

2.3 REFERENCE NO – 23/501452/FULL		
PROPOSAL Section 73 - Application for minor material amendment to planning permission 20/505833/FULL relating to plot 1 including change of roof design to match integral garage, enlargement of utility room and removal of window. Removal of footpath to side of plot 1 (retrospective).		
SITE LOCATION Scocles Farm, Scocles Road, Minster-On-Sea, Kent, ME12 3RU		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
APPLICATION TYPE Minor		
REASON FOR REFERRAL TO COMMITTEE Minster Parish Council objection		
CASE OFFICER Megan Harris		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Honey Hill Housing Ltd AGENT
DATE REGISTERED 11/04/23	TARGET DATE 05/10/23	
BACKGROUND PAPERS AND INFORMATION: https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RRVGEFTYM9400		

1. SITE LOCATION AND DESCRIPTION

- 1.1 The application site consists of land that previously formed the southern half of the property known as Scocles Farm, on the west side of Scocles Road, Minster. It is bordered to the south and west by 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. The site falls within the built confines of Minster.
- 1.2 The site has been recently redeveloped following planning permission and contains 9 dwellings, the development of which is largely complete and occupied.

2. PLANNING HISTORY

- 2.1 **22/501378/FULL** – Application granted on 23.05.2022 for 'Section 73 - Application for minor material amendment to condition 2 (to allow changes to internal layouts and the position of some external windows) 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.’

- 2.2 **21/504250/FULL** – Application refused on 17.12.2021 for ‘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.’
- 2.3 **21/504219/FULL** – Application refused on 17.12.2021 for ‘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.’
- 2.4 **20/505833/FULL** – Application granted on 12.02.2021 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.’
- 2.5 **20/505633/SUB** – Application granted on 01.02.2021 for ‘Submission of details pursuant to condition 5 (archaeology), condition 6 (contaminated land assessment) and condition 13 (closure report) of application 17/506294/FULL.’
- 2.6 **20/504638/SUB** – Application granted on 03.03.2022 for ‘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.’
- 2.7 **19/504508/SUB** – Application part permitted, part refused on 04.12.2019 for ‘Submission of details application pursuant to Conditions 5 (archaeology), 8 (external

- finishing), 9 (Landscaping), & 19 (Roads, footways, paths, streetlighting) of application 17/506294/FULL.’
- 2.8 **19/502293/SUB** – Application part permitted, part refused on 08.07.2019 for ‘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.’
- 2.9 **18/506573/FULL** – Application granted on 07.03.2019 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.’
- 2.10 **18/504780/SUB** – Application part permitted, part refused on 29.10.2018 for ‘Submission of Details to Discharge Condition 3 (Construction Method Statement) and Condition 4 (Ecological Mitigation Strategy) Subject to 17/506294/FULL.’
- 2.11 **17/506294/FULL** – Application granted on 02.07.2018 for ‘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.’
- 2.12 **SW/12/1311** – Application granted on 05.01.2015 for ‘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.’ Permission not implemented.
- 2.13 The development undertaken on the site was not constructed in accordance with the original approved plans (17/506294/FULL and 18/506573/FULL). Applications to make minor material amendments to the development (21/504219/FULL and 21/504250/FULL) to incorporate a wide range of unauthorised changes made were subsequently refused by the Planning Committee in 2021, due to the reduction in design quality of the development and impact on character and appearance and the setting of Scocles Court.
- 2.14 Following this refusal, the developer has undertaken various works to the dwellings to revert elements of the development back to the original approved plans. Units 2-7 are now built as per the scheme approved under the planning permission. A further application to make a more limited and acceptable range of minor amendments to plots 8 and 9 was also approved in May 2022 (22/501378/FULL). As such there are no outstanding issues in relation to plots 2-9.

3. PROPOSED DEVELOPMENT

- 3.1 This current application has been submitted to seek retrospective planning permission for changes to the interior and exterior of the dwelling at plot 1, and to footpaths around the site. These changes are set out in more detail below:

- Removal of hip ends on the main roof, with roof designed with gable ends.
- Minor amendments to window design.
- Amendments to porch design, including slight increase in the width of the structure.
- Increase in width of utility room at the rear of the garage.
- Removal of pedestrian footpath to the side of plot 1.
- Amendments to the footpath on Scocles Road to provide pedestrian visibility for persons crossing the site access. The plans were amended during the course of the application to show this extension of the footpath in order to address concerns raised by KCC Highways.

