

**APPENDIX B**

<b>2.7 REFERENCE NO - 16/506181/FULL and 16/506182/LBC</b>		
<b>APPLICATION PROPOSAL- PLANNING APPLICATION AND LISTED BUILDING CONSENT APPLICATION FOR;</b>		
Demolition of the 1960s north and south wing extensions. Change of use, conversion and renovation of the Grade II listed building to provide 6no. residential dwellings. Construction of 34 no. 1-bed, 2-bed and 3-bed terraced dwellings with associated new cycle and bin stores. Re-siting and refurbishment of the Coach House. Landscaping of the site, to include parking areas and a new wildlife pond. Reinstatement of the garden wall along the southern boundary.		
<b>ADDRESS</b> Sheppey Court Halfway Road Minster-on-sea Kent ME12 3AS		
<b>RECOMMENDATION</b> that planning permission and listed building consent be GRANTED, subject to the completion of a suitably worded S106 Agreement.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
The proposals would secure the future of a dilapidated listed building and this would outweigh the limited impact on its setting through the development of new residential buildings within the grounds. The site is located within a sustainable location and has been design to relate well to the site and its surroundings. The impact on the protected trees is acceptable as is the risk posed from flooding. The impact on residential amenity and highway safety and convenience are acceptable. The scheme cannot support financial contributions towards local infrastructure, and this has been demonstrated through a viability appraisal, which has been independently reviewed. The failure to provide for local infrastructure contributions does not outweigh the benefits of the scheme.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
This application has been referred by Cllr Beart on the basis that it would not secure the usual financial contributions towards local infrastructure.		
<b>WARD</b> Queenborough and Halfway	<b>PARISH/TOWN COUNCIL</b> NA	<b>APPLICANT</b> P A Rooney & Bentley Developments L <b>AGENT</b> Vail Williams LLP
<b>DECISION DUE DATE</b> 15/11/16	<b>PUBLICITY EXPIRY DATE</b> 14/10/16	<b>OFFICER SITE VISIT DATE</b> 23/8/16
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>
SW/07/0223	Demolition of 1960's extension & remodel existing listed building. New replacement three storey building to northern boundary to create 16 residential units. Also refurbish existing shed & convert into secure cycle store.	Approved.
SW/07/0224	Demolition of 1960's extension and remodel existing listed building, new replacement three storey building to northern boundary to create 16 residential units. Also refurbish existing shed of convert to secure cycle store (listed building consent).	Approved.

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SW/99/1007	Demolition of Summer House.	Approved.
SW/93/0334	Change of use from residential to a day centre for Kent County Council	Approved.
Land directly to the south of the application site;		
14/502847/FULL	Proposed re-development to provide 6 No. detached Chalet Bungalows and 8 No. Town Houses complete with associated garages, parking and infrastructure (currently in final stages of construction).	Approved.

**MAIN REPORT****THIS IS A JOINT REPORT FOR PLANNING APPLICATION 16/506181/FULL AND LISTED BUILDING CONSENT APPLICATION 16/506182/LBC****1.0 DESCRIPTION OF SITE**

- 1.01 The site measures 1.13 hectares in area, is relatively flat and is located within the defined built up area boundary. The site contains a substantial grade II listed building known as Sheppey Court, last in use as a nursing / care home, which has unsympathetic 1960s wings to the north and south. The building is in a very poor state of repair, having been vacant since 2006, and is currently under scaffolding and a protective cover.
- 1.02 Access to the site is via Halfway Road. The site is screened from this road by a substantial brick wall and a number of mature trees are sited within the grounds of the property, which significantly limit views into the site from this road. Some of the trees on site – 42 in total - are protected by a tree preservation order.
- 1.03 The site is located adjacent to the former dairy site to the south, which is being developed for housing, and within the built-up area boundary as defined in Bearing Fruits 2031, the adopted local plan. The boundaries to the north and west of the site are adjacent to open countryside, and lead onto flat open marshland. This adjacent land also falls within an Area of High Landscape Value, a coastal change management area, and a local countryside gap.
- 1.04 The site falls within Flood Zone 3 on Environment Agency maps.
- 1.05 The site includes a timber carriage house building, in a fairly poor state of repair, immediately to the south of the main building. This building dates back to around 1840.
- 1.06 Immediately to the north of the site access is a single storey lodge building. This remains in the same ownership as the main site, but has been excluded from the development site itself. The lodge is also curtilage listed and dates back to before 1840. It was substantially altered / rebuilt in the early 1970's.

