

2.4 REFERENCE NO - 18/504141/FULL		
APPLICATION PROPOSAL Demolition of existing buildings and erection of a single storey building to be used as a self-contained holiday accommodation with associated parking to front as amended by drawing 1110/02C.		
ADDRESS The Barns Fostall Kemsdale Road Hernhill Kent ME13 9JL		
RECOMMENDATION Grant Subject to receipt of Natural England comments, amended drawings showing different windows to west elevation, and SAMMS payment.		
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Hernhill	APPLICANT Mr C McGuire AGENT Rebus Planning Solutions
DECISION DUE DATE 07/01/19	PUBLICITY EXPIRY DATE 10/01/19	

Planning History

None

1. DESCRIPTION OF SITE

- 1.1 The site is located within the Hernhill - Fostall conservation area, but outside any defined built up area boundary. The site comprises part of a former agricultural holding with two small barns of simple timber construction and corrugated metal sheet roofing; set parallel to each other on opposing sides of a small yard. To the rear of the site lies the boundary to the listed Fostall Cottages, dating from the 1500's and listed Grade II.
- 1.2 Vehicular access to the site is either from the A299 Thanet Way or through Hernhill. There are a number of public footpaths nearby as well as a limited local bus service. The site lies close to the Thanet Way and within 6km of The Swale SPA/Ramsar site.

2. PROPOSAL

- 2.1 The application seeks planning permission to demolish the existing structures and to replace them with a single storey building with associated parking and landscaping. The building would be used as a single three bedroom holiday let, which would be managed by the applicant who lives nearby. The new building would seek to replicate the footprints of the existing buildings, but link them together to form one continuous U-shaped building.
- 2.2 The design of the replacement building is intended to reflect the agricultural history of the site. The drawings have been amended since submission with changes to the materials and an increased roof pitch. The materials now include dark stained weatherboarding, timber windows and doors, and plain clay tiles. The rooflights originally proposed have now been removed from the proposal. Off road parking will be located at the front of the site and will allow for the parking of two cars.

- 2.3 The application is supported by a comprehensive Planning Statement detailing the nature of the application, relevant planning policies, and the benefits of the proposal in terms of rural tourism. It is also accompanied by a “Visitor Pack” outlining the local public houses, gardens, nature reserves, walks and other attractions that visitors might be able to enjoy in the surrounding area.
- 2.4 The applicant has been asked for further amended drawings to show the windows on the west elevation to be of the same design and positioning of the windows elsewhere on the building. I am expecting to receive these prior to the meeting and will update members then.

3. PLANNING CONSTRAINTS

Conservation Area Hernhil - Fostall

4. POLICY AND CONSIDERATIONS

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

ST3 (The Swale settlement strategy)
CP4 (Requiring good design)
DM3 (The rural economy)
DM14 (General development criteria)
DN32 (Development involving listed buildings)
DM33 (Development affecting a conservation area)

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

- 4.1 The Council has a statutory duty under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and to conserving or enhancing the character or appearance of a conservation area.
- 4.2 The NPPF seeks to safeguard heritage assets and their settings. Paragraph 196 states that less than substantial harm to a heritage asset should be balanced against the public interest.

5. LOCAL REPRESENTATIONS

None

6. CONSULTATIONS

- 6.1 Hernhill Parish Council has objected to the application at initial submission stage, and after receipt of amended drawings, both in similar terms, as follows:

“The Parish Council objects to this amended proposal. In our opinion, the proposed building and its accommodation is too large and so is considered to be over-development of the site. There does not appear to be any direct access to the back garden. The Parish Council feels that 2 buildings similar in footprint to the existing structures would be more suitable and more in keeping.”

- 6.2 Kent Highways and Transportation have said that the development proposal does not meet the criteria to warrant involvement from the highway authority.
- 6.3 The Council's Tourism Officer supports the scheme on the basis that this small scale development is in keeping with the Council's aspirations around developing the visitor economy in Swale, and that building a portfolio of quality accommodation will ensure that visitors can be encouraged to stay in the area and for longer periods is increased.

7. BACKGROUND PAPERS AND PLANS

All documents relating to 18/504141/FULL

8. APPRAISAL

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

The principle of the development

- 8.2 In terms of the principle, whilst I see no justification for the development of new free-standing holiday homes in the rural area, I am content that replacement of these existing buildings with a new building of similar scale and proportion to provide a holiday let is acceptable in principle. Such a redevelopment will be an alternative to conversion, and by providing a better quality of accommodation than might be achieved through conversion, it will support the rural economy, especially in terms of potential trade for nearby businesses like those shown in the applicant's visitors pack. I consider the demolition of the existing buildings and rebuilding of a single storey building of a similar scale as a holiday let to be acceptable and in conformity with policy DM3.
- 8.3 I acknowledge that the footprint of the proposal would be slightly larger than that of the two existing buildings, but the appropriate design and contribution of a holiday let in the area which has been confirmed as needed by the Council's Tourism Officer would be a benefit to the area and the Borough as a whole. The Parish Council has raised objection on the basis that the garden area does not have direct access, but I do not see this as a reason for refusal of the application.

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

- 8.4 I note that the proposal will produce a much smarter appearance than the site currently has, which will also enhance the conservation area as a whole. The existing buildings are not of any historic interest, and the scale of the buildings on the site will not change significantly, and there will only be a slight increase in footprint and the change of some external materials. As noted, these would be a distinct improvement on the existing finish and appearance of the current buildings. As such, I am satisfied that the proposed changes would not have a detrimental impact on the character and setting of the nearby listed building, nor on the appearance of the conservation area, thus in accordance with policy DM33. I see no harm arising to the designated heritage assets here, and consider that the development meets the test of paragraph 196 of the NPPF.

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

- 8.5 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).
- 8.6 SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 8.7 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.
- 8.8 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.
- 8.9 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).
- 8.10 NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the (NKEPG) and that such strategic mitigation must be in place before the dwelling is occupied. Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required in this instance.
- 8.11 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.

- 8.12 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.
- 8.13 The agent has confirmed that the applicant would be willing to pay the SAMMS contribution as the site is located within 6km of the SPA.

9. CONCLUSION

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

- 10. RECOMMENDATION** – Grant subject to the following conditions, the receipt of amended plans and a contribution to Strategic Access and Mitigation measures:

CONDITIONS

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

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

- (2) No development beyond the construction of foundations shall take place until samples of facing and roofing materials including ridge tiles to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

- (6) The area shown on the submitted plan as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown 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 holiday accommodation hereby permitted.

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

- (7) 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.

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

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

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

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

