

<b>2.2 REFERENCE NO - 24/500781/FULL</b>		
<b>PROPOSAL</b>		
Conversion of existing barn to holiday accommodation, including replacement roof, rebuilding of upper front elevation and insertion and replacement fenestration. Erection of car port and cycle store.		
<b>SITE LOCATION</b>		
Snakesbury Cottage, Iwade Road, Newington, Kent, ME9 7JY		
<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> Minor		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
Newington Parish Council object to the application		
<b>Case Officer</b> Megan Harris		
<b>WARD</b> Hartlip, Newington And Upchurch	<b>PARISH/TOWN COUNCIL</b> Newington	<b>APPLICANT</b> Mr & Mrs Finlon <b>AGENT</b> Woodstock Associates
<b>DATE REGISTERED</b> 26/02/24	<b>TARGET DATE</b> 22/04/24	
<b>BACKGROUND PAPERS AND INFORMATION:</b>		
Documents referenced in report are as follows: -		
All drawings submitted		
Design and Access Statement (uploaded on 22/02/24)		
Heritage Statement dated January 2024 (uploaded on 22/02/24)		
Structural Appraisal dated 18/10/23 (uploaded on 22/02/24)		
Preliminary Ecological Assessment dated 13/12/23 (uploaded on 22/02/24)		
Bat Survey Report dated 10/07/24 (uploaded on 11/07/24)		
Barn Owl Letter dated 10/07/24 (uploaded on 11/07/24)		
All representations received		
The full suite of documents submitted pursuant to the above application are available via the link below: -		
<a href="#">24/500781/FULL   Conversion of existing barn to holiday accommodation, including replacement roof, rebuilding of upper front elevation and insertion and replacement fenestration. Erection of car port and cycle store.   Snakesbury Cottage Iwade Road Newington Kent ME9 7JY (midkent.gov.uk)</a>		

## 1. SITE LOCATION AND DESCRIPTION

- 1.1 The application site is comprised of an old brick built barn which sits perpendicular to Iwade Road. The barn was previously in agricultural use, but has laid empty for a number of years and now is in a poor condition, with signs of structural issues on the

front elevation, where the roof is bowed and the upper front elevation is leaning forwards. The barn is set to the front of Snakesbury Cottage, a detached two storey dwelling and shares vehicular access with this cottage.

- 1.2 The site is located outside of the built up area boundary of Newington and as such is considered to lie in open countryside. The site is surrounded by open fields to the north, east and south, whilst to the west lies Oak Manor, a large detached dwelling. Part of the site lies within the Newington Church Conservation Area, including the dwelling and the barn. The conservation area boundary runs along the eastern boundary of the barn, meaning the land to the east lies outside the conservation area. Iwade Road is also classified as a rural lane.

## 2. PLANNING HISTORY

- 2.1 None relevant

## 3. PROPOSED DEVELOPMENT

- 3.1 This application seeks planning permission for the conversion of the existing barn to holiday accommodation, including the replacement of the roof, rebuilding of the upper front elevation and insertion and replacement of fenestration. A car port and cycle store will also be erected to the side of the building.
- 3.2 The car port will be located on the northern side of the property, and will measure 3m in width and 5m in depth. It will feature a mono-pitch roof with an eaves height of 2m and a ridge height of 3.1m. A driveway will be provided to the side of the car port to provide an additional parking space. A cycle store is proposed to the rear of the car port, set within the rear amenity space.
- 3.3 Internally the holiday let will contain an open plan living area and kitchen, store and bathroom on the ground floor, with a bedroom and bathroom proposed on the first floor.
- 3.4 During the course of the application the scale of the amenity area for the holiday let which lies to the north-east of the barn was reduced, with post and rail fencing and a native species hedgerow proposed to enclose the garden.