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- 2.01 Planning permission and listed building consent is sought for the demolition of the 1960s north and south wing extensions to the listed building; the change of use, conversion and renovation of the Grade II listed building to provide 6no. residential dwellings; and the construction of 34 new dwellings and flats (to provide a total of 13 one-bed units, 19 two-bed units; and 8 three-bed units), incorporated in three blocks, together with associated cycle and bin stores; re-siting and refurbishment of the Carriage House building to the front of the site; landscaping of the site, parking, and reinstatement of the garden wall along the southern boundary.
- 2.02 The specific works to the listed building are to remove the two 1960's large extensions to each wing, and to re-build the west elevation of the building to the original plan form, which incorporates a single storey extension on this elevation. The building would be converted into six dwellings / flats. This would largely maintain the original internal room layout and would retain the two main entrances to the building, with all units accessed off these.
- 2.03 The northern courtyard would be a new-build block containing 9 units over two storeys and in an L shape. The building would measure approx. 32m x 23m on its longest sides and between 7.3 and 7.9 metres in height. It would be sited approx. 9.5 metres from the listed building. The building would be finished in white render with a slate roof.
- 2.04 The southern courtyard would be a U shaped building containing 21 units and built over two storeys. It would measure 43m x 32m x 25m in footprint, and approx. 7.5m in height. It would be sited approx. 13 metres from the listed building. The building would be finished in white render with a slate roof.
- 2.05 The proposed carriage house building would be sited between the northern courtyard building and the existing lodge building. The building would be rectangular in shape and would measure 25m x 7.7m in footprint, and 7.2m in height, and would contain 3 units. The building would have timber boarded elevations and a slate roof.
- 2.06 The scheme would create a mews style development within generally open communal grounds, although a number of units would benefit from small private outdoor amenity areas (typically 5 metres in depth). A large number of trees (57 in total of which 11 are protected by a Tree Preservation Order) on the site would be removed as part of the development. However the wooded area to the front of the site would be retained, as would a number of other mature and significant trees within the site and on the boundaries.
- 2.07 The application also seeks to relocate an existing Carriage House building currently sited to the south of the listed building, to be repositioned in the south east corner of the site and to be utilised as a cycle store. It also seeks to reinstate a garden wall along the southern boundary to 3 metres in height.
- 2.08 The scheme would provide 40 car parking spaces for residents, and 7 visitor car parking spaces.

**3.0 PLANNING CONSTRAINTS**

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- 3.01 Sheppey Court is a grade II listed building; 42 trees on the site are subject to Tree Preservation Order number 1 of 2015; the site is in flood zone 3 (high flood risk); and the site has archaeological potential. The site falls within the built confines of Minster / Halfway, as noted above.

**4.0 POLICY AND OTHER CONSIDERATIONS**

- 4.01 The following statutory tests set out under S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, apply in relation to applications;

*“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

- 4.02 The National Planning Policy Framework (NPPF) – relevant paragraphs are those relating to sustainable development, delivering a wide choice of quality homes, requiring good design, flood risk, viability and conserving and enhancing the natural and historic environments.
- 4.03 The adopted Swale Borough Local Plan, Bearing Fruits 2031: Policies ST3 (Swale settlement strategy), ST6 (Isle of Sheppey area strategy), CP3 (Delivering a wide choice of homes), CP4 (good design), CP6 (community facilities), CP8 (conserving and enhancing the historic environment), DM6 (transport demand and impact), DM7 (parking), DM8 (affordable housing), DM14 (general development criteria), DM19 (sustainable design), DM21 (water, flooding and drainage), DM28 (biodiversity), DM29 (woodland, trees and hedges), DM32 (development involving listed buildings) and DM34 (archaeology).
- 4.04 Supplementary Planning Documents - Developer Contributions Supplementary Planning Document (SPD) and Listed Buildings Supplementary Planning Guidance (SPG).

**5.0 LOCAL REPRESENTATIONS**

- 5.01 None received.

**6.0 CONSULTATIONS**

- 6.01 The **Council’s Tree Consultant** originally confirmed *“In principle, I accept that in order to develop this site some tree removal will need to take place and in part this scheme appears to retain the most prominent and viable specimens.”* However, the southern courtyard needs to be moved further away from the grade A London Plane tree. The relocation of the carriage house to within the trees at the front of the site needs to be addressed from a tree perspective. Paragraph 1.8 of arboricultural report and the ground assessment detailed on page 19 of the ground report appraisal by Geo-environmental seem to contradict each other in terms of level changes required throughout the site. From an arboricultural perspective the reduction of ground levels around any of the retained trees will have a serious detrimental effect on their stability and long term health so further clarification needs to be provided on what areas of the site will be affected, particularly the clarification of what constitutes soft landscaped

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areas. Until these issues are addressed the application is not supported from a tree perspective.

- 6.02 Following amendments, the Tree Consultant advises that *“the scheme has tried to address many of my previous concerns particularly relating to the building distances from the grade A London Plane tree. I appreciate that the distances from this tree have been greatly improved and provided the tree protection measures and arboricultural method statement (AMS) as detailed in the original submitted tree reports are amended to take into account the design changes then I see no arboricultural grounds to refuse the application. I am also now satisfied that the revised contamination measures within the RPA of the trees are acceptable requiring only a maximum capping of 100mm within the RPA. Again, we need to ensure that the revised AMS covers this aspect of the scheme.* This issue is discussed in the appraisal below and will be secured by a planning condition.
- 6.03 The Council's **Environmental Protection Team Leader** notes identified asbestos will need to be removed by a licenced contractor; demolition and construction may cause noise and dust pollution to local residents; the contamination report suggests there is a dust suppression regime; intrusive investigations conclude there is a need for remediation on site in garden areas- removal of current topsoil and replacement with imported clean topsoil is necessary in garden areas and soft landscaping. A series of conditions are recommended. The asbestos issue is dealt with by alternative legislation and therefore it is not appropriate to impose the condition requested. No objection or further comment has been raised following the submission of a revised contamination report to better protect existing trees on site (see tree consultant's comments above)
- 6.04 The Council's **Climate Change Officer** welcomes the proposal to build to the enhanced water standards. However, with regards to renewable energy this reads, she says, more like an outline application. Various technologies are discussed and suitable ones flagged up as possible - solar thermal and solar photo voltaics, however the statement says these will be decided at the design stage. Given that this is a full application the climate change officer considers there should be more detail at this stage.
- 6.05 The Council's **Strategic Housing and Health Manager** confirm 0% affordable housing provision would be in accordance with the Council's local plan policy (DM8).
- 6.06 The Council's **Greenspaces Manager** considers it appropriate for a small amount of toddler play equipment to be provided within the site, but otherwise makes no request for off-site contributions. A condition is included below to deal with this.
- 6.07 **KCC Highways and Transportation** considers traffic movements to be acceptable and raises no objection on highway capacity grounds. The number of parking spaces accords with adopted standards although some allocated spaces are remote from their dwellings and require amendments. KCC want the width of the access to be maintained at 5.5m for at least a distance of 15m from the carriageway edge of Halfway Road to enable two cars to pass each other. The carriage house cycle store is remote and may not be used due to perceived lack of security. Cycle storage should be in a more secure and convenient location.
- 6.08 Amended plans have been received, and KCC note that the revisions as requested have been carried out other than the position of the cycle store. They request that if

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this cannot be relocated, then it should be adequately restricted and secured to give confidence to residents to use it. Otherwise no objections are raised, subject to conditions.

