

MC/16/3973

Date Received: 23 September, 2016

Location: Leighton House Lower Twydall Lane Twydall Gillingham ME7
2UU

Proposal: Conversion of two detached stable blocks into two holiday lets

Applicant: Mr Campbell

Agent: Mr G Edwards Edwards Planning Consultancy 83 Clock House
Road Beckenham BR3 4JU

Ward Rainham North

Case Officer Doug Coleman

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 15 February, 2017.

Recommendation - Approval subject to;

A. The applicant entering into a Section 106 agreement to secure the following:

1. A contribution of £447.16 (£223.58 per unit) towards appropriate mitigation measures within Special Protection Areas.

B. And the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers 160901/02A and 160901/03 received on 4 October 2016.

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

- 3 The boundary treatment shown on drawings 160901/02A and 160901/03 shall be completed in accordance with the stated plans before the use hereby

permitted is commenced and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 The use shall not commence until the area shown on the submitted layout drawings 160901/02A and 160901/03 as vehicle parking space has been provided, surfaced, drained and marked out on site. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space and garaging.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

- 5 The accommodation herein permitted shall only be occupied as holiday lets and no unit shall be occupied for more than 28 consecutive days at any one time.

Reason: To accord with the terms of the submitted application and to maintain the character of the area in accordance with Policies BNE25, BNE34 and ED15 of the Medway Local Plan 2003.

- 6 In the event that contamination is found at any time when carrying out the approved development an investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the remediation works are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

The proposal is to convert two detached stable blocks into two holiday lets. The stable blocks are located in front of the dwelling adjacent to the drive, which rises fairly steeply from Lower Twydall Lane towards the bungalow. The easternmost block comprises five stables and a wc, whilst the west block comprises four stables, a garage to the side and a shed to the rear. The stables are constructed in blockwork, and there is a concrete hard surfaced area between the stables.

Unit 1 would be in the west block and would comprise a living room/kitchen, two bedrooms and a bathroom/wc. The unit would be L-shaped, utilising the rear shed as the main bedroom; there would be a small garden a paved patio area, utilising the space created by the L-shaped building, which would be enclosed by a 1m high post and rail fence.

Unit 2 would be in the east block and would comprise a living room/kitchen, one bedrooms and a bathroom/wc. A small garden a paved patio area would be provided to the rear of the building, towards Lower Twydall Lane, which would be enclosed by a 1m high post and rail fence.

The existing openings would be utilised where appropriate but additional openings would need to be provided in the rear and side elevations. Apart from the two elevations facing the central hardstanding, all external elevations would be rendered.

Three car parking spaces are proposed on the hard standing, two serving Unit 1 and one serving Unit 2.

Relevant Planning History

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| MC/14/0532 | Change of use of land from equestrian use to residential garden, construction of a single storey side extension incorporating front and rear dormers; replacement dormers to front and rear; conversion of garage into habitable room and single storey side extension for use as annexe Approved With Conditions 3 December, 2014 |
| MC/14/2183 | Application for a Lawful Development Certificate (Existing) for the occupation of the existing dwelling contrary to condition (v) of planning permission GL/69/219E Approved 21 November, 2014 |
| GL/69/219G | Details pursuant to GL/69/219E dated 23/4/76 for 4-bedroom house (amended plan received 9/2/77). Approved with Conditions 23 February, 1977 |
| GL/69/219F | One dwelling to enable the efficient running of the Medway Equestrian Centre (formerly known as Reeves Riding |

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| | Establishment). Approved with Conditions 23 April, 1976 |
| GL/69/219D | Erection of five horse stables (as plan submitted 12/02/73) Approved with Conditions 8 March, 1973 |
| NK3/69/219C | Outline application - The erection of five stables in connection with a riding establishment. Approved with Conditions Decided 18 May, 1972 |
| NK3/69/219B | Erection of four stables (amended details). Approved with Conditions 28 July, 1971 |
| NK3/69/219A | Details of stables, tack-room, store, car park and landscaping. Approved with Conditions 12 August, 1970 |

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Three letters have been received raising the following objections:

- Proposal would extend beyond the residential curtilage of Leighton House;
- If permission is granted units are likely to be occupied as dwellings;
- If there are no alternative uses building should be knocked down and land restored to orchard;
- Precedent for conversion of other buildings in area;
- Additional traffic would impact upon residential amenity;
- There is already too much traffic in Lower Twydall Lane;
- There is no lighting in Lower Twydall Lane;
- Overlooking;
- No need for holiday lets in area - there are already hotels and B & Bs.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 and are considered to conform.

