

<b>2.4 REFERENCE NO - 19/503351/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of oak frame partially enclosed car port with artist work/live space above, associated amenity space and cycle shed/bin store.		
<b>ADDRESS</b> Abbey Road Garages Abbey Road Faversham Kent ME13 7BL		
<b>RECOMMENDATION</b> - Grant subject to receipt of SAMMS tariff payment		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Called in by Cllr Valentine as applicant is unable to meet the 50% carbon reduction condition		
<b>WARD</b> Abbey	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Mr Ian Tarrant <b>AGENT</b> Olson Design Group
<b>DECISION DUE DATE</b> 13/11/19	<b>PUBLICITY EXPIRY DATE</b> 28/01/20	

## 1. DESCRIPTION OF SITE

- 1.1 Abbey Road garages are located at the end of Abbey Road within the built confines of Faversham, and within the Faversham conservation area. The site is characterised by a group of garages set around a courtyard type area and accessed from Abbey Road. The site partly lies on the Scheduled Monument site of Faversham Abbey and has open space to the rear.

## 2. PROPOSAL

- 2.1 The application seeks planning permission for the construction of a small oak frame garage/car port with a live/work area provided above under a simple flat roof. The accommodation would provide studio flat accommodation at first floor with a small amenity space to the rear. Two of the garages would need to be used for motorbike storage instead of cars as the construction of this car port would not allow for the movement of cars to use those two garages. A cycle shed would be erected at the rear of the site.
- 2.2 Materials include oak weatherboarding and dark grey aluminium windows and doors, and the new structure will be built partly under the canopy of an existing ash tree, which would be retained.
- 2.3 The application is supported by an Artist's Impression of the proposed works, an Arboricultural Report detailing how the tree on site will be protected, a Structural Engineer's report (suggesting that this lightweight structure should have a concrete raft foundation), and a Heritage Statement which states that being timber framed and using materials to match the existing on site will not harm the conservation area and allow a much needed single dwelling in the built area of Faversham.

## 3. PLANNING CONSTRAINTS

Potential Archaeological Importance

Conservation Area Faversham

## 4. POLICY AND CONSIDERATIONS

#### 4.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies:

ST3 (The Swale Settlement Strategy)  
CP4 (Design)  
DM14 (General development criteria)  
DM16 (Alterations and extensions)  
DM29 (Woodlands, trees and hedges)  
DM33 (Conservation Area)  
DM34 (Scheduled Monuments and archaeological sites)

#### 4.2 Policy DM34 states:

*1. Development will not be permitted which would adversely affect a Scheduled Monument, and/or its setting, as shown on the Proposals Map, or subsequently designated, or any other monument or archaeological site demonstrated as being of equivalent significance to scheduled monuments. Development that may affect the significance of a non-designated heritage asset of less than national significance will require a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.*

*2. Whether they are currently known, or discovered during the Plan period, there will be a preference to preserve important archaeological sites in-situ and to protect their settings. Development that does not achieve acceptable mitigation of adverse archaeological effects will not be permitted.*

*3. Where development is permitted and preservation in-situ is not justified, the applicant will be required to ensure that provision will be made for archaeological excavation and recording, in advance of and/or during development, including the necessary post-excavation study and assessment along with the appropriate deposition of any artefacts in an archaeological archive or museum to be approved by the Borough Council.*

#### 4.3 Supplementary Planning Guidance: 'Conservation Areas'

### 5. LOCAL REPRESENTATIONS

#### 5.1 The Faversham Society has commented:

*" The artist's studio set above an additional garage would not harm the character and appearance of the Conservation Area.*

*However, given its limited size and location, it would be preferable if a personal condition could be recommended. "*

5.2 One local letter of no objection has been received. This suggests that the development is totally compatible with its surroundings

### 6. CONSULTATIONS

6.1 Faversham Town Council has no objection to the scheme. They say that the design and materials are sympathetic and the application has support from neighbours.

6.2 Historic England initially raised concerns about the impact of the development on the Scheduled Monument but after speaking with the applicant their objection was

withdrawn and a Scheduled Monument Consent for the works has been approved by them. They recognise that the County Archaeological Officer is now providing the Council with relevant advice

- 6.3 Natural England – Net increase in residential accommodation within 6km of the SPA, SAMMS payment required
- 6.4 The County Archaeological Officer has no objection to the scheme. The applicant has spoken at length with the County Archaeological Officer and I have been advised that the scheme only requires a standard archaeological works condition, which I have recommended below.
- 6.5 The Council's Tree Consultant raises no objection to the scheme provided the arboricultural recommendations are conditioned.

