of the highway.

Reasons: In the interests of highway safety and convenience.

- 20) The access road shall incorporate measures to prevent the discharge of surface water onto the highway.

Reason: In the interests of highway safety

- 21) Before the development hereby approved is first occupied, provision and permanent retention of secure, covered cycle parking facilities shall be completed in accordance with the submitted Transport Statement by Transport Dynamics dated February 2019.

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.

- 22) The development shall be carried out in strict accordance with the bat mitigation measures detailed within the Bat Survey and Mitigation Strategy by KB Ecology dated 21 July 2020, along with measures to enhance the site for bats shall be implemented in full, and shall be thereafter retained. The mitigation strategy must be implemented as approved unless varied by a European Protected Species (EPS) licence issued by Natural England.

Reason: In the interests of conserving protected species

- 23) Prior to commencement of works (including site clearance), a reptile mitigation strategy shall be submitted, and approved by, the Local Planning Authority. This will include the results of a full reptile survey and details of associated mitigation measures. The approved strategy will be adhered to thereafter.

Reason: In the interests of conserving protected species and to ensure that these details are approved before works commence.

- 24) Within three months of works commencing on site an ecological enhancement plan must be submitted for approval in writing by the Local Planning Authority, detailing what ecological enhancements will be incorporated into the site. The works in the approved plan must be incorporated into the site as detailed in the approved plan.

Reason: In the interests of conserving protected species

- 25) No development beyond the construction of foundations shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment & Drainage Strategy (Alan Baxter Partnership Ref 1158/October 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted 100 year storm) can be accommodated and disposed within the curtilage of the site of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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

- 26) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 27) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no

resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- 28) No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

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

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- 31) No tree shown for retention shall be damaged, cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the Arboricultural Report by GRS dated 26th April 2018, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations or any revisions thereof. If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted at such time as may be specified in writing by the Local Planning Authority.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 32) The installation of tree protection barriers, and the methods of working shall be undertaken in accordance with the Arboricultural Report by GRS dated 26th April 2018.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 33) The premises shall be used for the purposes of a care home and supported living accommodation as shown on the approved plans, and for no other purpose whatsoever,

including any other purposes in Class C2 of the Schedule to the Town and Country Planning (Use Classes) (Amendment)(England) Regulations 2020

Reason: In the interests of the amenities of the area, and to accord with the terms of the application which identifies substantial need for care home accommodation and which carries particular weight in the decision making process.

- 34) No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- A statement of why lighting is required and proposed the hours of illumination.
- A site plan showing the area to be lit
- The type, number, mounting height and alignment of the luminaries.

All lighting must be installed and operated in accordance with the approved details.

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

- 35) The residential development hereby approved shall be provided with 4 electric vehicle charging points in accordance with drawing number PCD235/002 (TR1) shown in Appendix C of Transport Statement by Transport Dynamics dated February 2019) and shall not be occupied until the charging point has been installed. The charging points shall be of a specification that has first been agreed in writing by the Local Planning Authority and shall be installed before any part of the development hereby approved is first occupied.

Reason: To encourage the use of electric vehicles, in the interests of climate change and reducing pollution.

INFORMATIVES

- 1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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.

- 2) Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during the construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

- 3) The applicant/agent is advised to contact Kent Police Designing Out Crime Team , Kent Police Headquarters, Sutton Road, Maidstone, Kent ME15 9BZ (Tel: 01622 653209) or www.kent.police.uk to discuss the design and site specific crime prevention in detail, as required under section 17 of the Crime and Disorder Act 1998.
- 4) This property already has a live Environmental Permit for a discharge of primary treated sewage from a septic tank to ground via an infiltration system, 10 m³/day. The Permit was updated 21st December 2012 in accordance with the Environmental Permitting (England & Wales) Regulations 2010 (amended 2016).

The applicant is advised to recalculate their discharge volume and provide this to the Environment Agency, Orchard House Endeavour Park, London Road, Addington, West Malling, Kent ME19 5SH (Tel: 03708 506 506) or www.gov.uk/environment-agency. This will ensure that the Environmental Permit volume of 10m³/day will be sufficient to cover the extra volume intended with the proposed extension to the property. If the calculation shows an increase greater than the permitted volume, the applicant will need to vary the Permit prior to any extra volume of discharge taking place. However, if the extension does not affect the discharge volume then an application to vary will not be required.

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.



| | | |
|---|--|---|
| 2.2 REFERENCE NO - 19/505888/FULL & 19/505890/LBC | | |
| APPLICATION PROPOSAL Conversion / refurbishment of barns to provide 2 dwellings, new garage building; demolition of farmyard structures; and hard and soft landscaping works. | | |
| ADDRESS Queen Court Barns Water Lane Ospringe Kent ME13 8UA | | |
| RECOMMENDATION - Grant both applications subject to appropriate conditions and to securing the SAMMs tariff payment. | | |
| REASON FOR REFERRAL TO COMMITTEE Called in by Cllr Ben J Martin | | |
| WARD Watling | PARISH/TOWN Faversham Town | COUNCIL APPLICANT Mr George Barnes AGENT Mr Simon Milliken |
| DECISION DUE DATE 05/03/20 | PUBLICITY EXPIRY DATE 26/08/20 | |

1. DESCRIPTION OF SITE

- 1.1 The two buildings in question here form part of the larger Queen Court Farm complex and are listed in their own right. A new listing evaluation of the buildings was carried out shortly after the applications were submitted, the applications were held in abeyance pending that evaluation, and the larger barn (Barn 2) has now been upgraded to Grade II* status. The site is located outside of any defined built up area boundary but is within the Ospringe conservation area.
- 1.2 Barn 2 is a good quality example of a 15th Century Kentish aisled barn with later additions approximately dating to the late 17th or early 18th Century. The earliest part of the barn comprises four timber framed bays, whilst the later bays are of brick construction with ventilation slits. The roofing and cladding on the timber framed bays is largely modern and to the south is an attached granary and link which was possibly added at the same time as the later bays. Further modern additions were added to this barn in the form of two lean to style extensions and a large silo.
- 1.3 Barn 1 to the south-west is a Grade II listed building which dates from the 16th Century, with well preserved 19th Century stable fittings still seen within this barn. This building has rooflights installed on both roof slopes but it is not known when this alteration was made and there is no planning history for them.

2. PROPOSAL

- 2.1 These applications seek planning permission and listed building consent for the conversion of these two barns into two dwellings. The proposal initially sought to create three dwellings with Barn 2 split to create two units. However, after lengthy discussions with officers, Historic England and the architect, the scheme was amended as per Historic England's advice, and the biggest change is that Barn 2 is now proposed as a single residential unit with attached annexe.
- 2.2 A number of repair works would need to be undertaken to enable the conversion including:

- Repairs to the existing historic fabric including structural repairs to the roofs, walls, repointing of brickwork etc.
- Replacement of the existing internal concrete floors with a new insulated limecrete slab, incorporating underfloor heating with floor levels rationalised as they currently slope. Trial holes will be dug against all existing external and internal walls to ensure new levels do not undermine existing structures.
- Removal of all modern additions including the metal silo, lean-tos, water and oil tanks.
- New cast iron rainwater goods.
- Thermal insulation provided between and external to the timber frame so the majority of the frame remains exposed internally.
- Removal of existing modern roof coverings and replacement more in keeping with the barns.
- Demolition of existing outbuilding and dutch barn.
- Formation of freestanding and independent timber frame enclosures within the existing fabric to provide subdivision without any detrimental impact to the historic fabric.
- Replacement of timber weatherboarding.

2.3 Barn 1 would be a three bedroom unit and, after discussions with Historic England, the existing 19th Century stable fittings are to remain within bedroom 2 and this room has now been designed around these historic features ensuring their retention within the building. The living area formed within bays 4-6 is open plan so the existing beams are left unaltered. The brickwork of this building is to be repaired and repointed, the horizontal timber boarding replaced and the existing clay tiles are to be removed and set aside for re-use while the timber frame is repaired. The tiles would be reinstated incorporating bat access tiles.

2.4 Barn 2 would be a larger four bedroom unit, again leaving the main living area free of partitions to appreciate the timber framing from within. Timber partitions would be used to create the bedrooms and bathrooms. The brickwork on this building is also to be repaired and repointed with the existing timber boarding replaces. The existing corrugated sheeting roof would be replaced with hand made clay tiles incorporating bat access tiles with new cast iron rainwater goods. The existing granary is proposed to be converted to a self contained annexe for use by the occupiers or guests of Barn 2. The annexe would have a kitchen/living area down stairs and a bedroom with en suite on the first floor. The brickwork and flint to the annexe would be repaired and repointed and the boarding also replaced, the timber roof frame is in need of repair and the existing felt roof will be replaced with hand made clay tiles like the other buildings. The corrugated iron mono pitch roof over the living area would be replaced with natural slate.

2.5 To ensure the setting of the listed buildings the parking area is proposed away from the barns to the rear corner of the site where a garage building and parking courtyard is proposed. The building would be finished in horizontal boarding and a pitched roof finished in natural slate which will also include thermoslate or similar to provide a sustainable energy source. The building would provide six garages and an additional storage unit for each dwelling; each garage will also have a loft storage area.

2.6 The applications are supported by a number of reports that can be summarised as follows:

Heritage Impact Assessment

- The conversion of highly significant barns is considered to be a suitable and positive residential conversion that respects the historic buildings, while ensuring their future survival.
- The presence of aisles and existing divisions has been utilised to accommodate the smaller rooms whilst leaving the nave of the barns as open space.
- The granary has suffered the most alteration in the past and the proposed conversion is considered to provide a good solution by reversing some of the more unsightly fabric and allow the maintenance and repair of the structure.

Flood Risk Assessment

- Site is in Flood Zone 3 for fluvial flooding
- Consultant has produced detailed modelling to refine the extent of the fluvial flood plain
- Modelling confirms that all residential development is situated in Flood Zone 1

Ecology

- The survey recorded evidence of multiple bat day roosts and feeding areas as well as use by barn owls
- Bat loft and bat tiles to be provided
- No external lighting to be placed near the entrance/exit points of new roost sites
- The garage will include an integrated barn owl nesting area with an external exercise ledge

3. PLANNING CONSTRAINTS

Potential Archaeological Importance

Conservation Area Ospringe

Environment Agency Flood Zone 2

Environment Agency Flood Zone 3 136994

Listed Buildings MBC and SBC Ref Number: 380/SW

Description: G II QUEEN COURT FARM, WATER LANE, OSPRINGE, FAVERSHAM, ME13

Listed Buildings MBC and SBC Ref Number: 670/SW

Description: G II QUEEN COURT FARM, WATER LANE, OSPRINGE, FAVERSHAM, ME13

Listed Buildings MBC and SBC Ref Number: 1333/SW

Description: G II* QUEEN COURT FARM, WATER LANE, OSPRINGE, FAVERSHAM, ME13

4. POLICY AND CONSIDERATIONS

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

CP4 (Design)
 CP8 (Conserving and enhancing the historic environment)
 DM3 (Rural economy)
 DM14 (General development criteria)
 DM16 (Alterations and extensions)
 DM19 (Sustainable design and construction)
 DM32 (Listed buildings)
 DM33 (Conservation areas)

4.2 Supplementary Planning Guidance (SPG): ‘Conservation Areas’, ‘Listed Buildings’ and ‘The Conservation of Traditional Farm Buildings’

4.3 The National Planning Policy Framework (NPPF): Paragraphs 190, 194 and 196.

5. LOCAL REPRESENTATIONS

Comments received in relation to the original drawings

5.1 The Faversham Society:

“This conversion is something that appears inevitable. The scheme has been carefully considered, however, it is important to ensure that as much as possible of the historic fabric is retained in the conversion. Any hedging to Water Lane or within the adjacent fields should use native species to ensure that the setting of the barns does not become much more urban in character, and to maximise biodiversity.”

5.2 Three local residents have written neither objecting or supporting, with comments that can be summarised as follows:

- No objection to the barns being converted to residential use, however more details are needed
- The drainage strategy should be re-designed, additional water seeping into the ground as a result of the proposed works would flood part of Queen Court Farmhouse and its land and outbuildings. There should be no impermeable hardstanding including the access route
- Topographical and ecological surveys should be undertaken as reptiles have been seen close to the site
- A contamination survey to identify issues such as liquid spillages and potential presence of substances such as asbestos should be produced
- A method statement should be submitted to identify days and hours of work and all access should be via the access north of the barns with no on site vehicle access
- Proposed materials are not identified.
- Physical obstruction of vehicles being able to park in the yard needs to be identified
- Window shown on the south elevation of the granary should be removed as it overlooks habitable rooms of Queen Court Farmhouse
- The site plan shows part of Queen Court Farmhouse land coloured in but this land does not form part of the planning application
- The full height glazing to the ground floor of the granary barn will be a substantial increase in openings and the windows will look into the garden of Queen Court Farmhouse
- External lighting needs to be conditioned

5.3 One local resident objects to the scheme, with comments that can be summarised as follows:

- Lack of clarity in tree management plan
- The supply of electricity to the area is inadequate and there have been three power cuts in the last fortnight
- There is historic problems with drainage and sewage disposal with no plans showing how these will cope
- There is no traffic assessment or management plan
- No management plan for asbestos
- There should be limits on time of construction to avoid noise and dust
- There is no mention of lizards that are on the site

5.4 One letter was received supporting the application with comments that can be summarised as follows:

- We need more housing and this location is ideal
- A property nearby had approval to knock down a garage and have a residence added, therefore this conversion of old buildings is very positive
- Some of the neighbours comments are aimed at making the owner have to do more paperwork to increase cost and delay development

Comments received in relation to the amended drawings

5.5 Two letters were received from local residents which can be summarised as follows:

- We reiterate that, in principle, we support the conversion of these barns
- Reiterate original comments on loss of privacy from the window at the south end of the granary barn
- No mitigation has been added to prevent the flooding of Queen Court Farmhouse
- No mention of redundant oil tanks or asbestos on the site
- The trees have not been surveyed
- The amended proposed site layout shows the gravel courtyards appear to be protected from vehicular access and parking which we support
- The amended garaging proposals show 6 spaces but the application form identifies 8 car parking spaces
- It is clear from the proposed elevations that substantial changes to the fabric and materials are proposed, openings being removed or added but application form stated no changes to external fabric
- Concerns that the annexe to Barn 2 could be used as a totally separate residence or holiday let as it has separate amenities
- When the barn in Vicarage Lane was refurbished the old roofing material was burned in the open air causing smoke to pollute the local atmosphere. Swale Environmental Services were informed but seemed uninterested and took no action
 - A management plan to prevent collisions should be developed

6. CONSULTATIONS

Comments received in relation to the original drawings

6.1 Faversham Town Council:

“No objection. The barns are currently derelict and falling into poor condition. This proposal would ensure essential work is undertaken to preserve them. The small scale proposal is suitable for the area. The planting of hedges it to be encouraged with native species. Bat and Owl mitigation/enhancement should be a condition if planning permission is given. Japanese knotweed is known to be present in the vicinity and this should be investigated.”

6.2 Ospringe Parish Council:

“If this application were to be approved we would be very concerned about the additional traffic that would be generated on Water Lane which is already beyond saturation point at certain times, leading to serious congestion and the resultant pollution and bad air quality. The same concerns have been made by ourselves and others regarding the planning applications for Ashdown and Black Cottages. We note the representations made by the neighbour Ms Delaney which coincide with our own views.”

6.3 Environment Agency – no comments as the planning application falls outside EA’s remit as a statutory planning consultee.

6.4 Natural England – No objection subject to SAMMS fee to help mitigate against the potential recreational impacts of the development.

6.5 Society for the Protection of Ancient Buildings:

“If a new floor is to be installed we would suggest it better to install a breathable limecrete floor. Without details of repair methodology it is not possible to properly assess how the work will impact the building. The availability of such information is essential before the application is determined and this information should be sought from the applicant. This is in accordance with para 194 of the NPPF.”

6.6 Historic England – Initial negative feedback regarding harm to the grade II* listed barn:

“Not yet convinced that the harm is minimised in line with the requirements of para 190 of the NPPF. Recommend converting Barn 2 to a single dwelling. Acknowledge that the application has been live for several months after a decision was taken, rightly in our view, not to determine the application until the outcome of a listing assessment was known. We would be happy to work with Officers and the applicant on an amended scheme”.

6.7 Kent Wildlife Trust – Did not comment upon the application.

6.8 Kent Highways – The development proposal does not meet the criteria to warrant involvement from the Highway Authority.

6.9 County Archaeological Officer – Did not comment upon the application.

Comments received in relation to the amended drawings

6.10 Faversham Town Council – No objection. Same comments as for the originally submitted drawings.

6.11 Historic England now supports the application:

'The greatest change to proposals for barn 2 is a decision to convert it to a single dwelling rather than two dwellings and to focus ancillary spaces, such as bedrooms, in the eastern, less significant end of the barn. As a consequence, the historic volumes of the medieval barn will largely be retained. We think this substantially reduces the harm to heritage significance and in its current configuration, represents the least harmful way to convert this building and thus to secure its long-term conservation.

Amendments to the proposed landscaping also contribute to a less harmful scheme and we are content with changes to the proposed boundary treatment, new gate openings between the gardens and driveway and the introduction of low posts to the south of barn 2 to ensure that these areas are not used for parking.

While we welcome the latest changes and commend the applicant for responding sensitively to the concerns raised by Historic England and the Council's Conservation and Design Manager, we do not think the latest changes remove harm altogether. However we think your Council could now conclude that the harm has been minimised in line with paragraph 190. Remaining harm is justified by marketing evidence that a residential use represents the optimum viable use of this building and thus that no other less harmful uses would secure the building's long-term conservation. In reaching a decision on this proposal, your Council will also need to weigh the public benefits against the remaining harm, which we assess to be less than substantial, in the manner described in paragraph 196 of the NPPF, taking in to account the public benefit of securing the building's optimum viable use.'

7. BACKGROUND PAPERS AND PLANS

- 7.1 All plans and documents relating to applications 19/505888/FULL and 19/505890/LBC.

8. APPRAISAL

- 8.1 Local Plan policy states that development proposals will be supported in accordance with the settlement hierarchy criterion which is set out in Policy ST3. This site falls within the open countryside where *"At locations in the open countryside, outside the built up area boundaries shown on the proposals map, development will not be permitted, unless supported by national planning policy and be able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities."*
- 8.2 Policy DM3 (rural economy) states that *"planning permission for residential development will not be permitted where this would reduce the potential for rural employment and/or community facilities unless the site/building is demonstrated as having no demand for such purposes or its use would be undesirable or unsuitable"* clearly indicating a reluctance to see residential conversion of rural buildings as a principle.
- 8.3 These policies do not seek to blanket ban housing in the countryside or other development, but they seek to ensure a thriving rural economy by prioritizing the reuse of rural buildings for business or community uses. This approach is entirely consistent with paragraphs 83 and 84 of the NPPF which seek to support a prosperous rural economy. The documents submitted include evidence of the efforts the applicant have

gone to investigate the sale of the building for alternative uses. The marketing appraisal shows that there was limited interest and ultimately no sale for an alternative use was agreed. The information was also reviewed by Historic England's economic officer and it is deemed that residential conversion of these buildings is the most viable use that will ensure the buildings are preserved.

