

MC/17/2467

Date Received: 12 July, 2017

Location: Travellers Tan, Sharnal Street, High Halstow, Rochester ME3 8QR

Proposal: Change of use from barn to residential facilitating a 4 bedroom dwelling with garage and associated landscaping

Applicant: Mr & Mrs Cameron

Agent: Mr Dodson Consult Construct Ltd 58 Northgate Canterbury CT11BB

Ward Peninsula

Case Officer Hannah Gunner

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 25 October 2017.

Recommendation - Approval subject to;

- A. The submission of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £223.58 per new dwelling towards Designated Habitats Mitigation.
- 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:

16.330 FA001 (received 19 July 2017).

Reason: For the avoidance of doubt and in the interests of proper planning.
 - 3 No development shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local

Planning Authority, and the development shall be carried out in accordance with the approved details.

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 Prior to the occupation of the property full detail of the alterations to the driveway/paved parking area, to include detailed materials, drainage and surface water run off, shall be submitted to and approved in writing by the Local Planning Authority and the work shall be carried out in strict accordance with those details.

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.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Classes A, B, C, D, E, F and G of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 6 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,

- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

- 7 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

- 8 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

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.

- 9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 works set out in condition 8 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 in accordance with condition 8.

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

Change of use from barn to residential facilitating a 4 bedroom dwelling with garage and associated landscaping.

The current barn is a concrete portal framed structure, which remains a relic of the land's previous use as a farmland. The structure since the demise of the farm some years ago has remained in its original condition and utilised for storage purpose. The building is a two bay, three section concrete portal framed building constructed around mid 1970's and is clad with a variety of metal sheet finishes with timber doors to two elevations. The structure currently stands at approx. 6.25m high, 9.3m length and 7.6m width (externally).

The proposed redevelopment / refurbishment of the barn would maximise the extent of the existing foot print to create a detached four-bedroom family home with the small addition of the garage located to the north-east side. The barn's GIA is approximately 71 sqm per floor space (excluding the garage). The remaining land adjacent and surrounding the barn's curtilage (approx. 1000sqm) is to be separated into a front drive and side garden areas.

Site Area/Density

Site Area: 0.1075 hectares (0.2656 acres)

Site Density: 10.75 dph (26.56 dpa)

Relevant Planning History

MC/15/3194	Replacement fencing to front Decision Refusal Decided 5 November, 2015
MC/13/2370	Retrospective application for construction of a block of two stables and tack room Decision Approval With Conditions Decided 10 January, 2014
MC/13/2362	Change of use of part of site from contractors yard to paddock and stationing of one residential mobile home with associated parking and access Decision Refusal Decided 13 December, 2013
MC/07/1169	Demolition of Barn/workshop and erection of one 3-bedroomed detached dwelling house associated car parking and landscaping together with creation of residential garden and parking area to serve Travellers Tan Decision Refusal Decided 30/08/2007 Appeal Dismissed Decided 18/04/2008
MC/07/0151	Widening of existing access onto A228 including the change of use of part of the existing paddock to driveway to facilitate this alteration to the access Decision Refusal Decided 15/05/2007
MC/05/0363	Application for a Lawful Development Certificate (existing) for use of land as a contractors yard comprising of the open storage of materials including loose materials to a maximum height of 2m, the open storage of associated plant and portable toilet and site office and the use of the barn for storage including a workshop area for ancillary light industrial activities, together with associated ancillary vehicle parking Decision Approval with Conditions Decided 19/01/2006
90/0850	Use of land for the parking of 6 lorry trailer, units and erection of a workshop/service building Decision Refusal Decided 20/11/1990
89/1043	Use of land for the parking of two heavy goods, vehicles Decision Approval with Conditions

Decided 12/12/1989

87/1300/A Renewal of temporary permission for the siting of, a residential caravan
Decision Approval with Conditions
Decided 25/05/1990

87/1300 Proposed siting of a residential caravan
Decision Approval with Conditions
Decided 16/02/1988

Representations

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

No letters have been received from neighbouring properties.

An objection has been received from the High Halstow Parish Council raising the following objections:

- This conversion would constitute an additional dwelling in the countryside which is contrary to the Local Plan
- Additional dwellings in Sharnal Street have been consistently refused
- The existing permission is not for residential but for stables

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 site known as Travellers Tan is located off Sharnal Street (A228), adjacent to Sandhurst Farm and Toilers Croft. Over the years this site has been used for a number of different uses with the predominant use being as a contractor's yard with open storage (see 2006 lawful development approval). It is noted however that heavy goods vehicles have been using the site for some time prior to the approval in January 2006.

The barn, subject of this application, appears to have been in place for many years and it is presumed that it was erected around mid 1970's. The building is predominantly now used as storage.