3.2 There are a number of external finishes and architectural details to plot 1 shown on the drawings and which formed part of the previously approved design, which were not incorporated into the construction of the dwelling. The applicant has confirmed these changes will be made to the property and they include the insertion of a dentil course below the tile hanging, insertion of exposed rafter feet on the main roof and garage roof, inclusion of glazing bars on all windows, and use of tile hanging on the dormer windows and timber detailing to the apex of the dormer roofs.

4. CONSULTATION

4.1 Two rounds of consultation with neighbours have been undertaken upon receipt of amended plans. A site notice was also displayed at the site. Full details of representations are available online.

4.2 No representations from members of the public were received.

4.3 **Minster Parish Council** initially supported the application subject to a condition ensuring the footpath remains. They set out that any proposal not offering a continuous footpath to serve this site will be inadequate.

4.4 During the second round of consultation, the Parish Council objected to the proposal. They have concerns around public health and safety and consider that a footpath should be provided at both sides of the site entrance as well as a continuous footpath into the development.

5. REPRESENTATIONS

5.1 **Swale Footpaths Group** – Note proximity of site to public footpath ZS10.

5.2 **SBC Design and Conservation Team** – Note that the applicant has provided an amended drawing that shows a level of construction detailing closer to the approved scheme, and as such consider that it would now be reasonable to support this application.

5.3 **KCC Highways** – Advise that given the limited number of dwellings that are located in the site, there is no need for a footpath to be provided on both sides of the access road, and no objection is raised to the removal of the footpath adjacent to plot 1. Following the receipt of amended plans, the footpath on Scocles Road has been extended slightly into

the access to improve pedestrian visibility, and KCC Highways confirmed they have no objection to the application.

6. DEVELOPMENT PLAN POLICIES

6.1 **Bearing Fruits 2031: The Swale Borough Local Plan 2017**

ST 1 (Delivering sustainable development)
ST 3 (The Swale settlement strategy)
ST 6 (The Isle of Sheppey area strategy)
CP 3 (Delivering a wide choice of high-quality homes)
CP 4 (Good design)
DM 6 (Managing transport demand and impact)
DM 7 (Vehicle parking)
DM 14 (General development criteria)
DM 19 (Sustainable design and construction)
DM 28 (Biodiversity and geological conservation)
DM 32 (Listed Buildings)

6.2 **Supplementary Planning Guidance (SPG)**

Supplementary Planning Guidance Listed Buildings
Supplementary Planning Document - Swale Parking Standards

7. ASSESSMENT

7.1 This is an application for a minor material amendment to the scheme approved under 20/505833/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 application remains as a development for 9 dwellings, in the same location and of the same scale as previously approved. The development remains essentially of the same nature as previously approved. Only the impact of the amendments specifically set out in the proposal section above should be considered as part of this application.

7.2 This application is reported to the Committee because a Parish Council has objected to the proposal. Considering these comments and the proposal that has been submitted, the committee is recommended to carefully consider the following main points:

- Principle
- Character and Appearance, including Heritage Impact
- Living Conditions
- Transport and Highways

Principle

- 7.3 The principle of housing on this site has clearly been considered acceptable and is established through the planning permissions previously granted.

Character and Appearance, including Heritage Impact

- 7.4 The NPPF attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement under policies CP 4 and DM 14.
- 7.5 The National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan under policy DM 32.
- 7.6 The key issue is whether the amendments to the dwelling at plot 1 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.
- 7.7 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. Plot 1 subject to this application is located at the front of the site and as such is highly visible from Scocles Road when compared to the other plots at the site. The dwellings with the Thistle Hill development immediately to the south and west of the application site have simple and plain elevations. Nonetheless, as the site essentially forms the edge of Minster as it gives way to countryside and is within the setting of Scocles Court a Grade II listed building, it is considered that a high standard of design is necessary.
- 7.8 The applicant has confirmed that they will install further detailing and architectural features to the property as described in paragraph 3.4 above, and which formed part of the previously approved plans. This detailing is shown on the submitted drawings.
- 7.9 The development still does not entirely accord with the design of the originally approved dwellings, but the remedial works already undertaken and proposed will result in the development being much closer in design and appearance to what was originally approved. The remaining amendments to the external design subject to this application relate to the use of gable ends in the roof, minor window changes and a small increase in the width of the porch. These are considered to be small scale changes that do not materially dilute or harm the appearance of the dwelling or surrounding area