- 8.4 With the principle of residential use established through the marketing appraisal, an assessment needs to be made on the design and impact of the proposal on the character of the listed buildings themselves and the surrounding conversation area setting.
- 8.5 There were initially concerns over the conversion of these units into three dwellings and the applicant has been willing to work with the Council and Historic England to reach a scheme that would ensure the listed barn's preservation. Historic England are now supporting the applications on heritage grounds and I have no reason to disagree with their view. SPAB, whilst not objecting to the scheme, raised concerns over the replacement concrete floor and this has now been amended to limecrete as per their suggestions.
- 8.6 With regards to residential amenity the neighbour at Queen Court Farmhouse raised concerns over the small window to the en-suite of the annexe building that may have caused overlooking. This window has now been removed and there are no openings on that elevation that would cause loss of privacy to Queen Court Farmhouse.
- 8.7 It was discussed with the architect that the courtyard setting of the barns should remain and parking should be discouraged from those areas, which was also a concern raised by a local resident. The site plan has now been amended to include small timber posts on the boundary of the courtyard to discourage parking within this area. Ample parking is situated within the garages and parking courtyard with a total of six garages and additional storage areas for both properties within the garage building which complies with the Council's SPD for a minimum of three spaces per dwelling. The parking area is set to the rear of the site to preserve the character and setting of the buildings.
- 8.8 There is little scope to achieve new-build sustainable construction levels within the conversion of the listed barns. However, Thermoslates or similar are proposed to the roof of the new garage building which would provide a source of sustainable energy.
- 8.9 A flood risk assessment was submitted with the application and details that the site is shown in Flood zone 3 for fluvial flooding. Odyssey has undertaken modelling which refined the extent of the fluvial flood plain in the surrounding area. The modelling states that all residential development will be situated within Flood Zone 1 (no risk of flooding). Odyssey corresponded with the EA who stated that they did not hold any detailed modelling of the watercourse affecting the site. The EA did not comment on the proposals.

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 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 (normally 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 payment will need to be secured before planning permission can be granted.

9. CONCLUSION

9.1 Overall the conversion of these listed barns seems to be the only viable option to preserve their architectural and historic character. The applicant/architect has worked with the Council and Historic England over a number of months to try and achieve the most sensitive development possible. The application complies with the relevant policies within the Local Plan; the Council's SPG's and paragraphs 190, 194 and 196 of the NPPF.

10. **RECOMMENDATION** – Grant both applications subject to the following conditions and securing the SAMMs tariff.

CONDITIONS

19/505888/FULL – Planning application

(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 strict accordance with the following approved drawings:

19.031 51C, 19.031 52A, 13.031 53B, 19.031 54, 19.031 55, 19.031 56B, 19.031 57C, 19.031 58B, 19.031 59, 19.031 60, 19.031 61, 19.031 62B, 19.031 65 and 19.031 66.

Reason: In the interests of residential and visual amenity.

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

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

Reason: In the interests of residential amenity.

(4) Prior to first occupation full details of both hard and soft landscape works shall be 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.

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

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

biodiversity.

- (6) 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.

- (7) The garage building hereby approved shall be kept available for the parking of vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land or in such a position as to preclude vehicular access thereto.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users and in a manner detrimental to highway safety and amenity.

- (8) The development hereby permitted shall be carried out in its entirety in relation to each dwelling and the associated shared and private external areas (including the garage building/store) prior to first occupation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity.

- (9) Prior to the relevant works samples of the proposed slates and a section of weatherboarding in the proposed stain or paint finish to be used on the garage/store building shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with these approved details.

Reason: In the interests of visual amenity.

- (10) Prior to the relevant works details of the proposed cast iron rainwater goods to be used on the garage/store building shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with these approved details.

Reason: In the interests of visual amenity.

- (11) Prior to the relevant works the following key construction details for the garage/store building shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with these approved details.

- 1:5 vertical section showing the weatherboard profile
- 1:5 vertical section showing the eaves detailing (including guttering)
- 1:5 vertical section showing the verge detailing
- 1:20 elevation detail and 1:5 plan and vertical sections of external doors
- 1:5 vertical section showing the ridge roof junction detailing
- 1:5 vertical section showing the hip roof junction

Reason: In the interests of visual amenity.

- (12) The annexe accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling shown on the plans as Barn 2.

Reason: In the interests of residential amenity.

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

Reason: In the interest of preserving the special architectural or historic interest of the listed building.

- (14) The bat tiles, bat loft and owl boxes referred to in paragraphs 7.15. 7.16 and 7.18 of the Bat and Barn Owl Survey Report and Mitigation Strategy produced by Ecology Solutions dated October 2019 (ref: 7867.BatReport.vf) shall be provided before first occupation of the dwellings hereby approved.

Reason: In the interests of encouraging wildlife and biodiversity.

- (15) Prior to occupation of either dwelling hereby permitted details shall be submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of 'Thermoslate' or similar solar tiles, energy efficiency, and sustainable drainage principles into the relevant dwelling. Upon approval, the details shall be incorporated into the development as approved.

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

- (16) The dwellings hereby permitted shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and neither dwellings shall not be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (as amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- (17) Prior to the first occupation of any dwelling unit hereby approved, at least one electric vehicle charging point per dwelling shall be installed and made ready for use of residents of the relevant dwelling.

Reason: In the interests of promoting sustainable development.

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.

CONDITIONS

19/505890/LBC

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

Reason: In pursuance of Section 18 of the Listed Building Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby approved shall be carried out in strict accordance with the following approved drawings:

19.031 51C, 19.031 52A, 13.031 53B, 19.031 54, 19.031 55, 19.031 56B, 19.031 57C, 19.031 58B, 19.031 59, 19.031 60, 19.031 61, 19.031 62B, 19.031 65 and 19.031 66.

Reason: In the interest of the special architectural or historic interest of the listed buildings.

- (3) Prior to commencement of any other works the existing lean-tos, silo water and oil tanks shown to be demolished as part of the proposed scheme, shall be removed and the structures in question shall be removed from the application site. The structures shall not be stores on the site or on the adjacent land north and east.

Reason: In the interest of the special architectural or historic interest of the listed buildings.

- (4) Prior to the relevant works a sample of the proposed Kent peg clay tiles and replacement weatherboarding in the proposed stain or paint finish shall be submitted to and approved in writing by the Local Planning Authority. The samples submitted shall include the ridge and hip tiles, bat access tiles and any specialist conservation type ventilation tiles. The development shall then be carried out in accordance with these approved details.

Reason: In the interest of the special architectural or historic interest of the listed buildings.

- (5) Prior to the relevant works manufacturers details of the specific cast iron rain water goods (and associated brackets) to be used on the converted barns shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with these approved details.

Reason: In the interest of the special architectural or historic interest of the listed buildings.

- (6) Prior to the relevant works manufacturers details of the replacement patent glazing and flush fitting conservation type rooflight to be used on Barn 1 shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with these approved details.

Reason: In the interest of the special architectural or historic interest of the listed buildings.

- (7) Notwithstanding the details shown on drawing 19.031 66, the following key construction details shall be submitted to and approved in writing by the Local Planning Authority, The development shall then be carried out in accordance with these approved details.
- 1:5 vertical section showing the proposed wall insulation system and weatherboard profile
 - 1:5 vertical section showing the eaves detailing (including guttering) and proposed roof insulation system
 - 1:5 vertical section showing the verge detailing
 - 1:5 vertical section showing the ridge roof junction detailing
 - 1:5 vertical section showing the hip roof junction detailing
 - 1:5 vertical section showing the proposed replacement floor and associated insulation underfloor heating system
 - 1:10 (internal) elevation detail and 1:1 or 1:2 vertical plan section of the fixed glazing to be provided to the ventilation slits at the eastern end of Barn 2

Reason: In the interest of the special architectural or historic interest of the listed buildings.

- (8) Prior to commencement (excluding the works outlined in condition 2) a detailed repair and alterations specification and associated works programme for the external envelope and internal elements of the buildings (including the brickwork, timber frame and proposed new finished for the medieval parts of the building) compiled in accordance with the repair principles set out in the revised Design & Access Statement dated 14th September, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the works required for making good the retained historic fabric where attached and/or abutting later structures which are to be demolished. The reports shall also be compiled in accordance with the following technical guidance:

- SPAB Technical Pamphlet 5: Repointing stone and brickwork walling
- SPAB Technical Pamphlet 12: The repair of timber frames and roofs
- Historic England: Energy efficiency and historic buildings

Reason: In the interest of the special architectural or historic interest of the listed buildings.

- (9) Prior to the relevant works a 1:20 elevation detail and a 1:5 plan and vertical section for all new (or replacement) joinery elements including windows, internal/external doors stairs, associated banisters/handrails and shutters shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with these approved details.

Reason: In the interest of the special architectural or historic interest of the listed buildings.

- (10) No flues, vents, meter/alarm boxes or external lighting shall be fixed to the exterior of the listed buildings the subject of this consent without the prior written consent of the Local Planning Authority.

Reason: In the interest of the special architectural or historic interest of the listed

buildings.

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 - 20/500844/FULL | | |
| APPLICATION PROPOSAL Demolition of existing bungalow and erection of 3 no. houses with parking and gardens. (Resubmission 19/504178/FULL) as amended by drawings received 21/08/2020. | | |
| ADDRESS Ashdown Water Lane Ospringe Faversham Kent ME13 8TT | | |
| RECOMMENDATION – Grant subject to appropriate planning condition and securing the SAMMS tariff payment | | |
| REASON FOR REFERRAL TO COMMITTEE Town/Parish Council objections | | |
| WARD Watling | PARISH/TOWN COUNCIL Faversham Town | APPLICANT Mr Steve Maher AGENT Designscape Consultancy Limited |
| DECISION DUE DATE 05/05/20 | | PUBLICITY EXPIRY DATE 16/09/20 |

Planning History

19/504178/FULL

Demolition of existing bungalow and shed. Erection of 4no. terraced dwellings and 1.no detached dwelling with associated parking and gardens.

Withdrawn Decision Date: 10.03.2020

1. DESCRIPTION OF SITE

- 1.1 The site consists of a detached bungalow, situated in a large plot of land, with corresponding gardens and parking areas. There is also a single garage on the site.
- 1.2 The site lies approximately 200 metres from the junction of Water Lane with the A2, where the English Heritage property 'Maison Dieu' stands on the western corner. To the north and south, on both sides of the road there is an established pattern of continuous residential ribbon development, which includes dwellings from the C17 to the C20. As such, there is no established design ethic; nor is there a typical size of property.
- 1.3 The site is within the Ospringe conservation area and adjacent to a Grade II listed building to the south (Orchard House). It is also within the established built up area boundary, making the principle of development on this site acceptable.
- 1.4 Ospringe Primary School is situated some 200 metres to the south.

2. PROPOSAL

- 2.1 This application follows withdrawal of a previous application for four houses, and has been the subject of intensive negotiations and various amendments. The proposal is for the removal of the existing bungalow and its replacement with a four-bedroom detached house and a pair of three-bedroom semi-detached houses. Each house would be served by private amenity spaces, and two off-road parking spaces.
- 2.2 The semi-detached houses would be of a traditional brick finish, and are simply-designed to compliment the adjacent late Victorian terraced houses immediately to the

north. The detached house is of a more complex design, but still of a design and finish to sit comfortably within its surroundings.

- 2.3 There would be a gap of 3m between the northern flank wall of the listed building and the proposed detached house; a gap of 6.25 metres between the northern flank wall of the proposed detached house and the southern flank wall of the first semi-detached house; and a gap of 11 metres between the northern flank wall of the most northerly of the proposed semi-detached properties and the southern flank wall of the first of the existing terraced houses.
- 2.4 An existing access road to an existing property at the rear of the site runs between the northern boundary of the site and the most southerly of the existing terraced houses.
- 2.5 The proposal is accompanied by a Design and Access Statement (which includes a Heritage Statement) and a Flood Risk Assessment and Drainage Strategy.

3. PLANNING CONSTRAINTS

- 3.1 Conservation Area Ospringe
- 3.2 Adjacent to Grade II Listed Building
- 3.3 Environment Agency Flood Zone 3

4. POLICY AND CONSIDERATIONS

- 4.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies CP4 (Requiring Good Design; CP8 (Conserving and Enhancing the Historic Environment); DM7(Parking); DM14 (General Development Criteria); DM19 (Sustainable Design and Construction); DM21 (Drainage); DM32 (Listed Buildings); and DM33 (Conservation Areas)
- 4.2 National Planning Policy Framework (NPPF): Paragraphs 7 and 8 (Sustainability); 11 (Presumption in favour of Sustainable Development); 128 (Design Quality); 189, 190 and 196 (Heritage Assets).
- 4.3 Swale Borough Council Parking Standards SPD (adopted June 2020) recommends that a four bedroomed house in a suburban area should have 3+ parking spaces, whilst three bedroomed houses should have 2-3 spaces.

5. LOCAL REPRESENTATIONS

- 5.1 The Faversham Society supports the application as first submitted, noting that:

‘This proposal would assist Swale Borough Council in meeting its housing target for houses on small sites as required in the National Planning Policy Framework.

The revised design reduces the extent of the frontage across which parking is not available. The design would be acceptable in the context of the mix of historic and modern buildings in the street. The development retains a more open aspect to the street than previously, which is welcomed.’

- 5.2 Twenty letters and emails of objection have been received from local residents at various stages. As the scheme is largely in the same form as it started, I see all these

comments as relevant to the latest version of the application, and these comments may be summarised as follows:

- Existing bungalow is a non-designated heritage asset
- Parking is already an issue here; four on-street parking spaces would be lost to provide access to the proposed off-street parking
- Tandem parking does not work
- Harm to biodiversity of site
- The proposed properties would extend back further than the existing
- Not in character with local area
- Will obscure views to Orchard House, and harm its setting
- Loss of privacy to existing gardens
- Setting the detached house back would help
- Existing gap is mentioned in the Conservation Area Appraisal
- Extra traffic will exacerbate road safety issues, especially at school times
- Buildings too high – will give a sense of enclosure
- Detached house looks as if it is deigned to become flats
- Air quality issues at junction with the A2
- There are other approved sites for development in Faversham
- Loss of light

5.3 One email of support has been received. The comments therein are as follows:

- The area needs more housing, and this is an ideal location

6. CONSULTATIONS

6.1 Faversham Town Council objects to the application, on the grounds of harm to the setting of Orchard House, and air quality and highway safety issues at the junction of the A2. Their latest comments are as follows:

'Recommendation: Objection

Comment:

1) There are only subtle differences to this application from the last and therefore the Town Council wishes to reiterate its comments as it considers that its concerns have not be addressed.

Reasons:

1) The positioning of the detached house will be detrimental to Orchard House (a

listed building) and other historic houses on Water Lane.

2) The junction of the A2 and Water Lane is already at maximum capacity. During busy times cars regularly mount the pavement, causing danger to pedestrians including school children attending Ospringe Primary School.

3) Three new houses with six additional cars would add to the poor air quality in the vicinity'

- 6.2 Ospringe Parish Council notes that the number of houses has been reduced in the current application, but say that their comments on the previous application still apply. These comments were;

We comment as follows: we object to this application due to the following concerns: increase in traffic movements, air pollution and parking.

They also voice concern in relation to the current application over the proposed tandem parking layout. The latest changes to the latest application have not led the Parish Council to amend their views.

- 6.3 Natural England raises no objection to the proposal, subject to the receipt of a SAMMS mitigation payment.
- 6.4 The Environment Agency raises no objection to the proposal.
- 6.5 KCC Minerals and Waste have no objection to the application
- 6.6 Kent Highways and Transportation note that the scale of the proposal falls below their criteria to warrant a response.

7. BACKGROUND PAPERS AND PLANS

Application papers for application 20/500844/FULL.

8. APPRAISAL

- 8.1 The issues to consider in this case are those of potential harm to the setting of the listed building and surrounding conservation area; design; and parking and highway safety issues.

Harm to the setting of the listed building and the conservation area

- 8.2 I am very aware of the issue of the character and setting of the adjacent listed building, Orchard House, which is a Tudor building with attractive timber framing and first floor jetties. However, I am not of the opinion that the proposal, if approved, would have an adverse effect on the building, having a similar height and being situated three metres away from the flank wall of the building. Orchard House is already set in a row of houses, and the existing bungalow on the application plot does nothing to respond to its design, appearance or scale, or to enhance its setting. In my view the current application, which has been designed to respond to the character and setting of the listed building, will enhance its setting. It should also be noted that Orchard House extends right up to the adjacent pavement, whilst the proposed detached house would be set back two metres from the footpath on that side, allowing views of the flank wall of Orchard House from the north and east.

- 8.3 Further to the above, the design of the proposed houses is sympathetic to the character and appearance of the conservation area, particularly when remembering there is no clear pattern of design in the street.

Design

- 8.4 The design of the scheme has been amended by the applicant a number of times, in accordance with advice from officers. The scheme now represents a high level of design which compliments, but does not present a pastiche, of designs in the immediate surrounding area. The pair of proposed semi-detached houses clearly take their lead from the design of the adjacent C19 terraced houses, whilst the bay windows and jetties of the detached house clearly take their lead from the adjacent listed building, whilst at the same time not attempting to present an imitation of that building. As such, I am of the opinion that the proposed dwellings, if approved, would present a level of design which is acceptable in this sensitive location.

Highways and Parking

- 8.5 I note the concerns expressed by local residents, and would agree that the residents of the adjacent terraced houses have no off road parking facilities. However, in creating access points for the new properties, there are already two access points to the existing site, and there would also be two access points to the proposed properties. As such, I do not believe that the proposal would exacerbate parking issues in the immediate area.
- 8.6 Likewise, although I would acknowledge that the junction with the A2 can occasionally (particularly at school drop off and pick up times) be difficult, I do not believe that the addition of just two new dwellings will increase these issues to the extent that refusal of planning permission could be justified; nor would it have a pronounced effect on air quality issues.
- 8.7 It should be noted that each house, including the four bedroomed house, have two off road parking spaces. The newly adopted Swale Parking Standards SPG suggests that a four bedroom house in this location should have three or more off-road spaces, whilst a three bedroom house should have 2 to 3 spaces each. However, it should be noted that the application was submitted some time before the new SPG was approved in June, at a time when the relevant KCC guidance required not more than two spaces for any new house. I therefore feel that it might not be fair to require this scheme to provide for the newly increased standard. More significantly, I consider that to have further parking provision here might very well have an adverse effect on the scheme which is in reality driven by heritage asset constraints, and that the creation of a car dominated scheme will adversely affect the spacing of the houses and, in turn, the character of the conservation area and the setting of the adjacent listed building. It might also attract more cars to be kept at the site. As such, I consider the level of parking now shown to be more appropriate for this site.

9. CONCLUSION

- 9.1 In conclusion, as the proposal, due to its position within an established built-up area boundary, is acceptable in principle, and as its effect would be minimal, due to its small-scale nature and good design, would have no adverse effect on the adjacent listed

building, the surrounding conservation area, or on highway safety and residential amenity.

- 9.2 As such, and on balance, I recommend that the proposal be approved, subject to the receipt of a SAMMS mitigation payment, and strict accordance with the conditions noted below.

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 site 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 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.

- 10. RECOMMENDATION** - GRANT Subject to the following conditions and securing the SAMMS tariff:

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 permitted shall be carried out in complete accordance with the following plans:

Drawing numbers 448/100 Rev D; 448/101 Rev C; 448/102 Rev C; and 448/103 Rev C.

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

- (3) 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 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.

- (4) The dwellings hereby approved shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per

day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- (5) Prior to the occupation of any dwelling hereby permitted it shall be provided with an electric vehicle charging point in accordance with details which shall first have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of promoting sustainable forms of transport.

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

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

- (7) 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 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.

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

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

- (9) 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.

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

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

Reason: In the interests of residential amenity.

