

MC/17/1741

Date Received: 16 May, 2017

Location: Fort Borstal, Hill Road, Borstal Rochester

Proposal: Use of existing buildings and yard for stabling of horses; sand school and manure pit outside the confines of the Fort; upper grassland to be used as grazing and disused drainage holding tank to be converted to lunging ring

Applicant: Mr & Mrs Swan

Agent: MKA Architects LTD Rosewood House High Street Hadlow TN11 0EF

Ward Rochester West

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 with 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:

2028/04/A, 2028/06/-, 2028/07/- (received 16 May 2017); 2028/00/C, 2028/01/D, 2028/05/D, 2028/08/D (13 Sept 2017).

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

- 3 The number of horses stabled on the premises hereby approved shall not exceed 24, consisting of 18 horses within the casements and 6 horses with the officer units.

Reason: To ensure that over intensification of the site does not occur which could be detrimental to the fabric of the building. This will help to preserve the

building in compliance with Policy BNE20.

- 4 The post and rail fence to be erected around the sand school shall have a minimum height of 1 metre and maximum height of 1.5 metres.

Reason: No such detail has been submitted, but it is considered that fencing within these height restrictions is viewed to be acceptable and will comply with Policy BNE1 of the Medway Local Plan 2003.

- 5 No lighting or flood lighting shall be erected outside of the fortification (on either the sand school or car parking areas) without prior approval from the Local Planning Authority. Any scheme subsequently approved shall then be implemented and carried out in accordance with the approved plans.

Reason: To protect the amenities of the neighbouring residential properties in accordance with Policy BNE2 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.

Approval subject to the following conditions:

Proposal

Use of existing buildings and yard for stabling of horses; sand school, manure pit and parking outside the confines of the Fort; upper grassland to be used as grazing and disused drainage holding tank to be converted to lunging ring.

The existing buildings to be used for stabling are the original rear casements of the fort as well as the former officer's quarters. In total this is made up from 8 rear casements (to accommodate 18 horses) and 6 Officer Units (to accommodate 6 horses). Each of these stable areas is to be lined with half height protective timber lining with half height timber partitions. The partitions and lining are all removable without damage to the existing fabric of the buildings.

A manure pit will be located to the south of the entrance, outside of the fort walls. The manure pit is to measure 6m x 4m and is to be built from dense concrete blocks (approx. 1.35m in height). Car parking is to be provided for 11 vehicles. All car parking spaces are shown to be on the east of the main fort, outside the fort walls. Some spaces are to the north of the entrance and some to the south.

Also to the north of the fort entrance is to be the siting of the proposed sand school. This is to measure 40m x 25m and is to have a timber post and rail fence surround.

The lunging ring is to be formed from the disused water tank that is located to the south of the site, some 300m from the walled fort itself. The tank is to be drained and a new entrance is to be formed on the west side of the tank. There is a small block building to the north of the tank which is to be utilised for welfare facilities. This is to be timber clad.

Relevant Planning History

- MC/17/1705 Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a screening opinion for outline application to include access and scale for the demolition of existing buildings and redevelopment of the site for a prison (Use Class C2A) with secure perimeter fence and associated car parking and ancillary facilities
Decision EIA not required
Decided 31/05/2017
- MC/13/2867 Installation of approximately 65m of new 5.2m high welded mesh fencing with 2 coils of S wire and concrete kerbs under the fence. Construction of a 1.2 meter wide, concrete path to one side of the new fence line. 3 Pedestrian gates set into fences on G, F & R house blocks. Construction of new ramps leading to proposed and existing gates in accordance with drawing 'HMP REV B FENCE PROPOSAL-A3 Layout' to negotiate the difference in ground levels between the new path and house blocks G, F & R. Necessary adjustments to existing perimeter lighting arrangements.
Decision Approval With Conditions
Decided 18/03/2014
- MC/07/0553 Construction of five 2-storey accommodation blocks to create 300 additional prison places with ancillary buildings (sports centre, training and education facilities, extensions to existing kitchen and segregation facilities), additional car parking and reception facilities, security lighting and fencing
Decision Approval with Conditions
Decided 15/11/2007
- MC/01/0894 Part conversion of fort into one house with a fully self contained residential annexe
Decision Approval with Conditions
Decided 18 September, 2001
- 92/0016 Restoration of fort, conversion into, goat farm and one residential unit
Decision Approval with Conditions
Decided 29/09/1992

Representations

The application has been advertised on site and in the press (delete as necessary) and by individual neighbour notification to the owners and occupiers of neighbouring properties.

