

REFERENCE NO - 15/507671/FULL			
APPLICATION PROPOSAL Demolition of the existing light industrial unit and the erection in its place of one four bedroom detached house			
ADDRESS Store Adjacent 24 Plantation Road Faversham Kent ME13 8QY			
RECOMMENDATION: Grant with conditions			
REASON FOR REFERRAL TO COMMITTEE Local objection			
WARD St Ann's	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Karl Stevens AGENT Alex Bradshaw Design	
DECISION DUE DATE 15/02/16	PUBLICITY EXPIRY DATE 21/12/15		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/505309/FULL	Demolition of existing light industrial unit and the erection in its place of two three-bedroom terraced houses	Withdrawn	July 2015
In relation to the walnut tree at 8 Cavour Road adjacent to the site;			
TC/05/0032	Notification to fell walnut tree	TPO made	2005
TP/05/0056	Section felling of walnut tree	Refused	2005
TP/06/0067	Works to walnut tree	Approved	2006
TP/11/0100	Reduce canopy of walnut tree	Approved	2011

1.0 DESCRIPTION OF SITE

- 1.01 This site lies within the built up area of Faversham and the town's conservation area. It consists of a broadly rectangular piece of land measuring 10 x 14m that slopes downward by some 1200mm toward the west, away for the road frontage. At present, the site contains a single storey commercial building of some 65sqm internal floorspace constructed mainly of timber with a double pitch cement tiled roof.
- 1.02 The front boundary of the site is defined by a 2.5m high red brick buttressed wall with a 2.5m wide entrance to the site defined by brick pillars. This wall extends some 22 m to the north from the entrance and also serves to define the street boundary of the garden to the adjacent bungalow at 8 Cavour Road which backs onto the site.
- 1.03 Located at the rear of the garden of 8 Cavour Road and close to the boundary with the application site is a mature walnut tree protected by a Tree Preservation Order (TPO 3 of 2005) with some overhang of the tree's canopy onto the site.
- 1.04 To the south is located the blank gable end of the two storey dwelling at 24 Plantation Road, part of a terrace of three Victorian dwellings with small front curtilages facing onto the street, and with mainly enclosed yard areas to the rear. To the west are banks of lock up garages with the nearest dwellings located in excess of 30 metres distant from the site.

2.0 PROPOSAL

- 2.01 This application seeks to erect a split level 4 bedroom dwelling within the plot with an overall internal area of 125sqm. The front elevation facing onto the street would present the appearance of a vernacular two storey brick built dwelling with tiled roof set back from the front wall by 1.2m to align with the adjacent terrace. The front entrance to the site and boundary wall facing onto Plantation Road would both remain in situ and unaltered.
- 2.02 Distances to the boundaries would be;
- 1.6m from the gable elevation of 24 Plantation Road;
 - Between 20cm and 50cm from the boundary with the garden of 8 Cavour Road and;
 - Between 3.9 and 4.8m from the rear boundary with the block of garages.
- 2.03 The split level design allows for the development of this sloped site with the southern part of the building inset from the main rear wall by 1 metre. Though utilizing a conventional public presentation of a two storey vernacular dwelling to the front, the rear employs a contemporary appearance with a balcony inset into the rear elevation, screened by the remainder of the building to the north and primarily overlooking the garage area to the rear. The adjacent terrace of housing also has a rather unusual rear aspect due to the same level changes.
- 2.04 Internal arrangements would allow for reception, kitchen and living areas to be located on the ground levels with the 4 bedrooms situated on the upper floors. A study-room would be provided within the roof space.
- 2.05 External living space would be located primarily to the rear within a rear garden some 4.0m deep by 10.3m wide. A small curtilage, some 1.3m deep would be located between the front of the house and the boundary wall with an 1100mm pathway to the side providing a pedestrian link to the rear.
- 2.06 Boundary treatments would consist of the retention of the existing brick wall to the front; maintaining the rear west facing boundary onto the garage block with the southern boundary consisting primarily of the gable end of the dwelling at 24 Plantation Road. A new 1.8m high close boarded would be located on the northern boundary with 8 Cavour Road.
- 2.07 It is proposed to liaise with the Highway Authority to remove the existing drop curb at the entrance to the site in order to provide for an additional on-street parking space on Plantation Road.
- 2.08 External finishing materials would consist of a dark yellow brick with grey roof tile to match that utilized on the neighbouring terrace. Front elevation windows would be of a white double glazed sash type to the front with aluminium framed windows and folding doors, grey powder coated, to the rear. Timber doors to the front and side would be partly glazed.
- 2.09 The application is supported by a Design and Access Statement, a Contaminated Land Risk Assessment, marketing information and, more recently and at my request, an Arboricultural Impact Assessment Report and associated Arboricultural Method Statement. From these I draw the following summarised points;

