

PLANNING COMMITTEE – 13 OCTOBER 2022**PART 2**

Report of the Head of Planning

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

2.1 REFERENCE NO - 22/501799/FULL		
APPLICATION PROPOSAL Replacement of chain link metal gate with a wooden gate of the same size (retrospective), addition of a small wooden pedestrian gate and creation of an open block paved courtyard.		
ADDRESS Tonge Mill Church Road Tonge Kent ME9 9AP		
RECOMMENDATION – that conditional planning permission is Granted		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Teynam And Lynsted	PARISH/TOWN COUNCIL Tonge	APPLICANT Dr Jonathan Iliffe AGENT
DECISION DUE DATE 20/06/22	PUBLICITY EXPIRY DATE 02/06/22	CASE OFFICER Mandi Pilcher

Planning History

SW/13/1234

Listed Building Consent for Proposed new flue on west elevation
Granted LBC Decision Date: 11.12.2013

SW/13/1094

Listed Building Consent to move flue.
Not Proceeded with Application Returned Decision Date: 02.10.2013

SW/13/0544

Listed building consent for change of use of part of the building to increase the residential accommodation to three bedrooms and provide a single holiday cottage.
Granted LBC Decision Date: 11.07.2013

SW/13/0543

Change of use of part of the building to increase the residential accommodation to three bedrooms and provide a single holiday cottage.
Grant of Conditional PP Decision Date: 11.07.2013

SW/96/0046

Listed building consent for demolition of single storey extension, alteration to external roof and cladding materials
Granted LBC Decision Date: 23.02.1996

SW/93/0475

Listed building consent for 3 additional sash windows to west elevation

Granted LBC Decision Date: 15.07.1993

SW/91/1281

Listed building consent for provision of toilet facilities & associated drainage works

Granted LBC Decision Date: 10.01.1992

1. DESCRIPTION OF SITE

1.1 The property is included in the List of Buildings of Special Architectural or Historic Interest as Grade II listed and lies within the designated Tonge Conservation Area. The building lies within the countryside outside of the Local Plan defined built-up area boundary. In planning policy terms, the site lies within a Local Green Space and within a designated rural Lane.

2. PROPOSAL

2.1 This application seeks retrospective planning permission for the replacement of a chain link metal gate with a wooden gate of the same size, the addition of a small wooden pedestrian gate and creation of an open block paved courtyard; the small pedestrian gate will be set back by approximately 1m.

