

2.6 REFERENCE NO - 19/500113/FULL		
APPLICATION PROPOSAL Erection of a commercial unit for existing plant hire business (use class B8), creation of separate LPG cylinder and welding gas storage areas and construction of 2.4 metre high perimeter fence and crushed stone hardstanding area with associated staff and visitor car parking and landscaping.		
ADDRESS Abbeyfields 39 Abbeyfields Faversham Kent ME13 8HS		
RECOMMENDATION - Grant subject to conditions and the views of the County Archaeological Officer		
REASON FOR REFERRAL TO COMMITTEE Faversham Town Council Objection		
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Keith Fuller AGENT MS Town Planning Consultancy Services
DECISION DUE DATE 15/07/2020	PUBLICITY EXPIRY DATE 10/07/20	

Relevant Planning History

18/503899/FULL*

Demolition of rear extensions and the erection of a single storey rear extension. Excavation of rear bank side of property, to provide a below ground floor extension (granny annexe) to the existing house. Construction of a pitched roof to existing flat roofed rear extension, as amended and clarified by joinery and landscaping drawings received on 25 September 2018. Approved Decision Date: 16.10.2018

17/501071/FULL*

Change of use and extension to existing engine shed to form new 4 bedroom dwelling house and new associated garage. Approved Decision Date: 29.03.2018

16/508665/LDCEX

Lawful development certificate (Existing) for the following uses;

1. Use for storage of plant, equipment and materials, and maintenance of plant hire equipment within Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) at ground level both in the open and within the existing workshop building and within up to three freestanding shipping containers within the area edged red on the attached plan; and
 2. Use as a dwellinghouse within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) within the area edged blue on the attached plan.
- Approved Decision Date: 14.02.2017

SW/11/0821*

Demolition of existing house and outbuildings. Conversion of existing engine house with extension to form new residential dwelling. Approved Decision Date: 20.02.2012

*Planning approval on site within ownership of applicant but outside of current application site boundary

1. DESCRIPTION OF SITE

- 1.1 This site lies to the north east of Faversham, not far outside the Local Plan defined built up area boundary of the town but in the defined countryside, and within 500m of The Swale SSSI/SPA/Ramsar site. It is a largely open and to some extent overgrown site standing amidst agricultural land, and set at the far end of Abbeyfields, which is a privately maintained and, in places, narrow road which passes residential properties and leads on to the Standard Quay/Iron Wharf areas of the town, as well as to the town's main sewage works. There are varying degrees of density of vegetation along the site boundaries. There are two containers on the site along with a rather dilapidated garage building and a portacabin. A fenced compound area exists in the north west part of the site. Vehicles and various other items are scattered around the site.
- 1.2 Remnants of the site's once central location amidst extensive former brickworks are seen in an isolated detached house and a redundant/derelict engine house/chimney to the west (in the ownership of the applicant) on the final approach to the site. There is a small existing solar farm to the east of the site, but otherwise the site is now quite isolated and rural in character.
- 1.3 Importantly, a Lawful Development Certificate (LDC) was granted for the current application site in 2017 confirming its lawful use for storage of plant, equipment and materials, and maintenance of plant hire equipment within Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) at ground level both in the open and within the existing workshop building and up to three freestanding shipping containers. The lawful storage and maintenance of plant equipment use relates to the applicant's business of plant hire known as Faversham Plant Ltd, currently partially located at Upper Brents, Faversham that has also been operating from the current application site.
- 1.4 The evidence submitted with the LDC application indicated that the storage of plant and equipment and materials, and the incidental maintenance, had been carried on for at least 10 years continuously without planning permission, and without enforcement action having been taken, and was thus lawful. This use was proven across the current application site. The existing workshop building itself appeared to have been erected and used for this purpose and so was judged to be lawful for this use.
- 1.5 Therefore of crucial relevance to this application is the element of the LDC which established the lawful use of the application site for "*the storage and maintenance of plant hire and equipment (within Use Class B8) at ground level both in the open and within the existing workshop building and within up to three freestanding shipping containers within an area at the eastern end of the site*". This lawful use remains an important fall back position for the use of this site, and could result in significant heavy traffic movements being possible without planning control.