- The house has been designed to extend the form of the existing terrace to maintain the streetscene, keeping the current front wall
- The design makes full use of the changes in level within the site, having two storeys to the front but three storeys to the rear
- Materials would reflect local character
- The site has been marketed since early 2014 with few enquiries and no formal offers
- The protected walnut tree is worthy of retention, and has been crown reduced in the past
- It has an uneven canopy due to the long term presence of a row of conifer trees within the application site (now removed) so that it does not overhang the boundary as much as it might have done if the conifers had not been there
- The canopy of the tree will almost touch the proposed house but there are no windows or gutters proposed here, and minor pruning of branches will have a negligible impact on the tree's health and longevity
- The house will in reality impact on only 10% of the tree's root protection area, which is a minor impact
- Brickwork can be built "over-hand" to remove any impact on the tree from scaffolding
- An exploratory trench has been dug to assess likely impact on tree roots. Few were found
- The impact on the tree both in the short and long terms will be within acceptable suitable tolerances if precautions are taken
- Retention of the walnut tree will partly screen the new house from the north

2.10 Finally, the applicant has forwarded details from a previous owner of the site saying that asbestos roofing sheets were replaced with composite roofing in 1974, and that he is willing to sell to the applicant a garage in the block to the rear of the site.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Approximate Ridge Height (m)	4.2m	8.7m	+ 4.5m
Approximate Eaves Height (m)	2.6m	5.6m	+ 3m
Approximate Depth (m)	7.7m	8.3m	+ 600mm
Approximate Width (m)	7.6m	8.2m	+ 600mm
No. of Storeys	1	3	+ 2
Net Floor Area	65sqm	125sq m	+ 60sqm
Parking Spaces	0	0	0
No. of Residential Units	0	1	1

4.0 PLANNING CONSTRAINTS

Article 4 Faversham Conservation Area

Article 4 Swale Article 4 directive

Conservation Area Faversham

TPO No 3 2005 – Walnut Tree within the rear garden of 8 Cavour Road.

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are relevant in terms of encouraging sustainable housing development and efficient use of land within existing urban areas. Good design standards are encouraged as well as seeking to minimise potential impacts of any development upon the amenity of neighbouring residents. Applications are encouraged to contribute to and enhance and contribute to both the natural and local environment particularly in respect of ecology and heritage assets.
- 5.02 The adopted Swale Borough Local Plan 2008 saved policies E1, E19, H2 and T3 in particular are all considered to be compliant with the guidance in the NPPF, encouraging the provision of high-quality housing development within sustainable locations, with adequate parking provision, and minimising potential amenity impacts for local residents.
- 5.03 Saved Policy E10 (Trees and Hedges) continues to reflect guidance contained within Section 11 of the NPPF in respect of the continued protection of the natural environment particularly veteran trees found outside of ancient woodland (para.118). Similarly, saved Policy E15 (Conservation Areas) places emphasis on the continuing requirement contained in Section 12 of the NPPF for development to contribute positively to the special character and appearance of the conservation area.
- 5.04 The publication draft of the emerging Local Plan, entitled Bearing Fruits 2031, was agreed by Members at Full Council late last year and, as such, carries some weight in the determination of planning applications. Policies DM14 and DM19 are relevant in this instance.

