

PLANNING COMMITTEE – 15 OCTOBER 2020**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

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| Def Item 1 REFERENCE NO - 19/504412/FULL | | |
| APPLICATION PROPOSAL New astronomical observatory. | | |
| ADDRESS Oyster Bay House Chambers Wharf Faversham Kent ME13 7BT | | |
| RECOMMENDATION - Refuse | | |
| REASON FOR REFERRAL TO COMMITTEE Deferred item | | |
| WARD Abbey | PARISH/TOWN COUNCIL Faversham Town | APPLICANT Mr Brian Pain AGENT Affinis Design |
| DECISION DUE DATE 11/11/19 | PUBLICITY EXPIRY DATE 09/09/20 | |

Planning History

SW/98/0182

Double open fronted garage and internal store shed.

Approved Decision Date: 06.03.1998

1. INTRODUCTION

1.1 This application was first reported to the Planning Committee on 17 December 2019 when my recommendation was for refusal for the following reason:

(1) The proposed to erect this tall observatory extension and the resultant alterations to the existing simple garage/store building, including the unattractive and obtrusive staircase link would, by virtue of its size, design, scale and form, harm the character and appearance of the Faversham conservation area and harm the setting of the grade II listed Oyster Bay House building contrary to policies CP4, CP8, DM14, DM16, DM32 & DM33 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 Policies and Supplementary Planning Guidance (SPG): Conservation Areas and Listed Buildings.

1.2 The application was deferred for a Members' site meeting which was held on 6th January 2020. Following feedback at that meeting, the applicant submitted some draft design revisions to the Council on the day before the next full meeting of the Planning Committee meeting on 9th January, showing a fully detached observatory design. I informed Members of these changes, but they were not all welcomed by the Committee. The relevant minute for this application at that meeting reads as follows:

The Area Planning Officer referred to the tabled paper for this item, which he summarised for Members: the Applicant had stated that the height of the proposed

building could not be decreased as it needed to see over nearby trees and lighting; the diameter of the dome could be reduced from 4 metres to 3 metres; the building would be completely separate from the existing garage; the windows facing nearby houses could be deleted; and the proposed building would be considerably reduced in bulk. The Area Planning Officer referred to the Conservation Officer's comments on the application. She acknowledged the changes to the application, but still considered the building, and the solar panels, to be intrusive.

The Chairman invited Members to ask questions.

A Member asked for confirmation of what the overall height of the proposed building was, in comparison to the Oyster Bay House, and whether it was intrusive? The Area Planning Officer explained that the height of the proposed building was 11.6 metres, and the Oyster Bay House was 16 metres high. He said that the Oyster Bay House was an inherent part of Faversham's nautical history, whereas this scheme was the Applicant's personal project. The Member asked about the solar panels which he thought the Council promoted, and what would happen to the building if the Oyster Bay House was sold on. The Area Planning Officer agreed that the Council supported the use of solar panels, but explained that there were other ways they could be installed, such as on the ground, or as tiles on the roof. He said it would be unusual to tie the scheme to the Applicant, and the building be demolished, as it was a permanent structure.

The Conservation and Design Manager explained that the solar panels on this application were retrofit, onto an existing slate roof. He reminded Members that the application site was adjacent to a Listed Building, and within a Conservation Area. He said there was a better way of installing the solar panels, such as replacing the existing slate tiles with solar panels, or panels which sat more flush to the roof. He added that the site was very visible from the public footpath.

A Member asked whether the idea that the dome be painted green to blend in with the surroundings, could be a condition on the application? The Area Planning Officer confirmed that this was possible.

A Member asked if detail of the solar panels could be added to the conditions? The Area Planning Officer explained that a condition could be added to state they be flush to the roof.

Councillor Mike Dendor moved the following motion: That the application be deferred to enable officers to pursue a final design of the proposed building. This was seconded by Councillor Tony Winckless.

Members were invited to debate the application and raised points which included:

- Considered the original design to be better than the amended one;*
 - the original design was 'quirky' and more suited for a maritime setting, and was a similar structure to a building on the opposite site of the creek;*
 - the solar panels should be added as roof tiles;*
 - the height was not too much of an issue in comparison to the Oyster Bay House;*
 - the staircase was too bulky, the new design had a lighter connection with the garage;*
 - the materials should be natural and soft and sensitive to the surroundings;*
 - welcomed the new design, having the staircase underneath was a better option;*
 - preferred the option of solar tiles on the roof;*
 - should consider copper or zinc for the dome;*
 - needed to consider whether the structure would be there in perpetuity;*
- and*

- *defer the application and Members speak to officers on their preferred design options.*

There was some discussion on whether to delegate to officers or defer the application.