2.2 The proposal is for the pedestrian gate to be painted in black, in order to match the traditional timber cladding.

3. PLANNING CONSTRAINTS

3.1 Potential Archaeological Importance

3.2 Conservation Area Tonge

3.3 Listed Buildings MBC and SBC Ref Number: 938/SW

Description: G II TONGE MILL, CHURCH ROAD, TONGE, SITTINGBOURNE, ME9 9AP

4. POLICY AND CONSIDERATIONS

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

CP4 Good design

DM14 General development criteria

DM18 Local green space

DM26 Rural Lanes

DM32 Development involving listed buildings

DM33 Development affecting a conservation area

4.2 Supplementary Planning Guidance (SPG) entitled ‘Conservation Areas’ and ‘Listed Buildings’

5. LOCAL REPRESENTATIONS

5.1 Three letters of objection have been received and summarised as follows –

- *to make the solid double gates permanent would obscure further view of Tonge Pond from the road. It has traditionally been a gate that people could look through to see the wildlife in and around the pond. Many of the trees and bushes along this stretch of road have been allowed to grow. This combined with the hedge that has recently been planted next to the gate will soon stop the view of the pond from the road completely. The view of the pond from the bottom of Scraps Hill has also completely disappeared because a parking and storage area has been created and trees allowed to grow. The Mill and Pond are in the Conservation area which becoming increasingly difficult to enjoy. Tonge pond is home to a diverse range of wildlife and is an important historical asset to the area which has been visited and viewed by walkers and families for decades. This application will deny the public the opportunity to experience this local treasure.*
- *The impact of this application will have a detrimental effect on the special character and appearance of these listed buildings and the conservation area.*
- *The original chain link fence and double gates, although not attractive, served their intended purpose – for security and at the same time allowing everyone to enjoy the views of this historic amenity, unique to Swale the centre point of Tonge: appreciated over generations*
- *We note the intended ‘softening’ of the appearance of the fence with planting. In fact, the combination of quantity of planting and positioning, together with the introduction of solid wooden gates (replacing the original chain link gates) will eventually totally obscure any views of the Mill Pond and surrounding landscape for the first in the history of Tonge.*
- *Solid wooden gates six feet tall (8ft tall from the roadside) and painted black will be an extremely dominant. Light absorbing and intrusive presence.*
- *Any planting, planters or paving which effectively restrict the width of the road and prevent pull-in manoeuvres, at this its narrowest point and just beyond a blind bend will exacerbate the likelihood of damage to this original Mill and further restrict the pedestrian right of way.*

6. CONSULTATIONS

6.1 Tonge Parish Council object commenting:

‘The Mill and its pond are historically recognised, and the pond supports a diverse range of wildlife. They form an important part of the Tonge Conservation Area. It is an area that has many visitors including walkers and families, who have appreciated its beauty, history and solitude for decades. There are now very few places from the road where visitors and locals may observe the pond because trees and foliage have been allowed to grow, also a hedge has been planted recently which will soon reduce the view completely. The double wooden gates that have already be constructed and are of a solid nature, obscure the view further. The original chain link metal gate did allow the pond to be viewed from this part of the road and we would like to see this type of gate reinstated.

The paved courtyard could become a permanent parking space for visitors to the Mill. We think that a car parked so close to an historically important building would be an eyesore and be detrimental to its setting. It would also be dangerous when cars pull on and off, as it is situated on a blind bend. Also, if a car is allowed to park there it will make it even more difficult to see the pond.

When the Mill was a shop selling pine furniture there was plenty of parking at the southeast end of the mill for visitors. The next owners Elvis and Kresse, handbag makers, erected storage on this area; in doing so reduced the available parking. This storage area also makes viewing of the pond very difficult when approaching from the bottom of Scraps Hill. It further parking is needed for the Mill maybe it could be reinstated at the southeast end of the mill.

Visitors and walkers can currently also see the pond from the southwest side by using a public footpath ZR192. We understand that an application has been made to Kent footpaths to divert this footpath so that it goes up the side of Church Road and Hempstead Lane. This will almost certainly mean that access to the pond will be fenced off, which would make the view from the road through the Mill even more vital.

We believe that although the mill and pond are privately owned, Tonge's most important historical and wildlife asset should still be able to be viewed by the public from the road and footpath as it has been done for generations. We believe that this application would prevent this.

6.2 KCC Minerals and Waste has no objections or comments to raise.

6.3 The Council's Design and Conservation Manager has made the following comments:

'The replace chain link fencing is of the same type and height as that which was failing and which it replaced. It does not require planning permission given that it is like-for-like partial replacement of the existing. Neither does the associated planting which it was suggested be provided in association with any renewal of the fencing. Once the new hedging plants have established and the highway verge on the outer side of the fence is green again, the replacement fencing will blend into its surroundings a little more readily, but it is not objectional in its current form and balance the need to provide some security to the homeowners whilst allowing important longstanding views through to the key visual focal point of the mill pond to both the residents of the old mill across the road, and visitors passing through the area.

The replacement gates (the combination of vehicular access gate and adjoining pedestrian entrance gate) represent a marked visual improvement over the old metal framed (dual access) gates they replace and once they have been painted black (to match adjacent painted joinery) they will complement the immediate setting of the new mill even more effectively.

The replacement of the current mix of asphalt, scrub/earth and hardstanding with a consistent block paved surface treatment will at worst, represent a neutral change to the character and appearance of the conservation and the setting of the two listed mill buildings, but it will without doubt provide more practical (year round) surface for the homeowners which would be easier to maintain in a good visual condition, and subject

to the specific type of (Brett) block paving to be used, it would in my view, almost certainly provide a modest visual enhancement.