6.0 LOCAL REPRESENTATIONS

- 6.01 I have received 7 letters of objection raising the following summarised grounds:
- No off-street parking provision made
 - Increased pressure on street parking in both Plantation Road and neighbouring streets leading to parking congestion
 - Further risk to access for emergency vehicles
 - Access to existing properties will be restricted during construction
 - Removal of the existing dropped kerb will remove a passing place and hinder disabled people crossing the road
 - The proposal would result in an unacceptable disturbance to crown and root system of the mature walnut tree located nearby in the garden of 8 Cavour Road to the potential detriment of the health and future well-being of this protected Tree (TPO No.3 2005)
 - The developers will have to dig through the roots of the tree possibly destabilising it
 - The side wall of the house will abut the tree canopy denying it sunlight to promote natural growth
 - Non declaration of hazardous waste – the roof is alleged to contain asbestos based cement tiles – no details provided in respect of the disposal of this waste
 - Overshadowing and loss of light to the south facing rear garden and bungalow at 8 Cavour Road, which is already overshadowed by the walnut tree, especially when it is in full leaf
 - Loss of privacy and visual intimidation of the residents of 8 Cavour Road because the proposed wooden boundary fence, which will not be adequate to prevent views into the garden

- The property is of a similar footprint to the previous application for two houses on this site
- Breach of the planning consultation process by the alleged failure to post a site notice close-by
- Loss of natural light and overshadowing to the front of properties opposite to the east across Plantation Road (numbers 15 – 21) from continuation of the tall terraced houses, set back from the road, where they are not matched opposite, but which are lower and closer to the road
- Cramped form of development inconsistent with the local built form. Overdevelopment of a scale and presence that would fail to enhance and maintain the character of the surrounding conservation area, contrary to Local Plan policies
- The design does not compliment or enhance the character of the conservation area, or contain the necessary detailing or proportions
- Only a small bungalow should be built, with its own parking facility

6.02 The immediate neighbour at 8 Cavour Road who owns the walnut tree has submitted her own professional Tree Survey – Arboricultural Impact Assessment. This confirms that the tree is a healthy specimen and that with proper precautions the development can be carried out without risking the health of the tree. However, it does warn that “If all the guidelines and principles outlined in this report are not adhered to, as with all development sites, there is a risk that the construction activities will result in damage to and potentially the death of the retained trees”. It does also say that “It should be noted that healthy trees will usually withstand a loss of a proportion of their root system”, and that “...it is our opinion that by adopting construction and tree protection techniques that minimise root disturbance it will be possible to achieve the successful construction of the proposed development. By adopting such methods lasting damage to retained trees will be avoided and amenity will be preserved for future generations”.

6.03 The owner of the walnut tree has suggested that a way to overcome any concern about the likely impact of the development on the walnut tree is to have the tree removed and replaced with another tree. This would have to be the subject of a separate legal procedure.

7.0 CONSULTATIONS

7.01 Faversham Town Council raises no objections to this proposal

7.02 The erection of a single dwelling without the creation of any new access now falls outside the remit of application that Kent Highway Services advise on, and they do not provide any formal comments on the proposal.

7.04 The Environmental Health Manager observes that there is a history of asbestos content in the roof tiles of the existing building, so this will need to be removed with appropriate care by a licensed contractor and disposed of in the recommended manner. He notes that the Contaminated Land Risk Assessment identified that there is a potential for metals, hydrocarbons, paints and solvents to be present on site as the current workshop is used for a building and painting workshop. It was concluded that there is no risk as the site is on hard standing so this will stop spillages into the ground. Also, the proposed garden space is to be a patio area. Finally, he notes that there is a potential to cause a noise nuisance to nearby neighbours during the demolition of the existing workshop and the construction of the new dwelling. He raises no objection subject to conditions in respect of

- Safe removal of materials containing asbestos to suitably licenced waste disposal site;
- Limitation of hours of construction.

7.05 The Council's Tree Consultant has considered both the applicant's and the neighbour's arboricultural reports. In short he raises no objection to the proposal subject to conditions being imposed requiring that works undertaken within the root protection area (RPA) of the tree be undertaken in accordance with the methodology provided in the Arboricultural Method Statement submitted in support of this application. His formal comments are;

"Having read the submitted arboricultural tree survey and impact assessment reports by Envirocology Ltd (on behalf of the neighbour at no 8 Cavour Road) and Down to Earth Trees Ltd (on behalf of the applicant) I have the following comments to make.

