

REFERENCE NO - 14/505307/FULL			
APPLICATION PROPOSAL Construction of 3 dwellings with gardens, landscaping, parking and associated works			
ADDRESS Mombasa Whitstable Road Faversham Kent ME13 8BD			
RECOMMENDATION - Approve			
REASON FOR REFERRAL TO COMMITTEE: Town Council objection; Neighbour objections			
WARD Abbey	PARISH/TOWN COUNCIL Faversham	APPLICANT Mr L Panormo AGENT Mr Michael Calder	
DECISION DUE DATE 16/01/15	PUBLICITY EXPIRY DATE 16/01/15		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/06/1088	Erection of three terraced houses	Approved	09/05/2007
<i>Summarise Reasons</i>			
SW/05/0220	Demolition of existing bungalow	Approved	30/03/2005
<i>Summarise Reasons</i>			

1.0 DESCRIPTION OF SITE

- 1.01 The site is located within the built up area boundary of Faversham, just outside the town centre. The site is located within the Faversham conservation area, and is at present a vacant plot. However, the site previously hosted a bungalow named 'Mombasa', which was granted conservation area consent for demolition under reference SW/05/0220 in 2005.
- 1.02 The site is at present covered in sparse vegetation. It fronts directly onto Whitstable Road, and is roughly rectangular in shape. It is surrounded on three sides by existing structures; to the west is part of the adjacent retirement homes scheme, part of a complex of sheltered housing, and to the east is St Saviour's Church, a grade II Listed 'tin church'.

2.0 PROPOSAL

- 2.01 The proposal is for the construction of a trio of three bedroom houses. They would front onto Whitstable Road, facing the park opposite. The houses would be on three floors, with high gables, thus making them two and a half storeys in height. Each property would be served by a private garden, and off-road parking for five cars in total. Vehicle access would be from the rear of the site,

via Cyprus Road. The parking area would be screened from Whitstable Road by landscaping.

- 2.02 The properties would be of a Victorian villa design, with high gable fronts. They would be finished in traditional materials suitable for use within the conservation area.
- 2.03 The application is accompanied by a Design and Access Statement, a Planning Statement and a Heritage Impact Assessment. These together explain the complex and meticulous design process which has been followed in order to arrive at a scheme which is sympathetic to the character and appearance of the conservation Area and the setting of the adjacent listed building. The documents further explain how the proposal is in accordance with national and local planning policy.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Approximate Ridge Height (m)		10.5	
Approximate Eaves Height (m)		5.5 to 9.5 (gable)	
Approximate Depth (m)		10	
Approximate Width (m)		15.2	
No. of Storeys		2.5	
Net Floor Area (sq m)		425.33	
Parking Spaces		5	
No. of Residential Units		3	
No. of Affordable Units		None	

4.0 PLANNING CONSTRAINTS

Archaeological Importance

Conservation Area Faversham

Environment Agency Flood Zone 2

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Swale Borough Local Plan 2008: Policies E1, E14, E15, E19, T3 and H2.

6.0 LOCAL REPRESENTATIONS

Four letters and emails of objection have been received from local residents. The comments contained therein may be summarised as follows:

- If the proposal is approved, I will no longer have a view of the park; only rooftops
- Plot is too small for three houses
- 'Please consider fewer properties and of reduced height'
- No objections to proposal, only the access
- Access is adjacent to my property. Vehicle movements, particularly during construction, will damage my foundations. My property is a grade II listed building.
- 'Who will I be able to sue for compensation when this happens, and it will? You in planning, perhaps, for allowing this stupidity to go ahead?'
- Disturbance from music in passing cars.
- Church House cares for vulnerable people. Problems of access for emergency vehicles.
- Why cannot the access be from the road?
- Loss of privacy
- Loss of sun to my flat and my garden
- Light is important to my health and wellbeing