- 6.09 **KCC Regeneration Projects** request;
- *Primary Education*- £78,114.00 towards Halfway primary school expansion.
  - *Libraries* -£1872.62 towards the additional book stock required to mitigate the impact of the additional borrowers generated from this development.
  - A condition regarding High Speed Fibre Optic connections.
- 6.10 **KCC Ecology** initially reviewed the submitted Ecological Impact Assessment and advised that further information was required prior to determination of the application. Following the submission of such information, no objection is raised in relation to protected species and ecological measures within the site, subject to conditions. It is advised that a developer contribution is secured to the Borough-wide mitigation strategy relating to the Thames Estuary and Marshes, Medway Estuary and Marshes, and The Swale Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites).
- 6.11 **KCC Drainage** raises no objection to the proposal subject to the imposition of a SUDS condition. It notes it is proposed to attenuate surface water on site within granular sub-base of the impermeable access drive and permeable parking areas with a controlled discharge to public sewer of 2.9 litres per second. Southern Water have indicated via a Level 2 capacity check that this flow can be accommodated within the receiving system. It is anticipated that Southern Water may not accept flows from the current design arrangement and that further re-configuration of the on site system will likely be required.
- 6.12 **KCC Archaeology** raise no objection subject to conditions for a programme of building recording, and a programme of archaeological works.
- 6.13 **Historic England** support the current application as the proposed scheme seeks to bring Sheppey Court, a grade II listed building, back into positive reuse and in its view will see limited harm to its significance. It recommends that the application be determined in accordance with national and local policy guidance and on the basis on the Council's expert conservation advice.
- 6.14 None of the 6 amenity societies responded to consultation under the application for listed building consent.
- 6.15 **The Environment Agency** raises no objection subject to a condition requiring the finished floor level (FFL) of the north and south courtyards be no lower than 3.8m AOD.
- 6.16 **Natural England** note the proposal is for new dwellings within the zone of influence (6km) of the Thames Estuary and Marshes, Medway Estuary and Marshes, and The Swale Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites). It is the Council's responsibility to ensure the proposals fully adhere to the agreed approach within the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

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Subject to the above, Natural England is happy to advise that the proposals may be screened out as not having a likelihood of significant effects on the designated sites.

- 6.17 **Southern Water** notes it appears the applicant is proposing to abandon a public sewer. A public sewer may cross the site so should one be found during construction it should be assessed before further work commences on site. Southern Water can provide foul and surface water sewerage disposal and a water supply. General SUDS guidance is provided. An informative is recommended to address Southern Waters requirements.
- 6.18 **The LMIDB** confirm provided details of the proposed SUDS and its maintenance are designed and agreed with KCC SUDS, the LMIDBs interests should not be affected by the proposal. Appropriate conditions should be attached.
- 6.19 **The NHS Swale Clinical Commissioning Group** has requested a contribution of £360 per new resident is requested amounting to £33,696 towards expanding existing facilities within the vicinity of the development.
- 6.20 **Kent Police** note the application refers to secured by design and encourages an application for accreditation. The cycle store could be better located with better surveillance. A condition or informative regarding crime prevention is requested.
- 6.21 **UK Power Networks** raises no objection to the proposal.

**7.0 BACKGROUND PAPERS AND PLANS**

- 7.01 The application includes a thorough set of existing and proposed plans and elevations, artists impressions and the following documents;
- Planning Statement
  - Design and Access Statement
  - Heritage Statement
  - Ecological Impact Assessment and additional letter
  - Arboricultural Impact Assessment and Method Statement
  - Flood Risk Assessment
  - Transport Assessment
  - Report on Financial Viability for Planning (confidential)
  - Ground Appraisal Report
  - Services Appraisal
  - In Situ Soakage Tests
  - Sustainability Statement
  - Asbestos Management
  - Hazardous Materials Inspection Report

**8.0 APPRAISAL**

- 8.01 The site is – as noted above - located within the built up area boundary as defined by the proposals map of the adopted plan, and where new residential development is directed under local plan policies ST3 and ST6. The development would add to the housing stock within the Borough and would provide a number of smaller units of accommodation, adding to the range of housing available in the area, in accordance with policy CP3 of the adopted plan.

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- 8.02 As such, the general location of the site is acceptable for housing development. However there are a number of site specific and local constraints that relate to this development, and these are considered below.