Both survey and impact assessments agree that the Walnut is of early maturity of good vitality and that the crown has been reduced in the past. Both categorize the Walnut as B1 (tree of moderate quality) within the guidelines of BS5837:2012 Trees in relation to design, demolition and construction – recommendations and recognise its impact/amenity within the area.

The impact assessment by Envirocology Ltd is brief in content compared to that of Down to Earth although the last paragraph in section 3 of the report states that "with consideration of the RPA and existing site features (including natural and man-made topography) it is our opinion that by adopting construction and tree protection techniques that minimise root disturbance it will be possible to achieve the successful construction of the proposed development. By adopting such methods lasting damage to retained trees will be avoided and amenity value will be preserved for the future". The report then goes on to contradict this statement within Appendix 1 by stating in the brief that the development will come within the root protections (RPA) area of the Walnut and this being the case, the development should be reconsidered to better accommodate T1 although it does not elaborate further on what damage may occur to the tree by the developments intrusion within the RPA.

The Impact assessment by Down to Earth is more robust in its appraisal of the tree and the impact the development will have on it. It confirms that the very eastern part of the new development will come within the RPA of the tree and the north face wall of the building will skirt the very southern edge of the tree's crown. I agree with their appraisal that the crown of the Walnut to the south has been suppressed due to the presence of a line of conifers that have since been removed from within the site. I also accept that this suppressed habit would negate the need for any significant access facilitation pruning provided construction of this face of the building is of the "overhand" method from within the building footprint as described within the report.

One single branch that extends further into the site is proposed to be trimmed back to the site boundary. The trimming back of this one branch is acceptable in arboricultural terms.

BS5837:2012 does allow some justification of development within the RPA of a tree provided it can be demonstrated that the trees can remain viable and that the area lost to encroachment can be compensated elsewhere, contiguous with its

RPA. Down to Earths report takes this into account within its appraisal of the new foundation within the RPA of the Walnut. It also proposes a number of mitigation measures such as hand digging, lining of the footing with heavy duty plastic barrier to prevent the leaching of concrete (which is toxic to tree roots) into the surrounding soil and site supervision by an Arboriculturist. All these mitigation measures are considered appropriate given the site circumstances and in the most part comply with the guidance given BS5837:2012.

On balance provided the development complies with the guidance and mitigation measures outlined in both submitted arb reports there are no tenable grounds to refuse this application from an arboricultural perspective. Therefore, if you are minded to approve this application I would want to see strict conditions attached that would ensure the development fully complies with the submitted Arb method statements.”

8.0 BACKGROUND PAPERS AND PLANS

8.01 Application papers for application 15/507671/FULL

9.0 APPRAISAL

Principle of Development

- 9.01 This site is positioned within the boundary of the built up area of Faversham where local and national policy continue to support the provision of new housing and the efficient use of land. For instance, this development would be compliant with the guidance contained within paragraph 51 of the NPPF in bringing into use an unused site for residential use close to and within walking distance of the town centre, essential services and public transport routes. Residential use of the site would therefore be capable of playing a part in supporting the requirements of Section 2 of the NPPF (paragraph 23) in ensuring the vitality of town centre by encouraging residential development in appropriate sites.
- 9.02 Use of this land within the built up area would utilize the site for residential within a primarily residential area of the town and demonstrate an efficient use of urban land in adding to the range of house types in the area. As such the proposal would be compliant with saved Policy H2 of the Swale Borough Local Plan 2008 in respect of being located within an established residential area located within a defined built up area.
- 9.03 On balance, the proposal would constitute a sustainable form of development (Para 14 of NPPF) and comply with the requirements of saved policy H2 of the adopted Local Plan. In this respect, the development is therefore considered to be acceptable in principle.
- 9.04 In terms of design, the proposal seeks to construct a detached dwelling with a two storey frontage containing design cues that reflect the character and building lines of the adjacent terrace to the south. Design and appearance to the rear is more contemporary in appearance providing a three storey configuration that makes full use of the slope to the rear.
- 9.05 Orientation of the windows would be east-west thereby avoiding any direct overlooking of the curtilages of adjacent dwellings particularly to the north. The rear first floor balcony would be inset into the building with the positioning of walls to this

structure effectively preventing any overlooking of the rear curtilage to 8 Cavour Road. Window to window interface distances to the east, though less than 21m normally recommended in respect of rear-to-rear windows would reflect the fact that the house is designed to fit into an established street scene, and to set the building further back would be to the detriment of the character of the area where the majority of terraced dwellings are located on or close to the street. Overlooking of the rear gardens to the south would be prevented by the blank gable end of 24 Plantation Road. The design, in effect, would limit balcony views westward across the garages.