Enforcement inquiries have been ongoing on this site for a number of years as there used to be a mobile home sited unlawfully within the land. A degree of fencing has also

been erected as well as the yard being laid with hardstanding in form of a brick driveway. An enforcement notice has been served on the property in relation to these issues. Since then, however, the mobile home has now been removed along with the fencing. However, since it cannot be proven how long the brick paving had been in place, it has been agreed that given there has been something in place in this location for a substantial period the paving aspect of the notice has now been removed. Consequently, it is now considered that all enforcement issues have been complied with and there are no outstanding issues on this site.

Principle

The proposal is for the change of use and conversion of the existing barn structure that is on site to a residential property. As such, this proposal would be assessed under both policies BNE25 (Development in the Countryside) and BNE27 (Re-use of buildings in the Countryside) of the Local Plan.

The principles of BNE25 are to ensure that development maintains or enhances the character, amenity and functioning of the countryside as well as re-using an existing building that is considered to be in keeping with the area. Policy BNE27 reaffirms these principles and also states that re-used 'buildings should not need complete reconstruction' and that 'the form should be in keeping with the rural surroundings'.

It is considered that the proposal complies with the principles of these policies as the proposal would retain the building in particular its frame and form. The cladding is to be replaced however the main concrete structure forms the basis of this application. The proposal as such falls within the policy category of a re-used building to provide the residential dwelling and as such does not involve the construction of a new building. The current siting of the barn structure is also considered to be suitable and would maintain the character, amenity and functioning of the countryside.

In general terms, Policy BNE1 and BNE2 also apply here as well as Paragraphs 17, 55, 56 and 57 of the National Planning Policy Framework (NPPF).

It is noted that previously, in 2008, an application for new housing on this land has been refused planning permission and dismissed at appeal. The reason for this refusal is that:

1. The proposal for an isolated dwelling in the countryside constitutes an unacceptable form of development and would be contrary to the principles of countryside protection and sustainable development. The increased scale of the building compared to the existing barn is also contrary to these provisions. The proposal is therefore unacceptable in principle and fails to comply with the provisions of Policies SS8, EN1 and HP5 of the Structure Plan, Policy BNE25 of the Local Plan and rational Policy contained in PPS7.

In dismissing the appeal, the Inspector comments that:

"I consider that the introduction of a substantial dwelling, together with the formation of a domestic curtilage, would result in an erosion of rural character in that it would tend to consolidate the scattered group of houses and create a more suburban effect."

The workshop/store is a utilitarian structure of no particular merit and is typical of many modern agricultural buildings. It would be replaced by a building of similar width and bulk which in my opinion would be a rather bland example of domestic architecture. The removal of the yard would improve the appearance of the site but the activity within the yard is largely screened by fencing and buildings in any event so there would be little gain to the wider landscape. Overall, I consider that whilst the proposal would remove some untidiness from the landscape any visual improvement would be limited and would not outweigh the harm to rural character that I have identified.”

Since that decision, the National Planning Policy Framework (2012) has revoked the Planning Policy Statement 7 (PPS7). Whilst it can be seen from this that a dwelling has been refused on this site, the size, appearance and circumstances of the proposal were different. The current scheme looks at utilising the current structure and therefore takes in to account Policies BNE25 and BNE27. It also will help to retain the current character and will not result in any significant suburbanising impact. It is considered that as a refurbishment and would not involve a new construction or raise design, visual impact or scale issues.

The principle of the loss of the barn/storage through the change of use within this location should be assessed. The plan shows that the site is surrounded by a cluster of residential properties namely Sandhurst Farm, Toilers Croft, Travellers Tan, Beachcroft and the traveller site at Parbrook Road. The current use as a builder's yard/storage area is not considered to be appropriate to this location, although it is noted that this use has reduced significantly. In order to allow for the site to be in use whilst having the least impact on the neighbours and the street scene, it is considered that the re-use of the building for residential use would be a practical and more appropriate use for the building giving the predominant residential nature of the area.

For the above reasons, the proposal is considered to be acceptable and would comply with policies BNE25 and BNE27 of the Local Plan.

Design

The current cladding, which is a mix of corrugated metal sheeting, is to be removed but retaining the main concrete frame for the new dwelling.

The front elevation would take the original form and position of openings within the building to give a more modern and residential appearance to the property. The front door is to be in the same location as the main barn door with a window directly above. Long, slim vertical glazed panes are to be located centrally to light the stairs and on the other side of this façade there would be 4 identical windows (2 at ground floor and 2 at first floor level).

The North-east flank elevation will not have any windows or openings. However there is to be an extension on this elevation at ground level in the form of a single storey extension. This would provide the space for the garage and utility area for the dwelling.

The rear/south-east elevation is to have four windows within it, two to the first floor (to serve bedroom 4 and the bathroom) and two to the ground floor (to serve the kitchen

and study areas), at present these would look out to the open fields only. Whilst it is noted that this elevation is close to the boundary, it will not encroach and the window openings would also not oversail the boundary.