2. PROPOSAL

- 2.1 The current application proposes the erection of a new building to house the existing plant hire business (use class B8). This building is to be located to the eastern side of

the site and will be approximately 25m by 10m, with a ridge height of 5.4m and an eaves height of 4.3m. The walls and roof of the new building are to be clad in dark green pre-formed insulated cladding. A roller shutter is provided on the west facing end elevation and further window and door openings around the building, commensurate with its proposed use. On the north elevation six roof lights will provide the unit with natural daylight. The south elevation of the roof will accommodate a bank of solar panels. Internally the building will be open with internal corridors between the proposed racking but with a small mezzanine floor area to provide a separate office for the business and a sales counter and showroom area on the ground floor.

- 2.2 Two fenced compounds will provide separate LPG cylinder and welding gas storage areas to the rear of the main building. The existing lawful workshop will be clad in vertical green steel cladding to match the main building, and a 2.4 metre high green mesh perimeter fence will be erected around the boundary of the site, along with extensive native planting in the form of hedging and individual trees. Top soil and crushed concrete storage is located to the west side of the site, a large grassed area is to be created, with the remainder of the site to be a crushed stone hardstanding area with associated staff and visitor car parking.
- 2.3 The proposals seek to modernise the use of the site, as established by the LDC, with new complimentary development which will enable consolidation of the established commercial plant hire business on the site to operate in a more effective way than at present, and result in additional biodiversity and visual improvements.
- 2.4 The application is supported by a Design and Access Statement which explains that the new building will be served by a small domestic sewage treatment unit within the site located at a distance of a minimum of 15 metres from the new commercial storage building, and that storm drainage for the commercial building will be dealt with via a soakaway facility. In terms of traffic, the applicant has explained that between him and his daughter they do six trips to Upper Brents per day between them as they both live at 39 Abbeyfields; trips which would no longer be required. He has added, that even with their vehicles doing deliveries and collections he does not believe they will exceed 10 to 12 traffic movements per day, which is less than the six movements he and his daughter personally do to Upper Brents, and the three to four daily movements by temporary tenants Gaisford Construction. So, the increase would be negligible especially when considered with the other business and Iron Wharf Boatyard at this end of Abbeyfields

3. PLANNING CONSTRAINTS

Potential Archaeological Importance

The Swale Special Protection Area (SPA and Ramsar site).

The Swale Site of Special Scientific Interest (SSSI)

4. POLICY AND CONSIDERATIONS

- 4.1 Swale Borough Local Plan “Bearing Fruits” 2031 policies ST1 (Delivering sustainable development in Swale), ST2 (Development targets for homes and jobs 2014 - 2031), CP1 (Building a strong, competitive economy), CP4 (Requiring good design), DM3 (The rural economy), DM7 (Vehicle parking), DM14 (General development criteria), DM19 (sustainable design and construction), DM24 (Conserving and enhancing valued landscapes) and DM28 (Biodiversity and geological conservation)

- 4.2 The National Planning Policy Framework (NPPF): Including paragraphs 8 (sustainable development); 11 (the presumption in favour of sustainable development); 80-82 (building a strong, competitive economy); 127 and 130 (good design), 170 (natural and local environment).

5. LOCAL REPRESENTATIONS

- 5.1 The Abbeyfields Residents Association has objected to the application stating they needed to contact Swale Borough Council regarding heavy traffic problems on the road, and that Abbeyfields is not of suitable construction to take the increase in traffic/kind of traffic this plan would bring in. They claim a solicitor had found that *“without doubt that heavy construction vehicles or vehicle carrying construction waste would constitute a public, private and statutory nuisance if brought into this road”*. They refer to documents they have presented to Faversham Town Council including sections from deeds for the residential properties on Abbeyfields which states covenants in which *“owners of properties in this road are not allowed to undertake on their land anything that would cause harm, distress, be an annoyance or interrupt the enjoyment of properties and people in this road”*, which they argue is clearly going to happen if this planning goes ahead. They conclude that *“If Council keep passing plans which has a great impact on Abbeyfields without undertaking a risk assessment or impact study on it, then residents will be taking legal action against Council.”*