- (11) The areas shown on the approved drawing 448/100 Rev D as car parking spaces shall be kept available for such use at all times and no permanent development, whether permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwellings hereby permitted.

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

- (12) No development beyond the construction of foundations shall take place before details of cycle storage (two cycles per dwelling) have been submitted to and approved by the Local Planning Authority. The approved storage facilities shall be completed in accordance with these approved details prior to the occupation of the respective dwelling.

Reason: In the interest of promoting sustainable forms of transport.

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

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

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



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| 2.4 REFERENCE NO - 19/503351/FULL | | |
| APPLICATION PROPOSAL Erection of oak frame partially enclosed car port with artist work/live space above, associated amenity space and cycle shed/bin store. | | |
| ADDRESS Abbey Road Garages Abbey Road Faversham Kent ME13 7BL | | |
| RECOMMENDATION - Grant subject to receipt of SAMMS tariff payment | | |
| REASON FOR REFERRAL TO COMMITTEE Called in by Cllr Valentine as applicant is unable to meet the 50% carbon reduction condition | | |
| WARD Abbey | PARISH/TOWN COUNCIL Faversham Town | APPLICANT Mr Ian Tarrant AGENT Olson Design Group |
| DECISION DUE DATE 13/11/19 | PUBLICITY EXPIRY DATE 28/01/20 | |

1. DESCRIPTION OF SITE

- 1.1 Abbey Road garages are located at the end of Abbey Road within the built confines of Faversham, and within the Faversham conservation area. The site is characterised by a group of garages set around a courtyard type area and accessed from Abbey Road. The site partly lies on the Scheduled Monument site of Faversham Abbey and has open space to the rear.

2. PROPOSAL

- 2.1 The application seeks planning permission for the construction of a small oak frame garage/car port with a live/work area provided above under a simple flat roof. The accommodation would provide studio flat accommodation at first floor with a small amenity space to the rear. Two of the garages would need to be used for motorbike storage instead of cars as the construction of this car port would not allow for the movement of cars to use those two garages. A cycle shed would be erected at the rear of the site.
- 2.2 Materials include oak weatherboarding and dark grey aluminium windows and doors, and the new structure will be built partly under the canopy of an existing ash tree, which would be retained.
- 2.3 The application is supported by an Artist's Impression of the proposed works, an Arboricultural Report detailing how the tree on site will be protected, a Structural Engineer's report (suggesting that this lightweight structure should have a concrete raft foundation), and a Heritage Statement which states that being timber framed and using materials to match the existing on site will not harm the conservation area and allow a much needed single dwelling in the built area of Faversham.

3. PLANNING CONSTRAINTS

Potential Archaeological Importance

Conservation Area Faversham

4. POLICY AND CONSIDERATIONS

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

ST3 (The Swale Settlement Strategy)
 CP4 (Design)
 DM14 (General development criteria)
 DM16 (Alterations and extensions)
 DM29 (Woodlands, trees and hedges)
 DM33 (Conservation Area)
 DM34 (Scheduled Monuments and archaeological sites)

4.2 Policy DM34 states:

1. Development will not be permitted which would adversely affect a Scheduled Monument, and/or its setting, as shown on the Proposals Map, or subsequently designated, or any other monument or archaeological site demonstrated as being of equivalent significance to scheduled monuments. Development that may affect the significance of a non-designated heritage asset of less than national significance will require a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

2. Whether they are currently known, or discovered during the Plan period, there will be a preference to preserve important archaeological sites in-situ and to protect their settings. Development that does not achieve acceptable mitigation of adverse archaeological effects will not be permitted.

3. Where development is permitted and preservation in-situ is not justified, the applicant will be required to ensure that provision will be made for archaeological excavation and recording, in advance of and/or during development, including the necessary post-excavation study and assessment along with the appropriate deposition of any artefacts in an archaeological archive or museum to be approved by the Borough Council.

4.3 Supplementary Planning Guidance: 'Conservation Areas'

5. LOCAL REPRESENTATIONS

5.1 The Faversham Society has commented:

" The artist's studio set above an additional garage would not harm the character and appearance of the Conservation Area.

However, given its limited size and location, it would be preferable if a personal condition could be recommended. "

5.2 One local letter of no objection has been received. This suggests that the development is totally compatible with its surroundings

6. CONSULTATIONS

6.1 Faversham Town Council has no objection to the scheme. They say that the design and materials are sympathetic and the application has support from neighbours.

6.2 Historic England initially raised concerns about the impact of the development on the Scheduled Monument but after speaking with the applicant their objection was

withdrawn and a Scheduled Monument Consent for the works has been approved by them. They recognise that the County Archaeological Officer is now providing the Council with relevant advice

- 6.3 Natural England – Net increase in residential accommodation within 6km of the SPA, SAMMS payment required
- 6.4 The County Archaeological Officer has no objection to the scheme. The applicant has spoken at length with the County Archaeological Officer and I have been advised that the scheme only requires a standard archaeological works condition, which I have recommended below.
- 6.5 The Council's Tree Consultant raises no objection to the scheme provided the arboricultural recommendations are conditioned.

7. BACKGROUND PAPERS AND PLANS

- 7.1 All plans and documentation relating to application 19/503351/FULL.

8. APPRAISAL

- 8.1 The main consideration in the determination of this application is the affect of the development upon the character and appearance of the conservation area as well as any impacts on visual and residential amenity.
- 8.2 The application site lies within the built confines of Faversham where development is generally considered acceptable, subject to it being of a high standard of design, sitting comfortably within the street scene, and not giving rise to any serious amenity concerns.
- 8.3 Policy DM33 of Bearing Fruits 2031 states that development (including changes of use and the demolition of unlisted buildings or other structures) within, affecting the setting of, or views into or out of a conservation area, should preserve or enhance all features that contribute positively to the areas special character or appearance.
- 8.4 I consider that the design of the building is in keeping with the surroundings and garage buildings on site and takes inspiration from a taller garage at the front of the site. The use of oak weatherboarding works well in this location and would appear to be an additional garage building rather than a residential unit. I am content with the use of dark coloured aluminium windows and doors as the setting of this would work well with the design
- 8.5 The site is extremely sensitive as it is located within the confines of the historic Abbey however both the County Archaeological Officer andr Historic England have raised no objection to the application subject to an archaeological works. The applicant has already applied for and obtained Scheduled Monument Consent.
- 8.6 In terms of residential amenity, the building is located towards the rear of the site and would not create any residential amenity concerns with regards to overlooking or noise. The presence of a resident on site would also be a good crime deterrent and ensure the security of the garages.
- 8.7 The application has been called in however, as the applicant is unable to meet the Council's 50% carbon reduction condition which was introduced at the beginning of the year due to the Council's Climate Emergency Declaration. The applicant initially stated

they were able to achieve just a 17% improvement given the shading from the existing tree (limiting the scope for solar panels) and the obvious constraints on ground disturbance within the Scheduled Monument, but he has been working with the officers to try and achieve a higher figure. The Building Control Officer originally said that an Air Source Heat Pump would bring the percentage a lot higher but after approaching companies I understand that it would be down to the local supplier whether it was suitable or not due to the tree. The applicant has made clear that he is only able to find one supplier who will install the ASHP due to the large tree and he is unable to afford the cost. The applicant has managed to bring the carbon reduction figure up to a 23.56% improvement above Building Regulations and I believe this figure is acceptable in this case, on this very small development. It is deemed that any further enhancements would be unviable on such a small build. I have put this proposal to Councillor Tim Valentine but he has suggested that if the applicant cannot meet the 50% carbon reduction the application needs to be referred to the Planning Committee for determination.

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 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 (normally 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 payment will need to be secured before planning permission can be granted.

9. CONCLUSION

- 9.1 Overall the proposal would comply with the relevant policies within the local plan and subject to the conditions listed below, would add an additional small residential unit within the built confines of Faversham that would preserve the character and appearance of the area.

- 10. RECOMMENDATION** - GRANT Subject to the following conditions and securing the SAMMS tariff:

CONDITIONS

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

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

- (2) The development shall be carried out in accordance with the following approved plans: 617-04 C, 617-05 C, 617-06 C and 617-08 C.

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

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

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

- (4) In this condition "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars. Paragraphs i) and ii) below shall have effect until the expiration of 5 years from the date of completion of the development for its permitted use.
- i) No retained tree shall be damaged, cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the accompanying Arboricultural Report (Ref: GRS/TS/TCP/AIA/TPP/49/17) issue date 9th April 2018, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof.
 - ii) If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.
 - iii) The installation of tree protection barriers, the methods of working shall be undertaken in accordance with the Arboricultural Report (Ref: GRS/TS/TCP/AIA/TPP/49/17) issue date 9th April 2018.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- (5) Prior to the relevant works being commenced, details of the proposed external finishing materials shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- (6) Prior to the relevant works being commenced, the following key construction detail drawings shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- i) 1:1 or 1:2 vertical section of the wall and roof plane junction (of the principal building)
 - ii) 1:10 elevation detail and supporting 1:1 or 1:2 vertical and plan sections of the balcony and external stair, and associated railings

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

- (7) Prior to the relevant works being commenced, details of any external vents, flues, guttering, pipework or cabling shall be 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 preserving or enhancing the character and appearance of the surrounding area.

- (8) Upon completion, no further development, whether permitted by Classes A, B, C or D of

Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

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

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

A 23.56% 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 by the local planning authority. The development shall be carried out in accordance with the approved details.

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

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

Reason: In the interests of water conservation and sustainability.

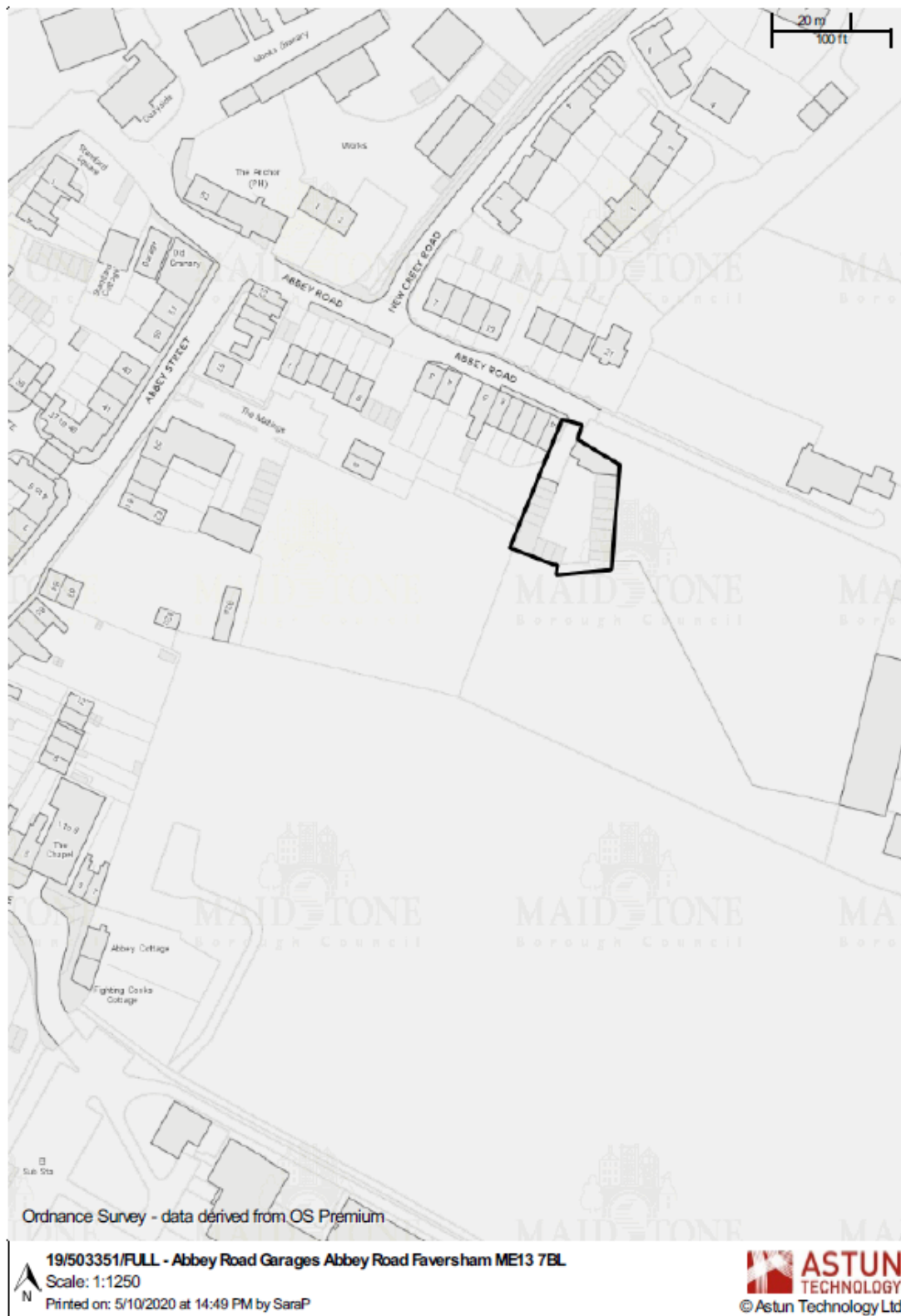
The Council's approach to the application

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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| 2.5 REFERENCE NO - 20/502514/FULL | | |
| APPLICATION PROPOSAL Erection of a single storey rear extension. | | |
| ADDRESS 87 Ospringe Road Faversham Kent ME13 7LG | | |
| RECOMMENDATION – Grant subject to conditions | | |
| REASON FOR REFERRAL TO COMMITTEE Town Council Objection | | |
| WARD St. Ann's | PARISH/TOWN COUNCIL Faversham Town | APPLICANT William O'Grady AGENT Invent Architecture |
| DECISION DUE DATE 11/08/20 | | PUBLICITY EXPIRY DATE 21/08/20 |

1. DESCRIPTION OF SITE

- 1.1 87 Ospringe Road is a traditionally designed end terraced property located on a prominent corner plot within both the built up area of Faversham and the Faversham conservation area. The existing two bedroom single bay fronted dwelling current has its principle access off Cambridge Road, with a small rear garden and garage at the end of the plot. The property was likely built around 1840 – 1900 in yellow brick with timber sash windows.
- 1.2 The property is subject to an Article 4(2) Direction dated May 2007 which was issued in order to prevent piecemeal degradation of the streetscape of the town via incremental Permitted Development changes and, ideally, to raise the standard of appearance of properties when changes are being made. This Direction affects alterations to front elevations, and side elevations fronting the highway. It does not affect restrict Permitted Development rights for alterations to rear elevations.

2. PROPOSAL

- 2.1 This application as originally submitted proposed a loft conversion featuring a large rear dormer window and two rooflights on the front elevation, together with a single storey lean-to style extension alongside the two storey rear wing of the house. The existing flat roofed garage is also shown to be demolished. The demolition of the garage does not require planning permission, and I do not see that this matter needs to be considered as part of the current planning application.
- 2.2 Due to concerns expressed by the Town Council, and my own concerns over the design of the dormer and the front rooflights, I suggested that the roof alterations were omitted from the application, and that the design of the extension be revised. These changes have now been made and the application as it now stands is for a different design of extension, no dormer window and two rooflights on the rear roofslope only. These rooflights can be installed as Permitted Development and as such I did suggest that the rooflights be omitted from the application. The applicant prefers to keep them on the application, but I see no objection to them, and as they can be installed irrespective of the outcome of this application I will focus this report on works that the Council is required to approved i.e. the single storey extension.

2.3 The application as it now stands is therefore essentially for the erection of a single storey infill rear extension. This rear extension is an infill and would measure 3.46m in depth, 1.91m wide with a fully glazed rear doors to the garden and a flat roof with roof lantern to provide more light. The extension would provide for a large kitchen/dining room.

2.4 There are now no alterations proposed to the front elevation of the property.

3. PLANNING CONSTRAINTS

Article 4 Swale Article 4 directive

Conservation Area Faversham

4. POLICY AND CONSIDERATIONS

4.1 Development Plan: Bearing Fruits 2031: policies:

CP4 Requiring Good design

DM14 General development criteria

DM16 Alterations and extensions

DM33 Development affecting a conservation area

Supplementary Planning Guidance (SPG): Householders guide – Extensions, and Conservation Areas

5. LOCAL REPRESENTATIONS

5.1 The Faversham Society objected to the application, as first submitted, as follows:

‘This application should be refused because the ground floor extension would harm the appearance of the terrace by the loss of the characteristic rhythm of extensions and voids and would harm the character and appearance of the conservation area. This would constitute less than substantial harm to a heritage asset which is not outweighed by any public benefit.’

The Society has not commented on the revised scheme.

5.2 A resident of Faversham is in support of the application because:

The dwelling fronting Ospringe Road has a side elevation onto Cambridge Road. An initial first glance at the floor plans indicate the usual lightwells between the terraced properties.

However, having made a Site Visit, it may be observed that when viewed from Cambridge Road, the rear building line of the terraces is not consistent therefore the rhythm effect is reduced.

Also that the lightwell, instead of as viewed simply on a drawing plan, is not exactly a full lightwell, but aesthetically merely an inset, being the end-building alongside Cambridge Road.

The single storey extension therefore, in my view, would blend in; The result would actually improve and enhance the streetscene in the Conservation Area.

Furthermore, when viewed from the rear of the buildings in Cambridge Road after the kink and also the rear access alley, the removal of the garage would open up the space between the Site and neighbouring rear of other Cambridge Road properties.

The overall effect of the development would therefore reduce the clutter resulting in the enhancement into a more spacious area.'

6. CONSULTATIONS

6.1 Town Council objected to the application as first submitted as follows:

1) The Town Council objects to the design of this proposal which is not appropriate for the Conservation Area.

2) The proposal would change the look and feel of the terrace significantly.

6.2 When the Town Council was re-consulted on the amended extension design, and with the application no longer showing the large rear dormer of front facing rooflights they responded as follows:

1) The changes made in this application are subtle and therefore therefore the Town Council's comment stand;

Reasons:

1) The Town Council objects to the design of the proposal which is not appropriate for the Conservation Area

2) The proposal would change the look and feel of the terrace significantly.

7. BACKGROUND PAPERS AND PLANS

Application papers for application 20/502514/FULL.

8. APPRAISAL

8.1 The main considerations in the determination of this application concern the impact of the proposal upon the character of the conservation area, and on neighbouring amenities.

8.2 Paragraph 6.5 of the Council's SPG relating to conservation areas states that any new development should preserve or enhance the special character or appearance of a conservation area, whilst allowing the area to remain alive and prosperous. It will be important to see that every new building is designed not as a separate entity, but as part of a larger whole which has a well established character of its own. A high standard of development therefore will be required for all buildings in conversation areas and for extensions to existing buildings. I consider that the key issue in this respect is whether the proposal meets the aims and objectives of policy DM33 of Bearing Fruits 2031 in preventing development that fails to preserve or enhance the special character and appearance of the conservation area.

8.3 I am satisfied that the proposed ground floor extension to the host dwelling has now been well designed. Now that the drawings have been amended from the original proposal, I consider that the proposed development would be sympathetic both to the host building and to the wider setting. The proposed extension would preserve the character and appearance of the conservation area by virtue of the more discreet design. The proposed development is of a small scale and would not be detrimental to the character or appearance of the host property or be out of keeping with the nature and appearance of the immediate street scene. I am disappointed that the Town Council has not recognised the significance of the changes that have been negotiated to these proposals, but my view is that the scheme as it now stands is a worthy addition to the conservation area.