15 letters have been received raising the following objections:

- The manure pit should be within the confines of the fort, not outside
- The manure pit will create issues with vermin, flies and smells
- The barn is too near to housing
- Horses should be exercised off site as they defecate on the roads
- The application has not been advertised in the proper manner
- No information has been given regarding traffic increase. Access is through a narrow cul-de-sac.
- The site is scattered with debris. This harms the setting of the scheduled ancient monument.
- This application is damaging to the fort and not in keeping
- The views across the River Medway will be compromised
- The number of horses proposed will create a substantial amount of manure - how often is this to be cleared?
- Fort Road (the access) is a private road through Crown land with 10mph speed restrictions. Will this be respected?

Historic England has provided the following comment:

HE does not object to the proposals for new stables, the conversion of the water tank and the use of the surrounding land for grazing. Scheduled Monument Consent has been granted for the installation of fittings that are needed to use the casemates as 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

Fort Borstal, Rochester was built as an afterthought from the 1859 Royal Commission on the Defence of the United Kingdom, by convict labour between 1875 and 1885, to hold the high ground south west of Rochester. It is of polygonal design and was never originally armed. An anti-aircraft battery was based there in the Second World War.

After the war Fort Borstal fell under the Royal Artillery Care and Maintenance Unit. The fort was taken over by the Home Office in 1961 and into the care of the Borstal Institution where it was used as a pigsty and store. A portion of the ditch was filled in at this time. The fort was sold off at auction on 28th September 2000 and is now a private residence. Fort Borstal is a scheduled ancient monument.

Fort Borstal is located off Fort Road which runs along the rear of the prison. This is not access to residential and once past Sir Evelyn Road and only serves the prison and

the fort. Other accesses to the Fort have now been closed off from public use and are not accessible by car (Hill Road entrance and St. Johns Way entrance into Fort Road).

Principle

Fort Borstal has been used for the stabling of horses for approximately 3-4 years already but has not had the benefit of obtaining planning permission for this. The number of horses fluctuates but currently there are no more than 8 horses being stabled on site.

The main issues for consideration in relation to the principle of this use relate to the impact that the use will have on the Ancient Scheduled Monument, on the neighbouring residential occupants and on the adjoining highway and access roads.

The site lies within an area of Local Landscape Importance and is also within the Strategic Gap. Given the location in these areas Policies BNE31 and BNE34 are both relevant.

In terms of Policies BNE31 and BNE34 the key principles is to retain the open space, prevent significant expansion and preserve landscape character. This proposal with the extensive grazing land and limited building works ensures this is maintained and is considered to comply with these policies. The barn structure is on the east side of the Fort and is therefore on the elevation that has the least visual impact in terms of the Strategic Gap and open space. The main views lie to the west of the Fort where there is views across the M2 to Nashenden Valley.

Policy BNE20 is also relevant given that the fort itself is a Scheduled Ancient Monument. The main emphasis of this policy is in relation to preserving the site and its setting. It is considered that the fabric of the Fort would not be compromised and the setting would not be significantly affected by this proposal. For these reasons Policy BNE20 is being adhered to with this application.

The use of the site as stables/livery is not considered to cause harm within this designated heritage asset and does not result in construction/development that would jeopardise the open nature of the area. For these reasons it is considered that the use is acceptable.

Design

With regards to the design of these proposal, it is considered that the stables themselves are not of great concern as they are to be incorporated within the existing casement structures and do not require any physical changes to the external aspects of the buildings. The stables are to be lined to ensure that the fabric of the buildings are protected also, which is considered to be a suitable mitigation measure.

The 40m x 25m sand school encompassed by a post and rail fence. This will be to the North of the new Barn. The height of the fence is not specified on the plans or within the Heritage and Planning Statement, however the photograph used on the plans to depict the sand school shows a 1-1.2m high fence. A maximum height can be conditioned to ensure a fence is erected within an acceptable height range. This

aspect of the proposal is not considered to be detrimental to the overall character of the area and in terms of design, it is considered to be modest/in keeping with the expected appearance if a sand school.