- 9.06 The small front curtilage would be limited to providing pedestrian access and small circulation areas for window cleaners etc. A side pathway of some 1500mm width would provide access to the rear and a 3 – 4m deep rear curtilage would provide for a small amenity area to the rear and potential for bin storage. This in turn would be located lower than the ground level of the adjoining garden area of at 8 Cavour Road and boundary treatments would maintain mutual levels of privacy. Though small, the proposed rear amenity area would be able to provide for a rear secluded patio area adequate to serve the needs of this dwelling, given its central location.
- 9.07 Overall, the design of the proposal would provide for a four bedroom dwelling with rear amenity space within a small urban site that would continue to reflect the character, configuration and prevailing density of the majority of terraced dwellings located nearby.
- 9.08 This proposal is designed to provide for a multi-storey dwelling in a confined space with a ridge height of 8.7m when seen from the road. This would represent an increase of 4.5m in height in comparison with the single storey structure that it would replace. However, the two storey/three storey configuration of the proposed building would continue to reflect both the mass, orientation and presence of its surroundings consisting mainly of terraced dwellings located nearby.
- 9.09 Although the proposed dwelling would be located directly to the south of, and form a new visual presence in the middle to rear distance of No.8 Cavour Road, this would not significantly further close-down what is already a restricted aspect enjoyed by this dwelling by reason of the existing store building, the gable to 24 Plantation Road; the location within the rear garden of an intervening mature protected Walnut Tree (TPO3 of 2005), and intervening single storey buildings located in the rear curtilage.
- 9.10 The dwelling would sit well within the prevailing street-scape of mainly high density terraced dwellings with small front curtilages and, whilst it would form an additional visual presence in the immediate locality, the proposal would not in my view have an over-dominant or overbearing presence within the local street scene.
- 9.11 Some matters of residential amenity have already been touched on by the section on visual impact. Suffice it to say that there would be no discernible detriment to the residential amenity of neighbouring dwellings by reasons overlooking or loss of aspect. Rear elevation windows to 8 Cavour Road, the neighbouring bungalow dwelling located directly to the north would be separated from the blank gable of the proposed dwelling by a 13m deep curtilage. There is no direct window to window interface between the proposal and this dwelling with the rear balcony being fully screened from view, and the presence of existing intervening boundary screening with garden buildings located within the curtilage of 8 Cavour Road. As such there would be no direct overlooking between the properties.
- 9.12 A distance of some 11 – 12 metres would separate the front elevation ground floor reception and upper floor bedroom windows of the proposal with the front windows of

the terrace of dwellings opposite and across the street at 15 – 21 Plantation Road. Though this level of window to window interface would not usually be considered acceptable between rear windows in a new build situation, this relationship reflects the spatial reality of this Victorian street within the conservation area where the window to window relationship to the public front elevations of buildings are often less than this and therefore part of the built fabric of the area that, in itself, helps to define its character within the conservation area. The proposed window to window relationship between the proposed development and its neighbours across the road would therefore not be exceptional within the context of its location, would continue to reflect the prevailing character of Plantation Road and, as such, is considered to be acceptable within the spatial context of this area.