- 5.2 Additional comments by the Association and other residents were submitted and are summarised below:

- Abbeyfields is a privately maintained road and is unsuitable for heavy traffic, it is already heavily used by sewage tankers, and lorries going to the boatyard. Users of the road never pay to help maintain it.
- Abbeyfields is its only access route the traffic that this proposal would bring into this road should not be allowed.
- Extensive comment is made regarding the issue of ownership, right of way, damage and liability for repairs on KCC and Swale Borough Council and others on this private unadopted road
- My house cannot take anymore heavy traffic.
- All residents have cracks appearing in their properties from heavy lorry vibration and now someone wants to bring more in
- Residents from the Millfield estate also use Abbeyfields as a cut through
- The sewage treatment plant on site will result in private companies wanting to discharge waste on the site. No change of use has been applied for and no risk assessment has been carried out on this road, properties or surrounding areas
- The loss of trees and ecological habitat
- There has been no mention of an archaeology study on this site due to its close proximity to the oldest roman villa found in Kent

- There would be contamination from previous use and if planning goes ahead there will be contamination from rain run off
- A major disturbance from noise and smells
- Road is used by cyclists and families using the cycle path and would be a danger to their safety and walkers and bird watchers as well as local people
- Overbearing nature of this proposal,
- There would be no planning gain as this business already exists the other side of Faversham on an existing industrial estate.
- The site is and was classed as agricultural and to my knowledge has never applied for change of use.

5.3 Former Cllr Anita Walker commented (in February 2019) that *“residents in Abbeyfields are very concerned as this is an unadopted road, in part owned by the residents, and excessively used by the Sewerage Works, which has already caused numerous deep potholes in the road. This should definitely go to full Planning Committee, and I would request that a survey be made of the actual road to see if it is suitable for heavy vehicles (this being an unadopted road I feel that it may not have been built with the same foundations as main roads).”*

5.4 In response to the representations received, the applicant provided the following comments:

“My family have lived and worked from 39 Abbeyfields for some 30 years, we are very aware of the traffic movements and condition of the main access road.

It is considered that the major damage which has occurred to Abbeyfields is concerned with the use of the road by Southern Water the water authority for the area. As some of the objectors have stated, this is mainly due to the 3 or 4 sewerage lorries per hour weighing some 20+ tons driving to the pumping station together with 2 or 3, artic tankers of 40+ tons per day driving direct to the sewerage works. Iron Wharf Boatyard, Cardox and Faversham Joinery also use this road but not usually with vehicles of this weight. A significant number of the cars use the unadopted Abbeyfields turning down the right hand turn of Cole Road for their access to the Millfields Estate which can also be accessed by Millfield Road.

We already have an established use of the site as referenced by the Lawful Development Certificate for the use of the site granted 14th February 2017 16/508665/LDCEX

This Lawful Development Certificate covers the use of this yard for the storage and maintenance of the plant hire equipment. In addition, prior to the company moving the main retail operation of its business to Brents Yard, the company wholly traded the retail operation from this site within an office in the ground floor extension at the side of the existing C3 residential house. This was in association with the adjoining site to the east which is the subject of the planning application. This does continue and the registered office of Faversham Plant Limited continues to be at 39 Abbeyfields address. This is on the adjoining site to the planning application within the Abbeyfields site owned by the applicant’s company which is the subject of this

planning application. This operation had a similar level of activity as set out for this application. By the nature of the business the majority of business is dealt with by telephone and email correspondence, with a limited number of vehicle movements to the site as set out in the application and outlined below.