8.4 Also of consideration in this case is whether the proposal would result in harm to neighbouring amenity. Here, I consider that there will be no overlooking issues as the new extension has no side windows and the roof lights face into the garden of No. 87. Moreover, because the extension is shielded from the neighbour by the existing two storey rear wing of the house it will have no noticeable impact on the amenities of the attached neighbouring house.

9. CONCLUSION

9.1 I consider that the proposal would not impact unacceptably upon neighbouring amenities and the design is acceptable within the conservation area. I consider that the proposal would preserve the character and the appearance of the host property and that of the adjoining terrace of properties and would as result, preserve the character and appearance of the conservation area. Therefore I recommend planning permission be granted.

10. RECOMMENDATION - GRANT Subject to the following conditions

CONDITIONS

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

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

(2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the drawings PL04 C, PL05 C, PL06 D and PL07 C.

Reason: In the interests of residential amenity

(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.

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

- (4) The brickwork bonding pattern to be used for the approved extension shall match the brickwork bonding pattern seen on the application property.

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

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), 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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| 2.6 REFERENCE NO - 19/502483/FULL | | |
| APPLICATION PROPOSAL Erection of 4no. specialist equestrian holiday lets and 2no. stable buildings, installation of new sand school and associated site works. | | |
| ADDRESS Willow Farm Hansletts Lane Ospringe Faversham Kent ME13 0RS | | |
| RECOMMENDATION - Grant subject to conditions, payment of SAMMS and signing of Section 106 Agreement to require advertising of events at the site via Brogdale Road. | | |
| REASON FOR REFERRAL TO COMMITTEE Parish Council objection | | |
| WARD East Downs | PARISH/TOWN COUNCIL Ospringe | APPLICANT Mr K Childs AGENT Urban & Rural Ltd |
| DECISION DUE DATE 16/07/19 | | PUBLICITY EXPIRY DATE 20/02/20 |

Planning History

19/502484/FULL*

Proposed conversion of existing outbuilding Block 4 to retail use (class A1), replacement of outbuilding Block 5 with a two storey building to form 6no. retail units with farm office/storage space above, and erection of a covered walkway and lean to extension to Block 1.
Pending determination.

17/506246/FULL*

Variation of condition 8 of planning permission 16/504755/FULL - erection of three agricultural buildings comprising of hay store, machinery and tractor, tool and workshop to also allow the use of barn 2 only for storage of goods for the onsite country store.
Approved Decision Date: 03.05.2018

16/504755/FULL*

Erection of three agricultural buildings comprising of hay store, machinery and tractor, tool and workshop
Approved Decision Date: 21.02.2017

*Applications above from the current applicant. Those below by previous site owner.

SW/04/0284

Lawful Development Certificate (LDC) was granted for occupation of the bungalow without compliance with the original agricultural occupancy condition
Approved Decision Date: 28.04.2004

SW/01/0944

Demolition of pole barn type building and replacement with portal frame building on same site.
Approved Decision Date: 12.11.2001

SW/89/0834

Indoor Riding Arena and retail saddlery Shop

Approved Decision Date: 22.09.1989

Section 52 Agreement

1. DESCRIPTION OF SITE

- 1.1 Willow Farm Equestrian is located on Hanslett's Lane within the Parish of Ospringe. The site falls within the designated countryside and the Kent Downs Area of Outstanding Natural Beauty (AONB) alongside the M2 motorway. The farm as a whole covers over 43 acres (17 ha) and includes land on both sides of the motorway; the main farm being to the south of the M2 on Hansletts Lane, but with northern fields accessed by a motorway bridge in the centre of the site. The current application site sits between the main farm buildings and the M2, to the south of a range of newer farm buildings.
- 1.2 The main farmyard area consists of a country store, a cafeteria overlooking the 1989 approved indoor arena, along with a small outdoor sand school, machinery store, workshop, tool store, hay store and a few stables, and a general parking area.
- 1.3 To the north of the current application site, planning permission was granted under reference 16/504755/FULL for the erection of three agricultural buildings comprising of a hay store, a machinery and tractor store, and tool and workshop building. Subsequently planning application 17/506246/FULL was submitted to allow the use of barn 2 only, for the storage of goods for the onsite country store. This was approved and is currently being used as such.
- 1.4 The current application site for holiday chalets and a new outdoor sand school is located to the north west of the main farmyard and to the immediate north of Willow Farm Caravan Park (in separate ownership), immediately adjacent to the new farm yard buildings.
- 1.5 The site as a whole has evolved over a number of years, and whilst it is still involved in farming practices it also offers farming supplies to the local rural community through the Gillett Cook Country Store located on the farm.
- 1.6 Additionally there are many equestrian events held on the farm making use of the existing indoor arena and small outdoor sand school. The construction and use of the indoor arena was approved under permission SW/89/0834 and attached to the permission for indoor arena, and the adjacent retail saddlery store, was a legal (now Section 106) agreement, then known as a Section 52 Agreement. This agreement consisted of two heads of term, namely:

(i) The indoor arena or outdoor sand school shall not be used for more than 15 equestrian events in which more than 25 horses or other equine animals participate in any calendar year

(ii) That in any publicity relating to the riding school the preferred route to gain access to and from the aforesaid school shall be shown as via Brogdale Road and then Painters Forstal (as shown on the plan annexed hereto) and at the same time any such publicity shall request that no vehicular access to or from the site shall be via Water Lane Ospringe.

These terms pre-date the current applicant's purchase of the site.

- 1.7 The applicant has provided details of the current level of competitions and equestrian activity at the site, and it would seem that competitions and events have been hosted at Willow Farm on most weekends for some years. Whilst the level of attendance and number of horses is largely unable to be predetermined as the events operate on a turn up and pay basis, the last eight years are likely to have seen usage in excess of the above terms, with both the indoor arena and the outside field being used for dressage and jumping competitions.
- 1.8 The site has undergone major investment and renovation in the current applicant's hands, and the facility now provides year-round leisure and education services, and has developed into a significant equine enterprise with a reputation beyond the immediate local area.

2. PROPOSAL

- 2.1 The current application is for the erection of four specialist equestrian holiday chalets and two stable buildings for owners to bring their own horses with them, along with the installation of new sand school and associated site works, in order to extend and diversify the site's attractions.
- 2.2 The holiday chalets are two pairs of single storey accommodation units. Each will provide two bedrooms, a bathroom and an open plan kitchen/ lounge area. The construction materials include dark stained weatherboarding, timber windows and doors and the roof covering is to be standing seam zinc. Parking will be located to the north of the site and will utilise an existing hard surface area.
- 2.3 Alongside the accommodation units are two pairs of stable blocks each providing four stables and two hay store/ tack rooms, to be constructed in matching materials to the other units. The holiday chalet units have been re-designed since submission of the application in response to concerns raised by the Kent Downs AONB Management Unit, and the application now stands to be determined in its amended form.
- 2.4 A 5m wide ecological buffer zone is proposed adjacent to the holiday chalets accommodation and an existing track which will also separate the units from the open land to the west.
- 2.5 The new sand school would be located on open grassland to the east of the proposed holiday chalets, and is to measure 60m by 90m. The sand school is shown level with the existing surface and with only ground level timber edging, no fencing or lighting is proposed.
- 2.6 Access to the holiday units and their associated parking area, and to the proposed new sand school and its competitions, will be via the existing Willow Farm access off Hansletts Lane which currently serves the site along its eastern side.
- 2.7 In support of the proposal the applicant has provided a Design and Access statement but also an additional design statement to explain the design process for the holiday chalet accommodation.
- 2.8 The Design and Access statement concludes:

“The proposal represents a sensitive scheme which will bring the existing equestrian facility up to the quality and level of competition for one of Kent's leading equestrian

facilities. The proposed design is thought to be of a high architectural quality with scale and mass appropriate for this location. The scheme, if approved, will provide much needed specialist equestrian facilities to this part of the country, allowing the continued development for local riders and the public as a whole. The proposal is thought to be sympathetic to the character of the site and surroundings and will enhance the appearance of the site through external detailing to the elevations with the proposed use of the high quality materials. As a rural business, Willow Farm are investing in the long-term success of the existing facilities by developing and improving the services Willow Farm Equestrian can offer the local community.”

- 2.9 The Design Statement provides the planning and locational context of the site and its evolving history. It examines and explains the different uses at the site and how the location of the proposed holiday chalets came about and the design and subsequent changes in the design.
- 2.10 It argues that *“the scale of the proposed development for a single-storey development would not be seen from the wider context within the AONB designated area”*; that *“the existing landscaping would provide natural screening to the proposed works; as well as the proposed hedging”*, and that *“If one took a tradition farmstead layout and applied it to this site, we feel this would not be an evidence based, contextual response to our brief and would result with a substandard architectural response being applied in this instance.”*
- 2.11 It also states, *“The design of the holiday lets has been revised from its original modern appearance previously proposed, to a more traditional in keeping form of architecture”... “the use of traditional redbrick brick base with a feather edged timber weather boarding above is commonly found in the Kent AONB.”*
- 2.12 The applicant also commissioned a Transport Statement to assess the impact of the proposals on the local road network. It considered initially the existing site arrangements and the related uses, vehicle movements and routes to the site. The survey analysis was taken on a typical week day, a Tuesday, and on a Sunday when equestrian show events were being held at the site. In the interpretation of the figures it must also be acknowledged that visitors to the site also have to use the same access to visit Gillets Country Store.
- 2.13 The survey found that on the Tuesday the existing traffic flows associated with the Willow Farm operations, including Gillets Country Store, as well as those on Hanslett’s Lane are very low in the typical morning peak, between 8.15am and 9.15am. The daytime mid-peak period in the day for Willow Farm showed an increased level of activity when the equestrian, retail and commercial uses were operational. The recorded two-way flows on the Willow Farm access was 15 vehicles (9 inbound and 6 outbound) and this was representative of the typical hourly demands throughout the day. The survey concluded that on a typical weekday, Willow Farm generates low levels of traffic throughout the working day.
- 2.14 On the Sunday when the survey was taking place, equestrian jumping competitions were taking place on two rings, and a further competition event was taking place; this represents the largest type of show Willow Farm hosts. The survey results show that, as expected, vehicle trips were higher than on a typical weekday. The peak inbound was between 8-9 am when 45 vehicles entered, and the outbound peak was between 2-3pm with 44 vehicles leaving the site after the competitions had been completed and the

participants were departing. The peak flow of vehicles in and out of the site was 62 over the period of 1 hour. It is worth noting that the survey identified that there were no recorded operational problems at the site access given the low traffic flows onto the network and the flows being spread out over the day.

- 2.15 The survey then moved on to assess the potential impact of the development proposal and concluded the access and parking arrangements that exist on the site were sufficient for the proposal.
- 2.16 Of particular interest is the estimate of future traffic demands given the nature of the proposal. Due to the mix of equestrian, holiday chalet, retail and commercial uses, the traffic flows and approximate floor areas of each were broken down to present trip rates for each of the specific uses for Willow Farm. These trip rates were then applied to the proposed floor areas to give a general indication of the likely additional trips attracted to the local road network. In terms of the proposed new sand school, the indoor arena will remain and will still be used, particularly when outdoor training is not possible due to the weather, and the sand school will be used by a similar number of people as currently exists, as they currently use the grass, but will now be offered a better facility. So, in terms of trip demand, the maximum increase would be to double the existing trips on the basis of two lessons being carried out in each sand school arena.
- 2.17 The holiday chalets comprise four units and the trip generation for these is seen to be negligible as generally arrivals and departures will take place outside of the typical peak periods. It was therefore not proposed to provide any trip generation analysis for this proposed land-use.
- 2.18 The conclusion of the report was that the predicted increase in the vehicle trips from the new sand school would result in an increase in AM peak demand by 2 inbound and 2 outbound trips, and the same for PM peak demand of 2 additional inbound and 2 outbound journeys. Thus the proposals will result in a negligible impact on traffic flow on the surrounding highway network.
- 2.19 The applicant has also provided further details on how the equestrian competitions and events held at Willow Farm are set up and this helps to understand the situation at the site.
- 2.20 Willow Farm holds approx. 100-120 equestrian events a year, on Saturdays and Sundays with the occasional weekday competition, the number and attendance being weather dependent. Parking is provided informally within the hard surfaced farm yard area. It is the industry norm for the “Jumping Events” competitors to not book and as such it is a somewhat precarious event to put on. The event involves the jumping height of the bars on the jumps to be set very low (for kids) and the bar height then increasing throughout the day. Once the competitor has reached their jumping limit they leave, so in reality they are rarely on site for very long. The indoor arena and the grassed field (area for the proposed sand school) are both used during the day.
- 2.21 For the dressage event all competitors must pre-book. There is a turn around time of approximately 7 minutes per competitor, with intervals and breaks, which enables about 7 rides per hour on average. On a normal dressage competition day they would see between 35-55 competitors, some of which would stay and “compete” more than once.

- 2.22 The applicant has stated that they have found that each event has been seeing approximately 75 riders and 40 vehicles over a maximum 12 hour period. On average over the last eight years they have found that around 40 vehicles are attending per day, given the extensive use of shared vehicles.
- 2.23 The applicant does not intend to see the number or length of events increase from the current situation and argues that a maximum of 120 shows per year would enable the competitions to be continued to be offered and be financially viable. With a set time limit of 8am-8pm this would, given the competition is time dependant, restrict the number of competitors.

3. PLANNING CONSTRAINTS

3.1 Area of Outstanding Natural Beauty KENT DOWNS

Article 4 Swale Article 4 directive

Section 52 Agreement

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) in paragraph 83 states that a positive approach should be taken to sustainable development to promote a strong rural economy and that the support of all types of rural businesses and tourism developments can be achieved through conversion of existing buildings and well-designed new buildings. Additionally, sustainable rural tourism and leisure developments which respect the character of the countryside should be supported.
- 4.2 In paragraph 172 of the NPPF the advice is that great weight should be given to conserving and enhancing the natural beauty of the AONB. The National Planning Policy Framework (NPPF) paragraphs 8 (objectives for sustainable development) and 11 (presumption in favour of sustainable development) are also relevant to this proposal.
- 4.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies: ST1 (Delivering sustainable development in Swale), ST3 (The Swale settlement strategy), CP1 (Building a strong, competitive economy), CP4 (Requiring good design), DM3 (The rural economy), DM6 (Managing transport demand and impact), DM14 (General Development Criteria) and Policy DM 26 (Rural lanes)
- 4.4 Policy DM3 is of particular relevance stating:

Planning permission will be granted for the sustainable growth and expansion of business and enterprise in the rural area. Planning permission for residential development will not be permitted where this would reduce the potential for rural employment and/or community facilities unless the site/building(s) is demonstrated as having no demand for such purposes or its use would be undesirable or unsuitable.

Development proposals for rural based employment will:

- 1. For all proposals:*

a. in the case of larger scales of development, be located at the rural local service centres and urban areas as defined by Policy ST3 and in accordance with Policy CP1;

b. firstly consider the appropriate re-use of existing buildings or the development of other previously developed land, unless such sites are not available or it is demonstrated that a particular location is necessary to support the needs of rural communities or the active and sustainable management of the countryside;

c. retain or enhance the rural services available to local communities and visitors without undermining or resulting in the loss of existing services unless demonstrated to be unviable for the existing use or other employment/community use;

d. for new buildings and ancillary facilities, the design and layout will need to be sympathetic to the rural location and appropriate to their context;

e. result in no significant harm to the historical, architectural, biodiversity, landscape or rural character of the area; and

f. avoid scales of traffic generation incompatible with the rural character of the area, having regard to Policy DM 6 and Policy DM 26.

2. For tourism and leisure:

a. in the case of green/sustainable tourism proposals, be demonstrated by reference to their principals;

b. provide for an expansion of tourist and visitor facilities in appropriate locations where identified needs are not being met by existing facilities in the locality or where able to increase facilities available to local communities as well as visitors; and

c. where relating to holiday parks, proposals are also in accordance with Policy DM 4

4.5 Policy DM24 states in relation to the AONB (and I stress part 1d which I have underlined);

The value, character, amenity and tranquillity of the Borough's landscapes will be protected, enhanced and, where appropriate, managed.

Part A. For designated landscape areas:

Within the boundaries of designated landscape areas, as shown on the Proposals Map, together with their settings, the status given to their protection, enhancement and management in development decisions will be equal with the significance of their landscape value as follows:

1. The Kent Downs Area of Outstanding Natural Beauty (AONB) is a nationally designated site and as such permission for major developments should be refused unless exceptional circumstances prevail as defined by national planning policy. Planning permission for any proposal within the AONB will only be granted subject to it:

- a. conserving and enhancing the special qualities and distinctive character of the AONB in accordance with national planning policy;*
- b. furthering the delivery of the AONB's Management Plan, having regard to its supporting guidance documents;*
- c. minimising the impact of individual proposals and their cumulative effect on the AONB and its setting, mitigating any detrimental effects, including, where appropriate, improving any damaged landscapes relating to the proposal; and*
- d. being appropriate to the economic, social and environmental wellbeing of the area or being desirable for the understanding and enjoyment of the area.*

5. LOCAL REPRESENTATIONS

- 5.1 Responses from local residents were received from the original submission and the comments are summarised below.
- 5.2 A petition was received from 13 owners of static mobile homes sited at Willow Farm Caravan Site. They state they object to the construction of the access road (to the agricultural storage barns to the north of the site) and its use by vehicles at all hours and the fumes, dust and pollution it produces – NOTE: This is not part of this planning application. They are concerned of a risk of collision between cars and pedestrians leaving the site as drivers are driving at excess speed, and they state they had to complain about disco noise in the early hours from equestrian events. They fear an increase in these intrusions can only impact negatively on our quiet enjoyment of the park
- 5.3 The owner of Willow Farm Caravan Site has objected to the application on the following summarised grounds:

The access road, does not benefit from planning consent

The caravan park relies on peace, tranquillity and security and its rural location for its functioning

The noise intrusion, light pollution, traffic use fumes, dust from the road will be significant and irreversible harm to the business model of the caravan site.

There are a number of bridal ways but these are disjointed and require extensive road work

The proposal lacks financial data and given the expected costs of the building versus relatively low returns would not appear to make commercial sense.

There is a legal agreement in place to restrict the annual number of horse shows to 15 and a preferred access route avoiding Water Lane this would limit any improved income stream

The field is agricultural land and in the AONB

The scale size and bland materials of the holiday lets are not in keeping with the local vernacular

Design of the lets and stables show a lack of understanding of equestrian needs: the stables should be kept away from the dwellings due to smell, flies, rats and muck

Gravel frontage needs to be drained concrete so the horses can be washed down and kept clean

What is the advantage of an Olympic size sand arena when the equestrian centre is well equipped already

Lack of information

How will it be connected to mains drainage?

Many of these comments are repeated in a letter of objection from the owner of a caravan at the caravan park.

- 5.4 Swale Footpaths Group say that footpath ZR 670 is nearby, but it does not seem it would be affected.