- 7.10 The development has been constructed without a footpath to the side of plot 1 as previously approved. This strip of land has instead been incorporated into the curtilage of plot 1 with a fence installed along the boundary of this plot. From a visual perspective, the loss of this footpath and the relocation of the boundary fence to plot 1 has not altered the appearance of the development to any significant degree and is considered acceptable.
- 7.11 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 heavily eroded by the existing surrounding development, and that the development has further urbanised the area around the listed building. Plot 1 is located approximately 50m 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.
- 7.12 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. When this development is built, it is unlikely that intervisibility would exist to any material degree between the application site and the listed building.
- 7.13 The Conservation Officer does not raise objection to the more limited range of amendments now sought under this application, and the development would not result in harm to the setting of the listed building. As such the development is considered to be acceptable in heritage impact terms.
- 7.14 On the basis of the above, the amendments are considered acceptable in terms of visual and heritage impacts, and in accordance with policies CP4, DM14 and DM32 of the Local Plan.

Living Conditions

- 7.15 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.16 Plot 1 has been constructed to the same scale and positioning as the approved scheme. A rear window has been removed from the dwelling, and the utility room window at the rear has been enlarged. Taking into account the window remains in the same position and is just larger in scale, it is not considered the change will cause any harm to the living conditions of neighbours. The other changes listed in the proposal section above involve minor design changes and would not cause harm to residential amenity. Taking this into account, the scheme is considered to be acceptable, and would accord with Policy DM 14 of the Local Plan.

Transport and Highways

7.17 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”

7.18 The NPPF also states that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

7.19 Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.

7.20 The impact of traffic generated from the site on the wider highway network has previously been considered acceptable, and this would not change through the amendments sought.

7.21 The development has been constructed without a footpath to the side of plot 1, and instead a fence line runs along the boundary of this plot immediately adjacent to the access road. The development is still served by a footpath on the northern side of the access road. Given the small scale of the development, KCC Highways have no concerns about the removal of the footpath adjacent to Plot 1 on highways safety grounds.

7.22 During the course of the application, amended plans were provided to address concerns raised by KCC Highways regarding pedestrian visibility for persons crossing Scocles Road at the access point to the development. The footpath has been extended slightly into the access road, to allow pedestrian visibility down the access road. KCC Highways have no objections to the scheme following the amendments.

7.23 The Parish Council’s concerns about the loss of part of the footpath is noted. However, taking into account the development is small scale with limited highway movements, that a footpath remains on the northern side of the access road, and that KCC raise no objection on highways safety grounds, it is considered that the Parish Council’s concerns would not form any basis for refusal of the application.

8. CONCLUSION

8.1 The changes to the design of the dwelling at plot 1 are limited and would not represent any undue decrease in design quality when compared to the approved scheme. The proposals would not cause any undue harm to visual amenity or the setting of Scocles

Farm. The removal of the footpath adjacent to plot 1 is acceptable in terms of highway safety and convenience.

- 8.2 It is therefore recommended that the application be approved and that a new decision be issued re-stating all of the original planning conditions. Conditions 1, 7 and 12 have been amended to refer to the amended plans submitted with this application.

9. CONDITIONS

1. No development shall take place other than in accordance with the following drawings: 17.35-PL1-AWD.01A, 18.35-PL1-WD.03D, 17.35.PL4000D, 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 architectural and external detailing to the elevation of plot 1 as shown on drawing 18.35-PL1-WD.03D shall be installed on the dwelling within 6 months of the date of this decision. For the avoidance of doubt, such detailing shall incorporate –

- Tile hanging to dormer windows
- Installation of timber detailing to roof of dormer windows
- Installation of exposed rafter feet to roof eaves
- Installation of dentil course to front elevation
- Installation of glazing bars to windows.

Reason: In the interests of visual amenity.

3. 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.

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out within 3 months from the date of this decision unless an alternative timescale has been agreed in writing with the Local Planning Authority.

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

5. 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.

6. 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.

7. Within 3 months from the date of this permission, the footway link shown on drawing 17.35.PL4000D 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.

8. 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.

9. The access details shown on the approved plans shall be completed within three months from the date of this permission, and the access shall thereafter be maintained.

Reason: In the interests of highway safety.

10. 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.