## 4. CONSULTATION

- 4.1 Two rounds of consultation with neighbours and the Parish Council have been undertaken, due to a change to the description to more accurately describe the development. A site notice was also displayed at the site and the application was advertised in the press. No comments from neighbours have been received.
- 4.2 Newington Parish Council object to the application on the following planning grounds (full representations are available online):

Comment	Report reference
The proposal is outside the built-up area;	See paragraphs 7.4 – 7.10
It is in a Conservation Area;	See paragraphs 7.19 – 7.23
There is no evidence of need for a holiday let	See paragraphs 7.9 – 7.10

as Newington is not a holiday destination. Previous holiday lets were used for residential use.	
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## 5. REPRESENTATIONS

- 5.1 **KCC Ecology** – Initially requested bat and barn owl surveys are undertaken. This was provided and KCC Ecology confirmed they had no objections to the scheme subject to conditions securing ecological mitigation measures and the implementation of ecological enhancements.
- 5.2 **Mid Kent Environmental Health** – Recommended a condition is imposed restricting hours of construction and an informative is imposed relating to the Mid Kent Environmental Code of Development Practice.
- 5.3 **Kent Police** – The proposal falls outside their scope for comment.
- 5.4 **SBC Heritage** – Considers that the proposal will enhance the appearance of the building and in turn enhance the special character and appearance of the conservation area. Therefore raises no objections subject to conditions.

## 6. DEVELOPMENT PLAN POLICIES

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

**ST 1** Delivering sustainable development in Swale  
**CP 1** Building a strong, competitive economy  
**CP 4** Requiring good design  
**CP 8** Conserving and enhancing the historic environment  
**DM 3** The rural economy  
**DM 6** Managing transport demand and impact  
**DM 7** Vehicle parking  
**DM 14** General development criteria  
**DM 16** Alterations and extensions  
**DM 19** Sustainable design and construction  
**DM 26** Rural lanes  
**DM 28** Biodiversity and geological conservation  
**DM 33** Development affecting a conservation area

### 6.2 **Supplementary Planning Guidance/Documents**

Supplementary Planning Document - Swale Parking Standards  
 Supplementary Planning Guidance – ‘Conservation Areas’ and ‘The Conversion of Traditional Farm Buildings’

## 7. ASSESSMENT

- 7.1 This application is reported to the planning committee because Newington Parish Council object to the application. Considering the proposal that has been submitted, the committee is recommended to carefully consider the following main points:

- The Principle of Development
- Character and Appearance

- Heritage
  - Transport and Highways
  - Ecology
- 7.2 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.
- 7.3 The National Planning Policy Framework 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.

### **Principle of Development**

- 7.4 The site lies within the countryside, outside of any defined settlement boundary, and therefore, the application must be considered against the countryside restraint policies in the adopted Local Plan and the NPPF. The main local plan policy that relates to development in the countryside, is ST 3, which establishes that at locations in the open countryside, outside of the built-up area boundaries development will not be permitted, unless supported by national planning policy and where it can be demonstrated that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.
- 7.5 On a national level, paragraph 88 of the NPPF states that a positive approach should be taken to sustainable new development to promote a strong rural economy and that the support of all types of rural businesses and tourism developments can be achieved through conversion of existing buildings and well-designed new buildings which make a positive contribution to the character of the countryside.
- 7.6 Locally, policy DM3 also supports the rural economy by encouraging economic development and especially by prioritising the re-use of rural buildings or the development of other previously developed land. With regard to tourism and leisure, policy DM 3 sets out that planning permission should *'provide for an expansion of tourist and visitor facilities in appropriate locations where identified needs are not being met by existing facilities in the locality or where able to increase facilities available to local communities as well as visitors.'* Policy CP 1 of the Local Plan also seeks to develop a strong economy, to retain existing tourism assets and widen the Borough's tourism potential.
- 7.7 The development will make use of an existing vacant building which is currently in a poor state of repair due to its age. A structural survey accompanies the application and confirms that the building is capable of conversion subject to the rebuilding of the upper front elevation and the replacement of the roof. The proposal is therefore in general accordance with policy DM 3 as it proposes the re-use of an existing rural building.
- 7.8 In this instance, it is acknowledged that the site is not related particularly well to a wide range of services and amenities, meaning it is likely that occupiers of the proposed holiday accommodation would be largely reliant on motor vehicles for travelling to and from the site and to access goods and services; however, it is within walking distance of the village of Newington, being approximately 460m from the built up area boundary, which contains a number of facilities and also a railway station. It is therefore considered

that the provision of a holiday let in this location would provide new opportunities for visitors to stay in the area, and that these visitors would be likely to support the local economy and community by spending on goods, services and local businesses. It is noted that paragraph 89 of the NPPF advises that sites in rural areas may need to be found adjacent to or beyond existing settlements and in locations not well served by public transport, and that the use of previously developed land should be encouraged where suitable opportunities exist.

