

<b>2.5 REFERENCE NO - 18/500667/FULL</b>			
<b>APPLICATION PROPOSAL</b> Removal of Condition 4 of planning permission SW/13/1399 (Removal of condition 8 of SW/89/0400, to allow occupation other than only by fire service personnel) - to allow 4no. houses to be made available as market housing.			
<b>ADDRESS</b> 1 - 4 Beaumont Davey Close Faversham Kent ME13 8XR			
<b>RECOMMENDATION</b> – Grant subject to conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal is in accordance with Bearing Fruits 2031: The Swale Borough Local Plan 2017			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Town Council objection			
<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Kent Fire and Rescue Service <b>AGENT</b> Ms Kirsty Castle	
<b>DECISION DUE DATE</b> 06/04/18	<b>PUBLICITY EXPIRY DATE</b> 23/03/18	<b>OFFICER SITE VISIT DATE</b> 23/04/2018	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
18/500688/FULL	Removal of condition 6 of planning application 16/507275/FULL (Extension of existing private road with turning tee and the erection of two, two storey detached dwellings with integral garages) - to allow houses to be made available as market housing.	Ongoing – included elsewhere on this agenda	
16/507275/FULL	Extension of existing private road with turning tee and the erection of two, two storey detached dwellings with integral garages	Approved	09/12/2016
SW/13/1399	Removal of Condition 8 of SW/89/0400	Approved	06/01/2014
SW/89/0400	Creation of six new houses for fire service personnel	Approved	22/03/1990

**1.0 DESCRIPTION OF SITE**

- 1.01 The site consists of four detached houses constructed in the early 1990s and adjacent to Faversham Fire Station. The houses were constructed to house Fire Service personnel, and Condition 8 of planning reference SW/89/0400 was appended to that permission to ensure that the occupation of the houses was only to be for Fire Service personnel and their families, as the site was outside of the established built-up area of Faversham, where such development would not normally be permitted. Six houses were permitted, but only four were constructed.
- 1.02 In 2014, an application to remove Condition 8 of SW/89/0400 was approved, but Condition 4 of that permission then stated that the houses would now only be open for rented affordable housing through an established Housing Association, again due to their position outside the established built-up area boundary.

- 1.03 Following discussions with officers in 2016 an application to build the last two houses originally permitted under planning reference SW/89/0400 was approved under planning reference 16/507275/FULL. Condition 6 of the permission also restricted the use of the houses for affordable housing use only.
- 1.04 The new Local Plan 'Bearing Fruits 2031: The Swale Borough Local Plan 2017' was adopted by the council on 26<sup>th</sup> July 2017. Part of the many changes incorporated within the plan included changes to the established built-up area boundary, and the changes to the boundary brought this particular site from outside the boundary to inside it.

## 2.0 PROPOSAL

- 2.01 The proposal is for the removal of Condition 4 of SW/13/1399, to allow for the use of the houses as open market housing. The condition in question reads;

*(4) The occupation of the houses shall be limited to persons for whom their occupation of the properties is controlled by a Registered Social Landlord as affordable housing as defined in Annex 2 of the National Planning Policy Framework (2012).*

*Reason: As the dwellings were only approved outside of the established built-up area boundaries as they constitute a public benefit which outweighed the harm to the environment arising from their construction, and the Council is of the opinion that whilst the harm to the environment persists a public benefit should be maintained by restricting the use of the dwellings to affordable housing.*

- 2.02 This proposal has been submitted as the changes to the established built-up area boundaries of Faversham have brought this site from outside the boundary line to inside it, making the principle of creating open market housing on this site acceptable.
- 2.03 The proposal is accompanied by a Planning Statement, which correctly identifies the policy issues surrounding this case, as follows:

*'Kent Fire and Rescue has struggled to find an affordable housing provider willing to take on the management of the four properties at Faversham Fire Station with the only provider registering interest pulling out of negotiations on viability grounds.*

*In the interim, Swale Borough Council has adopted its new Local Plan which sees the fire station and the dwellings along Beaumont Davey Close now included within the settlement boundary, significantly changing the policy position surrounding the principle of development.*

*Kent Fire and Rescue Service are therefore currently in possession of four residential dwellings that are demonstrably unattractive as affordable units but could be made available as market housing were the occupancy condition to be lifted. This application therefore seeks the removal of Condition 4 of SW/13/1399 on the following grounds:*

