

PLANNING COMMITTEE – 7 APRIL 2022**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 22/500014/FULL		
APPLICATION PROPOSAL		
Section 73 - Application for minor material amendment to condition 2 (to allow alterations to the design and position of unit 5) pursuant to 15/501089/FULL for - Demolition of existing commercial buildings, removal of the existing hard surface areas and the erection of 5 no dwellings with amenity space, paddocks, parking, access and landscaping as amended by drawings received 1st June 2015.		
ADDRESS Moons Of Selling Ltd Grove Road Selling Faversham Kent ME13 9RR		
RECOMMENDATION - Grant		
REASON FOR REFERRAL TO COMMITTEE		
Parish Council objection		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Selling	APPLICANT Mr Clarke AGENT Luke Strange Architecture
DECISION DUE DATE 10/03/22	PUBLICITY EXPIRY DATE 11/02/22	

Planning History

18/505145/SUB

Submission of Details to Discharge condition 3 (Samples of all new facing materials and details of all external finishes) Condition 4 (Joinery) Condition 5 (Manufacturers Details of Rooflights) Condition 6 (Hard and Soft Landscaping) Condition 8 (Dust Suppression programme) Condition 10 (Site Details of Parking) Conditions 12 of planning permission 15/501089/FULL
Approved Decision Date: 20.12.2018

15/501089/FULL

Demolition of existing commercial buildings, removal of the existing hard surface areas and the erection of 5 no dwellings with amenity space, paddocks, parking, access and landscaping as amended by drawings received 1st June 2015.
Approved Decision Date: 07.12.2015

SW/12/0673

Lawful Development Certificate application for use of land and buildings as an agricultural contractors depot involving parking, storage & maintenance of vehicles and plant, open storage for materials, use of buildings A, B and C for vending machine business, paint storage and carpentry

respectively, all with related parking of vehicles, with siting of mobile home used residentially for security staff (Existing)

Approved Decision Date: 27.06.2012

SW/12/0038

Lawful Development Certificate for the existing use as offices, workshops, storage transport depot & plant depot (Existing)

Refused Decision Date: 14.03.2012

1. DESCRIPTION OF SITE

- 1.1 This site was for many years used for commercial purposes for a mixed use including as a base for HGV's involved in road surfacing and civil engineering, as confirmed by the Council granting of a Lawful Development Certificate in 2012. The overall site covers an area of approximately 2.4 hectares and the site is generally flat and is not located within an area at risk of flooding.
- 1.2 The site is located outside of any Local Plan defined built up area boundary and within the Kent Downs Area of Outstanding Natural Beauty (AONB) on Grove Road, Selling, a narrow designated rural lane. It is located to the south of Selling village and approximately 4km south of the M2 junction with the A2. The site is set back from Grove Road behind properties which front Grove Road. As such, the site is relatively well screened along the northern boundary towards Grove Road as well as from wider reaching views. There is existing good screening to the north west boundary. The existing access is provided from Grove Road but will approach roads to the site are very narrow lanes not suited to use by HGV's.
- 1.3 Full planning permission 15/501089/FULL was granted in 2015 for the erection of five new detached houses allied to the extinguishment of the lawful commercial use of the site. Work is underway on some of these properties pursuant to the planning permission and to the condition matters that were approved in 2018.

2. PROPOSAL

- 2.1 The current application seeks planning permission for an alternative design and orientation for the house on plot 5 via a minor material amendment to condition 2 (to allow the approval of alternative drawings) pursuant to the 2015 planning permission.
- 2.2 This proposal would amend the approved drawings to allow the position of the new dwelling on plot 5 to be reorientated to have a slightly more southerly rear aspect. The design will see a front central projection and the introduction of two dormer windows over the garage wing, along with the removal of two dormer windows on the rear projection and the insertion of a rooflight. The rear elevation will remain relatively unchanged save for the introduction of a glazed balcony.
- 2.3 The agent has confirmed that *'design wise, my clients wish to use a farm style aesthetic for the building to ensure the proposal will blend in senselessly with the other approved dwellings. The use of the same approved roof tiles will further ensure a continuation within the development'*.

3. PLANNING CONSTRAINTS

- 3.1 Area of Outstanding Natural Beauty KENT DOWNS

4. POLICY AND CONSIDERATIONS

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

CP4 Requiring good design

ST3 The Swale settlement strategy

DM7 Vehicle parking

DM14 General development criteria

DM19 Sustainable design and construction

DM21 Water, flooding and drainage

DM24 Conserving and enhancing valued landscapes

DM26 Rural Lanes

5. LOCAL REPRESENTATIONS

- 5.1 Four letters of support from neighbours have been received which include the following points:

As perhaps the nearest neighbour to this development I would like to state that I have reviewed the recent minor amendment- and see no reason for rejection of what is being proposed.

Indeed further delay in completing the development is to the detriment of the area, aesthetics of the countryside and wellbeing of those living nearby.

We want this work approved and completed in a timely manner avoiding any further unnecessary delay.

No one from the Parish Council has spoken to me or any of my neighbours. I would be happy to meet with them if requested to clarify any misplaced objection they may have.

As a resident on Grove Rd for close to 10 years now. I am delighted to see Moons Yard being put to good use as a residential development. Personally I wish developers would focus more on these types of areas as opposed to pure greenfield sites.