- 7.9 Within their objection the Parish Council commented that Newington is not a holiday destination. However, it is considered that this location is appropriate for a tourist provision, situated in a tranquil part of the Kent countryside, close to the coast and other tourist attractions. It is nationally acknowledged that there has been a greater emphasis on domestic tourism in recent years, and this development will add to the holiday mix provided in this area of the Borough, and as such is compatible with the thrust of policy DM 3 and CP 1.
- 7.10 The concerns of the Parish Council relating to the potential use of the building as a dwelling are noted, however a condition is imposed below limiting the use of the development to holiday accommodation and any change to the occupation of the unit will require planning permission. If the holiday let was to be occupied as a residential dwelling, the Planning Investigations team would be able to investigate and take appropriate action.
- 7.11 Taking the above into account, it is considered that the principle of the conversion of the building to a holiday let is acceptable.

### **Character and Appearance**

- 7.12 The National Planning Policy Framework 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.
- 7.13 Policies CP 4, DM 14 and DM 16 of the Swale Local Plan 2017 require development proposals to be of high-quality design and to be in keeping with the character of the area. They state that particular regard should be paid to the scale, height, materials, detailing, mass, bulk, articulation and site coverage of any proposals.
- 7.14 The development proposes the conversion of the building and the erection of a car port and cycle store to the side. As identified by the structural survey, the roof on the property will need to be replaced, and the upper front elevation re-built. Replacement fenestration, along with the insertion of additional openings on the rear elevation is also proposed. The changes are all required to bring the building back into use, and will reflect the form of the existing building, utilising materials that match the existing. All new fenestration will be timber, which is appropriate for a building of this age within the conservation area.
- 7.15 The adopted SPG, *“The Conversion of Traditional Farm Buildings”* sets out that the conversion of farm buildings for other purposes should enable the existing structure and detailing to remain as undisturbed as possible. It goes on to state that *“The purpose of converting a traditional building will be to adapt it with the minimum of alterations for the purpose required. As such it will not normally be considered appropriate to extend the existing building to accommodate the use.”* The car port does amount to an addition to the building, however regard is given to its limited scale and sympathetic design. The use of an open timber frame car port is appropriate here and lessens the additional built

form of the development. On this basis it is not considered this additional built form will detract from the current appearance of the building or wider site.

- 7.16 During the course of the application, the scale of the amenity space for the holiday let was reduced. The domestication of all of the land to the rear of the barn would have a harmful impact on the character and appearance of the area, which is notably rural in context. A smaller garden was subsequently proposed, which is to be enclosed by post and rail fencing and a native hedgerow. These boundary treatments are appropriate given the countryside location of the site and will reduce the prominence of the garden in the surrounding landscape. A condition is imposed to ensure full landscaping details are submitted to the Council for approval.
- 7.17 The proposed alterations to the barn will be visible from Iwade Road, which is designated as a rural lane by policy DM 26. This policy sets out the applications will not be granted for development that physically, or as a result of traffic levels, significantly harm the character of rural lanes. The impact of the development upon the highway network is considered below, but in terms of the character of the rural lane, the development respects and retains the original character and fabric of the barn, and as such it is not envisaged the proposal will cause any harm to the character of this rural lane.
- 7.18 Overall, it is considered that the proposed development is of an acceptable scale and design, and that it would not have a detrimental impact upon the character and appearance of the area.