Resolved: That application 19/504412/FULL be deferred to enable officers to pursue a final design of the proposed building.

2. PROPOSAL

- 2.1 I then (13th January 2020) invited the applicant to amend the design for Members' re-consideration, with comments on what issues had been raised at the meeting. I let the applicant know that the debate at Planning Committee was generally favourable to the principle of the scheme but that the overall feeling of the meeting was that Members seemed to prefer the original design to the amended (detached) version that the applicant had sent just before the meeting.
- 2.2 I suggested that the smaller sized dome might remain, but that in the preferred attached version the staircase was felt to be too clumsy; that the GRP covering for the dome was unpopular; and that the solar panels attracted a lot of debate around them appearing as an afterthought, being preferred if integrated into the garage roof (or the roof of the observatory) as solar tiles/slates so that they are perhaps indistinguishable from (or were actually a part of) the roof covering. The alternative of mounting solar panels on the ground was also suggested as this might be a lot easier. I also mentioned that painting the exterior dark green also seemed to be a favoured suggestion amongst Members.
- 2.3 I informed the applicant that determination of the application was deferred to a future meeting where the expectation was that Members would be keen to approve it if the design issues were resolved to their satisfaction, but only after the applicant had amended the drawings and we had re-consulted locally if that was then necessary. I suggested liaison with my conservation staff and the idea of discussing sketch ideas with them before formal amendments were made.
- 2.4 I did not receive any immediate response to my contact and the applicant has not sought to negotiate with officers on the principles of revising the scheme. However, in late August the applicant submitted fully worked up revised proposals for a free-standing observatory building, with a covering letter and revised Design and Access and Heritage Asset Statements, apologising for the long delay which was "*due in no small way to the Covid 19 pandemic*", and showing significant changes to the scheme, as described in summary below:
- As the applicant's telescope was in need of replacement, and a new one could be operated remotely by wireless link to the control room in the ground floor of the Oyster Bay House, new options were available
 - The new telescope will only require occasional access, and so can be in a stand alone building
 - Inspiration for the revised design has been taken from early on-shore lighthouse designs, specifically the High Lighthouse at Dovercourt, Harwich, Essex as built in the 1860s which, with the Lower Lighthouse, are now Scheduled Monuments.

- The revised design is an hexagonal weatherboarded structure supported on six steel slightly splayed, braced columns, with a concave copper hexagonal roof surrounding a copper coloured GRP motorised astronomical dome
- The external weatherboard cladding is now shown to be stained dark green
- Access would be via a steel spiral staircase directly beneath the telescope room
- The telescope room's floor would be 6.6 metres above ground level and the top of the dome would be another 5.075 metres higher, compared to the 16m overall height of Oyster Bay House
- It will be unique in Faversham and will set a higher standard of building that could lead to better buildings in the adjacent boatyards in the future
- Parking can continue beneath the structure
- The existing garage building will now be unaltered except for the installation of photovoltaic solar panels, which are still shown to be installed over the existing slates rather than integrated into the roof of the garage

3. PLANNING CONSTRAINTS

Potential Archaeological Importance

Conservation Area Faversham

Environment Agency Flood Zone 3 135664

4. POLICY AND CONSIDERATIONS

The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies CP4, CP8, DM14, DM16, DM32 & DM33

Supplementary Planning Guidance (SPG): Conservation Areas and Listed Buildings

5. LOCAL REPRESENTATIONS

5.1 No new representations have been received.

6. CONSULTATIONS

6.1 Faversham Town Council has commented as follows on the revised details as follows:

REVISED DETAILS RECEIVED

Recommendation: Support

Reason:

1) The Town Council has previously expressed support for this application and continues to do so.

2) The facilities will be made available to schools and community groups.

7. BACKGROUND PAPERS AND PLANS

Plans and documents relating to application 19/504412/FULL.