*Impact on listed building*

- 8.03 Sheppey Court is a Grade II listed building. The list description sets out that it was built in the early C19 for Sir Edward Banks as a country retreat and in a Greek Revival style. The building is stuccoed with a shallow pitched slate roof, and at the time of listing was little altered externally, with some original internal fittings – notwithstanding that one of the extensions to the west had been added in 1968. Members will be aware that Sir Edward Banks was an important local figure, involved in the construction of the Sheerness naval dockyard and the foundation of Banks Town (which later became Sheerness-on-sea).
- 8.04 The building has, in modern times, been in use as a care home, but has been vacant for more than 10 years. The building has fallen into disrepair and has been on the local Heritage at Risk register for many years. It is in need of substantial investment. As a result, the scheme put forward is an “enabling” form of development, with the revenue raised by the quantum of new build development allowing for the repair, restoration and conversion of Sheppey Court (including demolition of the poor 1960s extensions).
- 8.05 The listed building itself would be substantially restored and improved through the development, and the internal layout has been designed to have minimal impact on the listed building through the conversion works. The removal of the extensions and restoration would directly enhance the special interest and significance of the listed building.
- 8.06 The new buildings would impact upon the setting of the listed building. They would add substantial built form within the grounds. However, they have been sited and designed in a way that maintains the prominence of the listed building, through the use of open courtyard areas, the use of lower eaves height in comparison to the listed building, and ridge lines that are no higher than the listed building. The scheme is considered to strike an appropriate balance between the quantum of development required to provide a viable scheme for the site, and the need to avoid substantial harmful impacts to the setting of this listed building through development within its grounds. The scheme is supported by the council’s conservation officer and by Historic England, who both advise that there would be limited harm to the significance of the listed building.
- 8.07 The scheme would also affect the setting of the curtilage listed lodge building – but as this was significantly altered in the 1970s its significance is very limited, and it is not considered that any harm would arise to this building.
- 8.08 As noted above, S72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 places a strong presumption against any harm arising from development to a listed building and its setting, and this carries substantial weight in the decision making process. In my opinion, the limited harm to the setting of the listed building would be offset by the substantial enhancement to the listed building itself that would arise from the development.



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- 8.09 The NPPF sets out that development that leads to less than substantial harm to the significance of a designated heritage asset should be refused, unless it can be demonstrated that such harm is necessary to achieve substantial public benefits to outweigh that harm. The key benefits outlined above would, in my opinion, be sufficient to outweigh this less than substantial harm. Likewise, and for the above reasons, I do not consider that there would be any conflict with Policy DM32 of the adopted plan.

*Impact upon wider character and appearance of area*

- 8.10 The site is located at the southern end of Halfway Road. The area is generally characterised by a consistent line of two storey built form along the eastern side of the road, and more intermittent development on the western side, where built form is separated by the presence of the cemetery and also by the grounds to Sheppey Court. Members will note, however, that a new development is being built at The Old Dairy site immediately to the south of the site. The dominant features of the site from Halfway Road are the tall brick boundary wall and landscaping beyond it. From the road, the building at Sheppey Court has very limited visual impact.
- 8.11 The proposal would substantially add to built form within the site. However, it would be set back from Halfway Road and the existing wall and tree screen would be retained, albeit that a number of trees would be removed within the site. The new buildings would be visible from the road, and particularly from the site access, but such views would be limited by the set back from the road and the height of these buildings, which would be set below the level of the listed building, and the retained boundary screening. The main visually dominant feature of the site from the road would continue to be the wall and mature trees.
- 8.12 The existing carriage building would – as noted above - be re-located to the front of the site and would be sited just inside the boundary wall and within the landscaped area. It would be used as a cycle store, and would be located adjacent to an existing opening to be used as a pedestrian entrance for the new development. Due to the height of the carriage building, it would be visible above the wall. However it is modest in footprint and would not detract from the prevailing landscaped frontage that would be retained. It would enable a curtilage listed structure to be retained on the site, albeit in a new position.
- 8.13 Many of the trees on site are, as noted above, protected under an area Tree Preservation Order. The proposal would include the removal of a number of trees on site (including 11 subject to the TPO), in part to accommodate new buildings, but also for reasons of good arboricultural practice. The Council's Tree Consultant is satisfied that the most significant trees would be retained, and the scheme has been amended to address the relationship between the Southern Courtyard building and an adjacent London Plane tree. Despite the loss of a number of trees, I am satisfied that the landscaped character of the site would be retained – particularly when viewed from Halfway Road.
- 8.14 Overall, I consider that the impact from Halfway Road would be modest and would not be harmful to the character or appearance of the area.
- 8.15 The new buildings would be sited close to the north and west boundaries of the site, which are generally unscreened and with long range views across the open flat marsh landscape. It is likely that some long range public views of the site would be possible

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across this landscape, which is an Area of High Landscape Value – although it is important to stress that this designation does not cover the application site itself. The Swale Landscape Character and Biodiversity Appraisal (SPD) identifies this as part of the Sheppey Court and Diggs Marshes, with a moderate condition and sensitivity. The guidelines set out that proposals that would impinge on the sense of undeveloped openness between otherwise developed areas should be avoided.

- 8.16 The proposal would increase the mass and quantum of built form on the site. However, from the marshes, the existing building with substantial later extensions already has a visual impact on the current landscape, and the existing application site could not be described as adding to this sense of openness. Taking this into account, together with the fact that the site falls within the built confines of Halfway, and forms part of the backdrop of built form of the settlement to the marshes, I do not consider the visual impact of the development to be unacceptable or harmful to the sense of undeveloped openness of the marshes.
- 8.17 Overall, I conclude that the development would retain positive site features (for example the frontage landscaping and set-back from Halfway Road) and would not cause harm to the character and appearance of Halfway Road or the open marshland landscape to the north and west. On this basis, I consider that the application would be in accordance with policies CP4 and DM14 of the Local Plan, and would not conflict with policy DM24 of the Plan relating to the conservation of valued landscapes.

