

PLANNING COMMITTEE – 22 JUNE 2023**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 22/504625/FULL		
APPLICATION PROPOSAL Demolition of existing bungalow. Conversion of an existing store/garage to a holiday let with the erection of a front porch with access ramp. Installation of a new metal sliding access gate.		
ADDRESS Cairo Lodge Butlers Hill Dargate Faversham Kent ME13 9HH		
RECOMMENDATION Approve, subject to the conditions below and receipts of a SAMMS payment.		
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Hernhill	APPLICANT Mr Steve Waterman AGENT Ingrain Architecture Ltd
DECISION DUE DATE 06/12/22	PUBLICITY EXPIRY DATE 28/03/23	CASE OFFICER Alice Reeves

Planning History

18/506195/FULL

Conversion of detached store and garage to a self-contained holiday let.

Approved Decision Date: 12.02.2019

17/504394/FULL

Erection of replacement dwelling with associated car parking and landscaping plus demolition of existing house and as amended by receipt of drawing number 1103/01 B dated 19th October 2017.

Approved Decision Date: 26.10.2017

SW/07/0144

New garages, workshop & tack room.

Approved Decision Date: 05.04.2007

SW/06/0132

New garages, workshop and tack room.

Approved Decision Date: 27.03.2006

SW/04/1536

New sand school 20m x 40m

Approved Decision Date: 31.01.2005

1. DESCRIPTION OF SITE

- 1.1 Cairo Lodge lies in an isolated position within open countryside outside any defined built up area boundary. The nearest neighbours are Brook Farm and Oakleigh which are sited 25m and 85m from the site. The area is characterised by dwellings of various architectural design and ages. The garage/workshop building itself was approved under application SW/07/0144 as a domestic outbuilding adjacent to private stables and a sandschool; and is a generous building with existing windows, doors and rooflights. The building is clad in timber weatherboarding and is accessed via its own driveway from Butlers Hill. Part of the building was previously approved for use as a holiday let under ref. 18/506195/FULL and is regularly used by visitors to the Borough.

2. PROPOSAL

- 2.1 The application seeks planning permission for the conversion of the existing double garage. The proposal seeks to convert the existing store/garage spaces into a utility, accessible bathroom, double bedroom, and an open plan living/kitchen/diner. The design means that the building can be used as two separate holiday lets or if the dividing door is open, the space can be used as a larger unit with 3no. bedrooms available.
- 2.2 In terms of external alterations, the garage doors are proposed to be replaced with full height glazing within the existing openings. An accessible ramp will also lead to a new pitched roof entrance porch constructed in matching materials measuring 1.5m x 2.7m. A new window is proposed to the side elevation looking out over the small patio area to serve the proposed holiday let.
- 2.3 Two off road car parking spaces per holiday let are shown on the proposed site layout.
- 2.4 The application has been amended from submission as it no longer proposes to construct a new 3 bay car garage on the site of the existing bungalow to be demolished.

3. PLANNING CONSTRAINTS

- 3.1 Designated countryside
- 3.2 Area of High Landscape Value (Swale Level)

4. POLICY AND CONSIDERATIONS

- 4.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies:

ST3 The Swale settlement strategy

DM3 The rural economy

DM7 Vehicle Parking

DM14 General development criteria

DM16 Alterations and extensions

DM24 Conserving and enhancing valued landscapes

- 4.2 Supplementary Planning Document (SPD):

The Swale Borough Council Car Parking Standards SPD May 2020.

5. LOCAL REPRESENTATIONS

5.1 Hernhill Parish Council:

Hernhill Parish Council voted to object to the planning application on the grounds that it would be an overdevelopment of the site, which until recently was a small bungalow in a large garden. The proposed development would result in an additional large building to the two large buildings recently constructed and in nearly half the site being used for commercial purposes which is inappropriate in a rural, residential area. The commercial use would result in increased traffic in the adjacent narrow lane which is already heavily used.