Ultimately the sand school does not have any direct physical affect on the Fort and given its location could be removed in later years without affecting the character of the Fort. Given its proposed use and now function of the Fort, the sand school would not look out of character taking into account its location.

The manure compound is a 6m x 4m enclosure that is surrounded on 3 sides by 1.35m high blockwork walls. Given that there is an open manure storage area at the front of the fort currently it is considered that the enclosure will be an improved option to the current situation and will allow for collection to be carried out in a more efficient manner. In terms of the physical appearance and design of this aspect it is considered that the design is basic and functional and given that it is sited away from the Fort itself it is not of concern.

Parking is proposed in the front of the entrance area and it is not considered that the formation of parking will have any impact visually with the setting of the Fort. This is therefore not an aspect of the proposal that has any design impact.

The other elements of the proposal - the lunge pit and open grazing, are not considered to be significant as the fort is distanced some 300m from the lunge pit and the grazing/open fields do not alter the setting of the fort in any way. These aspects do not need to be considered in design terms.

Amenity

The siting of the manure compound outside of the fort itself has caused some concern with neighbouring residents. In terms of the impact on neighbouring amenity this is the biggest issue raised by residents that needs to be dealt with. The neighbours have stated that the manure compound will create issues with vermin, flies and smells. It should at this stage be noted that there is existing manure 'pile' on site which is classified as being a more informal space. It currently is placed directly on the ground and there are no walls to contain it. It is cleared on a fortnightly basis (the frequency of collection will remain the same) so in reality the pile never gets too large. The depositing of manure will continue for the proposed application and it is considered appropriate that the decision can be conditioned so that the pile is collected on a regular basis. The current arrangement allows for moisture from the manure to be absorbed directly into the land, whereas the new proposed 'pit' includes a concrete base and it will be enclosed on 3 sides. It is considered that this is a vast improvement to the current practice and ensures that the pile remains contained. It is concluded therefore that the issues of potential smells and vermin from this 'pit' do not hold any merit and do not warrant concern.

The proximity of the sand school to the nearest residential properties is the next issue to address. The nearest houses to the proposed sand school are located some 80m away in St. Johns Way. The area to be used is visible from the rear of some of these houses, however due to the nature of the proposal and the fact that the hours of use for the sand school will not be during hours of darkness (can be conditioned) it is

considered that the impact on these nearest residential properties in terms of visual and noise impact will be acceptable. There are no flood lights proposed for this sand school so light pollution is not an issue. None of the objections have raised any issue in relation to this aspect of the proposal. Any erection of lighting would require planning permission.

The amenities of the neighbouring residential properties are considered to be marginally affected if at all and it is not considered that any impact will be detrimental.

Highways

It states within the Heritage and Planning Statement that the development does not anticipate developing much higher levels of traffic to and from the site nor does it anticipate anti-social travel times and therefore enhancement is not required. It is considered that the existing access to the site is adequate and no new access is proposed.

The number of journeys to and from the site is currently low and it is anticipated that this remains low. Public transport is available up to around 500m from the site and therefore an onward pedestrian journey is possible. No additional provision is required to upgrade the existing access as this will be adequate for the volume of journeys anticipated.

12 spaces are shown to be proposed in association with this application. There are no specific parking requirements within the Councils Parking standards in relation to this use, however it is considered that the proposed 12 spaces is sufficient for this proposed use.

The parking provision is therefore considered to conform with Policies T1 and T2 of the Medway Local Plan 2003.

Bird Mitigation

There are no new dwellings included within this application. It is therefore not necessary to provide bird mitigation contributions with this application.

Local Finance Considerations

There are no local finance considerations for this application.

Conclusions and Reasons for Approval

The proposed use of the site for stabling of horses would utilise the existing building and structures in a sustainable way. The Fort is a disused designated asset that has not been maintained for some time and is in a relatively isolated area suited for this purpose, although quite close to housing. It is therefore considered that its use for stabling of horses is a benefit to the long-term health of the building and brings back into use a building which has gone beyond the use for which it was created.

The proposals will not have an impact on the open countryside that exists to the North,

West and South of the site. It is also not considered to impact on the neighbouring residential properties in a detrimental way.

It is for these reasons that this proposal is considered to comply with Policies BNE1, BNE2, BNE20, BNE31, and BNE34 of the Local Plan and Paragraphs 8, 9, 17 and 132 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 number of representation received 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/>