*Impact upon surrounding residential amenities*

- 8.18 Policy DM14 of the adopted Local Plan seeks to ensure that there would be no unacceptable impacts on surrounding amenities.
- 8.19 The lodge building at the site entrance is owned by the applicant, but is not part of the application site. The flank wall to the new Carriage House block would be sited approximately 18 metres from the rear of this property, and no windows are positioned within this flank wall. Given the relatively modest height of this building, which also steps down to single storey level at its closest point to the Lodge, I do not consider it would be likely to cause any unacceptable harm to light, privacy or outlook to this property.
- 8.20 The southern Courtyard building would be sited close to the boundary with the new residential development under construction at The Old Dairy site to the south. The southern elevation of the new building would be sited around 20 metres from the site boundary, with a greater distance to the new dwellings at the former dairy site. I consider this relationship to be acceptable. The eastern side of this building contains windows that would face towards Halfway Road and would be capable of views across gardens to The Old Dairy site. However, due the siting of the building and angle of views, I do not consider this to be unacceptable. However I would recommend that some screens are provided to balconies closest to this development, and this can be secured via a planning condition. The scheme includes rebuilding a 3 metre high wall on part of the southern boundary next to these adjacent new units. This would result in a degree of enclosure, although the adjacent units are over three storeys with habitable rooms at first floor level and above, which would not be materially affected by the wall. As the wall would be north facing, it would not obstruct sunlight to these gardens. Overall, I consider this relationship to be acceptable.

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- 8.21 Given the set back of the development from Halfway Road itself, I do not consider that any unacceptable impact would occur to those properties on the eastern side of Halfway Road.
- 8.22 Taking the above into account, I consider that the development would not cause unacceptable harm to surrounding properties, and would comply with Policy DM14 of the adopted Local Plan.

*Whether the development would provide a suitable level of amenity to future residents*

- 8.23 The proposed units are of a good size and would provide a satisfactory internal level of accommodation for future occupants. Most units are provided with small private gardens and / or balconies. In addition, the remaining grounds would be for communal use. Some concern was initially raised regarding the relationship between the Southern Courtyard building and adjacent trees, but this has been improved through amendments to the siting of the building. In my opinion, the scheme would be high quality in design and would provide a good level of amenity for future residents.

*Flood Risk*

- 8.24 The site is located within Flood Zone 3 on Environment Agency maps and is at risk from flooding. A Flood Risk Assessment has been submitted to demonstrate how the development can be undertaken with raised floor levels to mitigate this. The Environment Agency do not raise objection to the scheme, on the basis that a condition is used to ensure that floor levels are suitable.
- 8.25 Policy DM21 of the adopted Local Plan seeks to avoid inappropriate development in areas at risk of flooding. The National Planning Policy Framework sets out a sequential approach to development, where development should be directed to sites within flood zone 1 (at least risk from flooding) before considering sites in flood zones 2 and 3 (at greater flood risk). In this instance, the justification for the new development on this site is to bring forward the restoration of the listed building, which would not take place if other sequentially preferable sites were used. Taken together with the absence of any objection from the Environment Agency, I am satisfied that the development would not be in conflict with the adopted policy or advice in the NPPF.

*Highways safety and parking*

- 8.26 Policies DM6 and DM7 seeks to ensure that traffic generation from new developments is acceptable, that access to other means of transport are available, and that parking is provided in accordance with guidelines.
- 8.27 The KCC Highways and Transportation Officer is satisfied that the traffic generated can be accommodated on the local highway network without any unacceptable impacts. Parking, including visitor parking, has been provided in accordance with guidelines.
- 8.28 The KCC Highways and Transportation Officer has raised some concern regarding the security of the carriage building as a cycle store, being divorced from the dwellings. This can be achieved through provision of a secure pedestrian gate at the access onto Halfway Road, the details of which can be dealt with via a planning condition.

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- 8.29 On this basis, I am satisfied that the development would accord with the above policies.

*Viability*

- 8.30 Members will note from the consultation responses above that, in line with normal procedures for a development of this site, it would generate a requirement for financial contributions to deal with additional demand on local infrastructure, primarily towards additional primary school places and NHS requirements. The total contributions are calculated at £141,102.24
- 8.31 The developer has submitted a viability appraisal to set out that the development is unable to viably meet these costs (other than the SAMMS payment (which is non-negotiable). This appraisal has been revised during the course of the application and has been assessed twice by consultants appointed by the Council. A copy of the latest report on viability by the Council's consultants is attached under Part 6, as Members will appreciate that it includes sensitive financial information.
- 8.32 In short, the appraisal concludes that the development would result in a negative Residual Land Value (RLV) (i.e the value of the site once development costs (including the developer's reasonable profit margin have been subtracted from the value of the completed development). This is calculated as a small negative value without the S106 contributions, rising to a substantial sum when the S106 contributions are taken into account. Members will note from the viability report that the developer's viability assessment shows an even greater negative value, and that the Council's consultant has challenged a number of these calculations and assumptions – but still concludes that a significant negative RLV would arise.
- 8.33 The practical effect of this is that the negative RLV would have to be absorbed within the developer's profit margin, which in turn would lower profit levels. When the negative RLV is taken into account, together with the benchmark land value for the site as set out in the attached viability assessment, this would reduce the margin to well below the standard 20% (as agreed by the Planning Inspectorate and others) that has been used in the viability appraisal for this development, and creates significant risk that the development would not proceed.
- 8.34 Government advice is contained within the National Planning Practice Guidance on Viability. This sets out that a site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken. It states that where an applicant is able to demonstrate that S106 requirements would cause the development to be unviable, then the Local Planning Authority should be flexible in seeking such agreements.
- 8.35 It is clearly a disadvantage of the application that the development cannot reasonably make contributions towards local infrastructure. Nonetheless, in this instance I consider that there are two significant factors that would point in favour of the development. Firstly, that the development finances have been scrutinised by a consultant appointed by the Council and found to be unviable with the S106 costs. Secondly, that in this particular instance the development in question would result in significant enhancement of a listed building that has been on the local Heritage at Risk register for many years. The extent of new development within the site has been

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limited to avoid unacceptable impacts on the listed building, and this in turn also limits the overall development value of the site. The provision of additional housing to the Borough's stock is also a benefit, although I would give this less weight in itself, as the Council can currently demonstrate a 5-year housing supply.

