

2.2 REFERENCE NO - 21/504219/FULL		
APPLICATION PROPOSAL		
Section 73 - Application for minor material amendment to approved plans conditions 1 and 2 (to allow alterations to the internal layouts, elevations and materials of plots 1-7) pursuant to 20/505833/FULL for - Section 73 - Application for Minor Material Amendment to approved plans condition 2 (amendments to plot 1, including raising ridge height, removal of hip end and erection of 4no. dormer windows to garage roof, changes to garage door and additional window in rear elevation of garage, and site layout plan, replacing parking barns with open parking spaces) and Variation of condition 21 (to remove reference to parking barn) pursuant to 17/506294/FULL for - demolition of existing agricultural buildings and erection of 8 no. three and four bedroom detached and semi-detached dwellings with associated garages, parking, landscaping and improvement of existing vehicular access.		
ADDRESS Scocles Farm Phase 1 Scocles Road Minster-on-sea Sheerness Kent ME12 3RU		
RECOMMENDATION Grant subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The changes to the approved drawings do not cause significant harm to visual amenities or the setting of the listed building.		
REASON FOR REFERRAL TO COMMITTEE		
Parish Council objection		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr Michael Withers AGENT Penshurst Planning Ltd
DECISION DUE DATE 28/09/21		PUBLICITY EXPIRY DATE 16/09/21

Planning History**21/504250/FULL**

Section 73 - Application for minor material amendment to condition 2 (to allow alterations to the internal layouts, elevations and materials of Plots 8 and 9) and variation of condition 8 (external finishing materials) pursuant to 18/506573/FULL for - Erection of a pair of semi-detached dwellings as replacement for the dwelling permitted on Plot 8 of planning permission 17/506294 granted on 2nd July 2018, with associated parking and landscaping.
Pending Consideration Decision Date:

20/505833/FULL

Section 73 - Application for Minor Material Amendment to approved plans condition 2 (amendments to plot 1, including raising ridge height, removal of hip end and erection of 4no. dormer windows to garage roof, changes to garage door and additional window in rear elevation of garage, and site layout plan, replacing parking barns with open parking spaces) and Variation of condition 21 (to remove reference to parking barn) pursuant to 17/506294/FULL for - demolition of existing agricultural buildings and erection of 8 no. three and four bedroom detached and semi-detached dwellings with associated garages, parking, landscaping and improvement of existing vehicular access.
Approved Decision Date: 12.02.2021

20/505633/SUB

Submission of details pursuant to condition 5 (archaeology), condition 6 (contaminated land assessment) and condition 13 (closure report) of application 17/506294/FULL.

Approved Decision Date: 01.02.2021

20/505190/NMAMD

Non Material Amendment Being alterations to garage of Plot 1 and replacement of parking barns (Plots 2-7) with open parking and enhanced landscaping. Please see covering letter for more details. Subject to 17/506294/FULL

Withdrawn

20/504638/SUB

Submission of Details to Discharge Condition 3 (Construction Method Statement) Condition 4 (Precautionary Ecological Mitigation and Enhancement Strategy) Condition 5 (Archaeology) Condition 6 (Contaminated Land Assessment) Condition 7 (Maintenance and Management of Any SUDS Features) Condition 8 (Materials) Condition 9 (Hard and Soft Landscaping) Condition 13 (Closure Report) and Condition 19 (Road Layouts) Subject to 18/506573/FULL
Pending Consideration

19/504508/SUB

Submission of details application pursuant to Conditions 5 (archaeology), 8 (external finishing), 9 (Landscaping), & 19 (Roads, footways, paths, streetlighting) of application 17/506294/FULL.

Split – part permitted, part refused Decision Date: 04.12.2019

19/502293/SUB

Submission of details in relation to condition 4 (Ecology), condition 6 (Contamination) and condition 7 (Scheme for long term maintenance and management of SUDS and site drainage) in relation to planning permission 17/506294/FULL and 18/506573/FULL.

Split – part permitted, part refused Decision Date: 08.07.2019

18/506573/FULL

Erection of a pair of semi-detached dwellings as replacement for the dwelling permitted on Plot 8 of planning permission 17/506294 granted on 2nd July 2018, with associated parking and landscaping.

Approved Decision Date: 07.03.2019

18/504780/SUB

Submission of Details to Discharge Condition 3 (Construction Method Statement) and Condition 4 (Ecological Mitigation Strategy) Subject to 17/506294/FULL.

Split – part permitted, part refused Decision Date: 29.10.2018

17/506294/FULL

Demolition of existing agricultural buildings and erection of 8no. three and four bedroom detached and semi-detached dwellings with associated garages, parking, landscaping and improvement of existing vehicular access.

