

2.7 REFERENCE NO - 16/502646/FULL			
APPLICATION PROPOSAL Retrospective - Construction of 50 x 20m outdoor manege			
ADDRESS Hooks Hole Chestnut Street Borden Kent ME9 8DA			
RECOMMENDATION Approve			
SUMMARY OF REASONS FOR RECOMMENDATION Proposal is in accordance with national and local planning policy			
REASON FOR REFERRAL TO COMMITTEE Member Request			
WARD Borden & Grove Ward	PARISH/TOWN COUNCIL Borden	APPLICANT I Kemsley Farms Ltd	AGENT Alpha Design Studio Ltd
DECISION DUE DATE 09/06/16	PUBLICITY EXPIRY DATE 20/05/16		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/12/1491	Manege and landscape bund (re-alignment of previous scheme)	Approved	04.02.2013
SW/11/0033	Conversion of redundant buildings to stables, construction of manege, alterations to ground levels and change of use to keeping of horses (part retrospective)	Approved	14.07.2011

1.0 DESCRIPTION OF SITE

1.01 The site is on a farm complex situated outside Borden and adjacent to Chestnut Street from where it is visible. It is near to a former quarry where the landscape is fairly open. The site is outside the built-up area boundary and within the extensive Borden Chestnut Street conservation area. Much of this part of the farm has been given over to equestrian use, as approved by planning reference SW/11/0033. An existing second manege was approved at the site under reference SW/12/1491. The proposed manege is to the south of the approved manege where it is more visible from Chestnut Street.

1.02 There are a number of other planning applications relating to this site, but not particularly relating to the present application.

2.0 PROPOSAL

2.01 The proposal, which is retrospective, is for the retention of a new outdoor manege or sand school. The manege measures 50m by 20m, and is surrounded by a traditional post and rail fence.

2.02 The manege is situated on an area of land the levels of which have been raised, making the land now flat (it used to present a small depression in the land). This work

was also approved under the above reference SW/11/0033. It is situated towards the middle of the site, some distance from the road and adjacent dwellings.

- 2.03 The proposal is reported to the Planning Committee at the request of Cllr Mike Baldock.

3.0 PLANNING CONSTRAINTS

Conservation Area Chestnut Street, Borden

Environment Agency Flood Zone 3

4.0 POLICY AND OTHER CONSIDERATIONS

Swale Borough Local Plan 2008: Saved policies E1, E6, E15, E19 and RC9.

5.0 LOCAL REPRESENTATIONS

- 5.01 None

6.0 CONSULTATIONS

- 6.01 Borden Parish Council, whilst expressing frustration that this is another retrospective application on this farm, notes no comment.
- 6.02 Kent Highways and Transportation raises no objection to the proposal.

7.0 BACKGROUND PAPERS AND PLANS

All documents relating to 16/502646/FULL

8.0 APPRAISAL

- 8.01 The key issues to consider in this case are those of residential amenity and the visual effect on the character and appearance of the conservation area.
- 8.02 In terms of residential amenity, I note that the manege is situated approximately 70 metres from the nearest dwelling. I have, however, recommended the inclusion of conditions which would preclude floodlighting, and a condition restricting the hours of use of the manege to further ensure that residential amenity is not detrimentally harmed.
- 8.03 In terms of the effect on the character and appearance of the conservation area, I note that this area of land was and is relatively featureless, and that the inclusion of the sand school has had a fairly minimal effect on the area, being low key and using rural materials such as post and rail fencing. As such, I do not believe that the manege has had a negative effect on the character and appearance of the conservation area, but consider it pertinent to include conditions below requiring a line of hedging adjacent to the manege on its western boundary to soften the views from Chestnut Street.
- 8.04 I share the frustrations of the Parish Council, that there have been a number of retrospective applications on the site. However, as the local Planning Authority, the Council is obliged to determine retrospective applications on their merits in the same manner as those where future development is proposed. The Government's Chief Planner announced on 31 August 2015 a policy that from that date for all applications

that involve intentional unauthorised development this fact can be a material planning consideration. Whilst this does indicate that some weight can be given to the retrospective nature of this application I do not see that this points to a justification to refuse the current application in this instance.

8.05 Finally, I have included conditions which are pertinent to this manege only; the wider site is covered by planning conditions including those imposed under planning reference SW/11/0033.

9.0 CONCLUSION

9.01 As such, whilst I note the frustrations expressed by the Parish Council, I recommend that the application be approved.

10.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS

(1) Notwithstanding the drawings submitted, details of proposed hedgerow planting (which shall be native species and of a type that will encourage wildlife and biodiversity) to be installed along the western side of the manege hereby permitted shall be submitted to and approved by the Local Planning Authority within three months of the date of this decision.

Reasons: In the interests of the visual amenities of the area

(2) All hedgerow planting approved under the requirements of condition (1) above shall be carried out in accordance with the approved details within three months of their approval.

Reasons: In the interests of the visual amenities of the area

(3) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed or dying within five years of planting shall be replaced by trees or shrubs of such size and species as agreed in writing by the Local Planning Authority.

Reasons: In the interests of the visual amenities of the area

(4) No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- A statement of why lighting is required, the proposed frequency of the use and the hours of illumination.
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
- Details of the number, location and height of the lighting columns or other fixtures.
- The type, number, mounting height and alignment of the luminaries.
- The beam angles and upwards waste light ratio for each light.
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties.

Reason: In the interests of visual amenity and the residential amenity of occupiers of nearby dwellings.

(5) The manege hereby permitted shall not be used except between the following times:

- Monday to Sunday, 07:30 to 20:00

Reason: In the interests of the residential amenity of occupiers of nearby dwellings

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:

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 case, the application was acceptable as submitted.

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.