- 8.36 Policy CP6 of the adopted Local Plan sets out that development proposals should provide for community facilities and infrastructure. However the policy does allow for viability to be taken into account. Whilst the policy does endorse a "claw-back" mechanism for review if property values rise, given the moderate nature of this development and the significant negative RLV, I do not consider that it would be of benefit to pursue this. Overall, I consider that the case on viability grounds has been robustly analysed and that the scheme cannot make contributions towards local infrastructure. In taking advice within the NPPG into account, together with the substantial enhancements to the listed building that would arise, I consider in this instance that the development should not be refused due to lack of contributions towards local infrastructure.

*Ecology*

- 8.37 The applicant has submitted a number of ecological reports and surveys which identify that bat roosts are present in some trees on site, that there is a low population of slow worms and grass snakes, and that a barn owl nests on the site. A series of mitigation measures are proposed including alternative roosts within the site, to the satisfaction of the county ecologist.
- 8.38 The proposed development site is 2.6km from the Medway Estuary and Marshes and 1.6km from the Outer Thames Estuary. The developer has agreed to make a financial contribution towards the Borough-wide mitigation strategy (SAMMS) to protect the estuary and marshes. These contributions should ensure that the proposed development avoids likely significant effects on the designated sites due to an increase in recreation. The proposal can therefore be screened out of the need for further assessment.
- 8.39 I am satisfied that the proposal has been designed to provide suitable mitigation to ensure no adverse biodiversity impacts would arise, in accordance with Policy DM28 of the adopted Local Plan.

**Other Matters**

- 8.40 Local Play – The Council's Greenspaces Manager recommends that a small amount of toddler play equipment is provided within the site, but that otherwise no on or off site provision is required. This can be achieved by using a planning condition.

**9.0 CONCLUSION**

- 9.01 The site is located within the built confines of Halfway, where development is generally accepted. The existing listed building on the site is in very poor condition and at risk, and the development would ensure the restoration of this building which would be a direct significant enhancement to the building. The additional new built form around the site would affect the setting of the building, but is well designed and related to the listed building and the limited harm that would arise would be outweighed by the direct enhancement to the listed building itself.

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- 9.02 The scheme would relate well to other features within the site and to the surrounding area, and would be unlikely to cause any unacceptable impacts to surrounding neighbouring properties. Highway impacts are considered to be acceptable, as are ecology and tree impacts.
- 9.03 The scheme would not make a financial contribution to local infrastructure, but the submitted viability appraisal has been reviewed by the Council's consultant and it has been found that the scheme cannot support such costs. Whilst this is a disadvantage, government advice is that Local Planning Authorities should be flexible when viability issues are raised. The benefits of restoring the listed building also weigh significantly in favour of such flexibility.
- 9.04 The scheme is considered to be in accordance with the adopted Local Plan and I recommend that planning permission and listed building consent should be granted, subject to completion of a legal agreement to secure the SAMMS payment to mitigate against impacts on the Thames Estuary and Marshes, Medway Estuary and Marshes, and The Swale Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites).

**10.0 RECOMMENDATION****A) That Planning permission (16/506181/FULL) is Granted, subject to completion of a legal agreement and subject to the following 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) No development beyond the construction of foundations shall take place until the following details have been submitted to, and approved in writing by the Local Planning Authority:
- (i) A sample panel of the render(s) to be used (in its proposed colour finish, or relevant through-coloured form) on the north and south courtyard buildings;
  - (ii) A sample of the natural slate(s) and any associated ridge and hip tiles to be used on the new buildings, and sample of the natural slate(s), any associated ridge and hip tiles to be used on the existing listed building
  - (iii) A sample of the weatherboarding to be used (in its proposed colour finish) on the new carriage house building; and
  - (iv) A sample panel of any replacement stucco to be used (in its proposed colour finish) on the listed building.

Reason : To ensure that the development be carried out in accordance with the approved details.

- 3) The development shall be carried out in accordance with the following approved plans: 15072 S101, P201B, P202C, P210A, P211A, P212, P213, P214B, P215A, P216A, P217C, P218, P220.

Reason: In the interests of proper planning.

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- 4) No development shall commence until an Arboricultural Impact Assessment and Method Statement (to take into account the revised layout) has been submitted to and approved in writing by the Local Planning Authority. The statement shall include measures to protect existing trees to be retained on site and measures to deal with contamination within the root protection area of retained trees. The development shall be carried out in accordance with the approved details, and the approved tree protection measures shall be fully installed prior to the commencement of any development on the site, and retained on site for the duration of the construction.

Reason: To protect important trees on site, in the interests of visual amenity.

- 5) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

- 6) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 7) Prior to the commencement of development a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- 8) Prior to the first occupation of the development details of the implementation, maintenance and management of the sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i. a timetable for its implementation, and
  - ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

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- 9) Prior to the commencement of development details of the means of foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: To prevent flooding and ensure appropriate utility provision at the site.

- 10) No development beyond the construction of foundations shall take place, until full details of both 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, any means of enclosure, hard surfacing materials, graphic/visual details for the method of marking out of parking spaces, and an implementation programme.

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

- 11) 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.

- 12) 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.