Approved Decision Date: 02.07.2018

SW/12/1311

Redevelopment of existing redundant farm building including elements of demolition - redevelopment proposals to provide mixed residential development for a total of 19 No. Mixed dwellings of 2 storey and single storey construction together with their associated garages and parking barns and improvement of existing vehicular access.

Approved Decision Date: 05.01.2015 Unimplemented

1. DESCRIPTION OF SITE

- 1.1 The application site consists of land that previously formed the southern half of the property known as Scocles Farm, which is situated on Scocles Road, Minster. It is bordered to the south and west by the housing development at Thistle Hill, to the north by the other half of the farm (with Scocles Court (which is Grade II listed) beyond), and to the east by Scocles Road beyond which lies open farmland. Application 19/504831/FULL granted permission for the erection of eleven dwellings on land immediately north of the site in June 2021. This permission has not yet been implemented, and will form phase 2 of the Scocles Farm development.
- 1.2 The site previously housed large, modern, open-sided storage barns, with further brick-built agricultural buildings on the land to the north. The farm ceased operation a number of years ago and the land lay dormant.
- 1.3 The application site benefits from planning permission under 17/506294/FULL for the erection of 8 dwellings on the site. Planning permission was further granted under 18/506573/FULL to amend the approved scheme, providing a pair of semi-detached houses instead of a single detached dwelling on one of the plots, taking the total number of dwellings on the site from 8 to 9. A minor material amendment application was submitted (ref. 20/505833/FULL) to remove the proposed car barns on the site and make changes to plot 1, including the conversion of the garage roof to habitable space. The dwellings are essentially completed (albeit not as per the approved plans, as is set out in the next section), and other works are ongoing within the site and adjacent to Scocles Road
- 1.4 A number of submission of details applications have been submitted to discharge conditions on both applications. All conditions on 17/506294/FULL have been discharged, whilst there are still some outstanding conditions on 18/506573/FULL, which are subject to a current application under 20/504638/SUB.

2. PROPOSAL

- 2.1 This application seeks permission retrospectively to vary conditions (1) and (2) on application 20/505833/FULL –

(1) No development shall take place other than in accordance with the following drawings: 17.35-PL1-WD.01B, 17.35-PL1-WD.02C, 17.35-PL1-WD.03A, 17.35.PL4000A, 17.35.SK 11C, 17.35.SK 13B, 17.35.SK 14B, 17.35.SK 15B, 17.35.SK 16C, 17.35.SK 17C, 17.35.SK 18 and 17.35.SK 25.

Reason: For the avoidance of doubt.

(2) The development hereby permitted shall be carried out in accordance with the details submitted and approved under 18/504780/SUB, 19/502293/SUB, 19/504508/SUB and 20/505633/SUB (condition 3: construction method statement, condition 4: ecology, condition 5: archaeology, condition 6: contaminated land, condition 7: SUDS, condition 8: external finishing materials, condition 9: hard and soft

landscaping, condition 13: closure report and condition 19: road layouts).

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

- 2.2 This application has been submitted to seek retrospective planning permission for various changes to the internal layout, elevations and finishing materials of the dwellings as minor material amendments to the approved scheme. These changes are set out in detail below:

Roof alterations

- 2.3 The hip ends on the main roof of Plot 1 have not been constructed, so the property has a conventional gable roof.

Windows, doors and detailing

- 2.4 All windows in the development are white UPVC rather than the woodgrain effect Irish Oak windows which were approved. They are also less ornate in design. The first floor bay window and associated detailing have been replaced with a simpler gable feature on Plots 2 - 7.
- 2.5 On Plot 1, a window has been removed from the utility room on the ground floor and the remaining window in the utility has been increased in height. The rear door has been moved slightly.
- 2.6 The rear bi-fold doors on Plots 2 – 7 have been replaced with sliding doors of a smaller width.
- 2.7 The front door types originally approved for the dwellings were the Solidor ‘Nottingham’ and ‘Stafford’ finished in woodgrain effect Irish Oak. However, since the window finish was not in woodgrain effect Irish Oak, a number of other door designs (in red and black) were used from the Solidor composite door range.

Porch details

- 2.8 The porch detail to Plot 1 has been varied through a more simplified design using oak timbers. The other porch canopies have also been simplified and comprise sloping tiled roof with a boarded gable front to Plots 4 and 5, while Plots 2, 3, 6 and 7 have a simple flat roof canopy.

Materials

- 2.9 Chesham Red Multi Stock brick has been used on the elevations of Plots 1 -7 instead of a brick plinth with white render above. Hardieplank cladding in colour ‘Sailcloth’ has been used on the upper floor of Plot 1 instead of the approved tile hanging. Plots 2, 3, 6 and 7 also have Sailcloth’ Hardieplank cladding to the upper elevations, instead of the approved ‘Cedar style’ Hardieplank cladding.

- 2.10 The changes are probably best summarised as departing from the more intricate architectural and traditional design features as previously approved to simpler finishes and designs.