- 9.13 The site is located within the Faversham conservation area where saved policy E15 and guidance contained within Section 12 of the NPPF both apply requiring development to contribute positively to the special character and appearance of the conservation area. Paragraph 137 of the NPPF advises Local Planning Authorities to look for opportunities for new development within conservation areas. Proposals that preserve elements of the character and setting to make a positive contribution to the heritage asset should be treated favourably.
- 9.14 Some local residents maintain that the proposal would be overdevelopment and cramped in its form with a scale and presence that would fail to enhance and maintain the character of the surrounding conservation area. However, the existing single storey building on site is utilitarian in its design and appearance with no discernible architectural or historic merit that would serve to maintain or enhance the character of the conservation area in which it is located. The proposed dwelling would present the appearance of a detached two storey brick built dwelling that would better reflect the prevailing character of the surrounding conservation area in terms of design, scale, detail of the design and materials utilised; the appearance and character of the small terrace of three dwellings located immediately to the south. The existing brick built front boundary wall with pillared entrance shared with the property at 8 Cavour would be retained in situ maintaining definition of the street boundary to the site and serving to maintain a continuity of street character within the conservation area. The proposal would also, in terms of its scale and street presence better reflect the wider character of the area in which Victorian and Edwardian terraces prevail.
- 9.15 The rear elevation is of a more contemporary design and appearance that employs a three storey configuration to exploit the split level layout and slope of the site. The outlook to the rear consists of banks of garages with residential development beyond. To the north, the side elevation of the proposed dwelling is largely screened by the presence of intervening curtilage buildings and a substantial mature walnut tree in the rear garden of 8 Cavour Road. As such, the proposed development would result in an overall improvement in the character and appearance of the conservation area in terms of replacing a poorly designed commercial building with a dwelling that in terms of its scale and design better reflects the scale and residential character of the street. As such, the proposal would be in accordance with guidance contained within paragraph 137 of the NPPF and the requirements of saved Policy E15 of the Swale Borough Local Plan 2008.
- 9.16 No additional off street parking is to be provided in respect of this dwelling, but the potential for an additional on street parking space would be created by the removal of the drop kerb currently serving the access to the site and the restoration of the pavement. Residents have noted that loss of the dropped kerb may hinder disabled people crossing the road. However, there is no corresponding dropped kerb opposite

and in my view the removal of the dropped kerb will make use of the pavement itself far easier, subject to cars parking on it.

- 9.17 The site is located within a mainly terraced street close to the centre of the town where most dwellings within the street have small or no front curtilage or vehicular access to the rear garden areas, thereby limiting the opportunity to park vehicles off the road within their respective curtilages. There is a double bank of 30 garages accessed from Cavour Road and located to the rear of Plantation Road with a further bank of 19 garages located nearby and accessed off Kings Road. Notwithstanding this, there is a pattern of on street parking on either side of the road causing some congestion within the street. The applicant is exploring the potential to purchase one or more of these garages but that cannot be controlled by this application.
- 9.18 Previous uses for the site have included a builders' yard and a commercial garage, both of which are likely to have generated commercial vehicle movement. Although there is a dropped kerb at the site it is likely that these uses would have generated some on-street commercial vehicle parking on the road outside of the site. Arguably, the removal of the dropped kerb would have a neutral impact upon the parking in the locality by creating an additional on-street parking space with no additional pressure from commercial vehicles using this site or seeking to park on the street.
- 9.19 The Council relies on Kent County Council's Interim Guidance Note on Residential Parking (IGN3). This guidance does allow some latitude for parking provision to be reduced particularly in areas readily accessible to local facilities by public transport, by cycling or on foot.
- 9.20 In this respect, the site is located within walking distance to the town centre; is served by nearby good public transport links and is in close proximity to other local services such as schools, local shops and doctors' surgeries. Therefore, the circumstances of the site would allow for Members to consider a relaxation of parking requirements to be exercised in the replacement of a commercial building with a dwelling and for no off street parking to be provided in common with the majority of other dwellings within the street and the wider locality.
- 9.21 The proposal would, on balance, comply with many of the requirements of Section 4 of the NPPF (Promoting Sustainable Transport) particularly (paragraph 38) in providing a residential development where key facilities and services are within walking distance and allow for the use of the site for residential within an already residential street in accordance with the guidance contained in paragraph 50 of the NPPF
- 9.22 The provision of a single dwelling is unlikely to give rise to substantial additional vehicle movements on the surrounding highway network and, as such, not generate serious concerns in respect of highway safety and amenity. Kent County Council has raised no comment on this application in line with the current consultation protocol arrangements. In light of the above it is considered that it would be difficult to sustain an objection on highway grounds.
- 9.23 The soft landscape of this site is defined by the presence of a mature protected walnut tree located close-by within the garden adjoining the site at 8 Cavour Road. Concern has been raised by some local residents that the proposed development may damage the root system of this tree and thereby compromise the health of the tree which is recognised by all as an important feature of the local streetscape within the conservation area. In this respect, a neighbour has commissioned her own short Arboricultural Impact Assessment which assessed the proposal within the context of

criteria contained within BS5837-2012 (Suitability of trees retention in relation to design, demolition and construction). In synopsis, this report indicates that with adoption of suitable construction and tree protection techniques such as the use of a no-dig cellular confinement system for surfacing, it would be possible to achieve the successful construction of the proposed development and avoid lasting damage to trees thereby maintaining its health and amenity value.