### **Heritage**

- 7.19 Policy DM 33 of the Local Plan states that new development 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 area's special character or appearance. The site lies within Newington Church Conservation Area, where the Council has a statutory duty to pay special attention to protecting the conservation area and there is a strong presumption against granting consent for proposals which cause harm.
- 7.20 The SBC Heritage Officer has reviewed the application and considers it will enhance the appearance of the conservation area and secure the long term use of the building. It is currently in a dilapidated state and further damage could occur if works are not undertaken to secure the structural integrity of the building. The proposed alterations to the building are considered appropriate and necessary and the Design and Conservation Officer raises no objections to the scheme on this basis.
- 7.21 Conditions have been recommended by the Heritage Officer relating to external materials, joinery details, key construction details and external flues and vents. These conditions will ensure the development has an acceptable finish and have been included below. The Heritage Officer has also requested removal of permitted development rights for external changes to the building. This is considered reasonable due to the prominence of the site within the conservation area, and is secured below via condition and will ensure the Council has control over any future alterations or additions to the building.
- 7.22 In light of the above, the proposal is considered to enhance the special character and appearance of the conservation area and as a result is in accordance with policy DM 33 of the Local Plan.

- 7.23 In considering the impact of this proposal upon designated heritage assets, officers have had regard to the Council's obligations pursuant to the Planning (Listed Building and Conservation Areas Act) 1990.

### **Living Conditions**

- 7.24 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.25 The development site is surrounded by a limited number of neighbours, the closest of which is Snakesbury Cottage to the north west. The barn is located approximately 22.5m from this dwelling, and due to this distance, it is not envisaged there will be harmful impacts to the living conditions of occupiers of this property through the external changes to the building. The use of the building as holiday accommodation is not expected to generate any significant amount of noise, but the proposal will generate a level of noise and disturbance which currently isn't experienced at the dwelling by virtue of increased vehicle movements. However given the separation distance, I do not consider that the proposed use will cause adverse harm to the occupiers of the cottage.
- 7.26 Due to the separation distances between the site and all other neighbouring dwellings, it is not considered there will be any unacceptable impacts upon the living conditions of neighbouring occupiers.
- 7.27 To protect amenity during the construction phase, a condition is imposed below to limit construction hours, as requested by Mid Kent Environmental Health.
- 7.28 Taking the above into account, the scheme is considered to be acceptable and would not cause any unacceptable harm to the living conditions of neighbours. As such the proposal accords with Policy DM 14 of the Local Plan in this regard.

### **Transport and Highways**

- 7.29 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.”*

- 7.30 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.”*

- 7.31 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. SBC Vehicle Parking Standards Supplementary Planning Document (SPD) which is pursuant to Policy DM 7 of Local Plan was adopted by the Council in June 2020 and is a material consideration in the determination of planning applications.
- 7.32 The existing access onto the site will be utilised by the development. It is considered that the very limited increase in vehicle movements to and from the proposed holiday let would not cause harm to those in the immediate vicinity or generally to other road users.

- 7.33 The proposal would incorporate two parking spaces for the holiday let – one within the proposed car port and one on the adjacent hardstanding. Swale Borough Councils Parking Standards SPD sets out that for properties with 1 bedroom in a rural area that 2 spaces should be provided. The scheme therefore complies with the Council's Parking SPD. Conditions are imposed to secure the parking spaces and also to require the provision of an electric vehicle charging point.
- 7.34 In summary it is concluded that the scheme would be in general accordance with DM 7 of the Local Plan.