- 13) Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:

1) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

2) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 1. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean; any changes to these components require the express consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.



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Reason: To ensure contaminated land is dealt with appropriately.

- 14) No development shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. This shall include details relating to:
- (i) a programme for the suppression of dust during any demolition works and construction of the development
  - (ii) The areas to be used for the storage of plant and materials on site;
  - (iii) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking;
  - (iv) Measures to guard against the deposit of mud and similar substances on the public highway

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

Reasons: To ensure the development does not prejudice conditions of residential amenity and highway safety and convenience through adverse levels of noise and disturbance during construction.

- 15) No development beyond the construction of foundations 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, 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 any dwelling.

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

- 16) No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Reason: In the interests of residential amenity.

- 17) No development beyond the construction of foundations shall take place until a scheme for the provision of a toddler play area within the site, together with a scheme for the long term management and maintenance of the play area, has been submitted to and approved in writing by the Local Planning Authority. The play area shall be installed on site prior to first occupation of any part of the development, and retained thereafter in accordance with the approved details.

Reason: To ensure that the development provides sufficient facilities for children.

- 18) No development beyond the construction of foundations shall take place until a management plan for the communal areas within the site has been submitted to and approved in writing by the Local Planning Authority. The management plan shall provide details of responsibilities for management, and measures for the long term

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management and maintenance of the areas. The development and maintenance of the land shall be carried out in accordance with the approved details.

Reason: To ensure that the communal areas are properly managed and maintained.

- 19) The area shown on the submitted layout as vehicle parking and turning space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (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.

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

- 20) Prior to the occupation of any dwelling, measures to provide a secure pedestrian gated entrance to the south east corner of the site, and to secure the cycle storage area as shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage area and approved security measures shall be provided prior to the occupation of any dwelling.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

- 21) The access details shown on the approved plans shall be completed prior to the occupation of any buildings hereby approved, and the access shall thereafter be maintained.

Reason: In the interests of highway safety.

- 22) The finished floor levels for the Northern and Southern Courtyard buildings and for plot 2 within the Carriage House building shall be no lower than 3.80mAOD.

Reason To minimise risk of internal flooding.

- 23) Prior to the first occupation of plots 23, 29 and 31, details of privacy screens to be erected to the balconies to minimise overlooking into the residential development to the south of the site shall be submitted to and approved in writing by the Local Planning Authority, and installed in accordance with the approved details. The screens shall thereafter be retained as approved.

Reason: To protect neighbouring amenities.

- 24) The development shall proceed in accordance with the reptile measures detailed within the EAD ecology letter dated 14<sup>th</sup> September 2016.

Reason: To ensure ecological matters are dealt with appropriately.

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- 25) No development shall take place (including demolition) until a detailed Construction Ecological Management Plan for the removal of the trees and the demolition of the 1960s north and south wing extensions has been submitted to and approved in writing by the Local Planning Authority. The content of the Construction Ecological Management Plan shall include the:
- a) Purpose and objectives for the proposed works;
  - b) Working method necessary to achieve stated objectives;
  - c) Timings of works to ensure minimal disturbance to protected species;
  - d) Provision for bat 'rescue' if animals are encountered;
  - e) Provisions for reptile 'rescue' if animals are encountered;
  - f) Extent and location of proposed works shown on appropriate scale plans;
  - g) Persons responsible for implementing works.

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

Reason: To ensure ecological matters are dealt with appropriately.

- 26) Prior to the commencement of development a landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed;
  - b) Ecological trends and constraints on the site that might influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) Details of the body or organisation responsible for implementation of the plan;
  - h) Ongoing monitoring and remedial measures including all species outlined in the Ecological Appraisal.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure ecological matters are dealt with appropriately.

- 27) No development beyond the construction of foundations shall take place until details of the location and design of the following ecological enhancement measures have been submitted to and approved in writing by the Local Planning Authority:
- 1. 15 x Schwegler Type 1A swift box;
  - 2. 5 x Schwegler Type 1B nest box;
  - 3. 15 x 1B stock Type B;
  - 4. 1 permanent barn owl box.
  - 5. The creation of one wildlife pond;
  - 6. Large basking bank for reptiles;
  - 7. Large hibernacula for amphibians.

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The development shall be carried out in accordance with the approved details prior to first occupation of any unit.

Reason: To ensure ecological enhancements are secured.

- 28) Prior to the commencement of development details for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The agreed details shall be laid out at the same time as other services during the construction process.

Reason: To secure high quality communications infrastructure.

- 29) Notwithstanding the details shown on drawing no. P217 Rev. C, the piers dividing the parking bays shall be provided with angled straight or curved brackets close to their junction with the underside of the opening in accordance with a revised 1:25 part elevation and associated 1:1 or 1:2 plan section of the pier and bracket, that shall first have been submitted to and approved in writing by the LPA before any development beyond the construction of foundations.

Reason: In the interests of visual amenity and to preserve the setting of the listed building

- 30) Before any of the new residential units permitted are occupied, details of a scheme of heritage interpretation for the listed building, including details of the information to be provided, design of interpretation boards, siting, and measures to view the listed building (together with maintenance & management of the interpretation facility) shall be submitted to, approved in writing by the Local Planning Authority, and implemented in accordance with the details approved in relation to this condition. Thereafter the scheme shall be retained and maintained in accordance with the approved.

Reason: To enhance the significance of the listed building.

- 31) All windows and external doors shall be of timber construction and retained/maintained in timber thereafter.

Reason: In the interests of visual amenity and to preserve the setting of the listed building.