6. CONSULTATIONS

Ospringe Parish Council

- 6.1 The Parish Council has commented on this application alongside the (currently undetermined) application 19/502848/FULL for retail and office/storage space, and they strongly object to both applications, although I will only present the comments relevant to this application below.
- 6.2 They considered both applications have the potential to very significantly increase traffic movements on the local road network which is not suited to further increases in traffic levels. They consider that the new sand school could be a significant generator of both participants and spectators.
- 6.3 They argue that neither of the Design and Access Statements gives any meaningful information on the likely types and numbers of additional vehicles, nor timings or frequency, and there is little useful traffic data or analysis to assist. It is specified that 'levels of local traffic and assessment of capacity' and 'width, curvature and dimensions of streets' have both been considered. They argue these assessments would indicate that this location is entirely unsuitable for the volume of traffic that this venture would produce given that it would greatly increase the volume of traffic on the narrow lanes with the parish.
- 6.4 They complain about the current situation regarding the existing businesses at Willow Farm which they determine puts great stress on the parish road infrastructure. They contend that the Gillet Cook vans use the narrow lanes as cut throughs to the main arterial routes, rather than using the larger classified roads. Horse trailers and boxes travelling to Willow Farm also tend to use the most direct routes from the A2 and A251 which takes them down the same narrow lanes. They believe the width of these vehicles damages the road verges and wildlife in the hedgerows. There are few passing places and these types of vehicles are difficult to reverse or manoeuvre into a layby which further exasperates this issue.
- 6.5 They believe that additional equestrian facilities will further increase all of these traffic problems, which when considered with the increase in traffic from the existing neighbouring new developments, makes this entirely unsustainable from a traffic perspective.

- 6.6 The proposed new sand school does not allow for much new parking, nor does it provide details of anticipated traffic movements as stated above, despite it having the potential to generate large traffic numbers
- 6.7 Likewise, the sand school is shown as being constructed on an area of currently open grassland, resulting in further “building up” of the area, already exacerbated by the recently constructed large warehousing buildings just to the north. The whole of the application site is in the Kent Downs AONB where special protection measures should apply.
- 6.8 External floodlighting of an outdoor sand school would be intrusive in this semirural area.
- 6.9 They would be concerned to ensure that any holiday lets, whether built as part of the current application or separately applied for, were subject to appropriate restrictions limiting their usage to very short term individual holiday occupation only e.g. 14 days maximum, with no “cycling” of occupants to circumnavigate this restriction and thereby facilitate long term occupancy by the same persons.
- 6.10 Following the submission of a Transport Statement and a revised Design Statement, all original consultees and those who had commented were reconsulted and the Parish Council further commented that they did not find the Traffic Assessment to be a credible document.
- 6.11 They commented that it contained a number of material errors and incorrect information within the body of the Assessment which they considered must affect the accuracy and credibility of the conclusions it seeks to draw. Amongst these errors and inaccuracies are statements and assertions they stated that:
- 6.12 There are only “occasional equestrian events” at present (para 2.2). In fact, events are held on a very frequent basis throughout the year and more so during the summer months.
- 6.13 That the “only route for the larger vehicles (e.g. horse boxes) to access Willow Farm...is via Brogdale Road (Para 2.10). In fact, significant numbers of horse boxes use (and attempt to use) Water Lane and other routes
- 6.14 That “when Willow Farm hosts equestrian events, the demands are marginally higher than the day to day demands” (para 2.40). On event days – of which there are many throughout the year, there is a significant increase in the levels of traffic in the lanes around and giving access to Willow Farm
- 6.15 The Parish Council considered that the traffic assessment failed to deal adequately or at all with several important issues. Such as, it did not touch upon the HGV traffic generated by the numerous existing uses and users of Willow Farm, nor recognise that these will be increased by the proposed developments there.
- 6.16 They considered the Traffic assessment was also very narrow in its evidence base, relying on just two days of video survey, rather than more substantial analysis and data collection. This they considered greatly affected the accuracy of its assertions, summary and conclusions.
- 6.17 The Traffic Assessment asserts that the new competition sand school will only attract at most the same number of trip movements as the existing indoor school – this is difficult

to accept and if true would cast doubt on the commerciality of an investment of this sort. In conclusion they did not agree with the methodology of the traffic assessment.

Highways England (HE)

- 6.18 HE commented following the submission of the Transport Statement stating they will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly the M2 between and including Junctions 5, 6 and 7. Having reviewed the supporting Transport Statement (dated 07/10/19) they did not agree with the methodology used and considered that there appeared to be a number of consistency issues throughout. The Transport Consultant communicated via email (dated 05 February 2020 regarding planning application 19/502484) that the scale and frequency of events held at Willow Farm are not likely to increase given the granting of planning permission and HE assume that this applies across the whole venue. On this basis and having undertaken their own assessment they considered that the traffic impacts likely to result from the proposals in the AM and PM peak periods is unlikely to materially affect the safety, reliability and / or operation of the SRN. Therefore they do not offer any objections or requirements relating to the proposal.

The Kent Downs AONB Management Unit

- 6.19 The Unit originally commented that they were concerned that the proposed holiday chalets and stables were poorly located to the existing built form at Willow Farm. While they noted that permission had been granted for buildings adjacent to the M2, some distance from the main buildings, it was considered that the proposed site of the buildings would exacerbate the harm resulting from the siting of these recently permitted buildings. As recommended in the AONB Unit's Landscape Design Handbook and Farmsteads Guidance, new buildings should be grouped together following a locally traditional layout.
- 6.20 They stated they had no objection in principle to modern design, but they also considered the original design of the new buildings with their large overhanging eaves and shallow roof pitch to be wholly inappropriate to the sensitive setting within the AONB, failing to be complimentary to the local character and distinctiveness of the Kent Downs AONB.
- 6.21 They considered that locating the development in the proposed location would further extend the expansive development that has taken place here in an inappropriate sporadic manner that wholly fails to either conserve or enhance the AONB and fails to comply with Kent Downs AONB Design Guidance (both the Farmsteads Guidance and the Landscape Design Handbook) that advocates clustering new buildings with existing.
- 6.22 They further considered that even though Willow Farm is not an historic farmstead layouts that are characteristic of the locality should still be used to help maintain and strengthen the historic and locally distinctive character of the locality. They considered that the design should fit neatly with and compliment valued traditions, forms and patterns of the past, but instead the proposed location and design built on inappropriate past modern development that failed to achieve this.
- 6.23 They acknowledged the site is relatively contained within the wider landscape and the development may not affect wider long distance views, although this is not the sole test for acceptability of development in an AONB. The AONB is a wide and large expanse of

area and any development which significantly detracts from elements which contribute to that wider natural and scenic beauty would not conserve or enhance it.

- 6.24 Taking the above into account, they considered that the proposal would fail to conserve or enhance the special qualities and distinctive character of the AONB, and would be contrary to the Kent Downs AONB Management Plan and in particular policies MPP2, SD1, SD2, SD3 and SD9 of the Kent Downs AONB Management Plan, and that the proposal would weaken the characteristics and qualities of natural beauty and landscape character and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty and would be contrary to paragraph 172 of the NPPF as well as the AONB Management Plan and policy DM24 of Swale's Local Plan.
- 6.25 Following revised details and dialogue with the applicant's agent the AONB Unit was reconsulted on the amended scheme with the additional design statement. They considered that the proposed revisions satisfactorily addressed the previous concerns raised regarding the design of the holiday units and were considered a much more appropriate response to the site's context. However, as the location of the holiday lets remained unaltered, their concern regarding the siting of the proposed buildings remains.

Kent Highways (KHT)

- 6.26 KHT originally requested a Transport Statement detailing existing vehicle movements and the potential increase of such under the proposals and to include for the additional retail and office proposal on the wider site proposed under 19/502484/FULL (currently not determined).
- 6.27 Once this was received they further commented that the existing access on Hanslett's Lane would be suitable for the additional number of vehicles generated by these proposed developments. To ensure the existing vehicle visibility is maintained, there should be no obstruction within the visibility splays over 0.9m above the carriageway level.
- 6.28 With regards to the Transport Statement (TS) submitted, they were satisfied that the proposed outdoor sand school will offer improved facilities to an extant use of the site and consequently will not result in a significant number of additional vehicle trips beyond that already experienced. Therefore, they would not expect the additional trips generated by the sand school on either event days or typical operating days to have a severe impact on the highway network.
- 6.29 They were also satisfied that the erection of four equestrian holiday lets will not generate significant additional vehicle trips and will therefore also have little effect on the local highway network.
- 6.30 There are no parking proposals for the proposed sand school, as visitors will continue to use the existing parking area for equestrian use and the parking allocation for the holiday lets of one parking space per let was acceptable. KHT has stated that as these holiday lets are intended for visitors using the equestrian facilities, the parking spaces should be large enough to accommodate a vehicle and trailer and this should be demonstrated on a plan. The submitted drawing was subsequently amended to show

the appropriate spaces, and provided these spaces are secured by condition KHT now offer no objection to the proposal.

The Council's own Economy and Community Services Manager (Culture and Places)

- 6.31 Considered this was a relatively unusual proposition for the area. They are familiar with Coldblow Equestrian Training Centre in Thurnham near Maidstone but did not know whether this is similar in size and scale and visitor offer and was sure that the applicant had undertaken some comparative work and had discussions? They had not seen any business planning information so could not offer an informed opinion as to whether this is a sustainable business operation. Having said that they considered this to be an unusual offer and could prove to be unique and therefore popular.

The Environmental Health Manager

- 6.32 Has noted the limited likely increase in trips generated by the proposal, noted the lack of lighting on the site and offered no objection subject to the conditions recommended being below.

7. BACKGROUND PAPERS AND PLANS

- 7.1 19/502483 and existing plans

8. APPRAISAL

Principle of Development

- 8.1 The site is situated outside of any established built-up area boundary, where policies of rural restraint apply. However, the proposal is to create holiday chalet accommodation, rather than permanent residential development, and the provision of additional facilities in the form of the new larger sand school. Policy DM3 (The rural economy) of the Local Plan suggests that planning permission will be granted for the sustainable growth and expansion of business and enterprise in the rural area and these proposals are presented as a means to ensure the viability and diversification of the equestrian enterprise at Willow Farm. Policy DM24 seeks to protect the natural beauty of the AONB but also allow for its socio-economic needs. I consider that the appearance and quality of accommodation, along with that of the sand school, will both enhance the natural beauty of the AONB and support the rural economy, by helping to sustain its own and nearby businesses and local tourist attractions. As such, I am of the opinion that the proposal is acceptable in principle and in accordance with Local Plan principles

- 8.2 What falls to be further considered under this application, is the acceptability of the submitted scheme in terms of its impact on the AONB area, the impact on the character of the countryside and on residential amenity.

Visual Impact

- 8.3 Willow Farm has a somewhat unusual site ownership boundary and as such the farm and its activities are spread out in a somewhat unconventional arrangement. The farm's indoor equine arena, the attached rural store, farm yard, open farmland and access track wrap around the Willow Farm Caravan Park, which is in the separate ownership of the previous owner of Willow Farm. The farmhouse, storage buildings, and the M2 are all in close proximity and create a "dog leg" ownership land parcel. Therefore Willow Farm

can be described as having a modern rather than traditional farm yard arrangement, and as such I consider that it is somewhat inappropriate to seek to apply traditional farmyard design standards to this site.

- 8.4 Views of the proposed buildings from outside the site are likely to be limited from the west along Hansletts Lane which is the most visible, as views here are interrupted by established, although patchy in places, native hedgerows. Additionally, upon coming closer to the site, the dominant view is, and would remain so, the predominantly white caravans and mobile homes of Willow Farm Caravan Park.
- 8.5 A proposed 5m wide ecological “buffer” is proposed immediately to the west of the new holiday chalets, in addition to the existing native beech hedgerow on the west side of the access track. This screening is not unusual in the locality where there are other such vegetation screening exists. This new “buffer”, with the appropriate native species, would be a biodiversity net gain when planted and maintained properly, and I have recommended conditions to enable this.
- 8.6 Even from the M2 to the north any potential views of the site are interrupted by the sporadic but established vegetation.
- 8.7 The location of the proposed holiday chalets ensures the horses and any noise, smell or disturbance would be kept away from Willow Park Caravan Park, which would also remain screened by its own extensive and established landscaping along the northern boundary.
- 8.8 This also ensures that the chalets are close to the proposed outdoor sand school and the existing access track so no additional hardsurfacing is required.
- 8.9 Following consultation with the AONB unit the holiday chalets were redesigned and, whilst they remain single storey, they have been revised from the original very modern appearance to a more traditional form of architecture. The stable building redesign followed suit, and the more traditional stable block conversion form of appearance is considered more appropriate. This redesign resulted in the proposed scale and mass being reduced by 48m².
- 8.10 The use of traditional redbrick brick base with a feather edged timber weather boarding above is commonly found in the Kent Downs AONB, and the stable like openings will help to give the appearance of an outbuilding that has been converted. The proposed materials are all thought to be of a high quality, and it is now proposed to have a high quality metal roof as part of this application, the final choice of materials can be secured by condition. The redesign has met with the approval of the AONB unit and I consider the appearance of the buildings to be appropriate in the context of the locality.
- 8.11 I note however the continued concern over the location of the holiday chalets by the AONB unit, and whilst I acknowledge this proposal will result in a change to the current situation, I do not consider it can be judged to “significantly detract” from the elements that contribute to the AONB’s value. The location of the proposed equine and tourist facilities essentially requires a rural location and this site offers the ability to provide both in a fairly well screened position. The mitigation of the new building design, high quality materials, and the landscaping benefits all weigh in favour of the proposal, and the permitted historic expansion of the site, in its farm yard and the caravan park requires the site to be considered in its current context.

8.12 Sand schools are a feature of many rural landscapes, and in this instance the impact will be mitigated by the proposal's level design with floor level edging and the lack of the usual fencing and lighting that generally draws attention to such development. As such I consider the proposal would not result in a significant or considerable impact on the character of the site nor would harm the area as a whole.

Residential Amenity

8.13 I note the concerns raised by the visitors/ owners of caravans from Willow Farm Caravan Park with regard to possible issues adversely affecting their residential amenity. However, most of the concerns appear to refer to the existing use of the access road/track which leads to the approved agricultural storage area to the north of the site, and which is not part of this planning application.

8.14 This application is simply for four holiday chalet units and a sand school, and the debate is regarding the impact of these proposals, not reconsidering what has previously been approved/constructed. The application confirms, and the Transport Statement assessed on this basis, that the access to both the sand school and the holiday chalets will be via the existing main access to Willow Farm. So, as is the current situation, all vehicles will use this wide and established access.

8.15 The site is in a relatively isolated position and as such the nearest residential properties are located adjacent to Hansletts Lane, the closest being over 200m away from the site with the intervening Caravan Park, being 50m away. As such the positioning of the holiday chalets ensures they are some distance from any residential properties as fields intervene and surround the site. I further consider that the measures outlined above including the existing and the proposed native screening will serve to mitigate and screen the buildings to an acceptable degree, to not cause harm to the residential amenity of any nearby residents.

8.16 I further do not consider that the vehicle movements to and from the four new accommodation units would be to any degree to cause harm to those holidaying at the caravan park particularly given they would be using the main Willow Farm access, set away from the Caravan Park access and units. Nor indeed that they would be greater than the movements to and from the caravan park currently.

8.17 Conditions have been recommended to ensure a restriction on the number and the timing of those events to ensure that there is no increase in the current situation and to ensure that it would protect the amenity not just of those in the immediate vicinity, at the caravan park, but also that of permanent residents.

Highways

8.18 The access to the holiday chalets and new sand school is to be provided via the existing main access to Willow Farm. Comments have been made referencing use of the historic agricultural track to the west of the main farmyard, adjacent to Willow Farm Caravan Park, which continues on to the agricultural buildings to the north of the site. I note the western access is referred to by an objector as an "*unauthorised road*" and that it "*does not benefit from planning consent*".

8.19 Significant time was spent by Enforcement Officers investigating these claims in 2018 and in 2019 and it became clear that the evidence showed that the track had existed for many years and that, whilst the new farm buildings close to the M2 had been approved

and the planning permission (16/504755/FULL) restricted their use to agricultural purposes, the planning permission did not restrict which access route can be used to access them. The applicant was therefore free to use this track or the main farm driveway to access his land and his buildings. Furthermore, as the track had previously been used, and continues to be used, for agricultural purposes on agricultural land, there are wide ranging permitted development rights to construct such a road. This is not the proposed access to the current proposals, and I do not see this issue as material to the assessment of the current application.

- 8.20 I note the concerns of the Parish Council and other objectors regarding their view of the impact the current proposals would have on the local road network, although I note the main body of the objections appear to be the current stresses on the local road network from the use of a variety of vehicles attributed to the site.
- 8.21 What is to be considered with this application is the impact of the vehicle movements likely to arise from the development being proposed. In terms of the four holiday chalets, and in my view it is reasonable to consider these are unlikely to be significant. In relation to the new sand school (and the undetermined application for separate commercial development), a detailed Transport Statement has been submitted and reviewed by the relevant statutory consultees.
- 8.22 With regard to the Parish Council not finding the Transport Statement a “credible document” the Transport Statement provides evidence of traffic movements for typical operational days at the site, which is common practice for Transport Statements and Assessments. Owing to the nature of the site and its mixture of uses, I am advised that a site-specific methodology is appropriate in this instance and appears robust enough in the view of the Kent Highways engineers to predict the additional trips generated.
- 8.23 The assumption made for linked trips with other site uses was acceptable in the view of Kent Highway engineers, and additionally Highways England were also content that the proposal would not create sufficient traffic to warrant objecting to the proposal.
- 8.24 It must be remembered that the equine events are an already established use of the site and have been for many years, and the Transport Statement informs us that event days are not due to increase and there is no counter evidence for me to have cause to doubt this.
- 8.25 This application only needs to demonstrate that the impact of any additional traffic generation is not severe. The site already holds horse shows, amongst other things, and it is not proposed that there will be a change to the current number of events being held. There will be the four holiday accommodation units that will provide any additional traffic to the site than currently exists. Trip generation for holiday chalets is generally accepted to be a little lower than permanent dwellings for e.g. four dwellings would produce approximately two vehicle movements in the peak traffic hours. These additional movements would not in my view constitute a severe impact.
- 8.26 In terms of the proposed sand school, the applicant has stated that this facility is being provided to ensure the business can provide a sand school to a higher standard. The current indoor arena is not up to a full size, and cannot be extended due to the land ownership boundary, so the new facility is intended to accommodate riders who are at a competitive level so high they are now having to leave Willow Farm to go to other equestrian centres offering this higher level of facility. The riders currently use the field

at the site and its replacement with a sand base is proposed to be an upgrade which will be key to the long-term success of Willow Farm. As such, I consider that conditions to restrict the number and timings of the competitions will be sufficient to ensure the conclusions reached by the Transport Statement are adhered to, and additionally a Section 106 agreement, would be appropriate and should state :

- 1) That in any publicity relating to use of the new sand school the preferred route to gain access to and from the aforesaid school shall be shown as via Brogdale Road and then Painters Forstal, and at the same time any such publicity shall request that no vehicular access to or from the site shall be via Water Lane Ospringe.

8.27 With these conditions and such an agreement in place it would ensure the sand school does not result in more events than currently take place and that the vehicles attending the events utilise the most efficient and appropriate route to and from the venue.

Landscaping

8.28 There is existing established landscaping in and around the site, but of note is the proposed additional 5m ecological landscape buffer zone. This will screen the holiday accommodation buildings predominantly but also the sand school from short and long range views from the west.

8.29 With native landscaping and other species appropriate for the area this should provide an ecological benefit to the area and I have included conditions to ensure and protect it.

Other matters

8.30 This proposed offer of high quality holiday chalet accommodation and associated equine facilities is unique and as such is an enterprise which could prove not only a success for Willow Farm but for the Borough's tourism and leisure activity offer on a wider scale.

9.0 CONCLUSION

9.1 The proposal would enable Willow Farm to make an offer of unique equestrian linked holiday accommodation which increases the tourism offer that the Borough is able to promote. I have taken into account the potential impact of this proposal on the character and appearance of the countryside and AONB, and to the comments of local residents and the Parish Council. I am of the view that the impact on the countryside and AONB has been mitigated and would be minimal compared to the benefits it would bring to the Borough. Furthermore, conditions have been recommended below to ensure the development has a minimal impact on visual and residential amenities as is possible.