In the past we had excavators of up to 20 tons and several JCBs moving from this yard. We took over Faversham Hire Centre six years ago, at Shipyard Estate, Upper Brents. This is now our main rented premises but with only limited storage space, and we still have had to keep the larger equipment at Abbeyfields. We now only run mini diggers and dumpers up to 4 tons and our one lorry is 7.5 tons Gross Vehicle Weight (GVW). On average we have some 7 or 8 vehicle movements per day between our home/yard and the unit at Upper Brents. These movements and the cost of running these additional premises would be negated by building this new unit at our yard, reducing the number of vehicle movements and consolidating our operation to the one site.

The number of customers at Upper Brent's is about 12 to 15 per day and they are all in cars or light goods vehicles. On average, we do 2 or 3 deliveries per day in our 7.5-ton lorry or the 3.5-ton pick-up. Therefore, the number of vehicle movements would only increase very slightly. Neither of our vehicles are heavy goods vehicles. Living at Abbeyfields (adjoining the site) with our registered business office we know and have impressed upon our driver that care and caution must be exercised when driving through the older 20 mph section, or indeed all Abbeyfields.

In our opinion any liability for the continuing maintenance of this unadopted road access to the area needs to involve a commitment from Southern Water who are the major user of the road and other users who use this for access to their various facilities together with the frontages. In our opinion measures should be put in place involving the highway authority to bring this stretch of unadopted road up to an adoptable standard within the parameters of the width of the road which exists at the moment “

6. CONSULTATIONS

6.1 Faversham Town Council objects to the original application stating:

1) Access to the site via Abbeyfields is along a private road. Ownership and responsibility of the road is presently under discussion. The road is in poor condition and already overused by lorries. This proposed development will add to the problems being experienced by residents.

2) The Town Council did not consider the Abbeyfields safe enough at present to cope with additional commercial traffic.

3) The proposed development, commercial activity and associated traffic would increase noise in the vicinity to an unacceptable level

4) The proposed development would raise air pollution in the vicinity.

Following amendments to the scheme and to the additional information provided by the applicant the Town Council's only objection is that they “agreed with Natural England that the outstanding information regarding the significance of impacts on The Swale

Special Protection Area (SPA) and Ramsar site was needed". Members will note below that Natural England now raises no objection to the application based on additional information about the proposed drainage system and the imposition of a planning condition to require its maintenance.

- 6.2 The Environment Agency commented that as they had assessed the application as having a low environmental risk they had no comments to make.
- 6.3 Natural England originally required clarification about the nature of the proposed foul sewage disposal system and mitigation measures required. On receipt of further information they now offer no objection but request a planning condition be attached to the permission to ensure the maintenance of the proposed package treatment plant is secured in perpetuity.
- 6.4 Kent Highways have originally commented that the proposal did not meet the criteria to warrant their involvement. However, following amendments and in the light of local representations, they further commented that there were no immediate plans to adopt the road. In relation to this application they considered it would be hugely disproportionate to expect it to fund the necessary improvements to get Abbeyfields to an adoptable standard. They also noted that the applicant has demonstrated that the increase in vehicle movements as a result of this proposal is negligible, especially compared with the existing use. They advised a condition to limit the number of HGV movements, although acknowledging that compared with the apparent number of HGVs already using the road the level of movements from this development would be minor.
- 6.5 I am awaiting comments from the County Archaeological Officer, which I hope to be able to report to the meeting.
- 6.6 KCC Minerals and Waste Policy Team following consideration of the site and the low likelihood of useable mineral deposits on the site do not object to the proposal
- 6.7 The Council's Environmental Health Manager commented that he had no objections provided the storage of LPG cylinders is in accordance with the relevant gas safety regulations. He considered the proposal seems to represent a significant improvement to what already exists on the site and that the numbers of anticipated extra traffic movements to and from the site seem to be negligible.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Application papers for application 19/500113/FULL and 16/508665/LDCEX

8. APPRAISAL

- 8.1 In terms of the principle of the development, I note that the site is outside the established built up area boundary, within the countryside. However, I also note that this is a site which has a Lawful Development Certificate allowing for the continued storage, repair and maintenance of plant and machinery. The application seeks to provide better covered facilities for the lawful use, and to tidy up the site. I also note that, although Abbeyfields is a privately maintained road, the site is otherwise located off Whitstable Road which provides good transport links around and out of the Borough. However, the site is otherwise isolated from most amenities and is only accessible by private transport. Accordingly, it is not a site where such development would ordinarily

be acceptable in principle, the determining factor here is the lawful use of the site and the environmental benefits of the tidying up of the site and the benefits of the proposed native landscaping.