- 32) Before any development commences, 1:10 elevation details and 1:1 or 1:2 vertical and plan sections of each new/replacement window and door type to be used shall be submitted to and approved in writing by the Local Planning Authority. The sections to be provided shall show details of the head, jamb, cill/sub cill, glazing bar detailing, glazing section, timber or putty beading detailing, any trickle vent detailing, and in the case of external doors, framing, fanlight detailing, panelling, viewing window detailing, and detailing for any weatherboards to be used.

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

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Reason: In the interests of visual amenity and to preserve the setting of the listed building.

- 33) Before any development commences, a colour scheme for all external joinery for the new and existing buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the colour scheme shall thereafter be retained and maintained in accordance with the details approved in relation to this condition.

Reason: In the interests of visual amenity and to preserve the setting of the listed building.

- 34) Upon completion, no further development, whether permitted by Classes A, B, C, D, E, F, G and H 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) or not, shall be carried out.

Reason: In the interests of visual amenity and to preserve the setting of the listed building.

- 35) No satellite dishes or solar panels shall be erected or installed on any building.

Reason: In the interests of visual amenity and to preserve the setting of the listed building.

- 36) Notwithstanding the provisions of Class A, Part 2, 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 fences, gates walls or other means of enclosure shall be erected within the application site, other than those expressly approved under this planning permission.

Reason: In the interests of visual amenity and to preserve the setting of the listed building.

- 37) None of the residential units in the new buildings shall be occupied until (a) the works to the listed building have been carried out and completed in accordance with the approved drawings, and (b) the repair and reinstatement works to the curtilage listed boundary walls have been completed in accordance with the details approved under condition 5 of the corresponding listed building consent, unless agreed otherwise in writing by the Local Planning Authority

Reason: In the interests of visual amenity and to preserve the setting of the listed building.

**INFORMATIVES**

- 1) Southern Water requests that the applicant contacts it to discuss the requirement for a formal application to; abandon a public sewer; provide foul and surface water drainage; and provide a water supply on 0330 303 0119. Should a sewer be found during construction the developer should contact Southern Water to discuss its requirements.

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- 2) You are advised that adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- 3) (In relation to condition 30, you are recommended that the scheme should include the provision of two equally sized lava stone colour interpretation panels set flush into the brickwork either side of the viewing window. The text and illustrations to be shown on the panels is required to be provided as part of the submission of details for condition 6). The LPA also recommends the creation of a rectangular opening in the brickwork of the front boundary wall, which would be edged in a brick quoin detail to provide a well-presented modern intervention to the curtilage listed wall, and that the opening would be large enough to allow two persons to view the listed building in its new landscaped setting at the same time, but provided with painted (vertical) steel bars along its length to prevent possible unauthorised entry through the opening).

**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 applicant/agent was advised of minor changes required to the application and these were agreed and submitted.

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

**B) That Listed Building Consent (Ref: 16/506182/LBC) is granted, subject to the following 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.

Reason: In pursuance of Section 18 of the Listed Building Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) Prior to any commencement, a detailed schedule of works for the conversion and extension of the listed building shall be submitted to and approved in writing by the Local Planning Authority. The schedule of works shall include a method statement

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detailing how the listed building will be protected from potential damage during the course of the demolition works to the attached modern extension. The works shall be carried out in accordance with the approved details.

Reason: To preserve and enhance the significance of the listed building.

- 3) Unless otherwise agreed in writing, no works shall take place to the listed building until the modern extension has been demolished in accordance with the method statement approved in relation to condition 2 of this consent.

Reason: To preserve and enhance the significance of the listed building.

- 4) The relocation of the curtilage listed carriage house building shall be carried out in accordance with a detailed schedule of works which shall have been submitted to and approved in writing by the LPA before any works commence. The schedule of works shall include a method statement detailing how (a) the partial demolition of the modern additions to the building will be demolished without harming the historic fabric, and (b) how the building will be practically relocated from its present to its proposed site.

Reason: To preserve and enhance the significance of the listed building.

- 5) Prior to the commencement of any works, a detailed schedule of repair and reinstatement works to the curtilage listed boundary wall shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to any occupation of the listed building.

Reason: To preserve and enhance the significance of the listed building.

- 6) All works to the listed building and curtilage listed building and walls shall be carried out using matching materials and finishes, except as otherwise agreed in the required schedule of works detailed in the above stated conditions.

Reason: To preserve and enhance the significance of the listed building.

**Habitats Regulation Assessment**

This HRA has been undertaken without information provided by the applicant.

The application site is located within the zone of influence of The Swale Special Protection Area (SPA) which is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2010 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.

In considering the European site interest, Natural England (NE) advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 61 and

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62 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, the proposal is unlikely to have significant effects on these sites and can therefore be screened out from any requirement for further assessment.

It is the advice of NE that when recording the HRA the Council should refer to the following information to justify its conclusions regarding the likelihood of significant effects: financial contributions should be made 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; the strategic mitigation will need to be in place before the dwellings are occupied.

In terms of screening for the likelihood of significant effects from the proposal on the SPA features of interest, the following considerations apply:

- 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, I conclude that off site mitigation is required. On this basis and in accordance with the SAMM strategy, the applicant has agreed to contribute £281 per unit to address SPA recreational disturbance towards through strategic mitigation. This mitigation will include strategies for the management of disturbance within public authorised parts of the SPA as well as to prevent public access to privately owned parts of the SPA.

**Conclusions**

Taking the above into account, the proposals would not give rise to significant effects on the SPA. At this stage it can therefore be concluded that the proposals can be screened out for purposes of Appropriate Assessment. I acknowledge that the mitigation will not be in place prior to occupation of the dwellings proposed but in the longer term the mitigation will be secured at an appropriate level, and in perpetuity.



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