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 site 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 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.

- 10 **RECOMMENDATION** - GRANT Subject to the following conditions, collection of SAMMS mitigation payments and signing of the Section 106.

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 A21-210, A21-400, 405, 406, 410, 411, 412, 413, 414, 415, 416, 417 and A21-100 Rev P5

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

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

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

- (4) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works, to include new hedging, 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, including proposed gates, hard surfacing materials, and an implementation programme.

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

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

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

Reason: In the interests of residential amenity.

- (6) All hard and soft landscape works shall be carried out in accordance with the approved details and shall be retained in perpetuity. 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.

- (7) 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.

- (8) The holiday chalets 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 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.

- (9) The holiday chalets hereby approved shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the chalets shall not be occupied unless the notice for the chalets 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

- (10) The windows and external doors to be used in the approved development shall be constructed of timber.

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

- (11) The area shown on approved drawing A21-100 Rev P5 including the car parking spaces shall be kept available for such use at all times and no permanent development, whether permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the first occupation of the holiday accommodation hereby permitted.

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

- (12) Prior to the first use of the stables hereby permitted a scheme for the disposal of run-off from the stables, hardstandings, manure heaps, stable washings and hay soaking areas shall be submitted to and approved by the Local Planning Authority and these arrangements shall be implemented and maintained during use of the stables.

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

- (13) Prior to the first use of the stables hereby permitted, details of where and how manure is stored and ultimately disposed of, shall be submitted to and approved by the Local Planning Authority and all manure arising from the stables hereby approved shall be

stored in accordance with the approved details. No manure or waste materials shall be burned upon the land within the application site.

Reason: In the interests of the amenities of the area

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

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

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

- A statement of why lighting is required and proposed the hours of illumination.
- A site plan showing the area to be lit
- The type, number, mounting height and alignment of the luminaries.

All lighting must be installed and operated in accordance with the approved details.

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

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

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

- (17) Equestrian events using either the existing indoor arena at Willow Farm, the existing outdoor sand school at Willow Farm, or the outdoor sand school hereby permitted shall take place on not more than a 120 days in any calendar year.

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

- (18) The outdoor sand school hereby permitted shall not be used for equestrian events other than between the hours of 8 am to 8 pm on any day.

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

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.

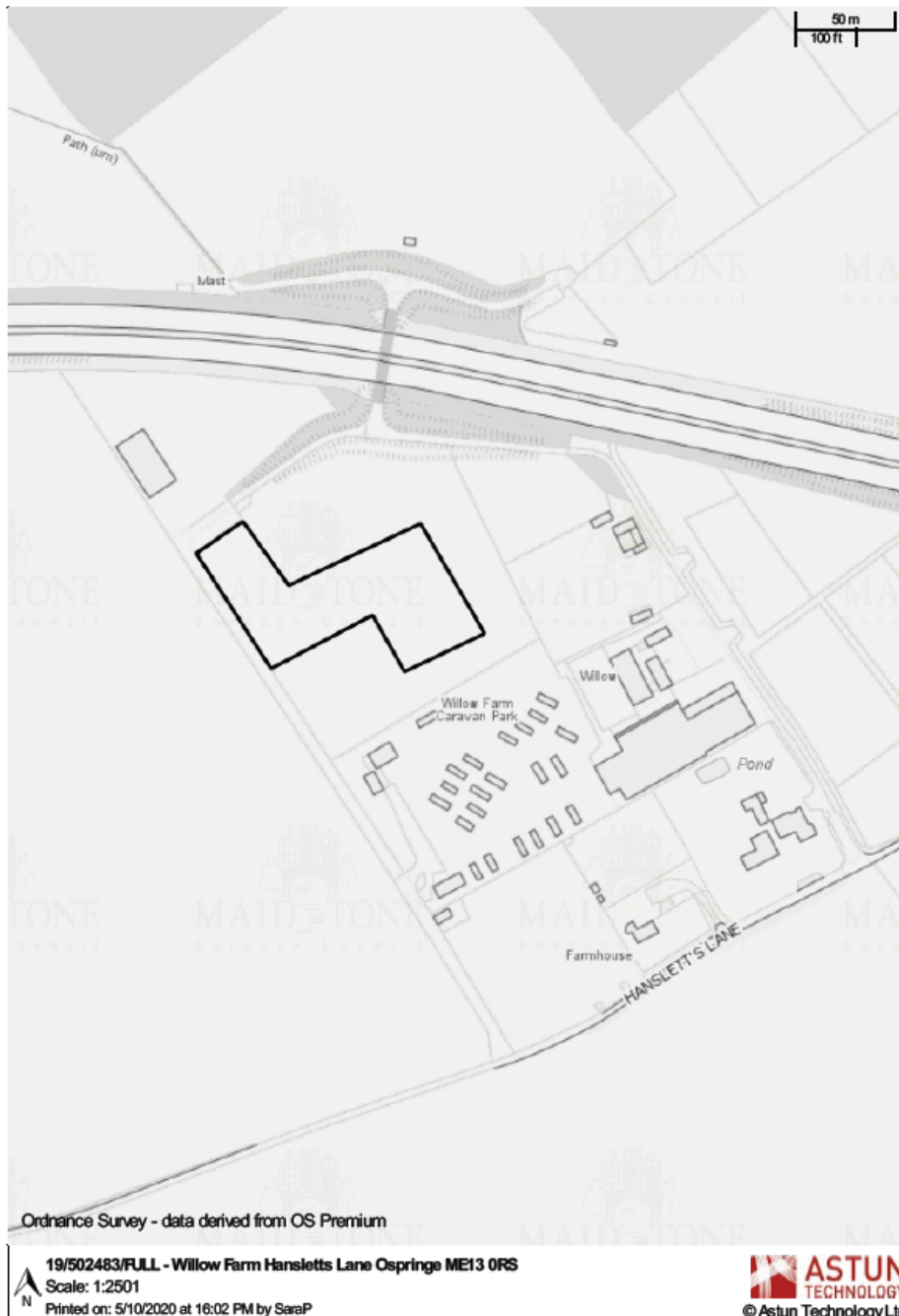
In this instance:

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.



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| 2.7 REFERENCE NO - 20/503553/FULL | | |
| APPLICATION PROPOSAL Replacement of existing mobile home with proposed detached bungalow (Resubmission of 18/506097/FULL). | | |
| ADDRESS Bellever Marshlands Farm Lower Road Minster-on-sea Kent ME12 3RT | | |
| RECOMMENDATION Grant subject to conditions | | |
| SUMMARY OF REASONS FOR RECOMMENDATION The proposal overcomes the previous reason for refusal under application 18/506097/FULL by reducing the scale of the replacement dwelling. It is well designed and will not cause any unacceptable impacts to residential amenities. | | |
| REASON FOR REFERRAL TO COMMITTEE Parish Council objection | | |
| WARD Sheppey Central | PARISH/TOWN Minster-On-Sea | COUNCIL APPLICANT Mrs Margaret Farr AGENT Woodstock Associates |
| DECISION DUE DATE 05/10/20 | PUBLICITY EXPIRY DATE 16/09/20 | |

Planning History

18/506097/FULL

Replacement of existing mobile home with proposed chalet bungalow and detached garage (Revision of 18/502835/FULL)

Refused Decision Date: 30.07.2019

18/502835/FULL

Replacement of existing mobile home with proposed chalet bungalow and detached garage.

Withdrawn Decision Date: 28.09.2018

17/506042/LDCEX

Lawful development Certificate (Existing) Siting and occupation of a mobile home for use as a domestic dwelling (Use Class C3) with storage shed and associated domestic curtilage.

Approved Decision Date: 17.01.2018

Appeal History:

19/500158/REF

Replacement of existing mobile home with proposed chalet bungalow and detached garage (Revision of 18/502835/FULL)

Dismissed Decision Date: 25.02.2020

1. DESCRIPTION OF SITE

- 1.1 Bellever is a single storey mobile home situated to the south of Marshlands Farm. Lawful residential use of the mobile home and its associated curtilage was established under 17/506042/LDCEX. The application site lies outside of any built up area boundary, and is therefore located in the countryside. The mobile home is situated to the south of the large industrial unit on the site and is accessed via an internal road that runs to the east

of the industrial unit. There are two residential properties on the site which are located to the north and east of the mobile home

2. PROPOSAL

2.1 This application seeks planning permission to replace the existing mobile home with a detached bungalow. The bungalow will have a footprint of approximately 10.2m x 14.3m and would have an eaves height of 2.6m and ridge height of 5.5m. The roof will have barn hips at either end, with small projecting gable features on the front and rear. The dwelling will have a lounge, kitchen, utility room, WC and two bedrooms (both with en-suites) on the ground floor. Two parking spaces will be provided to the front of the bungalow, and the existing access on the site will be used.

2.2 I note a similar application for a replacement dwelling and double garage was submitted at the site under application 18/506097/FULL. The application was refused for the reason set out below, and was also dismissed at appeal.

(1) The application site lies outside of any built up area boundary as defined by the adopted "Bearing Fruits 2031: The Swale Borough Local Plan 2017", and is therefore considered to lie within the open countryside where policies of rural restraint apply. The proposed development, by virtue of the increase in bulk and scale of the proposal over the existing mobile home would not represent a dwelling of similar size and proportion. Furthermore the scale of the proposed dwelling will be harmful to the character and appearance of the countryside. The development is therefore contrary to policies CP4, DM11 and DM14 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017".

2.3 This application attempts to overcome this reason for refusal. The footprint of the dwelling has been reduced by roughly 22%, the ridge height has been reduced by 0.6m, and the double garage has been removed from the proposal.

3. PLANNING CONSTRAINTS

3.1 None

4. POLICY AND CONSIDERATIONS

4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

4.2 Development Plan: Policies ST3, CP4, DM11 and DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017

5. LOCAL REPRESENTATIONS

5.1 Four comments in support of the scheme have been received. Their contents are summarised below:

- Proposal will have no visual impact to the general public as the property is hidden behind the building already on site.
- The existing caravan on the site is tucked away so changing this to a bungalow will have no negative changes to the area, us or passers by.

6. CONSULTATIONS

6.1 Minster Parish Council – Object to the proposal, stating the following:

“The application site lies outside of any built-up area boundary, as defined by the adopted "Bearing Fruits 2031: The Swale Borough Local Plan 2017 and is therefore considered to lie within the open countryside where policies of rural restraint apply. Furthermore, if the proposal is allowed, it will open the floodgates for other Lawful Development Certificates to be used as a way of obtaining permanent residential development in the open countryside. It will also set a precedent for the proliferation of unsuitable buildings in an area where rural restraint should apply. Here, it was emphasised that any decision which resulted in there being no difference in planning terms between granting permanent residential status to a mobile home / caravan and a bungalow etc., would set a dangerous precedent irrespective of the building's construction or location.

Other reasons included:- The proposed development, by virtue of the increase in bulk and scale of the proposal over the existing mobile home would not represent a dwelling of similar size and proportion. Furthermore, the scale of the proposed dwelling would be harmful to the character and appearance of the countryside. The development is therefore contrary to policies CP4, DM11 and DM 14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017".

6.2 Environmental Health – *“I note that a previous application on this site included a noise survey to address the potential nuisance from the neighbouring industrial estate and concluded that no additional measures were required for this dwelling. I would recommend standard conditions relating to the provision of an electric vehicle charging point and construction hours.”*

6.3 KCC Highways – Requested details of cycle storage and electric vehicle charging point. Amended plans were provided showing these details, and Highways confirmed they were satisfied with the proposal, subject to conditions ensuring the parking, cycle storage and charging point are provided prior to the occupation of the dwelling.

6.4 Natural England – No comments.

7. BACKGROUND PAPERS AND PLANS

7.1 Plans and documents relating to application 20/503553/FULL.

8. APPRAISAL

Principle of Development

8.1 The application site is located within open countryside where in accordance with policy DM11, the Council will permit the replacement of an existing dwelling in the rural area only if the proposed new dwelling is of a similar size and proportion, an appropriate scale, mass and appearance in relation to the original dwelling and location. Whilst the site is currently occupied by a mobile home, residential use of this structure and its associated curtilage was established under 17/506042/LDCEX, and therefore it is appropriate to apply policy DM11 to this proposal.

8.2 In this case, a small single storey mobile home will be replaced with a bungalow. As such, I give weight to the fact that the existing mobile home is very small in size and a modest dwelling will be highly likely to be larger than the existing. When compared to

the refused scheme (ref. 18/506097/FULL), the floorspace provided in the bungalow has been reduced by approximately 22%, and the ridge height lowered by 0.6m. The double garage has also been removed from the proposal, which reduces the amount of built form on the site. I am also mindful of the planning application (ref. 14/504785/FULL) referenced in the Design and Access Statement that the agent has provided to demonstrate that there has been a similar sized and designed replacement dwelling allowed in a similar situation, i.e. where a mobile home is allowed to be replaced with a bricks and mortar dwelling.

- 8.3 Taking all of the above into account, whilst the footprint of the proposed building will be much larger than the existing footprint of the small mobile home, I am of the opinion that the replacement dwelling is of a modest scale when taking into consideration the surrounding built form. As such, I believe the application overcomes the previous reason for refusal and is acceptable in principle. I do however consider it appropriate to remove permitted development rights for extensions and outbuildings in order to control the amount of development at this site. I have also recommended a condition to prevent the roof space of the dwelling from being used as habitable accommodation. This will ensure that the dwelling remains of a modest scale internally in accordance with policy DM11.
- 8.4 I note the Parish Council's concern regarding the potential for this application to set a precedent. Each planning application is considered on its own merits, and in this case, the residential use of the site has already been established under application 17/506042/LDCEX.

Visual Impact

- 8.5 Due to the location of the dwelling to the rear of a large industrial unit, the development will not be visible from Lower Road. It will be visible from the countryside to the south of the site, however taking into account its limited scale, I do not consider the proposal will have unacceptable impacts upon the character and appearance of the countryside.
- 8.6 The bungalow is of an acceptable design in my view, similar to the existing dwellings to the north and west. I include conditions below to ensure suitable materials and hard and soft landscaping details are submitted to the Council.

Residential Amenity

- 8.7 With regards to residential amenity, due to the minimum separation distance of 30m between the new dwelling and the existing dwellings on site, I consider there would be no significant impacts to residential amenity. The floorspace provided within the bungalow is in line with the Nationally Described Space Standards and the amenity space to the rear of the property is of a good size. As such, I believe the proposal will provide a good level of amenity for future occupiers.
- 8.8 A noise assessment has been provided that demonstrates that the use of the industrial building to the north of the replacement dwelling does not have any unacceptable impacts to the residential use of this site. Environmental Health agrees with the conclusions of this assessment, and therefore I have no concerns from this regard.

Highways

8.9 Following amendments in line with comments from KCC Highways, I consider the scheme to be acceptable from a highways perspective. Two car parking spaces are proposed to the side of the proposed dwelling, as well as a electric vehicle charging point and cycle storage. The bungalow will have two bedrooms and in accordance with the recently adopted SBC Vehicle Parking Standards SPD, two spaces would be required for a two bedroom dwelling in this location. As such the proposed parking provision is adequate and I have no concerns in this regard. I include conditions below to ensure the parking, charging point and cycle storage are provided before the occupation of the dwelling and are retained.

9. CONCLUSION

9.1 As set out above, I believe the proposal overcomes the previous reason for refusal under application 18/506097/FULL, and represents a replacement dwelling of a modest scale. It is well designed and will not cause any unacceptable impacts to residential amenities. As such, I recommend planning permission be granted.

10. **RECOMMENDATION** – GRANT subject to the following conditions:

CONDITIONS

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

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

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

Reason: In the interests of water conservation and sustainability.

(3) The dwelling 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.

(4) 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.

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

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

- (6) 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.

- (7) 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.

- (8) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 0730 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of local amenity.

- (9) The area shown on the submitted plan as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling hereby permitted.

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

- (10) The area shown on the submitted plan as secure, covered cycle parking facilities shall be provided prior to the occupation of the dwelling hereby permitted and shall be retained permanently.

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.

- (11) The electric vehicle charging point shown on the submitted plan shall be provided prior to the occupation of the dwelling hereby permitted and shall be retained permanently.

Reason: To ensure the provision and retention of electric vehicle charging facilities in the interest of reducing greenhouse gas emissions.

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

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

- (13) The roof space of the dwelling hereby approved shall at no time be used as, or converted into, an extension of the habitable accommodation of this property.

Reason: In the interests of retaining a modestly sized dwelling within the countryside.

- (14) The development hereby permitted shall be carried in accordance with the following approved plans and the materials listed on the application form: BA/18/107.01 Rev E, BA/18/107.02 Rev E and BA/18/107.04 Rev E.

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

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.



| | | |
|--|--|--|
| 2.8 REFERENCE NO - 20/503740/FULL | | |
| APPLICATION PROPOSAL Proposed single storey link to garage and renewal and raising of garage roof to create living accommodation over. Demolition of conservatory and insertion of folding doors in rear elevation | | |
| ADDRESS 7 Coultrip Close Eastchurch Sheerness Kent ME12 4ST | | |
| RECOMMENDATION Grant subject to conditions | | |
| SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The application does not have a detrimental impact on residential amenity nor does it harm the visual amenities of the streetscene. There is sufficient existing parking on the hardstanding drive to the front of the dwelling as well as a reasonably sized double garage. | | |
| REASON FOR REFERRAL TO COMMITTEE Parish Council objection to the application which is contrary to Officer recommendation | | |
| WARD Sheppey East | PARISH/TOWN COUNCIL Eastchurch | APPLICANT Mr & Mrs Smith AGENT Nigel Sands & Associates |
| DECISION DUE DATE 19/10/20 | | PUBLICITY EXPIRY DATE 14/09/20 |

Planning History

SW/03/1108

Variation of condition (14) of outline permission SW/95/0102 to allow an increase in the number of dwellings permitted to be constructed before the provision of the A249 Iwade to Queenborough improvement scheme from 60 to 80.

Approved Decision Date: 11.10.2004

SW/98/0703

Approval of Reserved Matters of SW/95/102 for first phase of residential development consisting of 60 dwellings, associated woodlands and works.

Approved Decision Date: 25.11.1998

SW/95/0102

Outline application for residential & leisure development & community hospital including housing, village shopping centre & community facilities, primary school, affordable & executive housing, golfcourse & club house, hotel, health farm including all necessary infrastructure & associated facilities.

Approved Decision Date: 12.09.1997

Adjacent site:

SW/09/0974

Two storey side extension for kitchen and annex above.

Approved Decision Date: 04.12.2009

1. DESCRIPTION OF SITE

1.1 The application site consists of a two storey detached dwelling set back from the highway. The dwelling is large in scale with a detached double garage lying to the south east of the site along with a large hardstanding driveway. To the front and side there is

established landscaping including shrubs and trees. To the rear of the dwelling lies a conservatory and private amenity space.

- 1.2 The surrounding streetscene consists of detached dwellings of a similar scale and design on large plots. Linked garages are common in the streetscene and are present on nos. 2 & 5 Coultrip Close as well as nos. 1& 2 Court Tree Drive.

2. PROPOSAL

- 2.1 This application seeks planning permission for the erection of a first floor extension over the existing double garage which will connect the garage to the dwelling and provide annexe accommodation. Also sought is permission for the demolition of an existing conservatory and the insertion of folding doors to the rear.

