

PLANNING COMMITTEE – 30th OCTOBER 2014

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended.

2.1 SW/14/0204		<u>Dunkirk</u>
APPLICATION PROPOSAL Change of use of adjacent land to specialist trade horticultural nursery and erection of office/admin shed as amended by site layout plan received 15 October 2014.		
ADDRESS Land Adjacent To 85 Courtenay Road, Dunkirk, Faversham, Kent, ME13 9HL		
RECOMMENDATION GRANT SUBJECT TO FURTHER VIEWS FROM ENGLISH HERITAGE.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Boughton & Courtenay	PARISH/TOWN COUNCIL Dunkirk	APPLICANT Mr Trevor Tooth AGENT Mr John Burke
DECISION DUE DATE 16 April 2014		
RELEVANT PLANNING HISTORY - None		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This 0.23 hectare site is situated towards the edge of the village of Dunkirk, outside of the built-up area boundary and is accessed via the shared driveway to 85 Courtenay Road. The site lies in the Special Landscape Area.
- 1.02 The site is generally flat in nature with a ditch located along on the eastern boundary of the site adjacent to Courtenay Road. Located opposite the site is Maytree Nursery which was granted planning permission under SW/03/0986 for a plant nursery with 2 multi- span polytunnels and associated buildings, open to the public. It now includes a bungalow.
- 1.03 Currently located on the site is a timber building which is used for office purposes. The site has a central area of hardstanding used for the parking of

the commercial vehicles and materials associated with the business such as railway sleeper, pots and planters.

1.04 This application is retrospective and the land has been used as a landscape business which consists of the following:

- Specialist tree and shrub nursery planting
- Storage and parking in association with the business
- Erection of timber shed for office/admin purposes

1.05 The land contains part of the remains of a national important monument, a Radar Station, which was established in 1936 as one of the first operational stations that made up the Estuary Chain Home layout to provide early warning of high flying enemy aircraft approaching London. The Radar Station is protected as a Scheduled Ancient Monument. A historic pill box is located in the north-eastern corner of the site.

2.0 PROPOSAL

2.01 Retrospective planning permission is sought for the change of use of land to specialist horticultural nursery, including parking, the re-siting office building, two small garden sheds for storage of gardening implements, and a small propagating polytunnel.

2.02 It is proposed to retain and add to the existing landscaping which would consist of a new hawthorn hedge along the western and northern boundary of the site. It is proposed to plant additional oak and birch trees along the eastern boundary to add to the existing landscaping along this boundary.

2.03 Four growing beds and a holding bed for specimens are proposed adjacent to the eastern boundary.

2.04 As part of the development the overgrown vegetation would be removed in particular surrounding the Pill Box located in the north-east corner of the site. The site will be fenced and the ditch alongside Courtenay Road cleaned, managed and maintained.

2.05 The office building, which is now to be re-sited to the north-west corner of the site, measures 9.2m x 4.8m x 3 m.

2.06 The Design, Access and Planning Statement states the following:

- The proposal is unlikely to generate more than two additional vehicle movements (cars/small vans) per day Monday to Friday
- No customers would visit the site
- The majority of the present 7 staff work off-site at clients locations
- The applicant and one employee already work from home at No 85
- It is anticipated that employees would increase to 2 additional staff on site and a total of 12 off-site staff
- Creation of 7 additional employees

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.23ha	0.23ha	

4.0 PLANNING CONSTRAINTS

- 4.1 Located on an Ancient Scheduled Monument site and outside of the built-up area boundary.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

The NPPF was released in March 2012 with immediate effect, however, para 214 states *“that for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”*

The 12 month period noted above has expired and as such, it was necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF. This has been carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. All policies cited below are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

Paragraph 17 states that planning should *‘conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations’*.

Paragraph 28 which states that LPAs should *‘support the sustainable growth and expansion of all types of business and enterprise in rural areas’ and ‘promote the development and diversification of agricultural and other land-based rural businesses’*

Paragraph 132 states that *‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings,*

grade I and II registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*

Swale Borough Local Plan 2008

- Policy FAV1- The Faversham and rest of Swale Planning Area
- Policy SH1- Settlement Hierarchy
- Policy E1- General Development Criteria
- Policy E6- The Countryside
- Policy E9- Protection of the Borough's landscape
- Policy E16- Scheduled Ancient Monuments and Archaeological Sites
- Policy RC1- Rural Economy

6.0 LOCAL REPRESENTATIONS

No representations have been received.

7.0 CONSULTATIONS

7.01 Dunkirk Parish Council objects to the application on the following summarised grounds:

- No justification to support the application
- The site is a scheduled ancient monument, the conservation of the historic and natural environment is the prime and overriding consideration
- No attempt to mitigate against adverse impacts on this greenfield site
- The site is located outside of the village envelope and should be protected and enhanced
- Policy E6 refers to agriculture and forestry and not horticulture
- Contrary to Local Plan Policies and the NPPF

7.02 English Heritage initially raised concerns about the proposal and carried out a site visit to determine the impact on the Scheduled Ancient Monument. Following the site visit English Heritage recommended an alternative siting of the office building within the site to ensure that the views of the Radar Mast and Pill Box are not obscured in the future. I am currently in discussion with English Heritage regarding the alternative siting location of the office to the north-western corner and will update Members at the meeting.