11. The car parking spaces shown on drawing 17.35.PL4000D 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. Unless approved otherwise by this permission and 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 design and internal layout of plot 1 and the removal of the footpath to the side of this plot, and should therefore be read in conjunction with approved applications 17/506294/FULL and 20/505833/FULL.
- (2) 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>

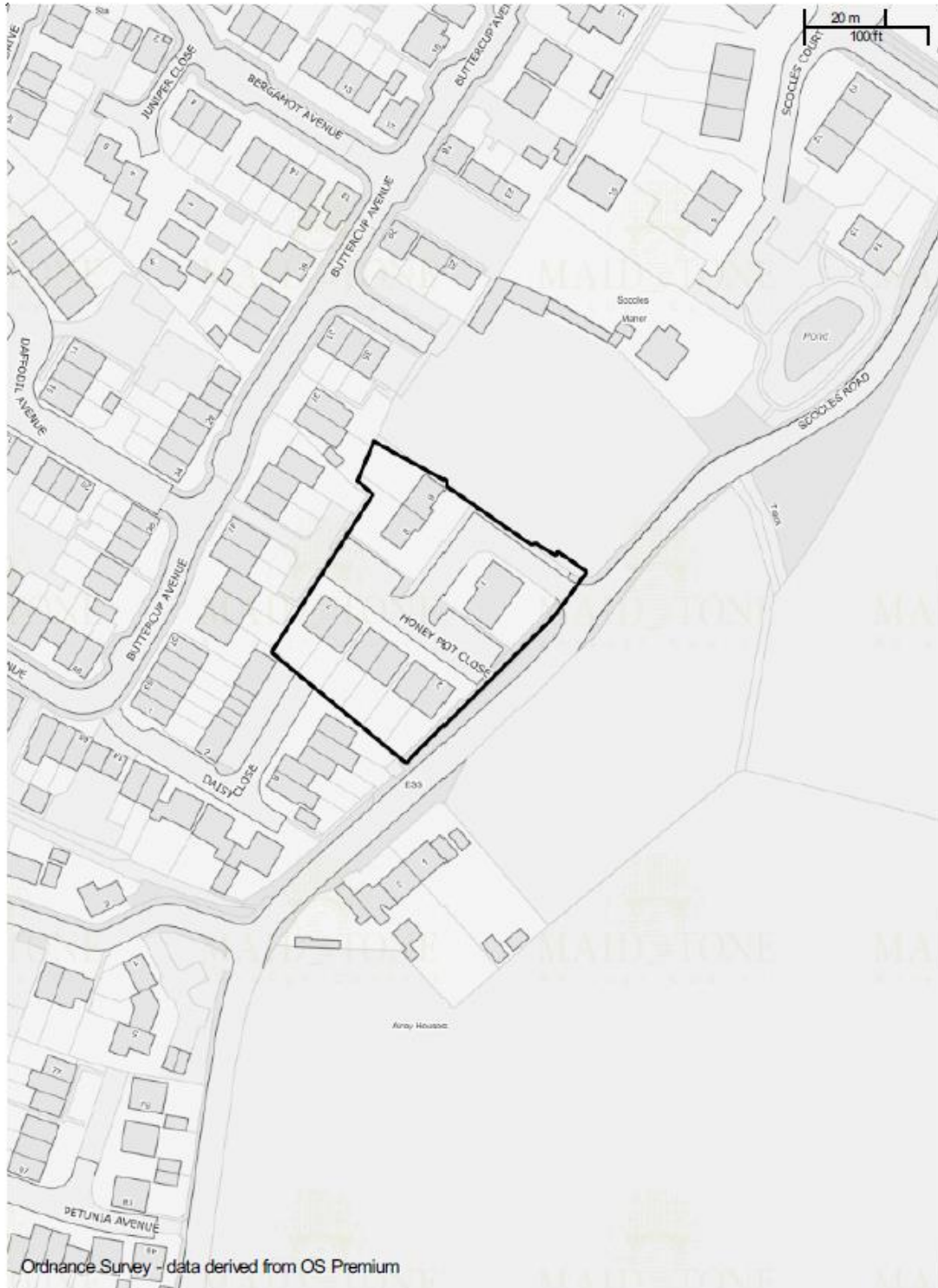
The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement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

- (3) Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), September 2023 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.



Ordnance Survey - data derived from OS Premium

23/501452/FULL - Scocles Farm Scocles Road Minster ME1 3RU
Scale: 1:1250
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