- 8.2 As such, the site, which is at present extremely untidy and chaotic, would be replaced with an area consisting of a new purpose built building, parking and extensive native boundary landscaping, thus dramatically improving the visual amenity of the area. Additionally via the application and development of the site, in planning terms, it can also be controlled far more effectively than the current existing lawful use of the site.
- 8.3 The proposed unit would provide an additional building specifically for the purposes of the business in association with the existing uses on site. It would also accommodate the small retail element of the business which currently has its customer facing unit in Upper Brents Industrial Park. Evidence has shown that the customer facing branch in Upper Brents has an average of only 5 customers a day. If this level of custom were transferred to the current application site I consider that it would be acceptable in this location.
- 8.4 Taking into account the existing open storage lawful use of the site, the securing and increase of employment by the consolidation of the two branches of this business, together with the visual amenity, biodiversity and landscape benefits I consider that the principle of development is accepted.
- 8.5 The proposed building would be of a simple agricultural design finished in metal sheeting for both the walls and the roofing. It is not an especially tall building and is designed in the manner of most new agricultural buildings, so should sit comfortably in this rural position. The building is modest in size and as such, it is not considered the building would be overly prominent within the site, or when viewed from any public vantage points and would read as an agricultural building in an appropriate setting.
- 8.6 The impact of the building is further mitigated by the native planting proposed around the site boundary to bolster the existing, but somewhat sparse established vegetation. The proposed tree planting along the boundary of the application site will soften the appearance of the site against the adjoining open farm fields
- 8.7 As already mentioned above the site is outside of the building up area and within the open countryside and is an existing operating brownfield site . However, the proposed buildings will be screened from views from the west along Abbeyfields by the Engine Shed building and the residential property of 39 Abbeyfields so will not be viewed as an isolated building. The substantial area of solar farm to the east of the site also provides a context for this site and the mix of land uses here. As such, in this case I am of the view that the design of the proposal and its impact upon visual amenities of this setting is acceptable.
- 8.8 There are no residential properties within close proximity of the application site, apart from the applicant's house -39 Abbeyfields. The proposal would mostly be for a building to be used in connection with the existing use of the site so there is likely to be minimal change in the current situation. The tidying up of the site and the removal of the storage containers portacabin and other "items" will result in a much less cluttered site and the proposed additional native hedge and tree planting will be of benefit for the biodiversity in the area and to screen the site. I have included conditions to protect amenity in the locality such as lighting, working hours and a restriction on large vehicle journeys and

with these in place I do not consider that the proposal would have any impact upon residential amenity