### **Ecology**

- 7.35 The NPPF and Local Plan policy DM 28 requires that development proposals will conserve, enhance and extend biodiversity, provide for net gains in biodiversity where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 7.36 From April 2024, minor developments are required to provide at least 10% Biodiversity Net Gain (BNG). Notably the application was submitted in February 2024 and as such is not subject to this requirement.
- 7.37 Turning to consider the ecological impacts of the development, due to the age and condition of the barn, KCC Ecology requested that bat dusk emergence/dawn re-entry surveys and associated mitigation strategy, as well as a barn owl survey and mitigation strategy were provided. These surveys were undertaken by the applicant and KCC Ecology were reconsulted on the application. They have confirmed that they are satisfied with the conclusions of the bat survey report which states that no bats were seen emerging from the building during the emergence surveys. However, KCC Ecology have recommended a condition to control external lighting to mitigate impacts on bats and other nocturnal mammals. This condition has been included accordingly.
- 7.38 The submitted ecological survey has detailed that barn owl pellets and feathers have been recorded within the existing building on site and as such there is potential that the proposed development could result in the loss of suitable Barn owl habitat. Barn owls are a protected species under the Wildlife & Countryside Act 1981. However, during the dusk emergence surveys for roosting bats carried out by the applicant's ecologists in June 2024, which included an internal inspection and a night vision aid set up within the barn, no evidence or sightings of barn owls was recorded. KCC Ecology have reviewed this and advised that they are satisfied that no further surveys are required. However, in line with the recommendations of the submitted Barn Owl Letter, they advise that a pre-commencement walkover survey for barn owls is secured via condition, especially if a significant amount of time has elapsed from any approval granted. A condition is therefore included to secure the walkover survey to prevent potential harmful impacts on this protected species during construction works.
- 7.39 A condition is also imposed to require details of ecological enhancements be submitted and approved by the Council. With these conditions in place, the application is not envisaged to be harmful from a biodiversity perspective and as such complies with policy DM 28.

### **SPA Payment**

- 7.40 An Appropriate Assessment is set out below. Since this application will result in a net increase in residential accommodation on the site, impacts to the SPA and Ramsar sites



may occur from increased recreational disturbance. Due to the scale of the development there is no scope to provide on-site mitigation and therefore off site mitigation is required by means of developer contributions at the rate of £328.27 per new residential unit. Holiday lets also incur this fee. As the development will result in an uplift of one holiday let at the site, one fee is required. The agent has confirmed their willingness to pay this fee prior to the issuing of the decision notice should the application gain a positive resolution by the Planning Committee.

### **Conclusion**

- 7.41 The development will make use of an existing rural building in a poor state of repair and as such is acceptable in principle in accordance with policy DM 3 of the Local Plan. The proposed renovations to the barn will enhance its appearance, thereby enhancing the special character and appearance of the Newington Church Conservation Area, and will include the use of appropriate materials, which relate well to the rural context of the site. The scheme will not cause harm to the living conditions of neighbours, provides adequate onsite parking provision, and protects the site's ecological values. On this basis, it is recommended that planning permission be granted.

**RECOMMENDATION** – Grant subject to the following conditions:

### **CONDITIONS**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings: FI/23/120.02A, FI/23/120.05A and FI/23/120.06A.

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

3. No development shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of the holiday let.

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

4. (a) Prior to the commencement of development (including demolition works) and no more than one week before, a pre-commencement barn owl walkover survey shall be completed by a suitably qualified ecologist.

(b) If evidence of recent barn owl activity is found on site as a result of the pre-commencement walkover survey under Part (a), no works shall take place until a full barn owl mitigation strategy is submitted to and approved by the Local Planning Authority. All works thereafter shall proceed in accordance with the approved scheme of mitigation.

Reason: In the interests of biodiversity.

5. Within 3 months of works commencing details of both hard and soft landscape works shall be submitted to the Local Planning Authority for approval. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, external lighting, hard surfacing materials, and an implementation programme.

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

6. Prior to the commencement of development, details of how the development will enhance biodiversity will be included within the site landscape plan and submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained.

Reason: In the interests of biodiversity.

7. Prior to commencement of the relevant works, details of any flues, vents, pipework (excluding rainwater goods), light fittings, alarm boxes, meter boxes and/or cabling to be inserted into/fixed onto the external walls of the building shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character or appearance of the conservation area.

8. Prior to commencement of the relevant works, details of external roofing (including ridge tiles), timber cladding for carport and details of the shutters (including colour finish) to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character or appearance of the conservation area.

9. Prior to commencement of the relevant works, 1:10 elevation detail and 1:1 or 1:2 plan and vertical section for each new / replacement window type to be used shall be submitted to and approved in writing by the Local Planning Authority (please

see Informative 1 below). The development shall be carried out in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character or appearance of the conservation area.

10. Prior to commencement of the relevant works, a 1:10 elevation detail and a 1:1 or 1:2 plan and vertical section for each new and replacement external door type to be used shall be submitted to and approved in writing by the Local Planning Authority (please see Informative 2 below). The development shall be carried out in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character or appearance of the conservation area.