Further to the receipt of amended drawings, which removed the proposed 3 bay car garage from the site the Parish Council were reconsulted and commented as follows:

Hernhill Parish Council:

Hernhill Parish Council voted unanimously noting the amended plans for there to be no change to their original comments posted on the 3rd November 2022.

5.2 Four letters of support were received and can be summarised as follows:

- The unit itself is within the existing building so only involves installation of a ramp
- Demolition of the existing bungalow is overdue and would enhance the area
- Will provide much needed holiday accommodation in the area supporting local businesses
- A number of holiday lets in the parish are no longer functioning and several that had planning approved have not materialised
- Perfect location for holiday makers

5.3 One letter neither objecting or supporting was received and can be summarised as follows:

- Any granted consent should include a condition that the demolition of the existing bungalow is carried out within a time period or ahead of the holiday let conversion
- The previous application for demolition of the existing bungalow did not see this completed and nothing included on conditions to say when demolition needed to take place

6. CONSULTATIONS

6.1 **Kent County Council Highways & Transportation:** No highways implications associated with the proposals

6.2 **Kent Police:** Recommend that CTPED principles are applied and email address provided for applicant to contact if they wish to discuss physical security

6.3 **SBC Environmental Health:** Some residential properties in the vicinity so recommend standard construction hours condition

7. BACKGROUND PAPERS AND PLANS

- 7.1 All plans and documentation relating to 22/504625/FULL.

8. APPRAISAL

Principle of Development

- 8.1 The site is situated within the designated countryside where Policy ST3 of the Local Plan seeks to resist development unless supported by the NPPF. The NPPF at paragraph 84 states that a positive approach should be taken to sustainable development to promote a strong rural economy and that support for all types of rural businesses and tourism developments can be achieved through conversion of existing buildings and well-designed new buildings which respect the character of the countryside. Paragraph 85 of the NPPF recognises that sites to meet local business and community needs in rural areas may have to be found outside existing settlements and in locations that are not well served by public transport.
- 8.2 Policy DM3 of the Local Plan supports the rural economy by encouraging economic development, especially by prioritising the re-use of rural buildings over new builds. The most relevant section of the supporting text to this policy is as follows:

For the rural tourism sector, given the outstanding environment in Swale and its potential contribution to the economy, the Council wishes to see an expansion of sustainable rural tourism initiatives that can benefit local communities, economically and socially as well as raising awareness and support for the conservation and enhancement of the Borough's natural assets.

- 8.3 The agent was advised to remove the proposed 3 bay garage from the proposal as this was considered to be an overdevelopment of the site. The amended plans were forthcoming, and the proposal is now confined to the conversion of the existing building.
- 8.4 The demolition of the bungalow would be in accordance with previously approved application 17/504394/FULL which sought its replacement with a chalet style bungalow set slightly further into the site behind the existing. The chalet bungalow was approved as a replacement dwelling to the smaller bungalow which was to be removed from site in accordance with policies ST3 and DM11 as development of a new dwelling would not normally be supported in this unsustainable location however, no condition was included for its removal and this bungalow still remains on the site. The removal of this bungalow would therefore comply with the previous permission and policies ST3 and DM11 of the Local Plan.
- 8.5 As this is an existing building and there is ample space remaining on the site for off road parking it is considered that the re-use of this building as an accessible holiday let complies with policies ST3, DM3 and DM14 of the Local Plan.

Character and appearance

- 8.6 There is very little change to the exterior of the building proposed. The glazing to replace the garage doors will match that used for the previous conversion and the proposed porch is small scale and in keeping with the surroundings. The conversion makes use of matching

materials and ensures that there will be no harmful impact upon the character and appearance of the area.

- 8.7 The new metal sliding gate to the host property's parking area is considered to be acceptable however, a condition requesting details of this prior to installation is included below to ensure that the design is appropriate.
- 8.8 It is considered that the proposed alterations would not cause any harm to the character and appearance of the area and comply with policies DM14 and DM16 of the Local Plan that seek to only approve development that responds positively to the host building and surrounding area.