## **7. BACKGROUND PAPERS AND PLANS**

- 7.1 All plans and documentation relating to application 19/503351/FULL.

## **8. APPRAISAL**

- 8.1 The main consideration in the determination of this application is the affect of the development upon the character and appearance of the conservation area as well as any impacts on visual and residential amenity.
- 8.2 The application site lies within the built confines of Faversham where development is generally considered acceptable, subject to it being of a high standard of design, sitting comfortably within the street scene, and not giving rise to any serious amenity concerns.
- 8.3 Policy DM33 of Bearing Fruits 2031 states that development (including changes of use and the demolition of unlisted buildings or other structures) within, affecting the setting of, or views into or out of a conservation area, should preserve or enhance all features that contribute positively to the areas special character or appearance.
- 8.4 I consider that the design of the building is in keeping with the surroundings and garage buildings on site and takes inspiration from a taller garage at the front of the site. The use of oak weatherboarding works well in this location and would appear to be an additional garage building rather than a residential unit. I am content with the use of dark coloured aluminium windows and doors as the setting of this would work well with the design
- 8.5 The site is extremely sensitive as it is located within the confines of the historic Abbey however both the County Archaeological Officer andr Historic England have raised no objection to the application subject to an archaeological works. The applicant has already applied for and obtained Scheduled Monument Consent.
- 8.6 In terms of residential amenity, the building is located towards the rear of the site and would not create any residential amenity concerns with regards to overlooking or noise. The presence of a resident on site would also be a good crime deterrent and ensure the security of the garages.
- 8.7 The application has been called in however, as the applicant is unable to meet the Council's 50% carbon reduction condition which was introduced at the beginning of the year due to the Council's Climate Emergency Declaration. The applicant initially stated

they were able to achieve just a 17% improvement given the shading from the existing tree (limiting the scope for solar panels) and the obvious constraints on ground disturbance within the Scheduled Monument, but he has been working with the officers to try and achieve a higher figure. The Building Control Officer originally said that an Air Source Heat Pump would bring the percentage a lot higher but after approaching companies I understand that it would be down to the local supplier whether it was suitable or not due to the tree. The applicant has made clear that he is only able to find one supplier who will install the ASHP due to the large tree and he is unable to afford the cost. The applicant has managed to bring the carbon reduction figure up to a 23.56% improvement above Building Regulations and I believe this figure is acceptable in this case, on this very small development. It is deemed that any further enhancements would be unviable on such a small build. I have put this proposal to Councillor Tim Valentine but he has suggested that if the applicant cannot meet the 50% carbon reduction the application needs to be referred to the Planning Committee for determination.

### **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 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 (normally 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.

This payment will need to be secured before planning permission can be granted.

## **9. CONCLUSION**

- 9.1 Overall the proposal would comply with the relevant policies within the local plan and subject to the conditions listed below, would add an additional small residential unit within the built confines of Faversham that would preserve the character and appearance of the area.

- 10. RECOMMENDATION** - GRANT Subject to the following conditions and securing the SAMMS tariff:

### **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) The development shall be carried out in accordance with the following approved plans: 617-04 C, 617-05 C, 617-06 C and 617-08 C.

Reason: In the interests of proper planning and for the avoidance of doubt.

- (3) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- (4) In this condition "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars. Paragraphs i) and ii) below shall have effect until the expiration of 5 years from the date of completion of the development for its permitted use.
- i) No retained tree shall be damaged, cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the accompanying Arboricultural Report (Ref: GRS/TS/TCP/AIA/TPP/49/17) issue date 9th April 2018, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof.
  - ii) If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.
  - iii) The installation of tree protection barriers, the methods of working shall be undertaken in accordance with the Arboricultural Report (Ref: GRS/TS/TCP/AIA/TPP/49/17) issue date 9th April 2018.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- (5) Prior to the relevant works being commenced, details of the proposed external finishing materials shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- (6) Prior to the relevant works being commenced, the following key construction detail drawings shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- i) 1:1 or 1:2 vertical section of the wall and roof plane junction (of the principal building)
  - ii) 1:10 elevation detail and supporting 1:1 or 1:2 vertical and plan sections of the balcony and external stair, and associated railings

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

- (7) Prior to the relevant works being commenced, details of any external vents, flues, guttering, pipework or cabling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- (8) Upon completion, no further development, whether permitted by Classes A, B, 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) or not, shall be carried out.

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

- (9) The dwelling hereby approved shall be constructed and tested to achieve the following measure:

A 23.56% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended);

No development shall take place until details of the measures to be undertaken to secure compliance with this condition have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of promoting energy efficiency and sustainable development.

- (10) The dwelling hereby approved shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

### **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.

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.