11. Prior to commencement of the relevant works, the following key construction details shall be submitted to and approved in writing by the Local Planning Authority:

(a) 1:1 or 1:2 vertical section showing the eaves detailing (including guttering) to the main roof and car port roof

(b) 1:1 or 1:2 vertical section showing the verge detailing to the main roof and car port roof

The development shall be carried out in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character or appearance of the conservation area.

12. The new brickwork used on the development shall reuse the existing bricks where possible and where new bricks are required, they shall match the existing brickwork, including in terms of dimension, profile, texture, bonding pattern, mortar course detailing and colour finish.

Reason: In the interest of preserving or enhancing the character or appearance of the conservation area.

13. Prior to the installation of any external lighting a “sensitive lighting strategy” for the site will be submitted to and approved in writing by the Local Planning Authority. The lighting strategy will:

- a) Identify those areas/features on site that are particularly important for bats;
- b) Show how and where external lighting will be installed in accordance with ‘Guidance Note 8 Bats and Artificial Lighting’ (Bat Conservation Trust and Institute of Lighting Professionals).

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance

with the strategy.

Reason: In the interests of biodiversity.

14. The area shown on approved plan numbered FI/23/120.05A as vehicle parking shall be retained for the use of the occupiers of, and visitors to, the holiday let, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space. The parking shall be provided prior to the first use of the holiday let.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

15. Prior to the occupation of the holiday let hereby permitted, one electric vehicle charging point shall be provided. All Electric Vehicle chargers must be to Mode 3 standard (providing a minimum of 7kw) and SMART (enabling Wi-Fi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/authorised-chargepoint-model-list>

Reason: To encourage the use of electric vehicles, in the interests of climate change and reducing pollution.

16. 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.

17. 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.

18. 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 0800 – 1800 hours, Saturdays 0800 – 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.

19. The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the holiday let shall not be occupied unless the notice for the dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

20. No further development permitted by Classes A, C, D or E of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), shall be carried out.

Reason: In the interest of conserving the character and appearance of the conservation area.

21. Notwithstanding the provisions of Class A, Part 14, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no solar equipment (excluding any solar panels permitted as part of condition 3) shall be erected within the application site.

Reason: In the interest of conserving the character and appearance of the conservation area.

22. The accommodation hereby permitted shall be used solely for the purpose of holiday accommodation, and shall not be used by any person or persons as their sole or main residence and shall not be occupied by any person or group of persons for more than four weeks in any calendar year.

Reason: As the site lies outside any area intended for new permanent residential development and as the permission is only granted in recognition of the merits of providing holiday accommodation in this attractive rural area.

## **INFORMATIVES**

- (1) The sections to be provided shall include part of the surrounding masonry or joinery bordering the window opening and shall be set out clearly (annotated as necessary) to show the following details, as applicable:
  - External and internal depth of reveal
  - Window head and cill/sub-cill detailing

- Glazing section (thickness of glass and in case of double glazing, dimension of spacing between the panes of glass)
  - Glazing bar profile(s)
  - Window frame
- (2) The sections to be provided shall include part of the surrounding masonry or joinery bordering the door opening and shall be set out clearly (annotated as necessary) to show the following details, as applicable:
- External and internal depth of reveal
  - Glazing section (thickness of glass and in case of double glazing, dimension of spacing between the panes of glass)
  - Glazing bar profile(s)
  - Door frame
  - Weatherboard and threshold detailing for external doors
- (3) The applicant should comply with the with the Mid Kent Environmental Code of Development Practice during the construction phase of the development.

### **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.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

### **Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.**

This Appropriate Assessment (AA) has been undertaken without information provided by the applicant.

The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

The proposal therefore has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advise that the proposal is not necessary for the management of the European sites and that

subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites.

The recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.” The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.

NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG), and that such strategic mitigation must be in place before the dwelling is occupied.

Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.

Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (which will be secured prior to the determination of this application) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others (<https://birdwise.org.uk/>).



Ordnance Survey - data derived from OS Premium

 **24/500781/FULL - Snakesbury Cottage Iwade Road Newington ME9 7JY**  
Scale: 1:1000  
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