Living Conditions

- 8.9 The proposed holiday let is not expected to have any identifiable harm to the living conditions of the neighbouring residents however, it is acknowledged that demolition and building work may cause disturbance if not controlled, so in line with comments from SBC Environmental Health, a condition will be included to ensure that these activities take place within set times. It is therefore considered that the application complies with policy DM14 of the Local Plan which seeks to ensure that there is no significant harm to amenity.

Highways

- 8.10 The site is situated in a rural location with limited access to public transport and in all probability, visitors would rely on a car for their journeys. However, it seems unlikely that the addition of a one bedroom holiday let with sleeping accommodation for two people would generate a significant amount of traffic and in any case it will be dispersed throughout the day. Furthermore, KCC Highways & Transportation do not consider there to be any highways implications associated with the proposal.
- 8.11 There are 4 off road parking spaces in total for use by the existing and proposed holiday let which is compliant with the Council's Parking SPD. The new 2 bay parking area is created by the removal of a small shed to the side of the stable building. The removal of this small shed would not be detrimental in any way.
- 8.12 The parking on site is considered adequate to accommodate both the existing and proposed holiday let and therefore it is not considered that there are any reasons to refuse the application on highway or traffic grounds.

SPA Impact

- 8.13 As Members will be aware, the Council seeks developer contributions on any application which proposes additional residential development within 6km of the Special Protection Area (SPA). The application site is within 6km of the SPA, and as such the Council seeks a mitigation contribution of £314.05 for each new holiday unit. This matter will need to be dealt with before any planning permission can be issued.

Other Matters

- 8.14 The application also proposes the demolition of the existing bungalow on the site. It is noted that under reference 17/504394/FULL a replacement dwelling was approved which has now been constructed. However, the bungalow has not been removed and there is no condition

on the 17/504394/FULL consent requiring its demolition to take place. Therefore, as this proposal also proposes the demolition of the bungalow it is recommended that a condition is imposed which requires the removal of the bungalow prior to the first occupation of the holiday let.

9. CONCLUSION

- 9.1 The application seeks the re-use of an existing building that will support the rural economy. The potential impact of this proposal upon the character and appearance of the rural area, highways implications and the comments of the Parish Council have been considered. The impact is considered to be minimal and considerably outweighed by the benefits it would bring to the Borough in regards to rural tourism and support of local businesses. It is therefore considered that planning permission should be approved, subject to the conditions included below and the receipt of a SAMMS payment.

10. RECOMMENDATION

GRANT Subject to the following conditions and the receipt of a SAMMS payment:

CONDITIONS

- (1) The development to which this permission relates must be begun no 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 be carried out otherwise than in complete accordance with drawings 22103-PL-(00)-0110 1st Revision, 22103-PL-(00)-0103 1st Revision and 22103-PL-(00)-0109 Revision B.

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

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

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

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

- (4) Prior to the first occupation of the holiday accommodation hereby permitted, provision and permanent retention of secure, covered cycle parking facilities shall be completed in accordance with details that shall first have been submitted to and approved by the Local Planning Authority.

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.

- (5) Prior to the relevant works, manufacturers details of the metal sliding gates shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with these approved details.

Reason: In the interests of visual amenity.

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

Reason: In the interests of water conservation and sustainability.

- (7) Upon completion, no further development permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interest of the amenities of the area.

- (8) The area shown on approved drawing 22103-PL-(00)-0109 Revision B as vehicle parking space shall be provided before first occupation of the holiday let hereby permitted, and this area shall at all times be retained for the use of the occupiers of the holiday accommodation. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to these areas.

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.

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

Reason: As the site lies outside any area intended for new permanent residential development and as the permission is only granted in recognition of the applicant's intention and the Local Planning Authority's wish to encourage suitable provision of holiday accommodation in this attractive rural area.

- (10) The existing bungalow shown to be demolished on drawing 22103-PL-(00)-0109 Revision B shall be removed from site prior to first occupation of the holiday let hereby permitted.

Reason: In the interest of visual amenity.

- (11) No demolition/construction activities shall take place, other than between 0730 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.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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

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

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

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

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

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites.

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

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

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

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

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

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

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.