Having reviewed the minor amendment, I see no reason for rejection of this proposal. I think the overall proposal for this dwelling (and the site as a whole) is in keeping with the area.

So far as I am aware all the neighbours to the site are happy and in agreement that we have no objection and wish for the work to now be complete as soon as possible.

6. CONSULTATION

- 6.1 Selling Parish Council has raised an objection to the application, saying:

“Councillors felt that the amendments weren’t minor at all and the changes significant to the original application. In particular, the appearance of the house is very different to the

previous design and it looks like the new position may be intrusive to Barn House. Councillors have asked for reassurances that the large parking area is permeable for water.”

The applicant has since confirmed that the parking area will be a permeable gravel finish.

- 6.2 Natural England makes no comment on the application. The site is beyond 6km from The Swale SPA and no SAMMS tariff is required here.
- 6.3 The Environment Agency has made no comment.
- 6.4 Kent Highways have chosen not to comment on the application
- 6.5 KCC Rights of Way have raised no objection
- 6.6 The Environmental Health Manager raises no objection.

7. APPRAISAL

- 7.1 The key considerations in the determination of this application are the impacts on the proposed alterations would have on visual and residential amenities. The alterations include the dwelling being reorientated slightly and being re-designed including a proposed front projection. The principle of the application has already been established under application 15/501089/FULL and as such I will therefore consider only the proposed changes in this report i.e. the design and orientation of one unit.
- 7.2 The proposal is acceptable in my view and will not cause any harm to the character and appearance of the development. The removal and insertion of the dormer windows and rooflights is also acceptable, as they are appropriate and match the fenestration on the dwelling.
- 7.3 I note the Parish Council's objection and I believe that whilst the design is altered in a number of ways, that is permitted by this procedure, and that the changes will enhance the character and appearance of the development. I cannot see how the slight re-orientation of the property will cause any significant harm to neighbouring amenities as it will mean rear windows facing more away from the garden of Barn House and in my opinion, notwithstanding the introduction of a rear balcony, the distances involved mean that the new design is no worse than what has been approved.

8. CONCLUSION

- 8.1 On the basis of the above, I consider the proposed amendments are acceptable and do not cause significant harm to either visual or residential amenities. As such, I recommend that the application be approved and that a new decision be issued re-stating all the original planning conditions other than the ones that have been discharged. I propose that condition 2 is re-worded to reflect the amended drawings.

- 9. **RECOMMENDATION** - GRANT subject to the following conditions, as per the original 2015 planning permission but updated to reflect the fact that works have begun on other plots, and matters approved in 2018.

CONDITIONS

- (1) The development hereby approved shall be carried out in accordance with the following approved drawings:

Proposed redevelopment at Moons Yard, OV/DB/JC/01(A), OV/DB/JC/02, OV/DB/JC/03, OV/DB/JC/04, OV/DB/JC/06(B), OV/DB/JC/07(B), OV/PL/PB/01, OV/PL/PB/02, OV/PL/PB/03, OV/PL/PB/04(A) and OV/PL/PB/05, and in relation to Plot 5 drawings 478 / 02 and 478 / 03.

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

- (2) The development hereby permitted shall be carried out using the facing materials and details of all external finishes as approved under application 18/505145/SUB.

Reason: In the interests of high quality design and the amenities of the area.

- (3) The development hereby permitted shall be carried out in accordance with the detailed drawings of all new external joinery work, including windows and doors, showing the relationship to the face of the wall as approved under application 18/505145/SUB.

Reason: In the interests of high quality design and the amenities of the area.

- (4) The development hereby permitted shall be carried out using the manufacturers' details of rooflights as approved under application 18/505145/SUB.

Reason: In the interests of high quality design and the amenities of the area.

- (5) The development shall take place in accordance with hard and soft landscape details as approved under application 18/505145/SUB.

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

- (6) 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 will be taken to ensure that the development incorporates sustainable construction techniques such as rainwater harvesting, water conservation, energy efficiency and, where appropriate, the use of local building materials; and provisions for the production of renewable energy such as wind power, or solar thermal or solar photo voltaic installations. Upon approval, the details shall be incorporated into the development as approved.

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

- (7) The development shall be carried out in accordance with details for the suppression of dust during construction of the development as approved under application 18/505145/SUB. The approved measures shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity.

- (8) Adequate precautions shall be taken during the progress of the works to prevent the deposit of mud and similar substances on the public highway.

Reasons: In the interests of amenity and road safety.

- (9) The parking provision for site personnel, operatives and visitors as approved under application 18/505145/SUB shall be provided and retained throughout the construction of the development.

Reason: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents.

- (10) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

Reason: In the interests of highway safety and convenience.

- (11) Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment approved by the Local Planning Authority under application 18/505145/SUB 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.

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

- (12) 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 and agreed in writing by 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.

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

- (13) All hard and soft landscape works shall be carried out in accordance with the details approved under application 18/505145/SUB. 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.

- (14) 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.

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

- (15) Notwithstanding the provisions of Class A of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the dwellings hereby permitted shall not be altered or enlarged.

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

- (16) No dwelling hereby permitted shall be occupied until space as shown on the approved drawings has been laid out within the site in accordance with the approved drawings for cycles to be securely parked and sheltered.

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

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.

INFORMATIVE

- (1) Please note that there is an agreement under Section 106 of the Town and Country Planning Act 1990 relating to this development.

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.