- 9.24 The applicant's tree survey involved the digging of an exploratory shallow trench along the site boundary with 8 Cavour Road. No major roots from the walnut tree were revealed in the trench which reflects the findings that the root system of this tree was deflected away from the site by the presence of a line of conifer trees formerly established on the joint boundary between the two properties, and since removed.
- 9.25 Located close to the boundary between two properties, the tree has already been subject to maintenance pruning of the crown (see planning history above) with the asymmetric crown centred predominantly within the adjoining garden of the property at 8 Cavour Road. The applicant's submitted Arboricultural Impact Assessment Report indicates that some on-going minor periodic pruning would need to be undertaken but this has nonetheless already been accepted by the Local Planning Authority in its previous consents for these works. As a protected tree, any additional maintenance involving significant pruning back or crown reduction would continue to require the consent of this Authority
- 9.26 The majority of the root protection area (RPA) and the body of the tree would be protected throughout the construction period in accordance with current standards and guidance, and in accordance with the applicant's Arboricultural Method Statement, provided all works to the tree are undertaken and supervised by a qualified Arboriculturist
- 9.27 There appear to be few major roots to this tree within the application site and, as a protected tree, any crown reduction work would continue to be sanctioned by consent from the Local Planning Authority. The Arboricultural Method Statement indicates a satisfactory level of protection and working practices to be carried out during the construction period of the development. The proposed development is therefore unlikely to significantly adversely impact upon the root system of the protected walnut tree, thereby complying with the requirements of saved Policies E10 (Trees and Hedges) and E15 (Conservation Areas) of the Swale Borough Local Plan 2008 in respect of protection of trees in conservation areas; and guidance contained in Section 12 of the NPPF for development to contribute positively to the special character and appearance of the Faversham conservation area.

10.0 CONCLUSION

- 10.01 The site would be utilized for residential purposes within a primarily residential area of the town demonstrating an efficient use of urban land. As such, the proposal would be compliant with saved Policy H2 of the Swale Borough Local Plan 2008 in respect of being located within a defined built up area and would constitute a sustainable form of development (Para 14 of NPPF) In this respect, the development is therefore considered to be acceptable in principle.
- 10.02 The design would provide for a four bedroom dwelling with rear amenity space within a small urban site that would continue to reflect the character, configuration and prevailing density of the majority of terrace dwellings located nearby and in doing so, serve to maintain the character and appearance of the Faversham conservation area

in which it is located. As such, the proposal would be in accordance with guidance contained within paragraph 137 of the NPPF and the requirements of saved Policy E15 of the Swale Borough Local Plan 2008.

- 10.03 The site is located within walking distance of the town centre; is served by nearby good public transport links and; is in close proximity to other local services such as schools, local shops and doctor's surgeries. This would, comply with many of the requirements of Section 4 of the NPPF (Promoting Sustainable Transport) particularly (paragraph 38) in providing a residential development where key facilities and services are within walking distance and allow for the use of the site for residential purposes within an existing residential street in accordance with the guidance contained in paragraph 50 of the NPPF. Therefore the circumstances of the site would allow for Members to consider a relaxation of parking requirements to be exercised in the replacement of a commercial building with a dwelling and for no off street parking to be provided in common with the majority of other dwellings within the street and the wider locality.
- 10.04 The proposed development, undertaken in accordance with the submitted Arboricultural Method Statement during the construction period, is unlikely to adversely impact upon the root system of the protected walnut tree complying with the requirements of saved Policies E10 (Trees and Hedges) and E15 (Conservation Areas) of the Swale Borough Local Plan 2008 in respect of protection of trees in conservation areas; and guidance contained in Section 12 of the NPPF for development to contribute positively to the special character and appearance of the conservation area.
- 10.05 With the history of some asbestos contamination on the site not being conclusive, a precautionary condition can be put in place to require a further survey to be undertaken and appropriate remediation undertaken should any source of contamination be identified.

