

PLANNING COMMITTEE – 10 October 2019**PART 2**

Report of the Head of Planning

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

2.1 REFERENCE NO - 19/503518/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 (revised scheme to 18/504141/FULL).		
ADDRESS The Barns Kemsdale Road Hernhill Kent ME13 9JL		
RECOMMENDATION Grant		
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Hernhill	APPLICANT Mr McGuire AGENT Miriam Layton Architectural Design
DECISION DUE DATE 26/09/19		PUBLICITY EXPIRY DATE 09/09/19

Planning History

18/504141/FULL

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.

Approved Decision Date: 19.02.2019

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.
- 1.3 Some Members may recall application 18/504141/FULL which was approved earlier this year at 7th February Committee. This application is a resubmission of that proposal with the only change being the roof covering.

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 materials include dark stained weatherboarding, timber windows and doors and the change to the roof covering which is now to be standing seam zinc rather than plain clay tiles. Off road parking will be located to the front of the site and allow for the parking of two cars, alongside a car charging pillar .
- 2.3 The application is supported by a Design and Access Statement showing the locality of other metal roofs in the local vicinity including domestic as well as commercial buildings.

3. PLANNING CONSTRAINTS

Conservation Area Hernhil - Fostal

4. POLICY AND CONSIDERATIONS

Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017. Policies ST3, CP4, DM3, DM14, DM32 and DM33 are of particular relevance.

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.

5. LOCAL REPRESENTATIONS

None

6. CONSULTATIONS

- 6.1 Hernhill Parish Council has objected to the application as the change from clay tiles to zinc is not in keeping with the area.
- 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 comments from the Council's Tourism Officer from the previous application still stand. The scheme is supported 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 19/503518/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.

Principle of development

- 8.2 In terms of principle, I am content that replacement of these existing buildings with a new building of similar scale and proportion to provide a holiday let remains 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, and it will support the rural economy, especially in terms of potential trade for nearby businesses. 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. Application 18/504141/FULL was approved at committee on 7th February and the only difference between the approved scheme and the current proposals is the roof covering which was previously to be finished in clay tiles instead of the zinc roofing now suggested.
- 8.3 I consider that the change of materials does not affect the already accepted principle of the reconstruction of these buildings or their potential contribution as a holiday let in the area which has been confirmed as needed by the Council's Tourism Officer, and which would be a benefit to the area and the Borough as a whole.

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

- 8.4 I believe that the reconstruction of the current buildings will provide a much more attractive appearance than the site currently has, which will enhance the character and appearance of the conservation area as a whole. The Parish Council has raised an objection on the basis that the zinc roof does not fit well within the area. The current buildings have metal roofs, as do many agricultural buildings, and the applicant has provided within the Design and Access Statement reference to other examples of buildings within the vicinity with metal roofs. The existing buildings are not of any historic interest, and the scale of the buildings on the site will not change significantly, with only 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 the appearance of the conservation area, in accordance with policies DM32 and DM33.

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.

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

This Appropriate Assessment has been undertaken without information provided by the applicant. The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats. The proposal thus has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England (NE) advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites.

The recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, "it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site." The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group (NKEPG).

NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the (NKEPG) and that such strategic mitigation must be in place before the dwelling is occupied. Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required in this instance.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured by either s106 agreement or unilateral undertaking on all qualifying developments) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

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

In this case the applicant paid the SAMMS fee under application 18/504141/FULL. That contribution has not been refunded and there is no need to seek an additional payment in this instance as there is no further increase in accommodation.

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 development hereby approved shall be carried out in accordance with approved drawing TB-1004-PP Rev. A.

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) 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 conservation area.

- (5) 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. 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.

- (6) 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. 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.

- (7) The area shown on approved drawing TB-1004-PP Rev. A 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 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.

- (8) 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.

- (9) 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.

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.

INFORMATIVE

This permission has only been granted on the basis that a financial contribution to the Strategic Access Management and Monitoring Strategy in respect of the nearby Swale Special Protection Area (SPA) was paid prior to the grant of planning permission 18/504141/FULL and this has not been refunded. The current works are an alternative to that permission and present no further potential harm to the SPA.

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