- 2.2 The annexe will largely be constructed over the existing garage with the footprint of the garage not being altered. The ridge height of the garage will be increased by 2.2m to allow this accommodation with two pitched roof dormer windows being added to the first floor west elevation (front) and a rooflight to the first floor east elevation (rear).

- 2.3 The infilling link between the garage and the main dwelling will have an L shaped footprint and will measure 4.7m to eaves height and 6.3m to ridge height. It will have a width of 2.5m and a depth of around 5m. To the north elevation a set of bifold doors will be added to the ground floor as well as an entrance door to the ground floor west elevation with an additional window to the east elevation.

- 2.4 The materials proposed in the construction of the extensions will match those on the existing dwelling and garage.

3. PLANNING CONSTRAINTS

- 3.1 Potential Archaeological Importance

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

- 4.2 Development Plan: CP4, DM7, DM14 and DM16 of “Bearing Fruits 2031: The Swale Borough Local Plan 2017”

- 4.3 The Council’s adopted Supplementary Planning Guidance (SPG) entitled “Designing an Extension – A Guide for Householders”

5. LOCAL REPRESENTATIONS

- 5.1 Eastchurch Parish Council object to the application, stating the following:

“It is over intensification of the site and is an apparent creation of a separate dwelling.”

- 5.2 No comments were received from neighbouring properties.

6. CONSULTATIONS

- 6.1 KCC Archaeology: confirms that no archaeological measures are required.

7. BACKGROUND PAPERS AND PLANS

7.1 Application papers and drawings referring to application reference 20/503740/FULL.

8. APPRAISAL

Principle of Development

8.1 The application site is situated within the defined built up area boundary of Minster where the principle of development is acceptable. The main considerations in this case concern the impact to visual and residential amenity, the use of the extension as an annexe and whether the parking situation will be impacted.

Use as an Annexe

8.2 The proposed annexe will contain a bedroom, ensuite and living space and is dependent on the main dwelling for its kitchen facilities. There would be a small lobby/utility on the ground floor. I consider that the amount of accommodation being proposed could not be considered a separate dwelling in its own right due to its size and subsequent room allocation. It would have an intimate relationship with the main dwelling by way of ground floor link and the ground floor garage would be retained and used in conjunction with the main dwelling. The driveway to the front would remain shared with no subdivision of garden space. The annexe would have a separate entrance to the main dwelling, however there is a clear internal dependency on the main dwelling and I therefore still consider the relationship acceptable for annexe accommodation.

8.3 I consider that the use of this double garage as an annexe is acceptable and recommend imposing condition (3) below which restricts the use of the habitable space to purposes ancillary and/or incidental to the use of the dwelling.

Visual Impact

8.4 The annexe will be fully visible in the street scene and therefore its design is important. Although the frontage of the existing garage will remain the same, the addition of first floor accommodation above will introduce additional windows as well as visually increasing the annexe in height and bulk.

8.5 Given the streetscene in the immediate vicinity I do not consider that this development will appear incongruous as it remains subservient to both the host dwelling and the neighbouring dwelling. The surrounding estate is full of two storey detached properties on large plots and I do not consider the additional height or bulk of the garage building to represent an overdevelopment of the plot. Adding to this it is noted that no. 2 Coultrip Close has had a similar development approved under application SW/09/0974 which allowed for a first floor link to be created between the garage and dwelling and annexe accommodation provided.

8.6 The streetscene is characterised by large detached dwellings, well spaced in their plots which creates a sense of openness. A 2m distance to the shared boundary will be maintained from the first floor extension and the shared boundary at the front of the site and as such I do not consider that significant loss of openness will occur in the streetscene. Whilst the infill extension does extend to 1m from the shared boundary at the furthest point the majority of the development at first floor is situated 2m from the boundary and I consider that visually an acceptable separation between nos 7 and 8 is maintained.

- 8.7 The dormer windows proposed to the front of the annexe are of small scale and have pitched roofs which aligns with the design guidance in the SPG.
- 8.8 The materials proposed match those on the existing garage and also the main dwelling and therefore I consider that the impact in terms of design on the street scene will be acceptable. The insertion of the folding doors to the rear of the dwelling and the demolition of the conservatory are considered to be minor changes that will not alter the character and appearance of the dwelling and are therefore acceptable.

Residential Amenity

- 8.9 The height and bulk of the existing garage will be increased as well as the creation of an infill extension and therefore neighbouring amenity must be considered. No. 8 is the immediate neighbour, located to the east of the plot and the neighbour most likely to be impacted by the works. The infill extension projects 1.9m past the rear of no. 8 but it is considered that the distance from the shared boundary of between 1m-2m helps offset any potential impact and therefore this projection is not considered to create a harmful sense of enclosure or overbearing to the occupiers of no.8.
- 8.10 The ridge height of the garage will be increased by 2.2m however it should be noted that the majority of the extension runs parallel with the side elevation of no.8 with a separation distance of around 5.4m. There is one side window in the elevation of no.8 but this serves a bathroom and as such it is not considered that due to the positioning of the extension and the distance from no.8 that no harmful loss of light or overbearing impact will occur.
- 8.11 The development is significantly removed from any other residential dwelling in the close and therefore it is not considered that any significant harm to residential amenity will occur.

Parking and Highways

- 8.12 With the addition of the annexe bedroom the dwelling will have 5 bedrooms. The adopted parking SPD recommends that a dwelling in this location should provide 3 plus off road parking spaces. This provision is easily accommodated on the existing driveway and within the double garage which is being retained and I consider the existing arrangement acceptable.

9. CONCLUSION

- 9.1 The application does not have a detrimental impact on residential amenity nor does it harm the visual amenities of the streetscene. There is sufficient existing parking on the hardstanding to the front of the dwelling as well as in the double garage which is being retained.

10. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS to include

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

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

- 2) The materials to be used 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.

- 3) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary and/or incidental to the residential use of the dwelling known as 7 Coultrip Close.

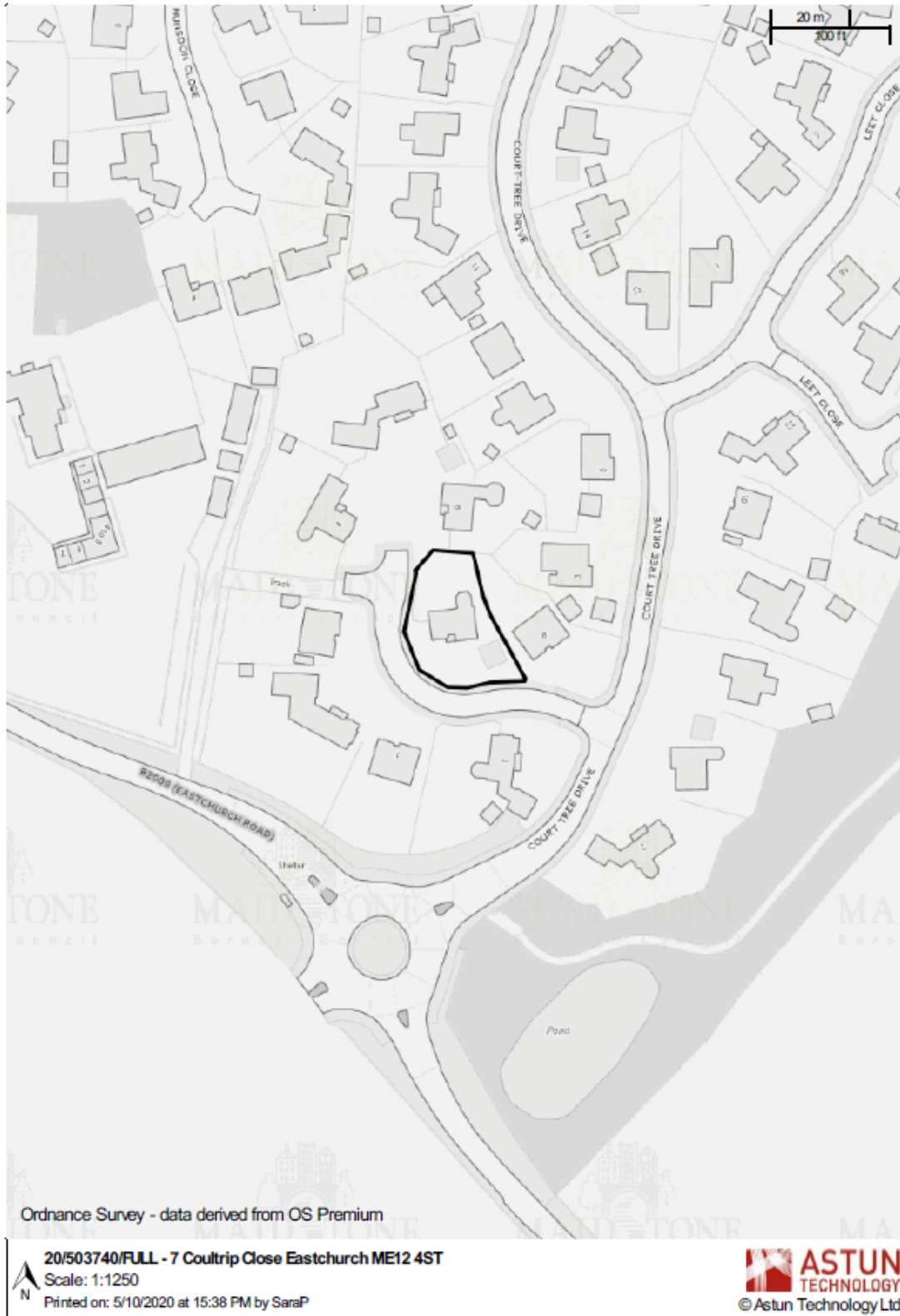
Reason: As its use as a separate unit of accommodation would be contrary to the provisions of the development plan for the area.

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.



PLANNING COMMITTEE – 15 October 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 Stanbourne House Church Road Eastchurch**

APPEAL ALLOWED

DELEGATED REFUSAL

Observations

A decision which runs contrary to numerous appeal decisions elsewhere, and which muddies the waters regarding the acceptability of dwellings in the countryside, some distance away from settlements.

- **Item 5.2 – Little Place Farm Yaugher Lane Hartlip**

APPEAL ALLOWED

APPEAL AGAINST NON DETERMINATION

Observations

These two decisions turn on a technicality – namely that the Inspector could not take a view as to whether the application sites were in agricultural/forestry use in accordance with the legislation. Our agricultural advisor was clear that they were not.

- **Item 5.3 – Rose Lodge Chestnut Street Borden**

APPEAL ALLOWED

DELEGATED REFUSAL

Observations

A decision that runs contrary to officer's views on the quality of design that we should be seeking in this conservation area.

- **Item 5.4 – 18 London Road Favershama**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

Full support for the Council's decision.

- **Item 5.5 – Land adj Hurst Cottage Hickmans Green Boughton**

APPEAL DISMISSED

ENFORCEMENT APPEAL

Observations

This decision supports the Council's interpretation of the planning law, facts and evidence relating to this situation.



Appeal Decision

Site visit made on 17 August 2020

by **Guy Davies BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 September 2020

Appeal Ref: APP/V2255/W/20/3246976

Land adjoining Stanbourne House, Church Road, Eastchurch, Sheerness, Kent ME12 4DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Anne Montgomery against the decision of Swale Borough Council.
 - The application Ref 19/503696/FULL, dated 18 July 2019, was refused by notice dated 19 September 2019.
 - The development proposed is construction of a 3 bedroom chalet bungalow with associated car parking.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a 3 bedroom chalet bungalow with associated car parking on land adjoining Stanbourne House, Church Road, Eastchurch, Sheerness, Kent ME12 4DH in accordance with the terms of the application, Ref 19/503696/FULL, dated 18 July 2019, subject to the conditions in the attached schedule.

Procedural Matter

2. The proposal is accompanied by a unilateral undertaking that secures the payment of a financial contribution for bird protection measures in the event of permission being granted. I have taken this undertaking into account in making my decision.

Main Issues

3. The main issues are:
 - Whether the site is in a suitable location for a dwelling having regard its impact on the countryside and accessibility to facilities and services
 - The effect of the development on a designated European site of ecological importance.

Reasons

Suitable location

4. Policy ST3 of the Swale Borough Local Plan 2017 sets out the Swale settlement strategy, which directs new development to a hierarchy of locations, with urban centres being the focus for most growth and other centres being progressively more restricted depending on their size, accessibility and service provision. At

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locations outside the built up area boundaries development is not permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.

5. The site lies within a small cluster of buildings lying to the north of a complex of three prisons. Houses and bungalows fronting Orchard Way and Range Road have a suburban appearance while to their north other dwellings form part of a lower density plot land development, which has a more loose-knit character with individual dwellings set on large plots, spaced apart and with a greater amount of trees and shrubs. None of these building groups fall within a built up area as defined on the Local Plan Proposals Map.
6. The appeal site forms part of the plotland development. It is laid out as domestic garden land to Stanbourne House but divided from it by an unmade track that leads to a house at the rear. The introduction of a new dwelling would to some extent consolidate this part of the plotland area. Nevertheless, it would retain a good amount of space around the building, which would be set back from the Church Road frontage to enable landscaping to be added. Because of the existing domestic appearance of the site and it being surrounded on three sides by houses within a cluster of other dwellings, the development would only have a limited impact on the plot land character of the immediate area, and would not in my view harm the intrinsic value, landscape setting, tranquillity and beauty of the wider countryside.
7. The nearest defined settlement is at Eastchurch which contains a range of local facilities and services including a church, a primary school, a community hall, shops and public houses. The appeal site is linked to it by a paved footpath and there is a bus service to the village and larger settlements. The village is some distance away and that limits the ease of accessibility to the facilities and services. However, in my view the site is not isolated in the sense used in paragraph 79 of the National Planning Policy Framework (the 'Framework') and the facilities and services, which are sufficient to meet the day to day needs of most people, can be reached from the site.
8. The proposal would fall outside any defined built up area and as a result would conflict with policies ST1, ST3, ST6, DM9 and DM14 of the Swale Borough Local Plan 2017, which seek to direct development to the most sustainable locations and minimise the need to travel. However, the harm caused by this conflict in terms of its effect on the character and appearance of the countryside, or accessibility to local facilities and services is limited.

Ecological importance

9. The site lies within the zone of influence of the Swale Special Protection Area, which is a European site designated under the Conservation of Habitats and Species Regulations 2017.
10. The development could, in combination with other development in the area, have a significant effect on the Special Protection Area through added recreational pressure causing disturbance to the bird population. Due to the scale of development on-site mitigation would not be possible. However, the harm to the nature conservation interest of the Special Protection Area could be mitigated by suitable management and monitoring to reduce the effect of

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increased recreational pressure on the feeding and breeding grounds. An initiative has been developed by local councils in partnership with Natural England and other conservation bodies to achieve such mitigation through the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy, which aims to reduce disturbance to birds through a variety of measures.

11. Having regard to the evidence presented by the Council and the advice from Natural England, I consider that the development could have a potential adverse impact on the Special Protection Area, but that adverse impact would be adequately mitigated through management and monitoring of recreational pressures, and that the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy would achieve such mitigation. Subject to the development contributing to the Strategy, I am satisfied that there would be no adverse effect on the integrity of the Swale Special Protection Area.
12. The appellant has submitted a unilateral undertaking that secures an agreed payment in mitigation of the additional recreational pressure on the Swale Special Protection Area. The undertaking has been amended to address most of the points raised by the Council's legal department. The only outstanding matter is the trigger point at which the payment is made. That is set at 28 days after commencement of development in the undertaking, while the Council wishes payment to be made prior to commencement of development.
13. I recognise that there would be a period between payment of the contribution and the mitigation being carried out but I see no objection to the payment being triggered 28 days after commencement of development, which would still be some months before occupation of the new dwelling and therefore before any potential pressure on the Swale Special Protection Area could occur. As the Management and Monitoring Strategy is an ongoing process supported by many different developments in the zone of influence, I do not foresee that a difference of 28 days would be critical for the delivery of the requisite mitigation.
14. No explanation has been given by the Council as to why this trigger point would make the undertaking difficult to enforce. If there is any doubt about whether development has commenced the Council would be able to inspect the site.
15. I therefore consider the undertaking to be acceptable as drafted, including the trigger for payment being 28 days after commencement of development and give it weight in my decision.
16. I conclude that the submitted unilateral undertaking would secure suitable mitigation to protect the integrity of the Swale Special Protection Area. Subject to payment being made in the terms secured by the undertaking, the development would comply with policies ST1, DM14 and DM28 of the Swale Borough Local Plan 2017, which amongst other objectives seek to conserve, enhance and extend biodiversity and minimise any adverse impacts.

Other Considerations

17. The Council's most recent housing land supply statement calculates that there is 4.6 years' supply of housing available. The shortfall in housing land supply is therefore small although I have no evidence that this shortfall will be made up

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soon or will not persist into the future. In contrast, the development would provide an additional dwelling to the Borough's housing stock which would be a small but beneficial addition. This carries moderate weight in favour of the development.

18. Both the Council and the appellant have drawn my attention to previous appeal decisions and planning permissions on and in the vicinity of the site.
19. The most recent, and relating to development on the appeal site, was dismissed on the grounds that the site was not a suitable location for development, harmed the countryside and had poor accessibility¹. This decision was made at a time when the Council could demonstrate a five year housing land supply and therefore while I have placed some weight on it, there are important differences which need to be taken into account.
20. Another appeal decision relating to a site in Range Road was allowed, the Inspector in that case deciding that the location was sustainable and that it would not harm the character and appearance of the countryside². This decision precedes the current Local Plan and relates to a different site, albeit one within the same cluster of dwellings. For these reasons I only give it limited weight.
21. Notwithstanding the differences between these appeals, it is apparent that the inspectors had differing views on the accessibility of the cluster of houses around the prison complex, and also the effect on the character and appearance of the countryside. While having regard to both decisions, I have reached my own conclusions on these issues and the specific merits of the site and the proposed development.
22. Other decisions relate to permissions granted by the Council or an appeal decision in a different settlement, which I consider to be of lesser weight given the differing circumstances.
23. The appellant has argued that the house is needed to help provide care for the occupant of Stanbourne House. While I have sympathy with those personal circumstances, it is the case that a development of this nature would remain long after those personal circumstances had changed. I therefore give this matter little weight.

Planning Balance

24. I find that there is conflict with the Local Plan as a whole in that the appeal site lies outside any built up area and does not accord with the Council's settlement strategy. That is reflected in the limited accessibility of the site to local facilities and services and the consolidation of the plot land character of the immediate area, although for the reasons given, I consider this harm to be limited in so far as local facilities and services are available albeit some distance away, and the development would not cause harm to the wider countryside.
25. Set against the conflict with the Local Plan is the moderate benefit of the development providing an additional dwelling in an area with a lack of housing supply.

¹ APP/V2255/W/18/3209762

² APP/V2255/W/15/3135783

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26. There is no dispute that the Borough currently lacks a five year housing land supply. In such circumstances paragraph 11 of the Framework advises that for applications involving the provision of housing permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
27. For the reasons set out above I do not consider that the development would harm habitats sites, which is one of the areas of particular importance noted in footnote 6 of the Framework, nor do I consider it would conflict with the policies in the Framework relating to rural housing. The relevance of paragraph 11 of the Framework therefore lies in the second criterion.
28. In my view the adverse impacts of the development are limited whereas the benefits are moderate. On that basis the harm would not significantly and demonstrably outweigh the benefits. It follows that the proposal benefits from the presumption in favour of sustainable development.
29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any determination must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In this case, I consider that the presumption in favour of sustainable development is a material consideration that indicates that the appeal should be allowed, notwithstanding the limited harm arising from the conflict with the Swale Borough Local Plan.