Planning Appraisal

Background

The application site forms part of a larger land holding that was established as a riding school, known as Medway Equestrian Centre, around 1961/62. Outline planning permission for the dwelling was granted on 23 April 1976 (GL/69/219E), with the

subsequent approval of reserved matters was approved on 23 February 1977 (GL/69/219E). The dwelling was subject to an occupancy condition hereby limiting the occupancy to the proprietor for the time being of the riding school.

The riding school closed in the mid/late 1990 but the dwelling continued to be occupied by the proprietor of the former riding school and his wife until they died in 2009 and 2011 respectively. The whole site was subsequently sold.

On 21 November 2014 a Lawful Development Certificate (LDC) (Existing) was issued to the effect that the dwelling had been occupied contrary to the condition for more than 10 years, and that as such the occupancy was lawful (MC/14/2183). The LDC only applied to the dwelling and its immediate curtilage and the drive. It did not apply to the remainder of the site including the stable block the subject of the current application. An application to extend the dwelling, which included changing the use of a small part of the former equestrian centre to residential garden was approved on 3 December 2014 (MC/14/0532). That application did not include the stable blocks, the subject of the current application.

Principle

The site is outside the confines of the urban area and as such the proposal falls to be assessed under Policy BNE25 of the Local Plan. The site is also within the Gillingham Riverside Area of Local Landscape Importance (ALLI) as identified under Policy BNE34.

Policy BNE25 states that *development will only be permitted in the countryside if it maintains, and wherever possible enhances, the character, amenity and functioning of the countryside, including the river environment of the Medway and Thames and it offers a realistic chance of access by a range of transport modes.* Policy BNE25 also states, *that development will be permitted if it relates to the reuse or adaptation of an existing building that is, and would continue to be in keeping with its surroundings in accordance with Policy BNE27.* Policy BNE27 permits development involving the re-use or adaption of an existing building in the countryside subject to a list of specified criteria

The buildings, which were built in 1960s/1970s are of a permanent, substantial construction and could be converted to the proposed use without any significant alteration. They are small, single storey buildings which would remain in character with their surroundings. Due to the nature of the site and the change in levels, they would not be visible from any public place. The character of the buildings would be retained, although there are no special features of architectural or historic merit.

The proposed use would be small scale and the level of activity generated would be no more than that generated by two modest size dwellings, although as they would not be permanently occupied there are likely to be times when they are empty. The use is very small scale and is not a use that would lead to a dispersal of activity likely to prejudice town or village vitality.

As the use is not residential the final criteria of Policy BNE27 does not apply.

Policy BNE34 of the Local Plan states that *within Areas of Local Landscape Importance (ALLI's) development will only be permitted if:*

- (i) It does not materially harm the landscape character and function of the area; or*
- (ii) The economic and social benefits are so important that they outweigh the local priority to conserve the area's landscape.*

Development within an ALLI should be sited designed and landscaped to minimise harm to the area's landscape character and function.

In addition, Paragraph 109 of the NPPF states that *the planning system should contribute and enhance the natural and local environment by protecting valued landscapes.*

Having regard to the fact that the buildings already exist, they are small buildings, well screened and not prominent, and that no significant alterations are proposed, it is considered that there would be no harm the ALLI and accordingly no objection is raised in this regard under Policy BNE34 of the Local Plan and Paragraph 109 of the NPPF.

