

PLANNING COMMITTEE – 26 NOVEMBER 2015

PART 2

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended

2.1 & 2.2 REFERENCE NO - 15/503848/FULL and 15/503640/LBC		
APPLICATION PROPOSAL Proposed new vehicle crossover and driveway to replace existing driveway as clarified by drawing received 12 November 2015 indicating vehicular sightlines AND Listed Building Consent for proposed new vehicle crossover and driveway to replace existing driveway		
ADDRESS Preston Orchard Cottage 9 Ashford Road Faversham Kent ME13 8XJ		
RECOMMENDATION – Approve both applications SUBJECT TO: receipt of further drawings showing pedestrian/vehicular sightlines.		
REASON FOR REFERRAL TO COMMITTEE Town Council objection and request from Councillor Henderson		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Kenneth Martin AGENT Mr Julian Mann
DECISION DUE DATE 17/07/15	PUBLICITY EXPIRY DATE 15/07/15	

THIS REPORT RELATES TO TWO SEPARATE APPLICATIONS BUT THEY ARE REPORTED TOGETHER AS THE SAME ISSUES ARISE, EACH APPLICATION SHOULD BE DETERMINED ON ITS OWN MERITS

1.0 DESCRIPTION OF SITE

- 1.01 The application site is part of an orchard and the curtilage of a semi-detached grade II listed building within the Faversham conservation area. The current sole access to the property is in the ownership of the adjacent cottage, although this property now also has a separate access to Canterbury Road. The current access is very narrow, is tucked up right in the corner of the site, and is not well designed for modern traffic on this very busy 40mph section of the Ashford Road.
- 1.02 The site is bound by Ashford Road to the west, a private garden to the north (across the existing access drive) and by the remainder of the orchard area in the applicant's ownership to the south and east. Faversham Fire Station is located to the west of the site on Ashford Road opposite the proposed new driveway entrance. The wall fronting Ashford Road ranges between 0.8m and 1.1m in height, whilst the pavement here is between 1.5m and 1.7m wide.

2.0 PROPOSAL

- 2.01 The proposal is for a new vehicle crossover to Ashford Road some 45m south of the existing access. The new driveway would be 2.4m wide and about 120m long linking

back to the existing access close to the cottage, cutting diagonally across the north-west corner of the orchard to avoid the loss of an existing apple tree. The applicant has proposed the use of a 5m long tarmac entrance leading to a MOT Grade water permeable type 1 compacted surface to a depth of 150mm with gravel topping for the new access road construction. A new gate will be installed 5m back from the rear pavement edge.

- 2.02 The new driveway will involve a new break on the continuous low rubble brick wall, which runs along the Ashford Road across the site frontage, and the re-grading of the orchard land either side down to driveway level
- 2.03 The applicant has recently submitted a new drawing to show the vehicular sightlines asked for by Kent Highway Services. This drawing indicates that whilst the sightlines of 2.4m x 65m stretch beyond the site boundaries they do, at these points, fall within the highway boundary.

3.0 PLANNING CONSTRAINTS

Conservation Area Faversham

Listed Buildings MBC and SBC Ref Number: 113/SW

Description: G II 9 AND 11, ASHFORD ROAD, FAVERSHAM, ME13 8XJ

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG)

Swale Borough Local Plan 2008 saved policies E1 General Development Criteria, E9 Protecting and Enhancing the Borough's Landscape, E10 Trees and Hedges, E14 Development Involving Listed Buildings, E15 Development affecting a Conservation Area, E19 Achieving High Quality Design and Distinctiveness

Supplementary Planning Guidance: Conservation Areas

5.0 LOCAL REPRESENTATIONS

- 5.01 None

6.0 CONSULTATIONS

- 6.01 Faversham Town Council objects to the applications on the following grounds;

Reasons:

- 1) The proposed new access would be harmful to the character of the area by breaching the brick boundary wall and by creating a new paved drive across the orchard land

Comments:

- 2) Safety issues could be addressed by improved visibility splays for the existing access and by introducing a lower speed limit on this part of the Ashford road

6.02 Kent Highways Services have said that;

It is noted that the application proposes a new access onto Ashford Road to serve the western most dwelling of the two cottages, as the applicant now wishes to safeguard access to this cottage in the event of a change of ownership of the adjacent cottage that controls the existing access. This does seem a strange turn of events, since the eastern cottage was granted approval for, and has subsequently constructed, a new access onto the A2 Canterbury Road in order that each cottage would have their own independent access since the original single dwelling was divided into the two cottages now present. Given the above, it is odd that the ownership of the original access has been retained by the dwelling that does not use it, and since both owners of each cottage are directly related to one another, it appears entirely feasible that the rights to use the access could be legally agreed fairly easily between each party.

Nonetheless, whilst the existing access is sub-standard, I would expect the new access to be provided with visibility sightlines to meet the current requirements, as it would not be replacing the former, which could continue to be used. It would be inappropriate, therefore, to have two sub-standard accesses in use here. As Ashford Road is subject to a 40 mph speed restriction, I would expect the new vehicular access to accommodate sightlines measuring 2.4m by 65m. The submitted drawing does not indicate that sightlines of that scale are available, and this might require further changes to the road frontage to provide those splays. In this respect, it may be more appropriate, if the access is absolutely necessary, to position it next to the existing access, where each could benefit from the one another to provide visibility across their openings.

I would be grateful if you could forward any amended plans to me for my further consideration.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Papers for applications 15/503848/FULL and 15/503640/LBC

8.0 APPRAISAL

8.01 The main considerations in this case concern the impact that the new access will have upon the highway safety, visual amenities and the impact of the proposal on the conservation area and on the setting of the listed buildings within the orchard. According to the statutory test the Council has a duty to consider whether any new development within a conservation area will preserve or enhance the character or appearance of the conservation area. A similar duty applies to development that might affect the setting of a listed building.

8.02 The first thing to say is that the existing access is severely sub-standard and to all intents and purposes is dangerous. It seems hard to conclude that a reduction in its use will be other than beneficial. The new entrance is further south where a wider entrance with better visibility to the north can be provided. The proposed design of the access would appear to meet most modern standards, on the basis that adequate visibility is provided. The existing low wall will have to be interrupted but the 1.05m high sightlines required by Kent Highway Services will be above the height of the wall at this point and mostly within the width of the pavement, and whilst the 65m distance in either direction will extend beyond the applicant's ownership, at the extreme ends of the sightlines this will be over the pavement and can be assumed to be protected from development. I have recommended a condition to require the necessary sightlines are reserved over the land in the applicant's ownership. I am also seeking amended drawings to show a normal 2m x 2m pedestrian sightlines on either side of the access.

- 8.03 The other point raised by Kent Highway Services is the possible closure of the existing access. This is in the ownership of the other cottage, occupied by close relatives of the applicant. I therefore sought confirmation from the applicant that this access could be closed or perhaps reduced to pedestrian only use by the careful placing of a bollard. Unfortunately, I received a negative response from the owner saying that despite the fact that the Council approved an alternative access for them;

“All of the services to the two cottages run beneath the roadway of the existing driveway onto the A251, the power lines run above it and therefore access is required frequently.

“It was not a requisite of our planning permission granted in 2011 to close this driveway onto the A251 and we continue use this entrance when required. Whether we are related or not we feel bares no relevance to our neighbour's driveway requirements and therefore it shall remain.

“In 2011 you spoke supportively about the need for safe access to one's home after having to reverse onto the A251 and I have been surprised to learn that you have not given your full support to this family and their need for safety as they have young children too.”

I am disappointed with this response and have considered whether the continued use of the existing access will mean that the new access is unacceptable. My conclusion is that despite the fact that Kent Highway Services have objected to the planning application based on their concern over having two sub-standard accesses close together, I do not consider that the new access is necessarily sub-standard if the necessary sightlines are preserved, and that any reduction in use of the existing access must be welcome. As such, I do not consider that any additional harm can arise from the owner's refusal to close of the existing access sufficient to refuse planning permission.