Conditions

30. I consider the conditions recommended by the Council meet the tests set out in paragraph 55 of the Framework, subject to minor rewording where required for clarity and consistency.
31. In addition to the standard time limit, I have added a condition listing the approved plans in the interests of certainty. I have imposed conditions requiring approval of external materials, and hard and soft landscaping in the interests of the character and appearance of the area. I have imposed a condition limiting the hours of construction in the interests of the living conditions of neighbouring occupiers. I have imposed conditions requiring the provision of parking space, water efficiency and energy efficiency measures in the interests of future occupants and to meet the policy requirements of the Local Plan aimed at securing sustainable development.

Conclusion

32. I conclude that the appeal is allowed.

Guy Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

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- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19.54.01, 19.54.02, 19.54.03, 19.54.04.
- 3) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.
- 4) 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.
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.
- 6) If within a period of five years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written approval to any variation
- 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.
- 8) The area shown on the submitted plan as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling hereby permitted.
- 9) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and 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.
- 10) No development beyond the construction of foundations shall take place until details of the measures to be undertaken to secure at least a 50%

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reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended) 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.

***** End of Conditions*****



Appeal Decisions

Site visits made on 20 July and 11 September 2020

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal A Ref: APP/ V2255/W/20/3246376

Little Place Farm, Yaughar Lane, Hartlip, Sittingbourne ME9 7XE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr S Bearup against the decision of Swale Borough Council.
 - The application Ref 19/505557/AGRREQ, is dated 6 November 2019.
 - The development proposed is for a General-Purpose Agricultural Storage Building.
-

Appeal B Ref: APP/V2255/W/20/3246378

Little Place Farm, Yaughar Lane, Hartlip, Sittingbourne ME9 7XE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr S Bearup against the decision of Swale Borough Council.
 - The application Ref 19/505587/AGRREQ, is dated 6 November 2019.
 - The development proposed is erection of a Forestry Machine building incorporating a log store and forestry workshop.
-

Decision

1. Appeals A and B are allowed and prior approval is granted for both Appeals A and B.

Preliminary Matters

2. As set out above there are two appeals at this address and this decision letter deals with both.
3. The applications for prior approval were made under Article 3, Schedule 2, Part 6, Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order (the Order) 2015 (as amended). The Council has not issued a decision notice in either case; however, it emailed letters to the applicant stating that 'prior approval is required'. The letters do not explicitly state that prior approval is refused despite indicating that planning permission would be required for the proposed developments. The appellant has appealed against non-determination following the display of a site notice as required when prior approval is required. I have therefore gone on to consider the appeals on the basis of them being against non-determination by the Council.

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4. Notwithstanding the above, the requirement for prior approval is akin to a pre-commencement condition attached to the grant of permission by Article 3 of the Order, and any development which is constructed not in accordance with the terms or conditions of the permission would be at risk of enforcement action. The prior approval procedure set out under Schedule 2, Part 6, Classes A and E of the Order makes no provision for any determination to be made as to whether the development would be permitted development and so I cannot purport to decide that question as it is outside my remit. I have sought further comments from the parties with respect to the siting, design and external appearance of the buildings for which prior approval is being sought and have taken the responses in to account.

Main Issue

5. The prior approval matters relating to Schedule 2, Part 6, Classes A and E include siting, means of construction, design and/or external appearance, allowing for the impact of the development on a listed building or the setting of a listed building to be considered. I consider the main issue in relation to both these appeals to be whether the proposed development would be acceptable in these respects.

Reasons

6. The buildings would be located in a countryside location and would be of standard agricultural/forestry design and appearance. The Council has confirmed that it considers the siting, design and external appearance of the buildings to be acceptable. It is noted that there are some land level changes on site, particularly to the east where the land slopes downwards. That said, there is established vegetation along the northern boundary of the site. Given their proposed siting within the appeal site the buildings would not be particularly prominent in public viewpoints. I conclude that in respect of siting, means of construction, design and/or external appearance, the proposed development would be acceptable.
7. The Council has advised that the land is not designated and there are no listed buildings nearby. Therefore, the proposed development would not have an impact on any listed buildings or their setting.

Conclusion

8. For the reasons give above, I conclude that in relation to both appeals prior approval should be granted. As such, Appeals A and B should be allowed.

Nicola Davies

INSPECTOR



The Planning Inspectorate

Appeal Decision

Site visit made on 11 August 2020

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th September 2020

Appeal Ref: W/4000954

Rose Lodge, Chestnut Street, Borden, ME9 8DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Cope against the decision of Swale Borough Council.
 - The application Ref 19/505937/FULL, dated 25 November 2019, was refused by notice dated 27 January 2020.
 - The development proposed is described as 'Proposed loft conversion with rear dormer window and 2No. new front dormers'.
-

Decision

1. The appeal is allowed and planning permission is granted for the proposed loft conversion with rear dormer window and 2No. new front dormers at Rose Lodge, Chestnut Street, Borden, ME9 8DD in accordance with the terms of the application Ref 19/505937/FULL, dated 25 November 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans listed: PL/TS/01; PL/TS/02; PL/TS/03; PL/TS/04; PL/TS/05; PL/TS/06; PL/TS/07; PL/TS/08; PL/TS/09; PL/TS/10; PL/TS/11; PL/TS/12
 - 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the host property and the wider Chestnut Conservation Area (CCA).

Reasons

3. Rose Lodge (the host property) is located within the CCA, a loosely knit settlement of development fronting Chestnut Street, which was formerly the main Sittingbourne to Maidstone road, now by-passed by the A249. Located along Chestnut Street, some distance away from the host property, is a group of four medieval timber framed houses which are typical of the Kentish vernacular building of that period. Development along Chestnut Street has a mix of architectural styles and are of different ages, with infilling of more

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modern dwellings such as Rose Lodge taking place. The CCA character appraisal states that whilst the four timber framed buildings are the focus of the CCA, the streetscene is defined by the more modern buildings, rather than the enclave of the historic buildings.

4. The host property is a modern detached, two storey dwelling dating from the 1990's and is set back from the highway. To the front of the dwelling is a hardstanding for vehicles and a garage which is set at right angles to the dwelling. Due to the change in levels, steps to the side of the dwelling lead to a spacious rear garden, which borders onto the A249 dual carriageway. The existing rear part of the dwelling extends in a L-shape with two rear gable ends. The roof form throughout is a mix of gable and hipped ends. Either side of Rose Lodge are dwellings with different architectural styles.
5. The development proposed would introduce a dormer window to the rear of the property and to the front, two small dormer windows would be incorporated into the roofspace, two conservation rooflights within the side elevation of the roofspace and a fixed window with obscure glazing slightly below the roofline.
6. The host property is set back from the highway and is not a prominent feature in the streetscene. As a result the additions of the proposed front dormers, which are of a scale and design proportionate to the rest of the front elevation and well below the roof ridgeline, would not be visually harmful either to the host property or to the wider streetscene. Further, the proposed smaller two dormers are consistent with the advice in the Council's Supplementary Planning Guidance¹, which advises that smaller dormers are preferable to a single larger dormer and in this case results in a more acceptable design solution and avoids unnecessary clutter to the roofspace.
7. Based on my site visit the proposed two front dormers would be of a scale and design which would not appear incongruous or out of scale in relation to the front elevation of the dwelling and given their siting between the two gable ended first floor windows would not appear to be prominent additions to the host property or the streetscene. With regards the proposed rooflights and fixed window, these would be only partially glimpsed from public viewpoint on Chestnut Street and would not appear as prominent or incompatible additions to the modern design of the host property or to the streetscene as a whole.
8. The proposed flat roofed dormer to the rear of the host property would infill the space between the existing rear half hipped projections and would be below the ridge of the roof. The rear of the host property is not visible from Chestnut Street or from the A249. Moreover, the single storey L shaped extensions to the rear of the host property are set well back from the rear of the neighbouring dwellings and are not in view from these properties. As a result, the proposed infill between the two roof apexes would not be visible to the wider area and the proposed design would not jar with the appearance of the existing rear elevation of the host property. There would be no public views of the proposed rear dormer which would only be viewed from the rear garden of the host property. As the height of the proposed rear dormer would be below the ridgeline it would not appear as a dominant addition and given the overall scale and proportions proposed there would be no significant harm to the appearance of the host property.

¹ Designing and Extension – A Guide for Householders' Supplementary Planning Guidance

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9. Whilst the Council has concerns with regards the ability of the proposed front alterations to integrate well with the host property and impact on the CCA, I consider that the harm arising to the setting of the CCA from the proposed front dormers would be less than substantial. In the context of paragraphs 195 and 196 of the National Planning Policy Framework (2019) (the Framework), such harm should be balanced against any public benefits that the scheme might bring and the preservation of the setting of a designated asset is a matter of considerable importance and weight.
10. I understand that the proposal would provide additional family accommodation in order to provide care for family members which would alleviate pressure on public services. Further, given the modest scale of the development proposed which would have no significant visual impact on the host property or the overall character and appearance of the CCA, the public benefits would outweigh the less than substantial harm to the setting of the CCA in this case.
11. I conclude that the development proposed would have no harmful effects on the character and appearance of the host property or the wider CCA and would not be contrary to policies CP4, DM11,DM14,DM16 and DM24 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 and guidance given in the Council's SPD, which when read together seek to ensure alterations and extensions are to a high quality of design and are of an appropriate scale and design which maintains the character of the streetscene. Given that there would be no significant harm to the setting of the CCA, I am satisfied that I have carried out my duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

12. I note the Council has raised no concerns with regards adverse effects to the living conditions of occupiers of neighbouring dwellings.

Conditions

13. I have considered conditions that need to be imposed based on the advice given in the Planning Practice Guidance. Condition 1 is the standard time for the commencement of the development. Condition 2 is for the avoidance of doubt and Condition 3 is to ensure there is no harm to the appearance of the surrounding area.

Conclusions

14. For the reasons set out above, the appeal is allowed.

Paul Wookey

INSPECTOR

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Appeal Decision

Site visit made on 7 September 2020 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2020

Appeal Ref: APP/V2255/D/19/3244088

18 London Road, Faversham ME13 8RX

- The appeal is made under section 78 of the Town Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Daniel Hinton against the decision of Swale Borough Council.
 - The application Ref 19/503857/FULL dated 2 August 2019 was refused by notice dated 2 October 2019.
 - The proposal is described as dropping of kerb outside the property 18 London Road.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposed development on highway safety: and
 - the effect of the proposed development on the character and appearance of the Faversham Conservation Area.

Reasons

Highway Safety

4. London Road is a very busy road with a 30mph speed limit at the section in front of the appeal site. The proposal would provide space for one parked car on the site without any room for turning. As such a car using the space would either need to reverse out onto the road or to stop on the road and reverse into the site. Although visibility would be satisfactory, either manoeuvre would be likely to cause disruption to the heavy flow of vehicles. The number of such manoeuvres would be limited, and would be conducted at slow speeds. Nonetheless, such reversing manoeuvres would be unsafe.
5. I recognise there are a number of other dropped kerbs and off-road parking spaces at other houses nearby, including the adjacent property at No 16. However this does not render the proposal any safer, and a lack of any

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recorded accidents at these other properties also does not necessarily suggest such an arrangement is safe.

6. Whilst I sympathise with the appellant's predicament of having to walk from parking on nearby streets with young children, I consider the reversing movements that would be necessary as a result of this development would not be safe for them or their children.
7. The proposal may allow one car to be removed from on-street parking locally. However I have no evidence to suggest this is a particular problem which needs addressing through development such as that proposed.
8. For these reasons, I conclude the development would result in an unacceptable impact on highway safety. The proposed development would therefore conflict with Policy DM14 of the Swale Borough Local Plan, Bearing Fruits 2031, adopted July 2017, (Local Plan), which seeks to ensure developments achieve safe vehicular access. It would also conflict with Policy DM6 of the Local Plan which seeks to avoid the formation of new direct access onto the primary distributor route network, which includes the A2.

Character and Appearance

9. In line with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, considerable importance and weight must be given to the desirability of preserving or enhancing the character or appearance of the conservation area.
10. The appeal dwelling forms the right-hand half of a pair of traditionally styled two storey semi-detached houses which share a strong symmetry. This symmetry is extended to the front boundaries of the dwellings which consist of a low brick boundary wall with taller piers on either side. This style of boundary treatment is prevalent within the conservation area and although some front boundary walls close to the appeal site have been removed, the majority of the front boundary walls along this stretch of London Road are present and they comprise a unifying and positive characteristic of the conservation area here. Indeed, the Faversham Conservation Area Character Appraisal identifies that the similarity in the overall form and general appearance of this row of houses running west from The Mall is such that they read as a single cohesive group.
11. The proposal would require the removal of the majority of the front boundary wall together with the installation of the vehicle crossover. The removal of this important feature would unbalance the symmetry the property shares with No.20 to the detriment of the street scene and hence would harm the character and appearance of the conservation area.
12. For these reasons, I conclude the development would not preserve the character and appearance of the Conservation Area. The proposed development therefore would conflict with Policy DM14 of the Local Plan which seeks to ensure developments reflect the positive features of the locality. Also, although the boundary wall is not specifically referred to in the Faversham Conservation Area Character Appraisal, its loss would fail to accord with Local Plan Policy DM33 and the Council's Planning and Development Guidelines No.8, both of which require means of enclosure, which contribute to the interest of a conservation area, to be retained.

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13. The harm to the conservation area would be less than substantial as it would be small in scale and only seen from a small part of the conservation area, and therefore I am required to consider if public benefits would outweigh that harm. Though the appellant has put forward indicative soft landscaping measures, and has clearly taken great care with works to the property as shown in their personal statement, these matters are of limited public benefit. Moreover, although the appellant intends to create provision for an electric car, which is supported by Policy DM6, there is no guarantee of fulfilment. As such, I do not consider these benefits outweigh the harm identified above.

Recommendation and Conclusion

14. As such, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR

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Appeal Decision

Site visit made on 4 August 2020

by **N Thomas MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Appeal Ref: APP/V2255/C/19/3243932

Land adjacent to Hurst Cottage, Hickmans Green, Boughton Under Blean, Faversham, Kent ME13 9NT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Tony Godden against an enforcement notice issued by Swale Borough Council.
 - The enforcement notice was issued on 29 November 2019.
 - The breach of planning control as alleged in the notice is without planning permission the material change of use of the land from agriculture to land used for the stationing caravan/mobile home for residential purposes.
 - The requirements of the notice are:
 - (i) Cease the residential use of the land.
 - (ii) Cease the use of any part of the land for the stationing of mobile homes or caravans for residential use.
 - (ii) Remove all mobile homes and caravans from the land.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) and (c) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. It is directed that the enforcement notice is corrected by:
 - Deleting (ii) and substituting with (iii) for the third requirement of the notice.
2. Subject to the correction, the appeal is dismissed and the enforcement notice is upheld.

Preliminary Matter

3. The enforcement notice listed the third requirement as number (ii) instead of number (iii). This appears to be an error. My understanding of the notice is not affected by this error and nothing within the appellant's submissions indicates to me that it has been misunderstood by them. Therefore, I consider that a minor correction is necessary which can be achieved by using my powers under s176(1)(a) of the Act without causing injustice.

Grounds (b) and (c)

4. To succeed the appellant would have to demonstrate, on the balance of probabilities, that (b) the matters that led to the service of the notice have not occurred, as a matter of fact, and (c) that if they did, they did not result in a

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- breach of planning control (c). The burden of proof lies with the appellant, and the test of evidence is on the balance of probabilities.
5. The evidence demonstrates that a caravan was on the site in the period leading to the serving of the enforcement notice, and it was still present at the time of my site visit. The Council's officer has observed the caravan on the site on several occasions between June 2019 and July 2020, with signs of a residential use, including a washing line with washing hung on it, flowerpots, steps to the caravan and a water tank situated adjacent to the caravan.
 6. The appellant asserts that the caravan has never been occupied and has not been used for a residential purpose. The water tank is not plumbed into the caravan, and is not being used for residential purposes in the caravan. The caravan has not been occupied by any person or used as temporary living or sleeping accommodation. However, the appellant has provided no specific evidence to substantiate his assertion that it was not being used for residential purposes, and has not discharged the burden of proof to demonstrate that the caravan has not been in residential use.
 7. The stationing of a caravan or mobile home may be ancillary to agricultural or other uses of the land, and this is argued by the appellant who claims that the caravan has been used in association with the clearing of the land. He also claims that the land is within the curtilage of the dwelling at Hurst Cottage.
 8. The starting point is to identify the planning unit and the use to which it is being put. The appeal site is a narrow strip of land lying between Horseless Road and an open field. The evidence shows that prior to the clearance works it was an area of unmanaged scrub or woodland. The appellant states that the land has been used by his family for the storage of farming equipment, building materials and treated as one plot with Hurst Cottage. The dwelling lies adjacent to the site, but has its own residential curtilage. The site is physically separated from Hurst Cottage by a ditch and there is no physical access between the two parcels of land except via the road. The land is physically and functionally separate from the residential curtilage of Hurst Cottage.
 9. The appellant has provided an official copy of the register of title for title number K778398 which indicates that 'Land adjoining Hurst Cottage, ...' was purchased by him on 22 February 2019. The land in question is not identified on a title plan. The appellant states that he lives at the neighbouring property Woodgate Cottage and his family are the owners and occupiers of the neighbouring and adjoining Hurst Cottage and Oak Cottage. That the appellant's family owns the adjacent properties does not indicate that the appeal site is in the same ownership, nor that it is within the residential curtilage of the neighbouring property. On the basis of the evidence before me, I conclude that the appeal site is a separate planning unit, and is not part of the residential curtilage of Hurst Cottage.
 10. The evidence points towards the planning unit being the extent of the appeal site, with no specific use other than being part of a strip of woodland between Horseless Road and the adjacent field, which has now been largely cleared.
 11. The appellant argues that the caravan was facilitating works in relation to the trees and the clearance of rubbish from the site. However, this claim is contradicted by the photographs provided by the Council and the evidence of the Parish Council. The photographs show that in April 2019 the site had been

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cleared of scrub and trees had been felled, leaving a number of tree stumps. An access from the road had been formed and an area of hard surfacing was in place. Photographs from June 2019 indicate a larger area of hardstanding, further levelling towards the rear of the site, with a caravan stationed on the more recently levelled and surfaced area. The photographs taken in July 2019 show the addition of the washing line hung with washing and the water tank, steps and flowerpots. In June 2020 the steps and water tank were still in place.

12. It is clear therefore that the works to the woodland, the clearance of rubbish and rubble took place prior to the caravan being stationed on the site. The evidence points towards these being preparatory works to allow the caravan to be brought onto the site. The appellant's clearly incorrect version of events regarding the timing and purpose of bringing the caravan onto the site undermines his case. There is no evidence of the use of the caravan being ancillary to any ongoing agricultural or woodland management use being carried out on the planning unit. Nor have I seen any evidence that the suggested use of the caravan in relation to cherry farming relates to any agricultural activity being carried out on an agricultural holding which includes the appeal site.
13. The evidence does not demonstrate that the use of the caravan for residential purposes is ancillary to any existing use on the planning unit. Even if the caravan were simply being stored on the site, the appellant has not shown that this is ancillary to any lawful use of the land.
14. On the balance of probabilities, I am satisfied that a material change of use of the land for the stationing of a caravan/mobile home for residential purposes has occurred, and that this is a breach of planning control. The appeals on grounds (b) and (c) therefore fail.

N Thomas

INSPECTOR

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