- 8.9 A number of respondents have expressed concerns regarding the potential harmful impact of traffic generated by the proposed development on the amenities of neighbouring residential occupiers and in particular of damage to the road. These comments appear to show a misunderstanding of the current situation which is that the use of the application site is lawful for the storage and maintenance/repair of the plant hire equipment and that the business is currently being run between this site and the Upper Brents retail unit of Faversham Plant Ltd. With the new building and the consolidation of the business from the two current locations there is likely to be a transfer of the current average of 10 vehicle movements a day (based on actual customer visits to the Upper Brents site) and the 3-4 deliveries made from that site to the Abbeyfields site. However, this is mitigated by the average of 6-8 daily vehicle journeys between the two sites currently made by employees, which would cease.
- 8.10 Furthermore, due to the nature of the business the majority of these vehicles are likely to be cars and small commercial vehicles and not HGV's. The applicant confirms that *"On average, we do 2 or 3 deliveries per day in our 7.5-ton lorry or the 3.5-ton pick-up"* from the Upper Brents site and this would not change with the change in site given the already close inter relationship between the two branches of the business.
- 8.11 I appreciate there has been a long history of heavy vehicles using Abbeyfields, seemingly mostly in relation to the Southern Water waste treatment site. However it must also be noted that Abbeyfields leads to a number of other areas and businesses that do also use the road, and that this existing pattern of use is not the result of the proposed development. I further appreciate that the residents close to the access experience the main effects of the use of this road by all manner of vehicles. However, this road is used by many vehicles for many different purposes and the current and future use of the application site is very minimal in the overall picture of the general use of this road.
- 8.12 The road is not adopted and whilst I appreciate the issue of any misuse or damage to the road is distressing to those in the road it is a private legal matter between those who are responsible for the road and those who use it. This matter should not carry significant weight in determination of this application. The sole responsibility for repairs cannot be placed on the potential use by one site/business.
- 8.13 The fact that respondents appear to be unaware that the application site has continued to operate in connection with the plant hire business seems to me indicative of the negligible effect it has had in relation to the traffic issues here. Additionally, given the size and nature of the operation and considering the total number of vehicle journeys currently from each site together with the number combined in the future I am not persuaded that the proposed scheme would result in a significant enough change to the current situation to cause harm sufficient to warrant refusal of the planning application. I have, however, recommended a condition to restrict the number of HGV vehicle movements to and from the site.
- 8.14 I note safety issues are raised as a concern posed by the development, however the situation for cyclists and pedestrians in terms of highway safety remain the same here as in any other situation where a number of forms of transport combine.

- 8.15 The site currently has very limited landscaping, comprising solely of established but sparse, in places, vegetation around the boundary. The proposal will ensure that not only is the site secure with green security fencing but that it will sit within a native hedge. Native trees will supplement those already on site and provide a softening of the site that sits within the open fields around the site.
- 8.16 Inside the site, the elements are arranged to ensure the grassed area is maximised and the planting will screen the lawful activity within the site. Notwithstanding this, I have recommended that a condition be imposed requiring the submission and approval of a detailed landscaping scheme.
- 8.17 The building will be constructed to be BREEAM good or equivalent standard and is to utilise natural light and solar energy to provide its light and energy, this carries weight in the decision making process.
- 8.18 Whilst I consider the objection raised by the Town Council and objectors have been addressed above I do note an objector refers to the “sewage treatment plant” and misunderstands that “private companies will discharge waste on the site”. This is not the case, the “package treatment plant” is solely for the use of the on-site waste (from the single toilet and sink) as they are not connected to the main drainage system. For clarity the details of the system to be used were provided to Natural England who subsequently approved it as an acceptable solution for the building that is not connected to the mains sewerage system.
- 8.19 I note the comments referring to potential previous and future contamination of the site but I am advised that the proposal is too small to receive the attention of the Environment Agency, who considered it to have a low environmental risk.

9. CONCLUSION

- 9.1 National policy states that sustainable development should be approved when it is in accordance with the development plan, unless there are adverse impacts that outweigh any benefits, or are restricted by the NPPF.
- 9.2 The proposed development would accord with the aims and objectives of the Local Plan and the NPPF and would provide additional employment opportunities in the Borough for a business that already has an existing lawful use of the site for the very purpose being applied for here. This fall back position however can continue with no consideration of visual or residential amenity, highway safety and convenience, or environmental/climate change matters. There are clear public benefits of the current application, with a purpose built, environmentally more sensitive building solution on a site which now addresses the visual and residential amenity impacts of their continued presence here, and it will ensure that a local business is able to grow, create more employment and stay within the borough which weighs heavily in its favour.
- 9.3 It is acknowledged that there has been local opposition to the proposal. However, following consideration of national and local plan policy along with the amendments to the scheme and the input of consultees, I consider that the scheme is acceptable. It is therefore recommended that planning permission be granted subject to the conditions as set out below.

Appropriate Assessment under the Conservation of Habitats and Species Regulation 2017

The Appropriate Assessment (AA) have been undertaken without information provided by the applicant.

The site is within 6km south of The Swale Special Protection Area (SPA) which is a European designated site 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.