Other Matters

- 2.11 During the course of this application, it became clear that the approved soft landscaping scheme at the site had not been implemented. The fence line along Scocles Road was also constructed in the wrong position and the footpath to the side of plot 1 had not been provided. These matters were raised with the applicant, who has since carried out the soft landscaping at the site, began relocating the fence line to the correct position and has confirmed that the footpath along Plot 1 will be constructed. I visited the site prior to reporting this application to Planning Committee and can confirm that soft landscaping has been implemented at the site, and the works to the relocated fence line are almost complete. The footpath along Scocles Road is under construction and although works to the footpath to the side of Plot 1 have not yet begun, the fence line to the side of Plot 1 has been relocated to create space for the footpath. I will ensure that our Planning Enforcement team monitor these works to ensure compliance.
- 2.12 Members will note that a further application at the site (21/504250/FULL) is being reported to this committee. This seeks to amend conditions 2 and 8 of application 18/506573/FULL, which relates specifically to amendments to the design of plots 8 and 9 at the site (and which were subject to a separate planning permission) . In practical terms, the changes are of the same essence as this application.

3. PLANNING CONSTRAINTS

- 3.1 Potential Archaeological Importance
- 3.2 Grade II listed Scocles Court lies approximately 50m to the north east of the site.

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- 4.2 Development Plan: Policies ST1, ST2, ST3, ST6, CP3, CP4, DM7, DM14, DM19, DM21, DM28 and DM32 of Bearing Fruits 2031: The Swale Borough Local Plan 2017
- 4.3 Supplementary Planning Guidance (SPG): 'Listed Buildings'

5. LOCAL REPRESENTATIONS

- 5.1 Minster Parish Council object to the application, providing the following comments:

"Minster-on-Sea Parish Council strongly believes that the original design was more consistent with the character of the area and that it complimented the historic building and setting. This proposal does nothing to conform to the plans as originally

submitted.”

6. CONSULTATIONS

6.1 Natural England – No comments.

6.2 Environmental Health – *“Having considered the minor material amendments applied for I am satisfied that none have any bearing on this department’s original consultations responses to the planning applications referred to and I have therefore no further comment to make.”*

7. BACKGROUND PAPERS AND PLANS

7.1 Plans and documents associated with applications 21/504219/FULL, 20/505833/FULL and 17/506294/FULL.

8. APPRAISAL

8.1 This is an application for a minor material amendment to the scheme originally approved under 17/506294/FULL. Government advice states that a minor material amendment is likely to include an amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. The scheme remains as a development for 8 dwellings in the same location and of the same scale as previously approved. I am satisfied that the development remains essentially of the same nature as approved as an 8-dwelling development. The principle of the development has been permitted, and only the impact of the amendments specifically set out in the proposal section above can be considered as part of this application.

8.2 The agent has provided a supporting statement setting out that the changes to the approved scheme were implemented at the site for a number of reasons, including supply issues when obtaining materials and a desire for the development to blend in with the adjacent Thistle Hill development. Whilst these are noted, the developer has proceeded to construct the development in a different design and in the full knowledge that it did not conform to the approved plans.

8.3 Dealing first with impacts on residential amenity, I note that the dwellings have been constructed to the same scale and positioning as the approved scheme, and whilst the window design has changed, the openings remain in the same locations on the dwellings. As such, I do not consider the changes to the external design of the dwellings or materials have any harmful impacts to neighbouring amenities.

8.4 The key issue is whether the simplified and plainer elevations of the dwellings as built are of sufficient design quality and are visually acceptable taking into account the character and appearance of the surrounding area, including the relationship with the listed building to the north. The Council has a statutory duty to have special regard to the desirability of preserving listed buildings, their setting and any features of interest which are present.