I therefore raise no objection to the application and would support the new homeowners attempts to improve the listed property, particularly in the context of less-than-ideal circumstances faced by the applicants and their immediate neighbours in terms of the amount and (currently unlimited) speed of traffic that passes through the narrow stretch of Church Road between the two listed mill buildings.'

7. BACKGROUND PAPERS AND PLANS

7.1 The applicant has provided a Heritage Statement in support of the application, which states:

'Forming a continuation of the chain link fence, set at an angle was a vehicle access gate in similar metal and chain link style. For security reasons, this was replaced by a wooden gate of identical dimensions in September 2021, and the proposed project seeks retrospective permission for this. The proposal is for this to be painted in barn black, in order to match the traditional timber cladding seen on the north end of the cottage.

As well as this, the project seeks permission to move the left-hand end of the vehicle gate (as viewed from the road) back by about 1m, to fit a pedestrian access gate in the same style. In terms of the impact on the view, this will essentially be neutral as the angle subtended by the gates to a viewer on the road will be the same.

The project also seeks permission to replace the mixture of mud/concrete/asphalt with block paving that complements and matches the brickwork, in order to tidy up the area and make it easier to keep clear of litter and other debris. It will also make it possible to position small trees in pots between the door and the road, providing safer entry and protecting visitors from mud spluttering from traffic. This a significant problem at this point where two vehicles will often seek to pass each other.

We view these changes as being in line with the comments in the management plan about the inappropriate 1970s chain link fence, seeking to return the area to a more attractive and vernacular style.'

8. APPRAISAL

8.1 As the building is included in the List of Buildings of Special Architectural or Historic Interest as Grade II listed and lies within the designated Tonge Conservation Area, particular care must be taken to ensure the building is protected or enhanced by any alterations or development.

8.2 The NPPF further states that a Local Planning Authority should afford 'great weight' to the conservation of heritage assets (para.199).

8.3 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, imposes a general duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

- 8.4 Policy DM32 of the Swale Local Plan 2017 states that proposals that affect a designated heritage asset, or its setting, will be permitted only where the building's special architectural or historic interest, and its setting and any features of special architectural or historic interest which it possesses, are preserved. Policy DM32 of the Swale Local Plan 2017 is consistent with the provisions of s16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.
- 8.2 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, states that for development in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Policy DM33 of the Swale Local Plan 2017 states that development proposals within, affecting the setting of, or views into and out of a conservation area, will preserve or enhance all features that contribute positively to the areas special character or appearance.
- 8.3 I am reliant on the advice given by the Council's Conservation Officer and agree that the proposal would complement the listed building itself and enhance the surrounding conservation area when compared to the gates they replaced. The gates would provide greater security and address unauthorised entrance to the property.
- 8.4 In terms of replacing the chain link fence with like for like, this does not require planning permission. Planting a hedge is not deemed as development, so would not require planning permission. Policy DM33 of the Swale Local Plan 2017 is consistent with the provisions of s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

9. CONCLUSION

- 9.1 The proposal is considered to demonstrate good design and therefore complies with policy CP4, and protects the heritage asset in compliance with policies DM32 and DM33 of the Swale Borough Council Local Plan, Supplementary Planning Guidance on Listed Buildings, the relevant provisions of the National Planning Policy Framework 2021, as well as s66(2) & s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

10. RECOMMENDATION - GRANT Subject to the following conditions

CONDITIONS to include

- (1) The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.

Reasons: In pursuance of Section 18 of the Listed Building Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

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

- (3) The new timber gates shall be painted black (or another colour previously agreed in writing with the LPA) within 6 months of the date of this decision notice.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (4) Details of the specific type and colour finish(es) of the Brett block paving and associated 'Aco' rainwater drainage channels to be used for the open courtyard area shall be submitted to and approved in writing by the local planning authority prior to commencement of the works to the courtyard. Such works shall take place in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed building.

INFORMATIVES

- To prevent the possible trapping of moisture in the brickwork wall of the mill building directly adjoining the new paved area, it is recommended that the paving is set back slightly (a minimum of one brick length) from the brickwork face of the building and a French drain provided.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 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.