11.0 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 approved shall not commence 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 as approved.

Reason: In the interest of promoting energy efficiency and sustainable development, and to ensure that such matters are agreed before work is commenced.

- (3) Prior to the commencement of the development hereby approved, details in the form of samples of external finishing materials and external joinery which shall feature painted timber windows to the front elevation, rooflights and of eaves and ridge

construction to be used 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 visual amenity, and to ensure that such matters are agreed before work is commenced.

- (4) No development shall take place until full details of hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority. 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 and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity, and to ensure that such matters are agreed before work is commenced.

- (5) The development hereby approved shall not commence until a programme for the suppression of dust during demolition and construction has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of demolition and construction unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, and to ensure that such matters are agreed before work is commenced.

- (6) Prior to the commencement of the development hereby approved, a survey specifying the location and nature of asbestos containing minerals (ACM) and an action plan detailing treatment or safe removal and disposal of the ACM identified as being present within the site shall be submitted to and approved in writing by the Local Planning Authority. The details in the approved action plan shall then be fully implemented and evidence of this shall be kept and made available for inspection at the request of the Local Planning Authority.

Reason: In order to secure the removal of any contaminated material that may be present on the site and to ensure that such matters are agreed before work is commenced.

- (7) Prior to the first occupation of the development hereby approved, evidence of the treatment or safe disposal of the asbestos containing materials (ACM) at a suitably licensed disposal site shall be submitted to and approved by the Local Planning Authority.

Reason: In order to secure the removal of any contaminated material that may be present on the site and to ensure that such matters are agreed before work is commenced.

- (8) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To prevent pollution of groundwater.

- (9) No construction work in connection with the development shall take place on any Sunday or Bank Holiday nor 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.

- (10) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling hereby approved shall not be altered or extended in any way without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the occupants of the adjacent residential property.

- (11) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no part of the front boundary wall to the site shall be demolished or reduced in height without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the occupants of the adjacent residential property.

- (12) The development shall proceed in accordance with the following approved drawings:

Stevens_001 Rev 2_1, _002 Rev 2_1, _003 Rev 2_1, _004 Rev 2_1, _005 Rev 2_1, _006 Rev 2_1, _007 Rev 2_1, _008 Rev 2_1, _009 Rev 2_1 and _010 Rev 2_1.

Reason: For the avoidance of doubt

- (13) In this condition "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars. Paragraphs i) and ii) below shall have effect until the expiration of 5 years from the date of completion of the development for its permitted use.

i) No retained tree shall be damaged, cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the applicant's Arboricultural Method Statement (S306_PLAN_CS_AMS_151127.docx) dated 30th November 2015, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof.

ii) If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.

iii) The installation of tree protection barriers, the methods of working and the means of constructing the new dwelling shall be undertaken in accordance with the

applicant's Arboricultural Method Statement (S306_PLAN_CS_AMS_151127.docx) dated 30th November 2015.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality,

(14) No development shall commence until the developer has:

i) Instructed an arboricultural consultant, approved in writing by the Local Planning Authority, to liaise with the developer and/or his architect or engineer to approve relevant details of construction methods, oversee the works and report to the Local Planning Authority throughout the period of the works in so far as the works may affect retained trees; and

ii) Submitted to and obtained the written approval of the Local Planning Authority for an auditable system of arboricultural site monitoring, including a schedule of specific site events requiring arboricultural input or supervision where construction and development activity is to take place within or adjacent to any root protection area of any tree identified for retention.

iii) The details approved under clause ii) above shall be implemented throughout the period of construction.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, and to ensure that these details are approved before works commence.

(15) All brickwork and pointing on the northern elevation of the building hereby approved shall be constructed "over-hand" without the installation of scaffolding to the northern side of the wall.

Reason: To prevent damage to the protected walnut tree during construction.

(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.

(17) Upon completion of the approved landscaping scheme, any trees or shrubs 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.

Council's Approach to the 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.

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.