

OFFICERS REPORT

Application No: Y18/1513/FH

Location: Wents Cottage Sandling Road Postling Hythe Kent CT21 4HD

Proposal Change of use of land from scaffold yard to residential curtilage and erection of a detached garage outbuilding, following demolition of existing buildings associated with the scaffold yard

ASSESSMENT

Performance data:-

Date application valid: 30.11.18

Applicable 8 week target date: 25.01.19

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA)? Yes

If Yes, revised 8 week target date: 24.04.19

Is the application being determined after 26 weeks without a PPA or a PEA? No

SITE VISIT

Carried out site visit on 04.03.19.

The site and proposals were assessed from the public highway and the application site and the following key features were noted as set out in the report below.

SITE

The application site is located within the parish of Postling but outside of the identified settlement boundary. The site is also located within a Special Landscape Area. The main building of the site is a two storey dwellinghouse with pitched and hipped main roof, which is finished with facing brickwork and tiles. To the rear of the house, beyond the existing residential curtilage is land which was last used as a scaffold yard. There are various utilitarian buildings present on the former scaffold yard including a single storey workshop and a pitched roofed scaffold shelter.

RELEVANT HISTORY

The most relevant planning history in relation to this application is:

Y06/0319/SH - Change of use of part of garden to scaffold storage yard (Class B8) together with a 1.8 metre high fence to the North East, South West and North West boundaries. Approved with conditions. This permission established the use of the scaffold yard and the principle of the reversion to residential curtilage proposed under this application.

PROPOSAL

Change of use of land from scaffold yard to residential curtilage and erection of a detached garage outbuilding, following demolition of existing buildings associated with the scaffold yard. The proposed garage outbuilding would include a log store, workshop and garden machinery storage space as well as a three-bay garage; all at ground floor level. The proposed garage outbuilding is arranged with an L-shaped floor plan with pitched roof forms. The building would have a maximum ridge height of 5.5m. In terms of materials, the proposed building would be

finished with a red brick plinth, black weatherboarding, brown timber window units and brown clay tiles.

CONSULTATION RESPONSES

Consultation responses are available in full on the planning file. The main points raised are summarised below.

Postling Parish Council were consulted and raised no objection.

KCC Ecology were consulted and advised that the proposal is acceptable with regard to impact on protected species and non-statutory designated sites (Bartholomews Wood Ancient Woodland (AW) and Postling Wents Woods Local Wildlife Site (LWS)) subject to a condition being applied requiring the submission and approval of an ecological management plan to retain the ecological interest of the area to the north of the proposed building works. KCC Ecology also indicate that the application presents opportunities for biodiversity enhancements, which could be secured via condition.

REPRESENTATIONS

None received.

PUBLICITY

Neighbours notified by letter. Expiry date 07.01.19

RELEVANT POLICIES

Local Plan Review Saved Policies: SD1, BE1, BE8, CO4

Core Strategy Local Plan: DSD

Places and Policies Local Plan Submission Draft: HB1, HB8

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

Core Strategy Review Submission Draft 2019: SS1

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

NPPF

NPPG

Kent Design Guide: Interim Guidance Note 3

APPRAISAL

The main considerations in the determination of this application are the principle of the proposed change of use and the design and visual appearance of the proposed garage outbuilding.

PRINCIPLE

In relation to the erection of an ancillary garage to serve Wents Cottage, under typical circumstances, subject to the garage falling within the residential curtilage of the dwellinghouse and the appropriate design and choice of materials for the structure, this type of development would be considered acceptable. However, the proposed location is not currently within the residential curtilage of Wents Cottage. Condition 2 of permission Y06/0319/SH states 'the use hereby permitted shall be carried out only by Mr P Flisher'. The reason for the personal use condition attached to the previous permission relating to the scaffold yard use was to allow the LPA the opportunity to exercise control over any subsequent use in the event of the premises being vacated. Given the personal use condition relating to the scaffold storage yard (Class B8) use and the fact this use has now ceased, it is considered that the principle of reverting the use of this land to the previous use as residential curtilage to serve Wents Cottage is acceptable.

DESIGN AND VISUAL APPEARANCE

In terms of visual impact, following the removal of the proposed dormers and rooflights, which would have result in the building having the appearance of a chalet bungalow, and a reduction in overall scale, it is considered that the proposed garage would not bear a significant or detrimental visual impact given the substantial structures in association with the scaffold storage yard, which would be demolished to make way for the structure. It is considered that the amended design is simple and functional, and that the choice of materials, including red brick plinth, black weatherboarding, timber windows and brown clay tiles broadly accord with the site's rural setting and the main house of Wents Cottage, and are therefore considered to be acceptable. As referenced above, the site falls within a Special Landscape Area, however given the domestic scale, simple pitched roof design and acceptable choice of materials would ensure that the proposal does not conflict with the aim of saved policy CO4 to protect the natural beauty of the SLA. As such, the proposal is considered to be in accordance with saved policy CO4.

In light of the above, the net visual impact of the proposal is considered to be relatively minor given the scale and extent of the structures to be demolished and the design and visual appearance of the proposed outbuilding are considered to be acceptable.

OTHER ISSUES

Neighbouring Amenity - Given the relatively minor scale and extent of the proposed outbuilding, as referenced above, and the significant separation distances to sensitive neighbouring receptors with regard to neighbouring amenity, it is considered that the proposal would not bear any discernible or detrimental overshadowing, overbearing/enclosing or overlooking impact. As such, the proposal is considered to be acceptable in this regard.

Ecology/Biodiversity - KCC Ecology recommended that the number of windows/openings originally proposed on the south-facing elevation of the building should be reduced to minimise light spill from the proposed garage to the adjacent AW and LWS. The amended plans show that aside from two ground floor access points to storage areas which would include solid timber doors that the south-facing elevation does not include any windows and as such the potential for light spill to the adjacent site has been minimised. KCC Ecology's advice includes a recommendation for a native species hedgerow to be planted along the southern boundary, with details to be approved under a management plan condition, however given the

amendments to remove openings from the south-facing elevation of the proposed outbuilding, it is considered that these conditions are no longer required. As such, subject to a condition to secure biodiversity enhancements, it is considered that the proposal is acceptable with regard to ecological impact.

Parking and Highways - It is noted that the proposal would not increase the parking requirement of the site nor would it preclude the use of existing parking arrangements. As such, the proposal is considered to neutral in relation to parking and highways matters and acceptable in this regard.

ENVIRONMENTAL IMPACT ASSESSMENT

In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

PUBLIC SECTOR EQUALITY DUTY

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

RECOMMENDATION

In light of the above, it is considered the proposal is a sustainable development that complies with development plan policy and the NPPF and is therefore recommended for approval subject to conditions.

Case Officer: Alex Kalorkoti

Report and draft decision notice completed and passed to senior officer.

Name: Alex Kalorkoti Position: Senior Planning Officer Date: 24.04.19

Report and draft decision notice agreed and passed to admin to issue decision.

Name: R Allan Position: DM Team Leader Date: 10/06/19