

**PLANNING COMMITTEE – 8 FEBRUARY 2024****PART 2**

Report of the Head of Planning

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

<b>2.1 REFERENCE NO – 23/503984/FULL</b>		
<b>PROPOSAL</b> Retrospective application for the siting of an oil tank and enclosure in front garden.		
<b>SITE LOCATION</b> Danum Stockers Hill Rodmersham Kent ME9 0PL		
<b>RECOMMENDATION</b> 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.		
<b>APPLICATION TYPE</b> Householder		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Rodmersham Parish Council objection		
<b>CASE OFFICER</b> Julia Marshall		
<b>WARD</b> West Downs	<b>PARISH/TOWN COUNCIL</b> Rodmersham	<b>APPLICANT</b> Mr K Edwards <b>AGENT</b> Woodstock Associates
<b>DATE REGISTERED</b> 04/09/2023	<b>TARGET DATE</b> 30/10/2023	
<b>BACKGROUND PAPERS AND INFORMATION:</b> <a href="#">23/503984/FULL   Retrospective application for the siting of an oil tank and enclosure in front garden.   Danum Stockers Hill Rodmersham Kent ME9 0PL (midkent.gov.uk)</a>		

**1. SITE LOCATION AND DESCRIPTION**

- 1.1 Danum is a substantial two storey detached house on a large plot. The property is located within the built up area boundary of Rodmersham. It is set well back from the highway and is located on a section of Stockers Hill which is characterised by mainly large, detached dwellings of various designs and sizes. To the front, the site overlooks open countryside.
- 1.2 There is an element of soft landscaping either side of the entrance to the front, but for the most part there is mainly hardstanding to the front of the dwelling providing off road parking for a number of vehicles.
- 1.3 The oil tank is located to the front of the site set behind the Yew hedge and a large mature tree and a recently planted Beech hedge.

## 2. **PLANNING HISTORY**

- 2.1 **21/502899/NMAMD** – Planning permission was granted on 18.06.2021 for Non Material Amendment - Change the front elevation ground floor material from render to Wienerberger Topaz multi stock facing brickwork. Subject to 21/500007/FULL.
- 2.2 **21/500007/FULL** – Planning permission was granted on 26.02.2021 for erection of a two storey front and side extension and single storey rear extension.

## 3. **PROPOSED DEVELOPMENT**

- 3.1 This application seeks part retrospective planning permission for the siting of an oil tank and enclosure in front garden. The oil tank is already in situ.
- 3.2 The oil tank is on a concrete base and would be enclosed by a timber framed structure. The timber framed enclosure has a footprint of approximately 2.05m x 1.7m with a height of 1.36m. Doors are proposed on the side elevation to allow for maintenance.
- 3.3 The oil tank is 9.6m away from the dwelling, 1m away from the nearest boundary (shared with the adjacent property 'Highworth') and is set 9m back from the highway. As the structure would encase the oil tank, the structure itself would be 0.65m away from the boundary.
- 3.4 The proposed materials for the enclosure would be black Cedral boarding to match the existing property.

## 4. **CONSULTATION**

- 4.1 One round of consultation has been undertaken, and notification letters were sent to immediately adjoining neighbouring occupiers. A site notice was also displayed at the site.
- 4.2 No neighbour responses have been received in relation to the consultation.
- 4.3 **Rodmersham Parish Council** object to the application for the following summarised reasons (full details of representations are available online):
- The oil tank is situated in the front of the house, visible from the road and will affect the street scene.
  - Concerned with safety issues – a timber framed enclosure around the tank and its nearness to trees, foliage etc. all appear to breach safety regulations.
  - Lack of clarity regarding the roof of the enclosure.
  - No dimensions are shown on the drawings.
- 4.4 **Rodmersham Parish Council** were subsequently reconsulted on the basis of the agent stating the following:
- Materials being used would be a timber framed enclosure clad with a non-combustible material and the roof would be the same with mineralised felt for weathering purposes.
  - The tank complies with all safety legislation.

- The tank housing is drawn to scale with scale bars on the drawing so the size (which will be as small as possible) can be easily appreciated. The siting behind trees and the newly planted hedging will ensure that it is well screened from the road.

Rodmersham Parish Council responded to state their original objections still apply irrespective if a hedge is to be grown and also raise the issue that the structure could attract criminal activity and should only be installed by the correct regulator.

## 5. **DEVELOPMENT PLAN POLICIES**

### 5.1 **Bearing Fruits 2031: The Swale Borough Local Plan 2017**

**ST 3** The Swale settlement strategy  
**CP 4** Requiring good design  
**DM 14** General development criteria

## 6. **ASSESSMENT**

6.1 This application is reported to the Committee because the 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:

- The principle of development
- Character and Appearance
- Living Conditions

### **Principle**

- 6.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 6.3 The National Planning Policy Framework (NPPF) provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.
- 6.4 Policy ST 3 of the Swale Local Plan 2017 supports the principle of development within the built-up area boundary of established towns and villages within the Borough.
- 6.5 The application site is located within the built-up area boundary of Rodmersham. Therefore the principle of development is considered acceptable subject to the consideration of other material planning considerations as discussed below.

### **Character and Appearance**

- 6.6 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.
- 6.7 Policy CP4 of the Local Plan requires proposals to be of a high quality design that is appropriate to its surroundings in respect of materials, scale, height and massing.
- 6.8 The property benefits from a generous frontage and the oil tank and the enclosure are of a small scale, being limited to 1.36m in height. In addition, the oil tank is located behind a large mature tree and hedging. There is also recently planted hedging adjacent to the oil tank. Due to the limited scale of the structure, the appropriate use of materials which would be in keeping with the existing dwelling and the screening provided by planting it will not be prominent or give rise to harm to the streetscene and complies with policy CP4.

### **Living Conditions**

- 6.9 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. Specifically, policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight.
- 6.10 The structure is located approximately 9.6m away from the closest property, 'Highworth'. Due to the limited scale of the structure and the distance from this neighbouring property the scheme would not give rise to harm to the living conditions of the occupants of this neighbouring dwelling through overshadowing, or a loss of daylight or sunlight. Therefore the scheme complies with policy DM14 of the Local Plan.

### **Other Matters**

- 6.11 The comments from the Parish Council are noted in respect of the safety aspect of the proposal. Although this is not a planning matter, officers have discussed the matter with Building Control who have provided details in respect of the fire protection for oil storage tanks. The details provided set out the satisfactory protection depending upon the location of the tank. In this case, as the oil tank is at least 1800mm from the closest building and at least 760mm from a boundary the Building Regulations set out that that no further provisions are necessary. In addition, it is noted that the proposal includes encasing the oil tank in a non-combustible structure and the agent has also provided a signed document entitled '*Domestic Oil Storage Tank Spillage and Fire Risk Assessment*' provided by OFTEC which states that due to the size and siting of the tank that no fire protection measures are necessary. On this basis, although this is a separate matter from the planning process the details provided all suggest that this has been appropriately dealt with.

7. **CONCLUSION**

- 7.1 On the basis of the above, the scheme is considered to be in compliance with policies ST3, CP 4 and DM 14 of the Local Plan. As such, it is recommended that planning permission be granted.

8. **CONDITIONS**

- (1) The timber structure encasing the oil tank shall be constructed within 1 month of the date of this decision, stained in black and retained as such in situ for as long as the oil tank is sited on the land.

Reason: In the interests of visual amenities.

- (2) The development hereby approved shall be carried out in accordance with the following approved drawings: ED/20/146.01 OT and ED/20/146.02 OT.

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

**The Council's approach to the application**

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

In this instance:

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.