7.0 CONSULTATIONS

- 7.01 Faversham Town Council raises objection to the proposal, noting that '*The proposed new building would be out of scale with the neighbouring building and would have an adverse impact on the character of the conservation area.*'
- 7.02 The County Archaeological Officer raises no objection, subject to conditions.
- 7.03 The Environmental Health Manager raises no objection, subject to conditions.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 Application papers and drawings referring to applications 14/505307 and SW/06/1088

9.0 APPRAISAL

- 9.01 In this case, the main issues for consideration appear to be the effect on the conservation area and the adjacent listed building, and the effect on residential amenity.
- 9.02 In terms of design, and the proposed building's effect on the character and appearance of the conservation area, I am of the opinion that the proposed building is well-designed and thought out, following discussions with Officers. The Victorian style high gables are reminiscent of those found on the almshouses in South Road, and the use of traditional finishes and materials will further create a building of good and sympathetic design.
- 9.03 A prime consideration in determining this application is the Council's statutory duty "*to have special regard to the desirability of preserving the setting of the*

listed building” (s.16(2) and 66(1) of the P(LB&CA) Act 1990) and “*that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of the conservation area*” (s.72 of the Act).

- 9.04 This is a sensitive site because of its location within Faversham conservation area and its close proximity to the grade II listed St Saviours Chapel. The site remained undeveloped until the mid C20th when the bungalow “Mombasa” was built. The bungalow was a negative feature which detracted from the setting of the listed building and the character of the conservation area so the opportunity to see the site developed is positive.
- 9.05 The site’s context within the conservation area is all important in terms of scale, form and materials. Buildings on Whitstable Road are typically traditional 2-storey or 2 and a half-storey terraced houses. Some taller buildings and some gabled elevations add interest and articulation to the street scene. Materials are predominantly yellow stock brick with red brick dressings and slate or tile roofs.
- 9.06 The proposed design responds well to its architectural context. The massing and siting of the building (set back from the pavement and set away from the listed building) are appropriate. The use of yellow and red stock brick is an obvious choice which helps to reinforce local distinctiveness. The gabled elevation adds a distinctness and quality to the traditional design concept. I am aware that there is some concern about the architectural impact and scale of the gabled frontages but gables are not uncommon in Faversham’s Victorian suburbs or on Whitstable Road and they do provide interest and character to the proposals. The height of the building does not worry me in this context. The elevations are well composed and the proportion and disposition of the various architectural elements is well executed.
- 9.07 I am not of the opinion that the height of the building would be detrimental to its immediate surroundings. Whitstable Road hosts an eclectic mix of building styles, with a number of nearby properties having rooms in the roof via dormers. The present design, with its Victorian styled gables, allows for living space in the roof without the need for dormers. The height would be only 1.1 metres taller than the adjacent buildings, and I am of the opinion that such a small increase in height will have no detrimental impact on either the appearance of the conservation area or the setting of the listed building.
- 9.08 With regard to the impact on the setting of the listed tin church, I note that the proposed building would be situated nearly nine metres away from the western flank wall of the church, which should therefore have a fairly minimal effect on its setting.
- 9.09 Furthermore, the clearance of this rather unsightly land will further improve both the appearance of the conservation area and the setting of the listed building.

- 9.10 With reference to residential amenity, the issues raised by local residents are those of access, loss of privacy and loss of views. It has been suggested that the proposed access should be to the front, not the back. I am of the opinion that to have the access to the front would impose an urban and modern appearance on a design which is sympathetic to the area. I would also suggest that to have a separate access from Whitstable Road so near to the junction of Cypress Road would create safety issues, with little scope for effective sight lines. I also note that Kent Highways Services raise no objection to the present proposals.
- 9.11 Regarding the issue of loss of privacy, the rear elevations of the proposed properties would be at least 13 metres from the flank elevation of Church House, and due to the angles of sight, there are unlikely to be any new issues of overlooking to Park View Lodge.
- 9.12 I note the concerns raised by a neighbour regarding potential damage to the foundations of his property, but this eventuality, if it occurs, would be a private legal matter, not a planning matter.