7.03 Kent Highway Services raise no objection to the proposal subject to conditions on vehicle parking and turning space and access details to be completed as per the submitted plan.

8.0 BACKGROUND PAPERS AND PLANS

None

9.0 APPRAISAL

Principle of Development

- 9.01 In my opinion the proposed change of use broadly speaking falls in line with the aims and criteria of Policy E6 which seeks to protect the countryside from unsuitably located development. In this case the application is for the change of use from a green field site to a specialist horticultural nursery with associated small scale development of the site is an agricultural use of a site in the countryside in line with Policy E6. Policy E6 allows for development proposals which are necessary for agriculture, in this case some of the site will be used for the propagating and growing of existing rarer trees and shrubs.

I therefore consider the use broadly acceptable on this site and am of the opinion that this type of horticultural use does require a rural location. Furthermore, the adjacent nursery site, May Tree Nursery was granted planning permission in 2003 due to the nature of the use of the site and the rural location need; in my view this site sets a precedent for this type of development to be located in a rural location.

I also consider Policy RC1 particularly relevant to this case, the proposal would help to diversify the rural economy by providing a specialist horticultural site. I consider the development to be appropriate in scale with its locality and the site clearly retains a rural character. I am of the view that the proposed change of use will not result in a significant increase in traffic and as such is in line with the aims of Policy RC1.

Visual Impact

- 9.02 At present the site is partly overgrown with little management of the vegetation located on the site, in particular along the boundaries. The applicant is keen to manage the existing vegetation on the site and improve the visual impact of the site as a whole by planting effective boundary treatment and using the site for the growing of rare trees/shrubs. The office building which is currently located in the south western corner of the site is proposed to be re-sited to the north-western corner of site would have a minimal visual impact due to its size and siting within the site. I am currently in discussion with English Heritage and am waiting their final comments in relation to the proposed siting of the office building- I will update Members at the meeting.

Residential Amenity

- 9.03 In my opinion the proposal due to its small-scale nature is unlikely to have a significant impact on the residential amenity of the nearest neighbouring property. The applicant resides at 85 Courtenay Road and is therefore the closest residential property affected.

Highways

- 9.04 The supporting statement submitted with the application states that there are likely to be two vehicle movements to and from the site on a daily basis. The majority of the employees work off site and the applicant and his wife, who

both work on the site, live at 85 Courtenay Road and as such the vehicle movements are greatly reduced.

The access to the site is via the driveway to 85 Courtenay Road and provides good visibility in both directions along Courtenay Road thus ensuring that there is no highway safety concern. Members should note that I have suggested two conditions in relation to vehicle parking spaces and turning within the site and access provision.

Impact on the Ancient Scheduled Monument

- 9.06 In my opinion the impact on the Scheduled Ancient Monument is a vital consideration in the determination of this application. A number of discussions have taken place with English Heritage to try and establish the most suitable siting for the office building, at this moment in time the building is to be re-sited to the north-western corner which is my preferred location. However, English Heritage is keen to see the building located on the eastern boundary which lies adjacent to the roadside. This part of the site also has drainage problems due to a ditch being located there. In my opinion the views to the Pillbox and the RAF Mast can be maintained if the building is re-sited to the north-western corner. The proposal would not affect the heritage significance of the scheduled radar station; the visual link between the groups of structures would be retained. English Heritage have confirmed that the other works that have taken place on the site (laying of hardstanding and the erection of two small sheds) do little harm to the heritage significance of the scheduled monument.

10.0 CONCLUSION

- 10.01 In my opinion the development provides an acceptable rural business in a suitable location. Furthermore, if the office building is re-sited to another position within the site then the Scheduled Ancient Monument would be unaffected by the proposal. The proposal is unlikely to have a significant impact on the traffic movements along this road and the surrounding residential amenity.

- 11.0 RECOMMENDATION – GRANT** Subject to outstanding views from English Heritage on the amended office building location and to the following conditions.

CONDITIONS to include

- (1) The premises shall be used only for the purpose of a specialist trade horticultural nursery and for no other purpose.

Grounds: In the interests of residential amenity and in recognition of the rural location of the site.

(2) 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, the proposed frequency of the use and the hours of illumination.
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
- Details of the number, location and height of the lighting columns or other fixtures.
- The type, number, mounting height and alignment of the luminaries.
- The beam angles and upwards waste light ratio for each light.
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties.

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

(3) Within three months of this decision full details of both hard and soft landscape works shall 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 should be native species where possible and of a type that will enhance or encourage local biodiversity and wildlife) , plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

(4) All approved hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the implementation programme agreed in writing with the Local Planning Authority.

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

(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.

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

(6) The use of the premises hereby permitted (other than for unattended storage of items associated with the use hereby approved) shall be restricted to the hours of 7

am to 7 pm on weekdays, 7 am to 3pm on Saturdays, and no activities shall take place at any time on Sundays or Bank Holidays.

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

(7) The access details shown on the approved plans shall be completed within three months of the date of this decision and the access shall thereafter be maintained in accordance with that specification.

Grounds: In the interests of highway safety.

(8) The office building shall be re-positioned to the north-western corner of the site within three months of the date of this decision.

Grounds: To protect the historic importance of the Ancient Scheduled Monument.

(9) No retail sales shall be carried out on the site.

Grounds: In the interests of residential amenity.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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.