- *The inclusion of the fire station and associated properties within the settlement boundary in the Local Plan, negating the requirement for special justification for the dwellings as was required previously.*

- *Viability of the properties as affordable housing*
- *Demonstrable lack of interest in the properties from affordable housing providers*
- *The ability to boost the supply of market housing in Faversham in accordance with the NPPF'*

### **3.0 PLANNING CONSTRAINTS**

3.01 None.

### **4.0 POLICY AND OTHER CONSIDERATIONS**

4.01 Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies ST1 Delivery Sustainable Development in Swale) and ST3 (The Swale Settlement Strategy)

### **5.0 LOCAL REPRESENTATIONS**

5.01 No local representations have been received.

### **6.0 CONSULTATIONS**

6.01 Faversham Town Council objected to the proposal on 26<sup>th</sup> February 2018, saying;

*Recommendation: Defer*

*Comment:*

- 1) *Planning permission was given for housing for firefighters. If no longer required steps should be taken for the housing to be used for other key workers or the homeless.*
- 2) *The Town Council would like to know how the land came was acquired by the fire service and any cost involved.*
- 3) *Negotiations should be started for the houses to be transferred to Swale Borough Council or Community Land Trust before the condition is lifted.*

On 9<sup>th</sup> April 2018, after I had emailed the Town Council to explain the changed Local Plan position, the Town Council responded as follows;

*Faversham Town Council refers Swale Borough Council to their previous statement:*

- 1) *Planning permission was given for housing for firefighters. If no longer required steps should be taken for the housing to be used for other key workers or the homeless.*
- 2) *The Town Council would like to know how the land was acquired by the fire service and any cost involved.*
- 3) *Negotiations should be started for the houses to be transferred to Swale Borough Council or Community Land Trust before the condition is lifted.*

*The Town Council does not consider this to be part of the built up area of Faversham, as stated by Swale and feel strongly that these properties should be made available to either the homeless or key workers.*

*Until these matters are satisfactorily addressed, the Town Council objects to the application.*

## **7.0 APPRAISAL**

- 7.01 The key issue here is the principle of development and whether the condition remains necessary.
- 7.02 Were this to be a new application for new homes on this site at this time, the principle of development would be acceptable, as the site is now situated within the adopted Local Plan defined built-up area boundary, where sustainable development is generally approved. As such, it would not be necessary to restrict the occupancy of the properties. This variation of condition application should therefore be assessed in the same way, asking whether or not the development without the condition would be acceptable in principle.
- 7.03 I acknowledge the desire of the Town Council to retain these properties for uses such as homes for homeless people and key workers, and I have every sympathy with that position, but this proposal should be decided in accordance with the new Local Plan, which now shows that the site is within the built-up area boundary, and that the proposal is fully in accordance with Policies ST1 and ST3 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

## **8.0 CONCLUSION**

- 8.01 As a result of the recent adoption of the Local Plan, the planning status of the site of these houses has changed. This also applies to land on the opposite side of Ashford Road where planning permission was recently granted for nine new dwellings on site previously ruled out due to being outside the built up area of the town. The recently adopted policies within the Local Plan show that this is a site where sustainable development is acceptable in principle and, as such, I therefore recommend that the proposed removal of condition be approved

## **9.0 RECOMMENDATION – GRANT Subject to the following conditions**

- (1) The area shown on Drawing No. 8360/AL(S)1 Ren. No. A (as submitted with application SW/89/0400), reserved for the parking or garaging of cars shall be used for or kept available for this purpose at all times and no permanent development whether or not permitted by The Town and County Planning (General Permitted Development) (England) Order 2015 shall be carried out on such land or in such a position as to preclude vehicular access thereto.

Reason: In the interests of highway safety.

- (2) The existing 90m x 4.5m x 90m visibility splays at the entrance of the site onto Ashford Road shall be maintained free from any obstruction to visibility above 1.05m above adjacent carriageway level at all times.

Reason: In the interests of highway safety.

## **Council's approach to this application**

The Council recognises the advice in paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) and seeks to work with applicants in a positive and proactive

manner by offering a pre-application advice service; and seeking to find solutions to any obstacles to approval of applications having due regard to the responses to consultation, where it can reasonably be expected that amendments to an application will result in an approval without resulting in a significant change to the nature of the application and the application can then be amended and determined in accordance with statutory timescales.

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

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