10.0 CONCLUSION

- 10.01 To conclude, whilst I acknowledge the concerns of the Town Council and local residents, I consider the proposal to be in accordance with local and national policy, and I therefore recommend that the application be approved.

11.0 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.

Reasons: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 Subject to Condition 3 below, the development hereby approved shall be carried out in complete accordance with drawings PB328/111 Rev C and PB328/110 Rev D.

Reasons: For the avoidance of doubt and in the interests of proper planning.

Pre-Commencement Conditions

- 3 Notwithstanding the drawings submitted, the step in the gable shown on the east and west elevations shall be omitted from the final scheme.

Reasons: In the interests of visual amenity.

- 4 Before the development hereby permitted is commenced, samples of all facing materials to be used in the development shall be submitted to and approved in

writing by the Local Planning Authority. The development shall then be carried out in complete accordance with these approved details.

Reasons: In the interests of visual amenity.

5 Before the development hereby permitted is commenced, a 1 metre square panel of brickwork and mortar, to be laid in Flemish bond, shall be constructed on site; inspected on site and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with these approved details.

Reasons: In the interests of visual amenity.

6 Notwithstanding the drawings and details submitted, before the development hereby permitted is commenced detailed drawings of all external joinery and finishes thereto at two scales 1:20 and 1:2 or 1:1, also showing the relationship of the windows to the brickwork at head, cill and jamb, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with these approved details.

Reasons: In the interests of visual amenity.

7 Before the development hereby permitted is commenced detailed constructional drawings of the eaves and verges; gauged brick arches; bargeboards; and front railings, at a scale of 1:5, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with these approved details.

Reasons: In the interests of visual amenity.

8 Before the development hereby permitted is commenced detailed drawings of the front wall and railings, at a scale of 1:10, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with these approved details.

Reasons: In the interests of visual amenity.

9 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

Reasons: In order to ensure sustainable development.

10 No development 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 planting schedules of plants, noting species, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reasons: In the interest of visual amenity.

11 No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority, comprising:

- a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be submitted to and approved in writing by the Local Planning Authority prior to any intrusive investigations commencing on site.
- b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

Reasons: To ensure any contaminated land is adequately dealt with.

12 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 in writing by the Local Planning Authority.

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

During Construction Conditions

13 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.

Reasons: In the interests of residential amenity.

14 No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor on any other day except between the following times :-

Monday to Friday 0900 - 1700 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reasons : In the interests of residential amenity.

15 The commencement of the development shall not take place until a programme for the suppression of dust during the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority.

Reasons : In the interests of residential amenity.

16 As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway.

Reasons: In the interests of amenity and road safety.

Post Commencement Conditions

17 All rainwater goods shall be of cast iron.

Reasons: In the interests of visual amenity.

18 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.

Grounds: In the interest of visual amenity.

19 Upon completion of the approved landscaping scheme, any trees or shrubs 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.

Reasons: In the interest of visual amenity.

20 The areas marked on the approved drawing as parking spaces shall be reserved for vehicle parking at all times, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order), shall

be carried out on that area of land or in such a position as to preclude vehicular access to these areas.

Reasons: In the interest of highway safety and amenity.

21 Upon completion, no further enlargement of the new dwellings whether permitted by Class A of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out.

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

22 Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

Reasons: To ensure any contaminated land is adequately dealt with

23 Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted to the Local Planning Authority which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reasons: To ensure any contaminated land is adequately dealt with.

24 No dwelling shall be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for 3 cycles per dwelling to be securely parked under cover.

Reasons: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety.

Council's approach to this application

The Council recognises the advice in paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) and seeks to work with applicants in a positive and proactive manner by offering a pre-application advice service; having a duty planner 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 amendments were sought in relation to design matters and the application was approved.

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.