8. APPRAISAL

- 8.1 The site is located within Faversham conservation area and the principle building affected is a designated heritage asset, a Grade II listed building. The application now is a revised version of the application which originally proposed the erection of a substantial and tall, observatory building on metal stilts which would have been connected to the existing garage structure by means of enclosed stairs ascending in two sections. The proposed new building itself would have had a large glass fibre opening observatory dome above the main part of the octagonal structure and a wide platform around its base which would have been enclosed by railings. There would have been room for parking beneath the platform. The application also proposed the installation of an array of several PV panels on the west elevation of the extant garage roof slope.
- 8.2 The revised proposal omits the garage-connected stairwell and replaces it with a spiral staircase contained beneath the observatory. The solar panels on the garage roof are retained as per the previous application.
- 8.3 In the revised Heritage Statement, a clear parallel has been drawn by the applicant between new design and that of the Dovercourt Lighthouses at Harwich, which are designated as Scheduled Monuments. This is, in my view, a false alliance, and a fairly meaningless parallel drawn since the lighthouses were of their time and unique. The proposed observatory has nothing in common with these lighthouses, other than a superficial structural similarity which can be observed in other tower-like structures, and it would certainly be alien to the landscape and by that means would harm the character of the surrounding area. In my view, the proposed observatory would therefore harm the character and appearance of the conservation area and would be detrimental to the setting of the listed building. In my view the proposal, as revised would still be out of keeping with the character of the area. It would be highly obtrusive in the setting and in its form would not lend itself in any positive way to the low key and utilitarian character of the buildings and of the vicinity itself. It would be discordant to the setting of Oyster Bay House, which has a distinct and highly industrial character and would be highly alien in form and character. The height of it would also be disharmonious with the rhythms and volumes of the surrounding built environment.
- 8.4 This is a sensitive setting, and despite local support, I do not consider the proposal would be compatible with the character of the area. It would be highly eye catching and intrusive within the generally low rise part of the conservation area, and it would be harmful to the isolated and prominent setting of the listed building.
- 8.5 Furthermore, neither would the proposed design and appearance of the observatory on its own merits – as a standalone structure - be considered acceptable. The use of a material like glass fibre used in this context for a dome would not be acceptable and it would age to an unattractive patina.
- 8.6 I also consider that the idea of the proposed solar panels being installed over the existing garage roof would be detrimental to the character of the garage by harming its simple utilitarian character. They would also likely to be visible from the west, and given the increased visibility of the site as a whole, would harm the character and appearance of the surrounding conservation area given their number and density, and they would be

detrimental to the setting of the listed building.

- 8.7 I note the comments from the Town Council which supports the revised application, but in my view a detailed and wide consideration of the design reveals a harmful impact from the proposal given the site's unique and specific sensitivities, leading to the conclusion that whilst this is indeed an interesting proposal, it is not an acceptable one. In my view the proposal is contrary to adopted Local Plan policies relating to design, conservation areas and listed buildings.
- 8.8 Paragraph 196 of the NPPF states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

In this case I consider that there will be harm to designated heritage assets but I see no real or concrete public benefit arising from this uniquely personal proposal to outweigh the harm that I have identified. As such I do not see the application being supported by paragraph 196.

- 8.9 To conclude, although the matter was deferred for officers to pursue a final design, and I suggested ways to facilitate this, the applicant has not sought to work with officers to explore design solutions; although I am not sure what common ground could have been reached. I still have fundamental reservations about the impact that any building to meet the applicant's wishes will have here, and I consider that the proposed free-standing structure in the revised design, and the continued suggestion of installing solar panels above the existing garage roof, would harm the character and the appearance of the conservation area and would harm the setting of the listed building, and by virtue of this would harm its significance without any perceived public benefits.

9. RECOMMENDATION - REFUSE for the following reasons:

- (1) The proposed to erect this tall free-standing observatory would, by virtue of its size, design, scale and form, harm the character and appearance of the Faversham conservation area and harm the setting of the grade II listed Oyster Bay House building contrary to policies CP4, CP8, DM14, DM16, DM32 & DM33 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 Policies and Supplementary Planning Guidance (SPG): Conservation Areas and Listed Buildings.
- (2) The proposed to install photovoltaic solar panels above the existing garage roof would, by virtue of their scale and their significant impact on the appearance of the existing garage building, harm the character and appearance of the Faversham conservation area and harm the setting of the grade II listed Oyster Bay House building contrary to policies CP4, CP8, DM14, DM16, DM32 & DM33 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 Policies and Supplementary Planning Guidance (SPG): Conservation Areas and Listed Buildings.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 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.

In this instance the application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and these were not considered to be any solutions to resolve this conflict.

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

It is noted that the applicant/agent did not engage in any formal pre-application discussions.

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.