Paragraphs 18 and 19 of the NPPF seek to promote economic growth, whilst Paragraph 28 is more specific in supporting economic growth in rural areas including sustainable rural tourism. Policy ED15 of the Local Plan supports the provision of new self-catering tourist facilities, providing it can be demonstrated that

- (i) The scale of development would not adversely affect local amenity, nature conservation interests or be an intrusive element in the surrounding landscape; and*
- (ii) The local highway network is capable of supporting the scale of development proposed; and*
- (iii) the facilities associated with the development are of a design and scale in keeping with the locality.*

Matters of design, amenity, highways and nature conservation will be assessed below. Providing these matters are addressed, no objection is raised in terms of tourism under Policy ED15 of the Local Plan and Paragraphs 18, 19 and 38 of the NPPF.

Design and appearance

Matters of design and appearance fall to be assessed under Policy BNE1 of the Local Plan and Paragraph 56 of the NPPF, and due to the nature and location of the proposal also having regard to criteria referred to in Policies BNE25, BNE27(ii), BNE34 and ED15(iii) of the Local Plan.

As previously stated, the buildings are small, well screened and not prominent and only minor alterations are proposed which would not affect their character and appearance. Accordingly, no objection is raised in terms of design and appearance under Policies BNE1, BNE25, BNE27 BNE34 and ED15 of the Local Plan, and Paragraph 58 of the NPPF.

Amenity

Although not permanent dwellings the proposed units, with gross internal floor areas of 60 sq. m. and 48 sq. m. approx, and respective bedrooms of 21 sq. m. & 92. sq. m. (Unit 1) and 18 sq. m. (Unit 2) would provide an acceptable level of accommodation for the occupiers of the holiday units.

Although concerns have been expressed, the proposal raises no issues of overlooking. Apart from the application property, the nearest dwellings are Harrison's Cottages approx. 25m south-east of the site. The new patio doors would face eastwards towards a field north of these cottages. There would be no opportunity for direct overlooking from these doors. It would be possible to look across the road from the garden towards these cottages, but having regard to the distance and hedge screening on both sides of Lower Twydall Lane, this is not likely to result in overlooking.

It is acknowledged that the proposal would generate some traffic and activity, but as stated above, this is likely to be no more than that generated by two small dwellings and as such is unlikely to be detrimental to residential amenity. Accordingly no objection is raised in terms of amenity under Policies BNE2, BNE27(iv) and ED15(i) of the Local Plan.

Highways

There is no adopted vehicle parking standard for self-catering accommodation, although the Council's adopted Vehicle Parking standard for hotels requires the provision of one space per bedroom. The submitted drawings show three spaces (two for Unit 1 and one for Unit 2). Accordingly, no objection is raised under Policy T13 of the Local Plan in terms of parking.

The holiday lets would utilise the existing vehicular access serving the bungalow and the level of traffic generated would be no more than for a private dwelling. No objection is, therefore raised in terms of traffic generation and access under Policies T1 and T2 of the Local Plan and Paragraphs 32 and 34 of the NPPF.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £223.58 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have agreed to pay this tariff and are in the process of submitting a unilateral undertaking. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Other matters

The site is not within an area at risk from flooding.

As the proposal is for holiday lets, a condition is recommended restricting any letting to no more than 28 days at a time.

The previous use of the building as stables could have resulted in contamination and accordingly, a watching brief condition is recommended. Subject to this condition, no objection is raised under Policy BNE23 of the Local Plan and Paragraph 121 of the NPPF.

Local Finance Considerations

There are no local finance considerations raised by this application.

Conclusions and Reasons for Approval

The principle of the proposed use as holiday lets is acceptable both in terms of re-use of buildings in the countryside and in terms of promoting sustainable tourism. No objection is raised in terms of design and appearance and impact on the ALLI, neighbour amenity, highways and parking. The applicant is agreeable to making the appropriate contribution in terms of bird mitigation. Accordingly, no objection is raised under Policy S6, BNE1, BNE2, BNE23, BNE25, BNE27, BNE34, BNE35, ED15, T1, T2 and T13 of the Local Plan, and Paragraphs 18, 19, 32, 34, 58, 109, 118 and 121 of the NPPF, and the application is recommended for approval.

The application would normally be determined under Officer delegated powers but is being reported to Committee for a decision in view of the number of letters of representations received contrary to the Officer's Recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items

identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>