The proposal therefore has the potential to affect the site's special 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 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. It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site.

The application is for the erection of a commercial unit for an existing plant hire business (use class B8), on the site. Additionally there will be creation of separate LPG cylinder and welding gas storage areas and the construction of 2.4 metre high perimeter fence and crushed stone hardstanding area with associated staff and visitor car parking and landscaping.

The proposed development is within 300m of The Swale SPA, SSSI and Ramsar. These sites are internationally important wetland sites designated predominantly for wetland features such as: birds, invertebrates and vegetation. These interest features rely on a high quality of water and stable water levels. As such development proposals must demonstrate how negative impacts to water quality and water levels are avoided and/or minimised.

In this case the proposed building on the site will be fitted with a toilet and a wash basin and is not connected to the main sewerage system, a package treatment plant has been proposed the details of which have been accepted by Natural England.

We are advised by them that the use of a package treatment plant (PTP) which will discharge into a soakaway is in theory is acceptable, but without correct maintenance there is a risk of water quality impacts to the designated site. The PTP is deemed acceptable as long as the water treatment being provided is sufficient to prevent any negative impacts to designated sites. The PTP should therefore be maintained in perpetuity as this will ensure the long term effectiveness and level of protection for the designated site is not impacted.

Therefore in order to mitigate any potential adverse effects and to make the development acceptable a condition will be added to the planning approval to ensure the maintenance of the package treatment plant is secured in perpetuity.

The proposed development is of a very small scale and, given the mitigation proposed with the condition added to the permission it may be screened out as not having a likelihood of significant effects on the integrity of the SPA.

The Environment Agency were also consulted on the proposal and considered the proposal to be of low environmental risk.

I therefore consider that subject to mitigation, there will be no adverse effect on the integrity of the SPA.

- 10. RECOMMENDATION** – Grant subject to the views of the County Archaeologist and 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) The development hereby approved shall be carried out and maintained in accordance with the following drawings: FPL 1725.00, 02C, 03, 04 and 05,

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 details in the form of British Standards or commercial specifications of the proposed colouring of the cladding, roofing and fencing materials have been submitted to and approved by the Local Planning Authority before the development is commenced. Works shall proceed in accordance with the approved details.

Reason: In the interest of visual amenity.

- (4) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works 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 shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (5) The areas shown on the submitted layout plan FPL1725.02C as vehicle parking and turning space shall be provided before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as

to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- (6) The building hereby approved shall be constructed to BREEAM 'Good' Standard or an equivalent standard.

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

- (7) The package treatment plant specified in the application shall be installed as per the manufacturer's instructions before first use of the premises hereby permitted, and shall be maintained at all times that the premises are in use and connected to it.

Reason: In the interests of the protection of the integrity of The Swale SPA.

- (8) 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.

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

- (9) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (10) All hard and soft landscape works shall be carried out in accordance with the

approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (11) 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.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (12) The use of the premises hereby permitted (other than for unattended storage) shall be restricted to the hours of 0730 hours to 1700 hours on weekdays, 0830 hours to 1230 hours on Saturdays, and shall not take place at any time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of the area

- (13) Not more than five vehicles weighing more than 7.5 tonnes (gross weight) shall be permitted to access the site on any day.

Reasons: In the interests of the amenities of the rural area

- (14) The existing storage containers and portacabin at present located on site shall be removed from the site within three months of the first occupation of any part of the building hereby approved. No further or alternative storage containers or other portable storage units may be stationed on the site at any time.

Reason: In the interests of the amenities of the area, and to avoid potential planning enforcement action.

- (15) Other than that shown on drawing no FPL 1725.02C no external storage of parts, equipment, raw materials or products shall take place within the site.

Reason: In the interests of visual amenity.

- (16) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), and The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) the premises hereby permitted shall not be used other than for storage, and for the hiring out of plant, equipment and machinery and uses ancillary and incidental thereto; and the premises shall not be used for the purposes of a distribution centre or as a sorting office.

Reason; In the interests of the amenities of the area with particular regard to the nature of the road access to the site.

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 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.