- 8.04 The proposals would also involve the removal of a 6.4m wide section of the boundary wall to Ashford Road. Policy E15 promotes the selection of materials that respect and match the existing textures and colours of a development within a conservation area. The applicant has proposed that the first 5.0m of the driveway will be tarmac and that the remainder will be a gravel surface. The applicant has proposed piers to match the existing walls at the entrance points to the driveway. Samples will be needed to ensure that the materials used are respectful of the existing wall. Subject to approval of these materials, I do not consider the proposed access point to have an unacceptably detrimental impact on the appearance of the site, or special character or appearance of the conservation area, or on the setting of the listed buildings within the orchard.
- 8.05 In addition to the removal of a section of wall the application proposed a significant length of new driveway across the orchard. This orchard is an important part of the conservation area and the Council has recently had to refuse planning permission (supported on appeal) for residential development here. I am therefore concerned that the new driveway minimises the harm to the character of the conservation area, and to the special setting of the listed buildings. Accordingly, I have sought to explore with the applicant an alternative of a shorter driveway exiting closer to (or next to) the existing access. There are various issues here but the most important one for me is that there remains a prominent apple tree which might be affected by a substantially shorter route. On balance I consider that the impact of the loss of this tree outweighs the

benefit that might accrue from a shorter driveway, and I am satisfied that the scheme achieves the right balance between the conflicting factors.

9.0 CONCLUSION

9.01 Although I can appreciate the concerns of Faversham Town Council and Kent Highway Services I am satisfied that the advantages of reducing use of the existing access are significant and ought to be supported. I have given full consideration to the possible harm to the character of the conservation area, and to the setting of the listed buildings according to the statutory tests and, in accordance with advice in the NPPF, I find that the less than substantial harm arising to these heritage assets the public benefit is justified in terms of highway safety which here is of special significance sufficient for me to accept the limited harm arising.

10.0 RECOMMENDATION – GRANT both applications subject to the following conditions:

15/503848/FULL Planning Application

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.

Reasons: 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 brick piers to be constructed on either side of the new access shall be constructed from materials arising from the existing wall as a result of creation of the entrance unless alternative materials have been approved by the Local Planning Authority by way of the written approval of samples before any alternative materials are employed.

Reasons: In the interests of conserving the special character or appearance of the conservation area and the setting of the listed buildings.

3. The new access hereby approved shall not be used until the areas in front of lines drawn on both sides of the access from a point 2.4m back from the carriageway edge in the centre of the access, and points 65m away along the nearside carriageway edge in both directions (as far as the site boundaries allow) have been cleared of any parts of the existing boundary wall or any other, structure, tree, plant or other obstruction which exceed 1.05 metres above carriageway level within the approved sight lines. Subsequently, these areas shall be kept clear of any such obstruction at all times.

Reasons: In the interests of highway safety.

4. The new access hereby approved shall not be used until pedestrian/vehicular sightlines of 2m x 2m drawn on both sides of the new access from the rear edge of the pavement have been provided with no parts of the existing boundary wall or any other, structure, tree, plant or other obstruction which exceed 0.6 metres above pavement level within the approved sight lines. Subsequently, these areas shall be kept clear of any such obstruction at all times.

Reasons: In the interests of highway safety.

5. No gates shall be installed within 5m of the highway boundary.

Reasons: In the interests of highway safety.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 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 proactive manner by:

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- 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.

15/503640/LBC Listed Building Consent Application**CONDITIONS**

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 Listed Building Act 1990 as amended by the planning and compulsory Act 2004

2. The brick piers to be constructed on either side of the new access shall be constructed from materials arising from the existing wall as a result of creation of the entrance unless alternative materials have been approved by the Local Planning Authority by way of the written approval of samples before any alternative materials are employed.

Reasons: In the interests of conserving the special character or appearance of the conservation area and the setting of the listed buildings.

- 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.