

PLANNING COMMITTEE – 30 APRIL 2020**DEFERRED ITEM 1**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

Def Item 1 - 19/500768/FULL		
APPLICATION PROPOSAL During the winter months, the stationing, unoccupied, of 1 welfare unit and 15 mobile homes used residentially in the preceding agricultural season to accommodate seasonal workers at Owens Court Farm, as shown on drawing 22259/56/200219V2 (Revised)		
ADDRESS Owens Court Farm Owens Court Road Selling Faversham Kent ME13 9QN		
RECOMMENDATION – Grant subject to conditions		
REASON FOR REFERRAL TO COMMITTEE Deferred from meeting of 5 th March 2020		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Selling	APPLICANT F W Mansfield & Son AGENT Finns (1865) Ltd
DECISION DUE DATE 18/04/19	PUBLICITY EXPIRY DATE 25/03/20	

1. INTRODUCTION

- 1.1 Members will recall that at the meeting of this Committee held on 5th March 2020, this application was deferred. The minute from the meeting reads as follows:

Resolved: That application 19/500768/FULL be deferred to allow more information to be sought regarding the existence of any PROWs and consequently the visual impact of the development on the AONB.

To better gauge the visual effect of the proposal on the Kent Downs Area of Outstanding Natural Beauty (AONB), the boundary of which is approximately one hundred metres to the south of the site (as such, the site is outside the AONB) I consulted with the Kent Downs AONB Unit; and to consider the effect of the proposal on any nearby Public Rights of Way (PROW) I consulted with Kent County Council's PROW Officer.

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

2. EFFECT ON THE KENT DOWNS AONB

- 2.1 As noted above, the site is approximately one hundred metres outside the AONB.
- 2.2 The Kent Downs AONB Unit has responded to consultation as follows:

'The application site lies in the setting of the Kent Downs AONB, by virtue of its proximity to the AONB. The importance of the setting of the AONB is recognised in the Kent Downs AONB Management Plan 2014 to 2019. The Management Plan advises that the weight to be afforded to setting issues will depend on the

significance of the impact with matters such as the size of the proposals, their distance and incompatibility with their surroundings likely to affect impact. The Kent Downs AONB Management Plan is adopted by all local planning authorities in the Kent Downs including Swale Borough Council. Policy SD8 of the Management Plan states that: Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and utilities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated.

The NPPG confirms that AONB Management Plans can be relevant material considerations in determining planning applications. The NPPG also provides further amplification on setting. At paragraph 042 Reference ID: 8-042-20190721 reference is made to development within the settings of AONBs needing sensitive handling to ensure that potential impacts are taken into account.

Noting the change to the layout and the proposed additional screen hedging, we consider there would be very limited inter-visibility between the site of the stored caravans and the AONB. In order to assist in mitigating any potential effects, should the Council be minded to approve the application, we would be supportive of conditions that limit external lighting to protect the dark night skies of the adjacent AONB, requires the hedging to comprise indigenous species appropriate to local landscape character (further advice on appropriate species can be found on page 26 of the Kent Downs Landscape Design Handbook) and require the caravans to be coloured an appropriate muted shade, rather than the usual standard white/cream.'

3. PUBLIC RIGHTS OF WAY

- 3.1 There are no public rights of way (PROW) through the application site. To the east, footpath ZR463 terminates on Owens Court Road, approximately 100 metres from the site. This footpath leads onto Owens Court Road. The site can thus only be seen from the head of the footpath, adjacent to Owens Court Road.
- 3.2 To the south, footpath ZR646 also terminates on Owens Court Road, approximately 350 metres from the site. This footpath also leads onto Owens Court Road. The site cannot be seen from the head of the path, due to the existing agricultural buildings in between.
- 3.3 To the southwest, footpath ZR394 leads from Owens Court Road proceeding in a westerly direction. At its nearest part, ZR394 is situated approximately 620 metres from the site. The site cannot be seen from the path, due to the existing agricultural buildings in between.
- 3.4 To the west, there are no footpaths within 1km of the site.
- 3.5 To the north, footpath ZR641, which runs for a short distance north-south, ends on Selling Road, approximately 700 metres from the site. The site cannot be seen from the head of the path.
- 3.6 The KCC Public Rights of Way Officer has responded to my consultation as follows:

“Thank you for consulting me on this planning application. There are no public rights of way affected by the application. I therefore have no objections to the proposal.”

4. APPRAISAL

- 4.1 As noted above, the AONB Unit has responded that they '*consider there would be very limited inter-visibility between the site of the stored caravans and the AONB*' and raise no objections, subject to conditions. I am happy to accept their expert advice.
- 4.2 With regard to PROWs, only one is within sight of the proposed stationed caravans, and that would be from a distance of over one hundred metres, with most of the caravans being obscured by the existing cold store building and other existing agricultural buildings. The KCC PROW officer has no objection to the application. As such, I am of the opinion that any possible effect on views from nearby PROWs is negligible and therefore acceptable.

5. CONCLUSION

- 5.1 In view of the above, it remains my opinion that the proposal is acceptable. I therefore recommend that the application be approved, subject to the conditions listed below.

6. 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) No caravan shall be stored on the site at any time unless the site has been used for the purposes of agriculture including the stationing of caravans occupied by seasonal agricultural worker(s) working at Owens Court Farm in the preceding agricultural season.

Reason: In the interests of the amenities of the area and to ensure that the storage use hereby approved shall cease as soon as it is no longer contributing to the productivity of Owens Court Farm.

- (3) No caravan being stored on the site shall be used for human habitation.

Reason: As the site lies outside any area in which permanent residential use of the caravans would be permitted.

- (4) A new hedge using semi mature and mature native indigenous hedging species shall be planted in the position and to the full extent of the green line shown on drawing no. 2259/56/200219V2 prior to the first winter storage of any caravan. This hedge shall be maintained for the entire duration of all winter storage and no caravan may be stored on the site unless this hedge is in place.

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

- (5) Not more than 15 caravans and one welfare unit shall be stored on the site and these shall only be stored in the positions shown on drawing no. 2259/56/200219V2 (Revised).

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

- (6) No floodlighting, security lighting or other external lighting shall be operated at the site during winter storage of caravans, 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.

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

- (7) The caravans hereby permitted shall be painted dark green.

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

Council's approach to the application

The Council recognises the advice in paragraph 38 of the National Planning Policy Framework (NPPF) February 2019 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 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.