The south west elevation has the most amounts of change and glazing. At ground floor level there is to be large bi-folding doors out on to the garden, whilst at first floor level there is to be a large picture window to the rear of the building so the master bedroom has views over the fields/garden area.

It is considered that the introduction of several new non-traditional materials to the facades is an attempt to keep the agricultural appearance and colours of the existing building, whilst being a modern property. The new materials that are being proposed on the development include cedar cladding to the elevations with smooth render finish. The roof is to be zinc and the windows are indicated to have grey frames.

Given that the structure is located so far back from the main road with fencing on front it is likely that the building would be readily visible from the public realm. The likely most seen would be the upper section of the building and as such would not have a harmful effect on views or neighbouring residential outlook. The garage extension would not be seen and as such would not impact on the character or appearance of the area. The general design with the cladding and structured positioning of the windows would be sympathetic to the original barn building and is therefore supported by policy.

The driveway area is already laid to paving and is not proposed to be altered significantly. The plans indicate that some minor changes and a condition would be appended on any permission requiring details of these alterations to be agreed by the Local Planning Authority.

The garden area is shown to be sympathetically landscaped to reflect the rural character of its surroundings. In order to ensure that the area is maintained for amenity use, it is necessary for a condition removing permitted development rights for outbuildings to be appended to allow the Council to control future development on the land. This will ensure that suburbanisation does not occur.

Overall, it is considered that the design and proposed materials, subject to detail being agreed, would be sympathetic to the original barn and the rural location and would not have a negative impact on the countryside. The proposal is therefore considered to be compliant with Policy BNE1 of the Local Plan.

Amenity

The two amenity considerations here relate to the future occupants of the property and those of the neighbouring properties also.

Future occupants – It is considered that each of the habitable rooms will have sufficient light and will all be served by windows that are of a reasonable size. The ground floor accommodation sees the bi-fold doors assisting in creating a good outdoor/indoor living balance as they will allow for the living spaces to open freely out into the garden area. All room sizes and the overall size of the unit is considered to

comply with National Housing Standards.

Proposed unit size	Bedroom 1	Bedroom 2	Bedroom 3	Bedroom 4
141.4m ²	12.86m ²	11.03m ²	10.00m ²	9.30m ²

In terms of amenity for future occupiers it is considered that there is sufficient space, light and provision to meet their needs and that the proposed dwelling meets the necessary requirements for new dwellings.

In terms of the amenities of neighbouring occupiers it is considered that the general bulk and form of the building is already in existence as such there would be no adverse visual impact from the proposed development.

In terms of overlooking, the proposed windows have been carefully positioned so that any facing directly toward neighbouring properties are done so at a reasonable distance. The south west elevation looks out toward Toilers Croft, however the windows are to be approx. 21m from the boundary, 44m from the existing house flank and still 30m from the proposed new house flank. Overlooking and visual intrusiveness is not an issue in relation to Toilers Croft. There are no windows in the northeast elevation therefore, Travellers Tan is not impacted in this way. Sandhurst Farm is set some 35m away and is not directly facing the property. Windows/outlook is offset in relation to this house and it is not affected as a result.

The proposal is for a single family home and it is not expected to cause concern in relation to noise output or neighbour disturbance and the fact that this will not be a storage yard any more is considered more suitable in terms of impact to these neighbouring residents.

Overall, given the sites location within a residential cluster it is considered that the re-use of this building for residential purposes is appropriate and the impact on the immediate surrounding properties would be minimal. The impact on neighbouring amenity is therefore considered to be acceptable.

Highways

The parking area shown at the front of the proposed dwelling is sufficient to accommodate a number of vehicles. The access point onto Sharnal Street has been in place for a many years and serves Travellers Tan as well as Sandhurst Farm. It is not considered that the formation of one additional dwelling in this location would cause any detrimental impact to this junction or to the existing users of the adjacent properties. There are no highways concerns therefore in relation to this application.

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 have/are in the process of submitted/submitted 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.

Contamination

The Statement by Consult Construct Ltd submitted as part of the application, recommends in section 8.1 that, due to unknown previous agricultural activities in the area of the barn, that ground investigations should be carried out prior to construction works commencing. Officers agree with this recommendation and therefore land contamination conditions are recommended.

Local Finance Considerations

No local finance contributions

Conclusions and Reasons for Approval

It is considered that the reuse of the existing barn/storage building for residential use is appropriate in this location and will not have a detrimental impact on the occupiers of the neighbouring properties or on the adjacent highway. The appearance of the renovations will be modest and will ensure that the general visual impact remains fairly rural with no suburbanisation effect. In general terms the proposal is considered to comply with Policies BNE1, BNE2, BNE25 and BNE27 of the Local Plan, together with Paragraphs 17, 55, 56 and 57 of the NPPF.

This application would normally be determined under delegated powers however has been referred to the Planning Committee for determination due to the representation received from the High Halstow Parish Council expressing views contrary to officers 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/>