- 8.5 In terms of the general character of the area, the development is sited immediately adjacent to modern dwellings constructed as part of the wider Thistle Hill development. As with the application site, these dwellings do not have front elevations that face directly onto Scocles Road, and instead face either side-on to the road or have rear elevations and gardens facing the road. Those existing dwellings immediately to the south of the application site have simple and plain elevations and are plainly visible from Scocles Road. The Thistle Hill development also extends to the west of the site with dwellings of similar appearance. In my opinion, the dwellings subject to this application have a similar appearance to these existing dwellings, although I would suggest that the brick finish to the dwellings on the application site is of superior appearance. Elements of other design features, including first floor cladding and small gable features add further interest to the new dwellings in comparison to those to the south and west.
- 8.6 Whilst the development is, in comparison, undoubtedly of less design quality than the approved scheme, I am of the opinion that the dwellings as constructed are in keeping with and in some ways superior in design and appearance to those immediately surrounding the site and in this respect the development is acceptable.
- 8.7 Turning to the impact on the setting of the listed building, Scocles Court is a Grade II listed farmhouse building dating to the 18th Century, it is accepted that the setting of the building has been eroded by the existing surrounding development, and that the proposed development would further suburbanise the area around the listed building.
- 8.8 The application site is located approximately 50 metres from the listed building, and there is currently intervisibility between the new development and listed building along Scocles Road, albeit that this also includes other surrounding residential development in the background. A high quality residential development to the north of the listed building has been constructed in a rural vernacular. It is also important to note that permission has been granted (19/504831/FULL) for a development of 11 dwellings on the parcel of land between the application site and the listed building. This includes a barn conversion and a new parking barn in close proximity to the listed building, and the erection of new dwellings which include a number of traditional design features, although I would suggest these are not to the level of detailing that was previously approved on the application site. When this development is built, it is unlikely that intervisibility would exist to any material degree between the application site and the listed building.
- 8.9 It is considered that the development would result in less than substantial harm to the setting of the listed building. When the adjacent development is built, I would suggest that any remaining harm on the setting would be minimal to no harm. Whilst any harm to a heritage asset should be given strong weight in the decision-making process (in accordance with S66 of the TCP Act), I consider the main impact to be the presence of residential built form within the setting of the farmhouse, with a linked issue to this being the detailed design of such built form. The principle of residential built form on this site has already been permitted, and I do not consider the harm caused by the simplification of the design to be sufficient to warrant refusal, taking into account the public benefits of the development in providing new housing. I have reached this view taking into account the distance of the site from the listed building and intervening development permitted.

- 8.10 Whilst the design quality of the development is reduced from that as approved, I do not consider that the development is sufficiently harmful to warrant refusal or capable of being sustained at an appeal – which would inevitably follow if this application was refused.

9. CONCLUSION

- 9.1 The changes to the design of the dwellings does represent a decrease in quality when compared to the approved scheme, however taking into account the surrounding built form in the Thistle Hill development to the south and west, the dwellings do not appear out of character in the streetscene in my view. The impact to the setting of the listed building is not considered to be sufficiently harmful when taking into account the separation distance and approved development of eleven dwellings between the site and the heritage asset. As such, I consider retrospective planning permission should be granted and that a new decision be issued re-stating all of the planning conditions imposed on application 20/505833/FULL. Conditions 1 and 2 have been amended to refer to the amended plans and to remove reference to the approved external materials.

10. RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

1. No development shall take place other than in accordance with the following drawings:
17.35-PL-AMD-01, 17.35-PL-AMD-02, 17.35-PL-AMD-03 and 17.35-PL4000A.

Reason: For the avoidance of doubt.

1. The development hereby permitted shall be carried out in accordance with the details submitted and approved under 18/504780/SUB, 19/502293/SUB, 19/504508/SUB and 20/505633/SUB (condition 3: construction method statement, condition 4: ecology, condition 5: archaeology, condition 6: contaminated land, condition 7: SUDS, condition 9: hard and soft landscaping, condition 13: closure report and condition 19: road layouts).

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

2. 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.

3. 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.

4. 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.

5. 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 District Planning Authority.

Reason: To ensure any land contamination is adequately dealt with.

6. Before the dwellings hereby approved are first occupied, the footway link shown on drawing 17.35.PL4000A shall be constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and local amenity.

7. Adequate underground ducts shall be installed before any of the buildings hereby permitted are occupied to enable telephone services and electrical services to be connected to any premises within the application site without resource to the erection of distribution poles and overhead lines, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no distribution pole or overhead line shall be erected other than with the express consent of the Local Planning Authority.

Reason: In the interests of residential amenity.

8. The access details shown on the approved plans shall be completed prior to the occupation of any buildings hereby approved, and the access shall thereafter be maintained.

Reason: In the interests of highway safety.

9. Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the access footway level shall be provided at each private vehicular access prior to it being brought into use and shall be subsequently maintained.

Reason: In the interests of highway safety.

10. Before the first occupation of a dwelling / premises the following works between that dwelling / premises and the adopted highway shall be completed as follows:

- (A) Footways and/or footpaths shall be completed, with the exception of the wearing course;
- (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
 - (1) highway drainage, including off-site works,
 - (2) junction visibility splays,
 - (3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

11. The car parking spaces shown on drawing 17.35.PL4000A shall be kept available at all times for the parking of vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwellings hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

12. Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway.

Reason: In the interests of visual amenity.

13. Notwithstanding the provisions of Class A, Part 1, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the flank wall of unit no.7 as shown on the approved layout plan.

Reason: To prevent the overlooking of adjoining properties and to safeguard the privacy of their occupiers.

INFORMATIVES

- (1) This application only proposes amendments to the external materials, design and internal layout of the properties, and should therefore be read in conjunction with approved applications 17/506294/FULL and 20/505833/FULL.
- (2) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>
- (3) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in

order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highwayland/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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.

